

EL01-020

EL01-020

DOCKET NO. _____

In the Matter of _____
IN THE MATTER OF THE JOINT _____
REQUEST FOR AN ELECTRIC _____
SERVICE TERRITORY BOUNDARY _____
CHANGE BETWEEN THE CITY OF _____
VERMILLION AND CLAY-UNION _____
ELECTRIC CORPORATION _____

Public Utilities Commission of the State of South Dakota

DATE:

MEMORANDA

9/4/01 Filed and Docketed;
9/6/01 Feeably Filing
10/18/01 Order Granting Approval of Electric Service Territory Agreement;
10/18/01 Docket Closed!

EL 01-020

Clay-Union Electric Corporation

P.O. Box 317

Vermillion, South Dakota 57069

Phone (605) 624-2673

Fax (605) 624-5526

August 31, 2001

South Dakota Public Utilities Commission
Attn: Debra Elofson
State Capitol
Pierre, SD 57501

Dear Debra,

The City of Vermillion and Clay-Union Electric have mutually agreed to an exchange in electric service territory boundary.

The area in question is a bare ground land parcel that is owned by land developer Dave Hertz. The boundary movement was changed at the request of Mr. Hertz as he felt the new service area boundaries better suited the approved platting.

On behalf of Clay-Union Electric and the City of Vermillion, we request favorable action by the Commission of the electric service area boundary change.

In support of this request, we have submitted the following information:

1. A letter from Mr. Hertz reflecting his support of the action.
2. A copy of the executed agreement between the City of Vermillion and Clay-Union Electric.
3. A map showing the service area changes.

If you need any additional information in order to place this matter on the Commission agenda or you have any questions on this matter, please feel free to contact us.

Sincerely,


Paul Roberts
Manager

CC: Jeff Pederson, City Manager



RECEIVED
SEP 04 2001
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Midwest Homes, Inc.

1405 E. Hwy. 50
Vermillion, SD 57069
605-624-4661 phone
605-624-0075 fax

August 17, 2001

Paul Roberts, Manager
Clay Union Electric Corp
P.O. Box 317
Vermillion, SD 57069

Dear Paul:

Please accept this letter as confirmation that as landowner of the Country Side Addition, Lot 1-21 Block 1, Lots 1-13 Block 2, and Lots 1-11 Block 3, I support the change in electric service area boundaries as agreed upon between Clay Union Electric and the City of Vermillion.

I understand that the service area boundary change has been formally agreed to and will now be submitted to the PUC for their consideration and approval.

I appreciate the efforts of both Clay Union electric and the City of Vermillion in making this change to benefit my development plan for the area.

Sincerely,



Dave Hertz
Midwest Homes

Clay-Union Electric Corporation

P.O. Box 317

Vermillion, South Dakota 57069

Phone (605) 624-2673

Fax (605) 624-5526

July 27, 2001

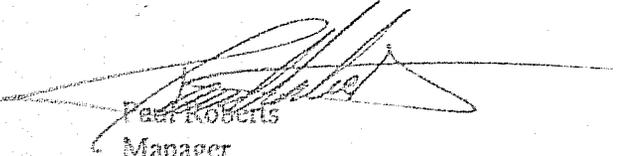
Jeff Pederson, City Manager
City of Vermillion
25 Center Street
Vermillion, SD 57069

Dear Jeff:

Attached please find the executed copy of the territorial agreement amendment for the Hertz Development.

If you have any questions or comments, please feel free to contact us.

Sincerely,



Peter Roberts
Manager

PR/lmr



A Touchstone Energy™ Partner



The power of human connections

AGREEMENT TO ALLOCATE ELECTRICAL SERVICE TERRITORY

THIS AGREEMENT made and entered into this 21 day of
June, 2001, by and between The City of
Vermillion; a municipal corporation, of 25 Center Street,
Vermillion, SD 57069 (City) and Clay-Union Electric Corporation
of 1410 E. Cherry Street, Vermillion, SD 57069 (Clay-Union), and
in consideration of the mutual covenants contained herein, the
parties hereto do agree as follows:

1.

City provides electrical service to individual and business
consumers located within their assigned service territory.

2.

Clay-Union provides electrical service to individual and
business consumers located within their assigned service
territory.

3.

The parties have previously entered into an agreement to
divide and allocate the right to provide electrical service to
consumers in an area described as:

Gilkyson's Addition in the Northeast Quarter of the
Southeast Quarter of Section 19, Township 92 North,
Range 51 West of the 5th P.M., Clay County, South
Dakota, and lots 1 and 2, Block 6, Ridgcrest 7th
Addition to the City of Vermillion, Clay County, South
Dakota.

4.

That agreement divided the above area roughly in half with City being allowed the service rights in the North Half and Clay-Union being allowed the service rights in the South Half.

5.

The above described area has been replatted to facilitate development in that area. The replatted area is known as Countryside Addition to the City of Vermillion, Clay County, South Dakota, and will be divided into blocks and lots.

6.

The purpose of this agreement is to divide and allocate the electrical service rights in this replatted area.

7.

The parties agree that Clay-Union shall have the right to provide electrical service to all consumers located in the area described as follows:

Lots 1, 2 and 3, Block 1 and Lots 1 through 11 inclusive, Block 3, Countryside Addition to the City of Vermillion, Clay County, South Dakota.

8.

The parties agree that City shall have the right to provide electrical service to all consumers located in said Countryside Addition not allocated to Clay-Union in paragraph 7 above.

9.

The parties have caused a copy of the plat map to be attached to this agreement. (Attachment #1). The area to be allocated to Clay-Union is marked in yellow. The balance which is allocated to City remains unmarked. This Attachment #1 is incorporated herein by this reference.

10.

The parties acknowledge that this allocation of electrical service territory is authorized by SDCL 49-34A-55. The parties further agree that pursuant to said statute, this agreement shall not become effective or be binding on the parties until it is filed and approved by the South Dakota Public Utilities Commission (PUC). Should PUC fail to approve this agreement, it shall be null and void.

11.

The parties agree that they have studied the electrical needs in the area to be divided and agree that the public interest will be best served through this agreement. By entering into this agreement, the parties shall eliminate and avoid unnecessary duplication of facilities and provide adequate service to all areas and consumers affected.

The parties shall, forthwith, upon signing this agreement, submit said agreement to PUC for their review and approval and take all necessary steps to gain such approval.

CITY OF VERMILLION
A Municipal Corporation

CLAY-UNION ELECTRIC CORP.

By: Roger J. Kozak
Roger Kozak
Its: Mayor

By: Dan O'Connor
Dan O'Connor
Its: President of the Board

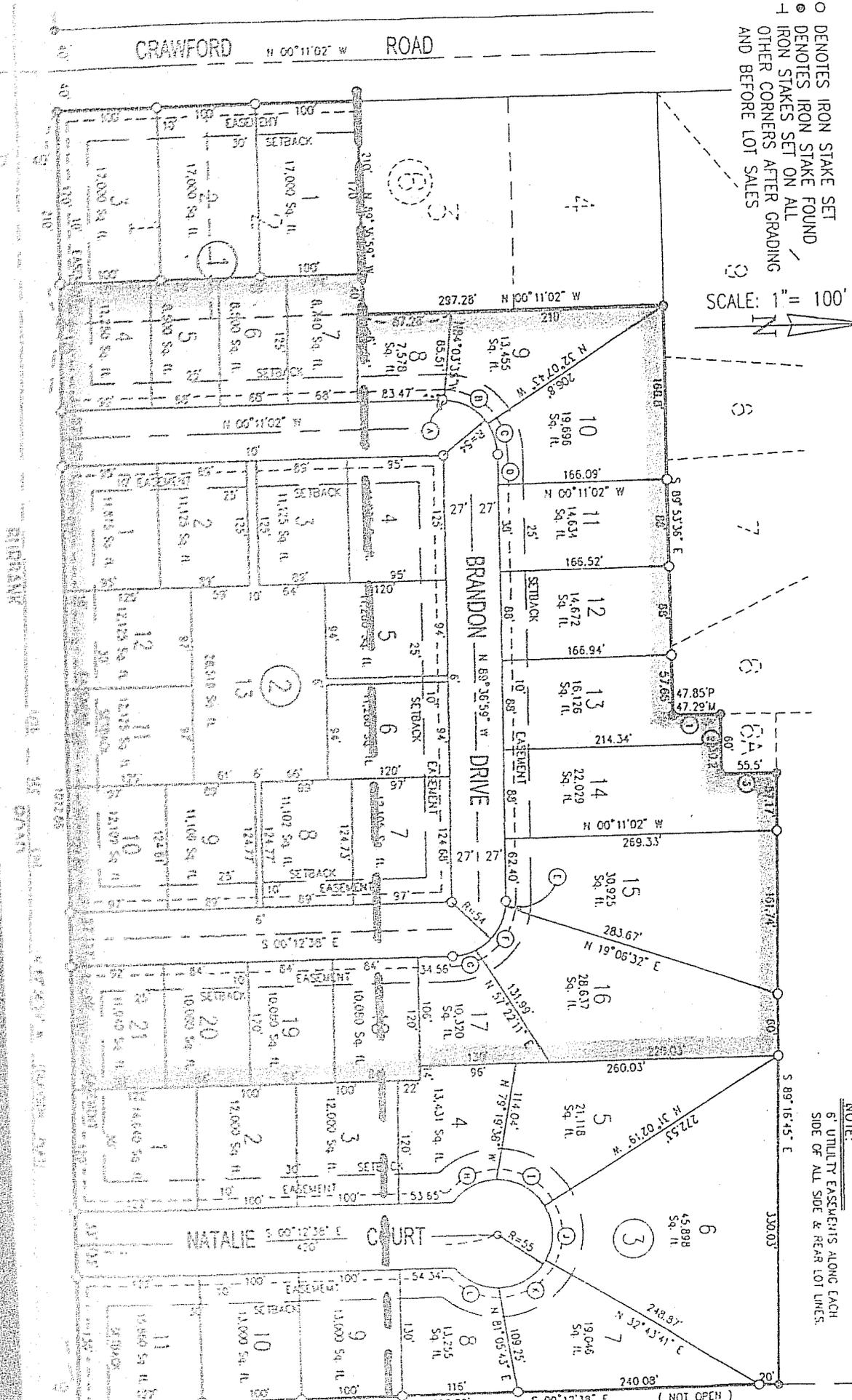
ATTEST:

Michael D. Carlson
Michael D. Carlson
Finance Officer

PLAT OF LOTS 1-21, BLK. 1, LOTS 1-13, BLK. 2 & LOTS 1-11, BLK. 3 COUNTRYSIDE ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

- DENOTES IRON STAKE SET
- DENOTES IRON STAKE FOUND
- ① IRON STAKES SET ON ALL OTHER CORNERS AFTER GRADING AND BEFORE LOT SALES

SCALE: 1" = 100'



NOTE:
 6' UTILITY EASEMENTS ALONG EACH SIDE OF ALL SIDE & REAR LOT LINES.

(NOT OPEN)

South Dakota Public Utilities Commission

WEEKLY FILINGS

For the Period of August 30, 2001 through September 5, 2001

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact
Delaine Kolbo within five business days of this filing. Phone: 605-773-3705 Fax: 605-773-3809

ELECTRIC

EL01-020 In the Matter of the Joint Request for an Electric Service Territory Boundary Change
between the City of Vermillion and Clay-Union Electric Corporation.

The City of Vermillion and Clay-Union Electric Corporation jointly request the Commission grant an electric service territory boundary change. The parties have agreed that Clay-Union shall have the right to provide electrical service to all consumers located in the Northeast quarter of the Southeast quarter of Section 19, Township 92 North, Range 51 West of the 5th P.M. in the area described as Lots 1, 2, and 3, Block 1 and Lots 1 through 11 inclusive, Block 2, Countryside Addition to the City of Vermillion, Clay County, South Dakota.

Staff Analyst: Michele Farris
Staff Attorney: Kelly Frazier
Date Docketed: 09/04/01
Intervention Deadline: 09/21/01

TELECOMMUNICATIONS

TC01-144 In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement
between Qwest Corporation and Integra Telecom of South Dakota, Inc.

On August 31, 2001, the Commission received a Filing of an Amendment re: Dark Fiber to the Interconnection agreement between Integra Telecom of South Dakota, Inc. (Integra) and Qwest Corporation (Qwest). According to the parties the Agreement is a negotiated agreement with the parties adopting the negotiated interconnection agreement between Integra and Qwest which was approved by the commission effective August 25, 2000 in docket TC00-058. This Amendment is made in order to add terms, conditions and rates for Dark Fiber to the Agreement, as set forth in Attachment 1 and Exhibits A and B, to the Amendment. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than September 20, 2001. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier
Date Docketed: 08/31/01
Initial Comments Due: 09/20/01

TC01-145 In the Matter of the Request of Consolidated Telcom for Certification Regarding its Use of
Federal Universal Service Support.

The purpose of this filing is to provide information constituting Consolidated Telcom's plan for the use of its federal universal service support and to otherwise verify that Consolidated Telcom will use all federal universal service support received in a manner that is consistent with the federal universal service provisions of 47 U.S.C. Section 254.

Staff Analyst: Harlan Best
Staff Attorney: Karen Cremer
Date Docketed: 09/04/01
Intervention Deadline: 09/14/01

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You may subscribe or unsubscribe to the PUC mailing lists at <http://www.state.sd.us/puc/>

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE JOINT REQUEST)	ORDER GRANTING
FOR AN ELECTRIC SERVICE TERRITORY)	APPROVAL OF ELECTRIC
BOUNDARY CHANGE BETWEEN THE CITY)	SERVICE TERRITORY
OF VERMILLION AND CLAY-UNION ELECTRIC)	AGREEMENT
CORPORATION)	EL01-020

On September 4, 2001, the Public Utilities Commission (Commission) received a joint filing by the City of Vermillion (City) and Clay-Union Electric Corporation (Clay-Union) for approval of an electric service territory boundary change. According to the application, the change is being requested to allow each utility to provide electric service to the replatted area known as Countryside Addition to the City of Vermillion, South Dakota, in a more efficient manner based on the layout of the streets and lots. The owner/developer requested the proposed change in territory boundaries. There are no existing customers affected and no facilities will be sold. The electric service boundary change is as follows:

Clay-Union shall provide electrical service to consumers located in the NE¼ of the SE¼ of Section 19, Township 92 North, Range 51 West, described as Lots 1, 2, and 3, Block 1 and Lots 1 through 11 inclusive, Block 3, Countryside Addition to the City of Vermillion, Clay County, South Dakota. The City shall provide electrical service to all consumers located in Countryside Addition not allocated to Clay-Union.

On October 10, 2001, at its regularly scheduled meeting, the Commission considered the request for approval of the boundary change. Commission Staff recommended approval.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A, specifically, 49-34A-4, 49-34A-42, and 49-34A-55. Further, the Commission finds that the change in the service territory boundary will avoid unnecessary duplication of facilities, provide adequate electric service to all customers affected, and promote the efficient use and development of the electric systems of City and Clay-Union. The Commission therefore concludes that the change in the service territory boundary is in the public interest and it shall be granted. As the Commission's final decision in this matter, it is therefore

ORDERED, that the request seeking approval of an electric service territory boundary change between City and Clay-Union is hereby granted.

Dated at Pierre, South Dakota, this 18th day of October, 2001.

CERTIFICATE OF SERVICE	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By	<u>Nelaine Kelbo</u>
Date	<u>10/19/01</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner