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June 22, 2021

## VIA ELECTRONIC FILING

Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
350 Metro Square Building  
121 Seventh Place East  
St. Paul, MN 55101

Re: In the Matter of the Joint Request of the City of Wadena and Todd-Wadena Electric Cooperative to Update Electric Service Territory Records  
MPUC Docket: \_\_\_\_\_  
Our File No.: 63758-0001

Dear Mr. Seuffert:

I represent the City of Wadena, a Minnesota municipal utility (the "City"), which is authorized, on behalf of the City and Todd-Wadena Electric Cooperative, a rural electric cooperative utility (the "Cooperative") (collectively, the "Parties") to make this joint filing.

### Summary of the Joint Request

This filing constitutes the Parties' joint request that the MPUC update the official service territory map to reflect an agreed-upon change in the Parties' electric service territory boundaries. This joint request concerns the permanent transfer of an area located within the city limits of the City of Wadena and within the electric service territory assigned to the Cooperative (identified as the "Affected Area"), as further described below.

### Legal Authorities

Under Minnesota Statutes, Section 216B.44(a), a municipal utility expands its assigned electric service territory, upon reaching agreement with the neighboring utility as to compensation: "Notwithstanding the provisions of sections 216B.38 to 216B.42, whenever a municipality which owns and operates an electric utility (1) extends its

corporate boundaries through annexation or consolidation, or (2) determines to extend its service territory within its existing corporate boundaries, the municipality shall thereafter furnish electric service to these areas unless the area is already receiving electric service from an electric utility, in which event, the municipality may purchase the facilities of the electric utility serving the area.” Minn. Stat. § 216B.44(a). In addition, “no electric utility shall render or extend electric service at retail within the assigned service area of another electric utility unless the electric utility consents thereto in writing . . . .” Minn. Stat. § 216B.40 (2018).

In the present case, the transfer occurred pursuant to Section 216B.44: the Affected Area lies within the city limits; the Parties have agreed upon appropriate compensation; and the parties have agreed to the City providing service. Currently, the only customer in the Affected Area is one commercial customer receiving temporary/construction service.

Minnesota Statutes, Section 216B.39, subd. 3 addresses changes to the assigned service territory map after 1975: “the commission may on its own or at the request of an electric utility make changes in the boundaries of the assigned service areas, but only after notice and hearing . . . .” By its terms, Section 216B.44(a) excludes Section 216B.39. Minn. Stat. § 216B.44(a) (“notwithstanding the provisions of sections 216B.38 to 216B.42,”). Nonetheless, the Parties acknowledge the public policy in having an accurate and updated official service territory boundary map. Accordingly, the Parties request that the Commission update its official records as to electric service territory boundaries to reflect the Parties’ permanent change in the Affected Area.

#### Underlying Information

Attached as Exhibit A is a set of maps that depict the boundaries of the Affected Area (outlined in orange). The Affected Area involves approximately 42 acres and temporary/construction service for one commercial customer.

Attached as Exhibit B is a legal description of the Affected Area.

#### Customer Notice

To avoid unnecessary duplication of facilities and to ensure a smooth construction process, the Parties have agreed to the City providing service to the Affected Area. The Parties acknowledge that the Commission wishes to direct separate notice to any customers as to the pending proceeding before the Commission. Attached as Exhibit C is a proposed notice letter to be sent to all customers in the Affected Area.

Contact Information

If there are any questions concerning this filing, you may contact the following representatives:

City of Wadena:

David Evans  
Interim City Administrator  
222 2nd Street SE  
PO Box 30  
Wadena, MN 56482  
Email: cityadmin@wadena.org

Todd-Wadena Electric Cooperative:

Daniel Carlisle, President/CEO  
550 Ash Avenue NE  
P.O. Box 431  
Wadena, MN 56482  
Email: dcarlisle@toddwadena.coop

Kaela Brennan  
McGrann Shea Carnival  
Straughn & Lamb, Chtd.  
800 Nicollet Mall, Suite 2600  
Minneapolis, MN 55402  
Phone: 612-338-2525  
kmb@mcgrannshea.com

Sara McGrane  
Felhaber Larson  
220 South 6th Street  
Suite 2200  
Minneapolis, MN 55402-4504  
Phone: 612-339-6321  
smcgrane@felhaber.com

Request

The Parties therefore petition the Commission to accept and file these documents and provide due acknowledgment thereof. The Parties further request that the Commission provide evidence of its acknowledgment of these changes of service territory boundaries, and the updating of the official service territory records.

Proposed Service List

A copy of this letter and the accompanying documents has been mailed or emailed to the persons on the enclosed proposed service list.

Please contact the representatives above if you have any questions.

Sincerely,



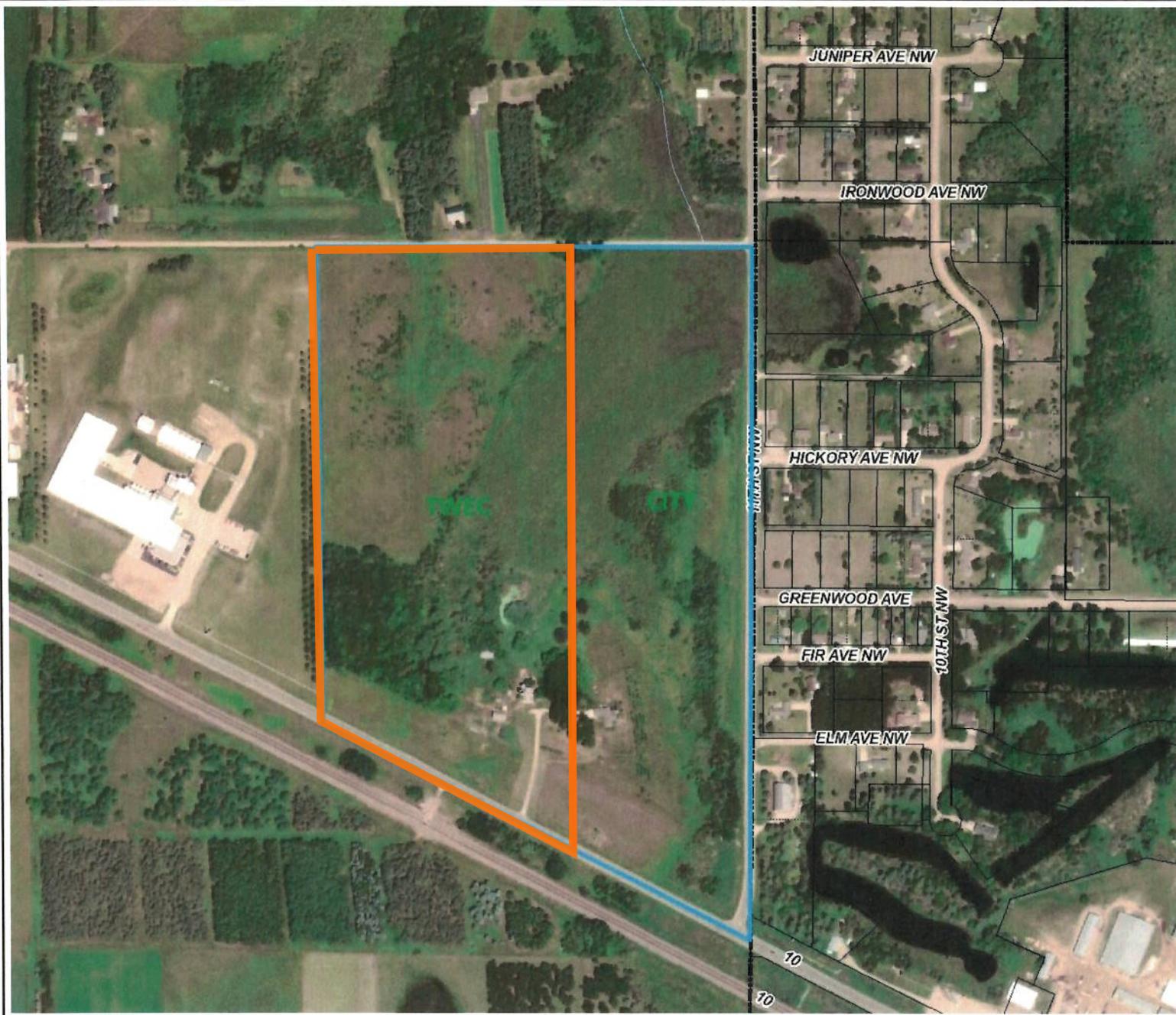
Kathleen M. Brennan

Enclosures

cc (w/encl.): Proposed Service List

## **EXHIBIT A**

**Map Depicting Boundaries of Affected Area**



**Legend**

- City Limits
- Parcels (3/1/2019)
- Lot Lines
- Protected Waters
  - Public Water Basin
  - Public Water Wetland
- Protected Waters - Watercourse
- Affected Area

**Map Name**



**Disclaimer:**

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Wadena is not responsible for any inaccuracies herein contained.

0 527 Feet

## **EXHIBIT B**

### **Legal Description of Affected Area**

All of the Northeast Quarter (NE1/4) of Section One (1), Township One Hundred Thirty Four (134), Range Thirty-six (36) lying North of the right-of-way of Trunk Highway 10, EXCEPT that part thereof West of the following described line: Commencing at the cast iron monument which designates the Northwest corner of Section One (1), Township One Hundred Thirty-four (134), Range Thirty-six (36); thence South 89° 52' 14" East, 3672.68 feet on an assumed bearing along the North line of said Section One (1) to the point of beginning of the boundary line to herein described; thence South 00° 12' 39" East, 29.44 feet to an iron monument; thence continuing South 00° 12' 39" East, 1478.98 feet to an iron monument; thence continuing South 00° 12' 39" East 165 feet more or less to the northeasterly right of way line of Trunk Highway 10 and thence terminating, EXCEPT the East 660 feet thereof.

## **EXHIBIT C**

### **Proposed Notice Letter to All Customers in Affected Area**

June , 2021

Re: Notice of Minnesota Public Utilities Commission Proceeding  
MPUC Docket No: \_\_\_\_\_.

Dear Customer:

As you know, the City of Wadena is currently providing your electric service for construction. This letter provides notice that the City and Todd-Wadena Electric Cooperative have filed a joint request to formally update the electric service maps on file with the Minnesota Public Utilities Commission (MPUC) to reflect the City as the electric service provider where you are located. This letter provides information concerning that proceeding before the MPUC.

The MPUC is a state agency with jurisdiction over electric service territory boundaries. The MPUC requires that all customers located in an area involved in a change in the service territory maps be formally notified of the proceeding in which the service territory maps will be approved. This letter provides that formal notice.

If you wish to address the MPUC concerning this change in maps, you may contact the MPUC Consumer Affairs Office at: 121 Seventh Place E., Suite 350, Saint Paul, Minnesota 55101, [consumer.puc@state.mn.us](mailto:consumer.puc@state.mn.us), or call 651-296-0406. You should reference MPUC Docket No.\_\_\_\_\_. It is completely optional and voluntary to contact the MPUC.

The City of Wadena values your business and will continue to strive to provide the highest quality service. Please contact me if you have any questions.

Sincerely,

David Evans  
Interim City Administrator

## PROPOSED SERVICE LIST

Re: In the Matter of the Joint Request of the City of Wadena and Todd-Wadena Electric Cooperative to Update Electric Service Territory Records

MPUC Docket: \_\_\_\_\_

### Via Electronic Filing

Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
350 Metro Square Building  
121 Seventh Place East  
St. Paul, MN 55101

### Via Electronic Filing

Ms. Sharon Ferguson  
MN Department of Commerce  
85 7<sup>th</sup> Place East, Suite 500  
St. Paul, MN 55101-2198

### Via Electronic Filing

Commerce Attorneys  
Office of the Attorney General-DOC  
1800 BRM Tower  
445 Minnesota Street  
St. Paul, MN 55101-2134

### Via Electronic Filing

Residential Utilities Division  
Office of the Attorney General-RUD  
1400 BRM Tower  
445 Minnesota Street  
St. Paul, MN 55101-2130

### Courtesy Copies

Ms. Kathleen M. Brennan  
McGrann Shea Carnival Straughn  
& Lamb, Chartered  
800 Nicollet Mall  
Suite 2600  
Minneapolis, MN 55402-7035  
[kmb@mcgrannshea.com](mailto:kmb@mcgrannshea.com)  
(City of Wadena)

### Via Electronic Mail

Daniel Carlisle, President/CEO  
Todd-Wadena Electric Cooperative  
550 Ash Avenue NE  
P.O. Box 431  
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[dcarlisle@toddwadena.coop](mailto:dcarlisle@toddwadena.coop)  
(Todd-Wadena Electric Cooperative)

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(Todd-Wadena Electric Cooperative)

### Via Electronic Mail

David Evans  
City of Wadena  
Interim City Administrator  
222 2nd Street SE  
PO Box 30  
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(City of Wadena)

### Via Electronic Mail

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City Attorney  
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(City of Wadena)

# WADENA, MINNESOTA

