

May 11, 2015

Daniel P. Wolf  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
St. Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce, Division of Energy Resources**  
Docket No. E329,E118/SA-15-357

Dear Mr. Wolf:

Attached are the comments of the Minnesota Department of Commerce, Division of Energy Resources (the Department or DOC) in the following matter:

The Joint Request for Approval of Service Territory Boundary Corrections between Willmar Municipal Utilities (WMU) and Kandiyohi Power Cooperative (KPC).

The petition was filed on April 14, 2015 by:

Wesley K. Hompe, General Manager  
Willmar Municipal Utilities  
700 Litchfield Ave. SW - P.O. Box 937  
Willmar, MN 56201

And

Scott Froemming, CEO  
Kandiyohi Power Cooperative  
8605 47<sup>th</sup> Street NE  
Spicer, MN 56288

The Department recommends that the Minnesota Public Utilities Commission (Commission) approve the requested service territory boundary transfer between Willmar Municipal Utilities and Kandiyohi Power Cooperative, and is available to answer any questions the Commission may have.

Sincerely,

/s/ DALE V. LUSTI  
Financial Analyst

DVL/lt  
Attachment

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS OF THE  
MINNESOTA DEPARTMENT OF COMMERCE  
DIVISION OF ENERGY RESOURCES

DOCKET No. E329,E118/SA-15-357

**I. SUMMARY OF PROPOSAL**

On April 15, 2015, Willmar Municipal Utilities (WMU) and Kandiyohi Power Cooperative (KPC), collectively the Parties, jointly filed a petition under Minn. Stat. 216B.39, subd. 3 asking the Minnesota Public Utilities Commission (Commission) for approval of the Parties' agreed upon Service Territory Boundaries.

The Petition contains two annexation ordinances (Ordinance Nos. 1174 and 1205) extending the corporate limits of the City of Willmar; and one detachment ordinance (Ordinance No. 1175) detaching land from the corporate limits of the City of Willmar.

The Petition includes a one-page service territory map that shows a progression from the previous service territory map on file to include:

- First, the annexation ordinance 1174;
- Second, the detachment ordinance 1175;
- Third, the annexation ordinance 1205; and
- Finally, the current agreed-upon service territory boundaries.

The Parties state that the change coincides with the City/Corporate limits boundaries and would be considered permanent. Additionally, no customers would be affected by this action.

## II. DEPARTMENT ANALYSIS

Minnesota Statutes section 216B.39, subd. (3) states:

... 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 as provided for in sections 216B.17 and 216B.18.

As described in the Parties' joint petition, the Parties agree as follows:

The East Half of the Southwest Quarter of the Southeast Quarter (E  $\frac{1}{2}$  of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ), Section 27, Township 119, Range 35, was annexed by the City of Willmar in May, 2003, and is now in the service territory of WMU;

The West Half of the Northwest Quarter of the Southwest Quarter (W  $\frac{1}{2}$  of NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ); and that part of the West Half of the Southwest Quarter of the Northeast Quarter (W  $\frac{1}{2}$  of SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ ) lying southerly of Minnesota Trunk Highway 23 and 71 bypass, all in Section 27, Township 119, Range 35, was detached from the City of Willmar in May, 2003, and is now in the service territory of KPC; and

That part of Government Lot 4, Section 26, Township 119, Range 35 Kandiyohi County, Minnesota, described as follows; Commencing at the Northeast corner of Lot 1, Block Three of SOUTH INDUSTRIAL PARK, as of public record, Kandiyohi County, Minnesota; thence on an assumed bearing of S 0 degrees 04' 36" E, along the East line of said Lot 1, a distance of 250.00 feet; thence on a bearing of S 89 degrees 55' 24" E, 300.00 feet to the point of beginning of the tract herein described; thence continuing on a bearing of S 89 degrees 55' 24" E, 311.54 feet; thence on a bearing of N 0 degrees 04' 36" E, 316.00 feet to the South line of Block Two of said SOUTH INDUSTRIAL PARK; thence on a bearing of N 89 degrees 55' 24" W, along last said line 536.54 feet to the East line of the Dedicated Road in said SOUTH INDUSTRIAL PARK; thence on a bearing of S 0 degrees 04' 36" W, along said line 66.00 feet to the South line of said Dedicated Road; thence on a bearing of S 89 degrees 55' 24" E, 225.00 feet; thence on a bearing of S 0 degrees 04' 36" W, 250.00 feet to the point of beginning, containing 2.6 acres, more or less, was annexed by the City of Willmar in August, 2004, and is now in the service territory of WMU.

Since the Parties do not address compensation in this Petition, it is assumed that no compensation is owed to either party for these mutual assignments in service territory.

The Parties acknowledge that no customers will experience a change in provider as a result of these service territory changes.

Thus, the Department agrees that the Parties' requested service area boundary changes are consistent with Minn. Stat. Sections 216B.37 to 216B.40, and should be approved,

### **III. RECOMMENDATION**

The Department recommends that the Commission approve the requested service territory boundary changes.

/lt

## **CERTIFICATE OF SERVICE**

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce  
Comments**

**Docket No. E329,118/SA-15-357**

**Dated this 11<sup>th</sup> day of May 2015**

**/s/Sharon Ferguson**

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_15-357_SA-15-357
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 500  Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_15-357_SA-15-357
Scott	Froemming	sfroemming@kpcoop.com	Kandiyohi Power Cooperative	8605 47th St NE  Spicer, MN 56288-4617	Electronic Service	No	OFF_SL_15-357_SA-15-357
Wesley	Hompe	whompe@wmu.willmar.mn.us	Willmar Munic. Utilities Comm.	PO Box 937 700 Litchfield Ave SW Willmar, MN 56201	Electronic Service	No	OFF_SL_15-357_SA-15-357
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	OFF_SL_15-357_SA-15-357
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_15-357_SA-15-357