

McGRANN SHEA CARNIVAL STRAUGHN & LAMB, CHARTERED

ATTORNEYS AT LAW

WILLIAM R. McGRANN
DOUGLAS M. CARNIVAL
ROBERT O. STRAUGHN
PETER L. COOPER
KATHLEEN M. LAMB
JOHN R. SCHULZ
COREY J. AYLING
BRIAN L. SOBOL

SCOTT B. CROSSMAN
CARLA J. PEDERSEN
JOSEPH T. BAGNOLI
ROGER J. STELLJES
JEFFREY C. URBAN
KATHLEEN MICHAELA BRENNAN
CARL S. WOSMEK
AMY L. COURT

CHRISTY E. LAWRIE
KEVIN A. SCHAEKEL

RETIREE
ANDREW J. SHEA

September 13, 2016

VIA ELECTRONIC FILING

Daniel P. Wolf
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 New Prague Utilities Commission and Minnesota Valley Electric Cooperative to Modify Electric Service Territory Boundaries
MPUC Docket: _____
Our File No.: 60044-0004

Dear Mr. Wolf:

I represent the New Prague Utilities Commission, a municipal utility (the "Municipal"), which is authorized, on behalf of itself and Minnesota Valley Electric Cooperative (the "Cooperative") (collectively, the "Parties"), to make this filing.

Summary of the Joint Request

This filing constitutes the Parties' joint request under Minn. Stat. § 216B.39, subd. 3, that the MPUC modify the Parties' service territory boundaries. This joint request concerns the transfer of an area annexed into the city limits of New Prague and within the electric service territory assigned to the Cooperative (the "Affected Area"), as further described below.

Legal Authorities

By statute, "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 . . ." Minn. Stat. § 216B.39, subd. 3. In addition, "no electric utility shall render

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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 (2014). In the present case, the Parties seek to adjust the service territory boundaries to transfer the Affected Area to the Municipal’s assigned service territory. The Parties have agreed upon appropriate compensation. The Parties request that the Commission update its official records as to electric service territory boundaries.

Underlying Information

1. Exhibits A and B: Affected Area. Attached as Exhibit A is a map and legal description that depict the boundaries of the Affected Area. The Affected Area involves approximately nine lots. There are no existing customers. Attached as Exhibit B is a copy of the annexation documents. The Parties have agreed to compensation for the transfer of the Affected Area, after arms-length negotiations.

Contact Information

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

New Prague Utilities:

Bruce Reimers
General Manager
New Prague Utilities
118 Central Ave. N.
New Prague, MN 56071
952-758-4401
breimers@ci.new-prague.mn.us

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

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Minnesota Valley Electric Cooperative:

Ryan Hentges
General Manager
Minnesota Valley Electric Cooperative
125 Minnesota Valley Electric Dr.
Jordan, MN 55352
952.492.2313

Paul R. Johnson
Pemberton Law Firm
203 22nd Avenue West
Alexandria, MN 56308
Ph: 320-759-3143, Ext. 310
p.johnson@pemplaw.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. Thank you for your assistance.

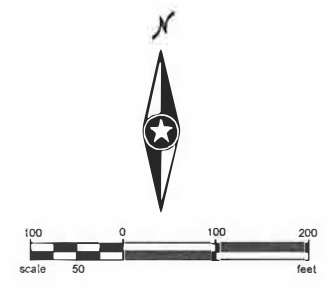
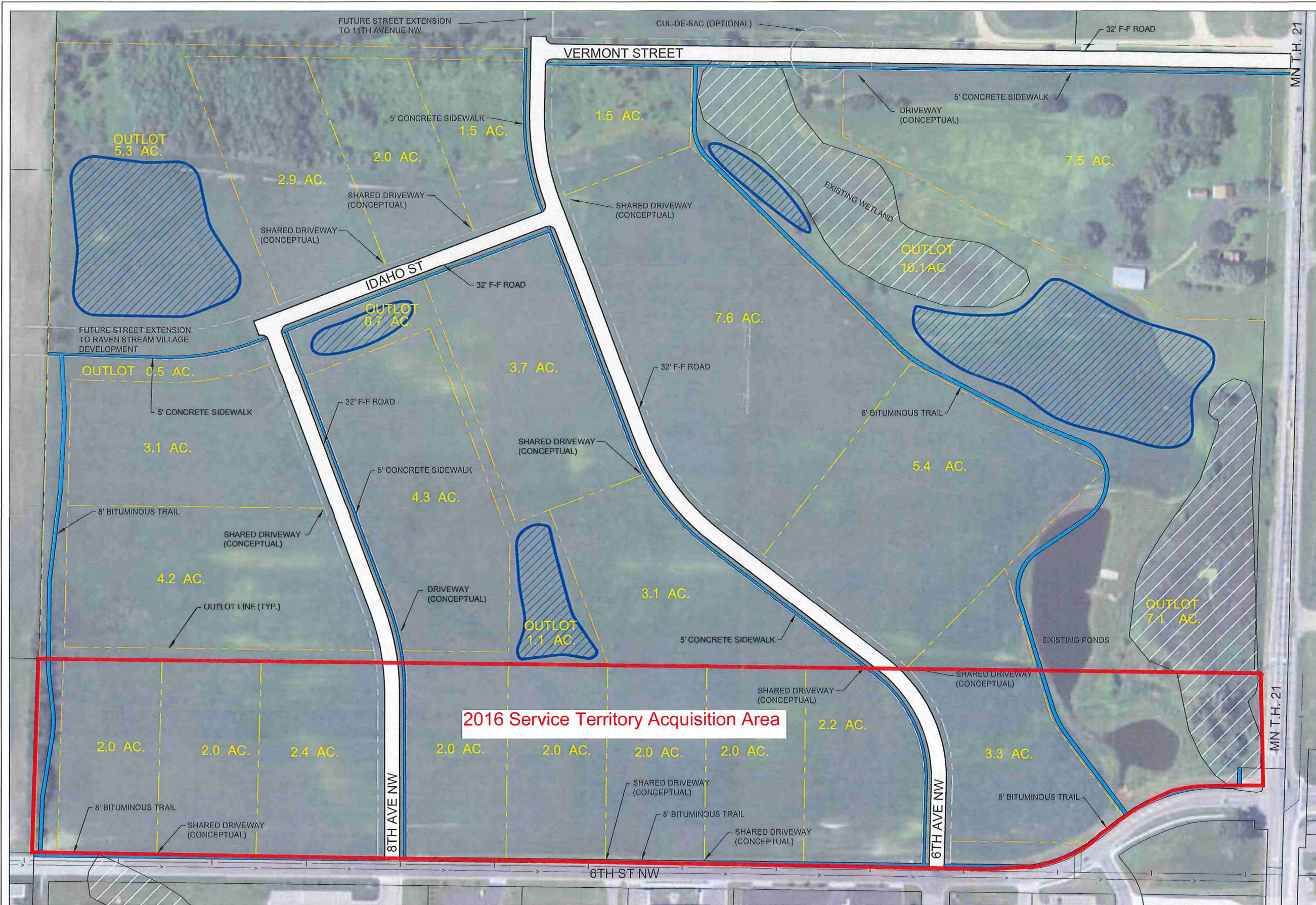
Sincerely,



Kathleen M. Brennan

Enclosures
cc (w/encl.): Proposed Service List

EXHIBIT A



- NOTES**
- TYPICAL STREET WIDTH FOR BUSINESS PARK STREETS TO BE 32' FACE-OF-CURB TO FACE-OF-CURB
 - TYPICAL STREET SECTION TO BE MINIMUM 10 TON STANDARD
 - MINIMUM 8' BITUMINOUS TRAIL TO BE CONSTRUCTED ON NORTH SIDE OF 6TH STREET NW.
 - MINIMUM 5' SIDEWALK TO BE CONSTRUCTED ALONG ONE SIDE OF BUSINESS PARK STREETS
 - CUL-DE-SAC SHOWN AS OPTION ON VERMONT STREET TO AVOID CONFLICT WITH WETLAND. COULD BE CONSTRUCTED PERMANENTLY OR TEMPORARILY WITH A FUTURE CONNECTION TO 6TH AVENUE NW
 - ADJACENT LOTS SHALL SHARE DRIVEWAY ACCESS AS DEEMED NECESSARY. CONCEPTUAL LOCATIONS SHOWN.
 - DRIVEWAY ACCESS TO 6TH STREET SHALL BE ALLOWED FOR ONLY INTERIOR LOTS WITH NO ACCESS TO LOCAL ROAD

2016 Service Territory Acquisition Area

DRAWING NAME: P:\KON\Newpr\115335\CADD\FINAL\concept.dwg LAYOUT TAB: FIG 2 - ROADS & SIDEWALK PLOTTED: Aug 03, 2011 - 8:43pm

DRAWN BY:	CDK			
DESIGNER:	CDK			
CHECKED BY:	CMC			
DESIGN TEAM	NO.	BY	DATE	REVISIONS

12 CIVIC CENTER PLAZA
SUITE 208B
MANKATO, MN 56001
PH. 877.316.7636

NEW PRAGUE BUSINESS PARK - PHASE 2
NEW PRAGUE, MINNESOTA

CONCEPTUAL STREET, SIDEWALK,
AND TRAIL LAYOUT
ULTIMATE DESIGN (ALL PHASES)

FILE NO. NEWPR 115335	FIGURE 2
DATE: 8/8/11	

OFFICIAL PLAT

NEW PRAGUE BUSINESS PARK 11TH ADDITION

Know all men by these presents: that the New Prague Economic Development Authority, a body politic and corporate under the laws of the State of Minnesota, owners and proprietors of the following described property, to wit:

The North 25 rods of the Southeast Quarter of Section 33, Township 113, Range 23, except that part platted as NEW PRAGUE BUSINESS PARK 10TH ADDITION, Scott County, Minnesota.

Have caused the same to be surveyed and platted as NEW PRAGUE BUSINESS PARK 11TH ADDITION and do hereby donate and dedicate to the public for public use forever the Public Ways, and also dedicate the easements as shown on this plat for drainage and utility purposes only.

In witness whereof, said New Prague Economic Development Authority, a body politic and corporate under the laws of the State of Minnesota, have caused these presents to be signed by its proper officers this 14th day of October, 2015.

Pete Sletten, President; Michael J. Johnson, Executive Director

NOTARY'S CERTIFICATE: State of Minnesota, County of Le Sueur

The foregoing instrument was acknowledged before me, this 14th day of October, 2015, by Pete Sletten, President, and Michael J. Johnson, Executive Director of New Prague Economic Development Authority, a body politic and corporate under the laws of the State of Minnesota.

Notary Public: Mary G. Mandy

SURVEYOR'S CERTIFICATE

I, Douglas G. Rude, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set by July 20, 2016; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this 2nd day of October, 2015. Douglas G. Rude, Land Surveyor, Minnesota License Number 22422

NOTARY'S CERTIFICATE: State of Minnesota, County of Olmsted

The foregoing instrument was acknowledged before me, this 2nd day of October, 2015, by Douglas G. Rude, Land Surveyor, Minnesota License Number 22422.

Notary Public: Sue E. Madden

REVIEW

Be it known that on the 26th day of August, 2015, the Planning Commission of the City of New Prague, Minnesota, approved the plat of NEW PRAGUE BUSINESS PARK 11TH ADDITION.

Chairperson: [Signature]; Secretary: [Signature]

APPROVALS

Be it known that on the 8th day of September, 2015, the City Council of the City of New Prague, Minnesota, did duly approve this plat of NEW PRAGUE BUSINESS PARK 11TH ADDITION and that, as per MN 505.03 Subdivision 2, this plat has been submitted to and written comments have been received from the Commissioner of Transportation.

Mayor: [Signature]; City Administrator: [Signature]

I hereby certify that I have examined this plat of NEW PRAGUE BUSINESS PARK 11TH ADDITION and do hereby recommend this plat for approval as to form this 16th day of October, 2015.

New Prague City Attorney: [Signature]

Pursuant to Minnesota Statutes, Chapter 389.09, Subd. 1, as amended, this plat has been reviewed and approved this 23rd day of October, 2015.

Scott County Surveyor: [Signature]

COUNTY AUDITOR AND TREASURER

I hereby certify that the current and delinquent taxes on the lands described within are paid and the transfer is entered this 23rd day of October, 2015.

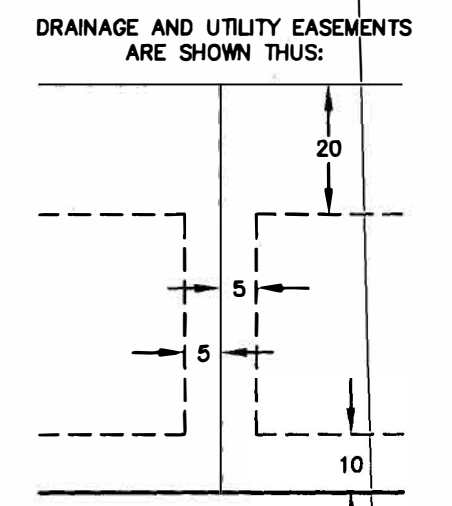
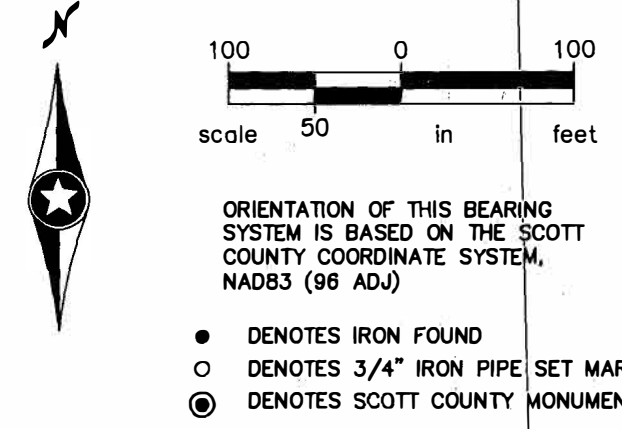
Scott County Auditor: [Signature]; Scott County Treasurer: [Signature]

Deputy

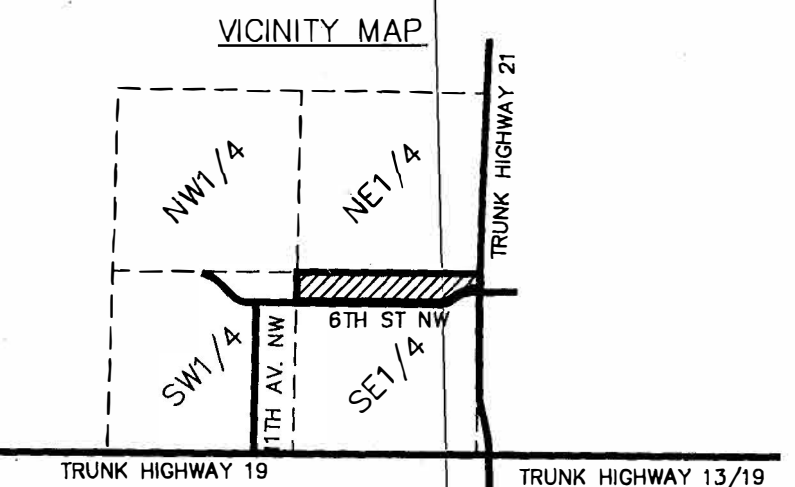
REGISTRAR OF TITLES

I hereby certify that this plat was filed in the office of the Registrar of Titles for record on this 23rd day of October, 2015, 12:02 O'Clock P.M. as Document Number T 236768

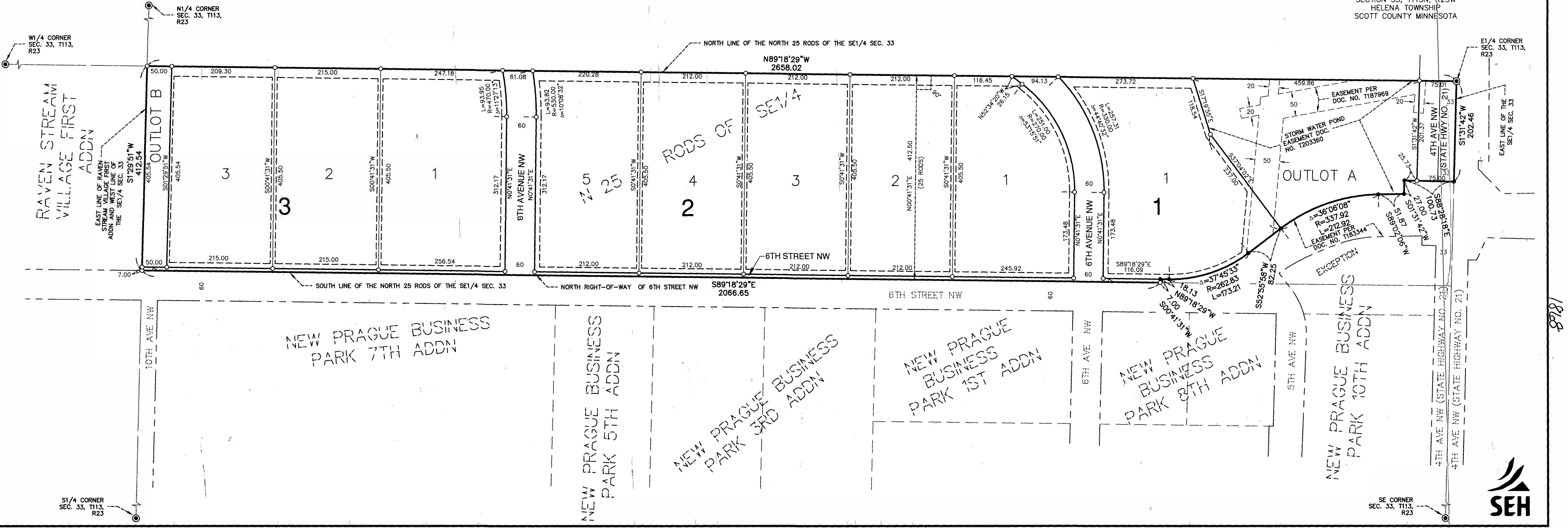
Scott County Registrar of Titles: [Signature]



BEING 5 FEET IN WIDTH AND ADJOINING SIDE LOT LINES AND 20 FEET IN WIDTH AND ADJOINING REAR LOT LINES AND 10 FEET IN WIDTH ADJOINING RIGHT-OF-WAY LINES, UNLESS OTHERWISE NOTED ON THE PLAT.



SECTION 33, T113N, R23W HELENA TOWNSHIP SCOTT COUNTY MINNESOTA



24-184

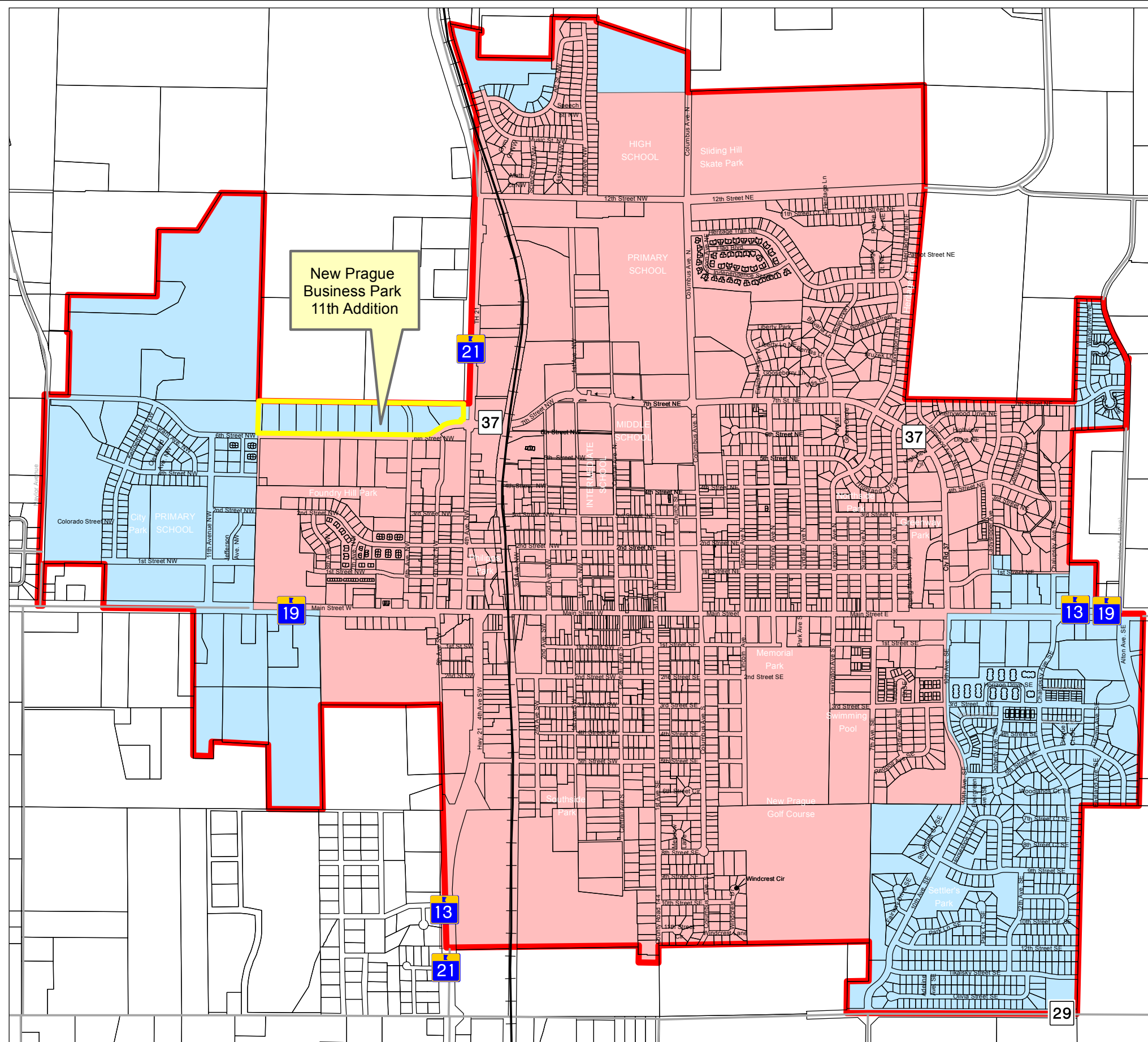
1818



EXHIBIT A



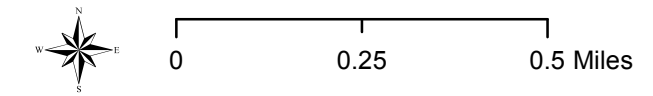
City of New Prague Electric Service Territories June 2016: Map 10-4



Electric Service Territories

- MVEC
- NPUC

- Right of Way
- City Limits
- Railroad



Current to: June 2016
 Prepared by: New Prague Planning Department
 File: W:\GIS\Projects\Mxd\ElectricServiceAreaMap10_4.mxd

Disclaimer: This map does not represent a survey of the land. The Electric Service Territories on this map reflect approved changes through December 1, 2006. Questions regarding interpretation of this map should be directed to the City Planning Department or City Utility Department. This map was prepared using the City's GIS and is based on the County and City Parcel Data maintained by the County and City and Electric Service Territories maintained by NPUC and MVEC. While the City believes that the data is accurate, the City does not warrant that data in the GIS is error free and the City does not represent that the GIS data can be used for purposes such as navigation or any other purposed requiring the exact measurement of distance and direction or the precise depiction of geographic features. This disclaimer is pursuant to Minnesota Statutes 466.03 Subd. 21. The user of this map acknowledges that the City shall not be liable for any damages that may arise from this map or the information it contains.

EXHIBIT B

OAH 84-0331-32556

STATE OF MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation
of Certain Real Property to the City of
New Prague from Helena Township
[MBAU Docket A-2491(OA)-17]

ORDER APPROVING ANNEXATION

A joint resolution for orderly annexation (Joint Resolution to Designate) was adopted by the city of New Prague (City) on June 19, 1978, and Helena Township (Township) on August 29, 1978, pursuant to Minn. Stat. § 414.0325 (2014) designating certain real property for annexation. The City and Township amended the Joint Resolution to Designate in December 2010 (2010 Amendment).

Joint Resolution 15-05-18-01 (Joint Resolution to Annex) adopted by the City on May 18, 2015, and the Township on May 7, 2015, requests annexation of certain real property (Property) legally described as follows:

The North 25 rods of the Southeast Quarter of Section 33, Township 113, Range 23, Scott County, Minnesota.

Except that part described as follows:

Commencing at the east quarter corner of said Section 33, thence on an assumed bearing of South 01 degrees 31 minutes 42 seconds West along the east line of said Southeast Quarter 202.46 feet to the point of beginning; thence North 88 degrees 28 minutes 18 seconds West 100.73 feet; thence South 01 degrees 31 minutes 42 seconds West 27.00 feet; thence South 89 degrees 02 minutes 06 seconds West 51.87 feet; thence southwesterly 212.93 feet along a tangential curve concave to the southeast, having a radius of 337.92 feet and a central angle of 36 degrees 06 minutes 08 seconds; thence South 52 degrees 55 minutes 58 seconds West along tangent 82.25 feet; thence southwesterly 173.21 feet along a tangential curve concave to the northwest, having a radius of 262.83 feet and a central angle of 37 degrees 45 minutes 33 seconds; thence North 89 degrees 18 minutes 29 seconds West along tangent 18.13 feet; thence South 00 degrees 41 minutes 31 seconds West 7.00 feet to the north right-of-way line of existing Sixth Street NW; also being the south line of said North 25 rods of the Southeast Quarter; thence South 89 degrees 18 minutes 29 seconds East along said existing north right-of-way line 591.14 feet to said east line of the Southeast Quarter; thence North 01 degrees 31 minutes 42 seconds East along said east line of the Southeast Quarter 210.08 feet to the point of beginning.

Tract contains 23.52 acres more or less of land and is subject to right-of-way in existing Trunk Highway No. 21 and subject to any and all easements of record.

Based upon a review of the Joint Resolution to Designate, the 2010 Amendment, and the Joint Resolution to Annex, and finding that the annexation would be in the best interests of the Property, the Chief Administrative Law Judge makes the following:

ORDER

1. Pursuant to Minn. Stat. § 414.0325, the Joint Resolution to Annex is deemed adequate in all legal respects and properly supports this Order.
2. Pursuant to the terms of the Joint Resolution to Designate, the 2010 Amendment, the Joint Resolution to Annex, and this Order, the Property is **ANNEXED** to the city of New Prague.
3. Pursuant to the agreement of the parties and as allowed by Minn. Stat. § 414.036 (2014), no reimbursement shall be made by the City to the Township. There are no special assessments or debt incurred by the Township on the subject property for which reimbursement is required.

Dated: June 1, 2015



TAMMY L. PUST
Chief Administrative Law Judge

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.0325, .07, .09, .12 (2014). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Scott County District Court by filing an Application for Review with the Court Administrator within 30 days of this Order. An appeal does not stay the effect of this Order.

Any party may submit a written request for an amendment of this Order Approving Annexation Ordinance within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2013). However, no request for amendment shall extend the time of appeal from this Order.

PROPOSED SERVICE LIST

Re: In the Matter of the Joint Request of New Prague Utilities Commission and Minnesota Valley Electric Cooperative to Modify Electric Service Territory Boundaries
MPUC Docket: _____

Via Electronic Filing

Daniel P. Wolf
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 7th Place East, Suite 500
St. Paul, MN 55101-2198

Via Electronic Filing

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

Via Electronic Filing

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

Via Electronic Mail

Ryan Hentges
General Manager
Minnesota Valley Electric Cooperative
125 Minnesota Valley Electric Drive
Jordon, MN 55352
ryanh@mvec.net
(Minnesota Valley Electric Cooperative)

Via Electronic Mail

Paul R. Johnson
Pemberton Law Firm
203 22nd Avenue West
Alexandria, MN 56308
p.johnson@pemplaw.com
(Minnesota Valley Electric Cooperative)

Via Electronic Mail

Bruce Reimers
General Manager
New Prague Utilities
118 Central Ave. N.
New Prague, MN 56071
breimers@ci.new-prague.mn.us
(New Prague Utilities)

Courtesy Copies

Ms. Kathleen M. Brennan
McGrann Shea Carnival Straughn
& Lamb, Chartered
800 Nicollet Mall
Suite 2600
Minneapolis, MN 55402-7035
kmb@mcgrannshea.com
(New Prague Utilities)