

McGRANN SHEA CARNIVAL STRAUGHN & LAMB, CHARTERED

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OF COUNSEL
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(1938-2018)

~~~~~

July 2, 2020

**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 Owatonna Public Utilities and Steele-Waseca Cooperative Electric to Update Electric Service Territory Records*  
MPUC Docket: \_\_\_\_\_  
Our File No.: 12614-0034

Dear Mr. Seuffert:

I represent Owatonna Public Utilities, a Minnesota municipal utility (the "Municipal"), which is authorized, on behalf of the Municipal and Steele-Waseca Cooperative Electric (the "Cooperative") (collectively, the "Parties") to make this filing.

Summary of the Joint Request

This filing constitutes the Parties' joint petition 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 three areas located within the electric service territory assigned to the Cooperative (identified as the "Transfer Areas") to the Municipal, 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 Transfer Areas lie within the city limits; the Parties have agreed upon appropriate compensation; and the Parties have agreed to the Municipal providing service upon a mutually agreed-upon schedule.

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 Transfer Areas.

#### Underlying Information

Attached as Exhibit A is a map and legal description that depicts the boundaries of the Transfer Areas. The Transfer Areas involve approximately 200.65 acres, one existing commercial customer, and one future industrial customer that is under construction and being served by the Cooperative.

The Parties engaged in technical discussions to minimize any disruption to customers, to avoid unnecessary duplication of facilities, and to ensure a smooth transition of electric service. In light of these discussions, and at the request of the customer, the Parties agreed to transfer electric service to the one existing commercial customer in the Wildung North Addition on June 6, 2020. The Parties are pleased to report that the transfer occurred safely, efficiently, and without technical difficulties.

#### Customer Notice

The Parties acknowledge that the Commission wishes to direct separate notice to customers as to the pending proceeding before the Commission. Attached as Exhibit B is a proposed notice to be sent to all customers in the Transfer Areas.

#### Contact Information

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

Owatonna Public Utilities:

Roger Warehime  
General Manager  
208 Walnut Avenue  
P.O. Box 800  
Owatonna, MN 55060  
Phone: (507) 451-2480  
[Roger.Warehime@owatonnautilities.com](mailto:Roger.Warehime@owatonnautilities.com)

Ronnie Johnson  
Director, Engineering Services  
Owatonna Public Utilities  
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Owatonna, MN 55060  
Phone: (507) 451-2480  
[Ronnie.Johnson@owatonnautilities.com](mailto:Ronnie.Johnson@owatonnautilities.com)

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McGrann Shea Carnival  
Straughn & Lamb, Chtd.  
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Phone: 612-338-2525  
[kmb@mcgrannshea.com](mailto:kmb@mcgrannshea.com)

Steele-Waseca Cooperative Electric:

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General Manager  
Steele-Waseca Cooperative Electric  
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Phone: 612-339-6321  
Fax: 612-338-0535  
[smcgrane@felhaber.com](mailto: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

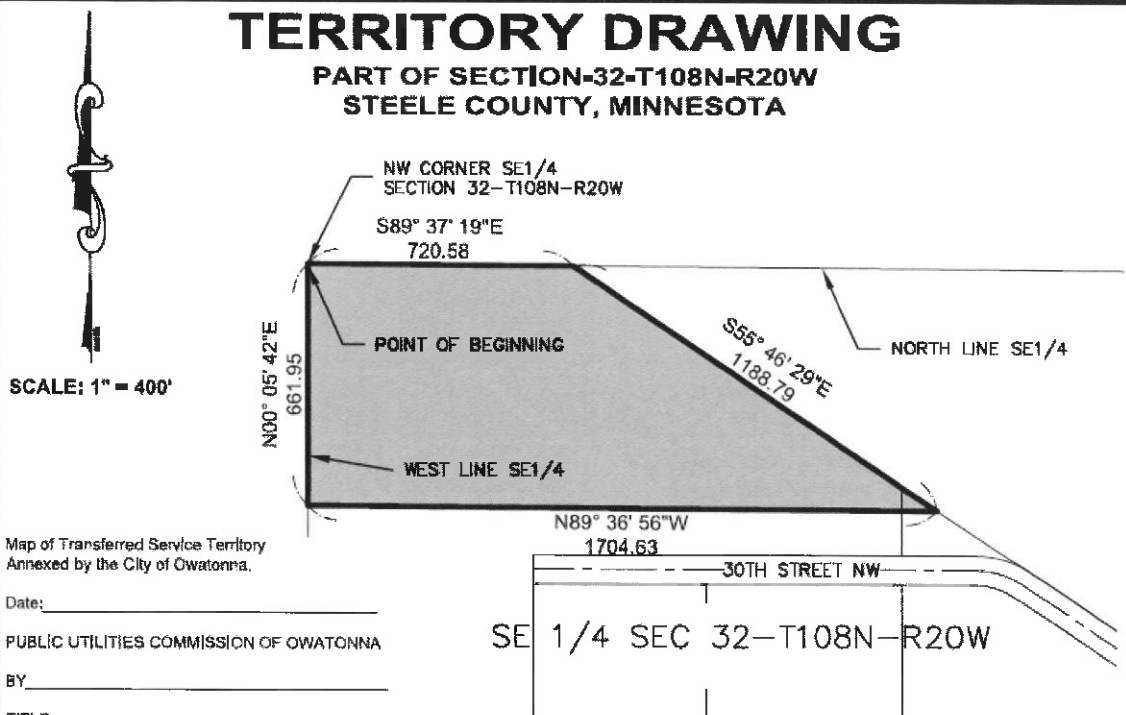
Enclosures  
cc (w/encl.): Proposed Service List

# EXHIBIT A: MAPS & LEGAL DESCRIPTIONS OF TRANSFER AREAS

| <h2 style="margin: 0;">TERRITORY DRAWING</h2> <p style="margin: 0;">WILDUNG NORTH ADDITION<br/>STEELE COUNTY, MINNESOTA</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                    |                                       |  |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                 |  |
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| <div style="text-align: center;"> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Map of Transferred Service Territory<br/>Annexed by the City of Owatonna,</p> <p>Date: _____</p> <p>PUBLIC UTILITIES COMMISSION OF OWATONNA</p> <p>BY _____</p> <p>TITLE _____</p> <p>STEELE-WASECA COOPERATIVE ELECTRIC</p> <p>BY _____</p> <p>TITLE _____</p> |                                       |  |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                 |  |
| <div style="text-align: center;"> <p>SCALE IN FEET</p> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <div style="text-align: center;"> <p>SCALE: 1" = 200'</p> </div>                                                                                                                                                                                                   |                                       |  |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                 |  |
| <p style="text-align: center;"><b><u>PREPARED TERRITORY DESCRIPTION</u></b></p> <p>WILDUNG NORTH ADDITION, as the same is platted and recorded in the office of the Steele County Recorder, Steele County Minnesota.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                    |                                       |  |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                 |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center; padding: 5px;"><b>FOR: OWATONNA PUBLIC UTILITIES</b></td> </tr> <tr> <td style="width: 50%; padding: 5px;"> <p><small>Date: 9/25/2019    Revised date: -<br/>           Drawn by: TJW/SAT    Survey: -<br/>           Field Book: -    Page 1 of 1<br/>           Coord-System: MNDOT CO. NAD83 (11)<br/>           Job No: 19-1199    File: -9125</small></p> </td> <td style="width: 50%; padding: 5px;"> <p><small>I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.</small></p> </td> </tr> <tr> <td style="padding: 5px;"> <p style="text-align: center;"><b>COPYRIGHT</b><br/>           by JONES, HAUGH &amp; SMITH INC.<br/>           This drawing and format are protected by Copyright and all rights are reserved. The use of this drawing and format is strictly prohibited without the written consent and permission of Jones, Haugh &amp; Smith Inc.</p> </td> <td style="padding: 5px;"> <div style="display: flex; align-items: center;"> <div> <p style="margin: 0;"><b>JONES<br/>HAUGH<br/>SMITH</b></p> <p style="margin: 0; font-size: small;">Engineers + Surveyors</p> </div> </div> </td> </tr> <tr> <td colspan="2" style="padding: 5px;"> <div style="display: flex; justify-content: space-between; font-size: small;"> <div> <p>515 South Washington Ave.<br/>Albert Lea, MN 56007<br/>507-373-4876</p> </div> <div> <p>415 West North Street<br/>Owatonna, MN 56060<br/>507-451-4598</p> </div> </div> </td> </tr> </table> |                                                                                                                                                                                                                                                                    | <b>FOR: OWATONNA PUBLIC UTILITIES</b> |  | <p><small>Date: 9/25/2019    Revised date: -<br/>           Drawn by: TJW/SAT    Survey: -<br/>           Field Book: -    Page 1 of 1<br/>           Coord-System: MNDOT CO. NAD83 (11)<br/>           Job No: 19-1199    File: -9125</small></p> | <p><small>I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.</small></p> | <p style="text-align: center;"><b>COPYRIGHT</b><br/>           by JONES, HAUGH &amp; SMITH INC.<br/>           This drawing and format are protected by Copyright and all rights are reserved. The use of this drawing and format is strictly prohibited without the written consent and permission of Jones, Haugh &amp; Smith Inc.</p> | <div style="display: flex; align-items: center;"> <div> <p style="margin: 0;"><b>JONES<br/>HAUGH<br/>SMITH</b></p> <p style="margin: 0; font-size: small;">Engineers + Surveyors</p> </div> </div> | <div style="display: flex; justify-content: space-between; font-size: small;"> <div> <p>515 South Washington Ave.<br/>Albert Lea, MN 56007<br/>507-373-4876</p> </div> <div> <p>415 West North Street<br/>Owatonna, MN 56060<br/>507-451-4598</p> </div> </div> |  |
| <b>FOR: OWATONNA PUBLIC UTILITIES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                    |                                       |  |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                 |  |
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# TERRITORY DRAWING

PART OF SECTION-32-T108N-R20W  
STEELE COUNTY, MINNESOTA



Date: \_\_\_\_\_  
PUBLIC UTILITIES COMMISSION OF OWATONNA  
BY \_\_\_\_\_  
TITLE \_\_\_\_\_  
STEELE-WASECA COOPERATIVE ELECTRIC  
BY \_\_\_\_\_  
TITLE \_\_\_\_\_

## PREPARED TERRITORY DESCRIPTION

All that part of the SE1/4 of Section 32-T108N-R20W, Steele County, Minnesota; described as follows;

Beginning at the northwest corner of said SE1/4; thence South 89°37'19" East a distance of 720.58 feet, on an assumed bearing on the north line of said SW1/4;

thence South 55°46'29" East a distance of 1188.79 feet;

thence North 89°36'56" West a distance of 1704.63 feet, to the west line of said SE1/4;

thence North 00°05'42" East a distance of 661.95 feet, to the point of beginning.



### FOR: OWATONNA PUBLIC UTILITIES

Date: 9/25/2019 Revised date: -  
Drawn by: TJW/SAT Survey: -  
Field Book: - Page 1 of 1  
Coord-System: MNDOT CO. NAD83 (11)  
Job No: 19-1199 File: 1684

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I hereby certify that this survey, plan, or report was prepared by me or  
under my direct supervision and that I am a duly Licensed Land  
Surveyor under the laws of the State of Minnesota.

Scott A. Tuchtenhagen  
Date: \_\_\_\_\_

L.S. No. 52646



**JONES  
HAUGH  
SMITH**  
Engineers + Surveyors

515 South Washington Ave.  
Albert Lea, MN 56007  
507-373-4878

415 West North Street  
Owatonna, MN 56060  
507-451-4598

# TERRITORY DRAWING

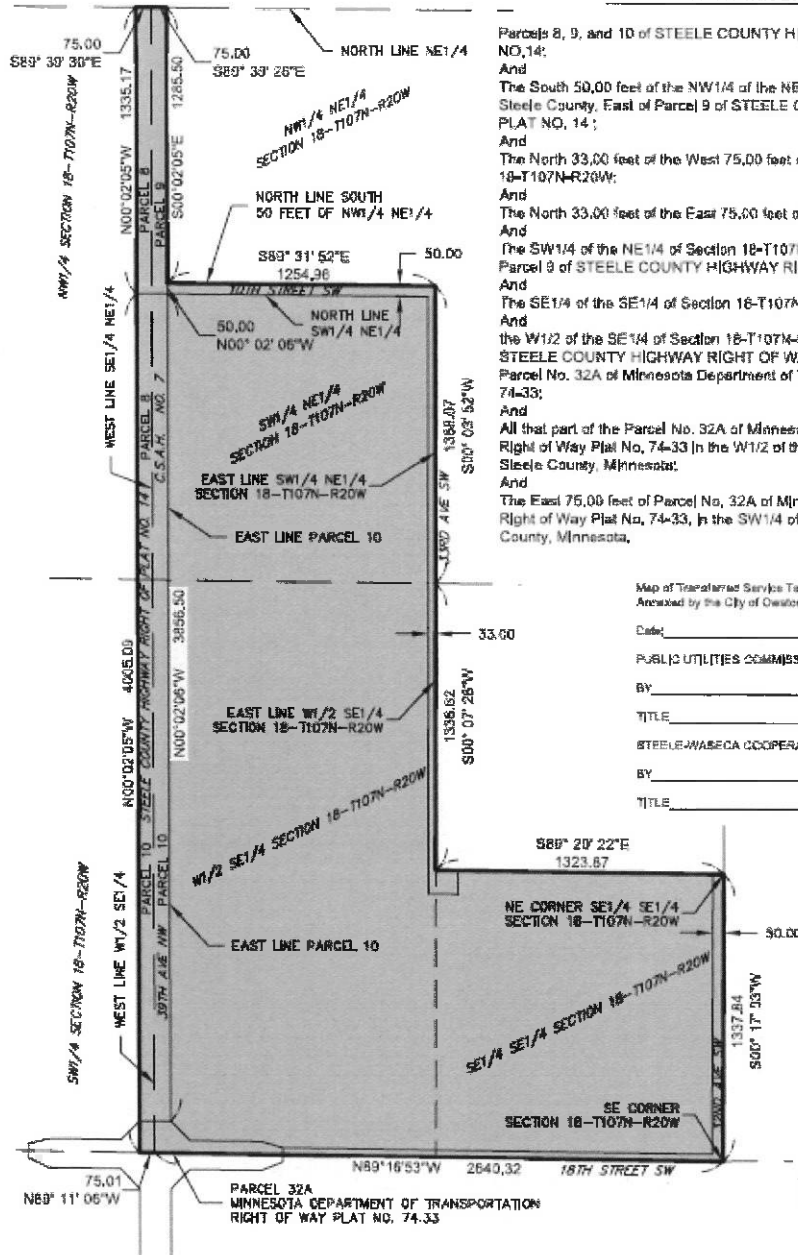
PART OF SECTION 18-T107N-R20W  
STEELE COUNTY, MINNESOTA

## PREPARED TERRITORY DESCRIPTION

Parcels 8, 9, and 10 of STEELE COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 14;  
And  
The South 50.00 feet of the NW1/4 of the NE1/4 of Section 18-T107N-R20W, Steele County, East of Parcel 9 of STEELE COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 14;  
And  
The North 33.00 feet of the West 75.00 feet of the NW1/4 NE1/4 Section 18-T107N-R20W;  
And  
The North 33.00 feet of the East 75.00 feet of the NW1/4 Section 18-T107N-R20W;  
And  
The SW1/4 of the NE1/4 of Section 18-T107N-R20W, Steele County, East of Parcel 9 of STEELE COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 14;  
And  
The SE1/4 of the SE1/4 of Section 18-T107N-R20W, Steele County, Minnesota;  
And  
The W1/2 of the SE1/4 of Section 18-T107N-R20W, East of Parcel No. 10 of STEELE COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 14, less and except Parcel No. 32A of Minnesota Department of Transportation Right of Way Plat No. 74-33;  
And  
All that part of the Parcel No. 32A of Minnesota Department of Transportation Right of Way Plat No. 74-33 in the W1/2 of the SE1/4 Section 18-T107N-R20W, Steele County, Minnesota;  
And  
The East 75.00 feet of Parcel No. 32A of Minnesota Department of Transportation Right of Way Plat No. 74-33, in the SW1/4 of Section 18-T107N-R20W, Steele County, Minnesota.

Map of Transferred Service Territory  
Annotated by the City of Owatonna.

Date: \_\_\_\_\_  
PUBLIC UTILITIES COMMISSION OF OWATONNA  
BY \_\_\_\_\_  
TITLE \_\_\_\_\_  
STEELE-WASECA COOPERATIVE ELECTRIC  
BY \_\_\_\_\_  
TITLE \_\_\_\_\_

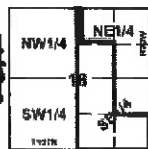


SCALE: 1" = 500'

0 500 1000  
SCALE IN FEET

### FOR: OWATONNA PUBLIC UTILITIES

#### LOCATION MAP



Scale: 1" = 400'

Date: 10/01/2018 Revised date: \_\_\_\_\_  
Drawn by: SAT Survey: SAT  
Field Book: \_\_\_\_\_ Page: 1 of 1  
Coord System: MNDOT CO, NAD83 (11)  
Job No: 18-1102 File: 808

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I hereby certify that this survey, plan, or report was prepared by me or  
under my direct supervision and that I am a duly Licensed Land  
Surveyor under the laws of the State of Minnesota.

Scott A. Tuchtenhagen  
Date: \_\_\_\_\_

L.S. No. 32646



**JONES  
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SMITH**  
Engineers & Surveyors

515 South Washington Ave.  
Albert Lea, MN 56007  
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Owatonna, MN 56060  
507-481-4535

## **PROPOSED SERVICE LIST**

Re: In the Matter of the Joint Request of Owatonna Public Utilities and Steele-Waseca Cooperative Electric 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  
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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  
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& Lamb, Chartered  
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(Owatonna Public Utilities)

### Via Electronic Mail

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Steele-Waseca Cooperative Electric  
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(Steele-Waseca Cooperative Electric)

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### Via Electronic Mail

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### Via Electronic Mail

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Director, Engineering Services  
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[Ronnie.Johnson@owatonnautilities.com](mailto:Ronnie.Johnson@owatonnautilities.com)  
(Owatonna Public Utilities)