

McGRANN SHEA CARNIVAL STRAUGHN & LAMB, CHARTERED

ATTORNEYS AT LAW

WILLIAM R. MCGRANN
DOUGLAS M. CARNIVAL
KATHLEEN M. LAMB
JOHN R. SCHULZ
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

MATTHEW W. BUCKLEY
OF COUNSEL
ROBERT O. STRAUGHN
PETER L. COOPER
ANDREW J. SHEA
(1938-2018)

August 5, 2019

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 the Delano Water, Light, and Power Commission and Wright-Hennepin Cooperative Electric Association to Update Electric Service Territory Records
MPUC Docket: _____

Dear Mr. Wolf:

I represent the Delano Water, Light, and Power Commission of the City of Delano, a municipal utility under Minnesota law (the "Municipal") and which is authorized, on behalf of the Municipal and Wright-Hennepin Cooperative Electric Association (the "Cooperative") (collectively, the "Parties") to make this joint petition 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 one area located within the city limits of Delano and within the electric service territory assigned to the Cooperative (identified as the "Transfer 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 has been completed pursuant to Section 216B.44: the Transfer Area is within the city limits; the Parties have agreed upon appropriate compensation; and the Parties have agreed to the Municipal providing 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 Transfer Area.

Underlying Information

Attached as Exhibit A is a map and legal description that depicts the boundaries of the Transfer Area, which involves approximately 67.57 acres and zero current customers, and which is known as Liberty Landing.

In the event that a customer requests service before the Minnesota Public Utilities Commission has processed this mutually-requested and identified map change, the Parties have agreed in writing that the Municipal may provide interim service to the Transfer Area. If any customer does develop during this proceeding, then the Parties will provide notice about this proceeding and file the notice with the Commission.

The Parties have agreed to cooperate and communicate with any potential customers to ensure a smooth transition and to minimize any disruption to customers.

Contact Information

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

Delano Water, Light, and Power

Commission:

Paul Twite
General Manager
11 Bridge Ave. W
P.O. Box 65
Delano, MN 55328
Phone: (763) 972-0557
ptwite@delanomn.us

Counsel:

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

Wright-Hennepin Cooperative Electric

Association:

Tim Sullivan
President & CEO
6800 Electric Drive
P.O. Box 330
Rockford, MN 55373-0330
Phone: 763-477-3000
tsullivan@whe.org

Counsel:

Marc Sugden
Pemberton Law, P.L.L.P.
203 22nd Avenue West
Alexandria, MN 56308
Phone: 320-759-3143
m.sugden@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.

Sincerely,

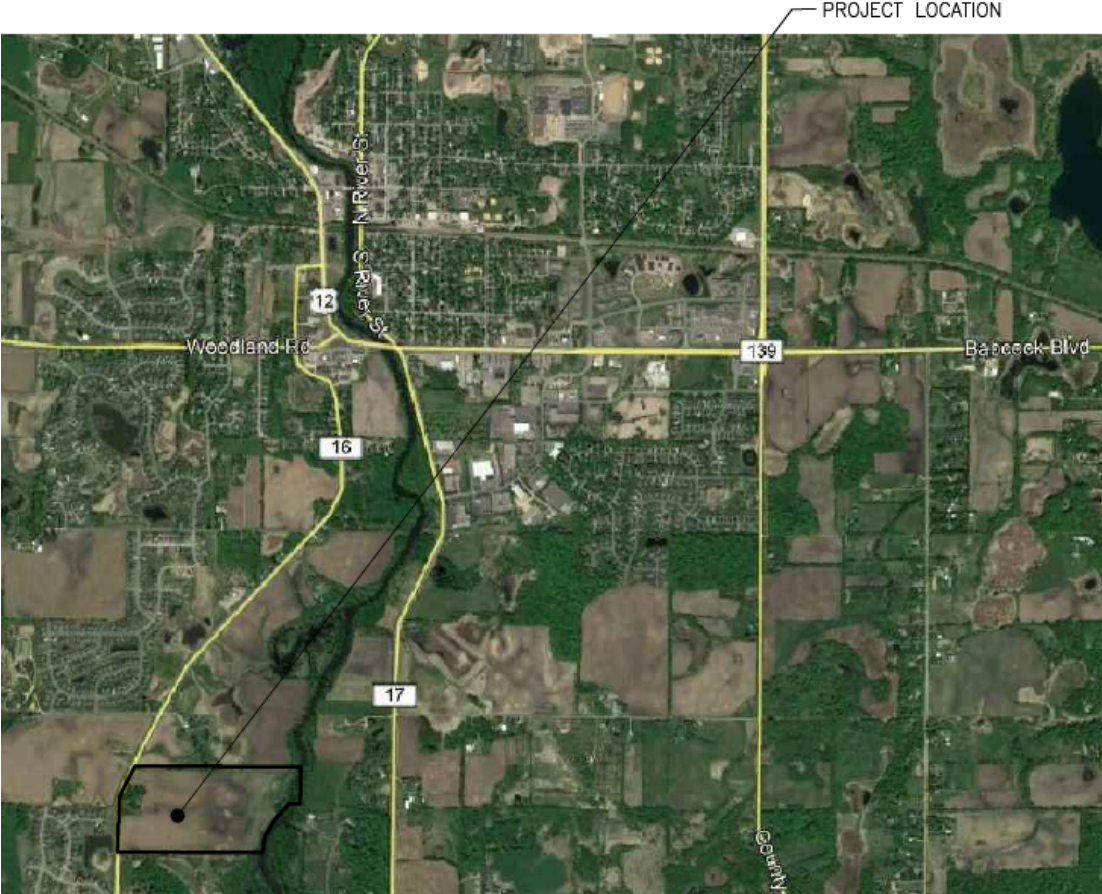


Kathleen M. Brennan

Enclosures

cc (w/encl.): Proposed Service List

EXHIBIT A: MAP AND LEGAL DESCRIPTION OF TRANSFER AREA



Comprising approximately 67.57 acres, more or less.

All that part of the East Half of the Northwest Quarter lying East of the center of the State Road known as the Watertown and Rockford Road and all of the West Half of the Northeast Quarter, all in Section 23, Township 118, Range 25, Wright County, Minnesota, excepting from said combined tract the three following described tracts:

1. Forty (40) acres on the North side thereof, conveyed by Harriet Cunningham and husband to Joseph Wessollek, on April 1, 1893 by deed recorded in Book 30 of Deeds, page 191.
2. That part of the Southwest Quarter of the Northeast Quarter lying East of the South Fork of the Crow River, in Section 23, Township 118, Range 25.
3. That part of the Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northeast Quarter of Section 23, Township 118, Range 25, Wright County, Minnesota, described as follows:

Beginning at the Southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 23; thence northerly along the West line of said Southeast Quarter of the Northwest Quarter a distance of 619.70 feet; thence easterly parallel with the South line of said Southeast Quarter of the Northwest Quarter and Southwest Quarter of the Northeast Quarter 2,051.90 feet more or less to the West bank of Crow River; thence southeasterly along said river to the South line of said Southwest Quarter of the Northeast Quarter and Southeast Quarter of Northwest Quarter of said Section 23; thence westerly along said South line 2,313.40 feet more or less to the point of beginning.

PROPOSED SERVICE LIST

Re: In the Matter of the Joint Request of the Delano Water, Light, and Power Commission and Wright-Hennepin Cooperative Electric Association to Update Electric Service Territory Records

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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

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

Via Electronic Filing

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

Via Electronic Mail

Tim Sullivan
President & CEO
6800 Electric Drive
P.O. Box 330
Rockford, MN 55373-0330
tsullivan@whe.org
(*Wright-Hennepin Cooperative Electric Association*)

Via Electronic Mail

Marc Sugden
Pemberton Law, P.L.L.P.
203 22nd Avenue West
Alexandria, MN 56308
m.sugden@pemplaw.com
(*Wright-Hennepin Cooperative Electric Association*)

Via Electronic Mail

Paul Twite
General Manager
11 Bridge Ave. W
P.O. Box 65
Delano, MN 55328
ptwite@delanomn.us
(*Delano Water, Light and Power Commission*)

Courtesy Copies

Ms. Kathleen M. Brennan
McGrann Shea Carnival Straughn
& Lamb, Chartered
800 Nicollet Mall
Suite 2600
Minneapolis, MN 55402-7035
kmb@mcgrannshea.com
(*Delano Water, Light and Power Commission*)