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(1938-2018)

November 15, 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 Elk River Municipal Utilities and  
Connexus Energy to Update Electric Service Territory Records  
MPUC Docket: \_\_\_\_\_  
Our File No.: 61739-0002

Dear Mr. Wolf:

I represent Elk River Municipal Utilities (the "Municipal"), which is authorized, on behalf of the Municipal and Connexus Energy (the "Cooperative") (collectively, the "Parties") to make this 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 certain areas located within the city limits of Elk River 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 has been completed 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 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 Affected Area.

#### Underlying Information

Attached as Exhibit A is a map that depicts the boundaries of the Affected Area (in pink). The Affected Area involves approximately 1,344 acres and 79 customers (73 residential and 6 small commercial).

The Parties do not have a separate legal description prepared of the Affected Area, but are willing to provide whatever information is helpful and reasonably requested by MnGeo to facilitate the adjustment in the official maps. Specifically, the Parties have a Shape or CAD file of the map attached as Exhibit A.

#### Customer Notice

The Parties engaged in extensive technical discussions, spanning multiple years, to minimize any disruption to customers, to avoid unnecessary duplication of facilities, and to ensure a smooth transition of electric service.

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The Parties mutually determined the optimal transition dates of September 9-17, 2019 and arranged the transfer of service. The Parties are pleased to report that the transfer occurred safely, efficiently, and without technical difficulties. The Parties communicated extensively with the customers in the Affected Area throughout the transition process. A copy of the pertinent notices is attached as Exhibit B. In addition, the Municipal reached out to each affected commercial customer and met with customers as desired to assure understanding of rates and programs, and to answer any questions.

The Parties acknowledge that the Commission wishes to direct separate notice to customers as to the pending proceeding before the Commission. Attached as Exhibit C is a proposed notice 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:

##### Elk River Municipal Utilities:

Troy Adams, P.E.  
General Manager  
Elk River Municipal Utilities  
13069 Orono Parkway, P.O. Box 430  
Elk River, MN 55330-0430  
Phone: 763-441-2020  
tadams@elkriverutilities.com

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

##### Connexus Energy:

Greg Ridderbusch, President and CEO  
Connexus Energy  
14601 Ramsey Blvd  
Ramsey, MN 55303  
Phone: 763-323-2650  
greg.ridderbusch@connexusenergy.com

Sara McGrane  
Felhaber Larson  
220 South 6th Street  
Suite 2200  
Minneapolis, MN 55402-4504  
Phone: 612-339-6321  
Fax: 612-338-0535  
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

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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,

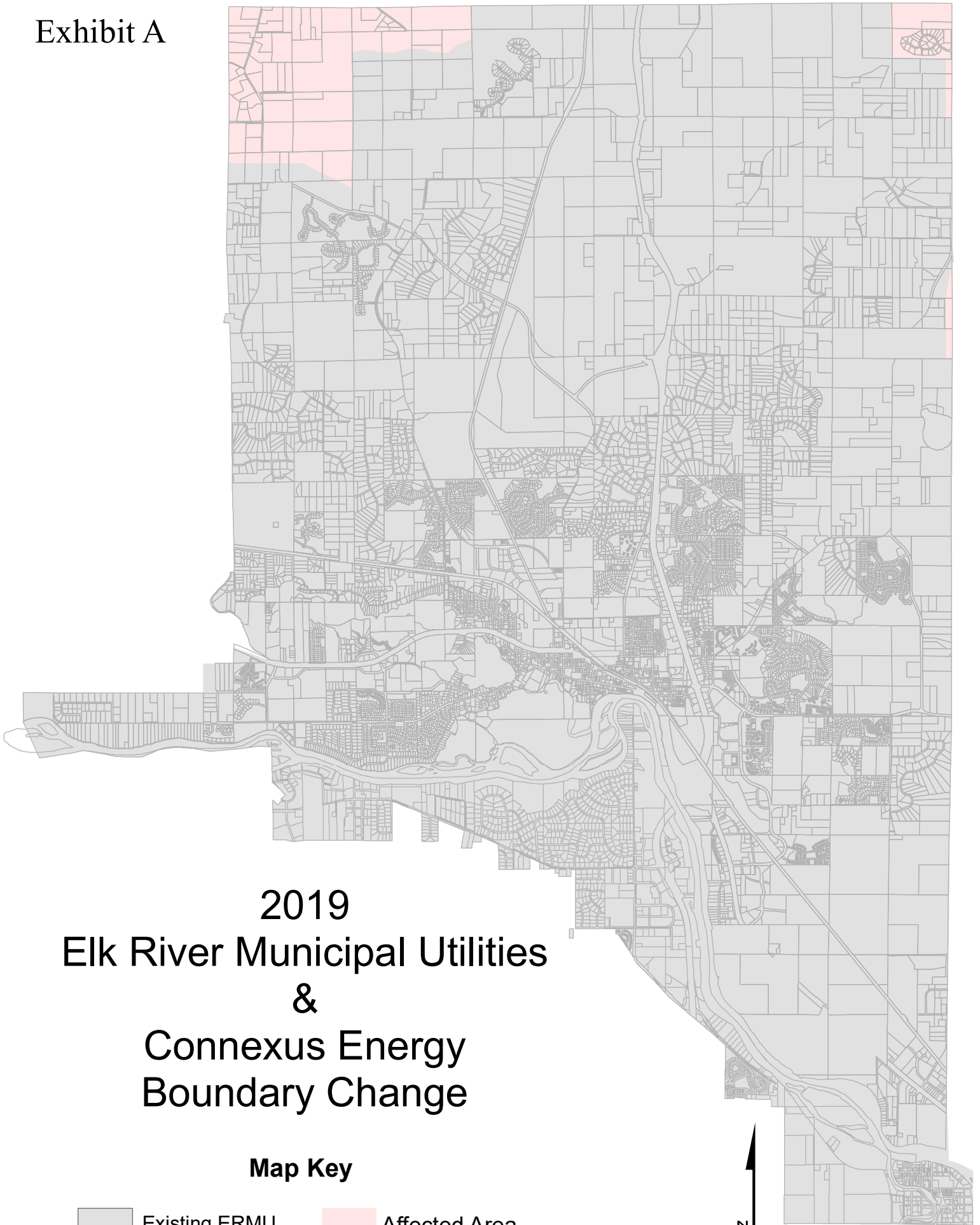


Kathleen M. Brennan

Enclosures

cc (w/encl.): Proposed Service List

# Exhibit A



## 2019 Elk River Municipal Utilities & Connexus Energy Boundary Change

### Map Key

- Existing ERMU
- Affected Area

## EXHIBIT B



14601 Ramsey Boulevard  
Ramsey, Minnesota 55303  
763.323.2600  
Fax: 763.323.2603  
www.connexusenergy.com  
info@connexusenergy.com

your most powerful membership™

August 1, 2019

### **Important information about transition from Connexus Energy to Elk River Municipal Utilities Services**

This is to inform you that Elk River Municipal Utilities (ERMU) will soon provide you with electrical service.

ERMU and Connexus Energy (Connexus) have negotiated an agreement that will transfer Connexus customers, within the City of Elk River incorporated boundaries, to ERMU. *The transfer of your service to ERMU will take place in September.*

ERMU will assume all of the services Connexus has been providing such as billing, account management, and electric service concerns. Similar to other Elk River residents and businesses, your electric service will be billed along with your other city services such as water, wastewater, stormwater, franchise, and/or trash.

#### **Frequently Asked Questions**

##### **Will my electric rate change?**

Your electric rates will change, depending on the type of service you have, your usage patterns, and the programs you participate in. Please contact ERMU if you have specific questions.

##### **What will happen to the Cash Back earned by Connexus customers?**

The Cash Back (formerly capital credits) you earned as a Connexus member will be paid out on a discounted basis, as a credit on your final bill. You will not earn any additional Cash Back once you become an ERMU customer.

**Do I have any choice in which utility services me?**

No. Minnesota State law grants cities the right to serve all customers within their city boundaries.

**Will this changeover cost me any money?**

No. ERMU will not charge any customer a connection fee related to the transition.

**Will I have to read my own meter?**

No. ERMU has a meter reader who will read your meter monthly. Depending on your location, the meters will generally be read the second or third week of the month.

**What do I do if my lights go out or if I have some other problem after the service is transferred to ERMU?**

ERMU has a service technician on call at all hours. If you have a problem, please call 763.441.2020. This phone will be answered 24 hours a day, 7 days a week, by a live representative.

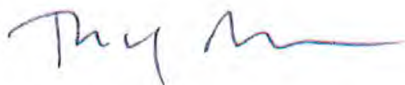
A follow-up notification will be sent out to you with more specific detail closer to the transfer date. ERMU will also be sending information on rates and conservation programs.

If you have any further questions please contact either: ERMU - Tom Sagstetter, Conservation and Key Accounts Manager at 763.635.1332; or Connexus Energy – Nick Loehlein, Manager of System Engineering, Design, & Operations at 763.323.4223.

Sincerely,



Greg Ridderbusch  
Chief Executive Officer  
Connexus Energy



Troy Adams  
General Manager  
Elk River Municipal Utilities

August 7, 2019

«GreetingLine»

You are receiving this letter because Elk River Municipal Utilities (ERMU) will be providing your electric service at «F53» «F55» starting in the fall of 2019. I would like to welcome you as a customer of ERMU and reassure you that our staff is working hard to make this transition as seamless as possible. ERMU is owned by the customers we serve and we look forward to the opportunity to serve you with electric utility service.

As an Elk River resident, you may already receive a monthly bill from ERMU for water service and/or city services. Once the transfer from Connexus Energy (Connexus) to ERMU is complete, the electric service will also be included on your monthly billing statement.

If you are currently participating in a budget program with Connexus, this will not transfer over to your account with ERMU. Please contact customer service at 763-441-2020 to be set up on a budget plan with ERMU. If you currently have your payment automatically deducted from an account to pay your Connexus bill, this will not transfer to your account with ERMU. If you have other services through ERMU that are paid by automatic bank draft, your electric service will automatically be added to bank draft. Contact ERMU customer service at 763-441-2020 with any questions or changes regarding automatic bank draft payments.

You can make phone payments by calling our automated system: 1-855-730-8706. You can also make one-time payments or set up recurring payments with a checking account or credit card online. There is **no fee** to pay via credit card. If you'd like to utilize that option, please visit [www.ERMUMN.com](http://www.ERMUMN.com); click Residential, then Pay Bill or Manage Account. You may also sign up for automatic bank draft by completing the enclosed form and attaching a voided check.

Enclosed for your convenience you will find a Residential Information Sheet, Automatic Bill Payment form, Acquisition FAQ Sheet, Appliance Rebate Form, and LED coupons. You will soon be receiving a letter containing the date and time your service will transfer. If you currently participate in a load management program, you will also be receiving a letter detailing the program you will join with ERMU.

Please do not hesitate to contact Tom Sagstetter, Conservation and Key Accounts Manager at 763-635-1332 or Customer Service at 763-441-2020 with any questions or concerns you may have regarding this transition. We look forward to serving you.

Sincerely,



Troy Adams, P.E. - General Manager



## **Frequently Asked Questions (FAQs) of Service Territory Acquisition**

### **Q: Why is ERMU acquiring Connexus service Territory?**

**A:** Minnesota state law declares that a municipal utility has the right to provide electric service to all customers within city limits. In 1991, ERMU entered into a 20 year orderly electric service territory acquisition plan with Connexus Energy (Connexus) for a portion of what was previously the Township of Elk River. In 2015, ERMU entered into another contract to serve the remaining customers within the City of Elk River. The vision of past ERMU governance and staff to invest in territory acquisition helped to build the foundation for a reliably robust and fiscally sound utility and ERMU continues to build upon that foundation.

### **Q: Why is the acquisition happening now?**

**A:** ERMU and Connexus have been working on this acquisition for over 7 years. As the city expands with city sewer and water services, it only makes sense for ERMU to provide all customers within the city with electric service as well. ERMU has a vision to grow with the City of Elk River. With the current and projected growth of Elk River, the time is right to begin the acquisition of all remaining customers within the city boundary.

### **Q: When will this happen?**

**A:** The plan will allow for the remaining Elk River residents not currently served by ERMU for electric service to be acquired in 2019. Approximately 1,900 customers were transferred the previous four years. Phases 7 & 8, consisting of approximately 80 customers, will be transferred to ERMU in the fall of 2019 and the transfer will be complete.

### **Q: What are the benefits of Elk River Municipal Utilities?**

1. All residents and businesses of Elk River benefit from having electricity provided by ERMU because a small percentage of revenue is provided to the city as a payment in lieu of taxes (PILOT). The territory acquisition will result in a larger PILOT payment to the city which will further offset expenses that would otherwise be funded through taxes.
2. ERMU is governed by a commission of local customers that are appointed by the City Council; therefore the utility is directed by people from the community.
3. The openness and transparency of the municipal public power business model allows customers to be informed on the utilities' operations and planning. The open meeting law allows for the public to witness the municipal utilities' governance firsthand. The customers, community leaders, and elected officials have the ability to provide feedback and direction for utilities that they own. Local control and local accountability.
4. One of the greatest advantages of municipal public power is the ability for collaboration, cooperation, and partnership with the city when working towards common goals. A city and their municipal utility can be mutually successful through growth.
5. Generally speaking, money paid to ERMU stays in the community.

**Q: What other benefits will result from the acquisition?**

**Answers:**

- Reliability. ERMU has an average service availability index of 99.9938%. That's equivalent to a loss of service once every five years. ERMU is a three time recipient of the prestigious Reliable Public Power Provider (RP3) designation for providing customers with the highest degree of reliable and safe electric service. ERMU is one of only 220 public power utilities, out of more than 2,000 nationwide, to receive this recognition.
- Quick response times. Response times to outages or service calls are extremely fast as ERMU is committed to excellent service.
- Customer Service. ERMU has outstanding customer service. The 2017 customer service survey showed a 96% customer satisfaction rating.
- One Bill. Multiple utility services will be billed by one provider if you live within the city limits of Elk River.
- ERMU offers more residential efficiency programs.

**Q: Are ERMU's rates higher?**

**A:** No. ERMU's residential rate is lower than Connexus' published residential rate.

September 3, 2019

Dear \_\_\_\_\_,

You are receiving this letter because you will soon be receiving your electric service from Elk River Municipal Utilities (ERMU) at \_\_\_\_\_ and you currently participate in the cycled air conditioning program, PowerNap program, or Peak Time Rebate program through Connexus Energy. ERMU does not offer a similar program. During the transition if you are on cycled a/c, your air conditioning controller will be disconnected and your unit will no longer be controlled. If you have a WiFi thermostat that was being controlled, that will no longer occur as well.

We are here to assist you through this transition and are available to help you with any questions or concerns you may have. You can call our office at 763-441-2020 or my direct line at 763-635-1332.

Sincerely,

A handwritten signature in black ink that reads "Thomas J. Sagstetter". The signature is written in a cursive style with a large, stylized initial 'T'.

Tom Sagstetter  
Conservation and Key Accounts Manager

August 30, 2019

«F10» «F11»  
«F4» «F5»  
«F6», «F7» «F8»

Dear «F10»,

You are receiving this letter because you will soon be receiving your electric service from Elk River Municipal Utilities (ERMU) at «F4» «F5» and you currently participate in a load management program through Connexus Energy (Connexus). We have analyzed your Connexus account and determined the similar ERMU load management program(s). Based on this analysis, your account will automatically be assigned to the following ERMU program: «F16». Please note, beginning January 1, 2024; these programs will sunset and will no longer be available.

We want to ensure that you will be billed correctly, and our determination of your rate is based solely on reviewing data about your current account with Connexus. In some cases, depending on the load management program, ERMU will have to work to update your electric services to fit into our program's specifications. This will be completed by a licensed contractor at no cost to you. If this is the case, we will contact you to discuss and coordinate the work to be done. If you would like to discontinue your participation in load management programs please contact our office at 763-441-2020 or me at my direct extension, 763-635-1332, and we will work with you to make the changes on your account.

We are here to assist you through this transition and are available to help you with any questions or concerns you may have regarding changes in your energy program(s).

Sincerely,



Tom Sagstetter  
Conservation and Key Accounts Manager  
763-635-1332

September 3, 2019

«Name» «Name\_2»  
«Service\_Address» «Service\_Address\_2»  
«City», «State» «Zip»

Dear «Name»:

You are receiving this letter because you will soon be receiving your electric service from Elk River Municipal Utilities (ERMU) at «Service\_Address» «Service\_Address\_2» and you currently participate in a whole house unmetered water storage program through Connexus Energy. ERMU does not offer a similar program. Your account will initially be setup with the Residential Electric rate. ERMU may have to work to update your electric services to fit into our program's specifications. This will be completed by a licensed contractor at no cost to you. If this is the case, we will contact you to discuss and coordinate the work to be done. If you would like to discontinue your participation in load management programs please contact our office at 763-441-2020 or me at my direct extension, 763-635-1332, and we will work with you to make the changes on your account.

We are here to assist you through this transition and are available to help you with any questions or concerns you may have. You can call our office at 763-441-2020 or my direct line at 763-635-1332.

Sincerely,



Tom Sagstetter  
Conservation and Key Accounts Manager

September 4, 2019

Dear ,

Your property at \_\_\_\_\_ will officially be transitioned to Elk River Municipal Utilities (ERMU) for your electric service throughout the days of September 9<sup>th</sup>-16<sup>th</sup>. A more specific timeframe will (or has already) be communicated to you verbally by our field staff or via a door hanger. You will have a brief interruption in electric service during the actual transition of your property. This interruption is necessary to safely implement the transfer from the Connexus Energy (Connexus) distribution system to the ERMU system. ERMU and Connexus crews will work hard to ensure the outage is as brief as possible. *The date could be subject to change depending on weather conditions and other factors.*

Once the system transfer is complete our meter technicians will be working to change out your existing meter. At the time your meter gets changed, there is a possibility of a momentary interruption of service as well. Around the time of the meter upgrade, a reusable bag with an LED bulb will be left by your door as a welcome gift from ERMU.

It is important to note that you will receive two partial bills for your September electric usage. One bill will come from Connexus for the billing period up to September 17, 2019. The other bill will come from ERMU for usage from September 17, 2019 to the routine monthly meter reading in October.

We look forward to providing you with electric utility service. If you have any questions or concerns regarding this transition, please contact our office at 763-441-2020.

Best Regards,

A handwritten signature in blue ink, appearing to read "Troy Adams", with a stylized flourish at the end.

Troy Adams, P.E.  
General Manager  
Elk River Municipal Utilities

«First\_Name» «Last\_Name»  
«Second\_First\_Name» «Second\_Last\_Name»  
«Mailing\_Address»  
«City», «State» «Zip»

Dear «First\_Name»,

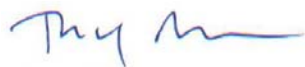
As of September 17, 2019, your property at «Service\_Address» will officially be served by Elk River Municipal Utilities (ERMU) for your electric service. You will have a brief interruption in electric service at some point during that day. This interruption is necessary to safely implement the transfer from the Connexus Energy (Connexus) distribution system to the ERMU system. ERMU and Connexus crews will work hard to ensure the outage is as brief as possible. *The date could be subject to change depending on weather conditions and other factors.*

Once the system transfer is complete, our meter technicians will be working to change out your existing meter. At the time your meter gets changed, there is a possibility of a momentary interruption of service as well. Around the time of the meter upgrade a reusable bag with an LED bulb will be left by your door as a welcome gift from ERMU.

It is important to note that you will receive two partial bills for your September electric usage. One bill will come from Connexus for the billing period up to September 17, 2019. The other bill will come from ERMU for usage from September 17, 2019 to the routine monthly meter reading in October.

We look forward to providing you with electric utility service. If you have any questions or concerns regarding this transition, please contact our office at 763-441-2020.

Best Regards,

A handwritten signature in blue ink, appearing to read "Troy Adams", with a stylized flourish at the end.

Troy Adams, P.E.  
General Manager

September 16, 2019

Dear Household:

You are receiving this notification because you will be receiving your electric service from Elk River Municipal Utilities (ERMU) instead of Connexus Energy in the next few days. You have been participating in a whole house unmetered water storage program through Connexus Energy. ERMU does not offer this program.

If you would like to discontinue your participation in whole house unmetered water storage program please contact our office at 763-441-2020 or me at my direct extension, 763-635-1332, as soon as possible and we will work with you to make the changes on your account. If you do not contact ERMU your account will be setup with the standard Residential Electric rate.

In order to receive load management rates similar to those that you received on the Connexus whole house unmetered water storage program ERMU may have to work to update your electric services to fit into our program's specifications. This will be completed by a licensed contractor at no cost to you. If this is the case, we will have to coordinate schedules and have access to the inside of your home for the work to be done.

We are here to assist you through this transition and are available to help you with any questions or concerns you may have. You can call our office at 763-441-2020 or my direct line at 763-635-1332.

Sincerely,

A handwritten signature in black ink that reads "Thomas J. Sagstetter". The signature is written in a cursive style with a large initial 'T'.

Tom Sagstetter  
Conservation and Key Accounts Manager



Dear Sir or Madam:

I would like to welcome you as an electric customer of Elk River Municipal Utilities!

Along with providing electric, there are many other incentives we provide that could save you money and conserve energy. Please contact our office at 763-441-2020 or check out our website at [www.ERMUMN.com](http://www.ERMUMN.com) to find brochures and forms regarding any of the following programs that we offer (not all may apply to your service area).

- **Energy Star Appliance Rebates**
- **LED Lightbulb Coupons**
- **Clean Energy Choice Program**
- **How To Pay Your Bill**

Please do not hesitate to contact our office at 763-441-2020 if you have any questions about Elk River Municipal Utilities or any of the services we provide.

Best Regards,

A handwritten signature in blue ink, appearing to read "Troy Adams", with a horizontal line underneath.

Troy Adams, P.E.  
General Manager

## Exhibit C



13069 Orono Parkway • P.O. Box 430  
Elk River, MN 55330-0430

Phone: 763.441.2020  
[www.elkriverrutilities.com](http://www.elkriverrutilities.com)

November \_\_, 2019

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

Dear Customer:

As you know, Elk River Municipal Utilities (ERMU) recently began providing your electric service. Before this transition, Connexus Energy served the area where you are located. The utilities are in the process of formally updating the electric service maps on file with the Minnesota Public Utilities Commission (MPUC) to reflect that ERMU is the electric service provider. 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.

ERMU values you and will continue to strive to provide the highest quality service. Please contact me if you have any questions.

Respectfully,

Troy Adams, P.E.  
General Manager

## PROPOSED SERVICE LIST

Re: In the Matter of the Joint Request of Elk River Municipal Utilities and Connexus Energy to Update Electric Service Territory Records  
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 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)  
(Elk River Municipal Utilities)

### Via Electronic Mail

Greg Ridderbusch  
President and CEO  
14601 Ramsey Blvd.  
Ramsey, MN 55303  
[greg.ridderbusch@connexusenergy.com](mailto:greg.ridderbusch@connexusenergy.com)  
(Connexus Energy)

### Via Electronic Mail

Sara McGrane  
Felhaber Larson  
220 South 6<sup>th</sup> Street, Suite 2200  
Minneapolis, MN 55402-4504  
[smcgrane@felhaber.com](mailto:smcgrane@felhaber.com)  
(Connexus Energy)

### Via Electronic Mail

Troy Adams, P.E.  
General Manager  
Elk River Municipal Utilities  
13069 Orono Parkway  
PO Box 430  
Elk River, MN 55330-0430  
[tadams@elkriverutilities.com](mailto:tadams@elkriverutilities.com)  
(Elk River Municipal Utilities)

### Via Electronic Mail

Tom Sagstetter  
Conservation & Key Accounts Manager  
Elk River Municipal Utilities  
13069 Orono Parkway  
PO Box 430  
Elk River, MN 55330-0430  
[tsagstetter@elkriverutilities.com](mailto:tsagstetter@elkriverutilities.com)  
(Elk River Municipal Utilities)