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May 6, 2021

Via eDockets

The Honorable Barbara Case
Administrative Law Judge
Office of Administrative Hearings
PO Box 64620
St. Paul, MN 55164-0620

Re: *In the Matter of the Complaint by Red River Valley Cooperative Power Association from an Assigned Service Area Violation by the City of Barnesville and Barnesville Municipal Power*
OAH Docket No. 82-2500-37202; MPUC Docket No. E-134, E-210/C-20-770

Dear Judge Case:

On behalf of the Minnesota Department of Commerce, Division of Energy Resources, I submit the below comments as provided in the April 9, 2021 order for extension of continuance in the above-referenced matter.

The Department recommends approval of the Settlement Agreement and Mutual Release between Red River Valley Cooperative Power Association (RRV) and the City of Barnesville and Barnesville Municipal Power (the City) executed on April 30, 2021. The settlement resolves the dispute between RRV and the City as described in the agreement's recitals. *Settlement* ¶¶ A-E. As part of the agreement, the City agrees to pay \$41,850 to RRV for all past, present, and future electric service to customers, to which the City is already providing service, described in Exhibit A of the agreement. *Id.* ¶ 1. RRV and the City also agree that the City will continue to serve existing customers at the properties identified in Exhibit B of the agreement, subject to certain conditions. *Id.* ¶ 2. RRV and the City also agree to proceed in accordance with Minn. Stat. § 216B.44 and other applicable laws in the event of the City's intent to annex any property identified in Exhibit B. *Id.* ¶ 2.a.

The Department believes that the settlement agreement is in the public interest and comports with relevant law. The settlement agreement avoids unnecessary duplication of electric utility service and promotes economical, efficient, and adequate electric service to the public in line with the policy stated in Minn. Stat. § 216B.37 (2020). The settlement also comports with state statutory requirements regarding any potential annexation through RRV and the City's agreement to follow the process laid out in Minn. Stat. § 216B.44 and other legal requirements. Resolution of this dispute without a settlement would require substantial private and government resources. The Department believes that the settlement agreement is a more efficient use of resources and is in the public interest.

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Lastly, the Department appreciates RRV's and Barnesville's commitment to cooperate in updating the State mapping authorities of the modification of service territory boundaries effected by the settlement agreement. *Id.* ¶¶ 1-10. The Department is available to provide assistance in updating the maps through any process that the Commission designates.

The Department appreciates this opportunity to provide comments on the proposed settlement agreement and recommends approval.

Sincerely,

/s/ Katherine Hinderlie
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*Attorney for Minnesota Department of Commerce,
Division of Energy Resources*

cc: Service List
The Honorable Barbara Case (via email)

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