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February 19, 2020

VIA ELECTRONIC FILING

Ryan Barlow  
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 Moorhead Public Service  
Commission and Red River Valley Cooperative Power Association to  
Modify Electric Service Territory Boundaries  
MPUC Docket No. \_\_\_\_\_.  
Our File No.: 52959-0013

Dear Mr. Barlow:

I represent the Moorhead Public Service Commission, a municipal utility of the City of Moorhead ("MPS"). MPS is authorized, on behalf of itself and Red River Valley Cooperative Power Association (the "Cooperative") (collectively, the "Parties") to file this joint petition.

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 an area 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. 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 occurred pursuant to Section 216B.44: the Parties have agreed upon the transfer of service territory to MPS and upon appropriate compensation; and the parties have agreed to the Municipal providing interim service to meet customer needs.

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. The Affected Area involves approximately 6.289 acres and interim service to one commercial customer.

Attached as Exhibit B is a legal description of the Affected Area.

#### 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 C is a proposed notice to be sent to the customer in the Affected Area.

#### Contact Information

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

##### Moorhead Public Service Commission

Travis L. Schmidt, PE  
Interim General Manager &  
Electrical Engineering Manager  
500 Center Avenue  
P.O. Box 779  
Moorhead, MN 56561-0779  
Phone: 218-477-8084  
Fax: 218-477-8098  
Email: [tschmidt@mpsutility.com](mailto:tschmidt@mpsutility.com)

##### Red River Valley Cooperative Power Association:

Rich Whitcomb  
CEO  
109 2nd Ave E.  
P.O. Box 358  
Halstad, MN 56548  
Phone: 218-456-2139  
Email: [rwhitcomb@rrvcoop.com](mailto:rwhitcomb@rrvcoop.com)

Kaela Brennan  
McGrann Shea Carnival  
Straughn & Lamb, Chtd.  
800 Nicollet Mall, Suite 2600  
Minneapolis, MN 55402  
Phone: 612-338-2525  
Fax: 613-339-2386  
Email: [kmb@mcgrannshea.com](mailto:kmb@mcgrannshea.com)

Sara McGrane  
Felhaber Larson  
220 South 6th Street  
Suite 2200  
Minneapolis, MN 55402-4504  
Phone: 612-339-6321  
Fax: 612-338-0535  
Email: [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. Thank you for your assistance.

Sincerely,



Kathleen M. Brennan

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

## **Exhibit B**

### **Legal Description of Affected Area**

That part of the Southeast Quarter of Section Twenty-nine, in Township One Hundred Thirty-nine North of Range Forty-eight West of the Fifth Principal Meridian, Clay County, Minnesota, described as follows: Beginning at a point 75 feet East and 201.50 feet South of the Center of Section Twenty-nine, Township One Hundred Thirty-nine North of Range Forty-eight West of the Fifth Principal Meridian; thence South parallel with the North-South quarter line a distance of 280 feet; thence East parallel with the East-West quarter line a distance of 800 feet; thence North parallel with the North-South quarter line to the North line of the Southeast Quarter, of said Section Twenty-nine; thence West along the North line of said Southeast Quarter 628 feet; thence South parallel with the North-South quarter line 201.50 feet; thence West parallel with the North line 172 feet to the point of beginning; EXCEPTING FROM SAID TRACT: That part described as beginning at a point on the North-South quarter line in Section Twenty-nine, Township One Hundred Thirty-nine North, Range Forty-eight West of the Fifth Principal Meridian; said point being located 201.50 feet Southerly of the Northwest corner of said Southeast Quarter, as measured along said North-South quarter line; thence Southerly along said North-South quarter line a distance of 280.00 feet; thence Easterly along a line which is parallel with the East-West quarter line in said Section Twenty-nine a distance of 247.00 feet; thence Northerly along a line which is parallel with said North-South quarter line a distance of 280.00 feet; thence Westerly along a line which is parallel with the said East-West quarter line a distance of 247.00 feet, more or less, to the point of beginning; ALSO EXCEPTING FROM SAID TRACT: That part of the Southeast Quarter of Section Twenty-nine, Township One Hundred Thirty-nine North, Range Forty-eight West of the Fifth Principal Meridian, beginning at a point on the East-West quarter line of said Section Twenty-nine located a distance of 247.00 feet East of the center of said Section Twenty-nine; thence South parallel to the North-South quarter line of said Section Twenty-nine a distance of 201.50 feet; thence East parallel with the East-West quarter line a distance of 45 feet; thence North parallel to the North-South quarter line a distance of 201.50 feet to the North boundary line of the Southeast Quarter of said Section Twenty-nine; thence West a distance of 45 feet, more or less, to the point of beginning; ALSO EXCEPTING FROM SAID TRACT: That portion now platted as Stonemill Estates First Addition

**Exhibit C**

Proposed Notice to be Sent to the Customer in the Affected Area

February \_\_\_\_, 2020

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

Dear Customer:

As you know, Moorhead Public Service (MPS) recently began providing your electric service. Before this transition, Red River Valley Cooperative Power Association 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 MPS as 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.

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

Sincerely,

Travis L. Schmidt, PE  
Interim General Manager &  
Electrical Engineering Manager

## **PROPOSED SERVICE LIST**

Re: In the Matter of the Joint Request of the Moorhead Public Service Commission and Red River Valley Cooperative Power Association to Modify Electric Service Territory Boundaries

MPUC Docket: \_\_\_\_\_

### Via Electronic Filing

Ryan Barlow  
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

### Via Electronic Mail

Rich Whitcomb  
CEO  
109 2<sup>nd</sup> Ave. E.  
P.O. Box 358  
Halstad, MN 56548  
[rwhitcomb@rrvcoop.com](mailto:rwhitcomb@rrvcoop.com)  
(Red River Valley Cooperative Power Association)

### Via Electronic Mail

Sara McGrane  
Felhaber Larson  
220 South 6<sup>th</sup> Street  
Suite 2200  
Minneapolis, MN 55402  
[smcgrane@felhaber.com](mailto:smcgrane@felhaber.com)  
(Red River Valley Cooperative Power Association)

### Via Electronic Mail

Travis L. Schmidt, PE  
Interim General Manager &  
Electrical Engineering Manager  
500 Center Avenue  
P.O. Box 779  
Moorhead, MN 56561-0779  
[tschmidt@mpsutility.com](mailto:tschmidt@mpsutility.com)  
[mps@mpsutility.com](mailto:mps@mpsutility.com)  
(Moorhead Public Service 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](mailto:kmb@mcgrannshea.com)  
(Moorhead Public Service Commission)

# Exhibit A

Map Depicting the Boundaries of Affected Area

