

September 5, 2019

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: Comments of the Minnesota Department of Commerce, Division of Energy Resources
Docket No. E228, E148/SA-19-504

Dear Mr. Wolf:

Attached are the comments of the Minnesota Department of Commerce, Division of Energy Resources (Department) in the following matter:

The Joint Request of the City of Delano and Wright-Hennepin Cooperative Electric Association to update electric service territory records.

The petition was filed on August 5, 2019 by:

Kathleen M. Brennan
McGrann Shea Carnival Straughn & Lamb, Chartered
414 Nicollet Mall, Suite 2600
Minneapolis, MN 55402

The Department recommends that the Minnesota Public Utilities Commission (Commission) approve the service territory transfer from the Wright-Hennepin Cooperative Electric Association to the City of Delano, and is available to answer any questions the Commission may have.

Sincerely,

/s/ DALE V. LUSTI
Financial Analyst

DVL/ja
Attachment



Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket No. E228, E148/SA-19-504

I. BACKGROUND

Wright-Hennepin Cooperative Electric Association (the Cooperative) is an electric distribution cooperative formed pursuant to the provisions of Minn. Stat. Chapter 308A. The City of Delano (the City) operates a municipal utility under laws of the State of Minnesota. Jointly, these two parties are the Parties in this proceeding.

II. SUMMARY OF PROPOSAL

On August 5, 2019, the Parties jointly filed a petition under Minn. Stat. § 216B.44, asking the Minnesota Public Utilities Commission (Commission) to modify the Parties' service territory boundaries (Petition). The Petition requests that the Transfer Area be transferred from the Cooperative's to the City's assigned service area.

III. DEPARTMENT ANALYSIS

A. TRANSFER OF THE AFFECTED AREA FROM THE COOPERATIVE TO THE CITY

Exhibit A to the Petition is a map and legal description that identifies the boundaries of the Transfer Area, which includes approximately 67.57 acres, zero customers at the present time, and is known as Liberty Landing. The legal description is as follows:

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:

Exception 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.

Exception 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.

Exception 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 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 the Northwest Quarter of said Section 23; thence westerly along said South line 2,313.40 feet more or less to the point of beginning.

The Petition stated that the proposed transfer is a permanent transfer of service territory.

The Petition also stated that the transfer of service territory will not impact any existing customers, since there are zero customers in the transfer area.

B. INTERIM SERVICE

The Parties agreed in writing that if a customer requests service before the Commission has considered the joint Petition, the City may provide interim service to the transfer area, subject to certain conditions.

C. CUSTOMER NOTICE

If a customer requests service before the Commission has considered the joint Petition, the Parties will provide notice to any customer about this proceeding and file the notice with the Commission.

D. COMPENSATION

The Parties have agreed on appropriate compensation for the permanent transfer of service territory.

Given all of the above, the Department agrees that the Parties' request to establish the Affected Area as part of the city of Delano's service area is consistent with Minn. Stat. § 216B.39 and 216B.44.

IV. RECOMMENDATION

The Department recommends that the Commission approve the permanent service territory transfer from Wright-Hennepin Cooperative Electric Association to the City of Delano. The Minnesota Geospatial Information Office (MnGeo) should update the Commission's maps to reflect the service area designation as shown on the map in the Petition. The Department has been advised that James Bunning is now the primary MnGeo contact for PUC map updates, who may be contacted at james.bunning@state.mn.us.

/ja