

March 26, 2020

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

RE: **Corrected Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket No. E275, E134/SA-20-288

Dear Mr. Seuffert:

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

The Joint Request of the Moorhead Public Service Commission and Red River Valley Cooperative Power Association to update electric service territory records.

The petition was filed on February 19, 2020 by:

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

The Department recommends that the Minnesota Public Utilities Commission (Commission) approve the service territory transfer from the Red River Valley Cooperative Power Association to the Moorhead Public Service Commission, and is available to answer any questions the Commission may have.

Sincerely,

/s/ DALE V. LUSTI
Financial Analyst

DVL/ar
Attachment

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Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce
Division of Energy Resources

Docket No. E275, E134/SA-20-288¹

I. BACKGROUND

Red River Valley Cooperative Power Association (the Cooperative) is an electric distribution cooperative formed pursuant to the provisions of Minn. Stat. Chapter 308A. The Moorhead Public Service Commission (the City) operates a municipal utility under laws of the State of Minnesota.

II. SUMMARY OF PROPOSAL

On February 19, 2020, 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 permanently 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 6.289 acres, and interim service to one commercial customer.

Exhibit B to the Petition contains the legal description of the Affected Area as follows:

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

¹ This is a correction to the Docket Number listed on the 1st page of the March 16, 2020 Comments.

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 line which is parallel with said North-South quarter line a distance of 2890.00 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 in the East-West quarter line of said Section Twenty-nine located a distance of 247.00² 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.³

Per the Petition, the parties note that the transfer has already occurred. The parties have also agreed that the Municipal will provide interim service to meet with customer needs, prior to Commission approval of the request.⁴

B. CUSTOMER NOTICE

Exhibit A to the Certificate of Service submitted to the Commission on February 24, 2020 is the customer notice provided on February 24, 2020 to all customers in the Transfer Area.

² The Department confirmed with the Parties that Exhibit B to the Petition, as filed, contained a typographical error listing "a distance of 24 7.00 feet", rather than "a distance of 247 feet". The Department's Comments include the correction.

³ The Department confirmed with the Parties that Exhibit B to the Petition, as filed, contained a typographical error that did not include a period (.) at the end of the Legal Description. The Department's Comments include the correction.

⁴ This paragraph replaces the paragraph from the same location in the Department's March 16, 2020 Comments in this docket. The correction was made after notification from the Petitioner's counsel.

C. COMPENSATION

The Department notes that the parties have agreed on compensation for the permanent transfer of service territory.

Thus, the Department agrees that the Parties' request to establish the Affected Area as part of the city of Moorhead'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 Red River Valley Cooperative Power Association to the City of Moorhead. MnGeo should update the Commission's maps to reflect the service area designation as shown on the map in the Petition.

/ar