

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE JOINT REQUEST	)	ORDER GRANTING
FOR AN ELECTRIC SERVICE TERRITORY	)	APPROVAL OF
BOUNDARY CHANGE BETWEEN THE CITY	)	AGREEMENT, AS
OF FORT PIERRE AND WEST CENTRAL	)	AMENDED, BETWEEN FORT
ELECTRIC COOPERATIVE, INC.	)	PIERRE AND WEST
	)	CENTRAL ELECTRIC
	)	COOPERATIVE AND ORDER
	)	GRANTING WITHDRAWAL
	)	OF INTERVENTION
	)	EL02-017

On August 16, 2002, the Public Utilities Commission (Commission) received a joint filing by the City of Fort Pierre (City) and West Central Electric Cooperative, Inc. (West Central) for approval of an agreement with respect to territorial service areas (Agreement). The joint agreement provides that the following territory shall become the service territory of the City of Fort Pierre: the South one-half of the Southeast one-fourth of Section 17, and the South one-half of the Southwest one-fourth of Section 16, Township 5 North, Range 31 East of the Fifth Principal Meridian, Stanley County, South Dakota, and land immediately to the east thereof, extending to the Missouri River, which provides the eastern boundary of said area, the foregoing parcels lying adjacent and immediately north of the north boundary line of the city limits of the City of Fort Pierre. West Central did notify each of the affected customers in the area regarding the proposed changes.

On August 22, 2002, the Commission electronically transmitted notice of the filing and the intervention deadline of September 6, 2002, to interested individuals and entities. On September 9, 2002, the Commission received a Petition to Intervene from the Frontier Road Homeowners Association (Frontier). The Commission granted intervention to Frontier at its September 24, 2002, regular meeting. On November 25, 2002, the parties filed an Amendment to the Agreement, which excludes from the above described property Accretion Lots 4, 4A, 1 and 2, located in Sections 9 and 16, Township 5 North, Range 31, East of the Fifth Principal Meridian, Stanley County, South Dakota, and the platted parcels lying east thereof, more specifically described as that portion of and platted from within Accretion Lots 1, 4 and 4A, including Frontier Road running North and South on the West edge of said platted parcels. On December 11, 2002, Frontier filed a Withdrawal of Intervention as an intervenor in this docket. At its regularly scheduled meeting of December 19, 2002, the Commission considered the matter. Commission Staff recommended granting the Withdrawal of Intervention and also recommended approval of the Agreement, as amended.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 1-26-17.1, 49-34A-42, 49-34A-55, and ARSD 20:10:01:15.02 through 20:10:01:15.05. Further the Commission finds that approval of the Agreement, as amended, should be

approved as it is in the public interest and Frontier's Withdrawal of Intervention should be granted. It is therefore

ORDERED, that the Agreement, as amended, is approved and Frontier's Withdrawal of Intervention is granted.

Dated at Pierre, South Dakota, this 3rd day of January, 2003.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: Rebecca Kelbo

Date: 1/6/03

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner *dk*

Robert K. Sahr
ROBERT K. SAHR, Commissioner