

E-002, 124/SA-90-254 ORDER CLOSING DOCKET

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Darrel L. Peterson	Chair
Cynthia A. Kitlinski	Commissioner
Norma McKanna	Commissioner
Robert J. O'Keefe	Commissioner
Patrice M. Vick	Commissioner

In the Matter of a Request by
Mr. Pat Skelly to Receive All
Electric Service from Northern
States Power instead of
Minnesota Valley Electric
Cooperative

ISSUE DATE: December 12, 1990
DOCKET NO. E-002, 124/SA-90-254
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PROCEDURAL HISTORY

On February 12, 1990, Mr. Pat Skelly filed a petition seeking a change in his electric service from Minnesota Valley Electric Cooperative (MVEC or the Cooperative) to Northern States Power (NSP). Mr. Skelly's business, Cedar Auto Parts, was located within NSP's assigned service territory, but had been receiving single-phase service from MVEC since 1978. At the time of the petition, Mr. Skelly was receiving single-phase service from the Cooperative and three-phase service from NSP.

Prior to filing his petition, Mr. Skelly had asked the Cooperative to remove its single-phase service so that his expanding business could receive both types of power from NSP. The Cooperative had refused to comply.

On October 10, 1990, the Department of Public Service (the Department) filed its Report and Recommendation. The Department recommended that the Commission require MVEC to remove its equipment. The Department stated that Mr. Skelly was within NSP's properly assigned service area, and service areas should be maintained to protect utility stability. The Department did not consider that the Cooperative was serving by exception because MVEC had commenced service in 1978 and there had been no written agreement between MVEC and NSP regarding the service. The Department recommended that MVEC should not be compensated for its removal because it did not come under the compensation law, Minn. Stat. § 216B.44, which governs compensation from annexing municipalities.

On October 22, 1990, the Cooperative filed comments. MVEC stated that upon further review it had decided not to pursue electric service rights to Mr. Skelly's business.

On November 1, 1990, the Cooperative removed its facilities from Mr. Skelly's property. NSP commenced full service on the same day. On November 5, 1990, the Cooperative filed a letter verifying the disconnection.

On November 15, 1990, the Department filed supplementary comments in which it recommended that the Commission close the docket.

FINDINGS AND CONCLUSIONS

The Commission agrees with the Department's recommendation that the docket be closed. At this time, Mr. Skelly has obtained the relief he sought in his petition. Due to the Cooperative's voluntary withdrawal, no further issues are before the Commission.

The Commission notes that the actions taken by the parties maintain the integrity of assigned service areas. The Commission finds that it is in the public interest to close the docket and allow NSP, the assigned provider, to maintain service. The Commission will close the docket.

ORDER

1. Docket No. E-002, 124/SA-90-254 is herewith closed.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)