

E-299, 132/SA-93-498 AMENDED NOTICE AND ORDER FOR HEARING

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm
Tom Burton
Marshall Johnson
Cynthia A. Kitlinski
Dee Knaak

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Application by the City of
Rochester for an Adjustment of its Service
Area Boundaries With People's Cooperative
Power Association, Inc.

ISSUE DATE: May 25, 1994

DOCKET NO. E-299, 132/SA-93-498

AMENDED NOTICE AND ORDER FOR
HEARING

PROCEDURAL HISTORY

On May 28, 1993 the City of Rochester filed a petition under Minn. Stat. § 216B.44 (1992) stating its intention to extend its assigned service area to include specified areas within its city limits annexed between 1991 and 1993. All annexed areas lie within the assigned service area of People's Cooperative Power Association (People's). The petition asked the Commission to determine appropriate compensation to People's for the service territory at issue.

On June 28, 1993 People's filed a response asking the Commission to defer action on the petition until the parties had held settlement negotiations. On the same date the Department of Public Service filed comments recommending a contested case proceeding to determine compensation.

On July 22, 1993, the Commission issued its NOTICE AND ORDER FOR HEARING. In its Order, the Commission directed that a contested case proceeding be held to determine the compensation due People's Cooperative Power Association for the City of Rochester's acquisition of the following portions of its service territory: areas annexed through Municipal Board Orders OA-12-55 and OA-237-1 and Rochester Municipal Annexation Ordinance Numbers 2794, 2830, 2823, 2807, 2827, 2832, 2831, 2845, 2838, and 2853 (as amended by 2872).

On March 29, 1994, the City and the Cooperative filed a Stipulation requesting that this docket be expanded to determine the compensation due the Cooperative in connection with certain additional annexations occurring subsequent to its original May 28, 1993 filing in this matter. The City's cover letter accompanying the Stipulation also stated that the parties requested that the Commission issue an amended Notice and Order for Hearing in this docket reflecting this expansion and setting deadlines for intervention and the receipt of data to be considered in this case.

On April 7, 1994, the Commission issued a Notice asking for comments on the requests.

On April 19, 1994, the Minnesota Department of Public Service (the Department) filed comments.

On May 19, 1994, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

This docket (E-299, 132/SA-93-498) was opened to handle the City's May 28, 1993 request for an adjustment of its service area boundary with People's Cooperative Power Association, Inc. (the Cooperative) and for a determination of appropriate compensation to the Cooperative for areas annexed by the City since May 1, 1991.

Since May 27, 1993, the City has annexed certain additional areas lying within the Cooperative's service territory. The City desires to furnish electric service to these annexed areas as well and seeks to have them included within its service territory.

The Cooperative does not consent to any adjustment of its assigned service territory and the parties are unable to agree on what compensation, if any, must be paid by the City as a result of the further boundary adjustment desired by the City.

All parties to the case agree that the most efficient way to proceed is for the Commission to issue an amended NOTICE AND ORDER FOR HEARING incorporating the additional requested annexations into this proceeding for determination of compensation, establishing an intervention deadline effective two weeks after the issuance of the Order, and establishing that no data about conditions after June 30, 1994 will be considered in this case.

Having reviewed this matter, the Commission finds the parties' proposals provide a reasonable and efficient method for proceeding in this matter and will so order.

ORDER

1. The scope of the proceeding in this docket is hereby expanded to include determination of what compensation, if any, the City of Rochester must pay the People's Cooperative Power Association, Inc. for the transfer of service rights to areas annexed by the City since May 27, 1993. Those areas are identified on Exhibit A of the Stipulation filed with the Commission March 29, 1994.
2. The deadline for receiving petitions to intervene in this matter is two weeks from the date of this Order.
3. In the deliberation of this matter, no data about conditions in the affected areas after June 30, 1994 shall be considered.
4. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)