

ISSUE DATE: April 1, 1997

DOCKET NO. E-132,299/SA-97-42
E-132,299/SA-97-179
E-132,299/SA-95-1030

ORDER AMENDING NOTICE AND ORDER FOR HEARING AND CLOSING DOCKETS

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Edward A. Garvey
Joel Jacobs
Marshall Johnson
Mac McCollar
Don Storm

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Petition of the City of Rochester to Add Annexation Nos. 3060 and 3061 to the 1030 Docket

ISSUE DATE: April 1, 1997

DOCKET NO. E-132,299/SA-97-42

In the Matter of the Petition of the City of Rochester to Add Annexation No. 3073 to the 1030 Docket

DOCKET NO. E-132,299/SA-97-179

In the Matter of the Petition by the City of Rochester for an Adjustment of Its Service Area Boundaries with People's Cooperative Power Association, Inc.

DOCKET NO. E-132,299/SA-95-1030

ORDER AMENDING NOTICE AND ORDER FOR HEARING AND CLOSING DOCKETS

PROCEDURAL HISTORY

On December 13, 1995 the Commission issued its NOTICE AND ORDER FOR HEARING in Docket No. E-132,299/SA-95-1030 (the "1030 docket"). That Order opened contested case proceedings to set compensation under Minn. Stat. § 216B.44 for the City of Rochester's acquisition of service rights to two recently annexed areas within the assigned service area of People's Cooperative Power Association.

At a January 19, 1996 prehearing conference the parties agreed to postpone evidentiary hearings in the case until another case raising the same legal issues had been resolved. That case, 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., Docket No. E-299,132/SA-93-498, has just completed its passage through reconsideration and judicial review in the past month.

On January 6, 1997 the City filed a petition asking the Commission to add two areas, annexed under Ordinance Nos. 3060 and 3061, to those for which compensation would be determined in the 1030 docket. On January 31, 1997 the City filed a petition seeking to add one more area, annexed under Ordinance No. 3073, to the docket.

The Department of Public Service supported the City's petitions. The co-op did not oppose it.

The petitions came before the Commission on March 20, 1997.

FINDINGS AND CONCLUSIONS

It is clear that adding these three areas to the 1030 docket would conserve the resources of all parties, the Commission, and the Office of Administrative Hearings. The parties to all three dockets are identical. The issues appear to be identical. None of the parties object to adding the areas to the docket. The docket has not yet reached the stage at which adding the areas would delay its conclusion.

For all these reasons, the Commission will grant the City's petition and amend the December 13, 1995 NOTICE AND ORDER FOR HEARING in the 1030 docket to include the areas annexed under Ordinance Nos. 3060, 3061, and 3073.

The Commission will also close the dockets to which these petitions were assigned, to avoid confusion and streamline case management. Future filings relating to these three areas shall be filed under the 1030 docket number only.

ORDER

1. The NOTICE AND ORDER FOR HEARING issued in the 1030 docket on December 13, 1995 is amended to add to the areas for which compensation is being determined those areas annexed to the City of Rochester under Ordinance Nos. 3060, 3061, and 3073.
2. Dockets E-132,299/SA-97-42 and E-132,299/SA-97-179 are closed.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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