

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Otter Tail Corporation  
North Dakota State Highway Department  
Medina, North Dakota  
Public Convenience and Necessity**

**Case No. PU-04-276**

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND ORDINARY MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Sharon Helbling** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **22nd day of July, 2004**, she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

**Order**

The envelopes were addressed as follows.

Bruce Gerhardson  
Otter Tail Corporation  
215 S Cascade St  
Fergus Falls MN 56538-0496  
**Cert. No. 7002 2410 0003 4912 6120**

Robert Spencer  
Northern Plains Electric Cooperative  
P O Box 180  
Carrington ND 58421-0180  
**Cert. No. 7002 2410 0003 4912 6137**

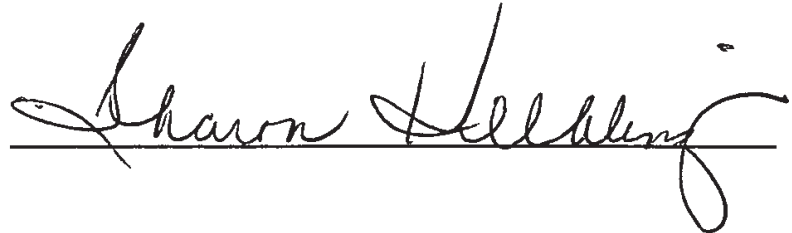
**Sharon Helbling** further deposes and says that on the **22nd day of July, 2003**, she deposited in the United States Mail, Bismarck, North Dakota, **three** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

Leon Kremeier  
Otter Tail Corporation  
P O Box 2220  
Jamestown ND 58402-2220

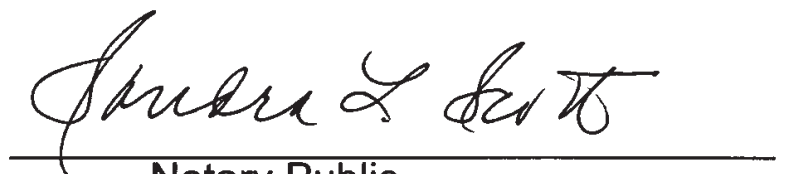
ND Association of RECs  
P O Box 727  
Mandan, ND 58554

J Bruce Gibbens Atty  
P O Box 708  
Cando ND 58324-0708

Each address shown is the respective addressee's last reasonably ascertainable post office address

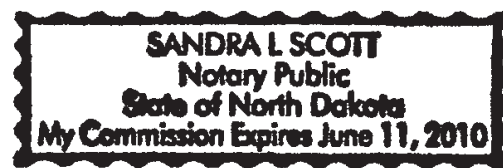
  
\_\_\_\_\_

Subscribed and sworn to before me  
this **22nd day of July, 2004.**

  
\_\_\_\_\_

Notary Public

SEAL



**APPROVED**

**MOTION**

DATE: 7.21-04  
KMF

**July 21, 2004**

**Otter Tail Corporation  
North Dakota State Highway Department  
Medina, North Dakota  
Public Convenience and Necessity**

**Case No. PU-04-276**

I move the Commission adopt the Order issuing a Certificate of Public Convenience and Necessity authorizing Otter Tail Corporation to extend electric service to the North Dakota State Highway Department for a shop site near Medina, North Dakota, Case No PU-04-276

sdh

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Otter Tail Corporation  
North Dakota State Highway Department  
Medina, North Dakota  
Public Convenience and Necessity**

**Case No. PU-04-276**

**ORDER**

**July 21, 2004**

On June 8, 2004, Otter Tail Corporation, an electric public utility, filed an application under Chapter 49-03, N.D C C. to extend service to the North Dakota State Highway Department for a shop site near Medina, North Dakota.

On June 14, 2004, the Commission issued a Notice of Opportunity for Hearing in this proceeding. The Notice provided if no objections were received by July 6, 2004, the application would be granted as requested. No objections have been received.

**Order**


The Commission orders:

Otter Tail Corporation is issued Certificate of Public Convenience and Necessity No. 5131 authorizing the provision of electric distribution service to the North Dakota State Highway Department for a shop site at a point located in:

**Section 5, Township 139N, Range 68W, Stutsman County,  
North Dakota**

**PUBLIC SERVICE COMMISSION**

  
\_\_\_\_\_  
**Susan E. Wefald**  
Commissioner

  
\_\_\_\_\_  
**Tony Clark**  
President

  
\_\_\_\_\_  
**Kevin Cramer**  
Commissioner

**PUBLIC SERVICE COMMISSION**

**STATE OF NORTH DAKOTA**

**Certificate of Public Convenience and Necessity**

**Certificate Number 5131**

*This is to certify that public convenience and necessity require, and permission is granted for Otter Tail Corporation, to serve the North Dakota State Highway Department in Section 5, Township 139N, Range 68W, Stutsman County, North Dakota.*


*This certificate is issued in accordance with the Order of this Commission dated July 21, 2004 in Case No. PU-04-276, and is subject to the conditions and limitations noted in the Order.*

*This certificate is conditioned upon Otter Tail Corporation securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges.*

*Bismarck, North Dakota, July 21, 2004.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Secretary**

  
**Commissioner**

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Otter Tail Corporation  
North Dakota State Highway Department  
Medina, North Dakota  
Public Convenience and Necessity

Case No. PU-04-276

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND ORDINARY MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Sharon Helbling** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **14th day of June, 2004**, she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of.

**Notice of Opportunity for Hearing**

The envelopes were addressed as follows:

Bruce Gerhardson  
Otter Tail Corporation  
215 S Cascade St  
Fergus Falls MN 56538-0496  
**Cert. No. 7002 2410 0003 4912 5925**

Robert Spencer  
Northern Plains Electric Cooperative  
P O Box 180  
Carrington ND 58421-0180  
**Cert. No. 7002 2410 0003 4912 5932**

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Otter Tail Corporation  
P O Box 2220  
Jamestown ND 58402-2220

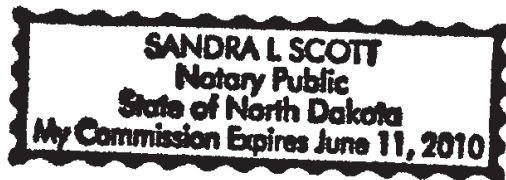
ND Association of RECs  
P O Box 727  
Mandan, ND 58554

J Bruce Gibbens Atty  
P O Box 708  
Cando ND 58324-0708

Each address shown is the respective addressee's last reasonably ascertainable post office address

Subscribed and sworn to before me  
this 14th day of June, 2004.

SEAL



*Sharon Helbling*

*Sandra L. Scott*

Notary Public

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Otter Tail Corporation  
North Dakota State Highway Department  
Medina, North Dakota  
Public Convenience and Necessity**

**Case No. PU-04-276**

**NOTICE OF OPPORTUNITY FOR HEARING**

**June 14, 2004**

On June 10, 2004, Otter Tail Corporation, an electric public utility, filed an application under Chapter 49-03, N.D.C.C. to extend service to North Dakota State Highway Department for a shop site near Medina, North Dakota.

Submitted with the application was a statement from the customer, North Dakota State Highway Department, that it desires electric service to be provided by the applicant at a point located in.

**Section 5, Township 139N, Range 68W, Stutsman County,  
North Dakota**

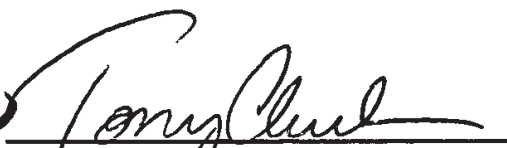
Otter Tail Corporation states that electric service will be needed at this location on June 15, 2004.

Any interested party has the right to file written objection, based on the issue of public convenience and necessity, with the Commission by **July 6, 2004**, and the matter will then be set for hearing. If no objections are received by that date, the application may be granted as requested.

**PUBLIC SERVICE COMMISSION**



**Susan E. Wehald  
Commissioner**



**Tony Clark  
President**

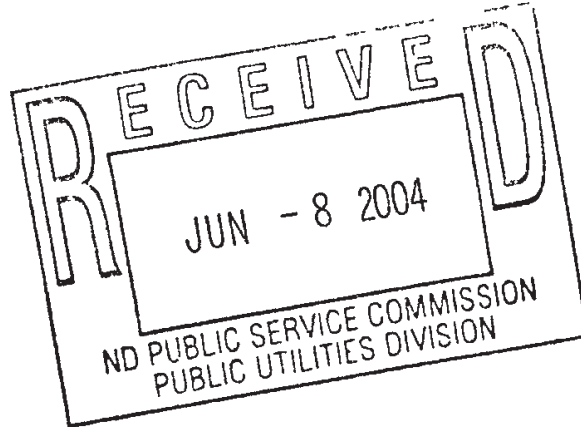


**Kevin Cramer  
Commissioner**



315 Second Street Southeast  
PO Box 2220  
Jamestown, North Dakota 58402-2220  
701 252-0540  
800 257-4044  
www otpco com

June 7, 2004



Mr. Jon Mielke, Secretary  
North Dakota Public Service Commission  
State Capitol – 12<sup>th</sup> Floor  
Bismarck, ND 58505-0480

Dear Mr. Mielke;

Enclosed is an application in duplicate for a Certificate of Public Convenience and Necessity for North Dakota State Highway Department in Medina, North Dakota.

Please address all correspondence regarding this application to Mr Bruce Gerhardson, Associate General Counsel, Fergus Falls with a copy to me

Yours very truly,

A handwritten signature in cursive script, appearing to read "Leon Kremer".

Leon Kremer  
Operations Manager

dgk  
enclosure

BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF NORTH DAKOTA  
CASE NO. \_\_\_\_\_

In the Matter of the Application of Otter Tail  
Power Company for an Order and Certificate  
to Extend Service to  
NORTH DAKOTA STATE HIGHWAY DEPARTMENT

at the Location Stated Herein.

MEDINA, ND

APPEARANCE BY CUSTOMER

North Dakota State Highway Department (hereinafter referred to as the Customer) hereby makes a voluntary appearance in this matter and states the following to the Commission:

1.

Customer desires electric service from Otter Tail Power Company as a public utility subject to the jurisdiction of and regulation by this Commission, and has requested said public utility to provide Customer with immediate electric service at the point located as stated in the Application in this matter.

The Customer further states the need of and has demanded immediate service at said location for the reasons that are set forth in the Application herein. The Customer waives Notice of Opportunity for Hearing and Notice of Hearing upon said Application, or a hearing thereon, and requests the Commission to issue an Order and Certificate of Public Convenience and Necessity authorizing this requested and needed service, and that provision be made therein authorizing the extension of immediate service.

II.

All of the allegations of the Application herein are admitted as true and correct.

WHEREFORE, The undersigned, being the Customer involved herein, prays for the entry of an Order and Certificate of Public Convenience and Necessity by the Commission, authorizing the Applicant to immediately extend the requested and needed service to this Customer at said location, subject to such appropriate and proper conditions to be appended to and made a part of such Temporary Order and Certificate as the Commission may determine, said Temporary Order and Certificate to become final as may be set forth in the conditions appended thereto; and for such other and further relief as may be proper in the premises.

Witnesses:

[Signature]

[Signature]  
John Thompson  
(Customer) North Dakota State Highway Department

CYNTHIA A WILLEY  
Notary Public  
State of North Dakota  
My Commission Expires February 14, 2009

Cynthia A. Willey  
Notary Public, Stutsman County,  
North Dakota. My Commission Expires 2-14-09  
(NOTARIAL SEAL)

**Public Service Commission  
State of North Dakota**

Otter Tail Corporation )  
Fergus Falls, Minnesota )  
Customer's Name North Dakota State Highway Department )  
Customer's location by )  
nearest city Medina )  
Public Convenience and Necessity )

**Application For  
Permanent Authority**

Otter Tail Corporation, for its Application to the Public Service Commission of North Dakota, respectfully alleges:

I.

The full name of the Applicant is Otter Tail Corporation, and the post office address of its principal office is Fergus Falls, Minnesota. Applicant is a public utility corporation, subject to the jurisdiction of, and regulation by, the Public Service Commission of North Dakota, under Title 49, NDCC, as amended. Applicant's Articles of Incorporation, as well as its Annual Report, are on file with the Commission, and are incorporated herein by reference, and the Commission is requested to take official notice of the same.

II.

This Application is made pursuant to the provisions of Chapter 49-03, NDCC, as amended, and the Rules of Practice and Procedure promulgated by the Commission.

III.

Applicant has been requested by North Dakota State Highway Department (hereinafter referred to as the Customer), to provide electric service to him at a point located in \_\_\_\_\_ in Section Five (5), Township One Hundred-thirty nine North (139N), Range Sixty-eight West (68W) Stutsman County, North Dakota, as shown on the attached map, marked Exhibit "A" and made a part hereof by reference. The address of the customer is \_\_\_\_\_. The customer will need electric service on the 15th day of June, 2004.  
Service at: 3682 55th Ave SE

IV.

The service required by the Customer at said location is single phase service, and the length of the extension will be approximately 200 feet, as shown by Exhibit "A". The location of the proposed service is within the economic service area of Applicant, and service will be extended under the provisions of the rules and regulations applicable thereto. It is Applicant's public utility obligation to furnish the requested service, and the public convenience and necessity require, and will be subserved by, Applicant furnishing the requested electric service to this Customer at said location.

V.

Submitted with this Application, is an Appearance herein by the Customer, in which the Customer states to the Commission that he desires electric service from Applicant as a public utility subject to the jurisdiction of, and regulation by, this Commission. In said Appearance, the Customer also waives Notice of Opportunity for Hearing and Notice of Hearing upon this Application, or a hearing thereon, and requests the Commission to issue an Order and Certificate of Public Convenience and Necessity authorizing this requested and needed service.

VI.

The extension (will) (will not) cross any railway tracks. If so, name the railway company \_\_\_\_\_

Wherefore, Applicant prays for the entry of an Order and Certificate of Public Convenience and Necessity authorizing Applicant to extend the requested and needed service to the Customer.

Otter Tail Corporation

By Leon Kremerier  
Leon Kremerier  
Its Operations Manager

State of North Dakota )

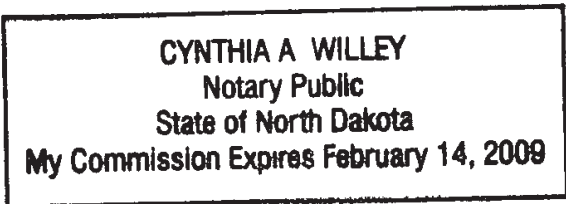
) SS

County of Stutsman )

Leon Kremerier, being duly sworn, on oath says that he is a Operations Manager of Otter Tail Corporation, and the person who executed the foregoing Application on behalf of Otter Tail Corporation, and is authorized to verify this Application on behalf of the Company; that he has read the foregoing Application and knows the contents thereof, and the same is true of his own knowledge, except as to matters therein stated on information and belief, and as to those matters, he believes them to be true.

Subscribed and sworn to before me this 4 day of June, 2004

Cynthia A. Willey  
Notary Public, Stutsman County,



North Dakota. My commission expires 2-14-09 (Notarial Seal)

ADMISSION OF SERVICE

Personal service of the foregoing Application by true and correct copy thereof is hereby admitted this 4 day of JUNE, 2004.

John Thompson  
John Thompson  
North Dakota State (Customer)  
Highway Department

# Electric Service Agreement

Work Order No. \_\_\_\_\_

M.R. No. \_\_\_\_\_

Rate No. \_\_\_\_\_

- (Overhead) Service Extension  
 (Underground)

THIS AGREEMENT, by and between North Dakota State Highway Department  
of Medina here in called the "Customer," and the  
OTTER TAIL CORPORATION, a Minnesota corporation, here in called "Otter Tail," WITNESSETH.

In Consideration of the mutual promises contained below, the parties agree as follows

1. All electric power is to be delivered and received pursuant to the provisions of this agreement and shall be approximately 120/240 volts, slight variations in frequency and voltage to be allowed, single phase, delivered at the Customer's Shop located on Section 5, Range 68W Township 139 N County of Stutsman, State of North Dakota
2. Otter Tail will make the extension of lines, overhead or underground, necessary to provide electric service, as requested, to the electric service entrance of the above-described property, except for service poles to be owned by the Customer Otter Tail shall not be responsible for surface restoration due to underground installation except the initial backfill
3. The Customer grants to Otter Tail, its successors and assigns, the perpetual right, privilege and easement for the construction, operation, extension, maintenance and repair or removal of electric transmission lines, either overhead or underground, necessary to provide the electric service described herein, including the necessary fixtures and all other devices in connection therewith, together with the right to permit the attachment of other wires to the poles or in a common trench for purposes of telecommunications or cable communication systems Further right, privilege and easement is granted Otter Tail to place, position and locate the butts of the main poles, pole structures or underground wires over, across or under the Customer's real property in such manner and location as the parties may mutually agree Otter Tail shall have the right of ingress and egress at all reasonable times, for the purpose of the perpetual right, privilege and easement granted hereby and shall have the right to cut down and trim trees as reasonably necessary to keep the wires of these electric lines clear, so as to be maintained in accordance with Otter Tail's standards of construction and maintenance. The Customer agrees to provide, without cost to Otter Tail, such other rights of way or permits (including railroad permits), as may be necessary
4. The Customer agrees to purchase and receive from Otter Tail electric energy in accordance with rules and regulations established by Otter Tail and filed with the appropriate regulatory agency and agrees to pay for electrical energy in accordance with Otter Tail's rate schedule as filed with the Public Service Commission or such superseding rate as may be published in the future.
5. The title and ownership of all lines and extensions and equipment furnished by Otter Tail shall be and remain in Otter Tail, as personal property, and shall not be owned by nor become a part of the real property of the Customer.
6. In view of the investment required of Otter Tail to furnish electric service to the Customer's location, the conditions under which service will be supplied and the inability of expected revenue to support the investment, the Customer agrees to pay, in advance of service, a connection fee of \_\_\_\_\_ This connection fee shall be in lieu of any guaranteed minimum charge (other than such monthly and seasonal minimum charges which may be part of the rate applicable to this service).
7. In the event Otter Tail is required to change the service lines for any reason other than normal maintenance or inadequate capacity, the party requiring the change shall pay all costs connected with the change.
8. In the event of the failure of the Customer to make any payment required by this agreement, it is understood and agreed that Otter Tail is authorized to discontinue service and remove, without legal process, any and all of the extensions of lines and other property installed by Otter Tail under the terms of this agreement
9. Where the Customer requests electric service and service is provided by means of an underground service lateral, owned and installed by Otter Tail, the Customer shall, except for backfilling, assume, at his own expense, the necessary land restoration, including but not limited to, yard maintenance, grass planting, and trench leveling
10. Where Customer has blocked or restricted access to Otter Tail facilities through plantings, construction, pavement, etc., all costs of obtaining access for maintenance, repairs or replacement of said facilities, whether underground or overhead, together with all costs of site restoration, including but not limited to trenching, tree removal, earth removal, reconstruction or repaving, shall be the responsibility of the Customer
11. No liability shall attach to Otter Tail for any failure to deliver electric power hereto due to acts of God, or any other cause whatsoever except its own voluntary act or any neglect to exercise reasonable care and diligence in performance of the agreement herein contained, and Otter Tail shall have the right to suspend temporarily the delivery of electric power hereunder for the purpose of making repairs or improvements of its system
12. This agreement shall go into effect on the date of initiation of service and shall continue in effect for a period of ten years and thereafter shall remain in effect from year to year unless terminated by either party by notice within at least sixty days.
13. The rights and obligations of this agreement shall extend to and be binding upon the respective heirs, executors, administrators, successors and assigns of the parties hereto

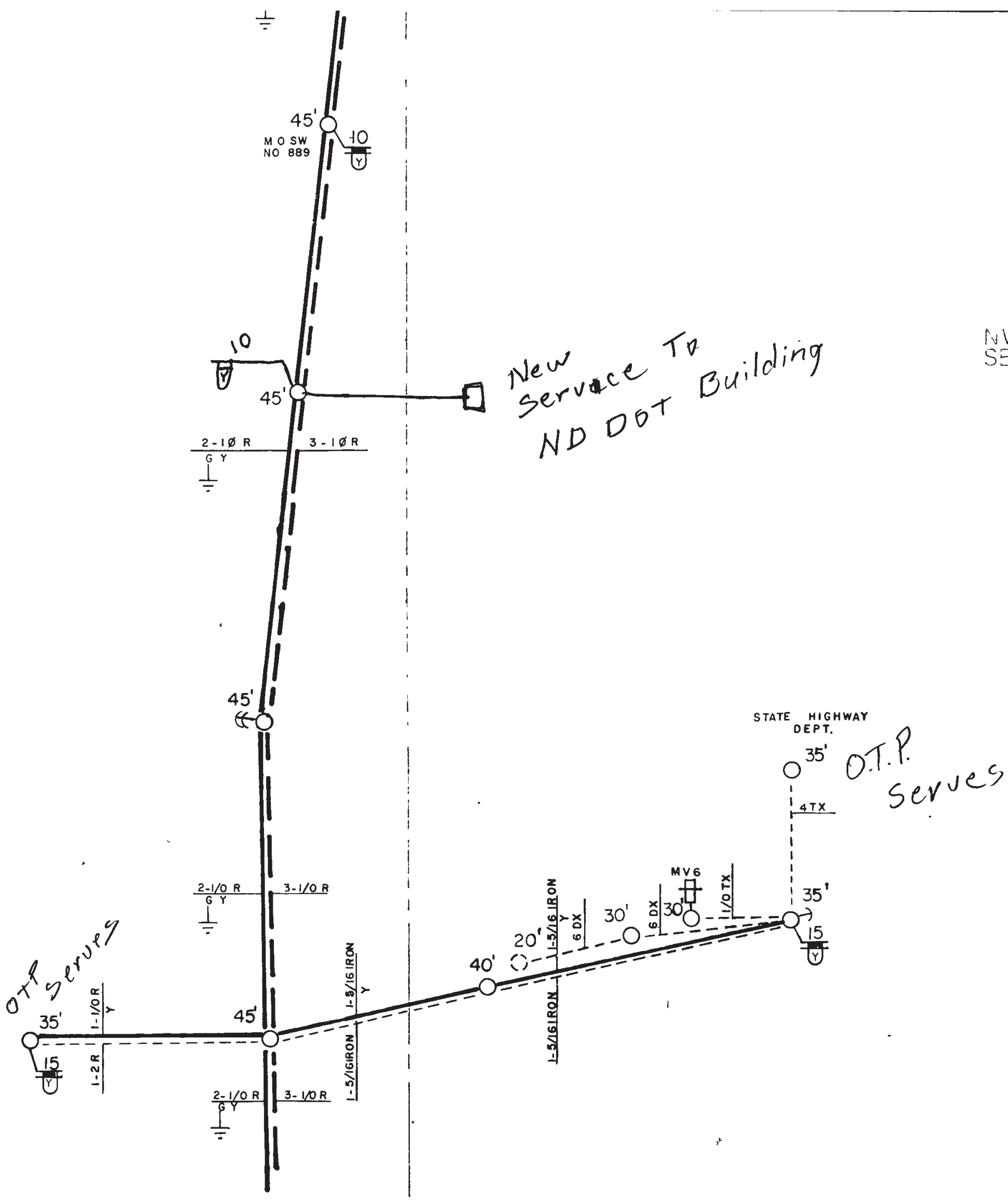
IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed as of the dates appearing opposite their respective signatures

\_\_\_\_\_, 2\_\_\_\_\_  
Date

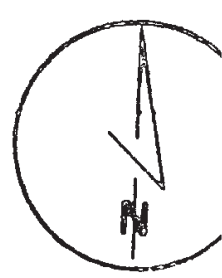
June 4, 2004  
Date

  
\_\_\_\_\_  
John Thompson, Customer  
North Dakota State Highway Department  
OTTER TAIL CORPORATION

By Leon Kremer  
\_\_\_\_\_  
Leon Kremer  
Operations Manager



Medina  
Print 4B



PU-04-274

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3 Also complete item 4 if Restricted Delivery is desired</li> <li>■ Print your name and address on the reverse so that we can return the card to you</li> <li>■ Attach this card to the back of the mailpiece or on the front if space permits</li> </ul>	<p>A Signature <span style="float: right;"><input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</span></p> <p>B Received by (Printed Name) <span style="float: right;">C Date of Delivery</span></p> <p>D Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below <input type="checkbox"/> No</p>
<p>1 Article Addressed to</p> <p style="font-size: 1.2em; font-family: cursive;">Robert Spencer Northern Plains Electric Corp PO Box 180 Carrington ND 58421-0180</p>	<p>3 Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C O D</p> <p>4 Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2 Article Number (Transfer from service label)</p>	<p style="font-size: 1.2em; text-align: center;">7002 2410 0003 4912 5932</p>
<p>PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1035</p>	

PU-04-276

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<p>1 Article Addressed to</p> <p style="font-size: 1.2em; font-family: cursive;">Bruce Gerhardsen Otter Tail Corporation 215 S Cascade St Fergus Falls Mn 56538-0496</p>	<p>3 Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C O D</p> <p>4 Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2 Article Number (Transfer from service label)</p>	<p style="font-size: 1.2em; text-align: center;">7002 2410 0003 4912 6120</p>
<p>PS Form 3811, August 2001 Domestic Return Receipt 2ACPRI-03-Z-0985</p>	

P4-04-276

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3 Also complete item 4 if Restricted Delivery is desired</li> <li>Print your name and address on the reverse so that we can return the card to you</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits</li> </ul>	<p>A Signature <input checked="" type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p> <p>B Received by (Printed Name) <u>JJ</u> Date of Delivery <u>10 2004</u></p>
<p>1 Article Addressed to</p> <p><i>Bruce Guharlson        Otter Tail Corporation        215 S Cascade St        Fergus Falls Mn 56538-0496</i></p>	<p>D Is delivery address different from item 1? <input type="checkbox"/> Yes        if YES, enter delivery address below <input type="checkbox"/> No</p> <p>3 Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C O D</p> <p>4 Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2 Article Number        (Transfer from service label)</p>	<p><u>7002 2410 0003 4912 5925</u></p>

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1035

P4-04-276

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3 Also complete item 4 if Restricted Delivery is desired</li> <li>Print your name and address on the reverse so that we can return the card to you</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits</li> </ul>	<p>A Signature <input checked="" type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p> <p>B Received by (Printed Name) <u>Cathy Klocker</u> Date of Delivery <u>7-23-04</u></p>
<p>1 Article Addressed to</p> <p><i>Robert Spencer        Northern Plains Electric Corp        PO Box 180        Carrington ND 58421-0180</i></p>	<p>D Is delivery address different from item 1? <input type="checkbox"/> Yes        if YES, enter delivery address below <input type="checkbox"/> No</p> <p>3 Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C O D</p> <p>4 Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2 Article Number        (Transfer from service label)</p>	<p><u>7002 2410 0003 4912 6137</u></p>

PS Form 3811, August 2001

Domestic Return Receipt

2ACPRI-03-Z-0985