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PO Box 496
Fergus Falls, Minnesota 56538-0496
218 739-8200
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RECEIVED

MAY 29 2008

VIA E-FILING AND OVERNIGHT MAIL

PUBLIC SERVICE COMMISSION

May 29, 2008

Ms. Illona Jeffcoat-Sacco
Executive Secretary
North Dakota Public Service Commission
State Capitol - 12th Floor
Bismarck, ND 58505



SUBJECT: In the Matter of an amendment to the Outdoor Lighting Tariff for Otter Tail Corporation, d/b/a Otter Tail Power Company

Dear Ms. Jeffcoat-Sacco:

Otter Tail Corporation d/b/a Otter Tail Power Company ("Otter Tail") submits this miscellaneous filing for approval of an amendment to Otter Tail's Outdoor Lighting Tariff.

In this filing, Otter Tail is proposing to add the wording, "Due to the U.S. Government Energy Act of 2005, after July 1, 2008, the Company will no longer install Mercury Vapor fixtures for new installations." This is discussed further in the petition and Exhibit 1.

The date of this filing is May 29, 2008. The proposed effective date, with Commission approval, will be the July 1, 2008.

Enclosed is an original and seven copies of the Petition and a check for \$50.00 to cover the miscellaneous filing fee.

An electronic copy of the Petition is being sent to you at ijs@nd.gov, and to ndpsc@nd.gov.

If you have any questions, please contact me at (218) 739-8838 or RLSpangler@otpco.com.

Sincerely,

Ron Spangler Jr.

Ron Spangler, Jr.
Rate Case Manager
Regulatory Services

Enclosures
c: Service List

1 **PU-08-274** Filed: 5/29/2008 Pages: 12
Outdoor Lighting Tariff Revision

Otter Tail Corporation

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

Case No. To be assigned

**In the Matter of the request of Otter
Tail Corporation d/b/a Otter Tail Power
Company for Approval of an Amendment
to Its Outdoor Lighting Tariff**

APPLICATION OF OTTER TAIL POWER COMPANY

I. INTRODUCTION

Otter Tail Corporation, d/b/a Otter Tail Power Company ("Otter Tail"), hereby applies to the North Dakota Public Service Commission ("Commission") for approval of an amendment to its Outdoor Lighting Tariff, Rate Designation, M-42N ("M-42N").

Otter Tail requests approval to amend M-42N to add the following:

"Due to the U.S. Government Energy Act of 2005, after July 1, 2008, the Company will no longer install Mercury Vapor fixtures for new installations."

II. GENERAL FILING INFORMATION.

A. Name, address, and telephone number of the utility making the filing.

Otter Tail Corporation d/b/a
Otter Tail Power Company
215 South Cascade Street
P.O. Box 496
Fergus Falls, MN 56538-0496
Phone (218) 739-8200

B. Name, address, and telephone number of the attorney for Otter Tail.

Bruce Gerhardson
Associate General Counsel
Otter Tail Corporation
215 South Cascade Street
P.O. Box 496
Fergus Falls, MN 56538-0496
Phone (218) 998-7108

C. Title of utility employee responsible for filing.

Ron Spangler
Rate Case Manager, Regulatory Services
Otter Tail Power Company
215 South Cascade Street
P. O. Box 496
Fergus Falls, MN 56538-0496
(218) 739-8838

D. The date of the filing and the date that Otter Tail proposes the rate or service change to go into effect.

This petition is being filed on May 29, 2008. Otter Tail proposes to close the availability of mercury vapor lighting to new customers effective as of July 1, 2008.

E. Other requirements of North Dakota Rules Part 69-02-02-04.

Articles of Incorporation. A certified copy of Otter Tail's Articles of Incorporation is on file with the Commission, as is an original certificate of good standing.

III. BACKGROUND OF ISSUE

As of January 1, 2008, the U.S. Government Energy Act of 2005 prohibits mercury vapor lamp ballasts from being manufactured or imported in the United States. As such Otter Tail will no longer be able to purchase mercury vapor fixtures. Customers requesting the installation of lighting fixtures will need to install fixtures other than mercury

vapor fixtures. Exhibit 1 is attached for reference, which includes Public Law 109-58 section 134 (ee). This section of Public Law 108-58 provides the sunset date for the manufacture or import of mercury vapor ballasts enacted within the Energy Act of 2005.

IV. REQUESTED AMENDMENT

For the reasons explained above, Otter Tail requests approval to amend its M-42N tariff to add the following wording to this tariff:

"Due to the U.S. Government Energy Act of 2005, after July 1, 2008, the Company will no longer install Mercury Vapor fixtures for new installations."

Red-line and clean versions of the proposed amendment to the M-42S tariff are also attached to this petition.

IV. PROPOSED IMPLEMENTATION PLAN


The Company currently has approximately 12,500 customers using mercury vapor fixtures and approximately 12,000 of these customers have MV6 lights. As an example of the cost impact, a residential customer currently using a 175 watt Mercury Vapor (MV6) would likely change to a 100 watt High Pressure Sodium (HPS9). This would result in an increase of \$.43 per month. The lumens would increase from 6,000 for an MV6, to 9,000 for an HPS9. The Company is developing plans for replacement of fixtures over several years. The plan is dependent upon the desires of our customers, the required workload for Otter Tail and the length of time the mercury vapor bulbs will be available from the manufacturers. Our supplier indicates the mercury vapor bulbs may be available through at least 2009.

V. CONCLUSION

For the foregoing reasons, Otter Tail respectfully requests approval of the amended tariff, Rate Designation M-42N, to add the new wording to the tariff.

Date: May 29, 2008

Respectfully submitted:



Ron Spangler, Jr.
Rate Case Manager, Regulatory Services
Otter Tail Power Company
215 South Cascade Street
P.O. Box 496
Fergus Falls, MN 56538-0496
Phone (218) 739-8838

Bruce Gerhardson
Associate General Counsel
Otter Tail Corporation
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Phone (218) 998-7108

“(E) Lamp life.

“(2) The Secretary may, by rule, establish requirements for color quality (CRI), power factor, operating frequency, and maximum allowable start time based on the requirements prescribed by the August 9, 2001, version of the Energy Star Program Requirements for Compact Fluorescent Lamps.

“(3) The Secretary may, by rule—

“(A) revise the requirements established under paragraph (2); or

“(B) establish other requirements, after considering energy savings, cost effectiveness, and consumer satisfaction.

“(cc) DEHUMIDIFIERS.—(1) Dehumidifiers manufactured on or after October 1, 2007, shall have an Energy Factor that meets or exceeds the following values:

“Product Capacity (pints/day):	Minimum Energy Factor (Liters/kWh)
25.00 or less	1.00
25.01 – 35.00	1.20
35.01 – 54.00	1.30
54.01 – 74.99	1.50
75.00 or more	2.25

Deadline.
Publication.
Regulations.

“(2)(A) Not later than October 1, 2009, the Secretary shall publish a final rule in accordance with subsections (o) and (p), to determine whether the energy conservation standards established under paragraph (1) should be amended.

“(B) The final rule published under subparagraph (A) shall—

“(i) contain any amendment by the Secretary; and

Applicability.

“(ii) provide that the amendment applies to products manufactured on or after October 1, 2012.

“(C) If the Secretary does not publish an amendment that takes effect by October 1, 2012, dehumidifiers manufactured on or after October 1, 2012, shall have an Energy Factor that meets or exceeds the following values:

“Product Capacity (pints/day):	Minimum Energy Factor (Liters/kWh)
25.00 or less	1.20
25.01 – 35.00	1.30
35.01 – 45.00	1.40
45.01 – 54.00	1.50
54.01 – 74.99	1.60
75.00 or more	2.5

“(dd) COMMERCIAL PRERINSE SPRAY VALVES.—Commercial prerinse spray valves manufactured on or after January 1, 2006, shall have a flow rate of not more than 1.6 gallons per minute.

“(ee) MERCURY VAPOR LAMP BALLASTS.—Mercury vapor lamp ballasts shall not be manufactured or imported after January 1, 2008.

“(ff) CEILING FANS AND CEILING FAN LIGHT KITS.—(1)(A) All ceiling fans manufactured on or after January 1, 2007, shall have the following features:

“(i) Fan speed controls separate from any lighting controls.

“(ii) Adjustable speed controls (either more than 1 speed or variable speed).

“(iii) Adjustable speed controls (either more than 1 speed or variable speed).

“(iv) The capability of reversible fan action, except for—

OUTDOOR LIGHTING

Rate Zones 1 & 9

Street and Area Lighting	44-741
Floodlighting	44-743
Sign Lighting	44-744

APPLICATION OF SCHEDULE: This schedule is applicable to any customer, including a village, town or city, for automatically operated outdoor lighting supplied and operated by the Company.

RATE:

STREET AND AREA LIGHTING

<u>Unit Type</u>	<u>Lumen Rating</u>	<u>Monthly Charge</u>
MV-6	6,000	\$ 5.84
MV-6PT	6,000	\$ 8.33
MV-11	11,000	10.58
MV-21	21,000	13.93
MV-35	35,000	20.44
MV-55	55,000	26.13
MA-8*	8,500	7.05
MA-14*	14,000	13.42
MA-20*	20,500	15.32
MA-36*	36,000	15.00
MA-110*	110,000	32.01
*Cut off fixtures are available.		
PS-9	9,000	6.27
HPS-9PT	9,000	8.10
HPS-14	14,000	9.76
PS-14PT	14,000	10.44
HPS-19	19,000	11.34
HPS-23	23,000	12.83
HPS-44	44,000	15.84

FLOODLIGHTING

<u>Fixture</u>	<u>Unit Type</u>	<u>Monthly Charge</u>
400 MV-Flood	Mercury Vapor	\$14.46
400 MA-Flood	Metal Additive Mercury	15.41
400 HPS-Flood	High Pressure Sodium	15.75
1,000 MV-Flood	Mercury Vapor	25.37
1,000 MA-Flood	Metal Additive Mercury	26.76

"Due to the U.S. Government Energy Act of 2005, after June 1, 2008, the Company will no longer install Mercury Vapor fixtures for new installations."

-N-
-N-

NORTH DAKOTA PUBLIC
 SERVICE COMMISSION
 Approved: August 22, 2004
 Docket No.: PU-401-04-237

EFFECTIVE for services rendered on
 and after August 22, 2004, in ND
 APPROVED: Bernadeen Brutlag Doug
 Kjellerup
 Vice President, COO Energy
 Delivery Manager, Regulatory Services

OUTDOOR LIGHTING (Continued)

SEASONAL CUSTOMERS: Seasonal customers will be billed at the same rate as year-around customers, except as follows:

A fixed charge of \$9.00 will be billed each seasonal customer once per season per fixture in addition to the rate provided above. The fixed charge will be included in the first bill rendered for each season.

Each customer will be billed for the number of months each season that the outdoor lighting fixture is in use, but not less than a minimum of four months, plus the seasonal fixed charge.

UNDERGROUND SERVICE: If the customer requests underground service to any outdoor lighting unit or sign, the Company will supply the equivalent of one span of underground and add an additional \$1.63 to the monthly rate specified above. If overhead service is not available, there is no additional charge. **There is no additional charge for the MV-6 PT, HPS-9 PT or the HPS-14 PT fixtures.**

SIGN LIGHTING:

Rate: \$1.58 per month for each 100 watts of lighting load supplied by unmetered electric service. Lighting load shall be determined by the lamp size plus the necessary ballast.

Equipment and Service Supplied: The Company will supply the necessary electricity to light the sign. Any necessary extension of the Company's 120-volt supply beyond one span of wire will be at the expense of the customer. The customer shall also supply the mounting point for the Company's service wires and provide the lamps and photo-electric or other device to control the operating hours and keep such equipment in good operating order.

EQUIPMENT AND SERVICE SUPPLIED BY THE COMPANY: The Company will install, own and operate a high intensity discharge light including suitable reflector or a floodlight including a lamp, bracket for mounting on wood poles with overhead wiring and photo-electric or other device to control operating hours. The light shall operate from dusk to dawn. The Company will supply the necessary electricity and maintenance for the unit. The Company will continue to own and operate existing fluorescent fixtures at the rates indicated above at specified lumen ratings.

MOUNTING LOCATION: The light shall be mounted upon a suitable new or existing Company-owned pole at which unmetered 120-volt supply is available. Any necessary extension of the Company's 120-volt supply beyond one span of wire will be at the expense of the customer.

CONTRACT PERIOD: Minimum of one year or minimum of one season. A season is defined as a minimum of four months.

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OUTDOOR LIGHTING (Continued)

PAYMENT: Refer to Payment Policy Rate Schedule, Rate Designation M-62N, superseding amendments, or provisions allowed by law.

REGULATIONS: General Rules and Regulations govern use under this schedule.

ADJUSTMENT FOR MUNICIPAL PAYMENTS: Bills under this rate schedule may be subject to adjustment for certain payments to municipalities as provided in the General Rules and Regulations.

OUTDOOR LIGHTING

Rate Zones 1 & 9

Street and Area Lighting	44-741
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MA-20*	20,500	15.32
MA-36*	36,000	15.00
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HPS-23	23,000	12.83
HPS-44	44,000	15.84

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<u>Fixture</u>	<u>Unit Type</u>	<u>Monthly Charge</u>
400 MV-Flood	Mercury Vapor	\$14.46
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1,000 MA-Flood	Metal Additive Mercury	26.76

Due to the U.S. Government Energy Act of 2005, after June 1, 2008, the Company will no longer install Mercury Vapor fixtures for new installations.

-N-
-N-

NORTH DAKOTA PUBLIC
 SERVICE COMMISSION

Approved:
 Docket No.: PU-08-

EFFECTIVE for services rendered on
 and after July 1, 2008 in ND

APPROVED: Bernadeen Brutlag
 Manger, Regulatory Services

OUTDOOR LIGHTING (Continued)

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NORTH DAKOTA PUBLIC
SERVICE COMMISSION
Approved:
Docket No.: PU-08-

EFFECTIVE for services rendered on
and after July 1, 2008 in ND

APPROVED: Bernadeen Brutlag
Manger, Regulatory Services

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OUTDOOR LIGHTING (Continued)

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