

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Otter Tail / Cass County Electric Coop  
Service Area Agreement  
Application**

**Case No. PU-08-551**

**ORDER**

**September 24, 2008**

On July 15, 2008, Otter Tail Corporation (Otter Tail) d/b/a Otter Tail Power Company and Cass County Electric Cooperative, Inc. (Cass Electric) filed a joint application for approval of a Service Area Agreement to establish service areas and designate service locations to be served by Otter Tail and Cass Electric within the City of Casselton, North Dakota and areas adjacent to the City of Casselton. Applicants further requested that Otter Tail be issued a certificate of public convenience and necessity authorizing it to extend service to locations within the Otter Tail service area set forth in the agreement.

On July 30, 2008, the Commission issued a Notice of Filing, Notice of Informal Hearing, and Notice of Opportunity for Hearing, scheduling an informal hearing for September 10, 2008 and providing until September 10, 2008 for receiving written comments and requests for hearing. No written comments or requests for hearing were received. The notice identified the issues to be considered in this proceeding as whether the Service Area Agreement complies with section 49-03-06 of the North Dakota Century Code and whether approval of the Service Area Agreement and requested certificate issuance are compatible with the public interest.

On September 10, 2008, the Commission discussed the issues with Commission staff and the applicants at an informal hearing. The applicants contend that the Agreement will:

1. Create the certainty necessary for both applicants to plan and operate efficiently within the service territory granted to them;
2. Establish service areas which will avoid unreasonable duplication of electric facilities;
3. Mandate that both parties provide electric service consistent with applicable standards specified therein, so as to best assure adequate and reliable electric service to customers; and
4. Establish agreements which will help avoid territorial disputes between the parties regarding their service in and around the City of Casselton.

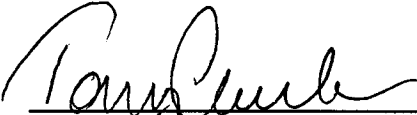


Having considered this matter the Commission finds that the Service Area Agreement complies with N.D.C.C. section 49-03-06 and that approval of the Service Area Agreement and requested certificate issuance are compatible with the public interest. Therefore, the Commission issues the following:

**Order**

The Commission Orders:

1. The electric service agreement filed jointly by Otter Tail and Cass Electric is APPROVED.
2. Otter Tail is issued Certificate of Public Convenience and Necessity No. 5381 authorizing the provision of electric service to customers within the agreed upon service area adjacent to the city of Casselton.

**PUBLIC SERVICE COMMISSION**

		
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Tony Clark Commissioner	Susan E. Wefald President	Kevin Cramer Commissioner

# **PUBLIC SERVICE COMMISSION**

## **STATE OF NORTH DAKOTA**

### **Certificate of Public Convenience and Necessity**

#### **Certificate Number 5381**

*This is to certify that public convenience and necessity require, and permission is granted for Otter Tail Corporation, to provide electric service in areas adjacent to the city of Casselton within Casselton and Everest Townships of Cass County, North Dakota as established in an electric service agreement negotiated with Cass County Electric Cooperative, Inc. and approved by the Commission in Case No. PU-08-551.*

*This certificate is issued in accordance with the Order of this Commission dated September 24, 2008 in Case No. PU-08-551, 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, September 24, 2008.*

**ATTEST:**

**PUBLIC SERVICE COMMISSION**

  
**Executive Director**

  
**Commissioner**