

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Burke-Divide Electric Coop / Sheridan Electric Coop  
Divide County  
Service Area Agreement**

**Case No. PU-12-779**

**ORDER APPROVING ELECTRIC SERVICE AREA AGREEMENT**

**December 21, 2012**

On October 22, 2012, Burke-Divide Electric Cooperative, Inc.(Burke-Divide), and Sheridan Electric Cooperative, Inc. (Sheridan Electric) filed a joint application for approval of a Service Area Agreement to establish service areas and designate service locations to be served by Burke-Divide and Sheridan Electric in Divide County, North Dakota.

On November 9, 2012 the Commission issued a Notice of Filing, Notice of Informal Hearing and Notice of Opportunity for Hearing, which provided until December 14, 2012 for receiving written comments or hearing requests. No response has been 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 (N.D.C.C.) and whether approval of the Service Area Agreement is compatible with the public interest.

On December 12, 2012 the Commission discussed the issues with Commission staff and the applicants at an informal hearing. The applicants contend that the agreement will avoid misunderstanding and disagreement over areas to be served by each party, encourage harmony and operational efficiencies, promote safety, discourage unreasonable duplication of facilities, assure adequate and reliable electric service, provide antitrust immunity, and provide both parties with equitable participation in the provision of electric distribution service within undeveloped areas in Divide County.

Having considered this matter the Commission finds the Electric Service Area Agreement complies with N.D.C.C. section 49-03-06 and approval is compatible with the public interest. Therefore, the Commission issues the following:

**Order**

The Commission Orders the electric service area agreement negotiated between Burke-Divide Electric Cooperative, Inc., and Sheridan Electric Cooperative, Inc. is APPROVED.

**PUBLIC SERVICE COMMISSION**

  
**Kevin Cramer**  
Commissioner

  
**Brian P. Kalk**  
Chairman

  
**Bonny M. Fetch**  
Commissioner