

July 13, 2021

HAND DELIVERED

Mr. Steve Kahl
Executive Secretary
North Dakota Public Service Commission
600 E Boulevard Ave, Dept 408
Bismarck, ND 58505-0480

RE: Case No. PU-20-356: Nodak Electric Cooperative, Inc. vs Otter Tail Power
Company Complaint

Enclosed for filing in connection with the above referenced proceeding are an original of
this letter and the following documents:

1. Otter Tail Power Company's September 22, 1931 letter providing to the Board of Railroad Commissioners (now known as the Public Service Commission) a copy of the franchise granted by the City of Drayton to Otter Tail Power Company, and requesting a Certificate of Convenience and Necessity to operate in Drayton.
2. The Board of Railroad Commissioners' September 26, 1931 Notice of Hearing re Otter Tail Power Company's request for a Certificate of Public Convenience and Necessity to furnish electric service in Drayton, North Dakota.
3. The Board of Railroad Commissioners' September 26, 1931 letter notifying the City of Drayton re Otter Tail Power Company's request for a Certificate of Public Convenience and Necessity to furnish electric service in Drayton, North Dakota
4. Pages from the "Forty-First and Forty-Second Annual Report of the North Dakota Board of Railroad Commissioners to the Governor" listing applications filed with the North Dakota Board of Railroad Commissioners related to electric service in Drayton:
 - a. Case No. I-2132: Joint Application of J. P. and Clara Larson to sell and Otter Tail Power Company to buy the electric utility property at Drayton. Granted September 12, 1931.
 - b. Case No. I-2143: Application of Otter Tail Power Company for authority to change the electric service at Drayton from direct to alternating current. Granted October 9, 1931.
 - c. Case No. I-2145: Filing of reduced schedule of electric rates for Drayton. Approved October 9, 1931.

75 **PU-20-356** Filed: 7/13/2021 Pages: 12
**Letter enclosing copies of Board of Railroad
Commissioners documents**

Public Service Commission

Patrick Fahn

- d. Case No. I-2148: Filing reduced schedule of street lighting rates for Drayton.

Best regards



Patrick Fahn
Director, Public Utilities Division

Otter Tail Power Company



Office at
Fergus Falls, Minnesota.

Vernon A. Wright, President.
C. S. Kennedy, Vice Pres. & Gen. Mgr.
Samuel P. Adams, Vice Pres. & Treas.
W. L. Hatch, Secretary.

Journal

September 22, 1931



Board of Railroad Commissioners,
Bismarck, North Dakota.

Gentlemen:

We are inclosing herewith copy of franchise granted to us by the City of Drayton, North Dakota, and we hereby make application for a Certificate of Convenience and Necessity to operate in Drayton.

Yours very truly,

OTTER TAIL POWER COMPANY

C. S. Kennedy
General Manager.

CSK:AF

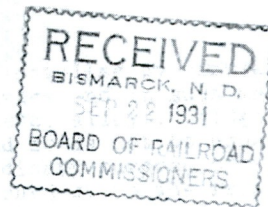
Incl.

*OK - JWR
9-26-31*

This is to certify that the attached is a true and complete copy of Ordinance No. 98 as passed by the City of Drayton, N. Dak. on Sept- 8th 1931 granting to Otter Tail Power Company the right to build maintain and operate an electric distribution system and carry on the business of supplying energy to the inhabitants of said City.

A. H. Hatels
Secretary

Signed this 21st day of Sept 1931



An Ordinance granting to the Otter Tail Power Company, a Minnesota corporation, its successors and assigns, permission to erect, construct, install and maintain within the City of *Drayton, North Dakota*, an electric light and power system and transmission line and to operate the same and to install conduits, poles, wires, pipes and other fixtures in, upon and under the streets, alleys, bridges and public grounds of said City for the purpose of furnishing electric light, heat and power to said City and the inhabitants thereof.

BE IT ORDAINED, by the City of *Drayton*, hereinafter called the City:

Section 1.

There is hereby granted to Otter Tail Power Company, a Minnesota corporation, its successors and assigns, hereinafter called the Grantee, for a period of twenty (20) years from and after the passage and approval of this Ordinance and during all of said time, subject to the conditions and requirements hereinafter set forth, permission to construct, install and maintain an electric light and power system and transmission line and to operate and maintain the same within and through the City and to transmit electricity to and from the other towns or cities for the purpose of light, power and heat and to erect, construct, install and maintain conduits, poles, wires, pipes, and other necessary fixtures and attachments upon and under the streets, alleys, bridges and public grounds of said City for the purpose of furnishing and selling electricity for light, heat and power and such other purposes for which electricity may be used by the inhabitants of said City, said permission and franchise to become operative and continue under the conditions hereafter set forth.

Section 2.

All conduits, poles, wires and pipes installed by virtue of this Ordinance shall be erected in such places and in such manner as not unnecessarily to encroach upon streets, alleys, bridges or public grounds and places of said City, and so as not to unnecessarily obstruct the use thereof for the ordinary purpose of travel thereon and the erection thereof shall be subject to the reasonable supervision and direction of the City Council of the said City. Whenever practical, all poles shall be set in alleys, and poles now in position upon or along the streets whenever practicable shall be removed and the location of all of said poles shall be designated by the Mayor under the supervision of the City Council of the said City.

All poles where set in alleys shall be set at or near the boundary line thereof and where set in streets shall be located at such distances as shall be directed by the City from the property line of the abutting owner, and shall be placed as not to interfere with the construction or placing of any waterpipes, sewers, or drains or the flow of water therefrom, which has been or may be placed by authority of said City. In the event that said Grantee shall make any unnecessary obstructions of said streets, alleys, public grounds or places not designated by the City Council, the City may cause the removal of such obstructions and charge and collect from such Grantee the actual cost of such removals.

Section 3.

Said Grantee shall use poles, wires, cross arms, equipment and devices to conform with the standards of construction adopted by the National Electric Light Association and all apparatus connected thereto.

with shall be located so as not to obstruct the avenues, streets, and alleys of said City or to endanger persons or property or to hinder or to obstruct the use of said avenues, streets, and alleys or public places by the inhabitants of said City, or public in general, or to interfere with any improvements that the City may deem proper to make along the lines of said avenues, streets and public places.

Section 4.

Whenever the said Grantee in erecting, constructing and maintaining said lines or poles, shall take up any of the pavements, sidewalks, crossings or curbs on any of the avenues, streets and alleys, or public places in said City, or shall make any excavations thereon, such excavations shall be refilled and the sidewalk, crossing or curb replaced under the direction of the City and any excavation so made shall be properly lighted at night during construction, and in case of the failure to do so on the part of the said Grantee, then the City may do the same at the expense of said Grantee and said Grantee agrees to pay said City for the reasonable cost or value of said work. Said Grantee shall be liable for all loss or damage caused by the negligence of Grantee, which may result to persons or property within the said City, caused by it, or its agents, servants, or employees in erecting, operating and maintaining the said electric system within said City and shall at all times save the City harmless from any and all damages to persons or property in erecting, operating or maintaining said electric system.

Section 5.

It is further provided that in case any person shall desire to remove a building along the streets occupied by said wires or pole lines, and it becomes necessary to have said wires temporarily removed, said Grantee shall be entitled to 48 hours notice in writing to that effect and when such notice is given, it shall be the duty of said Grantee to remove such wires, and without cost to said City, but the person desiring the same removed shall deposit with said City the reasonable cost of same and after the work has been completed the Grantee shall render a bill in full for such expense and shall collect from the amount so deposited the cost of doing said work. If the expense is less than the estimated cost, the balance shall be returned to the person who moved said building.

It is further provided that the said Grantee shall not be required to make such removal except at a reasonable time of the day. No person, other than an authorized agent of the Grantee, shall interfere with the property of the Grantee within the corporate limits of said City.

Section 6.

The rights and privileges hereby granted shall at all times be and remain subject to such reasonable police regulations as may be imposed by the City Council of said City and the City reserves the right to make and adopt such regulations of a police nature as it may deem necessary for the best interests of said City.

Section 7.

During the construction, maintenance or enlargement of any

part of said electric light and power system, said Grantee shall not unnecessarily impede or block travel in said streets and highways in said City and shall leave all streets, highways, alleys, sidewalks, curbs, lanes and public places and all grounds disturbed by said construction in good condition upon the completion of said work.

Section 8.

The said Grantee agrees to furnish such street lamps and lighting as the City may require and desire. The rates for the furnishing and maintenance of said street lamps and lighting to be determined and agreed upon by the said City and said Grantee and a separate contract covering the rates, working conditions, size of lamps and location to be entered into and executed by the said City and said Grantee.

Section 9.

Said Grantee agrees to furnish and deliver such energy as may be required by the City for the purpose of municipal pumping. A contract for the delivery and purchase of such energy shall be entered into by the City and the Grantee in which be set forth the rates, working conditions and a description of the pumping equipment to be driven and said contract shall be entered into by both the City and the said Grantee.

Section 10.

The Grantee shall not be required to extend its service lines (including primaries and secondaries) to supply a customer or customers where the revenue is not commensurate with the expense involved and as a measure of this expense, extensions shall be made whenever the annual gross revenue for two years equals the cost of such extensions.

Section 11.

The Grantee shall use due diligence and care in furnishing electric service as herein provided but shall not be liable for any loss or damage which may arise from failure of the service, either partial or total, but this shall not be construed to exempt said Power Company from liability for negligence.

Section 12.

There is granted to said Grantee, its successors and assigns, during the term hereof, permission and authority to trim all trees in alleys, streets and public grounds of said City so as to remove all parts of said trees interfering with the proper erection, maintenance and operation of poles, cables, wires, masts or other fixtures, or appliances installed or to be installed in pursuant to authority hereby granted.

Said Grantee shall have full right and authority to assign to any person, persons, firm or corporation all the rights that are given it by this Ordinance, provided, that the assignee of such rights by accepting such assignment shall become subject to the terms and conditions of this Ordinance.

Section 13.

The rates to be charged by said Grantee in the said City

Dakota and no increase or decrease in said rates shall be made except in accordance with the rules and regulations of the Board of Railroad Commissioners, after due hearing.

Section 14.

The Grantee shall have the right to require of any person to whom electric service is furnished, to make a deposit to insure the payment of bills for service to be rendered. The Company shall issue a receipt for such deposit and shall return same whenever the customer shall discontinue the use of electric service, provided all bills are then paid. The Grantee may apply all or any portion of the deposit to any unpaid bills and shall thereupon mail to the customer a receipt for such amount.

Section 15.

This contract shall be subject to any present or future laws of a regulatory nature enacted by the State of North Dakota, or any amendment or addition to such laws, and further shall be subject to the rules and regulations laid down by the Board of Railroad Commissioners of the State of North Dakota.

Section 16.

It is further expressly and specifically provided that all permits, licenses and franchises heretofore granted by the City giving or purporting to give permission to any person, persons or corporation to construct, install or maintain an electrical line or system in, upon or through the streets, alleys or public grounds of the City for the purpose of furnishing light, heat and power to the City or its inhabitants, be, and the same hereby are in all respects revoked, cancelled and annulled.

Section 17.

This Ordinance shall take effect and be in full force twenty (20) days from and after its passage by the City Council and its publication or posting as required by statute, provided that said Grantee shall, within said time, specify its acceptance of this franchise in writing to that effect, to be filed with the City Auditor and in no event shall this Ordinance be binding on said Grantee until the filing of such acceptance.

First Reading Aug-28-1931

Second Reading Sept-8-1931

Approved this 8 day of Sept, 1931.

Attest:

R. A. Olson
city auditor

John P. Westre

Accepted:

OTTER TAIL POWER COMPANY

BY C. S. Kennedy Vice Pres.

Date Sept-15th 1931

BOARD OF RAILROAD COMMISSIONERS

STATE OF NORTH DAKOTA

- - - - -

In the Matter of the Application }
of the Otter Tail Power Company of }
Fergus Falls, Minnesota, for a Cer- }
tificate to furnish electric ser- }
vice in Drayton, North Dakota. }

CASE NO. 3287.

NOTICE OF HEARING

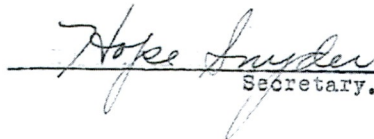
Application having been received from the Otter Tail Power Company, asking for a Certificate of Public Convenience and Necessity to furnish electric service in Drayton, North Dakota, as required by the provisions of Chapter 235 of the Session Laws of 1927; now therefore,

IT IS ORDERED, that hearing in the matter be and the same is hereby fixed to take place in the offices of the Commission at Bismarck, North Dakota, on Monday, October 5th, 1931, at ten o'clock A.M., at which time and place all interested parties will be given an opportunity to be heard.

Please be governed accordingly.

Dated at Bismarck, North Dakota, this 26th day of September, 1931.

BY THE COMMISSION:


Secretary.

September 26, 1931.

The City Auditor,
Drayton, N. Dak.

Dear Sir:-

Herewith Notice of Hearing in re applica-
tion, of the **Otter Tail Power Co., Fergus Falls, Minn.,**
for a Certificate of Public Convenience and Necessity
to furnish your **city** with electricity.

Chapter 235 of the Session Laws of 1927
requires public utilities to apply to the Commission
for a Certificate before exercising any rights under
franchises granted by various municipalities, and
also provides that the Commission shall determine,
after hearing, whether public convenience and necessity
requires the proposed operation or construction there-
under.

The Commission assigns hearings on such appli-
cations at Bismarck, and unless there is objection on
the part of the municipality to the granting of the
certificate, it is not necessary that a representative
of your **city** appear at the time assigned for the
hearing.

Yours very truly,

Secretary.

MEP: NW

Case No.	Description
I-2142	MONTANA-DAKOTA POWER COMPANY Filing of schedule of natural gas rates (reduced), for all schools, churches, municipal, county and state buildings, for all purposes, only when gas is used exclusively for heating such buildings, applicable in Beach, Belfield, Bismarck, Dickinson, Gladstone, Taylor, Richardton, Hebron, Glen Ullin, New Salem, Mandan, Sentinel Butte and Golva. Approved September 24, 1931.
I-2143	OTTER TAIL POWER COMPANY Application for authority to change the electric service at Drayton from direct to alternating current. Granted October 9, 1931.
I-2144	MONTANA-DAKOTA POWER COMPANY Filing of schedule of electric rates for power and pumping purposes (reduction) applicable in Alamo, Ambrose, Appam, Arnegard, Battlevie, Beach, Bowbells, Bowman, Bucyrus, Buffalo Springs, Carpio, Cartwright, Charbonneau, Columbus, Corinth, Coteau, Coulee, Crosby, Donnybrook, Epping, Flaxton, Gascoyne, Grenora, Hamlet, Hanks, Hettinger, Kenaston, Kenmare, Kincaid, Larson, Lignite, Loraine, Manitou, Marmarth, McGregor, Mohall, Norma, Portal, Powers Lake, Rawson, Ray, Reeder, Rhame, Ross, Sentinel Butte, Sherwood, Springbrook, Stanley, Temple, Tioga, Tolley, Watford City, Wheelock, White Earth, Wildrose, Williston, Zahl. Approved October 9, 1931.
I-2145	OTTER TAIL POWER COMPANY Filing of reduced schedule of electric rates for Drayton. Approved October 9, 1931.
I-2146	NORTHERN STATES POWER COMPANY First filing of schedule of telephone rates for a one-way trunk line service in the city of Minot. Allowed to become effective in 30 days.
I-2147	CENTRAL WEST PUBLIC SERVICE COMPANY OF NORTH DAKOTA Filing of reduced schedule of electric rates applicable in Coopers-town. Approved October 9, 1931.
I-2148	OTTER TAIL POWER COMPANY Filing reduced schedule of street lighting rates for Drayton. Allowed to become effective in 30 days.
I-2149	CENTRAL WEST PUBLIC SERVICE COMPANY OF NORTH DAKOTA Filing reduced schedule of electric rates for Cooperstown. Allowed to become effective in 30 days.

Case No.	Description
I-2150	NORTHWESTERN BELL TELEPHONE COMPANY Application for authority to discontinue exchange at Kiel. Granted November 16, 1931.
I-2151	OTTER TAIL POWER COMPANY Filing of reduced schedule of electric rates for Dresden. Approved October 29, 1931.
I-2152	CENTRAL LIGHT & POWER COMPANY Filing of reduced schedule of electric rates, applicable at Fesenden. Approved October 29, 1931.
I-2153	MONTANA-DAKOTA POWER COMPANY Filing of street lighting rates, applicable at Scranton. Allowed to become effective in 30 days.
I-2154	MONTANA-DAKOTA POWER COMPANY Filing of reduced schedule of electric rates applicable at Scranton. Suspended November 21, 1931, for a period of 120 day. Suspension order vacated February 4, 1932.
I-2155	MONTANA-DAKOTA POWER COMPANY and TRUAX-TRAER COAL COMPANY Joint application to sell and buy, respectively, electric energy connection with the operation of electric power plant at Kincaid. Approved October 29, 1931.
I-2156	NORTHWESTERN BELL TELEPHONE COMPANY Filing of Original Sheet 1 of supplement to Section 15 of the General Supplemental Rate Schedule, providing definition of "place" equipment. Approved November 21, 1931.
I-2157	FARMERS MUTUAL TELEPHONE COMPANY, Lunds Valle Filing reduced schedule of telephone rates, applicable at Lunds Valle. Approved to become effective in 30 days.
I-2158	CENTRAL LIGHT & POWER COMPANY Filing of reduced schedule of residential and commercial lighting rates, applicable in Drake, Max, Garrison, Underwood and Anamoose. Approved November 25, 1931.
I-2159	NORTHWESTERN BELL TELEPHONE COMPANY Filing of Second Revised Local Exchange Tariff, applicable Anamoose, providing a semi-annual rate for service station switching. Approved November 25, 1931.
I-2160	NORTHWESTERN BELL TELEPHONE COMPANY Filing of First Revised Local Exchange Tariff, applicable at Klusky, providing a semi-annual rate for service station switching. Approved November 25, 1931.

Case No.	Description
I-2118	NORTHWESTERN BELL TELEPHONE COMPANY Filing of Third Revised Local Exchange Tariff for Drake, providing rate for metallic rural service. Approved August 13, 1931.
I-2119	NORTHWESTERN BELL TELEPHONE COMPANY Filing of Fourth Revised Local Exchange Tariff for Lisbon, providing quarterly rate. Approved August 13, 1931.
I-2120	OTTER TAIL POWER COMPANY Filing of reduced schedule of electric rates for Luverne. Approved August 28, 1931.
I-2121	OTTER TAIL POWER COMPANY Filing of street lighting rates for Luverne. Allowed to become effective in 30 days.
I-2122	OTTER TAIL POWER COMPANY Filing reduced schedule of electric rates for Kathryn. Approved August 28, 1931.
I-2123	OTTER TAIL POWER COMPANY Filing of street lighting rates for Kathryn. Allowed to become effective in 30 days.
I-2124	OTTER TAIL POWER COMPANY First filing of schedule in electric rates for Nortonville. Allowed to become effective in 30 days.
I-2125	OTTER TAIL POWER COMPANY First filing of schedule of electric rates for Hastings. Approved September 5, 1931.
I-2126	OTTER TAIL POWER COMPANY First filing of street lighting rates for Hastings. Allowed to become effective in 30 days.
I-2127	MONTANA-DAKOTA POWER COMPANY Filing reduced schedule of rates for commercial refrigeration and cooking, applicable in 59 towns in North Dakota served by the company. Approved August 28, 1931.
I-2128	FLASHER LIGHT & POWER COMPANY and FLASHER ELECTRIC COMPANY Joint application to sell and buy, respectively, the electric property in Flasher. Granted August 28, 1931.

Case No.	Description
I-2129	MONTANA DAKOTA POWER COMPANY First filing of rates for flour and feed mills for all towns in North Dakota served by the company. Approved September 12, 1931.
I-2130	OTTER TAIL POWER COMPANY First filing of schedule of electric rates for Kief. Approved September 12, 1931.
I-2131	OTTER TAIL POWER COMPANY First filing of schedule of street lighting rates for Kief. Allowed to become effective in 30 days.
I-2132	J. P. and CLARA LARSON, Drayton and OTTER TAIL POWER COMPANY Joint application to sell and buy, respectively, the electric utility property at Drayton. Granted September 12, 1931.
I-2133	MONTANA-DAKOTA POWER COMPANY Filing of reduced schedule of rates for power and pumping service at Noonan and Scranton. Approved September 12, 1931.
I-2136	DAKOTA CENTRAL TELEPHONE COMPANY Filing of schedule of Local Exchange Service rates for Napoleon and Wishek. Approved September 24, 1931.
I-2137	CENTRAL WEST PUBLIC SERVICE COMPANY Filing reduced schedule of telephone rates for Neche. Approved September 24, 1931.
I-2138	MONTANA-DAKOTA POWER COMPANY Filing of schedule of natural gas rates (reduced), applicable for all schools, churches, municipal, county and state buildings for all purposes, only when gas is used exclusively for heating such buildings, applicable at Bowman, Marmarth and Williston. Approved September 24, 1931.
I-2139	MONTANA-DAKOTA POWER COMPANY First filing of natural gas rates applicable for commercial gas service in Bowman and Rhame. Approved September 24, 1931.
I-2140	MONTANA-DAKOTA POWER COMPANY First filing of natural gas rates applicable for commercial gas service in Beach, Golva and Sentinel Butte. Approved September 24, 1931.
I-2141	MONTANA-DAKOTA POWER COMPANY First filing of natural gas rates applicable for commercial gas service in Williston and Marmarth. Approved September 24, 1931.