

CSTATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Otter Tail Power Co/Northern Plains Electric Coop
Jamestown, North Dakota
Service Area Agreement**

Case No. PU-21-364

**Otter Tail Power Company
Jamestown, North Dakota
Public Convenience & Necessity**

Case No. PU-21-365

**ORDER ON ELECTRIC SERVICE AREA AGREEMENT AND CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY**

September 22, 2021

Preliminary Statement

On August 9, 2021, Otter Tail Power Company (OTP) and Northern Plains Electric Cooperative (NPEC) filed a joint application for approval of a Service Area Agreement (SAA) to designate electric service locations to be served by OTP and NPEC within and around the City of Jamestown, North Dakota. OTP further requests issuance of a Certificate of Public Convenience and Necessity (CPCN) authorizing it to extend service to locations within the OTP service area set forth in the agreement.

On August 18, 2021, the Commission issued a Notice of Opportunity for Consolidated Hearing, which provided until September 17, 2021, for receiving written comments or hearing requests. No response was received. The notice identified the issues to be considered in this proceeding are:

1. Whether the SAA complies with North Dakota Century Code (NDCC) section 49-03-06.
2. Whether the approval of the SAA and resulting CPCN issuance are compatible with the public interest.

On September 1, 2021, the Commission discussed this matter with OTP, NPEC and Commission staff during an Informal Hearing.

Discussion

The applicants contend that the agreement will:

1. Avoid misunderstanding and disagreement over areas to be served by each party,
2. Accomplish the legislative intent of N.D.C.C. section 49-03-06 to encourage harmony and operational efficiency among electric providers, promote safety,

discourage unreasonable duplication of electric facilities, assure adequate and reliable electric service and provide antitrust immunity to the electric providers, and

3. Provide both parties with equitable participation in the provision of electric distribution service in areas within and around the city of Jamestown during the term of the agreement.

Having considered this matter the Commission finds that the SAA complies with NDCC section 49-03-06, and that approval of the SAA and issuance of a CPCN is compatible with the public interest. Therefore, the Commission issues the following:

Order

The Commission Orders:

1. The electric service area agreement filed jointly by Otter Tail Power Company and Northern Plains Electric Cooperative is APPROVED.
2. Otter Tail Power Company is issued Certificate of Public Convenience and Necessity No. 5961 authorizing the provision of electric service to customers within the agreed upon electric service area around the city of Jamestown.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Julie Fedorchak
Chair



Brian Kroshus
Commissioner

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

Certificate of Public Convenience and Necessity

Certificate Number 5961

This is to certify that public convenience and necessity require, and permission is granted for Otter Tail Power Company to serve APLD Hosting LLC in the East ½ of the Southeast ½ of Section 17, Township 141N, Range 63W, Stutsman County, North Dakota.

This certificate is issued in accordance with the Commission's September 22, 2021 Order in Case No. PU-21-365 and is subject to the conditions and limitations noted in the Order, and is conditioned upon Otter Tail Power Company 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 22, 2021

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner