

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Northern Plains Electric Coop. / City of Maddock
Maddock, North Dakota
Service Agreement

Case No. PU-23-244

Northern Plains Electric Cooperative
Maddock, North Dakota
Public Convenience & Necessity

Case No. PU-23-262

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **8th day of November 2023** she deposited in the United States Mail at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Order**

The envelope was addressed as follows:

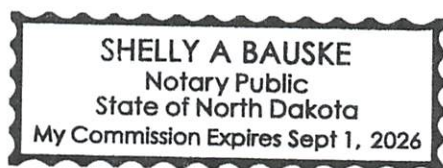
J. Bruce Gibbens
Gibbens Law Office
PO Box 708
Cando, ND 58324
Cert. No. 9589 0710 5270 1582 7536 71

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **8th day of November 2023**.



Notary Public



SEAL

STATE OF NORTH DAKOTA
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Maddock, North Dakota
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ORDER

November 8, 2023

Preliminary Statement

On June 26, 2023, Northern Plains Electric Cooperative (NPEC) and the City of Maddock (CM) filed a joint application for approval of a Service Area Agreement to designate service locations to be served by NPEC and CM within and around the City of Maddock, North Dakota. NPEC requested the issuance of a certificate of public convenience and necessity (CPCN) authorizing it to extend service to locations within the CM service area set forth in the agreement.

On August 2, 2023, the Commission issued a Notice of Opportunity for Consolidated Hearing, which provided until September 15, 2023, for receiving written comments or hearing requests. No response was received. The notice identified the issues to be considered in the proceeding:

1. Whether the service area agreement complies with North Dakota Century Code § 49-03-06.
2. Whether approval of the service area agreement and resulting certificate of public convenience and necessity issuance is compatible with the public interest.

Discussion

The joint application for approval of a service area agreement was filed N.D.C.C. § 49-03-06 provides that:

An electric provider may enter into agreement with other electric providers having adjacent or intermingled electric supply facilities for the purpose of

establishing service areas and designating the service locations to be served by each electric provider.

N.D.C.C. § 49-03-01.5(1) provides that an electric provider "means either an electric public utility or a rural electric cooperative." The definition does not extend to a municipal power supplier.

While a jurisdictional SAA between rural electric cooperatives and electric public utilities may be approved by the governing board of a city to the extent that the agreement encompasses service locations within the city, nothing in N.D.C.C. ch. 49-03 permits the Commission to extend its jurisdiction to an SAA entered into between a city and an electric provider.

Therefore, the Commission issues the following:

Order

The Commission Orders the joint application for approval of the Service Area Agreement between Northern Plains Electric Cooperative and the City of Maddock is dismissed.

PUBLIC SERVICE COMMISSION

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| Sheri Haugen-Hoffart Commissioner | Randy Christmann Chair | Julie Fedorchak Commissioner |