

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: CITY OF NEW HAMPTON AND HAWKEYE TRI-COUNTY RURAL ELECTRIC COOPERATIVE	DOCKET NO. SPU-99-25
---	----------------------

**ORDER GRANTING PETITION FOR MODIFICATION
OF SERVICE AREA BOUNDARY**

(Issued November 19, 1999)

On August 20, 1999, the City of New Hampton (New Hampton) and Hawkeye Tri-County Rural Electric Cooperative (Hawkeye) filed with the Utilities Board (Board) a joint petition for modification of service area boundaries pursuant to IOWA ADMIN. CODE 199-20.3(9) (1999). New Hampton and Hawkeye amended the petition on October 11, 1999. New Hampton and Hawkeye request the Board transfer to New Hampton the service territory in Section 12, Township 95 North, Range 13 West of the 5th P.M., Chickasaw County, described as follows:

Commencing at the Northeast Corner of the Northwest Quarter of the Northwest Quarter of Section 12, Township 95 North, Range 13 West, thence 66 feet East to the point of beginning, thence South 200 feet, thence East 450 feet, thence North 200 feet, thence West 450 feet to the point of beginning, Chickasaw County, Iowa.

Commencing at the Northeast Corner of the Northwest Quarter of the Northwest Quarter of Section 12, Township 95 North, Range 13 West of the 5th P.M. in Chickasaw County, Iowa, thence Southerly along the existing service territory line to the North right-of-way of the I & M Rail Link, LLC, thence Southeasterly to the centerline of Chickasaw County Road B57, thence Southwesterly along the centerline of Chickasaw County Road B57 to the East right-of-way of the proposed US Hwy. 63 bypass, thence Northeasterly along the East right-of-way line of

the proposed US Hwy. 63 bypass to the centerline of US Hwy. 18, thence Easterly to the point of beginning.

New Hampton and Hawkeye request the Board transfer to Hawkeye the service territory in Section 1, Township 95 North, Range 13 West of the 5th P.M., Chickasaw County, described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of Section 1, Township 95 North, Range 13 West of the 5th P.M. in Chickasaw County, Iowa, thence West 900 feet, thence North 400 feet, thence East 900 feet, thence South 400 feet to the point of beginning.

In support of the petition, New Hampton and Hawkeye state the Iowa Department of Transportation is constructing a four-lane bypass around New Hampton. The bypass is located in an area close to the boundary between the utilities and next to the New Hampton Industrial Park. New Hampton has facilities near the proposed bypass. Thus, it could easily extend both single and three-phase service to any new customer. New Hampton and Hawkeye contend the transfer creates logical landmarks separating the two utilities and will eliminate any duplication of facilities that may occur with the industrial park growth. IOWA CODE § 476.25 (1999) provides in pertinent part:

Contracts between electric utilities to designate service areas and customers to be served by the electric utility or for the exchange of customers between electric utilities, when approved by the board, shall be valid and enforceable and shall be incorporated into the appropriate exclusive service areas established pursuant to subsection 1 of this section. The board shall approve a contract if it finds that the contract will eliminate or avoid unnecessary duplication of facilities, will provide adequate electric service to all areas and customers affected, will promote the efficient and economical use and development of the electric systems of the contracting electric utilities, and is in the public interest.

The Board will grant the New Hampton and Hawkeye joint petition for modification of service area boundaries effective with the issuance of this order subject to complaint or investigation. New Hampton and Hawkeye have alleged facts which establish the proposed modification is in the public interest, will prevent unnecessary duplication of facilities, provide adequate electric service to all customers affected, and will promote the efficient and economical use of electrical systems, pursuant to IOWA CODE § 476.25 (1999). Additionally, neither the current customers nor the single potential customer of New Hampton and Hawkeye affected by the modification have any objection to the transfer of service.

IT IS THEREFORE ORDERED:

The joint petition for modification of service area boundaries filed by the City of New Hampton and Hawkeye Tri-County Rural Electric Cooperative on August 20, 1999, as amended on October 11, 1999, is granted to the extent discussed in the body of this order.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr.

Executive Secretary

/s/ Diane Munns

Dated at Des Moines, Iowa, this 19th day of November, 1999.