

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: BUTLER COUNTY RURAL ELECTRIC COOPERATIVE AND THE CITY OF NEW HAMPTON, IOWA	DOCKET NO. SPU-05-17
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**ORDER GRANTING PETITION FOR MODIFICATION
OF SERVICE AREA BOUNDARIES**

(Issued September 9, 2005)

On August 5, 2005, Butler County Rural Electric Cooperative (Butler) and the City of New Hampton, Iowa (New Hampton), filed a joint petition for modification of electric service area boundaries pursuant to Iowa Code § 476.25(2). Butler and New Hampton state the filing constitutes a service area agreement between them for the transfer of territory. No objections or other responses to the petition were filed.

Butler and New Hampton have agreed to modify their exclusive service territory boundaries in Chickasaw County, Iowa. The following service territory is to be served by Butler:

In the Southwest Quarter of the Northwest Quarter of Section 19, Township 95 North, Range 12 West of the 5th P.M., City of New Hampton, Chickasaw County, Iowa, and more particularly described as follows:

Beginning at the West Quarter Corner of said Section: Thence North 00°-23'-16" West, 673.05 feet along the West Line of said Quarter-Quarter Section; thence North 88°-56'-36" East, 660.04 feet along the North Right-of-Way Line of Rusty Kennedy Road; thence South 00°-23'-16" East, 673.05 feet to the South Line of said Quarter-

Quarter Section and the Centerline of County Road
(225th Street);

Thence South 88°-56'-36" West, 660.04 feet along said
South Line and Centerline to the Point of Beginning,
containing 10.198 acres, including 2.756 acres of County
Road (225th Street), Linn Avenue, and Rusty Kennedy
Road Rights-of-Way, subject to easements of record.

The following service territory is to be served by New Hampton:

In the Southwest Quarter of the Northwest quarter of Section 19,
Township 95 North, Range 12 West of the 5th P.M., City of New
Hampton, Chickasaw County, Iowa, and more particularly
described as follows:

Commencing at the West Quarter Corner of said Section:
Thence North 00°-23'-16" West, 673.05 feet along the
West Line of said Quarter-Quarter Section; thence North
88°-56'-36" East, 660.04 feet along the North Right-of-
Way Line of Rusty Kennedy Road to the Point of
Beginning; thence North 00°-23'-16" West, 640.04 feet;
thence North 88°-56'-36" East, 798.57 feet; thence South
01°-03'-24" East, 640.00 feet; thence South 88°-56'-36"
West, 806.03 feet to the Point of Beginning, containing
11.788 acres, subject to easements of record.

In support of the petition, Butler and New Hampton state that the current
service territory line goes through property where a new industrial customer intends
to locate. The boundary modification will allow the entire portion of the industrial
development property to be served by Butler. The prospective customer has
expressed a desire to be served by Butler. Butler has agreed to transfer some of its
territory to New Hampton in exchange. No current customers are impacted by the
change.

Iowa Code § 476.25 (2005) 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 joint petition for modification of service area boundaries. Butler and New Hampton have alleged facts that 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.

IT IS THEREFORE ORDERED:

The joint petition for modification of electric service area boundaries filed by Butler County Rural Electric Cooperative and the City of New Hampton, Iowa, on August 5, 2005, is granted, subject to complaint or investigation.

UTILITIES BOARD

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Sharon Mayer
Executive Secretary, Assistant to

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 9th day of September, 2005.