

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  SOUTHERN MINNESOTA MUNICIPAL POWER AGENCY	DOCKET NO. E-21866
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**ORDER GRANTING FRANCHISE**

(Issued January 30, 2008)

On January 26, 2007, Southern Minnesota Municipal Power Agency (SMMPA) filed a petition, identified as Docket No. E-21866, with the Utilities Board (Board) for a franchise to erect, maintain, and operate approximately 2.00 miles of 72,500 volt maximum voltage electric transmission line in Chickasaw County, Iowa, pursuant to Iowa Code chapter 478 (2007).

In its petition, SMMPA requests authority to franchise existing transmission lines that have been previously constructed and are presently being operated and maintained. SMMPA states a franchise, identified as Franchise No. 16018, was initially issued to Dairyland Power Cooperative (Dairyland) in Docket No. 19932, Franchise No. 16018, and expired in November of 2006. SMMPA and Dairyland have a shared transmission agreement (STS Agreement) for the planning, construction, ownership, use, operation and maintenance of transmission facilities in certain areas of Minnesota and Iowa. SMMPA purchased the existing facility from Dairyland to meet a portion of its obligation under the STS Agreement. SMMPA

further states that all easements required for the line have been obtained voluntarily or through eminent domain.

### **FINDINGS OF FACT**

1. No objections to the petition have been filed as provided for by Iowa Code chapter 478 (2007).
2. Notice of the petition was published as required by Iowa Code chapter 478 (2007).
3. SMMPA has filed an agreement to pay all costs and expenses of this franchise proceeding pursuant to Iowa Code § 478.4 (2007).
4. The transmission line is necessary to serve a public use. This conclusion is based on information provided pursuant to Iowa Code chapter 478 (2007).
5. The transmission line represents a reasonable relationship to an overall plan of transmitting electric energy in the public interest. This conclusion is based on information provided pursuant to Iowa Code chapter 478 (2007).
6. The transmission line will meet or exceed the minimum engineering requirements of the rules of the Board and will conform to the requirements of Iowa Code chapter 478 (2007).
7. SMMPA has not requested it be vested with the right of eminent domain.
8. The transmission line is near and parallel to roads, to railroad rights of way or along division lines of land, wherever practicable and reasonable, and so as not to

unnecessarily interfere with the use of land by the occupants consistent with Iowa Code § 478.18 (2007).

### **CONCLUSIONS OF LAW**

1. The Utilities Board has jurisdiction of the parties and subject matter pursuant to Iowa Code chapter 478 (2007).

2. The Utilities Board has authority pursuant to Iowa Code chapter 478 (2007) to grant franchises for the construction, erection, maintenance, and operation of certain electric transmission lines outside cities in the state for the transmission, distribution, or sale of electric current within the state. Iowa Code § 478.1 (2007). SMMPA has met the requirements of Iowa Code chapter 478 (2007) and 199 IAC 11, and a franchise should be issued to SMMPA for the transmission line described in the petition.

### **IT IS THEREFORE ORDERED:**

1. The petition is granted and a franchise will be issued to Southern Minnesota Municipal Power Agency to construct, erect, operate, and maintain an electric transmission line as specifically described in the franchise, identified as Franchise No. 17791, attached to this order and incorporated by this reference.

2. The Utilities Board retains jurisdiction of the subject matter in this docket pursuant to Iowa Code chapter 478 (2007), and may at any time during the period of the franchise make such further orders as may be necessary.

**UTILITIES BOARD**

/s/ John R. Norris

/s/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 30<sup>th</sup> day of January, 2008.

## **FRANCHISE NO. 17791**

On January 26, 2007, Southern Minnesota Municipal Power Agency (SMMPA) filed a petition, identified as Docket No. E-21866, with the Utilities Board (Board), for a franchise to erect, maintain, and operate 2.00 miles of 72,500 volt maximum voltage transmission line in Chickasaw County pursuant to Iowa Code chapter 478 (2007). SMMPA states a franchise, identified as Franchise No. 16018, was issued to Dairyland Power Cooperative (Dairyland), in Docket No. E-19932, on November 11, 1981. Franchise No. 16018 expired in November of 2006. SMMPA and Dairyland have a shared transmission agreement (STS Agreement) for the planning, construction, ownership, use, operation and maintenance of transmission facilities in certain areas of Minnesota and Iowa. SMMPA purchased the existing facility from Dairyland to meet a portion of its obligation under the STS Agreement.

Upon notice in accordance with Iowa Code chapter 478 (2007), the Board found the petition should be granted and a franchise issued to SMMPA in the Order Granting Franchise issued simultaneously in this docket. SMMPA must comply with the requirements stated in the Order Granting Franchise and incorporated by reference in this franchise.

Pursuant to the order of the Board and Iowa Code chapter 478 (2007), this franchise is issued and permission and authority are granted to SMMPA to erect, maintain, and operate a transmission line on routing specifically described for the transmission, distribution, use, and sale of electric current outside cities and towns and for such purpose to erect, use, and maintain poles, wires, guy wires, towers, cables, conduits, and other fixtures and appliances necessary for conducting electric current for light, heat, and power, over, along, and across any public lands, highways, streams, or the lands of any person, company, or corporation and to acquire

necessary interest in real estate for such purposes on and along the route particularly described in Exhibit A, attached to and incorporated by reference in this franchise.

This franchise is granted for a period of 25 years from the date of issuance unless revoked, modified, or terminated pursuant to Iowa Code chapter 478 (2007). This franchise shall be subject to and governed by all provisions, conditions, and requirements of Iowa Code chapter 478 (2007) and by all provisions, conditions, and requirements of the Utilities Board, as may be applicable.

During the period of time this franchise is in force, the use of the right of eminent domain is not necessary and, therefore, not included by the Board in its order granting this franchise.

It is provided and understood this franchise is granted subject to the provisions of Iowa Code § 318.9 (2007).

It is further provided and is a condition of this franchise that the Board retain jurisdiction and may at any time during the period of this franchise make such further orders and regulations as may be necessary.

**UTILITIES BOARD**

/s/ John R. Norris  
Chairman

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

Dated at Des Moines, Iowa, this 30<sup>th</sup> day of January, 2008.