

BEFORE THE HONORABLE BOARD  
OF COUNTY COMMISSIONERS OF  
CODINGTON COUNTY, SOUTH DAKOTA

# APPLICATION FOR FRANCHISE

H-D Electric Cooperative, Inc. of Clear Lake, South Dakota, the applicant, respectfully shows and submits:

That H-D Electric Cooperative, Inc., is a corporation duly organized and existing under and by virtue of *SDCL* § 47-21. H-D Electric Cooperative, Inc. exists and operates for the purpose of owning, furnishing, improving and expanding services and facilities for the distribution of electric energy for lighting, heating, and power in the counties of Deuel, Hamlin, part of Brookings, part of Codington and part of Grant, in the State of South Dakota and part of three counties in the State of Minnesota, on a cooperative basis. H-D Electric Cooperative, Inc. has its office and principal place of business in the City of Clear Lake, Deuel County, South Dakota. Its aim is to provide dependable electric service at the lowest cost consistent with sound economy and good management all under the direction and supervision of the United States Rural Utilities Service, Washington, District of Columbia. The applicant has not obtained a Certificate of Convenience and Necessity from the Public Utilities Commission under *SDCL* § 34-16-11, because H-D Electric Cooperative, Inc. is under the supervision of the United States Rural Utilities Service, and it is exempt from supervision by the South Dakota Public Utilities Commission.

Since its establishment in 1940, H-D Electric Cooperative, Inc. has successfully served the community for over eighty years, providing reliable electric energy distribution. The Applicant currently has electrical lines located in Section 24 and 25 Kranzburg North Township, Section 34 and 35 Pelican Township and Sections 31, 32, 34, 35 and 36 in Kampeska Township, in Codington County, South Dakota, pursuant to the franchise agreement with Codington County in 2011. The Applicant plans to create a new facility in Sheridan Township located in Sections 23, 26, and 35. The construction timeline for the line in Sheridan Township is during the construction season of 2025. From time to time,

it becomes necessary to add or to improve the existing facilities to provide adequate power for the purpose of providing light, heat, and power to its customers. To provide continuity of service and in order to secure additional funds from the Rural Utilities Service, if funds should be needed for the improvement of said system, A franchise renewal and approval is essential to facilitate improvements which provide continuity of service and secure additional funds from the Rural Utilities Service, if funds are needed for the improvement of the system. This allows H-D Electric to continue providing quality service to its customers.

3.

The applicant has established lines and underground cable and it may need to construct future lines, or bury future underground cable for rural electrification under *SDCL § 31-26-12*. Attached as Exhibit "A" and incorporated by reference is a map to show in detail the location of all facilities currently in Codington County and all facilities proposed for Sheridan Township. The map shows the lines within Codington County, South Dakota, and the highways along and upon which said electric system and lines will be maintained, constructed, and operated. The map is submitted so the County Commissioners may more fully understand the location of the system and lines.

4.

To assist with the notice required pursuant to *SDCL § 31-26-13*, H-D Electric Cooperative, Inc. believes that public utilities now operating any system in Codington County, South Dakota, and which occupy any portion of the highways are the following:

- A. Ottertail Power Company, 401 E. Junius Ave., Fergus Falls, MN
- B. East River Electric Coop, Inc. Association, 121 SE 1<sup>st</sup> St., Madison, SD
- C. Bureau of Reclamation, Department of Interior, Huron, SD
- D. Western Area Power Administration
- E. Northwest Public Service Co., Huron, SD
- F. ITC Cooperative, Inc., P.O. Box 920, Clear Lake, SD
- G. U.S. West Communication, 7800 East Orchard Rd., Inglewood, CO 80111
- H. Heartland Consumers Power District, PO Box 248, Madison, SD 57042-0248
- I. Brookings-Deuel Rural Water System, 47602 SD Hwy 28, Toronto, SD 57268
- J. Sioux Rural Water System, Inc., 45703 176<sup>th</sup> St., Watertown, SD 57201
- K. Codington-Clark Electric, Inc., 3520 9<sup>th</sup> Ave. SW, Watertown, SD 57201

5.

This application is made by the applicant, for the purpose of obtaining a franchise from Codington County, South Dakota, by and through its county commissioners. The Applicant respectfully requests the right to construct, reconstruct, erect, bury underground lines and maintain poles, overhead wires, and necessary appurtenances for the purpose

of conducting electricity for light, heat, and power in, below, along and over the public highways along the routes and proposed route in Codington County, for a period of twenty years, beginning January 1<sup>st</sup>, 2024.

WHEREFORE, your applicant prays that it be granted a franchise pursuant to SDCL § 31-26, that a hearing on this application be set and that notice for said hearing be given as provided by law. That a Resolution by the County Commissioners of Codington County, South Dakota, be made and passed granting H-D Electric Cooperative, Inc. a franchise for the right to construct, reconstruct, erect and maintain poles, wires and necessary appurtenances for the purpose of conducting electricity or light, heat, and power in, below, along and over the public highways in Codington County for a period of twenty years beginning January 1<sup>st</sup>, 2024, and for such other order as may be proper and necessary herein, all as is provided by the provisions of SDCL § 31-26 and all acts amendatory thereto.

Dated at Clear Lake, South Dakota, this 22 day of October, 2024.

H-D Electric Cooperative, Inc.

By: Bert Rogness  
Bert Rogness, President

ATTEST:

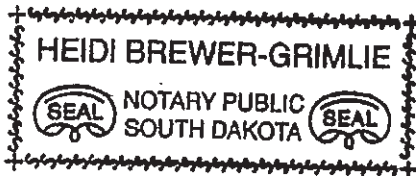
Roxanne Bass  
Roxanne Bass, Secretary

STATE OF SOUTH DAKOTA     )  
  )SS  
COUNTY OF DEUEL            )

I, Bert Rogness, being duly sworn on oath depose and say: That I am the president of H-D Electric Cooperative, Inc. of Clear Lake, South Dakota, and an official named in and who has executed the above and foregoing application; that H-D Electric Cooperative, Inc., is a corporation, and that your affiant executed this application in the name of and on behalf of H-D Electric Cooperative, Inc. as my authorized act; that I have read the foregoing petition, and that I know the contents, and that the same is true except as to those matters stated on information and belief, and that as to those matters, we believe the same to be true.

Bert Rogness  
Bert Rogness, President

Subscribed and sworn to before me this 18<sup>th</sup> day of October, 2024.



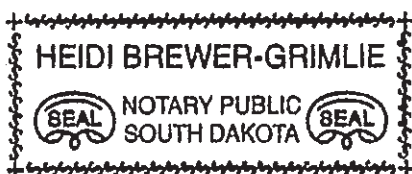
Heidi Brewer-Grimlie  
Notary Public, South Dakota  
My Commission Expires: July 8, 2027

STATE OF SOUTH DAKOTA     )  
  )SS  
COUNTY OF DEUEL            )

I, Roxanne Bass, being duly sworn on oath depose and say: That I am the secretary of H-D Electric Cooperative, Inc. of Clear Lake, South Dakota, and an official named in and who has executed the above and foregoing application; that H-D Electric Cooperative, Inc., is a corporation, and that your affiant executed this application in the name of and on behalf of H-D Electric Cooperative, Inc. as my authorized act; that I have read the foregoing petition, and that I know the contents, and that the same is true except as to those matters stated on information and belief, and that as to those matters, we believe the same to be true.

Roxanne Bass  
Roxanne Bass, Secretary

Subscribed and sworn to before me this 22<sup>nd</sup> day of October, 2024.

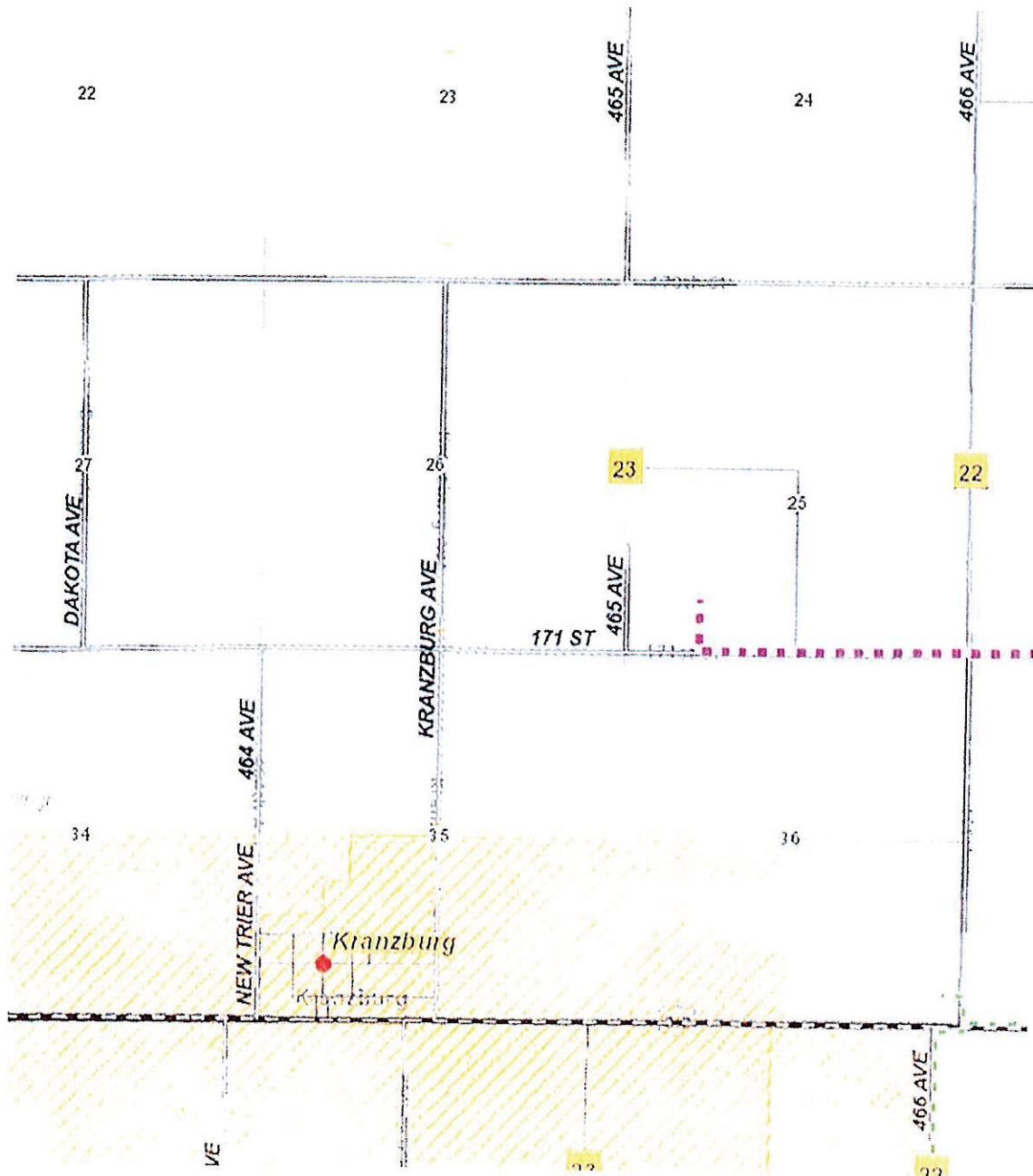


Heidi Brewer-Grimlie  
Notary Public, South Dakota  
My Commission Expires: 7/8/2027

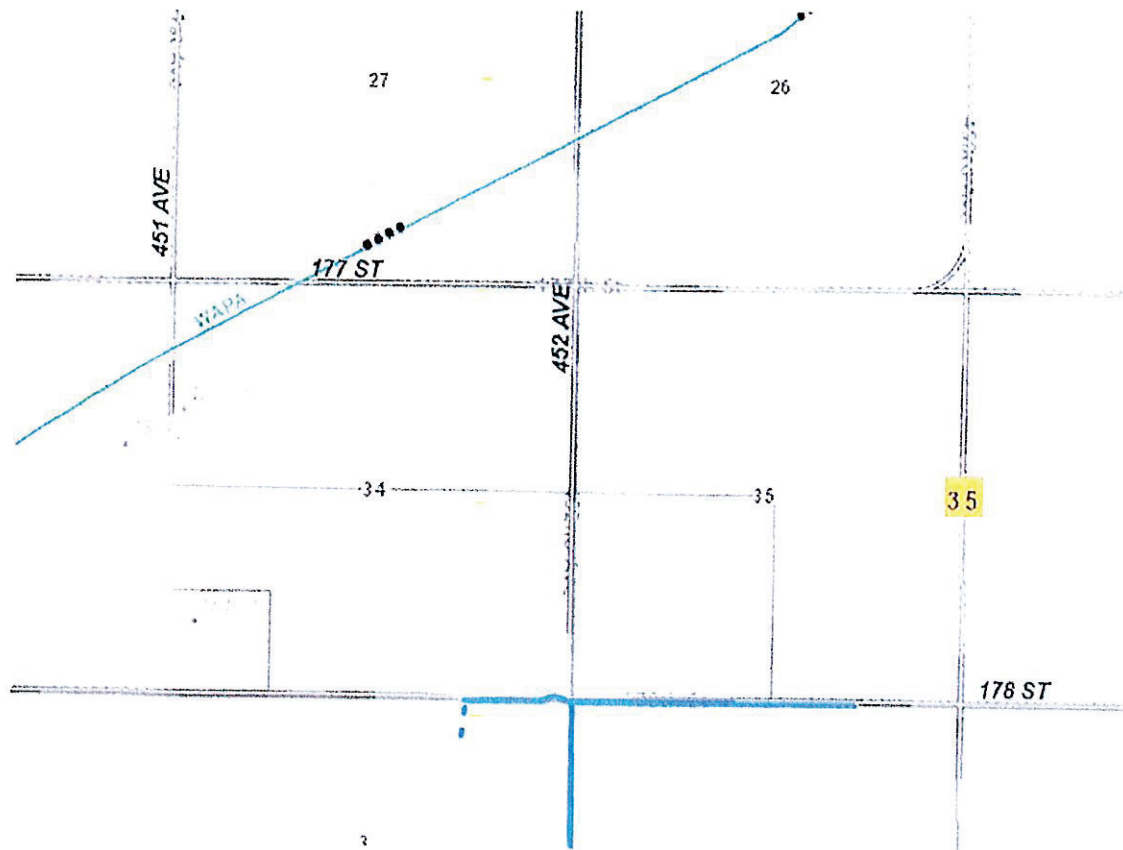
Exhibit A

Location of H-D Electric Cooperative Facilities in Codington County:

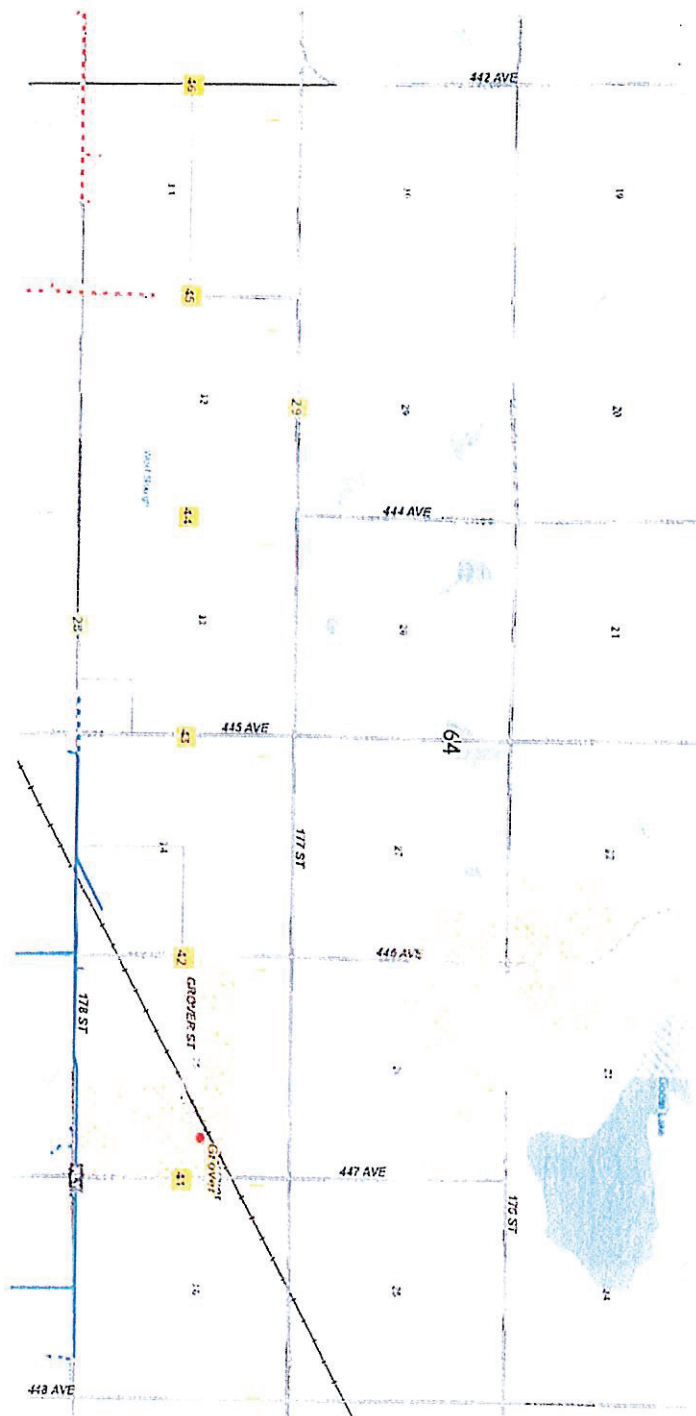
Kranzburg Township:



Pelican Township:



Kampeska Township:









STATE OF SOUTH DAKOTA )

BEFORE THE HONORABLE BOARD

)SS

OF COUNTY COMMISSIONERS OF

COUNTY OF CODINGTON )

CODINGTON COUNTY, SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF )

H-D ELECTRIC COOPERATIVE INC. )

OF CLEAR LAKE, SOUTH DAKOTA, FOR )

PERMISSION TO CONSTRUCT, OPERATE )

AND MAINTAIN DISTRIBUTION LINES )

AND SYSTEMS ON THE PUBLIC )

HIGHWAYS OF CODINGTON )

COUNTY, SOUTH DAKOTA. )

RESOLUTION 2024 - 41

At a regular meeting of the Board of County Commissioners, held in the courthouse in the City of Watertown, Codington County, South Dakota, on the 31<sup>st</sup> day of December, 2024, 9:00 o'clock A.M.

Present were Commissioners, Randall Schweer, Myron Johnson, D Lee Gabel and Troy VanDusen, being all of the County Commissioners, and the County Auditor, Brenda Hanten.

Absent were: Charlie Waterman

Thereupon Commissioner \_\_\_\_\_ introduced the following Resolution and moved for its adoption:

WHEREAS, H-D Electric Cooperative, Inc. of Clear Lake, South Dakota, has filed an application with the County Auditor of Codington County, South Dakota, praying that the Board of County Commissioners of Codington County grant a franchise for H-D Electric Cooperative, Inc., giving it the right and permission to construct, reconstruct, erect and maintain distribution lines, poles, systems, and facilities with necessary appurtenances in, along, upon and across certain highways in Kranzburg North, Pelican, Kampeska and Sheridan Townships in Codington County for the purpose of operating and maintaining a Rural Electrification distribution system; and

WHEREAS, it appears that notice of the time and place of this hearing of said application has been given to all telephone and electric transmission companies, and other parties having lines upon the highways described in this application, by the County Auditor of Codington County, South Dakota, as provided for by law, and as set out by the proof of mailing by the County Auditor; and

WHEREAS, it appears that the granting of a franchise to said applicant as requested, will be for the best interests of the public in general, and for the county, and the people residing therein; and

WHEREAS, no objections were filed or made to the application;

NOW THEREFORE, BE IT RESOLVED that H-D Electric Cooperative, Inc., of Clear Lake, South Dakota, is granted a franchise as provided by law, to construct, reconstruct, erect, maintain and operate distribution lines, poles, wires, systems, and facilities, with necessary appurtenances thereto for a period of twenty (20) years from January 1, 2024, in, along, upon and across the highways in Kranzburg North, Pelican, Kampeska and Sheridan Townships within Codington County, South Dakota as shown on the attached map.

All of the lines are within Codington County, South Dakota. The same being the highways upon, between and along said sections and lines above described upon which said transmission and distribution system, lines and facilities will be erected, constructed, and maintained and operated.

All subject to the terms and conditions in *SDCL § 31-26*.

Commissioner \_\_\_\_\_ seconded the motion for the adoption of the foregoing Resolution.

Roll Call on said Resolution, being as follows: Those voting "Yes" were Commissioners being all of the Commissioners. Those voting "No" were: None, whereupon the chairman declared said Resolution duly passed, approved, and adopted to be effective immediately.

ATTEST:

APPROVED

\_\_\_\_\_  
County Auditor

\_\_\_\_\_  
County Commissioner Chairman  
Codington County, South Dakota

STATE OF SOUTH DAKOTA )

)SS

COUNTY OF CODINGTON )

I, Brenda Hanten, do hereby certify that I am the duly qualified, and acting County Auditor for Codington County, State of South Dakota, and as such officer have in my charge all of the official proceedings and records of the County Commissioners, and their proceedings of Codington County; that the annexed proceedings are full, true and complete records of all of the official proceedings had in connection with the application of H-D Electric Cooperative, Inc., of Clear Lake, South Dakota, for the granting of a franchise to H-D Electric Cooperative, Inc. by the County Commissioners of Codington County, South Dakota.

In witness, I set my hand and affixed the seal of this office this 31<sup>st</sup> day of December, 2024, at Watertown, South Dakota.

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County Auditor, Codington County  
South Dakota