



March 7, 2019

Doug DeBoer, County Auditor
Hand County
415 W. 1st Avenue
Miller, SD 57362-1346

Re: Renewal Application for Power Lines


Dear Auditor DeBoer:

Attached you will find material for obtaining or renewing NorthWestern Energy's (NorthWestern) grant of permission to erect and maintain power lines along public highways in Hand County. The following documents are included with the application:

- Two (2) copies of NorthWestern's Renewal Application
- Fourteen (14) copies of the Notice Hearing and Map
- Two (2) copies of the Auditor's Affidavit
- Two (2) copies of the Resolution Recitals

Each of the enclosed documents are to be used as follows:

1. Renewal Application. The application must be presented to the Board of County Commissioners, allowing them to set a hearing date. One copy is retained by the County and one copy shall be returned to NorthWestern along with Auditor's Affidavit.
2. Notice of Hearing. County Auditor publishes the Notice of Hearing in the local newspaper once a week for three (3) weeks. The County Auditor also mails a copy of the Notice of Hearing (along with the map) to all utilities operating in Hand County, including NorthWestern (see attached utility list). NorthWestern will reimburse the County for all cost incurred for postage and publishing of the Notice of Hearing.
3. Affidavit. To be completed and signed by County Auditor. Please return one (1) copy to NorthWestern, retaining the other copy for your records.
4. Resolution. To be completed at hearing by County Commission and signed by the Chairman of the Board of the County Commissioners. This Resolution is simply a suggested form consistent with prior resolutions authorized by the County with respect to NorthWestern's power lines, and is offered to help the Board of County Commissioners. Please return one (1) copy of the final Resolution to NorthWestern, retaining the other copy for your records.



When returning NorthWestern's copies of the Application, Auditor's Affidavit and Resolution, please include an Affidavit of Publication showing the publication of the proceedings in the local newspaper. Please return NorthWestern's copies along with the bill for reimbursement to include return postage.

Thank you for your cooperation and assistance. If you have any questions, please call me at 1-605-668-4602.

Sincerely,



Robert Gehm, MAI, SRA

Real Estate Representative

Energy Supply | Lands & Permitting

robert.gehm@northwestern.com

O 605-668-4602

C 605-760-7402



10:00A

4/2/19

NorthWestern
Energy
Delivering a Bright Future

March 18, 2019

Doug DeBoer, County Auditor
Hand County
415 W. 1st Avenue
Miller, SD 57362

FILED

MAR 20 2019

Doug DeBoer
AUDITOR, HAND CO., S.D.

RE: Updated franchise documents.

Dear Mr. DeBoer:

I have updated the franchise renewal forms by replacing the name of the outgoing auditor, Sandi Selting, with yourself. More specifically, the following documents have been updated: 1) page 1 of the 2-page cover letter of renewal, 2) the auditor's affidavit, and 3) page 2 of the 3-page resolution recitals. Please update these pages accordingly. Thank you for your assistance in this matter.

Sincerely,

Robert Gehm, MAI, SRA

Real Estate Representative

Energy Supply | Lands & Permitting

robert.gehm@northwestern.com

○ 605-668-4602

C 605-760-7402

Enclosure

NOTICE OF HEARING

STATE OF SOUTH DAKOTA, COUNTY OF HAND

*Before the Honorable Board of County Commissioners
of Hand County, South Dakota*

IN THE MATTER OF THE RENEWAL APPLICATION FOR PERMISSION TO MAINTAIN AND ERECT ELECTRIC LINES ON AND ALONG THE PUBLIC HIGHWAYS OF HAND COUNTY, SOUTH DAKOTA by NorthWestern Corporation, a Delaware Corporation d/b/a NorthWestern Energy (NorthWestern).


To all persons, firms or entities owning or operating electric, telephone or telegraph lines:

You will please take notice that NorthWestern Corporation d/b/a NorthWestern Energy, a Delaware Corporation, having a business office in the City of Huron, Beadle County, South Dakota, has filed with the County Auditor of Hand County, South Dakota its Application for a grant and renewal of any former grants from said County for a period of 20 years and for as long and extended period as the Legislature may provide, granting to NorthWestern the right to erect and maintain poles, wires and necessary appurtenances and bury cable for the purpose of conducting electricity for lighting, heating and power purposes, in and along any public highway in Hand County, South Dakota as provided by Chapter 31-26 of South Dakota Codified Law;

AND NOTICE IS HEREBY FURTHER GIVEN that on the 2nd day of April, 2019, at the hour of 10 o'clock AM at Commission Chambers in the City of Miller, County of Hand, State of South Dakota, will be the time and place when and where said Application will be heard and considered by the members of the Board of County Commissioners of Hand County, South Dakota, when and where all persons, firms, or corporations owing or operating electric, telephone, or telegraph lines on any part of the highway or highways which the proposed lines may occupy may appear, file objections and show cause why said Application should not be granted.

The said Application now on file with the County Auditor of Hand County, South Dakota is hereby referred to for further particulars.

Dated this 11th day of March, 2019 at Miller, South Dakota.


County Auditor, Hand County, South Dakota

Notices & maps mailed to:
UTILITY COMPANIES OPERATING IN HAND COUNTY

Dakota Energy Cooperative
P.O. Box 830 ✓
Huron, SD 57350-0830

CenturyLink Communications ✓
125 S. Dakota Avenue
Sioux Falls, SD 57104

Miller Municipal Electric ✓
120 W. 2nd Street
Miller, SD 57362-1316

Venture Communications Cooperative ✓
218 Commercial Avenue SE
Highmore, SD 57345

US Department of Energy ✓
Western Area Power Administration
P.O. Box 921
Huron, SD 57350

NorthWestern Energy ✓
Attn: Robert Gehm
600 Market Street West
Huron, SD 57350-11500

East River Electric Power Cooperative ✓
P.O. Box 227
Madison, SD 57042-0227

Celerity Broadband ✓
20570 Griesse Place Suite B
Pierre, SD 57501

Mid-Dakota Rural Water System ✓
P.O. Box 318
Miller, SD 57362-0318

Santel Communications ✓
308 S. Dumont Avenue
Woonsocket, SD 57385

WEB Water Development Association ✓
P.O. Box 51
Aberdeen, SD 57401

Verizon ✓
2000 W. 41st Street
Sioux Falls, SD 57105

AT&T ✓
1224 W. 41st Street
Sioux Falls, SD 57105

Midco ✓
P.O. Box 5010
Sioux Falls, SD 57117

Postmarked 3/12/19 in system 3/11/19 ⊕

ACCEPTANCE OF CONDITIONS

I, Robert Gehm, Real Estate Representative for NorthWestern Corporation d/b/a NorthWestern Energy acknowledge that I have reviewed the terms and conditions of the resolution set forth above and, being authorized so to do on behalf of NorthWestern Corporation d/b/a NorthWestern Energy, do hereby accept all of the terms and conditions set forth in such resolution.

Dated this 7th day of March, 2019.

NORTHWESTERN ENERGY

By: 
Robert Gehm, Real Estate Representative

ATTEST:



RENEWAL APPLICATION FOR PERMISSION TO MAINTAIN AND ERECT ELECTRIC LINES ON
AND ALONG THE PUBLIC HIGHWAYS OF HAND COUNTY, SOUTH DAKOTA.

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF HAND COUNTY,
SOUTH DAKOTA

Commissioners:

The undersigned, NorthWestern Corporation a Delaware Corporation, d/b/a NorthWestern Energy (NorthWestern), duly qualified to do business in the State of South Dakota, with a business office in the City of Huron, Beadle County, South Dakota, engaged in the manufacture, transmission, distribution, and sale of electricity for light, heat and power, hereby makes application, pursuant to the provisions of Chapter 31-26 of the South Dakota Codified Laws for the right to erect and maintain poles, wires and necessary appurtenances and bury cable for the purpose of conducting electricity for lighting, heating and power purposes in and along certain public highways in the County of Hand, South Dakota for a period of 20 years and for as long an extended period as the Legislature may provide, from and after the 2ND day of APRIL, 2019.

The applicant desires to erect and maintain poles, wires and necessary appurtenances and bury cable at the following points in Hand County, South Dakota:

SEE ATTACHED MAP

Dated this 7th day of March, 2019.

NORTHWESTERN ENERGY

By: Robert M. [Signature]

Title: Real Estate Representative

RESOLUTION

RECITALS

I.

WHEREAS, NorthWestern Corporation, a Delaware Corporation, d/b/a NorthWestern Energy (NorthWestern), has filed an application with the Hand County Board of Commissioners pursuant to Chapter 31-26 of the South Dakota Codified Laws, seeking the right to erect and maintain poles, wires and necessary appurtenances and bury cable for the purpose of conducting electricity for lighting, heating and power purposes (Power Lines) on and along the county highways located in Hand County, South Dakota.

II.

WHEREAS, the Hand County Board of Commissioners has the jurisdiction and authority to grant the application of NorthWestern as set forth in paragraph I above, subject to such conditions as it may desire to impose.

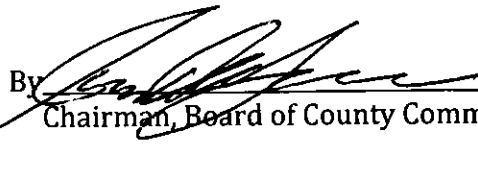
NOW, THEREFORE, BE IT RESOLVED by the Hand County Board of Commissioners as follows:

1. That the application of Northwestern dated March 7, 2019, for permission to erect and maintain Power Lines on and along Hand County public highways is granted subject to the conditions set forth herein.
2. That this grant is for a period twenty (20) years from and after APRIL 2ND, 2019, or as may be extended by the Hand County Board of Commissioners in writing at a subsequent date.
3. That as consideration for this grant, NorthWestern agrees to indemnify and hold harmless Hand County, its officers and employees from any and all liability, damages, claims, demands or otherwise, whether the same is based on contract or otherwise in law or in equity associated with the design, construction, installation, operating, inspecting, repairing, maintaining, replacing or removal of the Power Lines along with all appurtenances thereto located pursuant to this grant, except such liability, damages, claims or demands which arise as a result of the negligence of the county, its officers, employees or agents.
4. That as additional consideration for this grant, NorthWestern agrees to restore, at its expense, the affected areas in as good condition as before said work was commenced and replace any structures affected, i.e. culverts and signs; and if the public highways in the county should be rebuilt or construction and maintenance of the county highways requires the removal or relocation of the Power Lines, it shall be solely at the expense of NorthWestern.
5. That the rights and conditions by this grant shall be binding upon the successors and assigns of NorthWestern.

6. This grant shall further be subject to all rules and regulations as specified in the current edition of the National Electrical Safety Code.
7. That this grant shall not be effective until execution of the acceptance of the conditions set forth below by NorthWestern.

Dated this 2ND day of APRIL, 2019.

HAND COUNTY BOARD OF COMMISSIONERS

By _____
Chairman, Board of County Commissioners

ATTEST:

_____
Doug DeBoer, County Auditor

The foregoing resolution was made by Commissioner Wernsmann and seconded by Commissioner Jones, and upon a vote being taken thereon:

The following voted yea:

ALL

The following voted nay:

NONE

Whereupon the Chairman declared the resolution adopted.

AUDITORS AFFIDAVIT

STATE OF SOUTH DAKOTA)
)
COUNTY OF HAND)

I, Doug DeBoer, being first duly sworn on oath deposes and states I am the duly elected, qualified and acting County Auditor of Hand County, South Dakota, and attached hereto is a true, complete and correct copy of the application of NorthWestern Corporation a Delaware Corporation, d/b/a NorthWestern Energy dated April 2nd, 2019, to the Board of County Commissioners of Hand County, South Dakota, for authorization to erect and maintain poles, wires and necessary appurtenances and bury cable the purpose of conducting electricity for lighting, heating and power purposes along certain public highways in Hand County, South Dakota, as filed in their office on the 2nd day of APRIL, 2019.

Also attached hereto is a true, complete and correct copy of the Notice of Hearing mailed to all persons, firms, and entities owning or operating electric, telephone or telegraph lines on any part of the highway or highways on which the applicant presently has lines.

Doug DeBoer
County Auditor, Hand County, South Dakota

Subscribed and sworn to before me this 4th day of April, 2019.

[Signature]
Notary Public, South Dakota

My commission expires: 7-15-2020

