

Beartooth Electric Cooperative, Inc.

MEMBER RELATIONS POLICY NO. 405

1. SUBJECT: RIGHTS-OF-WAY

2. OBJECTIVE: To ensure that BEC is granted the rights to build and maintain lines with the property owners' approval.

3. POLICY:

3.1 It is the general policy of Beartooth Electric Cooperative, Inc. (BEC) that before construction of new lines or extension of existing lines is started, the necessary rights-of-way shall be secured or arrangements suitable to the General Manager shall be made.

3.2 Distribution rights-of-way to serve their property shall be granted by members of BEC at no cost to BEC. Transmission line rights-of-way will be purchased by BEC at a fair market rate. Property for substations and other buildings will be purchased if at all possible. If not possible, a 99-year lease will be negotiated.

3.3 Existing system easements may be challenged as legally flawed, for example, not properly worded or otherwise completed and executed. While BEC presently exercises reasonable care to record valid easements, resolution of historic easement problems shall occur consistent with the following principle subject to Board review of the facts and circumstances in each instance. Where BEC has used land for more than ten (10) years to maintain or repair its electric facilities, or otherwise consistent with the operation of the electric system, BEC will assert its lawful right to such easements by prescription or estoppel or other good faith legal theories and will not pay present consideration for such easement.

3.4 New customers with line extensions to lots that are within a platted subdivision served by secondary conductor will not be required to sign an easement if the line does not serve any other customer and is entirely within the property that is being served.

4. RESPONSIBILITY:

The General Manager shall ensure that the provisions of this policy are followed.

Adopted: 11/25/2014
Revised: 03/28/2017
Reference: LV506, LV405
Review Date: March 2019

Attest: /s/ David Peterson
Board President

Attest: /s/ Julie Lindgren
Secretary/Treasurer