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June 21, 2006

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JUN 22 2006

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

Patty Van Gerpen  
South Dakota Public Utilities Commission  
500 East Capitol Avenue  
Pierre, South Dakota 57501

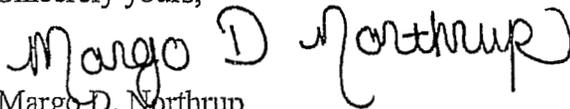
Re: IN THE MATTER OF THE PETITION FOR DESIGNATION OF MON-  
TANTA-DAKOTA UTILITIES CO. AS ELECTRIC SERVICE PROVIDER  
FOR THE NEW NORTH CENTRAL FARMERS ELEVATOR LOCATION IN  
BOWDLE, SOUTH DAKOTA AS A LARGE LOAD CUSTOMER

Docket No. EL06-011

Dear Patty:

Please find enclosed herein the original and ten (10) copies of the MOTION FOR SUMMARY DISPOSITION and the MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY DISPOSITION for filing in the above referenced docket.

Sincerely yours,



Margo D. Northrup  
Attorney at Law

MDN/ea

Enclosures

CC: Sara Greff  
David A. Gerdes  
Carlyle E. Richards  
Client

RECEIVED

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

JUN 22 2006

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

IN THE MATTER OF THE PETITION  
FOR DESIGNATION OF MONTANA-  
DAKOTA UTILITIES CO. AS ELEC-  
TRIC SERVICE PROVIDER FOR THE  
NEW NORTH CENTRAL FARMERS  
ELEVATOR LOCATION IN BOWDLE,  
SOUTH DAKOTA, AS A LARGE LOAD  
CUSTOMER.

DOCKET NUMBER EL06-011

MOTION FOR  
SUMMARY DISPOSITION

FEM Electric Association, Inc. ("FEM"), an electrical distribution cooperative headquartered in Ipswich, South Dakota, by and through its attorney, Darla Pollman Rogers of Riter, Rogers, Wattier & Brown, LLP, hereby makes this Motion for Summary Disposition of the Petition filed by Montana Dakota Utilities ("MDU") in the above named docket, on the following grounds:

(1) The contracted minimum demand of electric service at the new North Central Farmers Elevator ("North Central") facility to be located near Bowdle, South Dakota ("Bowdle Facility" or "Facility") is less than two thousand kilowatts, which is the threshold required for a large load found in SDCL § 49-34A-56; and

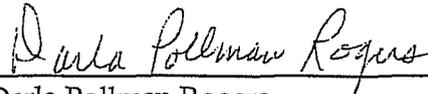
(2) Based on a plain reading of SDCL § 49-34A-56, MDU has failed to state a claim upon which relief can be granted because MDU lacks standing to bring a petition under this statute.

Summary Disposition is proper because there is no genuine issue of material fact regarding this matter, and FEM is entitled to judgment as a matter of law pursuant to SDCL § 1-26-18, SDCL § 15-6-12(b) and ARSD 20:10:01:02.4.

FEM is supported in this Motion for Summary Disposition by Intervenors  
North Central and SDREA.

Dated this twenty-first day of June, 2006.

RITER, ROGERS, WATTIER, & BROWN



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