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JUN 07 2006

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

ROBERT C. RITER, Jr.
DARLA POLLMAN ROGERS
JERRY L. WATTIER
JOHN L. BROWN

MARGO D. NORTHRUP, Associate

May 31, 2006

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

Re: THE MATTER OF THE COMPLAINT FILED BY SIOUX VALLEY
SOUTHWESTERN ELECTRIC COOPERATIVE, INC D/B/A SIOUX VAL-
LEY ENERGY AGAINST NORTHERN STATES POWER COMPANY,
D/B/A XCEL ENERGY, REGARDING PROVISION OF ELECTRIC SER-
VICE TO MYRL AND ROY'S PAVING.

Dear Patty:

Enclosed herein are original and ten (10) copies of the Petition to Intervene of South Da-
kota Rural Electric Association for filing in the above referenced docket.

Sincerely yours,



Darla Pollman Rogers
Attorney at Law

DPR/ea

Enclosures

CC: Service List
Client

RECEIVED
JUN 01 2006
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT
FILED BY SIOUX VALLEY SOUTH-
WESTERN ELECTRIC COOPERATIVE,
INC D/B/A SIOUX VALLEY ENERGY
AGAINST NORTHERN STATES
POWER COMPANY, D/B/A XCEL EN-
ERGY, REGARDING PROVISION OF
ELECTRIC SERVICE TO MYRL AND
ROY'S PAVING

DOCKET NUMBER CE06-002

PETITION OF
SDREA TO INTERVENE

Pursuant to ARSD 20:10:01:15.02, South Dakota Rural Electric Associa-
tion ("SDREA") by its undersigned counsel petitions the Commission as follows:

1. SDREA is an organization comprised of member electric cooperatives in
South Dakota. SDREA is devoted to the protection of the interests of its member electric
cooperatives and their customers. Sioux Valley Southwestern Electric Cooperative, Inc.,
d/b/a Sioux Valley Energy ("Sioux Valley Energy") is a member of SDREA.

2. Sioux Valley Energy has filed a Complaint with this Commission (CE06-
002) requesting that the Commission enter an Order allowing Sioux Valley Energy to
provide electric services to Myrl and Roy's Paving ("Myrl and Roy's"), which operates a
quarry and rock crushing business located in the southeast quarter of Section 27, Town-
ship 101 North, Range 48 West, Minnehaha County, South Dakota. The southeast quar-
ter of Section 27 is divided in half by the 16th line. This Commission previously desig-
nated the north half of the southeast quarter of Section 27 as Northern States Power

Company d/b/a Xcel Energy's ("Xcel Energy") exclusive assigned electric service territory and the south half of the southeast quarter of Section 27 as the exclusive assigned electric service territory of Sioux Valley Energy.

3. Prior to June 12, 1991, Sioux Valley Energy provided electric service to Myrl and Roy's.

4. In 1992, following an adversarial hearing before the Commission to determine whether Xcel Energy or Sioux Valley Energy had the right to provide electric service to Myrl and Roy's quarry operation, the Commission determined that Xcel Energy had the right to provide electric service to the whole quarry because the majority of the electric load was to be consumed in Xcel Energy's service territory (majority load test). The Commission's decision was affirmed by the Hughes County Circuit Court and the South Dakota Supreme Court.

5. To date, Xcel Energy continues to provide electric service to Myrl and Roy's quarry operation.

6. Sioux Valley Energy filed a complaint against Xcel Energy with this Commission on May 8, 2006, seeking an order from the Commission granting Sioux Valley Energy the exclusive right to provide electric service to the entirety of Myrl and Roy's quarry operation.

7. Sioux Valley Energy's Complaint is based upon its information and belief that Myrl and Roy's will be expanding its quarry operation by adding new equipment that will be located in Sioux Valley Energy's territory. When the equipment is installed and operating, the majority of the load of Myrl and Roy's quarry operation will be located in

Sioux Valley Energy's territory. Premised on the majority load test adopted by the Commission in this case in 1991, Sioux Valley is entitled to provide such service.

8. This Commission has the authority to settle Sioux Valley Energy's Complaint, pursuant to SDCL § 49-34A-59.

9. SDREA believes that the issues presented in the Complaint of Sioux Valley Energy and this Commission's decision in this docket directly affect all of its member companies, and their consumers. SDREA asserts that a favorable ruling by the Commission on Sioux Valley Energy's Complaint would be in the best interest of the public and to rule otherwise would result in an erosion of South Dakota's territorial laws, which would be detrimental to member companies and to the consumers of South Dakota.

10. The issues presented in this docket and SDREA's proposed intervention constitute a matter of public interest, especially to future customers in similar situations. Thus, SDREA and its member companies have a direct and substantial interest in these proceedings.

WHEREFORE, SDREA respectfully requests that the Commission grant its intervention and participation in this proceeding to examine and cross-examine witnesses, conduct discovery and offer evidence on its own behalf.

Dated this thirty-first day of May, 2006

Riter, Rogers, Wattier & Brown, LLP

By: *Darla Pollman Rogers*

Darla Pollman Rogers

Attorney for SDREA

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Pierre, South Dakota 57501

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the PETITION OF SDREA TO INTERVENE was served via the method(s) indicated below, addressed to:

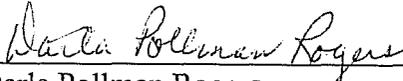
Sara B.Greff (X) First Class Mail
South Dakota Public Utilities Commission () Hand Delivery
500 East Capitol Avenue () Facsimile
Pierre, South Dakota 57501 () Overnight Delivery
() E-Mail
() Electronic Delivery

David A. Gerdes (X) First Class Mail
May, Adam, Gerdes & Thompson () Hand Delivery
503 S. Pierre Street () Facsimile
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100 N. Phillips Avenue #901 () Facsimile
Sioux Falls, SD 57104 () Overnight Delivery
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Alan Glover (X) First Class Mail
Glover & Helsper, P.C. () Hand Delivery
415 Eight Street South () Facsimile
Brookings, SD 57006 () Overnight Delivery
() E-Mail
() Electronic Delivery

Dated this thirty-first day of May, 2006.



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