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May 17, 2006

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Ms. Patricia Van Gerpen
South Dakota Public Utilities Commission
Capitol Building, 1st Floor
500 East Capitol Avenue
Pierre, SD 57501-5070

RE: *In the matter of the Complaint of Sioux Valley Southwestern of South Dakota, Inc., dba
Sioux Valley Energy Against Northern States Power Company dba Xcel Energy, For
Provision of Electric Service to Myrl and Roy's Paving - Docket CE 06-002*

Dear Ms. Van Gerpen:

Enclosed for filing, please find Petition to Intervene of Myrl and Roy's Paving, Inc. in the
above matter. By copy of this correspondence, I am intending service by mail on attorneys Alan
Glover and David Gerdes. The Petitions to Intervene was filed electronically with the PUC on
May 17, 2006, and sent to the parties by United States mail on the same date.

Best regards.

Sincerely,

CUTLER & DONAHOE, LLP



Meredith A. Moore
For the Firm

MAM/jlh
Enclosures

cc: Mr. Alan Glover
Mr. David Gerdes
Mr. Darrel Hoyer

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT
OF SIOUX VALLEY SOUTHWESTERN
OF SOUTH DAKOTA ELECTRIC
COOPERATIVE, INC., DBA,
SIOUX VALLEY ENERGY AGAINST
NORTHERN STATES POWER
COMPANY, DBA, XCEL ENERGY, FOR
PROVISION OF ELECTRIC SERVICE
TO MYRL AND ROY'S PAVING.

Docket No. CE 06-002

**PETITION TO INTERVENE OF
MYRL AND ROY'S PAVING, INC.**

COMES NOW, Myrl and Roy's Paving, Inc., by and through its undersigned counsel, and pursuant to A.R.S.D. 20:10:01:15.02, petitions this Commission for leave to intervene in the above entitled proceeding.

IN SUPPORT THEREOF, Petitioner does state and declare as follows:

1. Myrl and Roy's Paving, Inc. ("Myrl and Roy's") is a South Dakota corporation headquartered in Sioux Falls, South Dakota.
2. Myrl and Roy's is a construction company which, among other things, operates a quarry located in the southeast quarter of Section 27, Township 101 North, Range 48 West, Minnehaha County, South Dakota. The southeast quarter of Section 27 is divided in half by the 16th line. This Commission previously designated the north half of the southeast quarter of Section 27 as Xcel Energy's 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 Southwestern of South Dakota Electric Cooperative, Inc. d/b/a Sioux Valley Energy ("Sioux Valley Energy").
3. In 1992, following an adversarial hearing seeking a determination of whether Xcel Energy or Sioux Valley Energy had the right to provide electric service to the entirety

of Myrl & Roy's quarry operation, this Commission, based on application of the majority load test, determined that Xcel Energy had the right to provide electric service to the whole of the quarry because the majority of the electric load was to be consumed in Xcel Energy's service territory. This Commission's decision was affirmed by the Circuit Court, County of Hughes, Sixth Judicial Circuit and ultimately by the South Dakota Supreme Court in the matter styled as *Northern States Power Company v. Sioux Valley Empire Electric Association*, 489 N.W.2d 365 (S.D. 1992).

4. To date, Xcel Energy has continued to provide electric service to Myrl and Roy's quarry operation.

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

6. Pursuant to applicable South Dakota law and rules of administrative procedure, this Commission is vested with the authority to grant or deny the Complaint of Sioux Valley Energy.

7. Upon information and belief, Sioux Valley Energy filed the Complaint at issue because Myrl and Roy's currently has planned a significant expansion of its quarry operation, which expansion will necessitate the provisioning of a significant increase in electric power in order for the expanded quarry to achieve full operation. In its Complaint, Sioux Valley, at ¶11, has incorrectly alleged that Myrl and Roy's intends to "move the majority of its power load requirements into Sioux Valley's territory." See Sioux Valley Energy's Complaint at ¶11 and ¶1 of Relief Requested. Because of ongoing changes in the plan for the construction and placement of the new and enlarged facilities and equipment

included in the quarry expansion, it is not yet known exactly where the majority of Myrl and Roy's power load will be located.

8. Because of the potential for confusion of the underlying facts surrounding the expansion of Myrl and Roy's quarry, and the ramifications that such factual determinations may have on the timeliness of service of electric power and its cost, as well as the ability of the ultimate electric service provider to adequately serve Myrl and Roy's electric power needs, Myrl and Roy's has a direct and substantial interest in these proceedings.

WHEREFORE, Myrl and Roy's Paving, Inc. respectfully requests that the Commission grant this Petition to Intervene and authorize Myrl and Roy's to participate in the above entitled proceeding with full rights as a formal party.

Dated this 17th day of May, 2006.

CUTLER & DONAHOE, LLP
Attorneys at Law



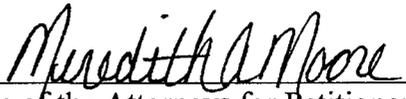
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CERTIFICATE OF SERVICE

The undersigned certifies that on the th day of May, 2006, I served a true and correct copy of the Petition to Intervene of Myrl and Roy's Paving, Inc., by regular United States mail, first class postage prepaid, to:

Mr. Alan F. Glover
Glover & Helsper, P.C.
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*Attorneys for Sioux Valley Southwestern
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One of the Attorneys for Petitioner