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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

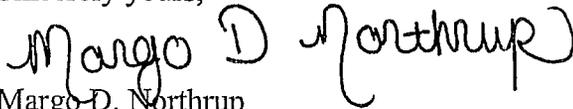
Re: IN THE MATTER OF THE PETITION FOR DESIGNATION OF MON-
TANTA-DAKOTA UTILITIES CO. AS ELECTRIC SERVICE PROVIDER
FOR THE NEW NORTH CENTRAL FARMERS ELEVATOR LOCATION IN
BOWDLE, SOUTH DAKOTA AS A LARGE LOAD CUSTOMER

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

RECEIVED

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

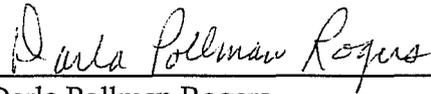
(2) Based on a plain reading of SDCL § 49-34A-56, MDU has failed to state a claim upon which relief can be granted because MDU lacks standing to bring a petition under this statute.

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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