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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE PETITION FOR ELECTRICAL SERVICE BY DAKOTA VINYL EXTRUSIONS, INC. TO HAVE NORTHWESTERN CORPORATION D/B/A NORTHWESTERN ENERGY ASSIGNED AS ITS ELECTRIC PROVIDER IN THE SERVICE AREA OF CODINGTON-CLARK ELECTRIC COOPERATIVE, INC.

Docket Number EL06-014

PETITION TO INTERVENE OF
CODINGTON-CLARK ELECTRIC
COOPERATIVE, INC.

Codington-Clark Electric Cooperative, Inc. ("Codington-Clark Electric"), hereby petitions to intervene as a party in this matter pursuant to ARSD 20:10:01:15.02 and objects to the petition of Dakota Vinyl Extrusions, Inc. ("Dakota Vinyl") to have NorthWestern Energy designated as the electric supplier for Dakota Vinyl's Manufacturing Plant ("Manufacturing Plant") located in Clark, South Dakota.

In support of this Petition, Codington-Clark Electric states that it is an interested party in Docket EL06-014, for the following reasons:

1. Construction of the Manufacturing Plant has not commenced, but the proposed site of the Manufacturing Plant is an Industrial Park, which is within the exclusive assigned service territory of Codington-Clark Electric.

2. Codington-Clark Electric has served the Industrial Park since its development and has served the immediate area continuously for many years, including service prior to March 21, 1975.

3. Codington-Clark Electric can and is willing to furnish an adequate and reliable electrical supply to the Manufacturing Plant with minimal construction of facilities.

4. The electrical service is not a large load as designated in SDCL § 49-34A-56.

5. Codington-Clark Electric can furnish electrical service to the Manufacturing Plant at favorable rates.

6. Codington-Clark Electric has designated facilities in close proximity from which electric services of the type required may be delivered.

7. Although Dakota Vinyl has indicated in its Petition that it has chosen NorthWestern as its provider, the Dakota Vinyl project is still tentative, and no construction has begun. Dakota Vinyl's Petition is thus premature, as changes could occur between now and the time plans for the project are finalized (if ever), which could affect customer preference.

8. Although Dakota Vinyl has purportedly entered into an Electrical Service Agreement with NorthWestern, said agreement is 1) not dated and unsigned; and 2) fails to establish that the minimum contracted load requirements of SDCL § 49-34A-56 have been met.

Codington-Clark Electric disagrees with the allegations contained in Dakota Vinyl's Petition. Codington-Clark Electric disputes the application of SDCL § 49-34A-56 to this facility, for the following reasons:

1. The Manufacturing Plant is not a large load, as defined in SDCL § 49-34A-56, and Dakota Vinyl's petition is thus improper.

2. Construction of the Manufacturing Plant is still tentative so the petition is premature.

3. If constructed, the Manufacturing Plant would be located within Codington-Clark Electric's assigned service territory.

4. Codington-Clark Electric would like to obtain further information to confirm that Dakota Vinyl will have a contracted minimum load in excess of two thousand (2000) kilowatts or more, or alternatively would request Commission Staff to make such determination.

5. Codington-Clark Electric and its customers will be directly affected by the issues raised in this proceeding and the outcome of this proceeding.

Accordingly, Codington-Clark Electric objects to the Dakota Vinyl and NorthWestern petition. Codington-Clark Electric has not agreed to allow Northwestern to provide service to this customer, who is within its assigned service area, and Codington-Clark Electric seeks the opportunity to present evidence that Codington-Clark Electric is the appropriate provider of electrical service to the Manufacturing Plant.

WHEREFORE, Codington-Clark Electric requests that the Commission grant its Petition and allow it to intervene and be granted party status in this proceeding.

Dated this 30th day of May, 2006.



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition to Intervene was served via the method(s) indicated below, on the 30th day of May, 2006, addressed to:

Sara B. Greff (X) First Class Mail
South Dakota Public Utilities Commission () Hand Delivery
500 East Capitol Avenue () Facsimile
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Brett Koenecke (X) First Class Mail
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