

BEFORE THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

In the Matter of the Petition for a)
Declaratory Ruling Determining if South)
Dakota Law Would Allow Petitioner to)
Develop and Own its Own Renewable)
Energy Generation System)

EL-18-061

**PETITION TO INTERVENE
(BASIN ELECTRIC POWER
COOPERATIVE)**

Pursuant to ARSD 20:10:01:15.02, Basin Electric Power Cooperative, a rural electric cooperative corporation, hereby petitions the Commission for leave to intervene in the above-entitled matter on the following grounds:

FACTS SUPPORTING PETITIONER'S INTEREST

1. Basin Electric Power Cooperative ("BEPC" herein) is a rural electric cooperative in good standing and duly organized under the laws of North Dakota, and authorized to do business in South Dakota. BEPC maintains its principal headquarters and office at 1717 East Interstate Avenue, Bismarck, North Dakota 58503-0564. BEPC provides wholesale electric power to all rural electric cooperatives in South Dakota including to BEPC's Class A member East River Electric Cooperative, who in turn provides electric power to Charles Mix Electric Association. Charles Mix Electric Association ultimately provides retail electric service to the rural residents and consumers of Charles Mix County. Further, Charles Mix Electric Association is a Class C member of BEPC.

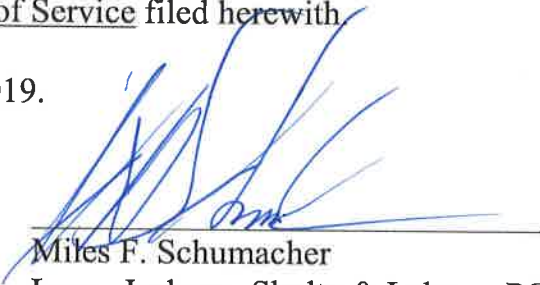
2. The local cooperatives BEPC serves are each an “electric utility” as defined by S.D.C.L. §49-34A-1(7) with assigned service areas, the boundaries of which have been established as provided in S.D.C.L. §§49-34A-42 to 49-34A-44, inclusive.
3. Such assigned service areas cover substantially all of rural Charles Mix County, South Dakota, and include the Pickstown Treatment Plant, Pickstown Intake / Entry Point, Platte Treatment Plant, and Platt Intake / Entry Point of Randall Community Water District (“RCWD” herein).
4. RCWD’s proposal to “develop a renewable energy source to offset the amount of retail power consumption” (Petition ¶12), may adversely affect the power requirements of BEPC’s member cooperatives, which in turn would adversely effect BEPC’s revenues, rates, minimum coverage ratios, debt service, and recovery of plant investment. The extent to which BEPC may be adversely affected cannot be determined from the submissions heretofore filed with the Commission by RCWD.
5. In addition, RCWD’s proposed development may involve co-generation, interconnection and standby service issues governed by federal law and regulations.

WHEREFORE, Basin Electric Power Cooperative hereby makes and files this Petition to Intervene and shows the Commission that:

- A. BEPC has a pecuniary interest that would be directly and immediately affected by a ruling on this matter and is therefor deemed by statute to be an interested party;
- B. The outcome of the proceeding will bind and adversely affect BEPC with respect to an interest peculiar to BEPC as distinguished from an interest common to the public or to the taxpayers in general;
- C. This Petition to Intervene is timely filed and will not unduly prejudice the rights of any other party to these proceedings; and
- D. Under the facts as set forth above, BEPC should be granted leave to intervene in this important matter.

Pursuant to ARSD 20:10:01:15.02, service upon all parties to the proceeding has been made as shown in the Certificate of Service filed herewith

Dated this 4th day of January, 2019.



Miles F. Schumacher
Lynn, Jackson, Shultz & Lebrun, PC
110 N. Minnesota Ave., Suite 400
Sioux Falls, SD 57104
605-332-5999
mschumacher@lynnjackson.com
Attorneys for Intervenor
Basin Electric Power Cooperative