

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

---

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**

---

COMES NOW the South Dakota Electric Utility Companies (SDEUC), by and through its attorneys and moves the Commission for leave to intervene in the above captioned docket.

The South Dakota Electric Utility Companies is a trade group of investor owned utilities serving customers in South Dakota. Members include Black Hills Energy, MidAmerican Energy, Montana-Dakota Utilities, NorthWestern Energy, Otter Tail Power Company and Xcel Energy.

In support of its Motion, Petitioner states that the original petitioners have asked for a declaratory judgment from the Commission. The way the question has been phrased as a matter of statutory interpretation leads the Petitioner to think and understand that its members, as electric utilities as that term is defined in state law, would be necessarily bound by a judgment in this proceeding which may affect them pecuniarily, and in a direct and immediate manner. The manner of regulation and organization for investor owned utilities is different from that posed by the incumbent provider. That interest is peculiar to them and different from the interest of the incumbent provider and that of others involved in the docket. We think appearing in this matter as a group is the most efficient way for all to proceed.

WHEREFORE, South Dakota Electric Utility Companies hereby makes and files this Petition to Intervene and shows the Commission that:

A. SDEUC members do indeed have a pecuniary interest that would be directly and immediately affected by a ruling on this matter and is therefore deemed by statute to be an interested party;

B. The outcome of the proceeding will bind and adversely affect SDEUC members with respect to an interest peculiar to them as companies, 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, SDEUC 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 4<sup>th</sup> day of January, 2019.

MAY, ADAM, GERDES & THOMPSON LLP

BY: 

BRETT KOENECKE

Attorneys for SD Electric Utilities Commission

503 S. Pierre Street

PO Box 160

Pierre, South Dakota 57501-0160

(605) 224-8803

### **CERTIFICATE OF SERVICE**

Brett Koenecke of May, Adam, Gerdes & Thompson LLP, hereby certifies that on the 4<sup>th</sup> day of January, 2019, he electronically filed and served a true and correct copy of the foregoing in the above-captioned action to the following at their last known address, to-wit:

Ms. Patricia Van Gerpen  
[patty.vangerpen@state.sd.us](mailto:patty.vangerpen@state.sd.us)

Ms. Kristen Edwards  
[Kristen.edwards@state.sd.us](mailto:Kristen.edwards@state.sd.us)

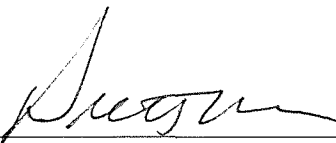
Mr. Eric Paulson  
[eric.paulson@state.sd.us](mailto:eric.paulson@state.sd.us)

Miles F. Schumacher  
[mschumacher@lynnjackson.com](mailto:mschumacher@lynnjackson.com)

Mr. Joseph Rezac  
[joseph.rezac@state.sd.us](mailto:joseph.rezac@state.sd.us)

Mr. Patrick J. Glover  
[patrick@meierhenrylaw.com](mailto:patrick@meierhenrylaw.com)

Michael J. Whalen  
[mwhalen@rapidnet.com](mailto:mwhalen@rapidnet.com)

---

Brett Koenecke