

STATE OF SOUTH DAKOTA
BEFORE THE
PUBLIC UTILITIES COMMISSION

In the Matter of the Petition for)
Electrical Service by Dakota Plains)
Ag Center, LLC to have NorthWestern) Docket No. EL16-013
Energy Assigned as its Electric) ORDER GRANTING
Provider in the Service Area of Bon) INTERVENTION
Homme–Yankton Electric Association)

On April 1, 2016, the South Dakota Public Utilities Commission (Commission) received a petition from Dakota Plains Ag Center, LLC (Dakota Plains) for a service territory exception pursuant to SDCL 49-34A-56. Dakota Plains states it is constructing and will operate a grain terminal at a site near Yankton, South Dakota. The new grain terminal will be at a site located in the following tract of land in Yankton County, South Dakota:

Lot One (1), Dakota Rail Park Subdivision, located in Section Twenty-one (21), Township Ninety-four (94) North, Range Fifty-six (56) west of the 5th P.M., Yankton County, South Dakota as per plat recorded in book S20, Page 132.

Dakota Plains further states it would be a new customer, seeking electrical service to a new location, which has developed since March 21, 1975. Such location overlaps the territorial boundaries of both NorthWestern Corporation d/b/a NorthWestern Energy (NorthWestern) and Bon Homme Yankton Electric Association, Inc. (B-Y Electric). Dakota Plains requests authorization to take electric service from NorthWestern.

On April 7, 2016, the Commission electronically transmitted notice of the filing and the intervention deadline of April 22, 2016, to interested individuals and entities on the Commission’s PUC Weekly Filings electronic listserv. On April 8, 2016, the Commission received petitions to intervene from both NorthWestern and B-Y Electric. On April 22, 2016, the Commission received a petition to intervene from South Dakota Rural Electric Association (SDREA).

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-34A, specifically 49-34A-56, and ARSD 20:10:01:15.02 through 20:10:01:15.05.

At its regularly scheduled meeting on April 11, 2016, the Commission granted intervention to both NorthWestern and B-Y Electric.

At its regularly scheduled meeting on April 27, 2016, the Commission considered petition for intervention filed by SDREA. B-Y Electric supported granting SDREA’s petition to intervene; NorthWestern did not take a position on the petition, and Dakota Plains filed an opposition to SDREA’s Petition to Intervene on April 25, 2016; SDREA filed a Reply to the Opposition on April 26, 2016. The Commission having considered the Petition to Intervene, all

records and documents on file herein, the applicable law and the arguments of counsel, as well as comments by its staff, and having entered its Findings of Fact and Conclusions of Law and good cause appearing therefore, it is hereby

ORDERED that the Petition to Intervene filed by South Dakota Rural Electric Association is hereby granted.

DATED at Pierre, South Dakota this ____ day of May, 2016.

BY ORDER OF THE COMMISSION

CHRIS NELSON, Chairman

KRISTIE FIEGEN, Commissioner

GARY HANSON, Commissioner