

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

IN THE MATTER OF)	
)	
THE REQUEST FOR A)	Docket No. EL21-022
DECLARATORY RULING)	
REGARDING THE ELECTRIC SERVICE)	
TERRITORY BOUNDARY BETWEEN)	
CLAY-UNION ELECTRIC)	
CORPORATION AND CITY OF)	
VERMILLION)	

**PETITION FOR INTERVENTION BY SOUTH DAKOTA MUNICIPAL
ELECTRIC ASSOCIATION**

The South Dakota Municipal Electric Association (“SDMEA”) hereby petitions the Commission for intervention pursuant to ARSD Sec. 20:10:01:15.02. This Petition to intervene is not filed timely but SDMEA requests the Commission grant intervention status to it as its intervention and party status in this docket will not prejudice the rights of other parties to the proceeding and the denial of the petition as hereinafter set forth will be detrimental to the public interest.

This filing is made acknowledging the filing by the Commission Executive Director of August 4, 2021, in this docket. The declaratory ruling of this Commission is an agency decision pursuant to SDCL 1-26-15 and can impact the direct pecuniary interest of the parties seeking status in the proceeding. The denial of party status in this matter forecloses those parties directly impacted by the relief requested from participating in the docket. The filing positions the Commission to render a determination without consideration of parties having a clear interest in the outcome of this matter.

1. SDMEA is an Association of the South Dakota Municipal League and is comprised of 35 member communities across South Dakota. SDMEA members have a long history of municipal electric operations in South Dakota dating back to 1899. SDMEA members are owned by the cities they serve providing a public service to the citizens of their local communities as well as the businesses and industries of their respective community.

2. The City of Vermillion is a member of SDMEA.

3. On or about July 13, 2021, Clay-Union Electric Corporation (“Clay-Union”) filed a petition for declaratory ruling asking the Commission to determine the appropriate service territory of the City of Vermillion and Clay-Union and 15 particular street lights.

4. On or about the 29th of July, 2021, the City of Vermillion responded to Clay Union’s Petition for Declaratory Ruling asserting amongst other claims that the City has a statutory exemption allowing it to serve the street lights in question.

5. On or about the 30th day of July, 2021, the South Dakota Rural Electric Association (“SDREA”) petitioned to intervene in this matter asserting generally that as the association representing the interest of numerous rural electric cooperatives, including Clay-Union, that it has a common interest of protecting service territory areas of its members and that the Commission has a duty pursuant to statute to regulate electric service areas.

6. On August 4, 2021 the Commission filed a letter in the docket notifying the City of Vermillion and SDREA that they could not, by Commission rule, obtain party status in this docket. SDMEA believes this determination by the Commission is in error.

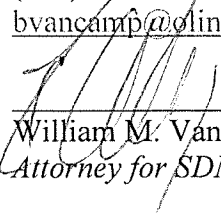
7. SDMEA would offer the Commission that it is equipoised with SDREA in the interests of its members generally, as well as the City of Vermillion, particularly. Should SDREA be granted intervention in this docket or its position considered by the Commission, SDMEA should be allowed to join this proceeding as a party or appropriately comment. The denial of the petition to intervene would be detrimental to the public's interest and the citizens of the 35 municipal members of SDMEA. SDMEA's interests are distinct form the public at large and the Commission's determination in this matter of whether or not it has to act pursuant to the Petition for Declaratory Ruling will impact SDMEA's members uniuquely and directly.

8. This late Petition to Intervene has been filed less than one week after the intervention deadline as a direct result of the filing of SDREA and the issues it raises in this matter. The Commission letter of August 4, 2021, notwithstanding. Based on the limit in time that has transpired since the initial petition deadline and the interests of SDMEA and its membership, no party to this docket will be unduly prejudiced by the granting of intervention status of SDMEA.

WHEREFORE, for the reasons stated herein, SDMEA requests the Commission grant it status in this matter and grant its Petition to Intervene.

Respectfully submitted this 6th day of August, 2021.

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/s/Drew Duncan

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CERTIFICATE OF SERVICE

William M. Van Camp hereby certifies that on the 6th day of August, 2021, a true and correct copy of the Petition for Intervention by SDMEA, in the above-captioned action was served electronically upon the following at their last known addresses, to-wit:

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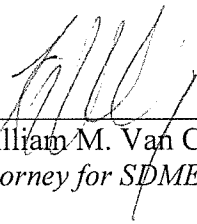
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