

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

IN THE MATTER OF THE PETITION OF)	ORDER GRANTING MOTION
GEVO NET-ZERO 1, LLC TO HAVE)	FOR PROCEDURAL SCHEDULE
KINGSBURY ELECTRIC COOPERATIVE,)	AND CONSOLIDATING
INC. ASSIGNED AS ITS ELECTRIC)	DOCKETS FOR EVIDENTIARY
PROVIDER IN THE SERVICE AREA OF)	HEARING
OTTER TAIL POWER COMPANY)	
)	EL24-024

On June 28, 2024, the South Dakota Public Utilities Commission (Commission) received a Petition of Gevo Net-Zero 1, LLC to have Kingsbury Electric Cooperative, Inc. assigned as its electric provider in the service area of Otter Tail Power Company (Petition). The Petition asks the Commission for an order pursuant to SDCL 49-34A-56 that allows NZ1 to take electric service from Kingsbury Electric Cooperative, Inc. for its proposed sustainable aviation jet fuel facility outside Lake Preston, South Dakota, that is currently within the assigned service area of Otter Tail Power Company. Under SDCL 49-34A-56, new customers at new locations that develop after March 21, 1975, and who require electric service with a contracted minimum demand of two thousand kilowatts or more are not obligated to take electric service from the electric utility having the assigned service area where the customer is located if the Commission so determines after consideration of certain factors set forth in statute.

On July 3, 2024, the Commission electronically transmitted notice of the filing and the intervention deadline of July 19, 2024, to interested individuals and entities on the Commission's PUC Weekly Filing electronic listserv. On August 1, 2024, the Commission issued an Order Granting Intervention to Kingsbury Electric Cooperative, Inc.; East River Electric Cooperative, Inc.; and Otter Tail Power Company. On October 1, 2024, staff filed a Motion for Procedural Schedule.

The Commission has jurisdiction in this matter pursuant to SDCL Chapter 1-26, 15-6, and SDCL 49-34A-56 and ARSD Chapter 20:10:01.

At its regularly scheduled meeting on October 8, 2024, the Commission considered this matter. No party objected to the schedule suggested by Staff in its Motion. The Commission voted unanimously to grant Staff's Motion for Procedural Schedule filed on October 1, 2024. In addition, the Commission found that pursuant to SDCL 15-6-42(a) that no party would be prejudiced by consolidating Docket Nos. EL24-024 and EL24-025 for an evidentiary hearing and that consolidation was appropriate based upon the facts and the laws at issue. It is therefore

ORDERED, that the Motion for Procedural Schedule is granted. It is further

ORDERED, that the Procedural schedule is established as follows:

Applicant Testimony.....	12:00 P.M. CDT, October 11, 2024
Staff/Intervenor Testimony Filed.....	12:00 P.M. CDT, November 1, 2024
Rebuttal Testimony Filed.....	12:00 P.M. CST, November 20, 2024
Final Discovery Sent.....	5:00 P.M. CST, November 21, 2024
Responses to Final Discovery Due.....	5:00 P.M. CST, December 3, 2024

Exhibits and Witness/Exhibit Lists Filed.....12:00 P.M. CST, December 5, 2024
Pre-hearing Conference.....4:00 P.M. CST, December 6, 2024
Evidentiary Hearing.....December 9-11, 2024

It is further

ORDERED, that this docket shall be consolidated with EL24-025 pursuant to SDCL 15-6-42(a) for evidentiary hearing. It is further

ORDERED, that responses to discovery are due seven business days after service of discovery except as provided in the procedural schedule above. It is further

ORDERED, that prefiled testimony must be submitted for all witnesses as a prerequisite to providing testimony at the evidentiary hearing, with the exception of rebuttal witnesses responding to new issues raised at the evidentiary hearing. It is further

ORDERED that all exhibits be marked and filed prior to the evidentiary hearing.

Dated at Pierre, South Dakota, this 9th day of October 2024.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.
By: <u><i>Kristie Fiegen</i></u>
Date: <u>9th Oct 2024</u>

BY ORDER OF THE COMMISSION:

Kristie Fiegen

KRISTIE FIEGEN, Chairperson

Gary Hanson

GARY HANSON, Commissioner

Chris Nelson

CHRIS NELSON, Commissioner