

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

<b>IN THE MATTER OF THE PETITION OF</b>	<b>)</b>	<b>ORDER GRANTING JOINT</b>
<b>DAKOTA RENEWABLE HYDROGEN,</b>	<b>)</b>	<b>MOTION FOR APPROVAL OF</b>
<b>LLC TO HAVE KINGSBURY ELECTRIC</b>	<b>)</b>	<b>SETTLEMENT AGREEMENT;</b>
<b>COOPERATIVE, INC. ASSIGNED AS ITS</b>	<b>)</b>	<b>ORDER ASSIGNING ELECTRIC</b>
<b>ELECTRIC PROVIDER IN THE SERVICE</b>	<b>)</b>	<b>PROVIDER PURSUANT TO SDCL</b>
<b>AREA OF OTTER TAIL POWER</b>	<b>)</b>	<b>49-34A-56</b>
<b>COMPANY</b>	<b>)</b>	
	<b>)</b>	<b>EL24-025</b>

On June 28, 2024, the South Dakota Public Utilities Commission (Commission) received a Petition of Dakota Renewable Hydrogen, LLC (DRH) 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 DRH to take electric service from Kingsbury Electric Cooperative, Inc. for its proposed hydrogen production facility to be located adjacent to, and as part of, Gevo Inc.'s proposed ethanol and sustainable aviation fuel (SAF) facility east of 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 Filings electronic listserv. On August 1, 2024, the Commission issued an Order Granting Intervention to Kingsbury Electric Cooperative, Inc. (Kingsbury), East River Electric Power Cooperative, Inc. (East River), and Otter Tail Power Company (Otter Tail).

On November 26, 2024, DRH, Kingsbury, East River, and Otter Tail (together "the parties") filed a letter regarding settlement indicating the parties reached a settlement in principle. On December 2, 2024, the parties filed a Joint Motion for Approval of Settlement and a Settlement Agreement (Settlement)

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34A, particularly SDCL 49-34A-56 and ARSD 20:10:01:19.

At its regularly scheduled meeting on December 3, 2024, the Commission considered whether to grant the Joint Motion for Approval of Settlement Agreement. Having thoroughly reviewed the filings in the docket, the Commission found that the terms and conditions proposed in the Settlement were just, reasonable, and in the public interest, and that good and sufficient cause was demonstrated to approve the Settlement.

The Commission further found, after consideration of the factors in SDCL 49-34A-56, DRH is a large new customer not required to take service from Otter Tail. The Commission voted unanimously to grant the Joint Motion for Approval of the Settlement, and to adopt the Settlement, and to grant DRH's Petition to have Kingsbury assigned as its electric service provider in the service area of Otter Tail. It is therefore

ORDERED, that the Joint Motion for Approval of Settlement is hereby granted, and the Settlement is hereby adopted. The Settlement is incorporated by reference into this Order the same as if it had been set forth in its entirety herein. It is further

ORDERED, that the Petition of Dakota Renewable Hydrogen, LLC to have Kingsbury Electric Cooperative, Inc. assigned as its electric service provider in the service area of Otter Tail Power Company, pursuant to SDCL 49-34A-56 is hereby granted. It is further

ORDERED that Kingsbury Electric Cooperative, Inc. shall be the electrical supplier for the electric requirements of Dakota Renewable Hydrogen, subject to the terms of the Settlement.

Dated at Pierre, South Dakota, this 5<sup>th</sup> day of December 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: Kristie Fiegen

Date: 5 Dec 2024

BY ORDER OF THE COMMISSION:

Kristie Fiegen

KRISTIE FIEGEN, Chairperson

Gary Hanson

GARY HANSON, Commissioner

Chris Nelson

CHRIS NELSON, Commissioner