

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

**IN THE MATTER OF THE PETITION
OF DAKOTA RENEWABLE
HYDROGEN, LLC TO HAVE
KINGSBURY ELECTRIC
COOPERATIVE, INC. ASSIGNED AS
ITS ELECTRIC PROVIDER IN THE
SERVICE AREA OF OTTER TAIL
POWER COMPANY**

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**EAST RIVER ELECTRIC POWER
COOPERATIVE, INC.'S**

PETITION TO INTERVENE

EL24-025

**EAST RIVER ELECTRIC POWER COOPERATIVE INC.'S PETITION TO
INTERVENE**

East River Electric Power Cooperative, Inc. ("*East River*"), by its undersigned counsel hereby petitions the South Dakota Public Utilities Commission ("*Commission*") for intervention in the above-captioned proceeding pursuant to SDCL § 1-26-17.1, ARSD § 20:10:01:15.02 and 20:10:01:15.03. In support hereof, East River states as follows:

1. East River is a not-for-profit generation and transmission cooperative that delivers wholesale power to our members, which includes 24 rural electric distribution cooperatives and one municipally owned electric system in eastern South Dakota and western Minnesota.

2. Dakota Renewable Hydrogen, LLC ("DRH") plans to construct, own and operate a hydrogen production facility ("Facility") in Kingsbury, South Dakota. DRH is a new customer, seeking electrical service at a new location, and the site is within the service territory of Otter Tail Power Company

3. On June 28, 2024, DRH filed a Petition for Electrical Service (the "*Petition*") pursuant to SDCL § 49-34A-56, in which it requested the Commission assign Kingsbury Electric Cooperative Inc., ("KEC") as the supplier of electrical service to the Facility.

4. KEC is a member of East River. East River delivers wholesale power to KEC. KEC provides retail electric service to its members.

5. On July 3, 2024, the Commission noticed the filing of the Petition and established

an intervention deadline of July 19, 2024.

6. On March 26, 2024, East River, KEC and DRH executed a contribution in-aid of construction (CIAC) agreement for facilities necessary for the immediate area around the DRH Facility to serve load and KEC and DRH have fully negotiated an Electric Service Agreement.

7. East River and KEC expect to invest millions of dollars in new transmission and related infrastructure to reliably serve the Facility.

8. East River's pecuniary interests will be directly and immediately affected by the Commission's decision on the Petition, and no other party could adequately represent East River's interests in this matter. East River desires to intervene in this matter to provide information regarding its ability to provide wholesale power to KEC and construct reliable transmission and infrastructure to serve the Facility.


9. In addition to customer preference, East River believes KEC is well situated to provide electrical service to DRH under the criteria established by SDCL §49-34A-56.

8. Based on the foregoing, East River is an interested party in this matter entitled to intervening party status.

WHEREFORE, East River requests that the Commission grant this Petition to Intervene and allow East River to be granted party status in this proceeding.

Dated this 18th day July, 2024.

EAST RIVER ELECTRIC POWER COOPERATIVE, INC.

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