

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

<p>IN THE MATTER OF THE PETITION OF LEOLA DATA CENTER LLC TO HAVE MONTANA DAKOTA UTILITIES CO., A SUBSIDIARY OF MDU RESOURCES GROUP INC., ASSIGNED AS ITS ELECTRIC PROVIDER IN THE SERVICE AREA OF FEM ELECTRIC ASSOCIATION INC.</p>	<p><b>EL-24-027</b></p> <p><b>RESPONSES OF BASIN ELECTRIC POWER COOPERATIVE TO STAFF'S FIRST DATA REQUEST</b></p>
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**Docket Number:** EL24-027  
**Subject Matter:** First Data Request  
**Request to:** Basin Electric Power Cooperative (Basin)  
**Request from:** South Dakota Public Utilities Commission Staff  
**Date of Request:** November 8, 2024  
**Responses Due:** November 25, 2024

1-1. Does Basin dispute that Leola Data Center (LDC) is a new customer? If yes, explain.

**RESERVATION AND RESPONSE:** Discovery in this matter is ongoing. Leola Data Center's Responses to the Interrogatories and Requests for Production (the "Joint Discovery Requests") served on it by each of FEM Electric Association, Inc., East River Electric Power Cooperative, Inc., and Basin Electric Power Cooperative (the "Discovery Responses") were incomplete thus making it difficult to confirm or deny these Requests. As of November 25, 2024, counsel for LDC has indicated LDC does not intend to produce certain of the requested information absent Commission Order.

At this time, Basin does not have any information to dispute that LDC is a new customer; however, it remits LDC to strict proof on this issue.

1-2. Does Basin dispute that the location to be served by MDU is a new location? If yes, explain.

**RESERVATION AND RESPONSE:** Discovery in this matter is ongoing. LDC's Discovery Responses to the Joint Discovery Requests were incomplete thus making it difficult to confirm or deny these Requests. As of November 25, 2024, counsel for LDC has indicated LDC does not intend to produce certain of the requested information absent Commission Order.

LDC has indicated it is leasing property from a private landowner. Among other things, Basin requested the lease in its Joint Discovery Requests, but it was not provided. Basin is therefore unable to respond to the question of whether this is a new location and reserves the

**right to do so once further discovery is provided. Basin further remits LDC to strict proof on this issue.**

**1-3. Does Basin dispute that LDC’s facilities will be located outside municipalities as the boundaries thereof existed on March 21, 1975? If yes, provide support for that position.**

**RESERVATION AND RESPONSE: Discovery in this matter is ongoing. LDC’s Discovery Responses to the Joint Discovery Requests were incomplete thus making it difficult to confirm or deny these Requests. As of November 25, 2024, counsel for LDC has indicated LDC does not intend to produce certain of the requested information absent Commission Order.**

**Based on the information provided in the pre-filed testimony of Bill Connors about the property to be leased, and assuming the lease identifies that same property, Basin does not dispute that LDC’s facilities will in all likelihood be located outside municipalities as the boundaries thereof existed on March 21, 1975. However, Basin remits LDC to strict proof on this issue.**

**1-4. Does Basin dispute that LDC’s contracted minimum demand will be 2 MWs or more? Explain why or why not.**

**RESERVATION AND RESPONSE: Discovery in this matter is ongoing. LDC’s Discovery Responses to the Joint Discovery Requests were incomplete thus making it difficult to confirm or deny these Requests. As of November 25, 2024, counsel for LDC has indicated LDC does not intend to produce certain of the requested information absent Commission Order.**

**Basin has not seen any evidence or other documentation establishing that LDC’s contracted minimum demand will be 2 MWs or more and is therefore unable to answer this Request. Basin reserves the right to supplement this Response and remits LDC to strict proof on this issue.**

**1-5. Does Basin dispute that MDU has access to a reliable supply of power to serve LDC’s load? If yes, explain.**

**RESERVATION AND RESPONSE: Discovery in this matter is ongoing. LDC’s Discovery Responses to the Joint Discovery Requests were incomplete thus making it difficult to confirm or deny these Requests. As of November 25, 2024, counsel for LDC has indicated LDC does not intend to produce certain of the requested information absent Commission Order.**

**Basin has not been provided with any documentation establishing that MDU has access to a reliable supply of power to serve LDC’s load and is therefore unable to answer this Request at this time. Basin reserves the right to supplement this Response and remits LDC to strict proof on this issue.**

**1-6. With specificity, please identify any and all pertinent factors affecting the ability of MDU to furnish adequate electric service to fulfill LDC’s requirements that Basin plans to raise at hearing.**

**RESERVATION AND RESPONSE:** Discovery in this matter is ongoing. LDC's Discovery Responses to the Joint Discovery Requests were incomplete thus making it difficult to confirm or deny these Requests. As of November 25, 2024, counsel for LDC has indicated LDC does not intend to produce certain of the requested information absent Commission Order.

Basin is not able to provide a full answer to this Request at this time and refers Staff to its responses to Data Requests 1-2, 1-4, and 1-5. Once additional information is provided regarding the lease, electric services agreement, and other facts of LDC's proposed arrangement with MDU, Basin reserves the right to supplement this Response.

Dated this 25th day of November, 2024.

CUTLER LAW FIRM, LLP  
Attorneys at Law

*/s/ Meredith A. Moore*  
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**CERTIFICATE OF SERVICE**

I, Meredith A. Moore, hereby certify that on the 25th day of November, 2024, a true and correct copy of the Basin Electric Power Cooperative's Responses to Staff's Data Requests was served on the following by means of the Commission's e-filing system:

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*/s/ Meredith A. Moore* \_\_\_\_\_