

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

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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.

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**EL-24-027**

**PETITION TO INTERVENE  
BASIN ELECTRIC POWER  
COOPERATIVE**

COMES NOW Basin Electric Power Cooperative (“Basin Electric”), by and through its undersigned counsel, and pursuant to SDCL 1-26-17.1 and A.R.S.D. 20:10:01:15.02, petitions this Commission for leave to intervene in the above-captioned proceeding. In support hereof, Petitioner states and declares as follows:

1. Basin Electric is a non-profit electric generation and transmission (“G & T”) cooperative located in Bismarck, North Dakota.
2. East River Electric Power Cooperative, Inc. (“East River”) is a non-profit electric G & T cooperative located in Madison, South Dakota.
3. Basin Electric generates electric power which it sells and transmits to its Class A Members for resale and retransmission to its Class C Members located in nine states for distribution to over three million users, residential and commercial.
4. Every Basin Electric Class A Member has a long-term wholesale power contract with Basin Electric pursuant to which Basin Electric sells and transmits power to the Class A Members for resale and retransmission to Class C Members.
5. The revenues from the wholesale power contracts between Basin Electric and its Class A Members are the primary and essential support for Basin Electric’s financial ability to operate, maintain, and improve the Basin Electric electrical system.

6. East River is a Class A Member of Basin Electric. It has entered into a long-term bilateral wholesale power supply contract with Basin Electric. East River purchases and receives energy and capacity from Basin Electric for resale to its Members. These Members include twenty-four rural electric distribution cooperatives, one of which is FEM Electric Association, Inc. (“FEM”).

7. On August 5, 2024, Leola Data Center, LLC (“LDC”) filed a Petition for Electrical Service with this Commission (the “Petition”). In its Petition, LDC requested that the Commission assign Montana-Dakota Utilities Co. as the electrical service supplier to LDC’s planned facility in McPherson County.

8. On August 8, 2024, Montana-Dakota Utilities Co. filed a request for approval of an electric services agreement between itself and LDC with this Commission.

9. LDC’s planned facility is within the service territory of FEM.

10. Upon information and belief, LDC has not negotiated with FEM regarding electrical service.

11. Basin Electric supports the statements made in Paragraphs 9-15 of East River’s Petition to Intervene filed on August 22, 2024 and requests intervention to provide East River with further support in this proceeding.

12. By virtue of its contract with East River, Basin Electric has a direct and substantial interest in this proceeding as this Commission’s decision will, directly or indirectly, affect its contractual and financial relationships with its Members.

13. Accordingly, Basin Electric desires to intervene in order that it may receive pleadings and other documents, present evidence and written argument, and otherwise take all actions necessary to clarify or oppose certain positions taken by the parties to this docket.

Dated this 23rd day of August, 2024.

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