

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

**IN THE MATTER OF THE PETITION BY)
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.)**

**ORDER APPROVING JOINT
AGREEMENT FOR
CONTINUANCE; NOTICE OF
HEARING ON MOTION FOR
SUMMARY JUDGMENT**

EL24-027

On August 5, 2024, the South Dakota Public Utilities Commission (Commission) received a Petition for Electric Service to have Montana-Dakota Utilities Co. (MDU), Assigned as its Electric Provider in the Service Area of FEM Electric Association Inc. (Petition). The Petition asks the Commission for an order pursuant to SDCL 49-34A-56 that allows Leola to take electric service from MDU for its proposed Data Center to be located adjacent to MDU's Leola substation at 11641 358th Avenue, Leola, South Dakota. The Location is currently within the assigned service area of FEM Electric Association Inc. (FEM). 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 August 8, 2024, the Commission electronically transmitted notice of the filing and the intervention deadline of August 23, 2024, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On August 29, 2024, the Commission granted intervention to MDU, FEM Electric Association, Inc. (FEM), Basin Electric Power Cooperative (Basin) and East River Electric Power Cooperative, Inc. (East River). On November 7, 2024, Leola filed a Motion for Summary Judgment. On November 13, 2024, the Commission issued a Notice of Hearing on Motion for Summary Judgment, setting a hearing on December 17, 2024, and requiring responsive pleadings be filed no later than 5:00 p.m. CST, December 2, 2024, and that a Petitioner reply be filed no later than 5:00 p.m. CST, December 10, 2024.

On November 25, 2024, FEM, Basin and East River filed a Joint Motion for Continuance requesting the Commission continue the responsive pleadings and Petitioner's reply to deadlines and continue the hearing for the Motion for Summary Judgment set in the November 13, 2024, Order. On December 2, 2024, the parties filed a Joint Agreement for Continuance of Motion for Summary Judgment (Joint Agreement).

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 15-6 and 49-34A.

At its regularly scheduled meeting on December 3, 2024, the Commission considered whether to approve the Joint Agreement. With all parties in agreement, the

Commission voted unanimously to approve the Joint Agreement and the filing deadlines contained therein. It is therefore

ORDERED, that the Joint Agreement for Continuance of Motion for Summary Judgment is hereby approved. It is further

ORDERED, that the hearing and filing deadlines set in the Commission's November 13, 2024, Notice of Hearing on Motion for Summary Judgment are hereby amended to reflect those deadlines agreed upon in the Joint Agreement. It is further

ORDERED, that a hearing on the Motion for Summary Judgment will be held during the Commission's regularly scheduled Commission meeting on January 28, 2025, at 1:30 p.m. CT at the Matthew Training Center in the Foss Building in Pierre, South Dakota. It is further

ORDERED, that responsive pleadings may be filed by the parties no later than 5:00 p.m. CT, January 9, 2025. It is further

ORDERED, that Petitioner may file a reply no later than 5:00 p.m. CT, January 17, 2025.

Dated at Pierre, South Dakota, this 4th day of December 2024.

<p>CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u><i>Kristie Fiegen</i></u></p> <p>Date: <u>4 Dec 2024</u></p>
--

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner