

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

IN THE MATTER OF THE PETITION BY LEOLA DATA)	ORDER DENYING JOINT MOTION
CENTER LLC TO HAVE MONTANA-DAKOTA)	TO COMPEL
UTILITIES CO., A SUBSIDIARY OF MDU)	
RESOURCES GROUP INC., ASSIGNED AS ITS)	
ELECTRIC PROVIDER IN THE SERVICE AREA OF)	EL24-027
FEM ELECTRIC ASSOCIATION INC.)	

On August 5, 2024, the South Dakota Public Utilities Commission (Commission) received a Petition by Leola Data Center LLC (Leola) 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, 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.

On December 2, 2024, the Parties filed a Joint Agreement for Continuance of Motion for Summary Judgment (Agreement for Continuance), in which all agreed that the hearing on the Motion for Summary Judgment should be continued to January 28, 2025. The Parties also agreed to deadlines for responsive pleadings. The Commission voted unanimously to adopt the Agreement for Continuance, and issued an Order Approving Joint Agreement for Continuance; Notice of Hearing on Motion for Summary Judgment.

Pursuant to the Agreement for Continuance and the Commission's Order, responsive pleadings to the Motion for Summary Judgment were due on January 9, 2025. On January 9, 2025, FEM, East River, and Basin (collectively, Cooperatives) filed a Joint Motion to Compel Discovery (Motion to Compel). In the Motion to Compel, the Cooperatives sought an order from the Commission compelling MDU and Leola to provide certain information and answer certain discovery requests.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 15-6 and 49-34A. On January 10, 2025, the Commission issued a Notice of Hearing. Responsive pleadings were filed by Leola, MDU, and Staff.

The Motion to Compel came before the Commission on January 21, 2025. The Commission considered the Motion and briefs submitted, as well as arguments presented at the meeting. The Commission, with Commissioner Nelson dissenting, voted to deny the Motion to Compel, finding that Cooperatives had failed to establish pursuant to SDCL 19-19-401 that the information sought was relevant to the elements of SDCL 49-34A-56.

It is therefore

ORDERED, that the Motion to Compel is hereby denied.

Dated at Pierre, South Dakota, this 24th day of January 2025.

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: 

Date: 24 January 2025

BY ORDER OF THE COMMISSION:


GARY HANSON, Chairperson

CHRIS NELSON, Commissioner
(dissenting)


KRISTIE FIEGEN, Commissioner