

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

IN THE MATTER OF THE PETITION BY LEOLA DATA)	NOTICE OF HEARING ON JOINT
CENTER LLC TO HAVE MONTANA-DAKOTA)	MOTION TO COMPEL DISCOVERY
UTILITIES CO., A SUBSIDIARY OF MDU)	ON LESS THAN TEN DAYS' NOTICE
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 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.

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 filed a Joint Motion to Compel Discovery.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 15-6 and 49-34A. Pursuant to ARSD 20:10:01:22.02, the Commission may order a hearing on less than ten days' notice if the Commission determines good cause exists. The Commission finds that because the Motion to Compel must be heard in advance of the Motion for Summary Judgment, which will be heard on January 28, 2025, good cause exists to hear this Motion on less than ten days' notice.

It is therefore

ORDERED, that a hearing on the Motion to Compel will be held on January 21, 2025, at 8:30 a.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 17, 2025.

Dated at Pierre, South Dakota, this 10th 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: [Signature]

Date: 10 January 25

BY ORDER OF THE COMMISSION:

[Signature: Kristie Fiegen]

KRISTIE FIEGEN, Chairperson

[Signature: Gary Hanson]

GARY HANSON, Commissioner

[Signature: Chris Nelson]

CHRIS NELSON, Commissioner