

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

IN THE MATTER OF THE PETITION BY)	NOTICE OF HEARING ON
LEOLA DATA CENTER LLC TO HAVE)	RENEWED MOTION FOR
MONTANA-DAKOTA UTILITIES CO., A)	SUMMARY JUDGMENT
SUBSIDIARY OF MDU RESOURCES)	
GROUP INC., ASSIGNED AS ITS ELECTRIC)	
PROVIDER IN THE SERVICE AREA OF FEM)	EL24-027
ELECTRIC ASSOCIATION INC.)	

On August 5, 2024, the South Dakota Public Utilities Commission (Commission) received a Petition from Leola Data Center, LLC (Petitioner) to have Montana-Dakota Utilities Co., a Subsidiary of MDU Resources Group Inc. (Montana-Dakota), 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 Petitioner to take electric service from Montana-Dakota, for its proposed location adjacent to Montana-Dakota'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. Intervention has been granted to Montana-Dakota, FEM, East River Electric Power Cooperative (East River), and Basin Electric Power Cooperative (Basin).

On November 7, 2024, Petitioner filed a Motion for Summary Judgment. On November 13, 2024, the Commission issued a Notice of Hearing on Motion for Summary Judgment to occur on December 17, 2024. On December 2, 2024, the Parties filed a Joint Agreement for Continuance of Motion for Summary Judgment. On December 4, 2024, the Commission issued an Order Approving Joint Agreement for Continuance; Notice of Hearing on Motion for Summary Judgment which set the hearing date to January 28, 2025. On January 9, 2025, FEM, East River, and Basin filed a Joint Motion to Compel Discovery and a Joint Opposition to Petitioner's Motion for Summary Judgment. On January 10, 2025, the Commission issued a Notice of Hearing on Joint Motion to Compel Discovery on Less than Ten Days' Notice to occur on January 21, 2025. On January 24, 2025, the Commission issued an Order Denying Joint Motion to Compel. On January 23, 2025, Petitioner filed a Letter requesting the January 28, 2025, hearing on the Motion for Summary Judgment be postponed indefinitely. On January 30, 2025, the Commission issued an Order Continuing Motion for Summary Judgment Hearing. On March 26, 2026, Petitioner filed a Letter requesting the Commission to reschedule a hearing on the Motion for Summary Judgment.

The Commission has jurisdiction in this matter pursuant to SDCL Chapter 1-26 and SDCL 49-34A-56. The Commission may rely upon any or all of these or other applicable laws in making its determination, including SDCL Chapter 15-6.

NOTICE IS HEREBY GIVEN that the Commission will hold a hearing on the Motion for Summary Judgment on June 30, 2026, at the Commission's regularly scheduled commission meeting, as ordered below.

A motions hearing will be held by the Commission during the Commission's regularly scheduled commission meeting, which begins at 9:30 a.m. CT, Tuesday, June 30, 2026, in Room 413 of the State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota. The Commission will consider the Motion for Summary Judgment in this docket.

Responsive pleadings were filed by the Parties prior to the hearing on this Motion being continued on January 30, 2025. Given the passage of time, the Commission will allow supplemental written responses as ordered below.

It is therefore

ORDERED, that a hearing will be held during the Commission's regularly scheduled commission meeting, which begins at 9:30 a.m. CT, Tuesday, June 30, 2026, in Room 413 of the State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota. It is further

ORDERED, that supplemental responsive pleadings may be filed by the parties no later than 5:00 p.m. CT, June 5, 2026. It is further

ORDERED, that Petitioner may file a reply no later than 5:00 p.m. CT, June 18, 2026.

Dated at Pierre, South Dakota, this 14th day of April 2024.

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:	<u>[Signature]</u>
Date:	<u>14 April 2024</u>

BY ORDER OF THE COMMISSION:

[Signature]
CHRIS NELSON, Chairman

[Signature]
KRISTIE FIEGEN, Commissioner

[Signature]
GARY HANSON, Commissioner