

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

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| 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 CONTINUING MOTION FOR SUMMARY JUDGMENT HEARING EL24-027 |
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On August 5, 2024, the South Dakota Public Utilities Commission (Commission) received a Petition for Electric Service 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 persons 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 December 4, 2024, the Commission issued a Notice of Hearing on Motion for Summary Judgment, setting a hearing on January 28, 2025, and requiring responsive pleadings be filed no later than 5:00 p.m. CST, January 9, 2025, and that a Petitioner reply be filed no later than 5:00 p.m. CST, January 17, 2025. On January 9, 2025, FEM, Basin and East River filed a Joint Opposition to Leola's Motion for Summary Judgment, and staff filed its Brief in Response to Summary Judgment. On January 17, 2025, Leola filed its Reply in Support of Motion for Summary Judgment. On January 23, 2025, Leola filed a letter requesting that the hearing on the Motion for Summary Judgment be postponed.

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

At its regularly scheduled meeting on January 28, 2025, the Commission considered this matter. Leola renewed its request to continue the hearing, and no Party objected. The Commission voted unanimously to continue the hearing on the Motion for Summary Judgment. It is therefore

ORDERED, that the hearing on the Motion for Summary Judgment is continued indefinitely.

Dated at Pierre, South Dakota, this 30th day of January 2025.

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| 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><i>Kristie Fiegen</i></u> |
| Date: <u><i>30 January 2025</i></u> |

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairperson

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner