

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

**IN THE MATTER OF THE PETITION
OF 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.**

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**EAST RIVER ELECTRIC POWER
COOPERATIVE, INC.’S**

PETITION TO INTERVENE

EL24-027

**EAST RIVER ELECTRIC POWER COOPERATIVE INC.’S PETITION TO
INTERVENE**

East River Electric Power Cooperative, Inc. (“*East River*”), by its undersigned counsel hereby petitions the South Dakota Public Utilities Commission (“*Commission*”) for intervention in the above-captioned proceeding pursuant to SDCL § 1-26-17.1, ARSD § 20:10:01:15.02 and 20:10:01:15.03. In support hereof, East River states as follows:

1. East River is a not-for-profit generation and transmission cooperative that delivers wholesale power to our members, which includes 24 rural electric distribution cooperatives, including FEM Electric Association, Inc. (“FEM”) and one municipally owned electric system in eastern South Dakota and western Minnesota,

2. East River has electric supply and transmission capacity/services contracts with Western Area Power Administration and Basin Electric Power Company (“Basin Electric”) for and on behalf of East River’s members. East River is a Class A Member of Basin Electric and has entered into a long-term, bilateral wholesale power supply contract with Basin Electric, pursuant to which Basin Electric sells and delivers capacity and energy requirements to East River for resale by East River to its member distribution cooperatives.

3. East River delivers wholesale power to FEM. FEM provides retail electric service to its members.

4. Leola Data Cener, LLC ("*LDC*") plans to operate a data center ("*Data Center*") in McPherson County, South Dakota. The location of the Data Cener is within the service territory of FEM Electric Association, Inc., ("*FEM*").

5. On August 5, 2024, LDC filed a Petition for Electrical Service (the "*Petition*") pursuant to SDCL § 49-34A-56, in which it requested the Commission assign Montana-Dakota as the supplier of electrical service to the Data Center.

6. On August 8, 2024, the Commission noticed the filing of the Petition and established an intervention deadline of August 23, 2024.

7. LDC is negotiating an Electric Service Agreement ("*ESA*") with Montana-Dakota.

8. LDC has not negotiated with FEM regarding electrical service.

9. Montana-Dakota in Docket EL24-028 has requested the Commission to approve an ESA with LDC.

10. East River does not deliver wholesale power to Montana-Dakota.

11. Montana-Dakota is not a member of East River.

12. East River's pecuniary interests will be directly and immediately affected by the Commission's decision on the Petition, and no other party could adequately represent East River's interests in this matter. East River desires to intervene in this matter to provide information regarding its ability to provide wholesale power to FEM and construct reliable transmission and infrastructure to serve the Data Center.

13. East River believes FEM can provide electrical service to LDC.

14. FEM, East River, and Basin Electric should be permitted to review the terms and conditions of electric service at the Data Center and FEM allowed to bid on the project.

15. Based on the foregoing, East River is an interested party in this matter entitled to intervening party status.

WHEREFORE, East River requests that the Commission grant this Petition to Intervene and allow East River to be granted party status in this proceeding.

Dated this 22nd day August, 2024.

EAST RIVER ELECTRIC POWER COOPERATIVE, INC.

By: _____

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