

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

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**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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**FEM ELECTRIC ASSOCIATION, INC.’S**

**PETITION TO INTERVENE**

**EL24-027**

**FEM ELECTRIC ASSOCIATION INC.’S PETITION TO INTERVENE**

FEM Electric Association, Inc. (“FEM”), 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, FEM states as follows:

1. FEM is a rural electric retail distribution cooperative that delivers power to its members, which are primarily located in Faulk, Edmunds, and McPherson Counties.
2. FEM distributes electricity to its members through power purchased from East River Electric Power Cooperative, Inc, (“East River”).
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.
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. FEM’s pecuniary interests will be directly and immediately affected by the Commission’s decision on the Petition, and no other party could adequately represent FEM’s interests in this matter. FEM desires to intervene in this matter to provide information regarding its ability to provide retail power to serve the Data Center.

11. FEM believes it can provide electrical service to LDC.


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

13. Based on the foregoing, FEM is an interested party in this matter entitled to intervening party status.

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

Dated this 21<sup>st</sup> day August, 2024.

**FEM ELECTRIC ASSOCIATION, INC.**

By:   
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Vaughn P. Beck  
Attorney for FEM  
509 Bloemendaal Drive, PO Box 326  
Ipswich, SD 57451  
(605) 426-6319  
[becklaw@midconetwork.com](mailto:becklaw@midconetwork.com)