

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

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

INTRODUCTION

On August 5, 2024, the South Dakota Public Utilities Commission (Commission) received a petition from Leola Data Center, LLC (LDC) to have Montana-Dakota Utilities Co. (MDU) assigned as its electric provider in the service area of FEM Electric Association Inc. (FEM) (Petition). With this Petition, LDC is asking the Commission to allow MDU to serve LDC’s facility near Leola, South Dakota pursuant to SDCL § 49-34A-56 (commonly referred to as the “large-load statute”). The proposed facility to be served is a data center located adjacent to MDU’s “Leola substation at 11641 358th Avenue, Leola, South Dakota” within the service area of FEM. LDC Petition, pg. 1. FEM, East River Electric Power Cooperative, Inc. (East River), and Basin Electric Power Company (Basin Electric) were granted intervention on August 29, 2024.

On October 30, 2024, MDU filed Pre-filed Direct Testimony of Darcy J. Neigum. On November 4, 2024, LDC filed Pre-filed Direct Testimony of Bill Connors. On November 7, 2024, LDC filed a Motion for Summary Judgment; Memo in Support of Motion for Summary Judgment; Statement of Undisputed Facts; Affidavit of William Van Camp; and Affidavit of William Connors. The summary judgment hearing, set for December 17, 2024, was continued to January 28, 2025, by agreement of all parties. Then, in a January 23, 2025, letter, LDC

requested the January 28, 2025, summary judgment hearing be postponed indefinitely while LDC engaged in discussions with the McPherson County Zoning and Planning Board. On March 26, 2026, LDC filed a letter requesting the summary judgment hearing be rescheduled, stating that the issues which led to postponement have been resolved. On April 14, 2026, the Commission issued a Notice of Hearing on Renewed Motion for Summary Judgment, setting the hearing date for the June 30, 2026, commission meeting.

SUPPLEMENTAL RESPONSE

Approximately a year has passed since the parties briefed LDC's Motion for Summary Judgment. To Staff's knowledge, the information contained in docket EL24-027 remains largely accurate. However, based on information and belief, Staff understands some slight revisions may have been made since the Application for Conditional Use Permit was filed on January 6, 2025. At this time, no update has been filed.

Accordingly, Staff reasserts and stands by its Brief in Response to Leola Data Center, LLC's Motion for Summary Judgment, filed on January 9, 2025. However, Staff reserves the right to respond to and amend its January 9, 2025, filing based on any new or additional information filed in the docket prior to, or presented at, the hearing on the Motion for Summary Judgment.

Dated this 5th day of June, 2026



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