

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

**IN THE MATTER OF THE REQUEST
BY MONTANA-DAKOTA UTILITIES
CO., A SUBSIDIARY OF MDU
RESOURCES GROUP INC., FOR
APPROVAL OF AN ELECTRIC
SERVICE AGREEMENT UNDER RATE
45 BETWEEN MONTANA-DAKOTA
UTILITIES CO., A SUBSIDIARY OF
MDU RESOURCES GROUP INC., AND
LEOLA DATA CENTER LLC**

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FEM ELECTRIC ASSOCIATION, INC.’S

PETITION TO INTERVENE

EL24-028

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 Center 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 5, 2024 Montana-Dakota Utilities Co. filed a letter regarding approval of an Electric Service Agreement between Montana-Dakota Utilities Co. and Leola Data Center LLC.

7. Montana-Dakota has requested the Commission to approve the ESA it negotiated with LDC.

8. On August 8, 2024, the Commission noticed the filing of the Montana-Dakota Utilities Co.'s letter regarding approval of an Electric Service Agreement between Montana-Dakota Utilities Co. and Leola Data Center LLC and established an intervention deadline of August 23, 2024.

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

10. FEM's pecuniary interests will be directly and immediately affected by the Commission's decision to approve the ESA, 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 21st day August, 2024.

FEM ELECTRIC ASSOCIATION, INC.

By: 

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