

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF CROWNED RIDGE ENERGY STORAGE I, LLC FOR A PERMIT FOR AN ENERGY CONVERSION FACILITY	EL26-014 RESPONSE TO STAFF’S OBJECTION TO APPLICATION FOR PARTY STATUS OF SOUTH DAKOTA RURAL ELECTRIC ASSOCIATION
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COMES NOW South Dakota Rural Electric Association (“SDREA”), by and through its undersigned counsel, and pursuant to SDCL § 49-41B-17 and A.R.S.D. §§ 20:10:22:40 and 20:10:01:15.02, submits the following response to Staff’s Objection to its Application for Party Status and in further support of its Application for Party Status in the above-captioned proceeding.

Crowned Ridge Energy Storage I, LLC (“Crowned Ridge”) seeks a facility permit to construct and operate a 120-megawatt battery energy storage system (“BESS”) to store excess energy in Codington County, South Dakota. The proposed BESS is located in the service territory of Codington Clark Electric Cooperative (“CCEC”), which is a Member of SDREA. If a permit is granted and the facility is constructed, Crowned Ridge will enter into a Battery Energy Storage System Station Service Agreement.

SDREA Has a Direct Interest in EL26-014

Staff argues in its objection to SDREA’s Application for Party Status that SDREA has only an indirect interest in EL26-014 because “it seeks to protect the interests of its members, not its own.” Staff is incorrect in its analysis.

As correctly stated in Applicant’s Response, party status before the Commission is governed by statute, with further guidance from Commission rules and case law. As required by A.R.S.D. §§ 20:10:22:40 and 20:10:01:15.02 (intervention petition), SDREA timely filed an application for party status in the docket. A.R.S.D. § 20:10:01:15.05 articulates actions available to the Commission on petitions to intervene. It provides in part:

A petition to intervene shall be granted by the commission if the petitioner shows that the petitioner is specifically deemed by statute to be interested in the matter involved, that the petitioner is specifically declared by statute to be an interested party to the proceeding, or *that by the outcome of the proceeding the petitioner will be bound and affected either favorably or adversely with respect to an interest peculiar to the petitioner as distinguished from an interest common to the public or to the taxpayers in general.* (emphasis added)

SDREA clearly falls into the last category of the rule.

SDREA is a person, per the definition in SDCL § 49-41B-2(11). As stated in its Application, SDREA has a direct interest based on the precedential effect of decisions in this docket affecting all of its members, including whether a battery storage system is considered a generator or a load. Other potentially precedential effects on all SDREA's members include approval/disapproval of terms and conditions of a station service agreement with the BESS and imposition by the Commission of conditions on the treatment and tracking of battery use and power. The Commission will be ruling on issues in this docket that heretofore have not been addressed, and the outcome of its rulings are not only precedential but also directly and uniquely impactful to all of SDREA's members.

In its Objection, Staff seems to imply that SDREA has interests that are separate and apart from its members. That is simply not the case. In submitting its Application for Party Status in this docket, SDREA is acting *solely* on behalf of its member cooperatives. SDREA does not have "its own" interests. SDREA's only interest is the interests of its members, and SDREA's interest is peculiar and not common to the public, or to the taxpayers in general.

Staff also notes in its Objection that CCEC was granted intervention on July 14, 2026, and that the interests of SDREA "are adequately represented by CCEC." CCEC represents CCEC, not SDREA's other members who will be directly affected by the outcome of this docket. As noted by Staff in its Response to Lindgren's Formal Request to Extend Intervenor Radius to 5 Miles,

“the Lindgrens are already participating in this docket, and South Dakota law, along with applicable rules of professional conduct, prohibits them from representing any party other than themselves.” That is equally true for CCEC. CCEC represents itself, and to suggest that CCEC can adequately represent the interests of SDREA is untenable.

Staff notes that per case law, the Commission has “flexibility” in allowing interventions. South Dakota case law not only gives the Commission flexibility in granting or denying interventions, it also directs that the standard for construing intervention statutes is to be liberal in favor of the intervenor. *See In re Adoption of D.M.*, 710 NW2d 441 (SD 2006). Further case law guidance on consideration of intervention petitions can be found in *Piekkola v. Klimek*, 2016 WL 6072354 (D.S.D. 2016) wherein the Court held that “an applicant for intervention that is not a government agency bears only a ‘minimal burden of showing that its interests are not adequately represented by the parties’.” (citing *South Dakota ex rel. Barnett v. U.S. Dep’t of Interior*, 317 F.3d 783, 785 (8th Cir. 2003)). Staff argues that flexibility in this docket of allowing SDREA, East River, or Basin to intervene “is not warranted as it would result in cumulative evidence, duplicative representations, and unnecessary delay”. SDREA disagrees with Staff’s assertions in this regard. As SDREA noted in its Application, SDREA seeks party status “to monitor and participate in the docket proceedings, *as necessary*, to promote and protect the interests of its member companies.” (emphasis added). SDREA will work cooperatively with Intervenor CCEC (its member), and with Basin Electric and East River (also members) if their applications for party status are granted, to ensure SDREA’s intervention will not result in cumulative evidence, duplicative representations, or unnecessary delay. SDREA will only engage in the docket to the extent necessary to protect and promote the interests of all of its members.

Applicant Crowned Ridge's Response

SDREA would respectfully point out that Applicant Crowned Ridge Energy Storage I, LLC does not oppose the applications for party status of East River, Basin Electric and SDREA. SDREA concurs with Applicant's analysis of SDREA's Application. SDREA urges the Commission to grant its Application for Party Status.

DATED this 14th day of July, 2026.

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CERTIFICATE OF SERVICE

I, Darla Pollman Rogers, hereby certify that on the 24th day of July, 2026, a true and correct copy of the Response to Staff's Objections to Application for Party Status of South Dakota Rural Electric Association was served on the following by means of the Commission's e-filing system:

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