

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

<b>IN THE MATTER OF THE PETITION FOR )</b>	<b>ORDER DENYING MOTION</b>
<b>ELECTRICAL SERVICE BY DAKOTA TURKEY )</b>	<b>FOR SUMMARY</b>
<b>GROWERS, LLC TO HAVE DAKOTA ENERGY )</b>	<b>DISPOSITION</b>
<b>COOPERATIVE, INC. ASSIGNED AS ITS )</b>	
<b>ELECTRIC PROVIDER IN THE SERVICE AREA )</b>	<b>EL04-032</b>
<b>OF NORTHWESTERN ENERGY )</b>	

On October 18, 2004, the Commission received a petition from Dakota Turkey Growers, LLC (Dakota Turkey Growers) for electrical service. The petition requests that the Public Utilities Commission (Commission) assign Dakota Energy Cooperative, Inc. as the supplier of electrical service to the Dakota Turkey Growers facility. Dakota Turkey Growers is constructing and will operate a turkey processing plant at a site located in the NE Quarter of Section 4, Township 110 North, Range Six West, in Beadle County, South Dakota, approximately one and one-half miles east of Huron, South Dakota, on the south side of Highway 14. The site of the facility is within the assigned service area of NorthWestern Energy (NorthWestern). Dakota Turkey Growers will require electrical service of substantially more than a contracted minimum demand of 2,000 kilowatts, and will enter into a contract for such electrical service.

On October 21, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of November 5, 2004, to interested individuals and entities. On November 3, 2004, the Commission received a Petition to Intervene and Objection from NorthWestern. At its regularly scheduled meeting on November 30, 2004, the Commission granted intervention to NorthWestern.

On January 12, 2005, the Commission received a Motion for Summary Disposition from NorthWestern. On February 2, 2005, the Commission received a Stipulation to Amend Petition signed by Dakota Turkey Growers and NorthWestern. On February 3, 2005, the Commission received a Memorandum of Law in Opposition to Motion for Summary Disposition from Dakota Turkey Growers. On February 8, 2005, the Commission received Staff's Response to Motion for Summary Disposition of NorthWestern Corporation.

The Commission has jurisdiction over this matter pursuant to SDCL 49-34A-42, 49-34A-56 and 49-34A-58.

At its duly noticed February 9, 2005, meeting, the Commission heard oral arguments and considered this matter. The Commission unanimously voted to deny the Motion for Summary Disposition. It is therefore

ORDERED, that the Motion for Summary Disposition is denied.

Dated at Pierre, South Dakota, this 14th day of February, 2005.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: \_\_\_\_\_

Date: \_\_\_\_\_

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

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GARY HANSON, Chairman

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ROBERT K. SAHR, Commissioner

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DUSTIN M. JOHNSON, Commissioner