

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

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| IN THE MATTER OF THE PETITION FOR) | ORDER GRANTING |
| ELECTRICAL SERVICE BY SOUTH DAKOTA) | APPROVAL OF AN |
| OILSEED PROCESSORS, L.L.C. TO HAVE) | EXCEPTION TO THE |
| NORTHWESTERN ENERGY ASSIGNED AS ITS) | ASSIGNED ELECTRIC |
| ELECTRIC PROVIDER IN THE SERVICE AREA) | SERVICE TERRITORY |
| OF DAKOTA ENERGY COOPERATIVE, INC.) | EL08-011 |

On April 25, 2008, the Commission received a petition from South Dakota Oilseed Processors, L.L.C. ("Oilseed Processors") to have NorthWestern Energy (NWE) assigned as its electric provider in the service territory of Dakota Energy Cooperative, Inc. (Dakota Energy). Oilseed Processors states it is a new customer in a new location in Hand County, South Dakota, that will have a contracted minimum demand in excess of 2,000 kilowatts and requests to be served electricity by NorthWestern Energy pursuant to SDCL49-34A-56.

On May 1, 2008, the Commission electronically transmitted notice of the filing and the intervention deadline of May 16, 2008, to interested individuals and entities. On May 14, 2008, the Commission received a Petition to Intervene from Dakota Energy. At its regularly scheduled meeting of May 20, 2008, the Commission granted intervention to Dakota Energy.

On October 17, 2008, the Commission received a Settlement Agreement and Service Rights Exception Agreement from NWE. NWE and Dakota Energy are requesting an exception, pursuant to SDCL 49-34A-55 that would allow NWE to provide electric service to Oilseed Processors at a site located in the following tract of land in South Dakota:

NE1/4NW1/4 of Section 15, Township 112 North, Range 67 West, Hand County, South Dakota

The parties to this agreement agree that the public interest would be served by NWE providing electric service to the Oilseed Processors facility. The consent on the part of Dakota Energy is limited to the aforesaid service and will automatically terminate upon removal or abandonment of such service. The exception is not to be construed as having any impact upon or indicating any desire to change the service area assigned by the Commission. The customer has no objection to approval of the agreement.

At its regularly scheduled meeting of October 21, 2008, the Commission considered the matter. Commission Staff recommended approval of the request as the request meets the requirements of SDCL 49-34A-55 for such service rights exceptions.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A, specifically 49-34A-42 and 49-34A-55. Further, the Commission finds that NWE may provide electrical service to Oilseed Processors as it will provide adequate electric service and promote the efficient use and development of the electric systems of NWE and Dakota Energy. Further, the Commission finds that an exception to the assigned service territory is in the public interest and the request shall be granted. It is therefore

ORDERED, that the request seeking approval of an exception to the assignment of service territory is hereby granted.

Dated at Pierre, South Dakota, this 29th day of October, 2008.

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, electronically.

By: *Mildred Kolbo*

Date: *10/29/08*

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner
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