

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Montana-Dakota Utilities / Dakota Valley Electric
Ellendale, North Dakota
Service Area Agreement**

Case No. PU-23-272

ORDER ON ELECTRIC SERVICE AREA AGREEMENT

March 27, 2024

Preliminary Statement

On July 20, 2023, Montana-Dakota Utilities Co. (MDU) and Dakota Valley Electric Cooperative, Inc. (DVEC) filed a joint application for approval of a Service Area Agreement (SAA) to designate service locations to be served by MDU and DVEC surrounding the Applied Digital Data Center location near the city of Ellendale, North Dakota.

On August 16, 2023, the Commission issued a Notice of Opportunity for Hearing, which provided until September 29, 2023, for receiving written comments or hearing requests. No response was received. The notice identified the issues to be considered in this proceeding are:

1. Whether the SAA complies with North Dakota Century Code (NDCC) Section 49-03-06.
2. Whether approval of the SAA is compatible with the public interest.

On November 29, 2023, DVEC filed comments in supporting unconditional approval of the SAA.

On February 21, 2024, the Commission discussed this matter with MDU and Commission staff during an Informal Hearing.

Discussion

The applicants contend that the agreement will:

1. Create the certainty necessary for both applicants to plan and operate efficiently within the service territory granted to them.
2. Avoid unreasonable duplication of electric facilities.

3. Avoid territorial disputes between MDU and DVEC with respect to the area encompassing the SAA.

Having considered this matter the Commission finds that the SAA complies with NDCC Section 49-03-06, and that the approval of the SAA is compatible with the public interest. Therefore, the Commission issues the following:

Order

The Commission Orders the Electric Service Area Agreement filed jointly by Montana-Dakota Utilities Co. and Dakota Valley Electric Cooperative, Inc. is APPROVED.

PUBLIC SERVICE COMMISSION



Sheri Haugen-Hoffart
Commissioner



Randy Christmann
Chair



Julie Fedorchak
Commissioner