

2026 South Dakota Legislature

# House Bill 1038

**AMENDMENT 1038A  
FOR THE INTRODUCED BILL**

1   **An Act to allow the Public Utilities Commission to assess actual costs to ~~large new~~  
2    customers data centers.**

3   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4   **Section 1. That a NEW SECTION be added to chapter 49-34A:**

5           The commission may assess a filing party the actual costs associated with  
6    processing a docket brought pursuant to § 49-34A-56.

7           The commission may assess a customer the actual costs associated with processing  
8    a request for approval of a contract related to the provision of electric service to a  
9    customer approved, or eligible for approval, as a large new customer pursuant to § 49-  
10   34A-56 with deviations, or other electric service agreement, related to the provision of  
11   electric service to a customer that is a data center with a peak demand of ten megawatts  
12   or greater.

13           The commission shall forward any moneys collected under this section to the state  
14    treasurer, for deposit in the South Dakota Public Utilities Commission gross receipts tax  
15    fund established in § 49-1A-2.

16           For the purposes of this section, "data center" means a centralized repository for  
17    the storage, management, dissemination, and processing of electronic data and  
18    information, including the mining of digital currency.