

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

**IN THE MATTER OF THE FILING BY)
WESTERN MINNESOTA MUNICIPAL)
POWER AGENCY, THROUGH ITS)
AGENT MISSOURI RIVER ENERGY)
SERVICES, REGARDING ITS)
NOTIFICATION OF INTENT TO APPLY)
FOR A PERMIT FOR AN ENERGY)
CONVERSION FACILITY)**

**AMENDED
ORDER DESIGNATING
AFFECTED AREA AND
DESIGNATING LOCAL REVIEW
COMMITTEE**

EL24-021

This Amended Order corrects the original order by including the company representative as part of the below list of members of the local review committee. This correction makes the Order consistent with the applicable statute and the vote of the Commission at the July 2, 2024, meeting.

On June 3, 2024, the South Dakota Public Utilities Commission (Commission) received a Notice of Intent from Western Minnesota Municipal Power Agency (WMMPA), through its agent Missouri River Energy Services (MRES) to submit an application for a permit for an energy conversion facility. WMMPA proposes to construct, own and operate an energy conversion facility consisting of seven or eight reciprocating internal combustion engines, a concrete engine hall building, diesel fuel truck unloading facilities, and other associated facilities. The expected generation is approximately 145 megawatts of power during periods of high energy demand. Associated facilities will include natural gas piping anticipated to be less than 450 feet and a 345 kV generation-tie transmission line to connect with the Astoria 345 kV substation. The energy conversion facility, known as Toronto Power Plant, is proposed to be located in the SE ¼ of Section 7, Township 113N, Range 48W in Toronto Township, Deuel County, approximately 3 miles north of Toronto, South Dakota. WMMPA filed a map showing the anticipated affected siting area that is within ten miles of the proposed energy conversion facility.

On June 20, 2024, the Commission electronically transmitted notice of the filing and the intervention deadline of July 8, 2024, to interested persons and entities on the Commission's PUC Weekly Filings electronic listserv. As of the date of this order, no petitions to intervene have been filed. On June 28, 2024, PUC Staff filed a letter regarding designation of Affected Area and exhibits. On July 2, 2024, James Moore filed a Notice of Appearance on behalf of Western Minnesota Municipal Power Agency.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-41B, specifically SDCL 49-41B-5 and 49-41B-6, as well as ARSD 20:10:22:01. Pursuant to SDCL 49-41B-6, the Commission is required to designate the affected area relative to this filing and also designate a local review committee within thirty days after the filing of the notification of intent.

At its regularly scheduled meeting on July 2, 2024, the Commission considered this matter. The Commission voted unanimously to designate the affected area as a six-mile radius from the proposed energy conversion facility. In accordance with SDCL 49-41B-6, the Commission voted unanimously to designate the local review committee which shall be comprised of the following individuals, ex officio:

- | | |
|---|---|
| (1) Affected South Dakota Counties
(Chair of County Commissioners) | Deuel
Brookings |
| (2) Affected SD Municipalities
(Mayor) | Toronto
Astoria
Brandt |
| (3) Affected SD School Districts
(President of Board of Education) | Deuel 19-4
Deubrook 05-6
Estelline 28-2 |
| (4) A representative of WMMPA | |

Any person on the committee who ceases to hold such office or appointment shall be replaced on the committee by its successor, who shall promptly notify the Commission of such succession. It is therefore

ORDERED, that for the purpose of this energy conversion facility, the affected area shall be a six-mile radius from the proposed energy conversion facility. It is further

ORDERED, that the local review committee shall be comprised of the above referenced individuals, serving ex officio, and that any person on the committee who ceases to hold such office or appointment shall be replaced on the committee by his or her successor, who shall promptly notify the Commission of such succession.

Dated at Pierre, South Dakota, this 9th day of July 2024.

<p>CERTIFICATE OF SERVICE</p> <p>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 or by mail.</p> <p>By: <u><i>[Signature]</i></u></p> <p>Date: <u>9 July 2024</u></p>
--

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner

49-41B-6. Designation of affected area by commission after notification of intent filed--Local review committee designated, composition.

Within thirty days after the filing of the notification of intent to apply for a permit for the construction of an energy conversion facility or AC/DC conversion facility, the Public Utilities Commission shall designate the affected area and a local review committee composed of:

- (1) The chair of the tribal council of each affected reservation;
- (2) The president of the board of education of each affected school district;
- (3) The chair of the county commissioners of each affected county;
- (4) The mayor of each affected municipality; and
- (5) A representative of the applicant utility designated by the utilities.

Source: SL 1977, ch 390, § 10; SL 2006, ch 242, § 3.

49-41B-7. Assessment by local review committee--Factors included.

The local review committee shall meet to assess the extent of the potential social and economic effect to be generated by the proposed facility, to assess the affected area's capacity to absorb those effects at various stages of construction, and formulate mitigation measures. The assessment of the local review committee shall include consideration of the temporary and permanent alternatives in the following areas:

- (1) Housing supplies;
- (2) Educational facilities and manpower;
- (3) Water supply and distribution;
- (4) Waste water treatment and collection;
- (5) Solid waste disposal and collection;
- (6) Law enforcement;
- (7) Transportation;
- (8) Fire protection;
- (9) Health;
- (10) Recreation;
- (11) Government; and
- (12) Energy.

Source: SL 1977, ch 390, § 12; SL 2010, ch 226, § 5.

49-41B-8. Employment of personnel by committee--Expenses--Information furnished by commission.

The local review committee may employ such persons as determined by the Public Utilities Commission which may be required to carry out the provisions of § 49-41B-7 and the expenses of said staff shall be paid from the initial filing fee. The commission shall furnish copies of the application to the members of the local review committee and all other information which the commission determines that the committee should receive.

Source: SL 1977, ch 390, § 14.

49-41B-9. Financing of committee expenses.

Expense payments and other authorized payments to members of the local review committee for their service on the committee shall be financed by the unit of government or utility which they represent.

Source: SL 1977, ch 390, § 11.

49-41B-10. Final report of committee.

Within seven months after the application is filed the local review committee shall file a final report with the Public Utilities Commission which includes the recommendations of the committee as to mitigation measures and minority reports.

Source: SL 1977, ch 390, § 13.

49-41B-20. Final report heard by commission at final hearing--Decision on application--Adoption of committee's report.

The final report shall be heard by the Public Utilities Commission at the final hearing wherein the commission makes its decision on the application for a permit. The local review committee report may be adopted in whole or in part, at the discretion of the commission.

Source: SL 1977, ch 390, § 13.

June 11, 2024

Ms. Patricia Van Gerpen, Executive Director
South Dakota Public Utilities Commission
Capitol Building, 1st Floor
500 East Capitol Avenue
Pierre, SD 57501-5070

RE: Notification of Intent to Apply for a Permit for Construction of an Energy Conversion Facility — the Proposed Toronto Power Plant Project

Dear Ms. Van Gerpen:

Western Minnesota Municipal Power Agency (WMMPA), through its agent Missouri River Energy Services (MRES), is filing this Notification of Intent (NOI) to submit a permit application for an Energy Conversion Facility pursuant to SDCL 49-41B-5 and ARSD 20:10:22:02.

Description of the Size and Type of Proposed Facility [ARSD 20:10:22:02(1)]

WMMPA is proposing to construct, own, and operate an energy conversion facility consisting of seven or eight reciprocating internal combustion engines (RICE), a concrete engine hall building, diesel fuel truck unloading facilities, and other associated facilities (collectively referred to as the Toronto Power Plant).

Depending on final design, the facility is expected to generate approximately 145 megawatts (MW) of power during periods of high energy demand. The Toronto Power Plant's associated facilities include natural gas piping to connect to the Northern Border Pipeline (anticipated to be less than 450 feet of new piping), located along the southwest side of the proposed site and a 345-kilovolt (kV) generation-tie to connect with the Astoria 345 kV substation.

Water use will be needed for plant operations and fire protection. An on-site well and/or the local rural water supply will be considered to provide all process and potable water.

Estimate of the Total Cost of Construction of the Proposed Facility [ARSD 20:10:22:02(2)]

WMMPA estimates the total construction cost of the proposed project at \$354 million, including transmission interconnection and escalation costs.

Identification of the Location of the Proposed Plant Site and General Description of the Anticipated Affected Area [ARSD 20:10:22:02(3)]

The proposed energy conversion facility site is in the SE ¼ of Section 7, Township 113N, Range 48W in Toronto Township, Deuel County, approximately 3 miles north of Toronto, South Dakota; the property northwest of the intersection of County Road 315 (479th Ave) and 192nd Street. This location consists of tilled land with a shelterbelt on the southeast corner. The anticipated affected area is an approximately 71-acre area. WMMPA has entered into an option to purchase agreement for the property. Exhibit 1 shows the anticipated affected siting area within ten miles of the proposed energy conversion facility, pursuant to SDCL 49-41B-2.

Brief Statement on Social and Economic Impact of the Proposed Facility [ARSD 20:10:22:02(4)]

It is anticipated that construction of the Toronto Power Plant will provide considerable economic benefits to the local community and the State of South Dakota due to the contractor expenditures in the area, local project purchases of materials and services, and long-term employment and operation in the area. We are in the process of contracting with First District Association of Local Governments in Watertown, SD, to perform a Social and Economic Impact Study for the construction and operation of the proposed facility.

Project construction will require a broad workforce, including general carpenters, iron workers, millwrights, and electricians. A portion of the construction work force will be hired locally from the Brookings and Deuel County area. It is anticipated that five to six full-time employees will operate the Toronto Power Plant and potentially serve as a regional hub to support other WMMPA assets in the region.

Anticipated Permit Authorization Date, Construction Schedule, and Commercial Operation Schedule [ARSD 20:10:22:02(5)]

The current schedule anticipates permit authorization from the South Dakota Public Utilities Commission by December 2025. This will allow the project to commence detailed engineering and equipment procurement throughout 2024-2026. Construction is anticipated to start in spring 2027, lasting approximately 24 months. Commercial operation is anticipated to occur in spring 2029 provided the Midcontinent Independent System Operator (MISO) transmission interconnection process is completed within the MISO published time frame.

List of the Names and Addresses of All Chairmen of Tribal Councils, Presidents of School Boards, Chairmen of County Commissions, and Mayors of Municipalities in the Anticipated Affected Area Identified [ARSD 20:10:22:02(6)]

A list is set forth in Table 1.

Table 1. Chairperson or President of the Tribes, President of the School Board, Chairperson of the County Commission, and Mayor of the Municipality

Chairperson or President of Tribes	
Apache Tribe of Oklahoma PO Box 1330 Anadarko, OK 73005	Matthew Tselee, Chairman matthew.tselee@apachetribe.org
Cheyenne and Arapaho Tribe, Oklahoma 700 Black Kettle Blvd Concho, OK 73022	Reggie Wassana, Governor rwassana@c-a-tribes.org Max Bear, THPO mbear@cheyenneandrapaho-nsn.gov
Flandreau Santee Sioux Tribe PO Box 283 Flandreau, SD 57028	Anthony Reider, Chairperson anthony.reider@fsst.org Garrie Kills-A-Hundred garrie.killsahundred@fsst.org

Chairperson or President of Tribes

Fort Belknap Indian Community of Montana
656 Agency Main Street
Harlem, MT 59526

Lower Brule Indian Community in MN
39527 Reservation Highway 1
Morton, MN 56270

Prairie Island Indian Community in MN
5636 Sturgeon Lake Road
Welch, MN 55089

Santee Sioux Nation in NE
108 Spirit Lake Avenue West
Niobrara, NE

Spirit Lake Tribe in ND
PO Box 198
Fort Totten, ND 58335

Upper Sioux Community in MN
5722 Travers Lane
Granite Falls, MN 56241

Cheyenne River Sioux Tribe
PO Box 590
Eagle Butte, SD 57625

Crow Creek Sioux Tribe
PO Box 50
Ft. Thompson, SD 57339

Lower Brule Sioux Tribe
PO Box 187
Lower Brule, SD 57548

Oglala Sioux Tribe
PO Box 2070
Pine Ridge, SD 57770

Rosebud Sioux Tribe
PO Box 430
Rosebud, SD 57570

Sisseton Wahpeton Oyate
PO Box 509
Agency Village, SD 57262

Jeffery (Jeff) Stiffarm
jeffery.stiffarm@ftbelknap.org
Michael Blackwolf, THPO
mblackwolf@ftbelknap.org

Robert Larsen, President
robert.larsen@lowersioux.com
Cheyanne St. John
cheyanne.stjohn@lowersioux.com

Johnny Johnson, President
sbartell@piic.org
Noah White, THPO
noah.white@piic.org

Rodger Trudell, Chairman
rtrudell@santeedakota.org
Misty Fraizer, THPO
ssn.thpo@gmail.com

Douglas Yankton, Chair
www.spiritlakenation.com
Kenneth Graywater, Interim Director THPO
kjgraywater@spiritlakenation.com

Kevin Jensvold, Chairman
kevinj@uppersiouxcommunity-nsn.gov
Samantha Odegard, THPO
samanthao@uppersiouxcommunity-nsn.gov

Ryman LeBeau, Chair
www.sioux.org
Steve Vance, THPO
steve.vance@crstmail.com

Peter Lengkeek, Chair
Merle Marks, THPO
cchistory@midstatesd.net

Clyde Estes, Chair
ClydeEstes@lowerbrule.net
Boyd Gourneau, Cultural Resources

Frank Star Comes Out
oglalalakotanation.info
Justin Pourier
j.pourier@oglaia.org

Scott Herman, President
www.rosebudsiouxtribe-nsn.gov
Ione Quigley, THPO
ione.quigley@rst-nsn.gov

J. Garret Renville
chairman@swo-nsn.gov
Dianne Desrosiers



Chairperson or President of Tribes

Standing Rock Sioux Tribe
PO Box D
1 Standing Rock Ave
Ft. Yates, ND 58538

Iowa Tribe of Kansas and Nebraska
3345 B Thrasher Rd.
White Cloud, KS 66094

Blackfeet Tribe
PO Box 850
Browning, MT 59417

Crow Nation
PO Box 159
Crow Agency, MT 59022

Fort Peck Assiniboine & Sioux Tribes
PO Box 1027
Poplar, MT 59255

Northern Cheyenne Tribe
PO Box 128
Lame Deer, MT 59043

Omaha Tribe of Nebraska
P.O. Box 368
Macy, NE 68039

Ponca Tribe of Nebraska
PO Box 288
Niobrara, NE 68760

Winnebago Tribe
PO Box 687
Winnebago, NE 68701

Three Affiliated Tribes
404 Frontage Road
New Town, ND 58763

Turtle Mountain Band of Chippewa
PO Box 900
Belcourt, ND 58316

DianneD@swc-nsn.gov

Janet Alkire, Chair
www.standingrock.org
Jon Eagle, THPO
jeagle@standingrock.org

Tim Rhodd, Chair
iowatribeofkansasandnebraska.com
Lance Foster, THPO
lfoster@iowas.org

John Murray, Cultural Resources
jmflysdown@gmail.com

Alvin Not Afraid, Jr.
www.crowtribe.com
Aaron Brien, Cultural Resources
aaron.brien@crow-nsn.gov

Floyd Azure, Chair
www.fortpecktribe.org
Dyan Youpee
d.youpee@fortpecktribes.net

Donna Marie Fisher, Tribal President
www.cheyennenation.com
Teanna Limpy, THPO
teanna.limpy@cheyennenation.com

Everett Baxter Jr.
omaha-nsn.gov
Tom Parker, THPO
tparker@omahatribe.com

Larry Wright Jr.
www.poncatribene.org
Theresa Foley
tfoley@poncatribene.org

Victoria Kitcheyan, Chair
www.winnebagoTribe.com
Sunshine Thomas Bear, Cultural Resources
thpo@winnebagoTribe.com

Mark Fox, Chair
www.mhanation.com
Allen Demaray, THPO
ademaray@mhanation.com

Jamie Azure, Chair
tmhci.org
Jeffrey Desjarlais, THPO
desjarlaisjr.jeffrey@yahoo.com



Chairperson or President of Tribes

Pawnee Nation of Oklahoma
PO Box 470
Pawnee, OK 74058

Walter Echo-Hawk, President
www.pawneenation.org
Matt Reed, THPO
ireed@pawneenation.org

Eastern Shoshone Tribe
PO Box 538
Fort Washakie, WY 82514

Vernon Hill, Chair
vhill@easternshoshone.org
Joshua Mann, THPO
jmann@easternshoshone.org

Northern Arapaho Nation
PO Box 396
Fort Washakie, WY 82514

Lee Spoonhunter, Chair
www.northernarapaho.com
Ben Ridgley, THPO
Benridgley007@gmail.com

President of School Board

Deuel School District
410 5th Street West
PO Box 770
Clear Lake, SD 57226

Danay Nielsen
danay.nielsen@daktronics.com
605-695-2987

Deubrook Area School District 05-6
100 School Avenue
PO Box 346
White, SD 57276

Dr. Kimberly Kludt
kim.kludt@k12.sd.us

Chairpersons of County Commissions

Deuel County Commissioners
408 4th Street West, PO Box 616
Clear Lake, SD 57226

Judith Homan
djhoman@itctel.com
605-880-9860

Brookings County Commissioners
520 3rd Street, Suite 210
Brookings, SD 57006

Larry Jensen
ljensen@brookingscountysd.gov
605-592-6500

Mayor of Municipality

City of Toronto
404 Mail Avenue
Toronto, SD 57268

Brad Knutson, Mayor

City of Clear Lake
125 Third Avenue South, PO Box 107
Clear Lake, SD 57226-0107

Lisa Lundberg, Mayor

City of Brandt
PO Box 145
Bryant, SD 57221

City of Astoria
342 W Main
Astoria, SD 57213



Description of All Permits [ARSD 20:10:22:02(8)]

Depending on final design and studies conducted as part of the Energy Conversion Facility permit application process, the permits or approvals that may be required for construction and operation of the proposed project are outlined in Table 2.

Table 2. State, Local, and Federal Permits

Government Level	Agency	Permits/Approvals/Consultations	Timing
Federal	U.S. Army Corp of Engineers	Clean Water Act Section 404	Prior to Construction
Federal	U.S. Fish and Wildlife Service	Federal Threatened and Endangered Species Review, Section 10	Prior to Construction
Federal	Federal Aviation Administration	Form 7460-1 Notice of Proposed Construction or Alteration	Prior to Construction
Federal	U.S. Environmental Protection Agency (EPA)	Spill Prevention, Control and Countermeasure Plan	Prior to Operations
Federal	EPA	Title IV Acid Rain Permit	Prior to Operations
State	South Dakota Public Utilities Commission	Permit for Energy Conversion Facility and Associated Transmission Facilities	Prior to Construction
State	South Dakota Department of Agriculture and Natural Resources (SDDANR)	Non-PSD Construction	Prior to Construction
State	SDDANR	Title V (Part 70) Sources Air Permit	Prior to Operation
State	SDDANR	Water Right Permit for Non-irrigation Use	Prior to Construction
State	SDDANR	General Permit Authorizing Stormwater Discharges Associated with Construction Activities (General Permit)	Prior to Construction
State	SDDANR	Industrial Stormwater Discharge Permit	Prior to Construction
State	SDDANR	Clean Water Act Section 401 Certification	Prior to Construction
State	South Dakota Game Fish and Parks (SDGFP)	State-listed Endangered Species Review	Prior to Construction
State	State Historic Preservation Office	Cultural and Historic Resources Review	Prior to Construction



Government Level	Agency	Permits/Approvals/Consultations	Timing
Local	Deuel County	Zoning Change or Special Exemption/Variance	Prior to Construction
Local	Deuel County	Building Permit	Prior to Construction
Local	Deuel County	Conditional Use Permit	Prior to Construction
Local	Deuel County	Transportation Agreement	Prior to construction

Questions or Requests Concerning the Proposed Facility, including a Request for a Prefiling Conference, which a Utility May Wish to Address to the Commission [ARSD 20:10:22:02(7)]

WMMPA requests a prefilling conference during 3rd Quarter 2024 pursuant to SDCL 49-41B-5.

Summary

The addition of this natural gas generation will provide a dispatchable, reliable, economic, and environmentally responsible source of energy to South Dakota and the Upper Midwest.

If you have any questions on this NOI or the Toronto Power Plant project, please feel free to contact me at 605.330.6969 or via email at brent.moeller@mreenergy.com.

Sincerely,



Brent A. Moeller, P.E.
Director of Generation Resources
Missouri River Energy Sources

Enclosure

