



February 5, 2026

James E. Moore
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VIA EMAIL

Leah.Mohr@state.sd.us

Ms. Leah Mohr
Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501

Re: EL24-021 - 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

Dear Leah:

By statute, when an applicant for a permit for an energy conversion facility files a notice of intent to permit and construct such a facility, a sign must be placed on the property where the proposed facility would be located within 30 days after filing the notice. SDCL § 49-41B-5.1. The Applicants in this docket realized in January 2026 that a sign had not been posted within 30 days after the notice of intent was filed on June 13, 2024. A sign conforming to the requirements of SDCL § 49-41B-5.1 was posted on the property on January 9, 2026. It was promptly vandalized and the County objected to it being posted, so it was taken down. A revised sign as depicted below was posted on February 3, 2026 with the County's approval.

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The Applicants regret the oversight resulting in the sign not being timely posted, have discussed the issue with Staff, and want the Commission to be advised.

Area landowners received notice of the proposed facility and its location within the time limits of SDCL § 49-41B-5.1. The Applicants held an open house to explain the project on June 11, 2024 at the Deubrook Area Elementary School. Written notice was provided to 484 recipients within an approximately three-mile radius of the proposed site and transmission line. An advertisement about the meeting was also published in the Toronto Star on May 30 and June 6, 2024. At least 47 landowners attended the meeting. Since then, the First District Association of Local Governments facilitated an information meeting about the project in connection with the work of the Local Review Committee. Meetings were held on November 18, 2024 and June 30, 2025. The Applicants also sent a letter to landowners within the three-mile radius on June 24, 2025, to provide an update on the project and notice of the June 30 meeting.

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These meetings were in addition to the public-input meeting held by the Commission in Toronto on September 24, 2025. Notice of the public-input meeting was provided as required by SDCL § 49-41B-5.2 and proof of mailing was provided in the docket on August 28, 2025.

Please share this letter with the Commission so they know of the sign-posting error. Thank you for your help.

Yours very truly,

WOODS, FULLER, SHULTZ & SMITH P.C.

A handwritten signature in blue ink, appearing to read "James E. Moore".

James E. Moore

cc: Ms. Amanda Reiss - amanda.reiss@state.sd.us
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