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South Dakota

PUBLIC UTILITIES COMMISSION

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June 27, 2024

Patricia Van Gerpen
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 Ms. Van Gerpen:

Enclosed for filing, please find Staff's Exhibits 1 and 2. The Applicant, Western Minnesota Municipal Power Agency (WMMP) is being served with the same by electronic copy of this correspondence. Staff Exhibit 1 is a map detailing the project area, showing counties, Tribes, municipalities and school districts within a 6, 10, 12, 15 and 20 mile radius of the proposed project location. Staff Exhibit 2 is a description of the potential Local Review Committee members based on each radius identified in Exhibit 1.

SDCL 49-41B-6 requires, within thirty days of filing, the Commission to designate the affected area and a local review committee composed of the chair of each Tribal Council of each affected reservation, the president of the board of education of each affected school district, the chair of the county commissioners of each affected county, the mayor of each affected municipality, and a representative of the applicant utility designated by the utilities.

In its June 13, 2024, filing, WMMP provided a list of all Chairmen of Tribal Councils, Presidents of School Boards, Chairmen of County Commissions and Mayors of Municipalities in the Anticipated Area Identified, including entities that do not appear to have territory directly within the affected area. Staff believes that under that law, the Local Review Committee includes the representative of the entities specifically listed in statute with territory within the designated affected area. While Staff would not necessarily object to expanding the designated affected area or allowing additional interested entities with territory outside of the designated affected area to participate in the Local Review Committee, Staff believes any such interested entity should not be automatically included in the Local Review Committee, however that entity could make a request to the Commission to be included in the Local Review Committee along with an explanation of the entity's interest. Staff would also encourage any such entity that may be interested in this project to submit comments to this docket or participate in the impending docket regarding the application for a permit to construct the Toronto Power Plant, expected to be filed later this year.

Staff recommends the Commission designate the affected area as a six-mile radius around the proposed plant location. The Local Review Committee membership associated with this recommended radius is shaded in Exhibit 2. Staff's recommendation is based upon the limited number of permanent workers and the likelihood surrounding communities will be affected by the factors listed in SDCL 49-41B-7.

Please do not hesitate to contact me should you have questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Amanda M. Reiss". The signature is written in a cursive style.

Amanda Reiss
Staff Attorney

Enc.

Cc/enc. Service List EL24-021