

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

**IN THE MATTER OF THE
APPLICATION BY BASIN ELECTRIC
POWER COOPERATIVE FOR
ENERGY FACILITY PERMIT FOR A
230 KV TRANSMISSION FACILITY IN
HAAKON COUNTY, SOUTH DAKOTA**

**BASIN ELECTRIC POWER
COOPERATIVE'S RESPONSES TO
STAFF'S FIRST SET OF DATA
REQUESTS**

Basin Electric Power Cooperative (“Basin” or “Applicant”) provides the following responses to Staff’s First Set of Data Requests in the above-captioned matter.

1-1) Has Basin acquired the easement from the last remaining landowner? If not, please provide a status update on the easement acquisition process and identify any concerns the landowner has with the Project.

Ryan King: All required landowner easements have been secured for construction and operation of the Project.

1-2) Refer to sections 21.5.1.3 and 21.5.2 of the Application. Has Basin completed consultation with SHPO for the July 29, 2025, cultural resource survey? If yes, please provide a copy of SHPO's concurrence letter. If no, please explain how Applicant determined the Project will have no adverse effects on historic properties when SHPO has not finished its review.

Ryan King: Basin retained SWCA Environmental Consultants (SWCA) to perform a cultural resources survey of an area of potential effects (APE). SWCA completed a study dated August 6, 2025. No cultural resources were identified within the APE. The complete Level III Cultural Resource Survey was included as confidential Appendix D to the Application. In responding to these data requests, Basin discovered that the report had not been forwarded to SHPO. Basin is working with SWCA to submit the report to SHPO. Basin will supplement this answer when it receives SHPO's response.

1-3) Please provide a copy of any formal correspondence Basin received from SD GF&P, SD DANR, and SD SHPO during consultation with those state agencies on the Project.

Ryan King: Copies of correspondence received from SD GF&P and SD SHPO are attached as **CONFIDENTIAL** Exhibit 1-3. SD DANR was invited to agency kickoff meetings and sent mailing for scoping and public comment on the Draft Environmental Assessment which included the Basin transmission line. No formal correspondence was received from SD DANR.

Dated this 15th day of January, 2026.

By /s/ *Lisa M. Agrimonti*

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**BASIN ELECTRIC POWER
COOPERATIVE'S RESPONSES TO
STAFF'S SECOND SET OF DATA
REQUESTS**

EL25-030

Basin Electric Power Cooperative (“Basin” or “Applicant”) provides the following responses to Staff’s Second Set of Data Requests in the above-captioned matter.

- 2-1) Refer to Page 2 of the Application. The Applicant states that “the Project will have a 125-foot-wide right-of-way.” Please explain why Basin’s proposed facility is requesting a 125-foot-wide ROW when Philip Wind is requesting a 150-foot-wide ROW for its 230 kV gen-tie line.

Brad Wilkinson: Basin cannot speak to the right-of-way width requested by Philip Wind, as that determination is specific to their project design and standards. Basin’s proposed 230 kV line utilizes a 125-foot-wide right-of-way, which is consistent with Basin’s established engineering standards and design criteria.

The 125-foot easement width is designed to provide adequate safe approach distance under maximum conductor blowout due to high wind conditions. This width ensures that no structures, buildings, or other objects are constructed within the required safety clearance for a 230 kV operating voltage and maintains compliance with applicable safety and reliability requirements.

- 2-2) Refer to Page 7 of the Application. Pursuant to ARSD 20:10:22:07, provide the name of the project manager of the proposed facility.

Brad Wilkinson: Currently, during this development stage of the Project, Brad Wilkinson is the project manager, as noted in Section 5.0 of the Application. Once permits are obtained, a construction project manager will be assigned to the Project. Basin will identify the construction project manager in post permit compliance filings.

- 2-3) Refer to Page 9 of the Application. Pursuant to ARSD 20:10:22:09, please provide a detailed cost breakdown of the current estimated construction cost of \$2.48 million.

Brad Wilkinson: The cost breakdown is provided in the table below.

Basin Transmission Line Project	
Cost Category	\$ Millions
Engineering & Administration	\$0.55
Right-of-Way	\$0.11
Materials	\$0.76
Construction	\$0.58
Financing & Interest	\$0.26
Project Contingency	\$0.22
Total Estimated Project Costs	\$2.48

2-4) Refer to Page 21 of the Application. The Applicant states that “there are two oil wells within the Project Route that are now plugged and abandoned.” Please provide a map that shows the location of the two oil wells within the Project Route.

Ryan King: See attached Exhibit 2-4.

2-5) Refer to Page 38 of the Application. The Applicant states that “vehicle speeds will be limited to 25 mph to avoid wildlife collisions.” Please elaborate where vehicle speeds will be limited to 25 mph in or near the Project Area.

Brad Wilkinson: The 25 mph vehicle speed limit will apply to temporary construction access routes and areas within the Project right-of-way during construction and maintenance activities. All Project-related vehicles will comply with posted speed limits on public roads.

2-6) Refer to Page 53 of the Application. The Applicant stated the local government would receive increased revenue from property taxes. Provide an estimate of property taxes associated with this Project.

Brad Wilkinson: The proposed transmission line itself will not directly impact local property tax revenues. However, the Project facilitates the interconnection of the Philip Wind project, which is expected to generate ongoing annual property tax revenues for participating landowners and local taxing jurisdictions.

2-7) Refer to Page 56 of the Application. The Applicant states that “pursuant to SDCL 49-41B-38, Basin Electric will furnish an indemnity bond in the amount of \$200,000 to secure the restoration and repair of roads after construction.” Please explain how the Applicant determined that \$200,000 is an appropriate bond amount.

Ryan King: Basin determined this amount based on prior Commission precedent and Philip Wind’s proposal. The Commission recently approved a \$1 million bond *In the Matter of the Application by Deuel Harvest Wind Energy South LLC for Energy Facility Permits of a Wind Energy Facility and a 345-kV Transmission Facility in Deuel County,*

South Dakota, for the South Deuel Wind Project, Docket No. EL24-023. The related Philip Wind proceeding (EL25-029). The applicant in Philip Wind proposes a \$1,000,000 indemnity bond under SDCL 49-41B-38 for an approximately 7-mile-long generation tie line. This Project is an approximately 1-mile-long transmission line (0.95 miles). Using the same amount per length, the bond amount would be approximately \$150,000 - \$170,000 (.15 * \$1 million and .17 * \$1 million). Therefore, \$200,000 is an appropriate bond amount for the Basin transmission line.

2-8) Does the Applicant have proposed conditions for the Commission to consider if it were to grant the permit? If yes, please provide.

Ryan King: See attached Exhibit 2-8.

Dated this 26th day of January 2026.

By /s/ *Lisa M. Agrimonti*

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Attorneys for Basin Electric Power Cooperative

Philip to Philip Tap 230-kV Transmission Line

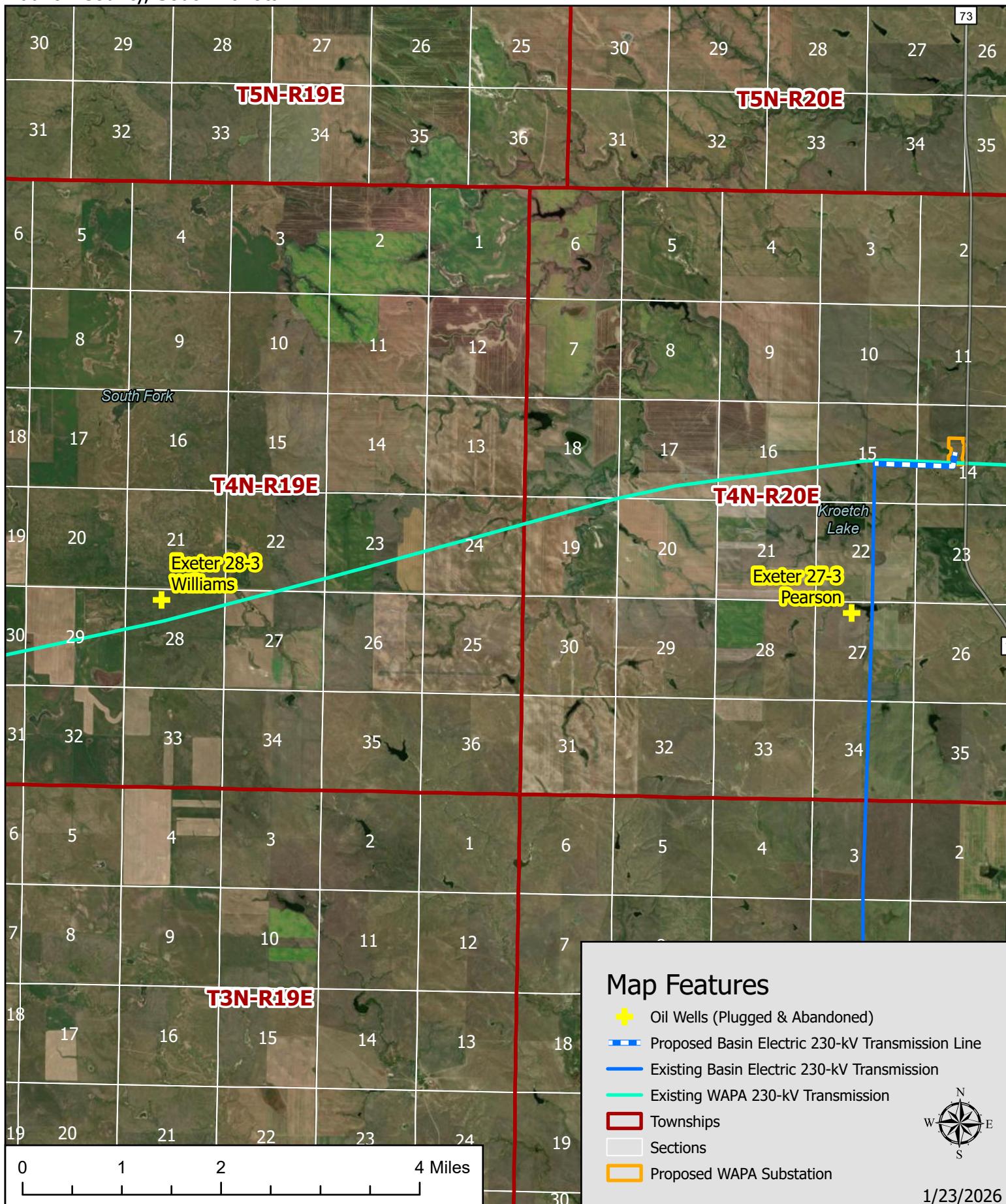
Basin's Responses to Data Requests-PUBLIC
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**BASIN ELECTRIC
POWER COOPERATIVE**

A Touchstone Energy® Cooperative

Haakon County, South Dakota



Map Features

- Oil Wells (Plugged & Abandoned)
- Proposed Basin Electric 230-kV Transmission Line
- Existing Basin Electric 230-kV Transmission
- Existing WAPA 230-kV Transmission
- Townships
- Sections
- Proposed WAPA Substation



1/23/2026

***In the Matter of the Application by Basin Electric Power Cooperative for Energy Facility
Permit for a 230 KV Transmission Facility in Haakon County, South Dakota
EL25-030***

Terms and Conditions

1. Applicant will obtain all governmental permits which reasonably may be required by any township, county, state or federal agency, or any other governmental unit for construction and operation activity prior to engaging in the particular activity covered by that permit. Applicant shall file an itemized affidavit with the Commission attesting that all applicable permits were properly obtained prior to construction or prior to undertaking the permitted activity if such activity occurs after the start of construction.
2. Applicant shall comply with all other terms and conditions as set forth in this Settlement Stipulation, which shall become terms and conditions of the Facility Permit (Permit) for the Project.
3. If construction, expansion, or improvement of the Project commences more than four years after the date the Permit is granted, Applicant must certify to the Commission before the construction commences that such facilities will continue to meet the Permit conditions pursuant to SDCL 49-41B-27.
4. The Permit granted by the Order in this matter shall not be transferable without the approval of the Commission pursuant to SDCL 49-41B-29.
5. Applicant shall construct, operate, and maintain the Project in a manner consistent with:
 - a. Descriptions in the Application,
 - b. Application supplements, including testimony filed by Applicant to date,
 - c. Responses to any data requests,
 - d. The Terms and Conditions of the Permit,
 - e. Any applicable industry standards, and
 - f. Any permits issued by a federal, state, or local agency.
6. Applicant agrees that the Commission's complaint process as set forth in ARSD 20:10:01 shall be available to landowners and other persons sustaining damage as the result of Applicant's failure to abide by the conditions of the Permit or otherwise having standing to seek enforcement of the conditions of the Permit.

7. Before commencing construction, Applicant shall provide each landowner on whose property the Project is to be constructed with the following information:
 - a. A copy of the Commission Order Granting the Permit;
 - b. Detailed safety information describing:
 - i. Reasonable safety precautions for existing activities on or near the Project,
 - ii. Known activities or uses that are presently prohibited near the Project, and
 - iii. Other known potential dangers or limitations near the Project;
 - c. Construction/maintenance damage compensation plans and procedures;
 - d. The Commission's address, website and phone number; and
 - e. Contact person for Applicant, including name, e-mail address, and phone number.
8. To ensure compliance with the terms and conditions of this Permit pursuant to SDCL 49-41B-33, Applicant shall inform all employees, contractors, and agents of Applicant involved in this Project of the terms and conditions of this Permit.
9. Except as otherwise provided in the conditions of this Permit, Applicant shall comply with applicable mitigation measures set forth in the Application, Supplements to the Application (including testimony filed by Applicant to date), and Applicant's responses to Staff data requests. Material modifications to the mitigation measures shall be subject to prior approval of the Commission.
10. Applicant shall obtain road use agreements with Haakon County, and all affected townships, if required. Applicant will comply with the terms of all road use agreements. Applicant shall take appropriate action to mitigate wind-blown particles created throughout the construction process, including but not limited to implementation of dust control measures such as road watering, covering of open haul trucks when transporting material subject to being windblown, and the removal of any soils or mud deposits by construction equipment when necessary.
11. Applicant shall comply with the following conditions regarding road protection:
 - a. Applicant shall acquire all necessary permits authorizing the crossing of federal, state, county, and township roads.

- b. Applicant shall coordinate road closures with federal, state, and local governments and emergency responders.
 - c. Applicant shall implement a regular program of road maintenance and repair through the active construction period to keep paved and gravel roads in an acceptable condition for residents and the public.
 - d. After construction Applicant shall, at the discretion of the governmental entities, repair and restore deteriorated roads resulting from construction traffic, or compensate governmental entities for their repair and restoration of deteriorated roads, such that the roads are returned to their preconstruction condition.
 - e. Privately owned areas used as temporary roads during construction will be restored to their preconstruction condition, except as otherwise requested or agreed to by the landowner.
 - f. Should Applicant need to widen any existing roadways during construction of the Project, Applicant shall return the roadways back to original width after completion of the Project, unless agreed upon otherwise with the federal, state, county, or township entities, or the landowner.
 - g. Applicant shall use appropriate preventative measures to prevent damage to paved roads and shall also remove excess soil or mud from such roadways, as needed.
 - h. Before commencing construction, Applicant shall furnish an indemnity bond in the amount of \$200,000 to comply with the requirements of SDCL 49-41B-38. Such bond shall be issued in favor of, and for the benefit of, all such townships, counties, and other governmental entities whose property is crossed by the transmission facilities. The bond shall remain in effect until released by the Commission, which release shall not be unreasonably denied following completion of the construction and repair period. Applicant shall give notice of the existence and amount of this bond to all counties, townships and other governmental entities whose property is crossed by the transmission facilities.
12. Applicant shall provide signage that identifies road closures and disturbances resulting from the Project in accordance with the most recent edition of the Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration, as applicable.
13. Applicant shall promptly report to the Commission the presence of any critical habitat of threatened or endangered species in the siting area that Applicant becomes aware of and that was not previously reported to the Commission.

14. Applicant shall design the transmission line following the Avian Power Line Interaction Committee Suggested Practices for Avian Protection on Power Lines.
15. Applicant agrees to avoid direct impacts to cultural resources that are unevaluated, eligible for, or listed in the National Register of Historic Places (NRHP). When an NRHP unevaluated, eligible, or listed resource cannot be avoided, Applicant shall notify the State Historic Preservation Office (SHPO) and the Commission prior to excavation of the area of the reasons that complete avoidance cannot be achieved to coordinate minimization and/or treatment measures.
16. If during construction Applicant discovers what may be a cultural resource, human skeletal remains, or associated funerary objects, Applicant or its contractors and agents shall immediately cease work at the location and notify the landowner(s), the SHPO, and other authorities as appropriate (per SDCL 34-27-25, SDCL 34-27-26, and SDCL 34-27-28). If it is determined, in coordination with SHPO, that a significant resource is present, Applicant shall develop a plan that is reasonably acceptable to the landowner and SHPO that minimizes the impact or threat to the resource.
17. Applicant shall provide the Stormwater Pollution Prevention Plan (SWPPP) to the Commission when Applicant has a final design for the Project. The SWPPP will outline the water and soil conservation practices that will be used during construction to prevent or minimize erosion and sedimentation. The SWPPP will be completed before submittal of an application for a National Pollutant Discharge Elimination System (NPDES) general permit for construction activities. All contractors will be given a copy of the SWPPP and requirements will be reviewed with them prior to the start of construction.
18. Applicant will repair and restore areas temporarily disturbed by construction or maintenance of the Project. Except as otherwise agreed to by the landowner, restoration will include replacement of original pre-construction topsoil or equivalent quality topsoil to its original elevation, contour, and compaction and re-establishment of original vegetation as close thereto as reasonably practical.
19. Applicant shall work closely with landowners or land management agencies, such as the NRCS, to determine a plan to control noxious weeds in areas disturbed by construction or maintenance activities. Landowner permission shall be obtained before the application of herbicides.
20. Applicant's obligation with respect to restoration and maintenance of the ROW shall continue throughout the life of the Project for disturbances caused by the actions of Applicant. Where the soil is disturbed during construction or maintenance of the line, Applicant shall restore vegetation in and along the ROW.
21. Applicant shall stage construction materials in a manner that minimizes the adverse impact to landowners and land users as agreed upon between Applicant and

landowner or Applicant and appropriate federal, state, and/or local government agencies. All excess construction materials and debris shall be removed upon completion of the Project, unless the landowner agrees otherwise.

22. To mitigate interference with agricultural operations during and after construction, Applicant shall locate all structures, to the extent feasible and prudent, to minimize adverse impacts and interferences with agricultural operations, shelterbelts, and other land uses or activities. Applicant shall take appropriate precautions to protect livestock and crops during construction. Applicant shall repair all fences and gates removed or damaged during construction or maintenance unless otherwise agreed with the landowner or designee. Applicant shall be responsible for the repair of private roads damaged when moving equipment or when obtaining access to the ROW.
23. Applicant shall, at the discretion of the owner, repair or replace all property removed or damaged during all phases of construction, or compensate the owner for their repair or replacement of such property removed or damaged, including but not limited to, all fences and gates and utility, water supply, irrigation, or drainage systems. Applicant shall compensate the owners for damages or losses that cannot be fully remedied by repair or replacement, such as lost productivity and crop and livestock losses. All repair, replacement, and/or compensation described above shall be in accordance with the terms and conditions of written agreements between Applicant and affected landowners where such agreements exist.
24. Applicant shall, in the manner described in its written landowner agreements, indemnify and hold the landowner harmless for loss, damage, claim, or actions resulting from Applicant's use of the easement, including any damage resulting from any release, except to the extent such loss, damage, claim, or action results from the negligence or willful misconduct of the landowner or the landowner's employees, agents, contractors, or other representatives.
25. With respect to the Project, Applicant may adjust the structure locations within the 125-foot-wide ROW (as depicted in Figures A-1 through A-11 of Appendix A to the Application) so long as: (a) impacts to cultural resources are avoided or mitigated in consultation with the SHPO; (b) wetland impacts are avoided or are in compliance with applicable U.S. Army Corps of Engineers (USACE) regulations; and (c) all other applicable regulations and requirements are met. Any adjustment that falls outside of the 125-foot-wide ROW identified in the Application and Applicant's Testimony, or that does not meet the above stated limitations is considered a "material change." If a "material change" is proposed, Applicant shall file a request for approval of the "material change" prior to making the adjustment pursuant to the following approval process:
 - Applicant will file with the Commission and serve on the official Service List a request for approval of a material change that includes:

- An affidavit describing the proposed adjustment(s), the reason for the adjustment(s), the reason the adjustment(s) do(es) not comply with one or more flexibility limitations set forth above, and information regarding compliance with all other applicable requirements;
- Documentation showing the impacted landowner was informed of the material change and indication whether landowner approves of the material change or contests the material change; and
- A map showing the approved location of the 125-foot-wide ROW and structure locations and the proposed adjusted locations (in different colors).

- Once received, Commission Staff and the Commission shall have 10 business days to request further Commission review.
- If no further review is requested, Applicant may proceed with the adjustment
- If further review is requested, the Commission will issue a decision regarding Applicant's request at its next available regularly scheduled Commission meeting, subject to notice requirements, after the request for further review is made.

26. For temporary use areas, Applicant shall: (a) secure all necessary land rights; (b) conduct cultural resource field surveys and wetland delineations, if not located in an area previously surveyed; (c) avoid or mitigate cultural resource impacts in consultation with the SHPO; (d) avoid or ensure wetland impacts are in compliance with applicable USACE regulations; and (e) meet all other applicable regulations.

27. The terms and conditions of the Permit shall be made a uniform condition of construction, subject only to an affirmative written request for an exemption addressed to the Commission. A request for an exemption shall clearly state which particular Permit Condition should not be applied and the reason for the requested exemption. The Commission shall evaluate such requests on a case-by-case basis which evaluation shall be completed within 60 days unless exigent circumstances require action sooner.

28. If the Project causes interference with radio, television, or any other licensed communication transmitting or receiving equipment, Applicant shall take all appropriate action to minimize any such interference and shall make a good faith effort to restore or provide reception levels equivalent to reception levels in the immediate areas just prior to construction of the Project. This mitigation requirement shall not apply to any dwellings or other structures built after completion of the Project.

29. Applicant will provide Global Positioning System coordinates of structure locations to affected landowners upon request during the life of the Project. Coordinates will be provided in writing to landowners within 30 days of a request.
30. Applicant shall secure the necessary easement(s) for a parcel prior to beginning construction of the Project on said parcel.
31. Applicant shall notify the Commission of key Project milestones by making the following filings in the docket: a) Report the date construction will commence as soon as it is known, but no later than five business days prior to commencement; b) Report the date construction was completed within five business days of completion (Project infrastructure is installed and ready for testing); and c) Report the In Service Date
32. Not less than 15 days prior to commencement of construction work in the field, Applicant shall file the most current preconstruction design, layout, and plans. Applicant will also provide such additional Project preconstruction information as Staff requests.
33. Within 90 days of the Project's In Service Date, Applicant shall submit a report to the Commission that provides the following information:
 - a. As-built location of structures and route;
 - b. The status of remedial activities for road damage, landowner property damage, crop damage, environmental damage, or any other damage resulted from construction activities; and
 - c. A summary of known landowner complaints and Applicant's plan for resolving those complaints.
34. Prior to construction, Applicant will provide notices of construction to the South Dakota Department of Public Safety, the Sheriff of Haakon County, and the Offices of Emergency Management of Haakon County along with a schedule and location of work to be performed within the agency's jurisdiction.