

From: Kelly Flory [REDACTED]
Sent: Sunday, August 23, 2026 7:22 PM
To: PUC-PUC <PUC@state.sd.us>
Subject: [EXT] PUBLIC RECORD OBJECTION

TO: puc@state.sd.us
SUBJECT: PUBLIC RECORD OBJECTION: Docket No. EL26-003 [1]

Dear Commissioners,

As a residential electric ratepayer, I strongly oppose Black Hills Energy's requested 25% base rate increase and compounding monthly surcharges under Docket No. EL26-003 [EL26-003].

CONSTITUTIONAL PROTECTION FOR THE PEOPLE ANTI-SLAPP NOTICE:

I submit this comment under my absolute constitutional protections to petition the government for a redress of grievances, further reinforced by South Dakota Senate Bill 137 (The Uniform Public Expression Protection Act). This law strictly guarantees my right to oppose this utility rate hike and speak on matters of public concern without fear of corporate intimidation, retaliation, or bad-faith lawsuits. Any attempt to suppress or chill public participation in this docket triggers immediate statutory dismissal, legal penalties, and fee-shifting under state law. [1, 2, 3]

I urge the Commission to reject this rate hike and protect consumers based on these explicit boundaries:

Demand to Stall/Halt Overlapping Interim Fees: I explicitly demand that the Commission stall or completely halt the implementation of concurrent billing layers while this case is pending. Forcing consumers to absorb an unapproved, temporary base rate spike alongside separate, overlapping monthly Phase-in Plan Rate Surcharges (PIPR) forces regular families into a state of "triple dipping" corporate cost recovery before final findings are issued.

Enforcement of SB 135 and Rejection of Falsely Projected Data: Under SB 135 (Section 3), electricity providers are strictly prohibited from shifting generation, transmission, or distribution costs onto residential customers to finance data centers. Western South Dakota families refuse to subsidize industrial tech expansions governed by SB 135 businesses that utilize falsely projected data to mask their true operational load. Because everyday citizens cannot retrieve such commercial data, the Commission must use its investigative authority to demand these hidden footprints be brought into the open. [1]

Enforcement of Non-Deference Review Standards (SB 134): In strict alignment with Senate Bill 134, this oversight Commission cannot grant blind deference to the utility's self-serving interpretations of its load projections. The PUC is legally mandated to perform an independent, non-deferential evaluation of Black Hills Energy's records to ensure full compliance with the law. [1, 2]

Rejection of Discriminatory Capital Shifting (SB 228 & SDCL § 49-34A-3): In light of the strict transparency guardrails established by Senate Bill 228 regarding Tax Increment Financing (TIF) protections, the utility cannot bypass public scrutiny. Forcing residential ratepayers to absorb a 25% base rate premium while millions in public TIF funds are

diverted into industrial development corridors violates statutory good faith and constitutes prohibited rate discrimination under SDCL § 49-34A-3. [1, 2, 3]

The PUC must fulfill its statutory duty to serve as an oversight committee protecting consumers from monopoly power. I demand the Commission enforce SB 135 and SB 137, halt these unapproved concurrent interim billing layers, and deny this residential rate hike. Respectfully submitted,

Name: Kelly Flory

██████████ Black Hawk, SD 57718

Customer Status: Residential Ratepayer, Black Hawk, SD 57718