From: PUC
Sent: Friday, November 13, 2026 9:40 AM
To: 'Karen Loeschke [redacted]
Subject: FW: [EXT] Questions and concerns

Ms. Loeschke:

The South Dakota Public Utilities Commission received your comments regarding docket EL26-026 - In the Matter of the Application of Xcel Energy and Otter Tail Power Company for an Energy Facility Permit to Construct the PowerOn Midwest Project Consisting of a 765-kV Transmission Line, a 345-kV Transmission Line, and Associated Facilities. This application was filed with the SDPUC on Sept. 4, 2026.

This docket is currently under review by the Commission and PUC staff.

Regarding your first question, please refer to South Dakota Codified Law 49-41B-28:
***49-41B-28*. *Supersession of local land use controls--Exception*.**
A permit for the construction of a transmission facility within a designated area may supersede or preempt any county or municipal land use, zoning, or building rules, regulations, or ordinances upon a finding by the Public Utilities Commission that such rules, or regulation, or ordinances, as applied to the proposed route, are unreasonably restrictive in view of existing technology, factors of cost, or economics, or needs of parties where located in or out of the county or municipality. Without such a finding by the commission, no route shall be designated which violates local land-use zoning, or building rules, or regulations, or ordinances.

Regarding your remaining questions, the PUC cannot provide legal advice. We encourage you to discuss these questions with your attorney.

Please note that all correspondence related to any imminent or open docket should not be sent to the commissioners. Instead, such communications must be directed to PUC@state.sd.us. Commissioners are required to avoid any direct communication regarding open or imminent dockets on which they will be voting. The Informational Guide and explanation of Ex Parte communications available on the PUC's website explains these requirements in order to ensure compliance with South Dakota Codified Law 1-26-26.

For a better understanding of the Commission's review process, you may find the Energy Conversion & Electric Transmission Facilities Siting Guide, available through the docket, to be a helpful resource.

Your comments and this response will be posted in the online docket where they can be reviewed by commissioners, staff, docket parties and the public.

SDPUC Staff
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