From: Melissa Zemlicka [redacted]
Sent: Thursday, October 29, 2026 6:29 AM
To: PUC-PUC <PUC@state.sd.us>
Subject: [EXT] Public comments for EL26-026

MISO states in their petition to intervene dated 10/16/26:

“The Midcontinent Independent System Operator, Inc. ("MISO") respectfully requests that the South Dakota Public Utilities Commission grant it full-party status…”

And for their background information they state:

“MISO is a federally approved not-for-profit, member-based Regional Transmission Organization ("RTO") providing reliability and market services over 75,000 miles of electricity transmission facilities in fifteen states and one Canadian province, including portions of South Dakota. 1 Pursuant to federal law, MISO is responsible for operational oversight and control and market operations of the transmission systems of its member transmission owners, including the Applicants. 2 In addition, it is responsible for planning necessary transmission system expansions, additions and upgrades in coordination with state authorities to ensure efficient,reliable, and non-discriminatory transmission service throughout its territory. “

If you scroll down to page three of this same document you see their quote: “MISO 's pecuniary interests are affected by the decision of the Commission.”

At the PUC meeting in Milbank South Dakota on October 21st 2026, Aaron Mielke of Barr Engineering responded on behalf of PowerOn Midwest. “The Farm Protection Policy Act looks at farmland taken out of production. We looked at that in the application. We calculated the amount of prime farmland that’s within the route, and that’s in the application. However, that act only applies to projects receiving federal funding, so it doesn’t apply to this project.”

According to NRCS, **Projects and Activities**
are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

Assistance from a Federal agency includes:

- Acquiring or disposing of land.
- Providing financing or loans.
- Managing property.
- Providing technical assistance

Activities that may be subject to FPPA include:

- State highway construction projects, (through the Federal Highway Administration)
- Airport expansions
- Electric cooperative construction projects
- Railroad construction projects
- Telephone company construction projects
- Reservoir and hydroelectric projects
- Federal agency projects that convert farmland
- Other projects completed with Federal assistance.

Source:
https:// www.nrcs. usda.gov/ conservation-basics/land/cropland/farmland-protection-policy-act

So in regard of MISO wanting to be party status to make sure this project happens — is this a federal project or not? According to the MISO's party paperwork it is, but according to PowerOn it is not?

Signed Proposed Intervenor:
Melissa Nelson
Revillo SD 57259