

**From:** [REDACTED]  
**Sent:** Thursday, September 10, 2026 10:58 PM  
**To:** [countydevelopment@brookingscountysd.gov](mailto:countydevelopment@brookingscountysd.gov); PUC-PUC <[PUC@state.sd.us](mailto:PUC@state.sd.us)>  
**Subject:** [EXT] Power on Midwest permitting process PUC Docket EL26-026

In regards to: EL26-026

Mr. Hill and members of the SD PUC:

With all due respect to the many years you have occupied the position of Zoning Officer for Brookings County, you have some misunderstandings about the permitting process for the Power On Midwest 765kV power line.

First off, the PUC meetings to be held in the three local counties in October are for gathering information and giving the public an opportunity to hear about the plan.

You stated at the 765 Subcommittee meeting on September 10, that the PUC will announce its decision on the permit at the Clear Lake meeting on October 22. This is false and very misleading to your county commissioners, zoning board members and the general public.

The application was filed with the PUC on September 4, 2026. The PUC is allowed, by state law, up to one year to issue its decision.

Members of the public affected by this project have until November 3, 2026, to apply as an Intervener in the application process. This gives them rights of testimony and to ask questions of the applicant. You failed to mention this to the public or your subcommittee.

Furthermore, your county zoning will undoubtedly require Power On Midwest to apply for a Conditional Use Permit with Brookings County before they can take up their case with the PUC. They must also get a CUP from Grant and Deuel Counties for this same project.

Next, you need to read and understand the law pertaining to the impact of the CUP:

South Dakota Codified Law pertaining to the PUC decision on a permit before them.

**49-41B-22. Applicant's burden of proof.**

The applicant has the burden of proof to establish by a preponderance of the evidence that:

- (1) The proposed facility will comply with all applicable laws and rules;
- (2) The facility will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area. An applicant for an electric transmission line, a solar energy facility, or a wind energy facility that holds a conditional use permit from the applicable local units of government is determined not to threaten the social and economic condition of inhabitants or expected inhabitants in the siting area;
- (3) The facility will not substantially impair the health, safety or welfare of the inhabitants; and
- (4) The facility will not unduly interfere with the orderly development of the region with due consideration having been given the views of governing bodies of affected local units of government. An applicant for an electric transmission line, a solar energy facility, or a wind energy facility that holds a conditional use permit from the applicable local units of government is in compliance with this subdivision.

**Source:** SL 1977, ch 390, § 17; SL 1981, ch 340, § 3; SL 1991, ch 386, § 6; SL 2019, ch 200, § 8.

Note the considerations which your county zoning board is obligated to review BEFORE a CUP can be issued by the board. Your Hutterite Colonies deserve full opportunity to discuss the implications of this powerline for their future plans. Their communities are comparable to a small town for size and population. They deserve the same considerations in setbacks as a town would be offered.

Additionally, all landowners, farm operators and owners, residents of small acreages all deserve to be heard to determine the socio-economic impacts of this project. This is serious business and you had better not take it lightly. A project of this magnitude will forever change rural eastern Brookings County.

Sincerely,  
Mary Nosbush

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[REDACTED]

Gary, SD 57237

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