Print or Type

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

Print Form

*This form is **only** for persons who wish to be an active party in this docket. You do NOT need to be a party to submit comments.*

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

APPLICATION FOR PARTY STATUS

EL26-026

Erik Peterson, petitions the Public Utilities Commission to be granted party status in this proceeding.
(Name of Applicant. This will be the person or entity named as a party.)

Place a check mark next to each item below that applies to you, adding a mileage number where requested.

☑ I am a person or organization that received official notification of the project via U.S. mail from the siting permit applicant.

☑ I reside within 1.5 miles of the proposed project.

Residential address if different from your mailing address:

_____

☑ I own land within 1 miles of the proposed project.

Legal description: W1/2 of Section 23, T117N, R48W, Deuel County, South Dakota

☐ I officially represent a municipal, city, township, county or other affected governmental agency within _____ miles of the proposed project.

☐ I represent a utility company with facilities within _____ miles of the proposed project.

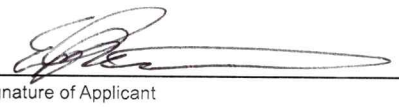
Explain your interest in applying for party status below.

My family owns and operates a private grass airstrip with an on site hanger on our property near Revillo, which I have used for approximately 34 years, and this is within one mile of the proposed project. The line passes near my property W1/2 of Section 23, T117N, R48W and directly affected land owned by my immediate family, adjacent to my property. The proposed 150-195 ft towers cross my airstrip's approach surface and penetrate the FAA obstruction surface (164 ft at the crossing), and the line affects the airstrip and agricultural operations on our farm.

Deadline:This application must be filed with the Public Utilities Commission on or before **5:00 p.m. CT, Nov. 3, 2026**, File this completed form electronically at puc.sd.gov/EFilingOptions.aspx

This section is to be completed by the person requesting party status. **All fields are required.**

Erik Peterson
Applicant's Printed/Typed Name



Signature of Applicant — 11/2/2026 Date Signed

_____
Name of Applicant's Organization (if Applicable)

16950 482nd Ave
Applicant's Address (PO Box/St/Ave/Road)

Revillo, SD 57259
Applicant's Address (City, State, ZIP Code)

(605) 695-2688
Applicant's Phone Number or, if represented, Applicant's Attorney's Phone Number

Johnpp77@yahoo.com
Applicant's E-mail Address* or, if represented, Applicant's Attorney's E-mail Address*

The section below is to be completed by the Applicant's attorney, if represented. All fields are required.

_____
Attorney's Printed/Typed Name

_____
Signature of Attorney — Date Signed

_____
Attorney's Address (PO Box/St/Ave/Road)

_____
Attorney's Address (City, State, ZIP Code)

*The Commission processes its dockets electronically for time and cost efficiencies. Communication on the docket will be done via email to parties to this docket. Failure to provide an email address may result in documents being served upon the county auditor rather than sent directly to the party, pursuant to SDCL 49-41B-17.1.

If your submitted form is incomplete, you risk not being granted party status.

For approval, party status applications must meet the requirements of SDCL 49-41B-17.

November 2, 2026

To the Public Utilities Commission

Re: PowerOn Midwest 765 kV line — a safety hazard at our airstrip

Board Members,

I am not asking you to stop this power line. I am asking that it not be built across the landing approach to our airstrip.

The problem

- My family has flown from our grass airstrip since about 1992 — 34 years.
- The proposed route crosses directly under our landing approach, one mile from the runway.
- The towers would be 150 to 195 feet tall. Landing airplanes would pass only about 100 feet over them.
- The towers would break the FAA's own obstruction standard for our runway by up to 31 feet.
- The line also crosses our departure path — the open ground a pilot needs if an engine quits on takeoff.
- A wire strike there would be deadly, and it is preventable.

The developers missed us

- Their application says, "There are no airports within three miles of the Project." That is not true.
- They checked only public airports. Under South Dakota law our airstrip is an airport, and creating an airport hazard is a public nuisance.
- They have already moved this line once to protect Milbank's airport. We ask for the same.
- They were informed at the very first meeting in Milbank of my airport and are aware of its location.

What the law says

South Dakota law

- **Our airstrip is an airport.** An airport is "any area of land or water used, or intended to be used, for landing and take-off of aircraft" (SDCL 50-1-1(4)). It does not have to be public or registered.
- **This line would be an airport hazard.** An airport hazard is "any existing or potential condition that can endanger the life or property of a user of an airport" (SDCL 50-1-1(7)).
- **An airport hazard is a public nuisance.** "The creation or establishment of an airport hazard is a public nuisance" and is to be prevented (SDCL 50-9-14). General nuisance law also covers anything that "endangers the comfort, repose, health, or safety of others" (SDCL 21-10-1).
- **Counties may act to prevent airport hazards.** Preventing, eliminating, or marking and lighting airport hazards are public purposes for which counties may spend public funds (SDCL 50-9-15).
- **The PUC must find the line lawful and safe.** The developers must prove the line "will comply with all applicable laws and rules" and "will not substantially impair the health, safety or welfare of the inhabitants" (SDCL 49-41B-22).
- **County rules stand unless the PUC overrides them.** The PUC may not approve a route that violates county zoning unless it finds the county's rules "unreasonably restrictive" (SDCL 49-41B-28).

Deuel County

- **The county's own ordinance requires compliance.** Lines over 345 kV "shall meet or exceed standards and regulations of the South Dakota State Statutes and any other agency of federal or state government" (Ordinance B2022-01-11, § 1248.02).

- **The county can attach conditions.** The Board of Adjustment may set conditions on the conditional use permit and must find the project compatible with adjacent properties.
- **The state has said this is the county's responsibility.** In 2019, in a Deuel County case, the SD Department of Transportation told the PUC that the county is responsible for hazards to private airports (PUC Docket EL18-053).

Federal safety standards

- **The towers would be FAA "obstructions."** Any structure taller than a runway's FAA obstruction surface is an "obstruction to air navigation" (14 CFR 77.17, 77.19). At this line the surface is 164 ft; the towers would be up to 195 ft.
- **Pilots are required to stay 500 ft from structures.** In normal flight, aircraft must stay at least 500 ft from any structure (14 CFR 91.119). Landing airplanes are exempt because the airspace near a runway is meant to be kept clear — here they would pass about 100 ft over the towers.
- **The FAA's own test for harm.** The FAA treats a structure as harmful to aviation if it would "Require a VFR operation to change its regular flight course or altitude" (FAA Order JO 7400.2R, ¶ 6-3-3). This line would do exactly that.

What I ask of the Board

- Make it a condition of the permit that no tower or wire breaks the FAA obstruction standard around our airstrip. Deuel County ordinance, Section 1248.02, already requires these lines to meet state and federal standards.
- Support our request that the PUC correct the application and protect the airstrip.

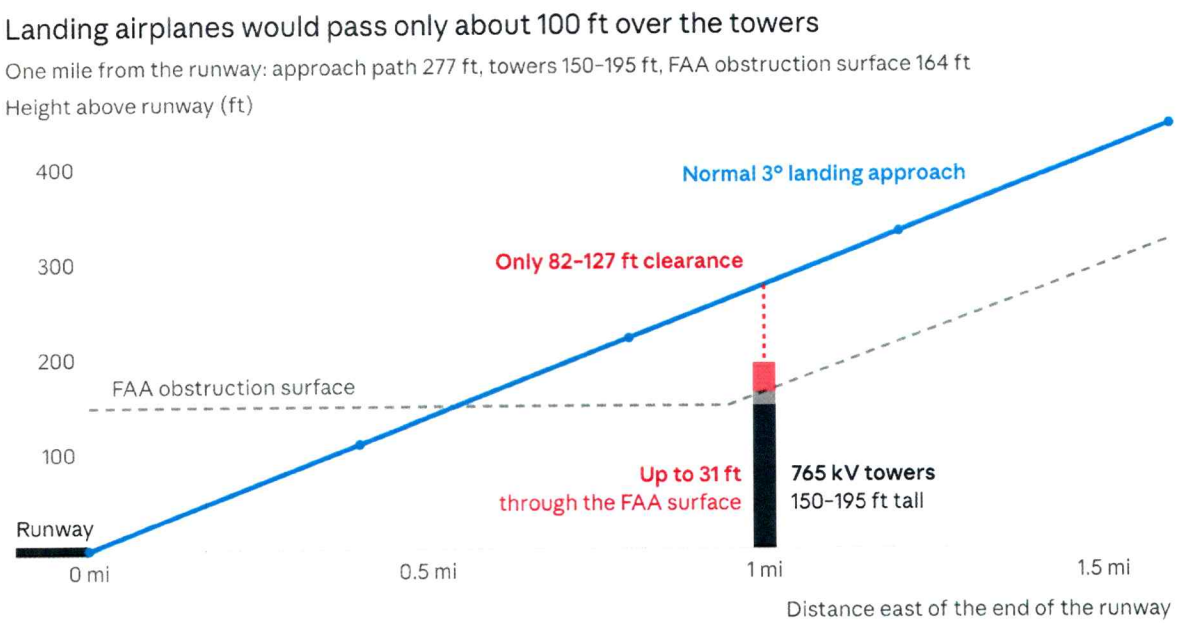
Thank you. A full analysis with citations is available to anyone who would like it.

Respectfully,

Erik Peterson

605-695-2688

What a landing pilot would face



Side view of a landing approach to our runway. Heights calculated from FAA standards and the developers' application (Table 9-2).

Where the line would cross



The orange stretch marks where towers would break the FAA standard (shown for 175-ft towers; taller towers widen it).

Docket Number: EL26-026 Last Name: Peterson First Name: Erik Company: Intervenor Address: 16950 482nd Ave City: Revillo State: SD Zip: 57259 Phone: 605-695-2688 Email: johnpp77@yahoo.com Comments: My family owns and operates a private grass airstrip with an on site hanger on our property near Revillo, which I have used for approximately 34 years, and this is within one mile of the proposed project. The line passes near my property W1/2 of Section 23, T117N, R48W and directly affected land owned by my immediate family, adjacent to my property. The proposed 150-195 ft towers cross my airstrip's approach surface and penetrate the FAA obstruction surface (164 ft at the crossing), and the line affects the airstrip and agricultural operations on our farm.