BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION	)	
OF XCEL ENERGY AND OTTER TAIL	)	
POWER COMPANY FOR AN ENERGY	)	EL 26-26
FACILITY PERMIT TO CONSTRUCT	)	
THE POWERON MIDWEST PROJECT	)	
CONSISTING OF A 765-KV	)	
TRANSMISSION LINE, AND	)	
ASSOCIATED FACILITIES	)	
	)	
	)	

South Dakota State Historic Preservation Office and State Archaeologist's Response to Suzie Pratt's Request for Access to Confidential Information

COMES NOWS, the South Dakota State Historic Preservation Office and State Archaeologist, by their attorney, respectfully request this Commission to deny Suzie Pratt's Request for Access to Confidential Information as Ms. Pratt is not a party to proceeding and the requested information is confidential pursuant to SDCL § 1-20-21.2.

Suzie Pratt is not a party to this proceeding. The docket contains no petition on behalf of Ms. Pratt nor an order granting Ms. Pratt party status. As such, Ms. Pratt is unable to submit her request for confidential information under ARSD 20:10:01:41 or 20:10:04:41.01. The administrative rules refer to a request submitted by a party. This position is consistent with SDCL §§ 49-41B-17.2 and 1-26-18 which provides a party with the right to inspect all documentary evidence. There is no statutory authority that provides a non-party the right to access filings deemed confidential. Furthermore, ARSD 24:10:01:43 provides that a protective order should be issued for the handling and access of confidential information. As the Commission lacks jurisdiction over Ms. Pratt as a non-party, the Commission would have no authority to enforce such a protective order. SDCL § 15-6-26(c).

The document Ms. Pratt has requested, Appendix D – Level I Cultural Resources Record Search Confidential. The record search contains information about the location of archaeological sites that are protected by SDCL § 1-20-21.2. Ms. Pratt has made no assertion that she is landowner of an archeological site nor a qualified researcher to permit the state archaeologist to disclose such confidential information.

In addition, SDCL § 1-20-26 requires all state agencies, departments, and commissions to "cooperate fully with the state archaeologist in the preservation, protection, excavation, and evaluation of specimens and sites." We respectfully assert that the Public Utilities Commission is required by statute to ensure the archaeological site(s) remains confidential to protect the integrity of the archaeological site(s). Therefore, we respectfully request the Commission to deny Ms. Pratt's request for confidential information.

Dated at Pierre, South Dakota, this 27th day of October, 2026.

/s/ Amanda LaCroix
Amanda LaCroix
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CERTIFICATE OF SERVICE

The undersigned, attorney for South Dakota State Historic Preservation Office and the State Archaeologist, South Dakota Department of Education, hereby certifies that the on the 27th day of October, 2026, a true and correct copy of the foregoing South Dakota State Historic Preservation Office and State Archaeologist's Response to Suzie Pratt's Request for Access to Confidential Information was served via email upon the following service list:

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