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 FACILITY PERMIT TO CONSTRUCT THE POWERON MIDWEST PROJECT CONSISTING OF A 765-KV TRANSMISSION LINE, A 345-KV TRANSMISSION LINE, AND ASSOCIATED FACILITIES	))))))	**APPLICANTS' RESPONSE TO APPLICATIONS FOR PARTY STATUS FILED BETWEEN OCTOBER 20 AND OCTOBER 28, 2026** **EL26-026**

I. INTRODUCTION.

Northern States Power Company, doing business as Xcel Energy, and Otter Tail Power Company (collectively, Applicants) submit this Response to Applications for Party Status filed between October 20 and October 28, 2026.[1]

II. NO OBJECTION.

The Applicants have reviewed the following applications for party status and have no objection to these individuals and organizations being granted full party status in this matter, as these petitioners reside in the area where the facility is proposed to be sited, which the Applicants have proposed is within one-mile of the proposed route for the Project:

- Melissa Nelson (October 20, 2026)
- Rebecca DeWilde (October 20, 2026)
- Steven January (October 22, 2026)
- Matthew and Jacquline Loeschke (October 23, 2026)
- Rolland Hutterian Brethren, Inc. (October 23, 2026)
- Karen Loeschke (October 27, 2026)
- Ryan Wollschlager (October 27, 2026)
- Todd Lounsbery (October 27, 2026)
- Abigail Brandenburger (October 28, 2026)
- Coltin Brandenburger (October 28, 2026)
- Blue Sky Hutterian Brethren, Inc. (October 28, 2026)

[1] Applicants previously filed replies to the applications for party status of Lake Cochrane Improvement Association and the Midcontinent Independent System Operator, Inc. (MISO), on October 14, 2026, and October 20, 2026, respectively.

- Adam Hunt (October 28, 2026)
- Bert and Amy Loehrer (October 28, 2026)
- Sheila Olauson (October 28, 2026)
- William Landsman (October 28, 2026)

III. OBJECTION.

Applicants object to the application for party status filed by Mary Nosbush (October 22, 2026), as Ms. Nosbush does not meet the statutory requirements for intervention. SDCL § 49-41B-17(4) provides that, to intervene in Commission proceedings, a person must reside in the area where the facility is proposed to be sited or be directly interested:

> Any person residing in the area where the facility is proposed to be sited, or any directly interested person, if timely application therefor is made as determined by the commission pursuant to rule. An application for party status in a proceeding under this chapter must contain a detailed statement of the interests and reasons prompting the application.

While SDCL § 49-41B-17(4) does not define the proposed area to be sited, SDCL § 49-41B-5.2 requires notice be sent to "the owner of record of any land that is located within one-half mile of the proposed site where the facility is to be constructed." Applicants provided notice beyond this statutory requirement, sending Project notice to landowners within approximately one mile of the proposed transmission line right-of-way to accommodate potential future routing adjustments.[2] Under these circumstances, using Applicants' one-mile Notice Area as the "proposed area to be sited" is appropriate and reasonable in this docket.[3]

According to Ms. Nosbush's application, she resides two miles from the proposed route. This is outside of the "proposed area to be sited," which means Ms. Nosbush must demonstrate she is a "directly interested person" to be granted party status in this proceeding.

[2] *See* Application, p. 18.
[3] The Applicants discussed further rationale for using the one-mile Notice Area in their October 14, 2026 reply to Lake Cochrane Improvement Association's application for party status.

The statute does not define a "directly interested person," but Commission rules provide that the petition must show:

> that the petitioner is specifically deemed by statute to be interested in the matter involved, that the petitioner is specifically declared by statute to be an interested party to the proceeding, or that by the outcome of the proceeding the petitioner will be bound and affected either favorably or adversely with respect to an interest peculiar to the petitioner as distinguished from an interest common to the public or to the taxpayers in general.[4]

The South Dakota Supreme Court has explained that "the interest which entitles a party to intervene must be a direct interest, by which the intervening party is to obtain immediate gain or suffer loss by the judgment which may be rendered between the original parties,"[5] and that "one whose interest in the matter of litigation is not a direct or substantial interest, but is an indirect, inconsequential, or contingent one, cannot intervene."[6]

Ms. Nosbush's stated interest is concern "about the socio-economic impacts of this powerline." The application does not identify any specific socio-economic impact to Ms. Nosbush or otherwise explain how the Project would affect an interest peculiar to her, as distinguished from an interest shared by the general public. Therefore, the application does not establish that Ms. Nosbush is a "directly interested person" under SDCL § 49-41B-17(4).

IV. CONCLUSION.

The Applicants respectfully request that the Commission deny the petition for intervention submitted by Ms. Nosbush.

[4] ARSD 20:10:01:15.05.
[5] *Jackson v. Bd. of Cnty. Comm'rs for Pennington Cnty*., 76 S.D. 495, 499, 81 N.W.2d 686, 688 (1957).
[6] *In re Adoption of D*.M., 2006 S.D. 15, ¶ 6, 710 N.W.2d 441, 444–45 (quoting *Jacks*on, 81 N.W.2d at 689).

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