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 EXISTING FACILITY PERMIT TO CONSTRUCT THE POWERON MIDWEST PROJECT CONSISTING OF A 765-kV TRANSMISSION LINE, A 345-kV TRANSMISSION LINE, AND ASSOCIATED FACILITIES	* * * * * * *	**STAFF'S RESPONSE TO APPLICANTS' OBJECTIONS TO APPLICATIONS FOR PARTY STATUS FILED BETWEEN OCTOBER 29 AND NOVEMBER 4, 2026** **EL26-026**

The Commission Staff, by and through its attorney of record, hereby files this response in the above-captioned proceeding.

Staff has reviewed Applicants' Objection to Applications for Party Status Filed Between October 29 and November 4, 2026 (Applicants' Objection), along with each Application. As a preface, Staff would note that Applicants' Objection was filed on November 18, 2026, past the November 13, 2026 (noon) deadline provided for in the Notice of Hearing, and beyond the 15 day deadline to object provided in ARSD 20:10:01:15.04 for any Application filed before November 3, 2026. For this reason, the Commission could disregard Applicants' Objection. However, Staff would also note that regardless of whether an objection is filed, pursuant to ARSD 20:10:01:15.05, the Commission shall grant or deny a petition to intervene. The rule further puts the burden on the petitioner requesting intervention to show they have an interest in the proceeding, if they make such a showing, the Commission shall grant intervention. Therefore, the Commission could decide to deny an Application on its own if an Applicant does not make a sufficient showing.

Should the Commission consider Applicants' Objection, Staff provides the following substantive response.

Staff disagrees with Applicants' Objection as it relates to the following Applicants.

• Justin C. Bauman (November 3, 2026)

Mr. Bauman's Application provided a residential address that appears to show he resides within ½ mile from the proposed line. SDCL 49-41B-17(4) specifically provides for intervention for those residing in the project area. Therefore, Mr. Bauman is not required to make an additional showing of interest, and his Application for Party Status should be granted.

• Michelle Oftedahl (November 3, 2026)
• Erik Oftedahl (November 3, 2026)

Michelle and Erik Oftedahl's Applications indicate they lease land on which the proposed project will be located. While Staff agrees the Oftedahls would not be interested per statute based on residence, Staff does believe the Oftedahls specified interest in leasing land the proposed line will be located on may be a direct interest in the outcome of this proceeding.

Late Filed Application

Staff has reviewed the Application for Party Status filed by Lance Hinsvark on November 4, 2026. Although Staff agrees this Application was filed after the November 3, 2026, deadline, Staff has no objection to granting Mr. Hinsvark party status. Per his Application, Mr. Hinsvark owns land within the one-mile notice area and would therefore has a direct interest in this proceeding. Staff does recognize that a deadline is a deadline, however Staff is generally amenable to some flexibility when no parties are prejudiced. In this case, Mr. Hinsvark did not provide an explanation for the delay in filing his Application, but Staff recognizes that no party

would be prejudiced by granting Mr. Hinsvark party status because his Application for intervention is being considered on the same date as a multitude of others.

Garret Renville

As noted in Applicants' Response, Garret Renville filed an Application for Party Status on November 9, 2026. On November 12, 2026, a Request to Withdraw this Application was sent to all parties in the docket, but was not filed. The Request to Withdraw indicated the Application was filed in the wrong docket, and an Application has been filed in the correct proceeding.

Applicants residing beyond the notice area.

For the remaining applications subject to Applicants' Objection, Staff notes that these generally fall within two categories, those residing within two miles of the proposed project, and those residing further than two miles from the proposed project. PowerOn did previously object to the Application by Lake Cochrane Improvement Association (LCIA) and requested the Commission establish the "proposed area to be sited" under SDCL 49-41B-17(4) as the one mile notice. Staff provided a Response Staff would echo those comments as it relates to the following Applications to those who appear to reside, or own land within two miles of the proposed project. For the Commission's reference, Staff classified the remaining Applications for Party Status as those either residing or owning property between one and two miles from the proposed line, and those more than two miles from the proposed line based on the residences, and or legal descriptions provided in their Applications.

For each of these persons, Staff reviewed the reason for intervening, and agree with Applicants' assessment that the reasons provided do not show a direct interest in this proceeding.

However, Staff is willing to reevaluate each of these Applications if further information is provided regarding location of property or residence, and regarding a potential direct interest.

Between one and two miles from the proposed line

- Wilfried Reuvekamp (November 2, 2026)
- Thijs Reuvekamp (November 2, 2026)
- Eric Magedanz (November 2, 2026)
- Christopher Monnier (November 3, 2026)
- Natashia L. Mckillip (November 3, 2026)
- Nick L. Knock (November 3, 2026)
- Dustin Johnson (November 3, 2026)
- Matthew Holden (November 3, 2026)

More than two miles from the proposed line

- Chad Hungerford (October 30, 2026)
- Christopher Monnier (November 3, 2026)
- Toni Susan Engelmann (November 3, 2026)
- Frank James (November 3, 2026)

Application by a Minor

Applicants also objected to the Application for Party Status by Ian C. Loehrer because he is a minor. Pursuant to SDCL 26-1-3, a minor may enforce his rights civil or other legal proceeding in the same manner as an adult, but a guardian or conservator must be appointed to conduct the same.[1] SDCL 15-6-17(c) also provides whenever a minor has a guardian or conservator, that person may sue or defend on their behalf. Looking to these authorities, it appears appropriate to grant Mr. Loehrer's Application for Party Status, with a guardian.

[1] See Beermann v. Beermann, 559 N.W. 2d 868, 870 (S.D. 1997).

Dated this 18th day of November 2026

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