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 29 AND NOVEMBER 4, 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 29 and November 4, 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:

- Shiloy Sime (October 29, 2026)
- Justin Sime (October 29, 2026)
- Alan Lounsbery (October 29, 2026)
- Lucas Loeschke (October 29, 2026)
- Tammy Wollschlager (October 29, 2026)
- Faith Doyen (October 29, 2026)
- Gordon and Gail Bunting (October 29, 2026)
- Brenda Sime Living Trust (October 29, 2026)
- Martin and Diane Brandenburger (October 30, 2026)
- Edmund Dorneman (October 30, 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. Applicants also previously filed a reply to applications for party status received between October 20 and October 28, 2026, on November 4, 2026.

- Daniel Bauer (November 2, 2026)
- Nancy Johnson (November 2, 2026)
- Matthew or Jaclyn Van Lith (November 2, 2026)
- Brooke Mielitz (November 2, 2026)
- Craig Mielitz (November 2, 2026)
- Rufus C. DeZeeuw (November 2, 2026)
- Gordon Ommen, Blackfork, LLC (November 2, 2026)
- Victoria Brandenburger (November 2, 2026)
- Derek Nelson (November 3, 2026)
- Douglas Kampmann (November 3, 2026)
- Donald Bauman (November 3, 2026)
- Eileen Krueger (November 3, 2026)
- Edward M. Krueger (November 3, 2026)
- Ryan Magedanz (November 3, 2026)
- Erik Peterson (November 3, 2026)
- Douglas and Renae Wollschlager Living Trust (November 3, 2026)
- Jay Grabow, Deuel County Commission (November 3, 2026)
- Austin Hunt, AHunt Farm, LLC (November 3, 2026)
- Norfeld Hutterian Brethren, Inc. (November 3, 2026)
- New Dale Hutterian Brethren, Inc. (November 3, 2026)
- Russell Schuelke or Robin Schuelke (November 3, 2026)
- Kevin Schnaser (November 3, 2026)
- ValGene Johnson (November 3, 2026)
- Shawn Hostler, Brookings County Commission (November 3, 2026)
- David E. and/or Karlene Wollschlager, JTWROS (November 3, 2026)
- Charles Wollschlager (November 3, 2026)
- Daniel J. Loehrer (November 3, 2026)
- John Homan (November 3, 2026)
- Matt Bekaert (November 3, 2026)
- Steve Spiering (November 3, 2026)
- Christian Reimche (November 3, 2026)
- Jeremy and Julie Ketcher (November 3, 2026)
- Lance Frogner (November 3, 2026)
- Loren and Jo Pihl (November 3, 2026)
- Jeremy Javers (November 3, 2026)
- Thomas Frogner (November 3, 2026)

III. OBJECTION.

A. Objection for Failure to Meet Statutory Criteria.

Applicants object to the applications for party status filed by the following individuals, as these individuals do not meet the statutory requirements for intervention:

- Chad Hungerford (October 30, 2026)
- Wilfried Reuvekamp (November 2, 2026)
- Thijs Reuvekamp (November 2, 2026)
- Eric Magedanz (November 2, 2026)
- Justin C. Bauman (November 3, 2026)[2]
- Christopher Monnier (November 3, 2026)
- Toni Susan Engelmann (November 3, 2026)
- Natashia L. Mckillip (November 3, 2026)
- Nick L. Knock (November 3, 2026)
- Matthew Holden (November 3, 2026)
- Dustin Johnson (November 3, 2026)
- Frank James (November 3, 2026)
- Michelle Oftedahl (November 3, 2026)
- Erik Oftedahl (November 3, 2026)[3]

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.[4] Under these circumstances, using Applicants' one-mile Notice Area as the "proposed area to be sited" is appropriate and reasonable in this docket.[5]

[2] Mr. Bauman notes in his application he rents land within ½ mile of the Project area.
[3] Both Ms. And Mr. Oftedahl note in their applications they lease land within 0 miles of the Project area.
[4] *See* Application, p. 18.
[5] 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.

Based on the information provided in their petitions, the above-listed applicants were not on the Project notice mailing list, and therefore are outside the one-mile "proposed area to be sited." Therefore, these individuals must demonstrate they are a "directly interested person" to be granted party status in this proceeding.

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.[6]

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,"[7] 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."[8]

The above-listed applicants note general concerns about the Project, such as potential agricultural impacts (W. Reuvekamp, T. Reuvekamp, C. Monnier, J. Bauman, M. Oftedahl, E. Oftedahl), potential health impacts (C. Hungerford, N. Mckillip), potential noise impacts (E. Magedanz, T. Engelmann), and potential community impacts (F. James). Additionally, applicant Matthew Holden previously filed an application for party status on behalf of the Lake Cochrane Improvement Association, which has already submitted a motion and information in this docket

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

concerning the Lake Cochrane Seaplane Base,[9] the same interest stated in Mr. Holden's application.

These interests are generalized concerns and are not distinguishable from interests shared by the general public. Therefore, these applications do not establish that these individuals are a "directly interested person" under SDCL § 49-41B-17(4), and the applications should be denied.

B. Objection to Proposed Intervention by Minor.

Ian Loehrer filed an application for party status on November 3, 2026. In it, Mr. Loehrer states he will be seventeen in December. Mr. Loehrer is a minor, and while SDCL § 26-1-3 provides that "A minor may enforce his rights by civil action, or other legal proceedings, in the same manner as a person of full age," the statute further requires that "a guardian or conservator must be appointed to conduct the same." To the Applicants' knowledge, Mr. Loehrer is not represented by a guardian or conservator who is licensed to practice law in South Dakota.[10] Therefore, Mr. Loehrer cannot represent his interests in this legal proceeding before the Commission.

IV. LATE FILED APPLICATION

Lance Hinsvark filed an application after the November 3, 2026, deadline for seeking intervention. The Commission could choose to deny the petition on that basis. Mr. Hinsvark filed his petition on November 4, 2026. Substantively, Mr. Hinsvark's land is located within the Notice Area, which would satisfy the first prong of SDCL § 49-41B-17(4).[11]

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[9] *See* Lake Cochrane Improvement Association's Motion and Exhibit A (Oct. 26, 2026).

[10] *See Danielson v. LifeScape*, 2025 S.D. 56, 27 N.W.3d 493 (holding that a non-attorney guardian cannot represent the minor in legal proceedings without a South Dakota law license).

[11] Garret Renville also submitted an application for party status on behalf of the Sisseton-Wahpeton Oyate Tribe on November 9, 2026. On November 12, 2026, the Sisseton-Wahpeton Oyate Tribe filed a Motion to Withdraw from Intervention, stating that the application was intended for a different Commission docket and was inadvertently filed in this docket.

V. CONCLUSION.

The Applicants respectfully request that the Commission deny the applications for party status identified in Section III in accordance with the above discussion.

Date: November 18, 2026

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