

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE APPLICATION OF OTTER TAIL POWER COMPANY
FOR A FACILITY PERMIT FOR THE BIG STONE SOUTH TO HANKINSON TO
BISON 345 KV TRANSMISSION LINE PROJECT**

Docket No. EL26-028

PUBLIC COMMENT ON THE APPLICANT'S MOTION TO EXTEND DEADLINE

1. I am an organizer with South Dakota for Data Center Transparency and I submit this comment on my own behalf. I am not a party to this docket. The Commission's Notice of Application in this docket states that written comments are accepted from anyone and that party status is not required in order to submit them.

2. I do not oppose the Applicant having more time. The concern is narrower. The extension moves the Commission's decision but it does not move the public's opportunity to be heard, and the gap between the two is where the cultural and environmental survey work falls.

3. The Application was filed 09/08/2026. The Applicant states that it filed when it did to preserve its right of first refusal under SDCL 49-32-20, not because the supporting work was finished. Its Motion of 09/11/2026 states that it "is continuing to perform environmental and cultural surveys" and that "some of these surveys may not be completed until the Spring or Summer of 2027."

4. Commission Staff does not oppose the Motion. In its Response of 09/29/2026, Staff supports the Applicant receiving more time to work with landowners and local governments "as well as bolstering the necessary surveys for the Application." Staff also states that it "anticipates largely pausing its review of the Application in the potential interim extension period."

5. The public input meetings, however, are already set: Wednesday, 10/21/2026 at the Milbank School Theater and Thursday, 10/22/2026 at the Rosholt Community Center. Under SDCL 49-41B-15 and SDCL 49-41B-16 those meetings are tied to the filing of the Application. They are not tied to the completeness of the record.

6. SDCL 49-41B-24.1 provides that "[u]pon request of the applicant, the commission may extend the deadlines for commission action established in §§ 49-41B-24 and 49-41B-25." Those are the decision deadlines. The statute says nothing about the public input meeting and provides no mechanism to move it or to hold another one.

7. The result, if the Motion is granted, is that the public speaks in October 2026 on a record the Applicant and Staff both describe as unfinished, the survey work arrives as late as the summer of 2027, and the decision may come as late as September 2028. The members of the public who attend the October meetings will not have seen the cultural or environmental survey results for the route crossing their land, and under the statute as written they get no second opportunity.

8. Staff has already recognized that a changed record warrants renewed process. In its Response it states that if the route is modified during this Application, Staff will take the position that landowners newly within the project area are entitled to notice and an opportunity to intervene. A record that changes in substance rather than in geography raises the same concern. Staff has also asked the Commission to attach a condition to any order granting the Motion, so conditioning the order is plainly available.

9. The same mismatch applies to party status. Under ARSD 20:10:22:40, an application for party status must be filed within sixty days of the 09/08/2026 filing date "[u]nless otherwise ordered by the commission," which closes the window on 11/09/2026. Under ARSD 20:10:01:15.05 a petitioner must show 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," and SDCL 49-41B-17(4) requires the application to contain "a detailed statement of the interests and reasons prompting the application." A person cannot make that showing about a route alignment the Applicant has not finished surveying. Staff's position that a modified route entitles newly affected landowners to notice and an opportunity to intervene has practical content only if a window remains in which to apply.

10. I therefore respectfully ask that, if the Commission grants the Motion, it condition the extension as follows:

- a. that the Applicant file the completed cultural and environmental survey reports in this docket when they are complete, in public form to the extent they do not disclose archaeological site locations; and
- b. that the Commission hold a further public input meeting under SDCL 49-41B-16 after those reports are filed, or at minimum reopen a written comment period of defined length, so that the public comments on the record the Commission will actually decide on; and
- c. that the deadline for applications for party status be extended, or that the Commission state on the record that it will accept applications filed after 11/09/2026 from persons whose interest is affected by the completed surveys or by any resulting route modification. ARSD 20:10:22:40 sets the sixty-day period "[u]nless otherwise ordered by the commission," so the Commission may set a different date in the same order that grants the Motion.

11. I ask separately that notice of any further public input meeting be served on the tribal governments identified in the Applicant's own consultation record in this docket. SDCL 49-41B-15(3) requires notice to the governing bodies of counties and municipalities and does not name tribes, and the certificates of service in this docket list no tribal government. This request is severable from the one above.

12. This comment does not seek party status for me and does not ask the Commission to deny the Motion.

Dated: 10/02/2026

Signature

A handwritten signature in black ink, appearing to be 'Suzie Pratt', written over a horizontal line.

Printed name: Suzie Pratt

Organizer, South Dakota for Data Center Transparency, appearing on my own behalf

Mailing address: [REDACTED]

Brookings, SD 57006

Telephone: [REDACTED]

Email for electronic service: [REDACTED]

CERTIFICATE OF SERVICE

I certify that on 10/02/2026, I served a true and correct copy of this Public Comment by email, with the comment attached as a .pdf file, under ARSD 20:10:01:22.03, on each of the following persons on the Commission's service list for this docket:

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Signature

Printed name: Suzie Pratt