

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

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In the Matter of the Facility Permit for the Big  
Stone South to Hankinson to Bison Project

**EL26-028**

**APPLICANT'S MOTION TO EXTEND  
DEADLINE FOR COMMISSION TO  
RENDER DECISION ON APPLICATION**

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On September 8, 2026, Applicant, Otter Tail Power Company (“Otter Tail”), filed an application in the above-referenced docket requesting issuance of a facility permit for a 345kV transmission line and related facilities. Pursuant to SDCL 49-41B-24, the Public Utilities Commission of the State of South Dakota (“the Commission”) must make complete findings regarding whether to grant or deny the requested facility permit. As a result, SDCL 49-41B-24 requires the Commission to rule on the pending application by September 9, 2027.

Otter Tail requests the Commission to extend the statutory 12-month deadline to rule on the pending application. Otter Tail can seek an extension of the deadline to rule through SDCL 49-41B-24.1, which states: “Upon the request of the applicant, the commission may extend the deadlines for commission action established in §§ 49-41B-24 and 49-41B-25.” SDCL 49-41B-24.1 (emphasis added).

Here, good cause exists to extend the deadline for ruling upon the pending application. Otter Tail is an incumbent electric transmission owner in South Dakota. After the Project was approved by a federally registered planning authority, Otter Tail provided the required notice of its intent to construct, own, and maintain the electric transmission line for the Project. Otter Tail provided this notice on March 11, 2025. After Otter Tail provided its notice of intent regarding

the Project, SDCL 49-32-20<sup>1</sup> required Otter Tail to file its application on or before September 10, 2026, or Otter Tail surrendered its first right to construct, own, and maintain the electric transmission line.

To comply with SDCL 49-32-20, Otter Tail filed its application on September 8, 2026. In support of its application, Otter Tail is continuing to perform environmental and cultural surveys. Due to timing constraints, such as seasonal limitations, some of these surveys may not be completed until the Spring or Summer of 2027. Further, Otter Tail also continues to work with landowners in obtaining access for surveys and to obtain the necessary rights-of-way for the Project. As a result, Otter Tail reasonably expects that additional time may be required to perform work to support its application before the Commission would be prepared to rule on the pending application. To allow time to complete these additional steps, Otter Tail is requesting to extend the 12-month deadline imposed by SDCL 49-41B-24 by up to an additional 12 months. Otter Tail does not know whether it will need a full twelve-month extension of the deadline imposed by SDCL 49-41B-24. Instead, Otter Tail anticipates that the Commission will enter an

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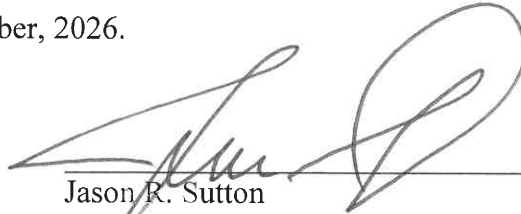
<sup>1</sup> SDCL 49-32-20 states:

Any incumbent electric transmission owner may construct, own, and maintain an electric transmission line that connects to facilities owned by the incumbent electric transmission owner. The right to construct, own, and maintain an electric transmission line that connects to facilities owned by two or more incumbent electric transmission owners belongs individually and proportionally to each incumbent electric transmission owner, unless otherwise agreed in writing. If an electric transmission line has been approved for construction in a federally registered planning authority transmission plan, the incumbent electric transmission owner may give notice to the commission, in writing, within ninety days of approval, of its intent to construct, own, and maintain the electric transmission line. If no notice is provided, the incumbent electric transmission owner shall surrender its first right to construct, own, and maintain the electric transmission line. Within eighteen months after the notice, the incumbent electric transmission owner shall file an application for a permit in accordance with chapter 49-41B.

order at a later date setting the procedural schedule, including scheduling the hearing on the application.

Based upon the foregoing, Otter Tail respectfully requests that the Commission extend the 12-month deadline to rule on the pending application for up to an additional 12 months.

DATED this 11<sup>th</sup> day of September, 2026.

A handwritten signature in black ink, appearing to read "Jason R. Sutton", is written over a horizontal line.

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## CERTIFICATE OF SERVICE

I, Jason R. Sutton, do hereby certify that I am a member of Boyce Law Firm, LLP, attorneys for LTD Broadband, LLC and that on the 11<sup>th</sup> day of September, 2026, a true and correct copy of the foregoing and this Certificate of Service were served via email to the following addresses listed:

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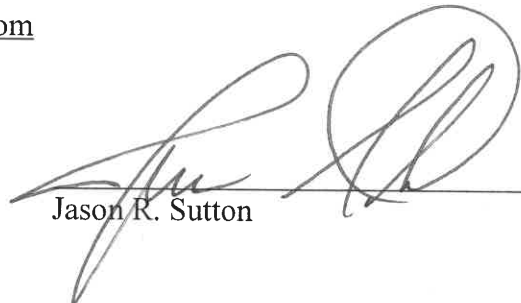
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