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	))))))))	EL 26-28

South Dakota State Historic Preservation Office and State Archaeologist's Response to Suzie Pratt's Request for Access to Confidential Information

COMES NOWS, the South Dakota State Historic Preservation Office and State Archaeologist, by their attorney, respectfully request this Commission to deny Suzie Pratt's Request for Access to Confidential Information as Ms. Pratt is not a party to proceeding and the requested information is confidential pursuant to SDCL § 1-20-21.2.

Suzie Pratt is not a party to this proceeding. The docket contains no petition on behalf of Ms. Pratt nor an order granting Ms. Pratt party status. As such, Ms. Pratt is unable to submit her request for confidential information under ARSD 20:10:01:41 or 20:10:04:41.01. The administrative rules refer to a request submitted by a party. This position is consistent with SDCL §§ 49-41B-17.2 and 1-26-18 which provides a party with the right to inspect all documentary evidence. There is no statutory authority that provides a non-party the right to access filings deemed confidential. Furthermore, ARSD 24:10:01:43 provides that a protective order should be issued for the handling and access of confidential information. As the Commission lacks jurisdiction over Ms. Pratt as a non-party, the Commission would have no authority to enforce such a protective order. SDCL § 15-6-26(c).

The document Ms. Pratt has requested, Appendix F – Desktop Level I Cultural Resources Review and Amendment. The requested document contains information about the location of archaeological sites that are protected by SDCL § 1-20-21.2. Ms. Pratt has made no assertion that she is landowner of an archeological site nor a qualified researcher to permit the state archaeologist to disclose such confidential information.

In addition, SDCL § 1-20-26 requires all state agencies, departments, and commissions to "cooperate fully with the state archaeologist in the preservation, protection, excavation, and evaluation of specimens and sites." We respectfully assert that the Public Utilities Commission is required by statute to ensure the archaeological site(s) remains confidential to protect the integrity of the archaeological site(s). Therefore, we respectfully request the Commission to deny Ms. Pratt's request for confidential information.

Dated at Pierre, South Dakota, this 27th day of October, 2026.

/s/ Amanda LaCroix
Amanda LaCroix
Special Assistant Attorney General
South Dakota Department of Education
800 Governors Drive
Pierre, SD 57501

CERTIFICATE OF SERVICE

The undersigned, attorney for South Dakota State Historic Preservation Office and the State Archaeologist, South Dakota Department of Education, hereby certifies that the on the 27th day of October, 2026, a true and correct copy of the foregoing South Dakota State Historic Preservation Office and State Archaeologist's Response to Suzie Pratt's Request for Access to Confidential Information was served via email upon the following service list:

Ms. Leah Mohr
Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
Leah.Mohr@state.sd.us
(605) 773-3201

Mr. Logan Schaefbauer
Staff Attorney
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
Logan.Schaefbauer@state.sd.us
(605) 773-3201

Mr. Jon Thurber
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
Jon.Thurber@state.sd.us
(605) 773-3201

Ms. Anuja Oke
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
Anuja.Oke@state.sd.us
(605) 773-3201

Ms. JoAnn Thompson
Vice President, Asset Management
Otter Tail Power Company
215 South Cascade Street
PO Box 496
Fergus Falls, MN 56537
jthompson@otpco.com
(218) 739-8594

Mr. Robert Endris
Associate General Counsel
Otter Tail Power Company
215 S. Cascade Street
PO Box 496
Fergus Falls, MN 56538-0496
rendris@otpco.com

Regulatory Filing Coordinator
Otter Tail Power Company
215 South Cascade Street
PO Box 496
Fergus Falls, MN 56538-0496
regulatory_filing_coordinators@otpco.com

Mr. Jason R. Sutton - representing Otter Tail Power Company
Attorney
Boyce Law Firm, LLP
300 S. Main Avenue
Sioux Falls, SD 57104
jrsutton@boycelaw.com
(605) 336-2424

Mr. Brock A. Brown - representing Otter Tail Power Company
Attorney
Boyce Law Firm, LLP
300 S. Main Avenue
Sioux Falls, SD 57104
babrown@boycelaw.com
(605) 336-2424

Mr. Craig Steingaard
Senior Transmission Project Developer
Otter Tail Power Company
215 S Cascade St
Fergus Fall MN 56537
csteingaard@otpco.com
(218) 739-8335

Mr. Nicholas Olson
Senior Project Manager
Otter Tail Power Company
215 S Cascade St
Fergus Fall MN 56537
nolson@otpco.com
(218) 739-8417

And via email upon:

Suzie Pratt
120 22nd Ave. S., #117
Brookings, SD 57006
southdakotadct@protonmail.com

/s/ Amanda LaCroix
Amanda LaCroix