

**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

REQUEST FOR ACCESS TO CONFIDENTIAL INFORMATION UNDER ARSD

20:10:01:43

(Appendix F)

The undersigned, an organizer with South Dakota for Data Center Transparency (SDDCT), appearing on my own behalf, requests access under ARSD 20:10:01:43 to part of Appendix F to the Application of Otter Tail Power Company, and states as follows.

Background

1. Otter Tail Power Company filed its Application in this docket on 09/08/2026. Appendix F is titled on the docket "Appendix F - Desktop Level I Cultural Resources Review and Amendment." The public version of Appendix F is a title page and a page stating that the appendix "is CONFIDENTIAL in its Entirety (Intentionally Omitted)."

2. On 09/20/2026 I sent a letter making this request to the Executive Director. The Executive Director replied that a request under ARSD 20:10:01:43 must be filed formally in the docket. I file it here in my own name.

What is not requested

3. I do not seek the location of any archaeological site or unmarked burial, or any site-specific coordinates or mapping. I understand that SDCL 1-20-21.2 and SDCL 34-27-33 make that information confidential.

What the public record already shows

4. Section 21.5 of the Application (pp. 90-96) states that the Level I records search was completed 06/26/2026 under the Secretary of the Interior's standards and the 2023 South Dakota guidelines, using a one-mile buffer; that 37 previous surveys fall within the study area, 18 of them intersecting the Facility; that 22 previously recorded archaeological sites lie within the study area; that the Amendment reviews a route adjustment made after 06/26/2026; and that 11 tribes were contacted.

5. Information Otter Tail has already made public in the Application should not remain confidential within Appendix F.

The Amendment is not covered by Otter Tail's confidentiality request

6. Otter Tail's Request for Confidential Treatment, filed 09/08/2026, describes the protected material as the "Level I Cultural Resources Review." It does not mention the Amendment.

7. ARSD 20:10:01:41 requires a statement of grounds and factual basis for each item for which confidential treatment is sought. The Amendment is therefore not within Otter Tail's request.

The stated basis does not reach the requested items

8. The Request for Confidential Treatment states, in full, that Appendix F "is information from the South Dakota State Historic Preservation Office" and "must remain confidential pursuant to SDCL 1-20-21.2." That statute makes confidential records maintained under SDCL 1-20-21 "pertaining to the location of an archaeological site."

9. None of the items requested in paragraph 14 is location information. The identity of a consultant and the type of survey planned are not state archaeologist records at all.

10. Under ARSD 20:10:01:42, Otter Tail bears the burden of showing by a preponderance of the evidence that disclosure would materially damage its financial or competitive position, reveal a trade secret, or impair the public interest.

Why this matters to the public

11. Table 26-1 states that NEPA review for the Department of Energy grant "will proceed after Facility permit is issued," and Table 20-1 (p. 79) schedules that review for Q2 2028 through Q3 2029, after the Commission's permit process (Q3 2026 through Q3 2027). The desktop Level I review may be the principal cultural resources record before the Commission when it decides.

12. Roberts County carries 60.4 of the project's 70.9 South Dakota miles, and 34.5 of those miles lie within the historic boundaries of the Lake Traverse Reservation.

13. Otter Tail's request also asks that Appendix F be returned to the Project when the docket closes. A redacted public version filed now would be the only lasting public record of what the Commission had before it.

Request

14. I ask the Commission to order either (a) a public version of Appendix F redacted only to remove site location information, or, if the Commission finds that impractical, (b) a public statement from Otter Tail of the following:

- i. The firm or professional who prepared the Level I review and the Amendment.

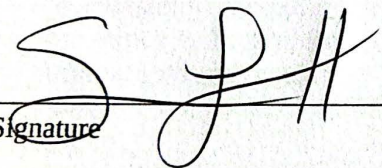
- ii. What the Amendment's review of the post-06/26/2026 route adjustment found, in general terms and without locations.
- iii. Which field survey is planned. Table 26-1 (p. 109) states that a Level I survey "has been completed for the majority of the Facility, with the Level III survey to be completed in 2026 and 2027," while Section 21.5.1.3 (p. 94) describes a Level II sample survey of portions of the Facility. I ask which is correct, what share of the route it will cover, and when results will be filed.

15. I ask the Commission to find that the Amendment is not within Otter Tail's Request for Confidential Treatment, or to require Otter Tail to state its grounds for it.

16. I accept the offer made by Commission Staff on 09/25/2026 to ask Otter Tail to file a letter stating the specific factual basis for its claim of confidentiality.

17. I ask for notice of any procedural schedule the Commission sets under ARSD 20:10:01:43 and the opportunity to respond to Otter Tail's grounds. I also wrote to Otter Tail directly on 09/26/2026 and 09/28/2026 with the questions in paragraph 14. If Otter Tail answers them on the record, I will narrow or withdraw this request accordingly.

Dated: 10/02/2026


Signature

Printed name: Suzie Pratt

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

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CERTIFICATE OF SERVICE

I certify that on 10/02/2026, I served a true and correct copy of this Request for Access to Confidential Information by email, with the request 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:

Ms. Leah Mohr, Executive Director, South Dakota Public Utilities Commission,
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Signature

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