BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE REQUEST BY OTTER TAIL POWER COMPANY AND NORTHERN STATES POWER COMPANY DBA XCEL ENERGY FOR APPROVAL OF MODIFICATIONS TO A 345 KV TRANSMISSION FACILITY IN GRANT COUNTY, SOUTH DAKOTA	* * * * * * * *	**MOTION TO APPROVE MODIFICATIONS TO THE BIG STONE SOUTH TO BROOKINGS 345 KV TRANSMISSION LINE** **EL26-___**

Otter Tail Power Company ("Otter Tail"), on behalf of itself and Northern States Power Company dba Xcel Energy ("Xcel Energy") (collectively, "Applicants"), by and through counsel, file this motion requesting that the South Dakota Public Utilities Commission ("Commission") approve modifications to the northern portion of the Big Stone South to Brookings 345 kilovolt ("kV") Transmission Line ("BSSB Transmission Line"). Specifically, Applicants request approval to shift the location of the BSSB Transmission Line as it enters the Big Stone South Substation ("BSS Substation") in order to accommodate interconnection of the new Big Stone South to Alexandria 345 kV Transmission Line ("BSSA Transmission Line") projected to start construction in 2028 and be completed in 2030. Applicants make this request pursuant to Settlement Stipulation Terms and Conditions No. 2, dated December 20, 2006, and approved by Decision and Order Approving Stipulation and Granting Permit to Construct Transmission Facilities, dated January 16, 2007 ("2007 BSSB Transmission Line Order"), in Docket No. EL06-002.

A. <u>BSSB Transmission Line Background</u>.

The following procedural history is relevant to this motion:

- EL06-002: A Facility Permit for the BSSB Transmission Line[1] was issued to Otter Tail and six other utilities pursuant to the 2007 BSSB Transmission Line Order.

- EL12-045: The Facility Permit for the BSSB Transmission Line was transferred solely to Otter Tail pursuant to Order, dated July 31, 2012[2].

- EL12-063: By Order, dated May 10, 2013[3], the Commission accepted Otter Tail's petition for continuing suitability pursuant to SDCL § 49-41B-27. By Order, dated August 26, 2014[4], the Commission approved the final alignment of the BSSB Transmission Line.

- EL14-083: By Order, dated October 31, 2014[5], the Commission granted a joint motion by Otter Tail and Xcel Energy for transfer of the portion of the Facility Permit covering the BSSB Transmission Line issued in Docket No. EL06-002 from Otter Tail to the Applicants as joint permittees.

The BSSB Transmission Line was placed in service in 2017, and as-built plan and profile drawings were filed with the Commission on November 14, 2017, in Docket No. EL12-063.

B. BSSA Line Background.

In Docket No. EL24-015, Otter Tail and Western Minnesota Municipal Power Agency ("Western Minnesota") submitted a joint application for a Facility Permit for the portion of the BSSA Transmission Line extending from the BSS Substation to the South Dakota/Minnesota border in Grant County, South Dakota. In the Pre-Filed Supplemental Direct Testimony of Jason Weiers, on behalf of Otter Tail and Western Minnesota, Mr. Weiers discussed certain modifications needed to the BSSB Transmission Line to accommodate interconnection of the

[1] A Facility Permit was issued for the southern portion of the BSSB Transmission Line by Order, dated February 20, 2014, in Docket No. EL13-020. However, the southern portion of the BSSB Transmission Line is not affected by this request and, therefore, is not discussed further.

[2] Full title is Order Approving Transfer of Construction Permit.

[3] Full title is Order Granting Withdrawal; Order Approving the Joint Motion for Approval of Stipulation; Order Granting Certification.

[4] Full title is Order Granting Motion to Approve Final Alignment.

[5] Full title is Order Assessing Filing Fee and Approving Transfer in Part of Energy Facility Permit.

BSSA Transmission Line at the BSS Substation, and Otter Tail and Western Minnesota's request that the Commission approve the BSSB Transmission Line modifications. The proposed BSSB Transmission Line modifications were also described in the Affidavit of Roger Hargreaves ("Hargreaves Affidavit") on behalf of Xcel Energy, and Xcel Energy supported Otter Tail and Western Minnesota's request for Commission approval of the modifications. *See* Exhibit D to the Pre-Filed Supplemental Direct Testimony of Jason Weiers (Docket No. EL24-015).

In discussions with Otter Tail and Western Minnesota in Docket No. EL24-015, Commission Staff indicated a preference to address the BSSB Transmission Line modifications separately from the BSSA Transmission Line Facility Permit application. In accordance with Commission Staff's preference, Otter Tail and Western Minnesota did not pursue further approval of the BSSB Transmission Line modifications in Docket No. EL24-015.

C. Request for Approval of BSSB Transmission Line Modifications.

With this motion, the Applicants are requesting approval of the BSSB Transmission Line modifications needed to accommodate the BSSA Transmission Line interconnection at the BSS Substation. Expansion of, and upgrades to the BSS Substation were discussed and authorized in Docket No. EL24-015. *See* Facility Permit Application, dated April 15, 2024 (p. 20, Sec. 9.3.3); Pre-Filed Direct Testimony of Jason Weiers, dated April 15, 2024 (p. 12, ln. 9-20); Settlement Stipulation, dated January 15, 2025 (p. 1), approved by Order, dated January 30, 2025[6].

Information regarding the proposed modifications of the BSSB Transmission Line is provided in the Affidavit of Jason Weiers ("Weiers Affidavit"), attached hereto as **Exhibit A**. A summary of the modifications discussed in the supporting Affidavit is outlined below:

[6] Full title is Order Granting Joint Motion for Approval of Settlement Stipulation; Order Granting Permit to Construct Facility; Notice of Entry.

- The modifications consist of moving the BSSB Transmission Line south to terminate into a new location within the BSS Substation. To accomplish this, the following construction activities are expected to occur, as shown numerically in Attachment A to the Weiers Affidavit to match the numerical order shown below:

    1. Expanding the substation fence to the south on Otter Tail-owned property to accommodate additional 345 kV breakers and associated 345 kV reactive equipment.

    2. Removing the 345 kV transmission line conductor from the existing dead-end structure within the BSS Substation to the first structure outside of the BSS Substation.

    3. Moving the existing first structure outside of the existing BSS Substation south to a new location that aligns with the row of new 345 kV breakers within the BSS Substation.

    4. Installing a new dead-end structure in the expanded area of the BSS Substation in line with the row of new 345 kV breakers.

    5. Installing new 345 kV transmission line conductor from the relocated first structure outside of the BSS Substation to the new dead-end structure within the BSS Substation and extending this new transmission line conductor from the dead-end structure into the new 345 kV buswork between two 345 kV breakers within the expanded area of the BSS Substation.

    6. Reterminating the existing BSSB Transmission Line coming from the second structure outside of the BSS Substation onto the relocated first structure outside of the BSS Substation.

    7. Protective relaying adjustments in the control house with associated testing and commissioning to ensure proper settings and coordination before placing the BSSB Transmission Line back in-service.

- The expansion, modifications and all associated construction activities will be on the existing BSS Substation parcel, owned by Otter Tail, and the modifications will be constructed concurrently with the BSSA Transmission Line construction.

- As noted in Docket No. EL24-015, Xcel Energy supports the proposed modifications. For ease of reference, a copy of the Hargreaves Affidavit is provided as Attachment B.

- As part of the environmental analysis conducted for the BSSA Transmission Line in Docket No. EL24-015, Otter Tail confirmed that the construction activities associated with the BSSB Transmission Line modifications will not result in any cultural or environmental concerns:

1. Wetlands: Per the Aquatic Resources Delineation Report provided as Appendix D to the Facility Permit Application, no wetlands are present within the expanded area of the BSS Substation (see pages 9 and 36, with figures showing no wetlands present).

2. Threatened and Endangered Species: Section 14.2.2.2 of the Facility Permit Application notes that, based on coordination with the United States Fish and Wildlife Service, no impacts to threatened or endangered species are anticipated in the expanded area of the BSS Substation (see pages 50 and 51).

3. Cultural Resources: Per the Level III Cultural Resource Survey provided as Appendix E to the Facility Permit Application, a previously recorded cultural site (two segments of an abandoned railroad bed) in the expanded area of the BSS Substation have been destroyed (see pages 42 and 43). The South Dakota State Historical Society agreed in its concurrence letter dated April 2, 2024 (see pages 105 and 106 of Appendix C to the Facility Permit Application).

Pursuant to the Settlement Stipulation approved by the Commission in the 2007 BSSB Transmission Line Order, deviations from the identified centerline must be approved by the Commission (*see* Stipulation of Terms and Conditions No. 2). In accordance with this condition, the Applicants request that the Commission grant this motion and approve the proposed modifications to the BSSB Transmission Line described herein.

Additionally, Applicants request that the order approving the proposed modifications described herein also include the following condition, which is consistent with the Commission's approach in recent facility permits issued by the Commission:

> With respect to the BSSB Transmission Line, Applicants may adjust the structure locations and route so long as: (a) the adjustment occurs within the property owned by Otter Tail Power Company for the BSS Substation, as depicted on Attachment A to the Affidavit of Jason Weiers, dated November 9, 2026 ("BSS Substation Site"); (b) impacts to cultural resources are avoided or mitigated in consultation with the SHPO; (c) wetland impacts are avoided or are in compliance with applicable U.S. Army Corps of Engineers (USACE) regulations; and (d) all other applicable regulations and requirements are met.
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> Any adjustment that fall outside of the existing BSS Substation Site, or that does not meet the above stated limitations, is considered a "material change." If a "material change" is proposed, Applicants

shall file a request for approval of the "material change" prior to making the adjustment pursuant to the following approval process:

- Applicants will file with the Commission and serve on the official Service List a request for approval of a material change that includes:
    - An affidavit describing the proposed adjustment(s), the reason for the adjustment(s), the reason the adjustment(s) do(es) not comply with one or more flexibility limitations set forth above, and information regarding compliance with all other applicable requirements;
    - Documentation showing that the impacted landowner was informed of the material change and indication whether landowner approves of the material change or contests the material change; and
    - A map showing the approved location and the proposed adjusted locations (in different colors).
- Once received, Commission Staff and the Commission shall have 10 business days to request further Commission review.
- If no further review is requested, Applicant may proceed with the adjustment.
- If further review is requested, the Commission will issue a decision regarding Applicants' request at its next available regularly scheduled Commission meeting, subject to notice requirements, after the request for further review is made.

The above condition is based on Condition No. 25 in the Settlement Stipulation approved by the Commission in EL24-015. Including this condition will allow flexibility in the event further modifications to the BSSB Transmission Line are needed and will also provide a clear and consistent process in the event of a material modification to the BSSB Transmission Line in the future.

Dated: November 9, 2026

OTTER TAIL POWER COMPANY

By: /s/ Mollie M. Smith

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