

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

IN THE MATTER OF THE APPLICATION OF	)	RESPONSE TO LINDGREN'S
CROWNED RIDGE ENERGY STORAGE I,	)	FORMAL REQUEST TO
LLC FOR A PERMIT FOR AN ENERGY	)	EXTEND INTERVENOR
CONVERSION FACILITY	)	RADIUS TO 5 MILES
	)	
	)	EL26-014

COMES NOW, Staff of the South Dakota Public Utilities Commission(Staff), by and through one of its attorneys, Jennie L. Fuerst, and files its Response to Lindgren's Formal Request to Extend Intervenor Radius to 5 Miles (Request) in the above-captioned matter.

LEGAL STANDARD

In making its determination whether to grant this Request, the Commission must apply the following administrative rule and statutes:

20:10:22:40. **Application for party status.** A governmental agency or person, as specified in SDCL 49-41B-17 may be granted party status in a proceeding commenced pursuant to SDCL chapter 49-41B upon applying in writing to the commission on a form provided by the commission.

Unless otherwise ordered by the commission, the application must be filed within sixty days from the date the application is filed.

ARSD § 20:10:22:40.

49-41B-17. **Parties to proceedings under chapter.**

The parties to a proceeding under this chapter unless otherwise provided include:

- (1) The commission staff;
- (2) The applicant;
- (3) Each municipality, county and governmental agency in the area where the facility is proposed to be sited, if timely application therefore is made as determined by the commission pursuant to rule; and
- (4) Any person residing in the area where the facility is proposed to be sited, or any directly interested person, if timely application therefore is made as determined by the commission pursuant to rule. An application for party status in a proceeding under this chapter must contain a detailed statement of the interests and reasons prompting the application.

SDCL § 49-41B-17.

15-6-5(a). Service--When required.

Except as otherwise provided in this chapter, every order required by its terms to be served, every pleading subsequent to the original complaint unless the court otherwise orders because of numerous defendants, every written motion other than one which may be heard ex parte, and every written brief, notice, appearance, demand, offer of judgment, and similar paper shall be served upon each of the parties. No service need be made on parties in default for failure to appear except that pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of summons in § 15-6-4.

SDCL § 15-6-5(a).

15-6-4(g). Proof of service.

Proof of the service of the summons and complaint or of any pleading, process, or other paper must state the time, place, and manner of such service or of publication and mailing and must be made as follows:

- (1) If served by a sheriff or a county constable, his certificate thereof;
- (2) If by any other person, his affidavit thereof;
- (3) The written admission of the party or his representative upon whom service might have been made for such party;
- (4) In case of publication, by affidavit of the printer, his foreman, or principal clerk or the publisher of the newspaper showing the same and an affidavit of mailing of copies as required by law; or
- (5) In case of mailing, by affidavit of mailing and admission of service.

SDCL § 15-6-4(g).

15-6-7(b). Motions and other papers.

- (1) An application to the court for an order shall be by motion which, unless made during a hearing or trial, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion.
- (2) The rules applicable to captions, signing, and other matters of form of pleadings apply to all motions and other papers provided for by this chapter.
- (3) Exhibits and other attachments to motions are subject to the provisions of Rule 11 and the protective provisions of § 15-6-26(c).

SDCL § 15-6-7(b).

15-6-11(a). Signature.

Every pleading, written motion, and other paper shall be signed by at least one attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Each paper shall state the signer's address and telephone number, if any. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by

affidavit. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

SDCL § 15-6-11(a).

ANALYSIS

Staff presents the following analysis:

1. The Request was not filed in accordance with South Dakota Law.

South Dakota law requires that all pleadings be served on each party and that proof of service be provided.¹ Timothy and Linda Lindgren(Lindgrens) did not serve the parties on the service list and did not provide the required proof of service. SDCL also requires that all motions be signed by the filing party, which did not occur here.² These requirements ensure fairness and prevent prejudice among the parties. Although Staff could move to dismiss the Request for failure to comply with the laws regarding civil procedure, Staff will refrain from doing so with this Request given that the Lindgrens are pro se litigants.

2. The burden of proof is on the party status applicants to show how they are directly interested in the project.

As detailed in Staff's Objection to the Party Status Applications and Petition to Intervene filed on July 16, 2026, the applicants to whom Staff objects have not established that they possess a direct interest in this docket.³ Their stated concerns do not distinguish them from those of the general public and therefore do not satisfy the standard for demonstrating a direct interest. None of the applicants have provided evidence of direct interest beyond the two-mile radius identified by Staff.

It is the burden of the applicant to prove a direct interest to intervene. The Lindgrens cannot meet this burden on behalf of these individuals, nor is it their obligation to do so.

¹ SDCL § 15-6-5(a); SDCL § 15-6-4(g).

² SDCL § 15-6-11(a)

³ Staff's Objection to Party Status Applications and Petition to Intervene at 4-5.

Moreover, the Lindgrens are already participating in this docket, and South Dakota law, along with applicable rules of professional conduct, prohibits them from representing any party other than themselves. Any attempt by Timothy or Linda Lindgren to act on behalf of the intervenors or their spouse could constitute the unauthorized practice of law.⁴

3. Blanket 5-mile radius is not supported by the evidence.

South Dakota law requires that a motion state with particularity the grounds for the relief sought.⁵ The Request, which appears to be AI-generated provides no legal citations or record support to substantiate its claims and instead asserts conclusions that would require expert knowledge.⁶ It does not reference any facts in the application or any applicable case law.⁷ No substantiated evidence has been offered that would support automatic intervention of everyone located within 5 miles of the proposed project. Consequently, the Request fails to state with particularity the grounds for seeking a five-mile radius, and nothing in the application, statute, or case law supports expanding the radius for intervention in this docket.

CONCLUSION

The applicants bear the burden of demonstrating direct interest in this docket, a burden they have not met. A five-mile radius is unsupported by law or the application. The Request relies on unsubstantiated, uncited assertions and therefore fails to state with particularity the grounds for the relief sought. Staff respectfully requests that the Commission deny the Request.

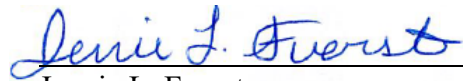
⁴ SDCL § 16-18-1.

⁵ SDCL § 15-6-7(b).

⁶ See Formal Request to Extend Intervenor Radius to 5 miles (*containing no citations*).

⁷ *Id.*

Dated this 23rd day of July, 2026



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