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June 15, 2026

OF COUNSEL
ROBERT B. ANDERSON
MICHAEL F. SHAW
TELEPHONE
605 224-8803 | FAX: 605 224-6289
E-MAIL
brett@mayadam.net

SD Public Utilities Commission
Attn: Leah Mohr, Executive Director
500 East Capitol Avenue
Pierre, South Dakota 57501
VIA E-FILING/E-MAIL ONLY: leah.mohr@state.sd.us

**RE: IN THE MATTER OF THE SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION STAFF'S COMPLAINT AGAINST BLACK HILLS POWER INC.
PS25-003
MAGT File: NEW**

Dear Ms. Mohr:

I write on behalf of my client, Black Hills Power, with respect to the amended settlement agreement filed on June 10, 2026, in Docket No. PS25-003. Black Hills Power has agreed with Staff that Black Hills Power will seek a siting permit for the Lange I natural gas pipeline as soon as it is reasonably able to, in lieu of seeking a declaratory ruling from the Commission regarding whether a permit is needed or not.

Facilities, and thus dockets, of this nature begin as projects on a drawing board, and a record is prepared which is forward looking and developed, in concert with the existing statutes and rules. Those statutes and rules are all forward looking in themselves. I have heard it described as bringing forward a recipe for the Commission to consider whether the recipe is likely to produce a product that is fit for consumption. In this case, the cake, if you will, has already been baked, frosted, cut, and served.

We have started to gather information, which was compiled prior to and just after the time of construction, and I am glad to report that there is a significant amount which has been saved with respect to the facility itself. There is not a lot of existing information, which directly correlates to the statutes and rules. That information would have to be gathered and created. That process would affect, in turn, the timeline needed to get to a filing date.

The facility is constructed in an industrial area. There are no residences within the notification corridor. There are approximately fifteen (15) businesses, some of which host the facility on their property, which would have to be notified.

MAY, ADAM, GERDES & THOMPSON LLP
503 SOUTH PIERRE STREET • P.O. BOX 160
PIERRE, SOUTH DAKOTA 57501-0160

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On a positive note, Black Hills Power has successfully operated and maintained the Lange I gas line since its initial construction. The pipeline has been inspected annually by the Commission's Pipeline Safety Staff, and it continues to serve its purpose of supplying natural gas to generate power for Black Hills Power customers. Thus, the scope and content of public meetings that would occur under a new pipeline permit application for an existing pipeline is a space in which discussion and Commission guidance would be helpful.

I am out of state on Thursday, June 18. Please put this matter on the agenda for Tuesday, June 30, 2026. As we start to piece together an application for consideration, it would be helpful to have a constructive conversation at the upcoming meeting about the expectations and desires of the Commission with respect to this matter. I will look forward to taking part in that discussion. As always, thank you for your courtesies in this matter.

Very truly yours,

MAY, ADAM, GERDES & THOMPSON LLP



BRETT KOENECKE

BK | jrw

Attachment: Notice of Appearance

CC/att: PS25-003 Service List