

Cheyenne River Sioux Tribe
Crow Creek Sioux Tribe
Flandreau Santee Sioux Tribe
Oglala Sioux Tribe



Rosebud Sioux Tribe
Standing Rock Sioux Tribe
Yankton Sioux Tribe

**THE OCETI SAKOWIN POWER AUTHORITY
COMMENTS ON THE DRAFT 2026 TRANSMISSION NEEDS STUDY**

September 8, 2026

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THE OCETI SAKOWIN POWER AUTHORITY COMMENTS ON THE DRAFT 2026 TRANSMISSION NEEDS STUDY

Pursuant to the Department of Energy’s solicitation of public comment,¹ the Oceti Sakowin (pronounced O-CHET-ee Sha-KO-wee) Power Authority (OSPA) submits its comments on the Draft 2026 Transmission Needs Study (Needs Study or Study).

I. Introduction and Statement of Interest

A. Introduction to the Oceti Sakowin Power Authority

OSPA was formed in 2015 by seven Sioux Tribes that share territory with the State of South Dakota – the Tribes are the 100% owners and managers of OSPA. The Tribes formed OSPA for the sole purpose of developing Tribal energy projects on their Tribal lands – from microgrids to power their communities to utility-scale geothermal, wind and solar farms, to upgrading the power transmission system across the reservations to bring it into the 21st century. Since its inception, OSPA has been an active participant in policy, information gathering and regulatory proceedings conducted by the Department of Energy, the Federal Energy Regulatory Commission, and the national laboratories. OSPA submitted extensive comments in the proceedings that led to the 2023 Transmission Needs Study, as well as the proceedings that led to the proposed designation of the Tribal Energy Access National Interest Energy Transmission Corridor (NIETC).

OSPA is a member of the Coalition of Large Tribes (COLT) Tribal Transmission Committee (CTTC), which is submitting its own comments on the Needs Study. OSPA endorses those comments in their entirety and adopts them by reference. OSPA submits these limited comments to address issues specific to OSPA and the need to bring extra high voltage (EHV) transmission to western South Dakota, where the largest OSPA member Tribes are located.

B. Why OSPA Designed and Advocated for the Tribal Energy Access NIETC, and What It Is Intended to Achieve

1. The EHV transmission desert across Tribal lands in western South Dakota

Fundamentally, OSPA is a Tribal Energy Development Organization. OSPA’s Charter states its corporate mandate: develop, finance, construct, and operate utility-scale and community-scale renewable energy projects on the reservations of its member Tribes. In 2017, OSPA teamed with expert industry partners to develop its first two utility-scale wind farms on two reservations, and years of wind measurement studies confirm that the Tribes possess some of the strongest and most reliable on-land resources in the country, Class 6 and 7, with wind speeds of 8-9 m/s and net capacity factors in excess of 50%. OSPA is now expanding these plans to develop generation projects across five reservations — development of more than 3

¹ U.S. Department of Energy, *National Transmission Needs Study, Draft for Consultation and Public Comment, July 2026*, 91 Fed. Reg. 42,429 (July 9, 2026) <https://www.energy.gov/documents/national-transmission-needs-study-draft-july-2026>.

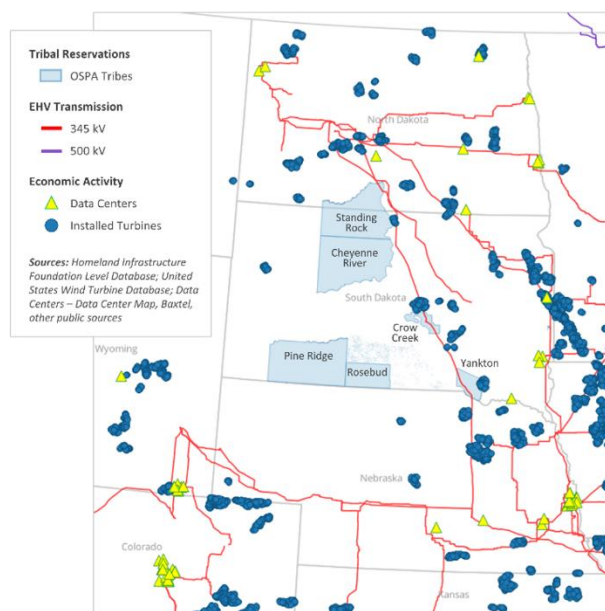
GW of Tribally-owned wind and solar energy projects on Tribal lands.

But in 2022, OSPA discovered that there was major impediment to these development projects – after spending five years on the Southwest Power Pool (SPP) interconnection queue, SPP completed its studies and assigned \$230 million in transmission upgrade costs to OSPA's first two wind farm projects. This increased the total capital costs of the projects by as much as 20%, rendering them economically unviable. Moreover, there is no transmission capacity available for most of the other generation projects OSPA is planning. The problem is that there is no extra high voltage (EHV) transmission on the Tribal lands in western South Dakota. It is now clear that no Tribal generation projects – or other significant economic development projects – will be possible without adequate transmission, and OSPA has determined to focus its energies on bringing the transmission backbone across its member Tribes' reservations into the 21st Century.

To address the EHV transmission desert of West River South Dakota, OSPA has teamed up with the Western Area Power Administration (WAPA) and the Basin Electric Power Cooperative (Basin) to design the TRIBES Transmission Project – a 500-mile 345 kV line, 50% using existing rights of way, to be built alongside the existing 115 kV lines that currently serve as the power backbone across the Tribal lands. The Project is estimated to cost \$2.5 billion.

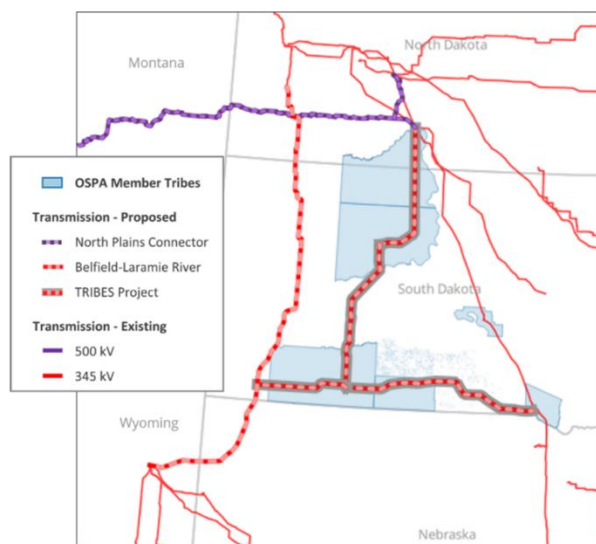
Figure 1: The EHV Transmission Desert of Western SD and the OSPA-Designed Solution

The Problem – The EHV Desert of West River SD



West of the Missouri River, South Dakota is an EHV transmission desert. There are currently no 345 kV (red lines) or larger lines in West River SD. Economic development – data centers (yellow triangles) and wind farms (blue circles) – are only possible with EHV transmission capacity.

The Solution – The 345 kV TRIBES Transmission Project



The TRIBES Transmission Project, jointly designed by OSPA, WAPA and Basin Electric, will bring new 345 kV transmission across four of the largest reservations in the country, and will provide additional capacity to serve the economic development plans of these and two more Tribes.

2. NIETC designation provides Tribes with access to capital otherwise unavailable

DOE and other federal offices have repeatedly recognized that Tribes face unique challenges in accessing capital for purposes of developing their energy resources:

Energy projects on tribal lands can help the nation meet its demand for energy and electricity. According to DOE, while tribal lands account for only 2 percent of all U.S. land, they contain an estimated 50 percent of potential uranium reserves, 30 percent of coal reserves west of the Mississippi, 20 percent of known oil and gas reserves, and 6.5 percent of all utility-scale potential U.S. renewable energy resources. However, 86 percent of tribal lands with energy potential are undeveloped, according to DOE.²

Considerable energy resources exist throughout Indian country, including conventional mineral resources such as oil, gas, and coal, and resources with significant potential for renewable energy development, including wind and solar. Developing these energy resources through tribal energy projects can help address the nation's energy needs. Tribal energy projects can also offer important economic development opportunities for tribal communities, such as high-quality jobs and revenue for government operations and social service programs. Tribes may also seek to increase access to reliable and affordable energy. However, lack of access to capital and other unique challenges in tribal communities have created barriers to such projects. Tribes may need financial and technical assistance to develop energy projects because they may not have sufficient revenue or capacity to independently develop projects. . . .³

The NIETC program was expressly designed to address the barriers presented by the lack of Tribal access to capital. A central feature of the NIETC designation program is that designation makes energy transmission projects developed within the NIETC eligible for federal financing programs not otherwise available: "A NIETC designation can make certain federal transmission tools available. For example, developers of eligible transmission projects within a NIETC may be able to pursue public-private partnership support under the Transmission Facilitation Program."⁴

² United States Government Accountability Office, *TRIBAL ENERGY FINANCE, Changes to DOE Loan Program Would Reduce Barriers for Tribes*, GAO-25-107441 (August 2025) at 7-8 (citing Department of Energy, National Renewable Energy Lab, *Techno-Economic Renewable Energy Potential on Tribal Lands*, NREL/TP-6A20-70807 (Golden, CO: 2018)).

³ *TRIBAL ENERGY FINANCE* at 1 (footnotes omitted).

⁴ DOE, Office of Electricity, *National Interest Electric Transmission Corridor Designation Process, Frequently Asked Questions: What does a NIETC designation do?* <https://www.energy.gov/oe/national-interest-electric-transmission-corridor-designation-process>

II. The 2026 Needs Study Should Serve as a Vehicle for Inserting Tribe-Specific Data Into the Regional and National Planning Process

As noted above, the COLT Tribal Transmission Committee is submitting comments on the Needs Study. Section III of the CTTC comments makes the case that the Federal Energy Regulatory Commission (FERC) has adopted new rules in its 1920 series of orders⁵ that greatly increase the role of stakeholders – explicitly including Tribes – in the regional transmission planning process. Those rules are designed to ensure that stakeholder plans for the type and quantity of new energy generation projects, expectations of overall load growth, and plans for expanded transmission infrastructure are all included in the long-term designs of Transmission Planning Organizations. However, as promising as those new rules are, the regulatory and appeals process makes it likely that the new rules will not take effect for years.

The CTTC comments make a compelling case that the Transmission Needs Study can fill this regulatory gap by including the data provided by Tribes in the final 2026 Transmission Needs Study, and by soliciting, aggregating and publishing additional Tribal data on a going-forward basis. OSPA is a member of CTTC and adopts those comments by reference, and so will not repeat those points here. OSPA urges DOE to incorporate the information regarding Tribal plans for energy generation, load growth and transmission development, as presented in the CTTC comments and in these OSPA Comments, into the final 2026 Transmission Needs Study.

III. The Needs Study Correctly Identifies the Upper Great Plains as a Pivotal Point in the Country for Addressing Resource Adequacy and Reliability

A. The Needs Study Correctly Identifies Cross-Interconnect and Interregional Transmission in the Upper Great Plains as Some of the Most Impactful Transmission Corridors in the Country

The Needs Study focuses on differentials in locational marginal price (LMP) for wholesale electric power. The Study uses these differentials as indicia of the value of investing in upgraded transmission along various corridors across the country. The Study concludes that transmission investments across the Eastern and Western Interconnections in the Upper Great Plains provide some of the greatest congestion value in the country:

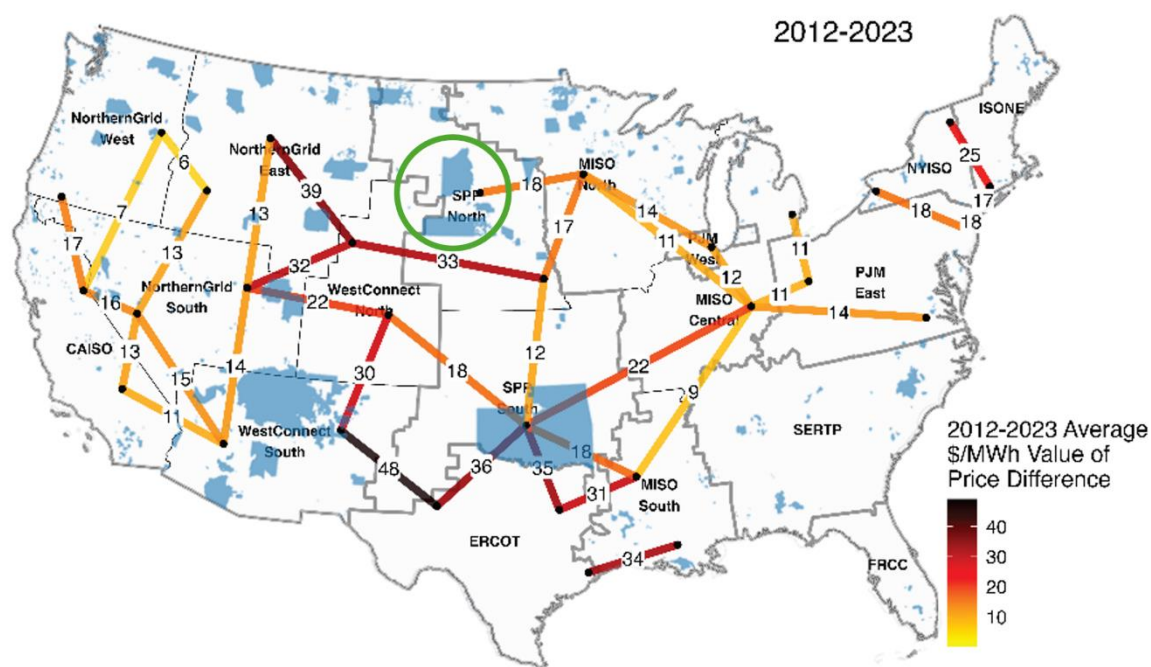
Analysis by Lawrence Berkeley National Laboratory shows that transmission links crossing market seams between regions or interconnections have the highest potential for transmission congestion value, as indicated by the differences in locational marginal price (LMP) (Figure ES-3 (c)). Cross-interconnection links from ERCOT to neighboring regions show some of the highest LMP differentials from \$31 per megawatt-hour (MWh) to \$48/MWh averaged across all hours from 2012 to 2023, and links between Western Interconnection (WestConnect) and Eastern

⁵ *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation*, Order No. 1920, 187 FERC ¶ 61,068 (2024), *order on reh'g & clarification*, Order No. 1920-A, 189 FERC ¶ 61,126 (2024), *order on reh'g & clarification*, Order No. 1920-B, 191 FERC ¶ 61,026 (2025) (together, the 1920 Orders), *appeal pending sub nom. Appalachian Voices v. FERC*, No. 24-1650 and consolidated cases (4th Cir.).

Interconnection (SPP) have LMP differentials from \$18/MWh to \$33/MWh (Figure ES-3 (a)).⁶

As illustrated in the Needs Study Figure ES-3(a), the OSPA member Tribes occupy a critical position between the Eastern and Western Interconnections, where transmission investment yields the second greatest congestion value in the country. Figure 2 below identifies the largest OSPA member Tribes, overlaid on the Needs Study cross-interconnect and interregional LMP map.

Figure 2: Needs Study Cross-Interconnect and Interregional Links LMP Map with OSPA Tribes



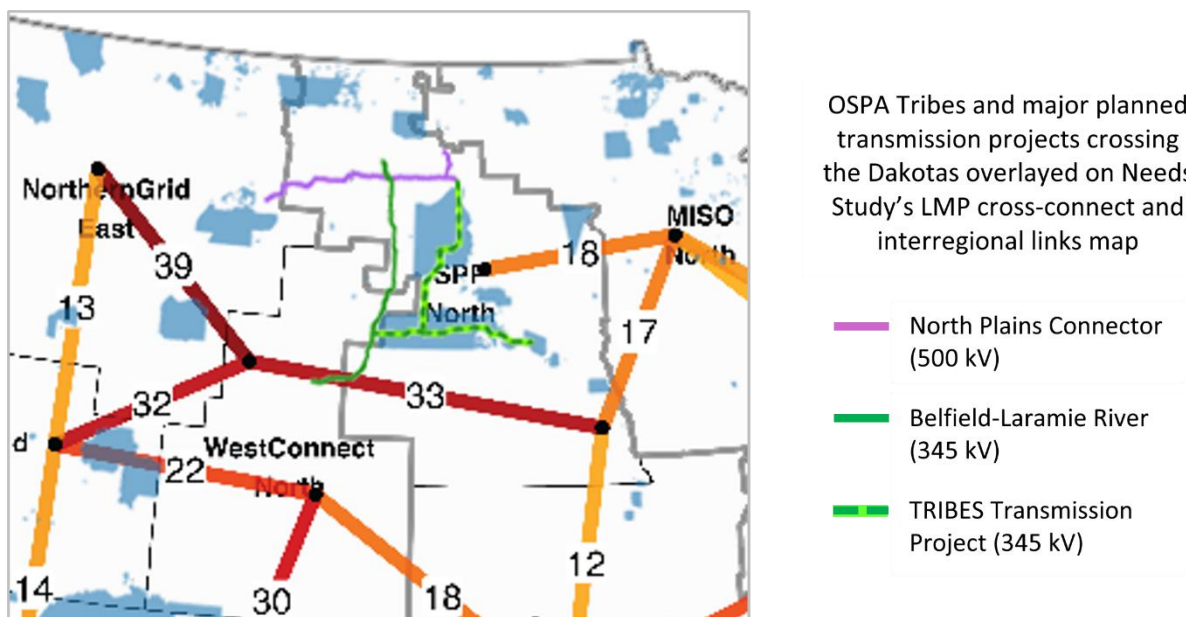
Circled in green – the largest land base OSPA Member Tribes, from north to south and east to west: Standing Rock Sioux Tribe, Cheyenne River Sioux Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe

The Needs Study shows that the seam between SPP in the Upper Great Plains and WestConnect has a \$33 MWh differential – one of the largest LMP differentials in the country – and \$18 MWh differential with MISO – and the OSPA Tribes span an area over of 15,000 square miles of energy resource-rich lands between these seams.

In addition to their pivotal position at the seam between the Western and Eastern Interconnects, the OSPA Tribes are in the middle of some of the country's largest transmission upgrades now under development. Figure 3 below shows a detail of the LMP map, showing the OSPA Tribes and the North Plains Connector, the Belfield-Laramie River Line, and the TRIBES Transmission Project.

⁶ Needs Study at v & 40.

Figure 3: Detail of Needs Study Cross-Interconnect and Interregional Links LMP Map with OSPA Tribes and Major Transmission Projects Under Development



B The Tribal Energy Access NIETC – and the OSPA TRIBES Transmission Project It Supports – Is Designed to Be a Critical Part of Cross-Interconnect Infrastructure Between the Eastern and Western Power Grids

The Needs Study reports that, in 2024, SPP identified the Charlie Creek-Watford City line as the transmission constraint with the highest congestion in its territory, and attributes the constraint to the development of new oil and gas commercial load.⁷ That line is approximately 150 miles northwest of the northern terminus of the planned TRIBES Transmission Project. SPP also reported that “the recent buildout of extra-high-voltage transmission infrastructure has facilitated the transfer of zero-dispatch-cost energy from wind generators to load centers, thereby reducing curtailment.”⁸

In July of this year, SPP was forced to issue a Level 3 Emergency Alert, warning of the possible need to initiate rolling blackouts in its western territory to “prevent wider, uncontrolled grid failures”.⁹ While SPP was able to manage the situation without resorting to controlled power interruptions, the alert brought attention to the strains on the power grid from record power demand and the effects of an extreme heat wave. The Needs Study cites multiple SPP studies addressing this issue:

⁷ Needs Study at 49.

⁸ *Id.*

⁹ Reuters, Tim McLaughlin, *Grid operator in US central states warns of potential rolling blackouts* (July 20, 2026), <https://www.reuters.com/business/energy/grid-operator-us-central-states-warns-potential-rolling-blackouts-2026-07-21/>

SPP's reliability assessment in the 2024 Integrated Transmission Plan indicates a sevenfold increase in its base reliability needs—both thermal and voltage—compared with the 2023 Integrated Transmission Plan assessment. SPP identifies two primary regions with voltage concern: southern New Mexico and the area surrounding Lake Sakakawea in North Dakota. These regions have experienced above-average load growth, largely driven by ongoing oil and gas development, straining the existing transmission network (SPP, 2025b). SPP also acknowledges that all forms of power generation face significant challenges during severe weather conditions. The 2024 report emphasizes that these risks will escalate dramatically unless proactive measures are implemented to prepare for and mitigate the impacts of such severe weather events (SPP, 2025b).¹⁰

The Needs Study reports that two planned transmission projects in western North and South Dakota are in development that will lessen congestion in the SPP northwestern region. In December 2024, SPP issued to Basin Electric a notice to construct the Belfield-Laramie River line, a 345 kV line running from the oil and gas-producing Lake Sakakawea area in North Dakota through South Dakota, to the Laramie River substation in Wyoming.¹¹

The Needs Study also discusses the North Plains Connector (NPC), a 525 kV HVDC line running from Colstrip, Montana to St. Anthony, North Dakota, providing 3,000 MW of bidirectional transfer capability to move electricity. The Needs Study notes that the NPC would provide “access to both MISO and SPP markets, enabling cross-interconnection power transactions with generation resources that experience different weather patterns.”¹² On August 28, DOE announced the issuance of a Final Environmental Impact Statement for the NPC – accomplishing a major permitting milestone that will allow the project to advance. DOE stated: “By bridging the grids, the NPC significantly enhances grid reliability and resilience across the region, allowing communities to better safeguard against outages, and ensure a [sic] reliable power when demand is at its peak.”¹³

Both these projects are important upgrades to the national power grid that will enhance resource adequacy and grid resilience dramatically. The Needs Study, however, does not discuss two other transmission projects that will similarly upgrade the national power grid – the TRIBES Project and the Wyoming Intertie. OSPA describes the TRIBES Project at length above. It was submitted to SPP's Integrated Transmission Planning process by WAPA in 2024, but rejected by SPP, and WAPA has been submitting segments of the TRIBES Project to SPP, unsuccessfully, each year since. The Wyoming Intertie, like the North Plains Connector, is a 1,800 MW HVDC interregional line being developed by Grid United.

¹⁰ Needs Study at 70.

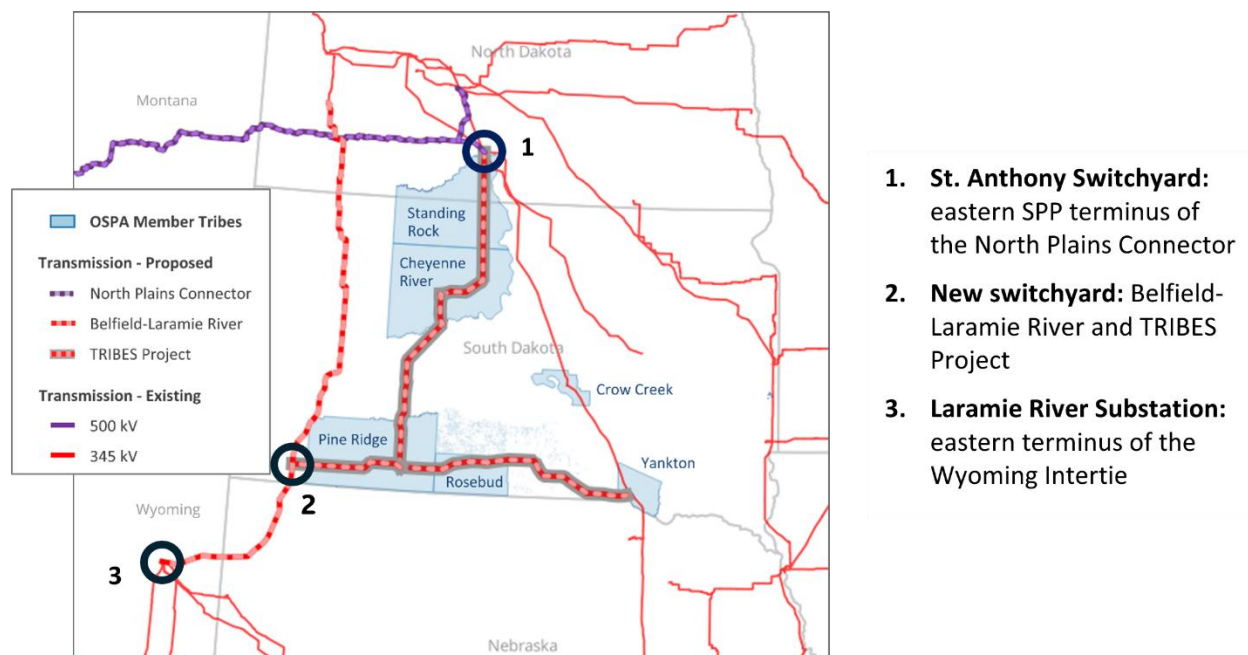
¹¹ *Id.*

¹² *Id.* at 73.

¹³ DOE, Office of Electricity, *Energy Department Announces Major Milestone for North Plains Connector, Bridging Eastern and Western Grids* (Aug. 28, 2026). <https://www.energy.gov/oe/articles/energy-department-announces-major-milestone-north-plains-connector-bridging-eastern-and>

Figure 4 below illustrates the TRIBES Project and its points of interconnection with the North Plains Connector, the Belfield-Laramie River line and the Wyoming Intertie.

Figure 4: The TRIBES Transmission Project Provides Critical Cross-Interconnection Links



500 miles of new EHV transmission, interconnected with major north-south and east-west interregional and cross-interconnection lines, will provide a level of facility redundancy, geographic diversity, and new capacity that DOE has already found will increase regional resilience “in a monumental way.” In addition, the TRIBES Project is designed to aggregate power generated on the reservations of the OSPA member Tribes and deliver to the North Plains Connector and Wyoming Intertie, for delivery to markets in the West. DOE’s Resource Adequacy Report of 2025 found that interconnections among different generation fuel types, in different geographic locations with different weather patterns, is necessary to ensure resource adequacy:

Transmission supports resource adequacy by ensuring that power generated by these resources can be delivered to load when needed by enabling the sharing of energy resources across regions with different load profiles, weather patterns, and generation mixes. This connectivity allows systems to better manage peak demand, reduce reliance on local reserves, and respond more effectively to natural disasters. Transmission’s role in improving deliverability and resource sharing for resource adequacy can be particularly pronounced for large power systems like the U.S. electricity grid.¹⁴

¹⁴ Needs Study at 82 (citing DOE, *Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid* (July 7, 2025)).

The TIBES Transmission Project has been designed by OSPA, WAPA and Basin Electric to provide exactly these resilience and resource adequacy benefits to the national power grid and should be included in the final 2026 Transmission Needs Study.

IV. The Southwest Power Pool's Most Recent Analysis Shows Only 100 MW of Transmission Capacity Exists to Serve Four of the Largest Reservations in the Country, Ignoring the Tribes' Plans to Generate Multiple Gigawatts of Power – The Transmission Needs Study Must Reflect This Demand for New Capacity

Earlier this year, the Southwest Power Pool introduced its Consolidated Planning Process (CPP), an innovative restructuring of its generator interconnection and grid planning processes, designed to cure the chronic delays and interconnection network upgrade cost shock that characterized its former practices. SPP submitted revisions to its Open Access Transmission Tariff to establish CPP, and the Federal Energy Regulatory Commission approved the CPP tariff revisions, subject to conditions, in March of this year.¹⁵ The Consolidated Planning Process became effective on March 13.

As part of the implementation of CPP, SPP published its first Planned Interconnection Location Site (PILS) dashboard. The PILS dashboard identifies areas in the SPP transmission network where existing capacity is available to accept new generation projects. In its tariff filing proposing the CPP tariff revisions, SPP provided this definition:

Planned Interconnection Locations represent strategically selected locations where Transmission System capability has been evaluated using prior studies, technical assessments from the generator interconnection queue, and stakeholder input, to identify locations with sufficient existing or planned transmission capacity available to serve long-term generator interconnection needs. . . . The final determination of the Planned Interconnection Locations and associated MW caps are subject to stakeholder review and approval. . . . The benefit of seeking to interconnect at Planned Interconnection Locations is that transmission capacity will have been proactively developed in that area to serve future needs, including generator interconnection needs. To the extent an interconnection customer elects to interconnect at such location, it generally will not be responsible for additional System Network Upgrade costs SPP expects to identify hundreds of Planned Interconnection Locations and has developed a stakeholder-led process to identify and select potential locations that have not already been identified by SPP.¹⁶

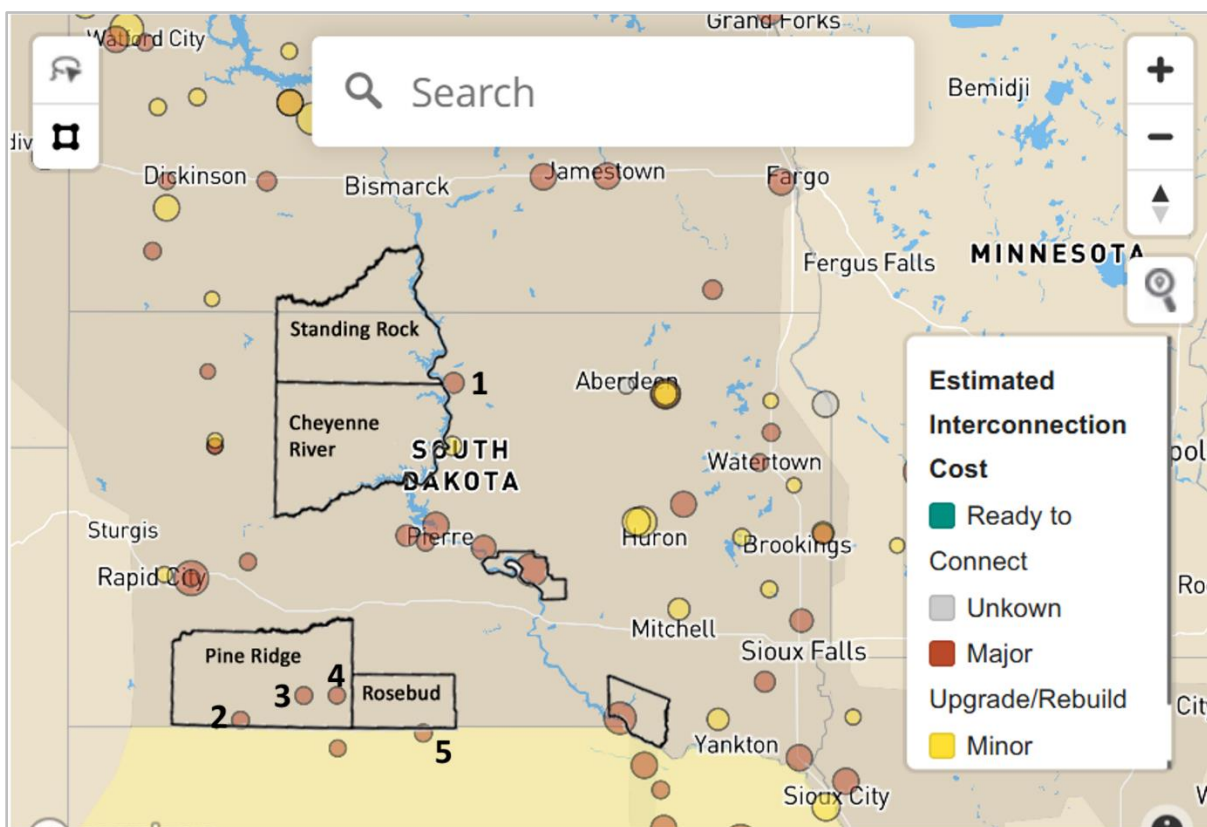
OSPA lauds SPP for conceiving a major improvement to its generator interconnection and grid planning processes. However, the first CPP dashboard demonstrates that SPP has ignored the transmission needs of the OSPA member Tribes and has no plans to remedy that problem. SPP's map showing the Planned Interconnection Location Sites for South Dakota and

¹⁵ *Southwest Power Pool, Inc.*, 194 FERC ¶ 61,192 (2026).

¹⁶ *Southwest Power Pool, Inc.*, Tariff Filing, Docket No. ER26-414-000, Accession No. 20251103-5149 (November 3, 2025) at 25-26 (emphasis added).

North Dakota is shown below.

Figure 5: Screenshot of PILS Map with OSPA Tribes Overlay



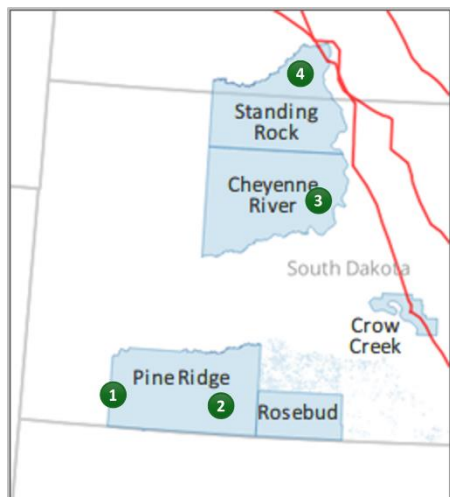
As the SPP PILS Map illustrates, there are no PILS on the Rosebud, Cheyenne River or Standing Rock Reservations, and a total of 100 MW of available capacity available in the three PILS located on the Oglala Pine Ridge Reservation.¹⁷

While the tariffed CPP process claims that it establishes points of interconnection that do not incur additional network upgrade costs, based on “generator interconnection queue [data], and stakeholder input,” such is not the case. Between 2021 and 2025, four generation projects, totaling 915 MW – the only four utility-scale generation projects being developed on Tribal lands in western South Dakota – were all forced off the SPP interconnection queue by network upgrade cost allocations that made the projects economically unfeasible. Details of the four Tribal energy projects now put on indefinite hold as a result of SPP’s network upgrade cost allocations – under both SPP’s previous planning process, and the new Consolidated Planning Process – are shown in Figure 6 below. And this 915 MW of new generation just reflects projects in advanced stages of development – as discussed in § I(B)(1) above, OSPA’s

¹⁷ There are three PILS located on the Pine Ridge Reservation – #2 Shannon Substation 115 kV sited for up to 100 MW, #3 Martin Substation 115 kV sited for up to 100 MW, and #4 Vetat Substation 115 kV sited for up to 80 MW. This makes it look like the Tribe has access to up to 280 MW of transmission capacity under the new PILS designations, but that is not the case – there is a single 115 kV line that connects these three substations, so the actual amount of capacity accessible by the Tribe is limited to a maximum of 100 MW.

member Tribes have the resources and plans to develop more than 3 GW of power across their reservations.

Figure 6: Tribal Energy Projects Forced Off SPP Queue



1. **Lookout Solar:** 110 MW, forced off queue November 2021
 - POI WAPA Underwood - Wayside 230 kV
 - SPP assigned grid upgrade costs of \$86M
2. **Pass Creek Wind:** 120 MW, forced off queue September 2022
 - POI WAPA Martin Substation
 - SPP assigned grid upgrade costs of \$81M
3. **Ta'teh Topah Wind:** 450 MW, forced off queue September 2022
 - POI Basin Leland Olds-Chapelle Creek 345kV
 - SPP assigned grid upgrade costs of \$148M
4. **Anpetu Wi Wind:** 235 MW, forced off queue November 2025
 - POI Basin Leland Olds-Chapelle Creek 345kV
 - SPP assigned grid upgrade costs of \$77M

OSPA has complained of SPP's interconnection cost barrier to Tribal energy generation projects in filings with DOE and FERC and repeatedly has provided SPP with actual notice of the impact of SPP's network upgrade cost allocation practices. Nevertheless, this "interconnection queue data" and "stakeholder input" has been ignored consistently over the past five years, and to the present day. The Transmission Needs Study must correct this unjust and unacceptable bias against Tribal energy development.

V. DOE'S Cancellation of the Tribal Energy Access NIETC Is Based on False Information and Wrong Conclusions

A. All Three Rationales Cited by Secretary Wright for Cancelling the Tribal Energy Access NIETC Are Belied by the Record and by DOE's Own Findings

On August 12, 2026, when the Secretary of Energy, Chris Wright, cancelled the Tribal Energy Access NIETC and two other NIETC corridors under consideration, DOE issued the following statement:

"Extensive review, including public feedback and stakeholder input, made clear that the current designation process for these three proposed transmission corridors should not continue," said Secretary Wright. "Transmission policy must serve the American people—not special interests or a climate-alarmist agenda that drives up costs, worsens reliability, and disregards the concerns of local communities. The Trump Administration is committed to strengthening America's electric grid with common-sense policies that prioritize delivering affordable, reliable, and secure electricity to American families and businesses.

The previous administration touted the Lake Erie–Canada Corridor, the

Southwestern Grid Connector Corridor, and the Tribal Energy Access Corridor, as a means to advance their Green New Scam agenda and “accelerate decarbonization.” As the process unfolded, the current designation framework proved ineffective in strengthening grid reliability and reducing electricity costs. In some communities, it also contributed to confusion and concern about the scope and intent of NIETC authority.¹⁸

OSPA takes no position on the cancellation of the other two NIETC designations under consideration, but OSPA designed and advocated for the Tribal Energy Access NIETC, specifically to support its planned 345 kV TRIBES Transmission Project, which would bring EHV transmission across four of the largest reservations in the country for the first time. In the case of the Tribal Energy Access NIETC, Secretary Wright’s three stated reasons for cancelling the NIETC program – that it raises energy prices, worsens grid reliability, and disregards the concerns of local communities – are all demonstrably false.

1. *Studies conducted by DOE – including the draft 2026 Needs Study – repeatedly and consistently conclude that enabling energy development on OSPA Tribal lands will reduce energy costs for consumers*

On a cost-per-megawatt hour (MWh) basis, wind power is the cheapest way to produce energy. A study this year by the U.S. Energy Information Agency, an energy analysis office within DOE, shows that the cost of producing energy from wind is lower than any other source – cheaper than coal, gas, solar or nuclear.¹⁹ This reflects annual analyses that have found the same thing for over a decade.²⁰

The Transmission Needs Study does not focus on the costs of production of any particular fuel, instead it analyzes the wholesale price of energy in different markets, and identifies the value of bringing energy from low-cost areas of production to high-price load centers. As discussed in detail in § III above, the Needs Study identifies the wind-producing areas of the Plains states as low-price centers, and markets to the south and west as high-price centers. The DOE reached the same conclusions in the 2023 Transmission Needs Study: “Of particular note are the low-priced pockets centered on the Oklahoma and Kansas border in the

¹⁸ DOE, *Energy Secretary Announces Cancellation of Three Proposed National Interest Electric Transmission Corridors*, <https://www.energy.gov/articles/energy-secretary-announces-cancellation-three-proposed-national-interest-electric> (emphasis and hyperlinks omitted).

¹⁹ U.S. Energy Information Administration (EIA), *Levelized Costs of New Generation Resources in the Annual Energy Outlook 2026* (April 2026). https://www.eia.gov/outlooks/aeo/electricity_generation/pdf/LCOE_report.pdf This analysis reflects the Levelized Cost of Electricity (LCOE), which examines the cost of producing a megawatt of power using different fuel types. Another type of analysis widely used by EIA and others is the Levelized Avoided Cost of Electricity (LACE). Unlike LCOE LACE does not look at the costs of construction, but estimates the revenues that project is expected to deliver, and uses this as a proxy for the value the project would bring to the power grid. LACE analysis shows nuclear power to be the cheapest form of energy. EIA typically uses both LCOE and LACE in evaluating generation projects. *Id.*

²⁰ Utility Dive, Herman K. Trabish, *Solar and wind beat the price of coal and gas in many markets* (Nov. 24, 2014). <https://www.utilitydive.com/news/solar-and-wind-beat-the-price-of-coal-and-gas-in-many-markets/336927/>

Plains, collocated with substantial wind resources.”²¹ “Broadly, Tribal lands in the western United States and the Plains regions contain high-quality resource potential for wind, even at lower turbine hub heights.”²²

There is no basis for concluding that building transmission within the Tribal Energy Access NIETC would “drive up costs.” As shown above, the DOE’s own analyses, consistent over a decade, show the contrary.

2. *DOE has found that the TRIBES Transmission Project, which will be built within the Tribal Energy Access NIETC, will increase regional grid reliability “in a monumental way”*

As discussed in § I(B) above, OSPA, with WAPA and Basin Electric, have designed the TRIBES Transmission Project, which will build a 345 kV line across four of the largest reservations in the country, bringing EHV transmission to Tribal lands in western South Dakota for the first time. Most of the TRIBES Transmission Project will be built within the Tribal Energy Access NIETC – in fact, DOE considered the NIETC at OSPA’s request, and OSPA proposed the NIETC specifically to support the TRIBES Project.

In April 2024, OSPA, WAPA, Basin and others formed a team to apply for a Grid Resilience and Innovation Partnerships (GRIP) Grant, seeking to fund a portion of the project. DOE did not award the grant, but issued a “Strengths and Weaknesses” report, identifying those parts of the application that met the grant criteria, and those parts where the application was lacking. The DOE report stated that the project was an “[i]nnovative and novel collaboration” that “would improve the regional resilience of the grid in a monumental way.” The transmission line technology is cutting edge . . . [t]he grid extension would open up a large amount of previously untapped wind energy spurring downstream investment and clean energy expansion.”²³

DOE’s finding, specific to the TRIBES Project, built within the Tribal Energy Access NIETC, and made just two years ago, is that the project “would improve the regional resilience of the grid in a monumental way.” Secretary Wright’s statement that the Tribal Energy Access NIETC would “worsen[] reliability” is clearly wrong.

3. *The Tribal Energy Access NIETC has overwhelming public support*

During the three rounds of public comments, the following individuals, Tribes and organizations filed comments in favor of the Tribal Energy Access NIETC:

²¹ DOE, 2023 *Transmission Needs Study* at 33.

²² *Id.* at 86.

²³ DOE, *GRIP Strengths and Weaknesses*, DE-FOA-0003195, Application Control Number 3195-1540, at 3 (undated, issued Aug. 6, 2024) (emphasis added).

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Individual Tribes	State Legislators
Cheyenne River Sioux Tribe Oglala Sioux Tribe Rosebud Sioux Tribe	S.D. State Senator Red Dawn Foster S.D. State Representative Peri Pourier S.D. State Representative Eric Emery
Multi-Tribal Organizations	Utilities/Developers
The Oceti Sakowin Power Authority, representing: Cheyenne River Sioux Tribe Crow Creek Sioux Tribe Flandreau Santee Sioux Tribe Oglala Sioux Tribe Rosebud Sioux Tribe Standing Rock Sioux Tribe Yankton Sioux Tribe Great Plains Tribal Chairmen’s Association, representing: Spirit Lake Tribe Standing Rock Sioux Tribe Three Affiliated Tribes Turtle Mountain Band of Chippewa Cheyenne River Sioux Tribe Crow Creek Sioux Tribe Flandreau Santee Sioux Tribe Oglala Sioux Tribe Rosebud Sioux Tribe Yankton Sioux Tribe Omaha Tribe of Nebraska Ponca Tribe of Nebraska Santee Sioux Nation Winnebago Tribe of Nebraska	Basin Electric Power Cooperative Navajo Power Power From the Prairie Sicangu Company
	Labor Unions
	IBEW Local 1250 IBEW Local 1597
	Public Interest Organizations
	Center for Rural Affairs Earthjustice Environmental Defense Fund National Wildlife Federation National Audubon Society Natural Resources Defense Council Sierra Club Sustainable FERC Project

In contrast, of the comments received and published by DOE on Regulations.gov, only three express concerns over the Tribal Energy Access NIETC. Two are private citizens noting that the broad boundaries of the Tribal Energy Access NIETC may cross their land. These concerns are understandable and would be addressed during the detailed routing and siting studies for the TRIBES transmission line, community meetings, landowner leasing negotiations, and Tribal, state and federal permitting processes.

The third comment was an outright opposition. On August 12, 2026, OSPA learned that the South Dakota Public Utilities Commission (SD PUC) submitted opposition comments. OSPA discusses the SD PUC opposition in the following section.

In light of this overwhelming show of support for the Tribal Energy Access NIETC,

Secretary Wright’s statement that it “disregards the concerns of local communities” is clearly wrong.

B. Gaslighting: The Tribal Energy Access NIETC Was Never About Preempting State Permitting Authority, It Is About Providing Tribes with Access to Capital

In his statement cancelling the Tribal Energy Access NIETC, Secretary Wright said: *“In some communities, it [the NIETC designation process] also contributed to confusion and concern about the scope and intent of NIETC authority.”* The SD PUC letter opposing the NIETC is focused exclusively on federal preemption of State permitting authority – the five-page letter mentions preemption five times, including “the drastic remedy of federal preemption” and “the extreme remedy of creating federal preemption.”²⁴

There should be no confusion, and no fear of federal preemption of State permitting authority. In its February 2024 comments to DOE proposing the NIETC, OSPA described its project – and the federal, state and local authorities under which it would be permitted – in detail. OSPA explained that at least 50% of the TRIBES Transmission Project would be built on Tribal reservations, and that all new transmission would be interconnected with the WAPA network. These two facts dictate that the project be subject to the National Environmental Policy Act (NEPA) review process, and that WAPA would serve as the lead agency, with Tribal Historic Preservation Offices, Land Offices and Tribal Employment Rights Offices conducting the appropriate permitting on Tribal lands.²⁵ The OSPA comments go on to state: “Any state or county permitting will be initiated after project is approved and incorporated into the SPP ITP portfolio.”²⁶ The words “preempt,” “preemption” or “backstop” never appear in these or any other comments submitted by OSPA in the NIETC review process.

Perhaps more importantly, OSPA representatives met with the SD PUC on July 15, 2025 – five months after the Commission filed its comments opposing the NIETC at DOE – and on August 4, 2026 – eight days before Commission Vice Chairperson Fiegen joined DOE Deputy Under Secretary Mike Kopp in Pierre, SD at his announcement of the cancellation of the Tribal Energy Access NIETC.²⁷ The SD PUC Commissioners declined to attend the meetings with OSPA, but we had hour-long meetings with the Executive Director and senior Staff of the Commission. At no time did they share the SD PUC comments with OSPA or even inform us that the SD PUC was opposing our NIETC proposal. In both meetings, OSPA discussed the NIETC – and the July 15, 2025 meeting was expressly about the NIETC. At the July 15, 2025 meeting, OSPA distributed a PowerPoint presentation that described the NIETC proposal at length, with maps

²⁴ Letter from the South Dakota Public Utilities Commission to the DOE Grid Deployment Office, *Re: South Dakota Public Utility Commission’s Comments on the Tribal Energy Access Corridor and Phase 3 Information Submission* (Feb. 12, 2025), at 3 & 5.

²⁵ OSPA, *Recommendation for Narrow Geographical Boundaries for a Potential NIETC and supporting Information Submission* (Feb. 2, 2024) at 7-11 and *passim*.

²⁶ *Id.* at 12.

²⁷ KELO, Bob Mercer, *Feds cancel proposed tribal energy access corridor* (August 12, 2026). <https://www.keloland.com/news/capitol-news-bureau/feds-cancel-proposed-tribal-access-energy-corridor/>

and a detailed explanation of both the NIETC and the TRIBES Project. The point of the meeting was to request that the SD PUC support OSPA's NIETC proposal. The final slide in that presentation is entitled: "How We Could Work Together," and concludes with the statement: "TRIBES project covers both on- and off-reservation construction – we look forward to coordinating on permitting".²⁸

OSPA has been seeking funding for preliminary community outreach and siting studies for years. OSPA currently has pending an application for DOE's "Unleashing Tribal Energy" grant program, specifically to fund: "The early and structured engagement with the Tribes and communities and the opportunity to respond to concerns should foster public support, demonstrate general community acceptance, and support future regulatory reviews and permitting."²⁹ Prior to that submission, OSPA applied for a Transmission Acceleration Grant, stating that it sought funding for community outreach because: "This Tribal/community outreach is essential to Tribal approval of the transmission projects, and to the federal and state permitting that will be required for construction."³⁰ OSPA does not know why the SD PUC opposed the Tribal Energy Access NIETC, or why it would not communicate that opposition to OSPA during our two meetings. But OSPA's consistent public comments at all times during the NIETC review process make clear that the SD PUC's statement that NIETC designation threatens its permitting jurisdiction is demonstrably false.

OSPA seeks NIETC designation for the area in which it will build the TRIBES Transmission Project because designation will identify the area as a development priority for the federal government. Designation will make the project eligible for financing under the \$2.5 billion Transmission Facilitation Program (TFP), passed in the Bipartisan Infrastructure Law and still in place; and the \$2 billion Transmission Facility Financing (TFF) Program, which was in place at the time, but was subsequently terminated by the One Big Beautiful Bill Act. Financing under favorable terms under either program – but particularly the TFP public-private partnership program – would greatly enhance OSPAs ability to attract private equity or debt capital to complete the capital stack for this big, expensive project.

C. DOE's Cancellation of the Tribal Energy Access NIETC Is Unlawful and Violates DOE's Treaty and Trust Obligations to Tribes

The cancellation of the Tribal Energy Access NIETC is unlawful in several ways. In administrative law, an agency's reversal of position without explanation makes the action arbitrary and capricious. Given that the proffered reasons for cancellation of the Tribal Energy Access NIETC are demonstrably wrong, as demonstrated in §§ V(A) and (B) above, DOE's

²⁸ OSPA, *Oceti Sakowin Power Authority: Energy and Transmission Initiatives, Presentation to The Governor's Office of Economic Development and The South Dakota Public Utilities Commission* (July 2025) at slide 11.

²⁹ OSPA Application, Technical Volume, *TRIBES Transmission Project: Routing, Siting and Economic Studies*, Unleashing Tribal Energy Development, DOE NOFO DEFOA-0003548, at 10 (July 23, 2026).

³⁰ OSPA Application, Project Narrative, *Tribal Driven EHV Transmission Planning and Routing in the Upper Great Plains*, DOE/TechWerx Transmission Acceleration Grant, Opportunity Announcement Oct. 31, 2024, at 4 (Jan. 21, 2025) (emphasis added).

cancellation decision is so flawed. Moreover, because OSPA was the originator and proponent of the Tribal Energy Access NIETC, its cancellation constitutes a party-specific adjudication, made without notice or an opportunity to be heard by OSPA. Particularly because DOE's action apparently was coordinated in advance with the South Dakota Public Utilities Commission, without OSPA's knowledge, and in reliance on the SD PUC's opposition, which was not disclosed to OSPA, the cancellation violates the Administrative Procedure Act.

Finally, like all federal agencies and offices, DOE bears a responsibility to Tribes under both treaties and the federal trust responsibility. DOE's policies have long recognized that direct government-to-government consultation is required when a DOE action directly affects a Tribes' sovereignty and the use of Tribal lands for the benefit of the residents. DOE's cancellation violates its treaty, trust and consultation obligations to the OSPA member Tribes.

D. DOE's Actions Are Preventing the OSPA Tribes From Developing the Most Valuable Energy Asset They Possess – the Best On-Land Wind Resources in the Country

The OSPA member Tribes are among the poorest Tribes in the country, and occupy the poorest counties in South Dakota. Because their reservations are in the most remote, rural areas of the State, economic development opportunities are scarce. Moreover, the existing reservation boundaries were never agreed to by the Tribes – under the Fort Laramie Treaty of 1868, the Sioux Nation occupied all of the State of South Dakota west of the Missouri River. Subsequently, the federal government unilaterally seized most of that land, and forced the Tribes onto the much smaller reservations that exist today. The U.S. Court of Claims said of this taking: “A more ripe and rank case of dishonorable dealings will never, in all probability, be found in our history”³¹ That sentiment was later echoed by the U.S. Supreme Court.³²

The Tribes have no choice but to develop whatever resources they have available on their reservations – and those lands don't have coal, oil or gas. But in recent years, the Tribes have found that they possess the finest on-land wind resources in the country – as discussed in § I(B) above, over five years of met tower studies consistently demonstrate Class 6 and 7 wind resources – wind speeds up to 8.8 m/s or higher with net capacity factors in excess of 50%. These assets are extremely valuable – development of utility-scale wind generation facilities can deliver literally hundreds of millions of dollars to the Tribes, and tens of millions to the State and local communities.

In announcing the cancellation of the Tribal Energy Access Corridor, Secretary Wright went out of his way to insult the Tribes. He said: “Transmission policy must serve the American people – not special interests or a climate-alarmist agenda” and went on to call the Tribal Energy Access Corridor “a means to advance their Green New Scam agenda. . . .” But impoverished Tribes trying to develop the most valuable natural resource they possess are not “special interests,” “alarmists” or “scammers.” They are sovereign nations trying to bring their transmission infrastructure into the 21st Century and end the EHV transmission desert of West

³¹ *United States v. Sioux Nation*, 518 F.2d 1298, 1302 (1975).

³² *United States v. Sioux Nation of Indians*, 448 U.S. 371, 389 (1980).

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River South Dakota, and to contribute to meeting the energy needs of the United States.

So if the stated reasons for cancelling the Tribal Energy Access NIETC don't apply – transmission development within the Corridor will enhance grid reliability, lower retail costs of energy, has overwhelming support, and does not threaten State permitting authority in any way – why is the NIETC being cancelled? OSPA believes the reason is clear – this is a purely political exercise to cater to President Trump's bizarre hate obsession with wind farms.

OSPA was hopeful that the issue of transmission could be above politics – while bringing EHV to western South Dakota is necessary for the Tribes to develop their wind resources, it is also necessary for geothermal and hydro generation development, data centers, blockchain data analysis, advanced manufacturing, cold storage and data-dependent industries like banking and medical services. And this benefits all of South Dakota and the country.

VI. Conclusion

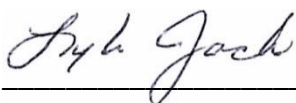
For the reasons discussed above, DOE should:

First, include the information it is receiving from Tribes commenting on the Draft Transmission Needs Study. In particular, DOE should incorporate into the final Needs Study the plans of the OSPA member Tribes to develop 3 GW or more of energy on their Tribal lands, and to continue development of the TRIBES Transmission Project.

Second, DOE should reverse its decision and should designate the Tribal Energy Access NIETC. The 2026 Transmission Needs Study should open an investigation into whether other transmission corridors across Tribal lands merit NIETC designation.

OSPA thanks the Department for this opportunity to comment on the 2026 Transmission Needs Study. We are at your disposal if we can provide further information or materials.

Respectfully submitted,



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