



Gary Hanson, Chairperson  
Chris Nelson, Vice Chairperson  
Kristie Fiegen, Commissioner

*South Dakota*

**PUBLIC UTILITIES COMMISSION**

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July 31, 2014

Arnold and Darlene Dennert  
[REDACTED]  
[REDACTED]

**Re: PUC Docket EL13-028, Big Stone South to Ellendale Transmission Line – Comment Letter  
Received by the Public Utilities Commission on July 29, 2014**

Dear Mr. and Mrs. Dennert:

On July 29, 2014, the Public Utilities Commission received your letter regarding the Big Stone South to Ellendale transmission line being sited in Brown, Day, and Grant counties of South Dakota. For your information, the letter is posted on the PUC's website under Comments and Responses in the BSSE docket at the following link: <http://www.puc.sd.gov/Dockets/Electric/2013/EL13-028.aspx>. This letter is to address some of the concerns raised in your letter.

The PUC held three public input hearings for landowners and others to voice concerns regarding the BSSE transmission line. Two hearings were held on October 17, 2013, (one in Aberdeen and the other in Milbank) and a third hearing was held May 20, 2014, in Aberdeen. According to the May 20 hearing transcript, you voiced similar concerns as those in your letter. In addition, the transcript indicates you supported an alternative route proposed by Lyle Podoll.<sup>1</sup>

The PUC received a copy of a letter dated June 6, 2014, sent to Podoll from the BSSE project team. This letter indicated the project team would pursue the original route submitted to the PUC as the proposed route did not pass original siting criteria and there was a lack of support from other landowners impacted by the proposed route. Given this information, the route in your area remains the original route proposed to the PUC should the commission approve the permit to construct the line. The PUC does not have the authority to route transmission facilities in accordance with SDCL 49-41B-36. This means the PUC does not have the authority to tell utilities where to route transmission lines. Enclosed is a copy of the June 6, 2014, letter and SDCL 49-41B-36.

In regard to your comments about easements, easements are handled via negotiations between landowners and the utilities looking to construct transmission lines. The PUC has no legal authority over the terms and payments of easements. However, the PUC does expect landowners to be fairly compensated by utilities for easements to build transmission lines. It is common for a landowner to receive a one-time payment that is a

<sup>1</sup> See Transcript of May 20, 2014 at pg. 106, line 16. Located at:  
<http://www.puc.sd.gov/commission/dockets/electric/2013/EL13-028/transcript052014.pdf>

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percentage of a property's value for transmission line easements. This is due to the fact that landowners can continue to farm and use the property under the transmission line after it is constructed. Commission staff is not aware of any recent transmission line easements in South Dakota that have perpetual annual payments to landowners. Finally, it is staff's understanding that transmission line easements allow utilities to build a transmission line in the right-of-way and not other structures.<sup>2</sup>

With regard to your comments about the potential for cultural resources on your property, commission staff contacted Assistant State Archaeologist Mike Fosha on July 29, 2014, to follow up on your concerns. Fosha stated he contacted HDR Engineering, Inc., the firm that will be completing the archeological studies for the BSSE project. Fosha stated he informed HDR that the archeological studies should include valleys in addition to hilltops. Fosha stressed that the archeologists communicate with landowners in order to determine where culturally sensitive artifacts have been found on their property in the past. Commission staff contacted the BSSE project team on July 30, 2014, to confirm that Fosha communicated his concerns to HDR.

In addition to the communications regarding cultural resources outlined above, staff also attempts to ensure that the project will not damage cultural resources through use of a condition in a settlement stipulation as agreed to by staff and the utilities seeking to construct the transmission line.<sup>3</sup> Should the commission approve the permit to construct the transmission line and settlement stipulation, the utilities will be required to comply with the condition. This condition follows:

"If, during construction, Applicant discovers what may be a cultural resource, human skeletal remains, or associated funerary objects, Applicant or its agent shall immediately cease work at the location and notify the landowner(s), the SHPO, and other authorities as appropriate (per SDCL § 34-27-25 and SDCL § 34-27-28 in the case of human burials). If it is determined, in coordination with SHPO, that a significant resource is present, Applicant shall develop a plan that is acceptable to the landowner and SHPO that minimizes the adverse impact or threat to the resource."

Thank you for submitting your comments to the commission. As noted earlier, your comments are posted to the BSSE electronic docket for commissioners' and other parties' review. Please contact me if you have additional questions. I can be reached by calling 605-773-3201 or emailing [darren.kearney@state.sd.us](mailto:darren.kearney@state.sd.us).

Sincerely,

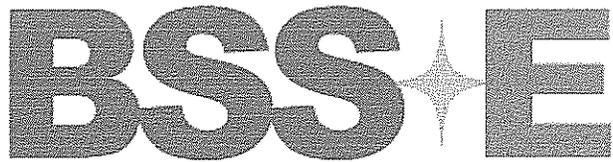
*Darren*

Darren Kearney  
Utility Analyst

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<sup>2</sup> See transcript of May 20, 2014 hearing at pg. 46, line 15. Located at:  
<http://www.puc.sd.gov/commission/dockets/electric/2013/EL13-028/transcript052014.pdf>

<sup>3</sup> See Amended Settlement Stipulation at Condition 13. Located at:  
<http://www.puc.sd.gov/commission/dockets/electric/2013/EL13-028/301A.pdf>



## Big Stone South to Ellendale

June 6, 2014

Lyle & Catherine Podoll



Re: Alternative Route

Dear Mr. & Mrs. Podoll:

Thank you for your letter dated May 20, 2014. Based on your letter, I think that we can agree that the Project has made various attempts to address your concerns starting in the Fall of 2013 through our meeting on June 3, 2014. The Project values your input and appreciates your willingness to work toward finalization of the route.

Regarding your suggested route changes, the Project has reviewed such changes based on the same criteria utilized for the original route including the impact to other occupied homes, route alignment on the route corridor and the response of your neighbors. You were provided with a response to your initial request for a route change to the west and the south indicating the proposed route change was not acceptable based on impacts to other homes and the lack of support from other landowners.

In an effort to accommodate your concern that the line would be in the sight line of your new home and your son's home, the Project considered a route change to place the line behind your home and your son's home behind your tree belt in order to minimize visual impacts. At the May 22, 2014 hearing in Aberdeen you testified that the proposed tree belt route change was unacceptable and again suggested moving the line to the south across land owned by the Dennerts and Carol Ryberg and continuing to the south and then to the east. Once again, your proposed alternative places you at odds with landowners on the proposed southern route change who were opposed to your earlier proposed route change to the west and the south.

Based on the Project's original siting criteria and the lack of support for your proposed alternatives, the Project has submitted its original route to the PUC. This does not preclude further discussions on other route options, meeting our criteria, that may be identified. We look forward to continuing our discussions with you and look forward to a final resolution of this matter.

Best regards,

A handwritten signature in black ink, appearing to read 'Henry Ford', written over a horizontal line.

Henry Ford  
BSSE Project Director

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49-41B-36. Authority to route or locate facilities not delegated to commission. Nothing in this chapter is a delegation to the commission of the authority to route a transmission facility, or to designate or mandate location of an energy conversion facility, AC/DC conversion facility, or wind energy facility.

**Source:** SL 1977, ch 390, § 2; SL 2005, ch 250, § 5; SL 2006, ch 242, § 6.

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