

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF
MONTANA-DAKOTA UTILITIES CO. AND
OTTER TAIL POWER COMPANY FOR A
PERMIT TO CONSTRUCT THE BIG STONE
TO SOUTH ELLENDALE 345KV
TRANSMISSION LINE

GERALD PESALL'S OBJECTIONS TO
APPLICANTS' FILING OF COMPLIANCE
WITH CONDITION 17: SCN SAMPLING AND
MITIGATION PLAN

EL13-028

COMES NOW Gerald Pesall, through counsel, and objects to the acceptance of the Applicants' Filing of Compliance with Condition 17: SCN Sampling and Mitigation Plan upon the following grounds:

1. Gerald Pesall objects on the grounds that review and/or acceptance of the filing at this point would deprive him of due process. The full document was not filed and served until July 29, 2015, and the filing is scheduled for review on August 5, 2015. This does not allow Gerald Pesall adequate time to have the filing reviewed by his own expert(s) and prepare a response.
2. Gerald Pesall objects to the scheduled August 5, 2015 hearing date on the grounds that the undersigned counsel is unavailable on that date.
3. Gerald Pesall also objects on the grounds that the filing is inadequate, incomplete, does not adequately address handling and disposal of topsoil extracted or removed from construction sites, and does not allow for third-party review of mitigation activities to ensure compliance.

Based on the foregoing, Gerald Pesall objects to the filing and requests that the Commission reject the same. In the alternative, Gerald Pesall requests that the Commission defer action on the filing for not less than 45 days, to enable him to complete a review of the Applicants' filing in conjunction with counsel and his own expert(s), and present the same to the Commission.

Dated this 31st Day of July, 2015



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