
From: PUC

Sent: Tuesday, September 02, 2014 12:32 PM

To: [REDACTED]

Subject: Response to Victoria Leonard, BHP Line, EL14-061

Ms. Leonard:

This is in response to the comments you submitted regarding the Black Hills Power transmission siting permit application, docket EL14-061, currently before the Public Utilities Commission. In this letter I will refer to the PUC as the ‘commission’. Following are your questions and my responses.

I realize I am sending this after the deadline for comments, but it was not clear to me from the “maps” sent exactly where route was proposed.

You may submit comments to the commission at any time while a docket is open before us.

Here is a document titled, Siting Energy Conversion & Transmission Facilities, which may be helpful regarding the commission’s processing of siting permit applications:

<http://www.puc.sd.gov/commission/Publication/sitinghandout.pdf>

When I purchased this land, the route that “was on the books” was the original proposed route which was mainly the on borders of the Black Hills National Forest. Then it was modified to the “J” plan. Why was it modified? I was not able to attend meeting that followed that change. The “map” that was posted on internet was difficult to “read,” therefore I did not send specific comments on that change, as it didn’t appear to “run” so close to residential properties and I was told by a nearby resident that it would not affect my land. Now you have amended the route again, without explaining why it was amended. What is the reason for amending the route? Route modification 3g goes right through the middle of my land and also adversely effects many other residents in that area, as well as would be residents. This would obviously make my property uninhabitable, for animals and humans.

The commission has not made any changes to the route. All route changes have been made by BHP. BHP’s route modifications are a result of their interaction with landowners, so I encourage you to contact a BHP official as to your questions on the route. There are six BHP officials on this docket’s Service List, and their contact information is included, so you may contact one or all of them to seek these route answers:

<http://www.puc.sd.gov/Dockets/Electric/2014/el14-061servicelist.aspx> At the August 25th public hearing, BHP’s Michael Fredrich appeared to be the most familiar with ongoing route modifications

The commission is not allowed to make changes to the route. The commission's role with siting permit applications as provided by state law is to make a decision to either approve, disapprove, or approve with conditions. The PUC is a quasi-judicial body that judges the merits of the proposed route. We have the responsibility to protect the citizens' interests while allowing the utility a fair return on their investments and requiring the utility to provide safest, most affordable, and most reliable electricity possible.

For its permit to be approved, South Dakota law states that BHP must show that the proposed transmission facility will comply with all applicable laws and rules; will not pose a threat of serious injury to the environment or to the social and economic condition of inhabitants or expected inhabitants in the siting area; will not substantially impair the health, safety or welfare of the inhabitants; and will not unduly interfere with the orderly development of the region, with due consideration to the views of governing bodies of affected local units of government. Based on these factors, the Commission will decide whether the permit for the project should be granted, denied, or granted upon such terms, conditions or modifications of the construction, operation or maintenance of the facilities as the Commission finds appropriate.

However, the commission does not have any legal authority to determine a route for the line. Here is the law in case you would like to read it:

http://legis.sd.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=49-41B-36.

The responsibility for selecting and justifying the route of a transmission facility lies with the applicant; in this case BHP. Many considerations are taken into account in a utility's selection of a route and these include construction accessibility, environmental impacts, residential impacts, cultural resource impacts, and overall expenses for the project. To better understand why BHP is proposing this route, please reference the Routing Study and Draft Environmental Impact Statement in the docket:

<http://www.puc.sd.gov/commission/dockets/electric/2014/EL14-061/appendixc.pdf>.

In April I sent a request for results of study that was being conducted and have never received those results (at that time, either the commission or the forest service requested permission to enter my land to perform those tests.) Please send me copies of all studies and reports made regarding the placement of the Teckla-Osage-Rapid City Transmission Line.

BHP filed the application for a siting permit with us on June 30th, 2014. Up until then, the commission has not been involved with the routing process. Additionally, the SD Public Utilities Commission has not entered anyone's land in relation to this docket. It sounds as if either a land agent or someone working on the Federal Environmental Impact Statement requested permission to enter your land and you requested the results from BHP. We do not have any knowledge of this, but our staff will ask BHP to follow up with you on that request.

How much input do the Mining Companies situated in this area have into the placement of the line? Why can't this line be run along Interstate 90? Why does the route have to go directly through the black hills?

I do not have the answers to these routing questions since the commission was not involved in the route selection process as explained above. Our review of the application has just begun, and we expect BHP to answer all of these questions as they make their case for a permit.

I appreciate your comments and I will reference them as I work my way through this permit application. Since this is an open docket before the commission, your comments and my response will be posted under Comments and Responses in the docket so that the other commissioners as well as all other interested parties to the case may read them. Here is a link to the online docket: <http://www.puc.sd.gov/Dockets/Electric/2014/el14-061.aspx>

Thank you for taking the time to write and educate me on your concerns.

Sincerely,

Gary Hanson, Chairperson
South Dakota Public Utilities Commission
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