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THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE APPLICATION EL14-061  
OF BLACK HILLS POWER, INC., FOR A  
PERMIT TO CONSTRUCT A 230 KV  
TRANSMISSION LINE FROM NORTHEASTERN  
WYOMING TO THE RAPID CITY AREA IN  
SOUTH DAKOTA

=====

Transcript of Proceedings  
November 6, 2014  
9 o'clock a.m.

=====

BEFORE THE PUBLIC UTILITIES COMMISSION

GARY HANSON, CHAIRMAN  
CHRIS NELSON, VICE CHAIRMAN  
KRISTIE FIEGEN, COMMISSIONER

COMMISSION STAFF

John Smith  
Karen Cremer  
Greg Rislov  
Brian Rounds  
Darren Kearney  
Katlyn Gustafson

APPEARANCES

Amy Koenig, Black Hills Power, Inc.

Reported By Cheri McComsey Wittler, RPR, CRR

1                   TRANSCRIPT OF PROCEEDINGS, held in the  
2 above-entitled matter, at the South Dakota State Capitol  
3 Building, Room 414, 500 East Capitol Avenue, Pierre,  
4 South Dakota, on the 6th day of November, 2014.

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<u>I N D E X</u>					
1					
2	APPLICANT WITNESS	DIRECT	CROSS	RD	RC
3	Michael Fredrich	22	--	--	--
4					
5	APPLICANT EXHIBIT NOS.		M	O	R
6	1 - Application		3	21	21
7	2 - Fredrich Prefiled		3	21	21
8	2.1 - Project Map Entire Project		3	21	21
9	2.2 - Project Map SD Portion		3	21	21
10	2.3 - Permit Status		3	21	21
11	3 - Egge Prefiled		3	21	21
12	3.1 - Common Use System Map		3	21	21
13	4 - Final Route Maps		3	21	21
14	5 - Revised General Site Location Map		3	21	21
15	6 - Sunridge Property Map		3	21	21
16	7 - BHP 9/26/14 Response to Ms. Leonard		3	21	21
17	8 - BHP 10/3/14 Response to Mr. Vadney		3	21	21
18	9 - BHP 10/17/14 Response to Mr. Hodgens		3	21	21
19	10 - Settlement Stipulation		3	21	21
20	11 - Affidavit of Service		3	21	21
21	12 - Responses to Staff Set 1 Data Requests		3	21	21
22	13 - 10/2/14 Supplemental Responses to Staff Set 1 Data Request 5		3	21	21
23	14 - 10/3/14 Supplemental Responses to Staff Set 1 Data Requests 5, 6, 8		3	21	21
24					
25					

1           CHAIRMAN HANSON: I'll call the meeting of the  
2 South Dakota Public Utilities Commission to order. This  
3 is a hearing in Docket EL14-061.

4           I'd like to welcome everyone to the meeting in  
5 the matter of the Application -- In the Matter of the  
6 Application of Black Hills Power, Incorporated For a  
7 Permit to Construct a 230 kV Transmission Line From  
8 Northeastern Wyoming to the Rapid City Area in  
9 South Dakota.

10           The time is approximately 9:00 a.m. The date  
11 is November 6, 2014. The location of the hearing is  
12 Room 414 in the State Capitol Building, Pierre,  
13 South Dakota. And this is in Docket EL14-061, In the  
14 Matter of the Application of Black Hills Power,  
15 Incorporated.

16           My name is Gary Hanson. I'm the Commission  
17 Chairman. Commissioners Chris Nelson and Kristie Fiegen  
18 are also present. I'd like to welcome those of you in  
19 attendance at this hearing and thank you for your  
20 interest in this matter.

21           I will be the presiding officer over this  
22 hearing. The hearing was noticed pursuant to the  
23 Commission's Order for and Notice of Hearing issued  
24 October 7, 2014.

25           The issue at this hearing is whether Black Hills

1 Power, Incorporated should be granted a permit to  
2 construct a 230 kilovolt transmission line in  
3 South Dakota from the Wyoming border west of Rapid City  
4 to the Lange Substation north of Rapid City.

5 It is the Applicant that has the burden of  
6 proof, and under 49-41B-22 that burden of proof is four  
7 fold.

8 First, the proposed facility will comply with  
9 all applicable laws and rules. Second, the facility will  
10 not pose a threat of serious injury to the environment,  
11 nor to the social and economic condition of the  
12 inhabitants or expected inhabitants of the siting area.  
13 Third, the facility will not substantially impair the  
14 health, safety, or welfare of the inhabitants. And the  
15 facility will not unduly interfere with the orderly  
16 development of the region, with due consideration being  
17 given to the views of governing bodies of affected local  
18 units of Government.

19 All parties have the right to be present and to  
20 be represented by an attorney. All persons testifying  
21 will be sworn in and subject to cross-examination by the  
22 parties.

23 The Commission's final decision may be appealed  
24 by the parties to the State Circuit Court and the State  
25 Supreme Court.

1           John Smith, the Commission's counsel, will act  
2 as Hearing Examiner and will conduct the hearing, subject  
3 to the Commission's oversight. He may provide  
4 recommended rulings on procedural and evidentiary  
5 matters. The Commission may overrule its counsel's  
6 preliminary rulings throughout the hearing. If not  
7 overruled, Mr. Smith's preliminary rulings will become  
8 final rulings.

9           With that, I'll turn it over to Mr. Smith to  
10 conduct the hearing. And, Mr. Smith, we have a Motion  
11 from a James S. Hodgens requesting a continuance or  
12 denial of the Application. And will that be taken up at  
13 the beginning, or how shall we proceed?

14           MR. SMITH: Well, I guess I'd welcome the views  
15 of Commissioners. You know, it was so late filed that  
16 honestly I didn't see it until an hour ago.

17           But Black Hills, any thoughts?

18           MS. KOENIG: Thank you, Mr. Smith.

19           My name is Amy Koenig. I'm in-house counsel for  
20 Black Hills Power and appearing on its behalf today.

21           Black Hills Power objects to the Motion  
22 Mr. Hodgens filed for a continuance. As Mr. Smith noted,  
23 Black Hills Power was served that Motion a little after  
24 3:00 p.m. Mountain Time yesterday and did not have an  
25 opportunity to respond in writing in a manner that would

1 afford the Commissioners any meaningful time to review  
2 its responses.

3 That being said, I am prepared to respond to the  
4 legal arguments raised in the Motion if the Commissioners  
5 desire to hear Black Hills Power's position in the  
6 absence of Mr. Hodgens' presence today.

7 MR. SMITH: Commissioners, thoughts? I don't  
8 see anybody out there. So, you know, who knows. Should  
9 we proceed in the absence of Mr. Hodgens or should we go  
10 into recess for a while to see if he's going to show up  
11 or what do you want to do?

12 CHAIRMAN HANSON: The time was designated, and  
13 if he wished to participate in a discussion on his  
14 Motion, he certainly should have been here. However,  
15 I'm a little bit uncomfortable proceeding without him  
16 here.

17 At the same time, I would like to listen to  
18 the arguments in opposition to his Motion. And the  
19 dilatoriness of his filing does present some  
20 consternation.

21 MR. SMITH: Right. It does.

22 Commissioner Nelson.

23 COMMISSIONER NELSON: Yeah. Mr. Smith, I think  
24 we need to deal with this Motion first. I think we need  
25 to deal with it expeditiously. If one party is not

1 present, that's not a reason for us to delay, and so I  
2 would like to hear the arguments from Black Hills Power  
3 and proceed with dispatching of the Motion.

4 MR. SMITH: Okay. We've heard one argument, and  
5 that's timeliness.

6 So do you want to proceed with your substantive  
7 responses?

8 MS. KOENIG: Yes. Thank you.

9 Before I deal with Mr. Hodgens' legal arguments,  
10 I do want to address allegations Mr. Hodgens made in his  
11 Motion that state that Black Hills Power has repeatedly  
12 mislead potentially impacted landowners throughout the  
13 course of this process.

14 There are no facts that will be presented to the  
15 Commission or that are in the record before you today  
16 that support the allegations that Black Hills Power has  
17 been misleading landowners. As such, the corporation  
18 asks that the Commission give the appropriate weight to  
19 the unsupported allegations that were made in the Motion  
20 by Mr. Hodgens.

21 Turning to his legal arguments, Mr. Hodgens has  
22 argued that the company filed an incomplete Application  
23 on June 30, 2014. He contends that the Application was  
24 incomplete because the route that was presented in the  
25 Application is not the same route that the company has

1 presented to the Commission as the final route that's  
2 being considered today.

3 Mr. Hodgens' argument is essentially -- if it's  
4 taken to its logical conclusion, would require the  
5 company to negotiate right-of-way easements with every  
6 impacted landowner to ensure that the Application that it  
7 filed contained a final route that would not be subject  
8 to any further modifications. And that is simply not the  
9 law in South Dakota.

10 There are no statutes that require that the  
11 company have right-of-way easements in hand prior to  
12 filing the Application with this Commission. And, in  
13 fact, at the public comment hearing that was held on  
14 August 25 in Rapid City it's my recollection that it was  
15 the Commissioners' expectation that the company continue  
16 to work with potentially impacted landowners and take all  
17 reasonable steps to address their concerns.

18 The manner in which the company is able to do  
19 that most often is through modifications to the route  
20 that has been presented to the Commission.

21 And, in fact, the company did listen to  
22 landowner concerns and made some additional modifications  
23 to the route. That is the process that we have followed  
24 throughout the course of this pending Docket, and it's  
25 the company's position that that is consistent with the

1 law in South Dakota.

2 Mr. Hodgens has also alleged that the  
3 Application was incomplete because there were some issues  
4 with resolution of the maps that were posted on the  
5 South Dakota Public Utilities Commission's website.

6 The company filed a paper Application, and that  
7 Application was posted to the website. There were some  
8 issues with impacts to resolution with that posting. The  
9 Commission Staff asked the company to submit new maps to  
10 correct those issues, which the company did.

11 However, any assertion that those maps were the  
12 only place that potentially impacted landowners could go  
13 to learn about the routes or modifications that were  
14 being considered is incorrect.

15 There was a meeting with the Ponderosa Ridge  
16 homeowners in which Mr. Hodgens, I believe, attended  
17 where a route was discussed. There were paper copies  
18 filed with the Commission. The County Commissioner,  
19 likewise, had paper copies. There was at the public  
20 comment hearing a route with modifications that had  
21 resulted from landowner concerns and continued work that  
22 the Black Hills National Forest were presented.

23 And, likewise, in all of the communications that  
24 have been provided to the landowners, whether it be  
25 public comment hearings or in writing, contained contact

1 information that landowners could have utilized to reach  
2 out to the company if they were having challenges with  
3 the maps that were posted on the Commission's website.

4 For that reason the company disputes the  
5 allegation that the Application was incomplete because of  
6 the resolution issues associated with the maps that were  
7 available on the internet.

8 MR. SMITH: Amy, can I ask you to pull that mic.  
9 even a little closer. And speak up if you can. It's  
10 coming off really dim, I guess, on the internet here.

11 MS. KOENIG: Sure.

12 MR. SMITH: Thank you.

13 MS. KOENIG: Mr. Hodgens next asserts that  
14 because of the changes in routes that the -- Mr. Hodgens  
15 also asserts that potentially impacted landowners were  
16 deprived of an opportunity to comment on the route as a  
17 result of the modifications that the company has made  
18 throughout the course of its progress through the issues  
19 that have arisen during this Docket.

20 In fact, the company notified all landowners  
21 within a half-mile of the corridor of the proposed power  
22 line, plus an additional 500 feet. The route  
23 modifications that were considered by the company and the  
24 changes that were ultimately implemented that resulted in  
25 the final route did not require the company to notify any

1 additional landowners.

2           So all landowners that were potentially impacted  
3 by the route that was proposed in the original  
4 Application are the same landowners that would be  
5 entitled to notice under the requirements that would  
6 apply to the final route.

7           Next Mr. Hodgens has asserted that he was  
8 deprived of an adequate time to respond and to retain  
9 counsel. Black Hills Power believes that this contention  
10 is without merit.

11           Mr. Hodgens was provided notice by the company,  
12 as was every other impacted landowner. He participated  
13 in public meetings with the Ponderosa Ridge Homeowners  
14 Association. He made comments in response to the  
15 Environmental Impact Study that is being conducted by the  
16 Black Hills National Forest.

17           He intervened in this Docket. He participated  
18 in the public comment hearing that was held in August in  
19 Rapid City. Mr. Hodgens' contention that the final route  
20 triggered his need to retain counsel is, likewise,  
21 unconvincing.

22           Mr. Hodgens' property is not crossed by the  
23 final route. It was not crossed by the proposed route,  
24 and it was not crossed by any modifications that were  
25 considered. Mr. Hodgens' property is also not adjacent

1 to the final route or any of the modifications that were  
2 considered.

3 As a result, his interests have not changed in  
4 this situation. The route always has impacted some  
5 amount of Forest Service property, and it does not  
6 traverse his property.

7 As a result, Mr. Hodgens has had more than ample  
8 time to retain counsel at any of the stages in which he  
9 has begun to participate, whether it's with respect to  
10 the Environmental Impact Study or this Docket that's  
11 before the Commission today.

12 Mr. Hodgens' last argument is that if he had had  
13 time to retain counsel, he could have established that  
14 the company has failed to meet its burdens set forth in  
15 SDCL 49-41B-22.

16 The company would like to note for the record  
17 today that there is no evidence before the Commission  
18 that the company has failed to satisfy these evidentiary  
19 burdens.

20 In fact, the Black Hills National Forest Service  
21 has addressed the concerns that were raised by  
22 Mr. Hodgens in Section 3-15 and 3-16 of the Environmental  
23 Impact Study.

24 Staff also inquired about these topics in  
25 South Dakota PUC Requests Nos. 21 and 23. Ultimately,

1 Staff and the company reached a Stipulation that is  
2 before the Commission today, and in paragraph 10 of that  
3 Stipulation the parties agreed that the company had  
4 satisfied the evidentiary requirements of SDCL 49-41B-22.

5 As a result, Mr. Hodgens' contention that he  
6 would be able to present evidence to overturn or to  
7 convince the Commission that the company had not met its  
8 burdens is unpersuasive.

9 For all the reasons I have state, Black Hills  
10 Power requests that the Commission reject Mr. Hodgens'  
11 Motion For a Continuance.

12 MR. SMITH: Thank you. Staff, would you please  
13 make your appearance and present your views on the  
14 Motion.

15 MS. CREMER: Thank you.

16 This is Karen Cremer of Staff, and Staff  
17 analysts Brian Rounds and Darren Kearney are also here  
18 present today.

19 On Mr. Hodgens' Motion For a Continuance, I  
20 would agree with the comments made by Black Hills Power.

21 The only other comment that I would have is  
22 under SDCL 49-41B-25, which is the small facility permit,  
23 that that is the six-month time frame that we're talking  
24 about here.

25 And Mr. Hodgens has not cited to any statutory

1 authority that would allow the Commission to toll the  
2 time. And so I know of nothing that would permit the  
3 Commission to grant an extension when all the parties are  
4 not in agreement for an extension.

5 Thank you.

6 MR. SMITH: Ms. Cremer, when does the six-month  
7 period -- what is the last -- what's the date?

8 MS. CREMER: They filed it June 30. So if you  
9 do the true six months, it would be December 30. If you  
10 count 180 days, it is December 27 of 2014.

11 MR. SMITH: Thank you.

12 MS. CREMER: Yes.

13 MR. SMITH: Thank you.

14 Commissioner questions or comments?

15 Mr. Chairman, do you want to proceed with action  
16 on the Motion at this point?

17 CHAIRMAN HANSON: Certainly, if there are no  
18 questions at this time. I will make a Motion, and then I  
19 will make comments on the Motion.

20 I move to deny James S. Hodgens' Motion  
21 requesting continuance or denial of the Application. So  
22 my Motion is to deny both the continuance and the denial  
23 of Application.

24 My comment would be that there is absolutely no  
25 evidence supporting any of Mr. Hodgens' statements. In

1 fact, all the evidence that has been presented, all of  
2 the evidence that we have received over the duration of  
3 the Application, points to all of Mr. Hodgens' assertions  
4 as being not accurate.

5 And, in fact, some of his requests, especially  
6 pertaining to the route and the inflexibility that he  
7 wishes to burden the Applicant with, are clearly in the  
8 interest of the citizens as opposed to the Applicant. So  
9 if we were to agree with him in that perspective, it  
10 would actually be to the detriment of the citizens of  
11 South Dakota.

12 So I certainly will support my Motion.

13 MR. SMITH: Commissioner Nelson.

14 COMMISSIONER NELSON: If I could begin with a  
15 question regarding the Motion, I believe the Motion was  
16 to deny the continuance and the Motion to deny the  
17 Application.

18 The second half of that, isn't that a question  
19 that we're going to deal with at the end of this  
20 proceeding?

21 CHAIRMAN HANSON: It's Mr. Hodgens' filing that  
22 I am dealing with, not the --

23 MR. SMITH: Not the substance of the  
24 Commission's -- it's just that you're not going to  
25 peremptorily deny it.

1 COMMISSIONER NELSON: Okay. Thank you.

2 With that, I certainly concur with the Motion.  
3 And I would just like to underscore one of the items that  
4 Ms. Koenig raised regarding the fact that the route has  
5 been modified since the original Application came in.

6 And it is clearly, I think, the desire of this  
7 Commission for any Applicant to take into account the  
8 testimony of landowners and people that are affected  
9 during the public process and make appropriate changes to  
10 the route to improve what may have been originally  
11 submitted.

12 The fact that the route modifications don't  
13 impact any additional landowners beyond what were  
14 originally notified I think is significant.

15 We've had another proceeding where it did impact  
16 additional landowners, and we had to go back and do some  
17 additional hearings because the changes were that  
18 substantive. And in this case that's not part of this.  
19 And so I support this.

20 And I would also indicate that, you know, this  
21 type of Motion coming, which ended up being posted with  
22 us at 5:15 last night, is clearly far, far too late,  
23 absent some kind of dramatic circumstance at the last  
24 moment, and there's no evidence of that.

25 CHAIRMAN HANSON: With that, is there any

1 further discussion on the Motion?

2 Hearing none, Commissioner Nelson.

3 COMMISSIONER NELSON: Aye.

4 CHAIRMAN HANSON: Commissioner Fiegen.

5 COMMISSIONER FIEGEN: Fiegen votes aye.

6 CHAIRMAN HANSON: Hanson votes aye.

7 The Motion carries.

8 Mr. Smith.

9 MR. SMITH: Thank you. With that, we'll  
10 proceed, I guess, to the heart of the matter.

11 We have pending a Joint Motion For Approval of  
12 Stipulation. I guess it's my thought that we should hold  
13 off on dealing with that until we've gone through the  
14 proceeding today.

15 It's in as an exhibit so we've got it, and it's  
16 on. But I think we should not deal with it in advance of  
17 hearing what the parties have to offer today, the parties  
18 that are in attendance.

19 And so, with that, I guess as far as that goes,  
20 I have not seen any conformed Stipulation as to  
21 admissibility.

22 Am I correct, Ms. Koenig and Ms. Cremer?

23 MS. CREMER: This is Karen Cremer of Staff.

24 And, yes, that's correct. We were -- met at  
25 8:30 this morning, and were anticipating that Mr. Hodgens

1 would be here and at that point we would agree.

2 I can tell you that Staff would stipulate to the  
3 admission of Black Hills' exhibits. Staff is not  
4 intending to put any exhibits in because the Settlement  
5 Stipulation is a part of Black Hills' exhibits.

6 MR. SMITH: Okay. Thank you.

7 Do you concur with that, Ms. Koenig?

8 MS. KOENIG: I do.

9 MR. SMITH: Okay. With that then, I think,  
10 Black Hills, we'll turn to your case. And, again,  
11 because there's nobody here but you, I think we can keep  
12 it relatively a summary, and then we'll proceed with  
13 Commissioner questions, et cetera.

14 How is that?

15 MS. KOENIG: Perfect. Thank you.

16 MS. CREMER: I'm just going to interrupt for a  
17 minute. Do you want to know the status of the  
18 Interveners that I know of? You didn't ask about any of  
19 them that had intervened, and I didn't know if you  
20 wanted --

21 MR. SMITH: Sure. Go ahead. I guess since  
22 they're not appearing, I figured what's in the record is  
23 in the record.

24 MS. CREMER: Right. And we hadn't -- so if you  
25 want, I did send out an e-mail to all of them asking them

1 if they wanted to sign the Settlement Stipulation or if  
2 they were anticipating participation today.

3 We did not hear back from Ruby Matejcik. I'm  
4 sure that's not even close. GCC, Barbara Lewis,  
5 Mike Lewis, and Robert Varilek took no position on the  
6 Settlement Stipulation. They are not going to sign it,  
7 but they took no position opposing or agreeing.

8 Dave Riemenschneider and Barton Banks stated  
9 that they are not opposed to the Commission approving the  
10 Settlement Stipulation. However, they were not going to  
11 sign it.

12 And Victoria Leonard and Steve Vadney stated  
13 that they were opposed to the Settlement Stipulation but  
14 would not be appearing today.

15 And then J. Hodgens it was my understanding  
16 would appear today but has not.

17 And I believe that takes care of everyone.  
18 Thank you.

19 MR. SMITH: Okay. As far as Staff goes, can we  
20 proceed with Black Hills' case in chief?

21 MS. CREMER: Yes. I would agree.

22 MR. SMITH: Ms. Koenig, do you want to offer  
23 your exhibits and then proceed with a summary, calling  
24 your witness and going through it?

25 MS. KOENIG: Yes. Thank you.

1           Black Hills Power offers BHP Exhibit Nos. 1  
2 through 14.

3           MR. SMITH: Is there any objection?

4           MS. CREMER: Staff has no objection.

5           MR. SMITH: With that, Black Hills Exhibits 1  
6 through 14 are admitted into evidence.

7           MS. KOENIG: Black Hills Power is appearing  
8 before the Commissioners today on its Application for a  
9 siting permit to construct a 230 kV transmission line and  
10 the associated substation modifications that will be  
11 required for that proposed facility.

12           Black Hills Power filed an Application that  
13 satisfied the requirements of SDCL 49-41B-11, 49-41B-22,  
14 and the applicable sections of South Dakota  
15 Administrative Rule Chapter 20:10:22.

16           Following the filing of its Application,  
17 Black Hills Power responded to discovery requests of  
18 Staff, and those responses have been made part of the  
19 record in this case.

20           Black Hills Power is appearing today through a  
21 single witness, Mike Fredrich, who is the Director of  
22 Engineering Services.

23           If the Commission would like, I can call Mike to  
24 the stand to provide a brief summary of the project and  
25 any modifications that have been made since the public

1 comment hearing.

2 MR. SMITH: I think that would be appropriate.  
3 Why don't you call him.

4 (The witness is sworn by the court reporter.)

5 DIRECT EXAMINATION

6 BY MS. KOENIG:

7 Q. Please state your name for the record.

8 A. Michael J. Fredrich.

9 Q. What is your professional title?

10 A. Director of Engineering Services.

11 Q. What are your job responsibilities as Director of  
12 Engineering Services?

13 A. My responsibilities include the oversight of the  
14 engineering design and construction of the major  
15 transmission and distribution projects for Black Hills  
16 Corp, which includes Black Hills Power & Light.

17 Q. Please describe your involvement with the proposed  
18 transmission project that's before the Commission today.

19 A. Again, my involvement has been directing and  
20 overseeing the project, which includes the permitting  
21 processes, managing my staff that are working on the  
22 project, and participating in some of the landowner  
23 negotiations with respect to easements.

24 Q. Please provide the Commissioners a status and  
25 overview of the project as it stands today.

1 A. As has been presented before, the project is  
2 145 miles, complete project from Teckla to Rapid City.  
3 Part of that project involves 45 miles of 230 kV line in  
4 the State of South Dakota.

5 The current status of that project is we continue to  
6 have landowner negotiations and discussions with respect  
7 to acquiring of easements. We continue to work on  
8 preliminary design aspects of the project as we sit here  
9 today.

10 Q. Please provide a summary of the modifications that  
11 the company has made to the route since the public  
12 comment hearing that was held on August 25.

13 A. As was discussed on August 25, there have been  
14 modifications to the route. Again, as previously noted,  
15 those modifications have not required any additional  
16 notification of additional landowners.

17 Those modifications included Mrs. Ruby Matejcik, I  
18 believe is how you might pronounce her name, in the  
19 Clinton area. And we were able to work with the Clinton  
20 ranch. And that modification moved the line further  
21 north away from her property. And we have gotten  
22 confirmation from her that she appreciated that we were  
23 able to make those adjustments and received that  
24 notification.

25 There have been additional modifications around the

1 Lange Substation, which is the eastern interconnection  
2 point for the project. Again, working with the  
3 landowners, largely the industrial landowners in that  
4 area, and fine-tuning the route as it relates to running  
5 the line along adjacent facilities in that area.

6 And then there have also have been discussions, as  
7 previously talked about, with respect to the Ponderosa  
8 Ridge. And we've continued to work and have discussions  
9 with those landowners. And we've taken the proposed  
10 route and modified it to limit those impacts -- or as we  
11 feel, to limit those impacts to those landowners,  
12 recognizing there still are landowners that do have  
13 property that we do need to cross.

14 MS. KOENIG: Thank you. That concludes my  
15 questions, and Mr. Fredrich is available for questions  
16 from the Commission or Staff.

17 MR. SMITH: Staff.

18 MS. CREMER: Staff does not have any questions.  
19 Thank you.

20 MR. SMITH: Commissioners. Mr. Chairman, do you  
21 want to lead Commissioner questions?

22 CHAIRMAN HANSON: Thank you, Mr. Smith. Any of  
23 the Commissioners have questions?

24 Commissioner Nelson.

25 COMMISSIONER NELSON: Thank you for coming here

1 today. Just a couple of questions.

2 In the Highway 44 area where you determined that  
3 you've got your existing 69 kV line and you're going to  
4 double circuit that as you go across the valley, I think  
5 that's a great answer for that unique area.

6 The question I've got is as you go east from  
7 there as you're 69 kV, and you're going to end up having  
8 two lines parallel, did you look at double circuiting all  
9 of that to prevent some destruction of the forest in that  
10 area and what the costs might have been to do that?

11 THE WITNESS: Commissioner, we have not looked  
12 at that with respect to double circuiting.

13 COMMISSIONER NELSON: Why?

14 THE WITNESS: That's a good question. That line  
15 was just recently -- I shouldn't say just recently.  
16 Relatively recently rebuilt. So that line is a new 69 kV  
17 line that we put into service -- forgive me. It's within  
18 the last 10 years. So that is a brand new 69 kV line.

19 Unfortunately, at the time when that line was  
20 built we did not have this need and this request that we  
21 have in front of us to bring additional power across our  
22 system. So, therefore, you know, we do have existing  
23 infrastructure that's brand new located there.

24 I would say that I believe Mr. Vadney raised the  
25 question as looking at a potential reroute of that line

1 in that area. A different crossing --

2 COMMISSIONER NELSON: And let me just stop you  
3 there. And I've read your all's response to that, and  
4 I'm absolutely good with your response to that. That's  
5 not my question.

6 It's simply going to the east there --

7 THE WITNESS: Yep.

8 COMMISSIONER NELSON: -- where, you know, you're  
9 going to end up destroying twice as much forest as you  
10 would otherwise.

11 THE WITNESS: Ideally, yes. But we will be in  
12 the same corridor, the same area, and that is an area  
13 where the Forest Service would also like us to be as well  
14 so.

15 COMMISSIONER NELSON: Okay. The second  
16 question, and this is going to one of Mr. Hodgens'  
17 proposed alternatives, are you familiar -- he's labeled  
18 on one of his filings something called the J Way, which  
19 are you familiar with that?

20 THE WITNESS: Yes, I am.

21 COMMISSIONER NELSON: And I believe in the  
22 public input hearing out in Rapid I asked this question  
23 or somebody did, why is that not being considered? I  
24 think the answer was it impacts more landowners than the  
25 current route that you're looking at.

1           Are there other considerations as to why that  
2 was not preferential to what we're currently looking  
3 at?

4           THE WITNESS: Again, looking at the impacts, the  
5 number of landowners was a consideration. We also have  
6 had conversations with those landowners on those proposed  
7 routes.

8           I believe Mr. Riemenschneider was at the public  
9 hearing and mentioned the fact that he wasn't opposed if  
10 we to run it on the section line of his property. We did  
11 follow up with Mr. Riemenschneider with respect to that.  
12 And we would have needed to acquire right of way on his  
13 property, and he indicated to us that he would not allow  
14 us to do that even.

15           And then we've had subsequent conversations with  
16 a couple of the additional landowners north of there, and  
17 they've also been opposed to the routing of the line on  
18 those properties too.

19           COMMISSIONER NELSON: So is there any  
20 engineering reason, or has this simply come down to which  
21 landowners are more opposed than others?

22           THE WITNESS: Well, it's a combination of  
23 looking at where we're exiting the Forest Service south  
24 of there. So we've been working with the Forest Service  
25 and looking where we can come off of their property and

1 exit off.

2           And we've also been in discussions with Hills  
3 Material, who is a landowner there just to the east, a  
4 property owner. And our conversations with them have  
5 indicated that, you know, the route that we are proposing  
6 is a route that would work for them. We are still in  
7 negotiations with them as it relates to that.

8           I think also Mr. Hodgins alluded to the fact  
9 on -- I think it's the Madison property. I believe  
10 that's the property just north of the Steele's, that, you  
11 know, that's a nice flat area.

12           COMMISSIONER NELSON: Yeah.

13           THE WITNESS: And he alluded to the fact that  
14 over on the Hills Material property it was more rough.

15           Well, typically those are the type of areas that  
16 we end up routing a lot of our lines are through those  
17 rough areas because that's where the landowners would  
18 prefer us to be so that we are not impacting those flat  
19 type areas.

20           So all of those combinations of things is --  
21 we've taken into consideration as we've looked at this  
22 route.

23           COMMISSIONER NELSON: Thank you.

24           I think the last question that I've got, and  
25 this is looking at the cut-across from the Forest Service

1 over to the Hills Materials Company -- or land where  
2 you're cutting across the very corner of Victoria Leonard  
3 and James Steele's property.

4 It seemed to me in an earlier map that that  
5 cut-across was located to the northeast where it would  
6 have gone maybe directly across the middle of  
7 Ms. Leonard's property. And what I'm seeing now as your  
8 final route is that you've pushed that to the southeast.

9 Is that correct?

10 THE WITNESS: That is correct.

11 The proposed route went through a larger portion  
12 of that section of property, and then there was a  
13 depiction of a route that cut the three corner lots of  
14 that area.

15 And since that time with discussions we've had  
16 in continuing to try to optimize and limit the amount of  
17 impacted property across Ms. Leonard's and Mr. Steele's,  
18 we have continued to push that line towards that corner.

19 I believe there's roughly 300 feet total that  
20 we'll be crossing across that corner. And there will be  
21 no structures on the Steele property or the Leonard  
22 property. We believe we can get structures located on  
23 the Forest Service and on Hills Materials, and it would  
24 just be a line crossing.

25 COMMISSIONER NELSON: And I'm assuming that's

1 about as far to the southeast as you can go without  
2 getting too close to Ms. Englund's house; is that  
3 correct?

4 THE WITNESS: That is correct.

5 COMMISSIONER NELSON: The only comment I would  
6 make is I was very pleased to see you move that to the  
7 southeast. I was greatly concerned with the first map  
8 where you're going right across the top of those  
9 properties so I think this is a very good move on your  
10 part.

11 I have no further questions.

12 MR. SMITH: Other Commissioner questions?

13 COMMISSIONER FIEGEN: I just want to follow up  
14 on Commission Nelson's question on Victoria Leonard's  
15 property.

16 Also she sent us a letter on November 3, I  
17 believe it was, and so it's kind of hard when she's not  
18 here and to figure out the evidence of her letter to us.

19 It talked about the Applicant being  
20 nonresponsive several times in that letter. Could you  
21 advise about that or tell us what you think that means?  
22 I'm sorry she's not here but --

23 THE WITNESS: And, again, I don't want to put  
24 words in her mouth, but I think we have been responsive  
25 to the responses that -- or the inquiries that she has

1 made.

2           There may have been some time period -- some  
3 time lapse, maybe a week or so, in a couple of those  
4 responses in getting back to her. But I believe we have  
5 responded to every one of her inquiries that she has  
6 inquired about.

7           I have not participated in all of those  
8 conversations, but I have been party to a couple of  
9 them.

10           COMMISSIONER FIEGEN: So are you the project  
11 manager, or is that Mark Carda?

12           THE WITNESS: Mark Carda is the project manager,  
13 that's correct.

14           COMMISSIONER FIEGEN: Why would it be that  
15 Mark Carda is not here today so we can ask him questions?  
16 Or is he?

17           THE WITNESS: Mark is here today.

18           COMMISSIONER FIEGEN: Oh, okay. And it -- have  
19 you guys worked with Victoria on the negotiations of her  
20 land easement?

21           THE WITNESS: We have been in conversations with  
22 Ms. Leonard, yes, and understand that she is at this  
23 point in time not wanting an easement across her  
24 property.

25           COMMISSIONER FIEGEN: I do appreciate just like

1 Commissioner Nelson that you have moved it some. And we  
2 can't decide on a route, as you know. The Public  
3 Utilities Commission can only vote yes or no and not  
4 decide on a route. So I certainly appreciate you moving  
5 that route some.

6 I just wanted to know about the nonresponsive  
7 and then how you deal with the property value or the  
8 reduced property value and how you work with that.

9 THE WITNESS: And that is an aspect that we're  
10 still going to have to continue to work with her on. I  
11 do not know where -- I do not know where it will end up,  
12 but we will -- our intent is to continue to have  
13 conversations.

14 COMMISSIONER FIEGEN: Thank you.

15 I'm going to look through my notes, Chairman,  
16 and see if I have any other questions, but that was my  
17 number one.

18 MR. SMITH: Thank you.

19 Commissioner Nelson.

20 COMMISSIONER NELSON: One additional comment is  
21 the line is running north-south on the Hills Material  
22 property. You're running parallel to the Steele property  
23 property line. You're to the east of where these  
24 potential development lots are, which I would anticipate  
25 is going to impact the view of those development lots.

1           Do you anticipate that the building of the  
2 line in that location will reduce the value of those  
3 development lots?

4           THE WITNESS: I have no knowledge that they  
5 would be reducing those values.

6           COMMISSIONER NELSON: No further questions.

7           MR. SMITH: Do you have another question,  
8 Commissioner Fiegen?

9           COMMISSIONER FIEGEN: No.

10          MR. SMITH: Chairman Hanson.

11          CHAIRMAN HANSON: I have just one question  
12 remaining after listening to my fellow Commissioners.  
13 And I appreciate their questions very much.

14                Does the line -- I'm having a little challenge  
15 with my computer this morning. Does the line cross  
16 Ruby Matejcik's property any longer?

17          THE WITNESS: No.

18          CHAIRMAN HANSON: Okay. That's what I had  
19 ascertained from -- I thought, from my maps, but I was  
20 having a challenge here.

21                Thank you very much, Mr. Chairman. Excuse me.  
22 I'm making you a Commissioner today.

23          MR. SMITH: Yay. I'm a politician.

24          COMMISSIONER FIEGEN: I do have another  
25 question. And I don't have the Settlement up, but the

1 last item on the Settlement talked about recreation  
2 areas.

3 And let me pull it up. But I just wanted you to  
4 expand on what that portion of that Settlement would all  
5 deal with. And I'm going to pull it up so I can continue  
6 to read that because I didn't think we'd be at questions  
7 quite yet.

8 So it's item No. 31. This is relatively new for  
9 us in a transmission siting, this portion of the  
10 Settlement. So could you kind of go through that with us  
11 a little bit.

12 THE WITNESS: My understanding of what's  
13 represented here is that, you know, anything that we  
14 would do or impact as it related to recreational trails  
15 through the forest or out in that type of scenario we  
16 would restore or reclaim as best we can back to its  
17 original state. I believe that's the intent of this  
18 language in this section.

19 COMMISSIONER FIEGEN: So will there be any  
20 recreational trails that will need to be closed or  
21 modified because of your route?

22 THE WITNESS: There may be some trails that we  
23 would have to utilize to gain access into the right of  
24 way, and those will be identified -- those will be  
25 identified as part of the process.

1 I do not know right now how many of those might  
2 be or how many there are currently that have been  
3 identified, but we will identify those as part of the  
4 process.

5 COMMISSIONER FIEGEN: So does that mean that you  
6 will be closing those down to the public during the  
7 construction phase of --

8 THE WITNESS: No. I don't think it's our intent  
9 to close them down. But as we would have construction  
10 activity going on in that area we would definitely want  
11 to monitor the traffic and be aware of the traffic on  
12 those type of trails.

13 But if it's a -- I guess if I would characterize  
14 it, it is a two track, ATV two track type trail in the  
15 Hills. We're not typically going to be running  
16 construction type equipment across a two track.

17 COMMISSIONER FIEGEN: Thank you.

18 MR. SMITH: Any additional Commissioner  
19 questions of Mr. Fredrich?

20 Staff, do you have any questions in follow up?

21 MS. CREMER: No. Thank you.

22 MR. SMITH: Ms. Koenig, do you have any  
23 redirect?

24 MS. KOENIG: I do not. Thank you.

25 MR. SMITH: I think you may step down then,

1 Mr. Fredrich.

2 Thank you.

3 THE WITNESS: Thank you.

4 (The witness is excused.)

5 MS. KOENIG: The company has no additional  
6 witnesses to offer today and this concludes its case in  
7 chief regarding the Application.

8 MR. SMITH: Thank you.

9 Staff.

10 MS. CREMER: Staff intends to support the  
11 Settlement Stipulation. Mr. Rounds and Mr. Kearney are  
12 here to answer questions. If you want them sworn in for  
13 some reason, we can do that. But I don't know how you  
14 want to address that.

15 MR. SMITH: Commissioners, do you have questions  
16 of Mr. Rounds or Mr. Kearney?

17 COMMISSIONER NELSON: Can I ask Staff counsel a  
18 question?

19 MR. SMITH: Yeah. Go ahead. Yeah.

20 This is not testimony; this is a question?

21 COMMISSIONER NELSON: Yes. That is correct.

22 And it's just to confirm, Ms. Cremer, my understanding.

23 We had received some comments from a Mike Sweet,  
24 and it is correct he is not a party to this Docket; is  
25 that correct?

1 MS. CREMER: That's correct.

2 COMMISSIONER NELSON: And his comments were  
3 in relation to property at least partly owned by  
4 James Steele.

5 James Steele is not a party to this Docket  
6 either; is that correct?

7 MS. CREMER: That's correct.

8 COMMISSIONER NELSON: Thank you.

9 MR. SMITH: Okay. With that, Staff has no case  
10 other than just acting in support of the Settlement  
11 Stipulation?

12 MS. CREMER: That would be correct.

13 MR. SMITH: Okay. Well, I think that concludes  
14 the evidentiary part of the hearing, unless Commissioners  
15 have something else that you want to do.

16 Commissioner Fiegen.

17 COMMISSIONER FIEGEN: I do have one question and  
18 I don't think it's available but just wanted to ask in  
19 case I missed it for Black Hills Power -- or Black Hills  
20 Corp.

21 Is there a map that shows the original proposed  
22 map in June 2030 [sic] and the final map of October  
23 whatever that was, 2?

24 MS. KOENIG: The original proposed route and the  
25 associated maps were filed with the Application, and then

1 the final route was submitted as supplemental responses  
2 to data requests.

3 COMMISSIONER FIEGEN: So the final route has the  
4 proposed June map on top of the final route?

5 MS. KOENIG: No, it does not.

6 COMMISSIONER FIEGEN: Because I can't find a map  
7 that shows kind of both so you can see the differences.

8 MS. KOENIG: There is no map that shows both the  
9 proposed route on June 30 and the final route. You would  
10 have to compare the two.

11 COMMISSIONER FIEGEN: Thank you. I just wanted  
12 to make sure I wasn't missing something. Thank you.

13 MR. SMITH: Other Commissioner questions or  
14 comments before we move on to what to do next?

15 CHAIRMAN HANSON: I just want to make certain I  
16 understand the duration of time which the Commission has  
17 to deal with this.

18 MR. SMITH: The last day -- if we're acting --  
19 if we assume that six months means six calendar months,  
20 then it's December 30 is the date by which we must render  
21 a decision by law.

22 If one takes the view that six months means  
23 rounded off 30 days per month, then it's December 27.

24 CHAIRMAN HANSON: All right. Thank you. And I  
25 would -- I'm comfortable in dealing with this in either a

1 Motion today or if Commission members would like to have  
2 some time to review any information, I'm comfortable in  
3 pursuing it from that standpoint since we have time to do  
4 that.

5 So I'd look for my fellow Commissioners to what  
6 your druthers are.

7 COMMISSIONER NELSON: I'm ready to move forward.

8 CHAIRMAN HANSON: Commissioner Fiegen.

9 COMMISSION FIEGEN: (Nods head.)

10 CHAIRMAN HANSON: Then I will make a Motion, and  
11 I'd appreciate it if my fellow Commissioners will correct  
12 me if it is inaccurately stated.

13 I will move that in Docket EL14-061 that the  
14 Commission approve the Joint Motion as presented by Staff  
15 and the Applicant for approval of the Docket.

16 Any question on that Motion or any discussion?

17 MR. SMITH: If I'm understanding it, your Motion  
18 is to grant the Joint Motion For Approval of Settlement  
19 Stipulation?

20 CHAIRMAN HANSON: That's correct.

21 MR. SMITH: Okay.

22 COMMISSIONER NELSON: And issue the permit.

23 CHAIRMAN HANSON: Correct.

24 MR. SMITH: And also approve the permit. Both.

25 CHAIRMAN HANSON: Correct.

1           Any -- yes. I assume that you -- I'll leave my  
2 comments to the end, and if anyone wishes to make  
3 comments at this time.

4           Commissioner Fiegen.

5           COMMISSIONER FIEGEN: First of all, it's a long  
6 process. Transmission and siting is a long process when  
7 you see that we started in June -- actually Black Hills  
8 Corp started in June 2010 and had three public meetings  
9 which really tried to involve the public.

10           And then, as you know, the PUC had our  
11 hearing -- or a public hearing in -- or public comment  
12 time actually in Rapid City in August. So we really try  
13 to make sure that the public's comments are heard.

14           It's disappointing today when Interveners that  
15 have intervened and have comments up to nearly the last  
16 day are not here today that we could ask questions and  
17 receive their comments and make sure that they're heard  
18 to the very end.

19           So as a Commissioner that's disappointing that  
20 the Interveners who have been very involved to the very,  
21 very end aren't here today. But I appreciate Black Hills  
22 Corp in how they have changed the route to reduce some of  
23 the residential people that would be affected.

24           It's different to have a transmission line that  
25 has about 36 miles on national forest and only 9 miles on

1 private property. Usually when we look at a transmission  
2 line in South Dakota we have many more miles of private  
3 property so we get many more comments, and it takes a lot  
4 of time.

5 But I appreciate Black Hills Corporation  
6 continuing to look at our grid and our generation and  
7 making sure that we are well positioned for the future  
8 and the Rapid City area is continued to be well  
9 positioned.

10 It's not always perfect. It's not always --  
11 doesn't make everybody happy. But, as you know, when you  
12 look at infrastructure it's something that we need to  
13 move forward with and try to eliminate as many people as  
14 we can yet -- or eliminate the people that we impact, but  
15 the impact is so large for our future. So I appreciate  
16 your help in making sure --

17 And I really appreciate the Staff. They've  
18 worked very hard, especially that they even looked at our  
19 recreational areas, which is new for me to see in a  
20 transmission stipulation. So I appreciate that they  
21 continue to look out for the public.

22 That's all, Mr. Chairman.

23 CHAIRMAN HANSON: Thank you.

24 Commissioner Nelson.

25 COMMISSIONER NELSON: I will support the Motion.

1 Just a couple of comments.

2 I'd like to reiterate my earlier comments of  
3 appreciation for the company, you know, listening to the  
4 input of affected landowners throughout this process and  
5 making changes to the initial route to address some of  
6 those concerns.

7 Obviously, when you're crossing private property  
8 not everybody is going to end up being happy at the end  
9 of the day, and that's just an unfortunate reality of  
10 this. But it appears to me that the company has done  
11 everything that they can to lessen those concerns.

12 And we anticipate that the company will continue  
13 to negotiate in good faith for the easements that remain  
14 to be had and that you will treat those landowners fairly  
15 as you move forward with those negotiations.

16 With that, I will support the Motion.

17 CHAIRMAN HANSON: Thank you.

18 When we had our public hearing on this, and I  
19 know we each took a considerable amount of notes, I was  
20 quite concerned with a variety of challenges.

21 One of them, as has been explained by my fellow  
22 Commissioners, the crossing of people's land and how that  
23 would affect their use of the land. And not just their  
24 value of the property but certainly their enjoyment of  
25 their own property.

1           And recognizing the quality of the Black Hills,  
2 a significant asset to not just our state but the entire  
3 nation and how it would affect the forest area. Looking  
4 at photos of the challenge of crossing the Black Hills is  
5 just extraordinary from a geological standpoint. And I  
6 appreciate the challenge that Black Hills Power was faced  
7 with.

8           I'm very, very pleased with the modifications  
9 that were made. I was apprehensive as to just how  
10 Black Hills Power was going to be able to meet the  
11 challenges that they had, knowing the physical barriers  
12 along with the challenges of making it right by the  
13 citizens and was very pleased with what I have seen, what  
14 you've accomplished in that respect.

15           We do very much want the Black Hills to continue  
16 working with the citizens. And I was just surprised that  
17 you were able to accomplish as much as you did, and I was  
18 amazed that some of the -- one person in particular was  
19 adamantly opposed to the line regardless apparently of  
20 where it went.

21           Electricity is essential for the area, and  
22 there was a question on whether the line was even  
23 necessary.

24           We recognize that it is necessary. We recognize  
25 that hundreds of thousands of people would be affected if

1 the line was not constructed. Not just the fact that  
2 there's -- not hundreds of thousands of people in  
3 Rapid City, but the fact that so many people visit and  
4 depend upon the electricity in that area.

5 So I have to say I appreciate the work that you  
6 did and that you'll continue to work with the landowners.

7 Any further questions -- or discussion, rather,  
8 on the Motion?

9 If not, Commissioner Fiegen.

10 COMMISSIONER FIEGEN: Fiegen votes aye.

11 CHAIRMAN HANSON: Commissioner Nelson.

12 COMMISSIONER NELSON: Aye.

13 CHAIRMAN HANSON: Hanson votes aye.

14 The Motion carries.

15 Mr. Smith, I believe that concludes the work  
16 today, unless there's something else that you're aware  
17 of?

18 MR. SMITH: Parties, any thoughts?

19 To me, I think we're done.

20 MS. KOENIG: Black Hills Power has no other  
21 issues to bring before the Commission today.

22 MR. SMITH: Ms. Cremer, does Staff have anything  
23 else?

24 MS. CREMER: No. Staff does not. Thank you.

25 MR. SMITH: Okay. With that, I'm going to turn

1 it back to the Chairman to adjourn the hearing.

2 CHAIRMAN HANSON: Thank you, Mr. Smith, and  
3 thank you to all the parties for your participation.

4 And we do very much appreciate the public's  
5 participation. I thought that we might have some here  
6 today for additional information. Apparently Black Hills  
7 Power is doing a pretty good job of taking care of it.

8 I appreciate very much Staff's work on this and  
9 your participation in bringing it to the juncture that it  
10 is.

11 COMMISSIONER FIEGEN: Just a quick question of  
12 General Counsel.

13 CHAIRMAN HANSON: Yes.

14 COMMISSIONER FIEGEN: So how long will that  
15 order take? When can we expect approximately the Order?  
16 So we'll be done by December?

17 MR. SMITH: Yeah. I mean -- yes. I mean, given  
18 where we're at now is the -- pretty much the Stipulation  
19 is kind of governing here. You know, it's -- I've never  
20 been in this situation before so I'm going to say I think  
21 I can probably get the Order done within a week or so. I  
22 hope.

23 COMMISSIONER FIEGEN: So the Public Utilities  
24 Commission will be well in advance of the December 30?

25 MR. SMITH: Oh, yeah. I believe so, yes.

1 Unless something happens that we don't foresee at this  
2 point.

3 COMMISSIONER FIEGEN: Great. I appreciate that.

4 CHAIRMAN HANSON: Thank you, Mr. Smith, for  
5 conducting the meeting. We appreciate it.

6 And you folks please travel safe.

7 With that, is there a Motion?

8 COMMISSIONER NELSON: Move to adjourn.

9 CHAIRMAN HANSON: We have a Motion to adjourn.  
10 It's not debatable.

11 Commissioner Nelson.

12 COMMISSIONER NELSON: Aye.

13 CHAIRMAN HANSON: Commissioner Fiegen.

14 COMMISSIONER FIEGEN: Fiegen votes aye.

15 CHAIRMAN HANSON: Hanson votes aye.

16 The Motion carries.

17 (The hearing is concluded at 10:02 a.m.)  
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25

1 STATE OF SOUTH DAKOTA)

2 :SS CERTIFICATE

3 COUNTY OF SULLY )

4

5 I, CHERI MCCOMSEY WITTLER, a Registered  
6 Professional Reporter, Certified Realtime Reporter and  
7 Notary Public in and for the State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed  
9 shorthand reporter, I took in shorthand the proceedings  
10 had in the above-entitled matter on the 6th day of  
11 November, 2014, and that the attached is a true and  
12 correct transcription of the proceedings so taken.

13 Dated at Onida, South Dakota this 12th day of  
14 November, 2014.

15

16

17

18

Cheri McComsey Wittler,  
Notary Public and  
Registered Professional Reporter  
Certified Realtime Reporter

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