

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE APPLICATION OF)	ORDER ACCEPTING
MONTANA-DAKOTA UTILITIES CO. AND)	APPLICANTS' SCN
OTTER TAIL POWER COMPANY FOR A)	MITIGATION PLAN
PERMIT TO CONSTRUCT THE BIG STONE)	
SOUTH TO ELLENDALE 345 KV)	
TRANSMISSION LINE)	EL13-028

On August 23, 2013, Montana-Dakota Utilities Co., a division of MDU Resources, and Otter Tail Power Company (Applicants) filed an application for a permit to construct a 345 kV transmission line of approximately 150 to 160 miles in Brown, Day, and Grant counties to the Big Stone South Substation in Grant County, South Dakota, near Big Stone City (Project). On August 26, 2013, the Commission issued a Notice of Application; Order for and Notice of Public Input Hearings; Notice of Opportunity to Apply for Party Status (Order). On August 29, 2013, the Commission electronically transmitted the Order and the intervention deadline of October 22, 2013, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On September 6, 2013, Applicants served the Order by certified mail on all landowners within a half mile of the Project. On September 13, 2013, the Commission served the Order on the governing bodies of all counties and municipalities in the project area, and notices of the public hearings were published in project area newspapers as provided in SDCL 49-41B-5.2 and 49-41B-15. On September 13, 2013, the Commission issued an Order Assessing Filing Fee assessing a filing fee not to exceed the statutory maximum of \$360,000 with a minimum fee of the statutory \$8,000 minimum. The public hearings were held as scheduled on October 17, 2013, in Aberdeen and Milbank.

On October 18, 2013, an Application for Party Status was filed by Gerald Pesall. On November 6, 2013, the Commission issued an Order Granting Intervention and Party Status to Gerald Pesall. On January 27, 2014, Applicants filed a First Amendment to Application. Due to Applicants having made some route changes in certain areas of the Project which resulted in some additional landowners who were not originally noticed coming within the half-mile Project corridor, on March 17, 2014, the Commission issued a second Notice of Application; Order for and Notice of Public Input Hearing; Notice of Opportunity to Apply for Party Status for an additional public input hearing to be held in Aberdeen on May 20, 2014, which hearing was held as scheduled. On April 14, 2014, Applications for Party Status were filed by James R. McKane III, Clark T. Olson, Schuring Farms, Inc., Bradley R. Morehouse, and Kevin Anderson. On May 1, 2014, the Commission issued an Order Granting Intervention and Party Status to James R. McKane III, Clark T. Olson, Schuring Farms, Inc., Bradley R. Morehouse, and Kevin Anderson.

On June 9, 2014, a Joint Motion for Approval of Settlement Stipulation and Settlement Stipulation was filed by Applicants and the Commission's staff (Staff). On June 10 and June 11, 2014, the evidentiary hearing was held as scheduled. On June 20, 2014, an Amended Settlement Stipulation between Applicants and Staff was filed. On August 22, 2014, the Commission issued a Final Decision and Order; Notice of Entry granting a permit to Applicants to construct the Project (Decision) in conformity with the terms and conditions set forth in the Amended Settlement Stipulation, but with provisions in addition to what was set forth in Condition 17 of the Amended Settlement Stipulation regarding mitigation of the risk of the

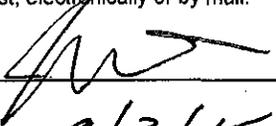
spread of soybean cyst nematode (SCN). On September 17, 2014, the Commission received Gerald Pesall's Notice of Appeal filed with the Fifth Judicial Circuit Court in Day County. On December 24, 2014, a Judgement affirming the Decision was issued by the Fifth Judicial Circuit Court. On January 19, 2015, Gerald Pesall filed a Notice of Appeal to the South Dakota Supreme Court. The case is pending in the Supreme Court.

On July 2, 2015, Applicants filed a Compliance with Condition 17: SCN Sampling and Mitigation Plan. On July 29, 2015, Applicants filed a Revised Exhibit 2 to the Mitigation and Sampling Plan. On July 31, 2015, Gerald Pesall filed Gerald Pesall's Objections to Applicants' Filing of Compliance with Condition 17: SCN Sampling and Mitigation Plan. On August 25, 2015, Gerald Pesall filed an Affidavit of Gerald Pesall Regarding Mitigation Activities and Gerald Pesall's Amended Objections to Applicants' Filing of Compliance with Condition 17: SCN Sampling and Mitigation Plan.

At its regular meeting on September 1, 2015, the Commission considered Applicants' submittals in compliance with Condition 17 of the Amended Settlement Stipulation as modified by the Decision. Finding that the Applicants Compliance with Condition 17: SCN Sampling and Mitigation Plan with Revised Exhibit 2 to the Mitigation and Sampling Plan conformed to the Commission's directive in Condition 17 of the Amended Settlement Stipulation as modified by the Decision, subject to Applicants' continued diligence in executing and monitoring the execution of the plan, the Commission voted unanimously to accept the Applicants' Compliance with Condition 17: SCN Sampling and Mitigation Plan with Revised Exhibit 2 as meeting the preliminary soil testing and plan preparation and submittal requirements of Condition 17 of the Amended Settlement Stipulation as amended by the Decision. It is therefore

ORDERED, that Applicants' Compliance with Condition 17: SCN Sampling and Mitigation Plan with Revised Exhibit 2 to the Mitigation and Sampling Plan is accepted by the Commission as meeting the requirements of Condition 17 of the Amended Settlement Stipulation as modified by the Decision.

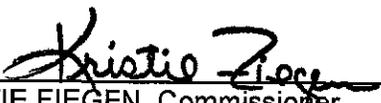
Dated at Pierre, South Dakota, this 3rd day of September, 2015.

CERTIFICATE OF SERVICE	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.	
By: _____	
Date: _____	9/3/15
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:



CHRIS NELSON, Chairman



KRISTIE FIEGEN, Commissioner



GARY HANSON, Commissioner