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EL13-028 - In the Matter of the Application of Montana-Dakota Utilities Co. and Otter Tail Power Company for a Permit to Construct the Big Stone South to Ellendale 345 kV Transmission Line

Date Filed: 08/23/13 ♦ Intervention Date: ~~10/22/13~~ 04/16/14 ♦ Pending

Also see [18CIV14000053](#)

Service List

Agendas:

[August 13, 2014, Agenda of Ad Hoc Commission Meeting](#)
[August 6, 2014, Agenda of Commission Meeting](#)
[April 30, 2014, Agenda of Commission Meeting](#)
[November 5, 2013, Agenda of Commission Meeting](#)
[September 10, 2013, Agenda of Commission Meeting](#)

Minutes:

[Minutes of August 13, 2014, Ad Hoc Commission Meeting](#)
[Transcript of August 13, 2014, Ad Hoc Commission Meeting \(EL13-028\)](#)
[Minutes of August 6, 2014, Commission Meeting](#)
[Transcript of August 6, 2014 Commission Meeting \(EL13-028\)](#)
[Minutes of April 30, 2014, Commission Meeting](#)
[Minutes of November 5, 2013, Commission Meeting](#)
[Minutes of September 10, 2013, Commission Meeting](#)

Click For Comments and Responses

Hearing:

Evidentiary Hearing:

The hearing shall be held commencing at 1:00 p.m., on Tuesday, June 10, 2014, and continuing at 8:00 a.m., on June 11 and 12, 2014, in Room ~~413~~ 414, State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota

- [Procedural Scheduling Order](#)
- [Order for and Notice of Hearing](#)
- [Prehearing Conference Order](#)
- [Order Changing Hearing Location](#)
- [June 10, 2014](#)
 - [Afternoon recording](#)
 - [Sign-In Sheet](#)
 - [Transcript](#)
- [June 11, 2014](#)
 - [Morning recording](#)
 - [Afternoon recording](#)
 - [Sign-In Sheet](#)
 - [Transcript](#)
- [Exhibits](#)

Public Input Hearing on the Application on Tuesday, May 20, 2014.

at 6:30 p.m. CDT in Meeting Room D & H, Ramada Aberdeen Hotel and Conference Center, 2727 Sixth Ave. SE, Aberdeen, S.D. 57401

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- Notice of Application; Order for and Notice of Public Input Hearing; Notice of Opportunity to Apply for Party Status
- Application for Party Status
- Sign-in Sheet Confidential (not available to the public)
- Recording
- Presentation by Otter Tail Power Co. and Montana-Dakota Utilities Co.
- Lyle Podoll's Letter
- Transcript
 - Exhibit 50 - Presentation by Otter Tail Power Co. and Montana-Dakota Utilities Co.
 - Exhibit 50A - Revised Potential Route Changes

Public Input Hearings on the Application on Thursday, October 17, 2013:

(1) at noon (12:00 p.m. CDT) in the Centennial Rooms of the Student Center on the campus of Northern State University, 1200 South Jay Street, Aberdeen, S.D.

(parking available without permit in the lot along Washington Street between 121th and 141th Avenues

Driving directions and map at <http://www.northern.edu/about/pages/directions.aspx>

and

<http://www3.northern.edu/flippingbook/campusmap2013/>)

- Notice of Application; Order for and Notice of Public Input Hearings; Notice of Opportunity to Apply for Party Status
- Application for Party Status
- Sign-in sheet Confidential (not available to the public)
- Recording
- Presentation
- Valuation Guidelines for Properties with Electric Transmission Lines distributed by Dean Podoll, Aberdeen, S.D.
- Comments, photos, maps from Dean Podoll, Aberdeen, S.D.
- Transcript of Public Input Hearing
 - Exhibit 1

(2) at 7:00 p.m. CDT in the Community Room of the Milbank Visitor Center, 1001 East Fourth Avenue, Milbank, S.D.

- Notice of Application; Order for and Notice of Public Input Hearings; Notice of Opportunity to Apply for Party Status
- Application for Party Status
- Sign-in sheet Confidential (not available to the public)
- Recording
- Presentation
- Transcript of Public Input Hearing
 - Exhibit 1

Orders:  Orders are in Adobe Acrobat *.pdf format

- Notice of Application; Order for and Notice of Public Input Hearings; Notice of Opportunity to Apply for Party Status
- Order Assessing Filing Fee
- Order Granting Intervention and Party Status (Pesall)
- Procedural Scheduling Order
- Notice of Application; Order for and Notice of Public Input Hearing; Notice of Opportunity to Apply for Party Status
- Order Granting Intervention and Party Status (James R. McKane III, Clark T. Olson, Schuring Farms, Inc., Bradley R. Morehouse, and Kevin Anderson)
- Order for and Notice of Hearing
- Prehearing Conference Order
- Order Changing Hearing Location

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- Final Decision and Order; Notice of Entry
 - Exhibit A

Filed Documents:

- 08/23/13 - Montana-Dakota Utilities Co. and Otter Tail Power Co.'s Application
 - Cover Pages
 - Application
 - Exhibit 1 - Project Overview
 - Exhibit 2 - Detail of South Dakota Facility
 - Exhibit 3 - Topography
 - Exhibit 4 - MISO MVP Project Map
 - Exhibit 5 - State and Federal Lands
 - Exhibit 6 - Bedrock Geology
 - Exhibit 7 - Quaternary Surficial Geology
 - Exhibit 8 - Water Resources
 - Exhibit 9 - Aquifers
 - Exhibit 10 - Land Cover
 - Appendix A - South Dakota Facility Description
 - Appendix B - MISO Studies
 - B.1 - Multi-Value Project Portfolio, Results and Analyses (Midwest ISO 2012)
 - B.2 - Northwest Exploratory Study completed during MISO Transmission Expansion Plan 2005 (Midwest ISO 2005)
 - B.3 - Regional Generation Outlet Study completed during MISO Transmission Expansion Plan 2009 and 2010 (Midwest ISO 2010)
 - B.4 - "Multi-Value Project Portfolio – Results and Analyses" paraphrased in MISO Transmission Expansion Plan 2011 (Midwest ISO 2011)
 - Appendix C - Agency Material Correspondence
 - Appendix D - South Dakota Soil Series Information
 - Appendix E - Native Habitats Classification Memorandum Confidential (not available to the public)
 - Appendix F - Bald Eagle Stick Nest and Sharp-Tailed Lek Survey Report Confidential (not available to the public)
 - Appendix G - Cultural Resources Level I Records Search Confidential (not available to the public)
 - Appendix H - Preliminary Transmission Structure Typical Drawings
- 08/23/13 - Motion to Schedule Prehearing Conference
- 08/23/13 - Notice of Appearance (Thomas Welk, Jason R. Sutton, Jennifer O. Smestad, Daniel S. Kuntz)
- 08/23/13 - Request for Confidential Treatment of Information
- 08/26/13 - Affidavit of Service
 - Notice of Application; Order for and Notice of Public Input Hearings; Notice of Opportunity to Apply for Party Status
- 09/11/13 - PUC Staff's Letter to Webster Reporter & Farmer regarding Notice of Public Hearing
 - Notice of Public of Hearing
- 09/11/13 - PUC Staff's Letter to Grant County Review regarding Notice of Public Hearing
 - Notice of Public of Hearing
- 09/11/13 - PUC Staff's Letter to Aberdeen American News regarding Notice of Public Hearing
 - Notice of Public of Hearing
- 09/13/13 - Affidavit of Service
 - Notice of Application; Order for and Notice of Public Input Hearings; Notice of Opportunity to Apply for Party Status
- 09/23/13 - Aberdeen American News' Affidavit of Publication
- 09/26/13 - Certificate of Service
 - Affidavit of Mailing of Landowner Notice Letter
 - Exhibit A - Letter to Landowners
 - Exhibit B - Landowners
- 10/08/13 - Webster Reporter & Farmer's Affidavit of Publication
- 10/08/13 - Aberdeen American News' Affidavit of Publication

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- Webster Reporter & Farmer's Affidavit of Publication
- Grant County Review's Affidavit of Publication
- Certificate of Service
- 10/11/13 - Aberdeen American News' Affidavit of Publication
- 10/11/13 - Grant County Review's Affidavit of Publication
- 10/18/13 - Gerald Pesall's Application for Party Status
- 10/21/13 - Montana-Dakota Utilities Co. and Otter Tail Power Company's Responses to Staff's First Data Requests Dated September 19, 2013
 - BSSE 1 - Exhibit 1 of Data Request 2 - Geologic Cross Section Big Stone South to Ellendale 345 kV Transmission Line Project - Map
 - BSSE 2 - Exhibit 2 of Data Request 2 - Geologic Cross Section Big Stone South to Ellendale 345 kV Transmission Line Project - Elevation Chart
 - BSSE 3 - Brown County Water Supply
 - BSSE 4 - Day County Water Supply
 - BSSE 5 - Grant County Water Supply
 - Exhibit BSSE 6 - Resources Providing Information for Water Supply Source
 - BSSE 7 - Exhibit 1 of Data Request 9 Preliminary Routes Big Stone South to Ellendale 345 kV Transmission Line Project
 - BSSE 8 - Sample Photograph
- Certificate of Service
- 12/17/13 - Transcript of Public Input Hearing (Aberdeen)
 - Exhibit 1
- 01/07/14 - Transcript of Public Input Hearing (Milbank)
 - Exhibit 1
- 01/27/14 - Amendment to Application Dated January 27, 2014
 - Certificate of Service
 - Amended Pages of Application - Redlined
 - Amended Pages of Application
- 03/17/14 - Notice of Application; Order for and Notice of Public Input Hearing; Notice of Opportunity to Apply for Party Status
 - Affidavit of Service
- 03/18/14 - Notice of Public Hearing
- 04/14/14 - Wiles & Rylance's Letter regarding Applications for Party Status
 - Application for Party Status (James R. McKane III)
 - Application for Party Status (Clark T. Olson)
 - Application for Party Status (Schuring Farms, Inc.)
 - Application for Party Status (Bradley R. Morehouse)
 - Application for Party Status (Kevin Anderson)
- 04/15/14 - Montana-Dakota Utilities Co. and Otter Tail Power's Request for Confidential Treatment of Information of Documents Produced in Response to Staff's Second Set of Data Requests and Certificate of Service
 - Montana-Dakota Utilities Co. and Otter Tail Power Company's Responses to Staff's Second Data Requests Dated March 10, 2014
 - 04/16/14 - Replacement Page 20 for Montana-Dakota Utilities Co. and Otter Tail Power Company's Responses to Staff's Second Data Requests Dated March 10, 2014 which was filed on April 15, 2014
 - Certificate of Service
- 04/16/14 - PUC Staff's Letter to Webster Reporter & Farmer regarding Notice of Public Hearing
 - Notice of Public Hearing
- 04/16/14 - PUC Staff's Letter to Grant County Review regarding Notice of Public Hearing
 - Notice of Public Hearing
- 04/16/14 - PUC Staff's Letter to Aberdeen American News regarding Notice of Public Hearing
 - Notice of Public Hearing
- 04/16/14 - Replacement Page 20 for Montana-Dakota Utilities Co. and Otter Tail Power Company's Responses to Staff's Second Data Requests Dated March 10, 2014 which was filed on April 15, 2014
- 04/23/14 - Aberdeen American News' Affidavit of Publication
- 04/25/14 - Direct Testimony
 - Direct Testimony of Gerald Pesall
 - Certificate of Service

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- Direct Testimony of Gregory Tylka and Certificate of Service
 - Gregory Tylka Resume
- 06/09/14 - Amended Certificate of Service
- 04/25/14 - Certificate of Service
 - Affidavit of Mailing of Landowner Notice Letter
 - Exhibit A - Letter to Landowners
 - Notice of Application; Order for and Notice of Public Input Hearing; Notice of Opportunity to Apply for Party Status
 - Map Showing Route Changes
 - Exhibit B - Landowners
- 04/25/14 - Montana-Dakota Utilities Co. and Otter Tail Power Co.'s Direct Testimony
 - Direct Testimony of Henry Ford
 - Exhibit 1 - Application
 - Exhibit 1 - Project Overview
 - Exhibit 2 - Detail of South Dakota Facility
 - Exhibit 3 - Topography
 - Exhibit 4 - MISO MVP Project Map
 - Exhibit 5 - State and Federal Lands
 - Exhibit 6 - Bedrock Geology
 - Exhibit 7 - Quaternary Surficial Geology
 - Exhibit 8 - Water Resources
 - Exhibit 9 - Aquifers
 - Exhibit 10 - Land Cover
 - Appendix A - South Dakota Facility Description
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 - B.3 - Regional Generation Outlet Study completed during MISO Transmission Expansion Plan 2009 and 2010 (Midwest ISO 2010)
 - B.4 - "Multi-Value Project Portfolio – Results and Analyses" paraphrased in MISO Transmission Expansion Plan 2011 (Midwest ISO 2011)
 - Appendix C - Agency Material Correspondence
 - Appendix D - South Dakota Soil Series Information
 - Appendix E - Native Habitats Classification Memorandum Confidential (not available to the public)
 - Appendix F - Bald Eagle Stick Nest and Sharp-Tailed Lek Survey Report Confidential (not available to the public)
 - Appendix G - Cultural Resources Level I Records Search Confidential (not available to the public)
 - Exhibit 1A - Amendment to Application
 - Exhibit 2 - Responses to Staff's First Data Requests
 - Exhibit 3 - Responses to Staff's Second Data Requests
 - Exhibit 4 - Responses to Gerald Pesall's First Set of Discovery Requests to Applicants
 - Exhibit 5 - Responses to Gerald Pesall's Second Set of Discovery Requests to Applicants
 - Exhibit 6 - Map of Preliminary Routes
 - Exhibit 7 - Landowner Request Form
 - Exhibit 8 - Map of Pesall Re-Route
 - Request for Confidential Treatment for Ford Exhibit 9
 - Exhibit 9 Confidential (not available to the public)
- Direct Testimony of Jason Weiers
 - Exhibit 10 - Attachment FF - Transmission Expansion Planning Protocol
- Direct Testimony of Angela Piner
 - Exhibit 11 - Affidavit of Mailing of Landowner Notice Letter Dated September 24, 2013
 - Exhibit 12 - Affidavit of Mailing of Landowner Notice Letter Dated April 22, 2014

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- Exhibit 13 - Updated Table 5 - Summary of Public, Agency, and Tribal Involvement Activities
 - Direct Testimony of Danny Frederick
 - Exhibit 14 - Curriculum Vitae
 - Direct Testimony of Jon Leman
 - Exhibit 15 - Curriculum Vitae
 - Certificate of Service
- 05/09/14 - Henry Ford Rebuttal Testimony
 - Certificate of Service
- 05/19/14 - Montana-Dakota Utilities Co. and Otter Tail Power Co.'s Presentation for Public Hearing on May 20, 2014
 - Certificate of Service
- 05/20/14 - Grant County Review's Affidavit of Publication
- 05/20/14 - Aberdeen American News' Affidavit of Publication
- 05/23/14 - Surrebuttal Testimony of Gregory Tylka
 - Map - Current Presence of SCN in Eastern South Dakota
 - Historic, Archived Documents
 - Certificate of Service
- 05/23/14 - Supplemental Rebuttal Testimony of Henry Ford
 - Certificate of Service
- 06/02/14 - Transcript from Public Input Hearing on May 20, 2014
 - Exhibit 50 - Presentation by Otter Tail Power Co. and Montana-Dakota Utilities Co.
 - Exhibit 50A - Revised Potential Route Changes
- 06/03/14 - Schuring Farms, Inc.'s Prefiled Exhibits
 - Exhibit 201 - 49-41B-4.4. Trans-State Transmission Facility--Eminent Domain--Acquisition of Fee in Land Contiguous to Right-Of-Way--Divestiture of Agricultural Land
 - Exhibit 202 - 49-41B-4.2. Trans-State Transmission Line--Criteria Required
 - Exhibit 203 - ARSD 20:10:22:12. Alternative Sites
 - Exhibit 204 - ARSD 20:10:22:18. Land Use
 - Exhibit 205 - ARSD 20:10:22:23. Community Impact
 - Exhibit 206 - ARSD 20:10:22:13. Environmental Information
- 06/03/14 - Applicants Montana-Dakota Utilities Co. and Otter Tail Power Company's Exhibit List and Certificate of Service
 - Exhibit 1 - Application
 - Exhibit 1 - Project Overview
 - Exhibit 2 - Detail of South Dakota Facility
 - Exhibit 3 - Topography
 - Exhibit 4 - MISO MVP Project Map
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 - Appendix F - Bald Eagle Stick Nest and Sharp-Tailed Lek Survey Report Confidential (not available to the public)

- Appendix G - Cultural Resources Level I Records Search Confidential (not available to the public)
 - Appendix H - Preliminary Transmission Structure Typical Drawings
- Exhibit 1A - Amendment to the Application
- Exhibit 2 - Responses to First Set of Staff Data Requests
- Exhibit 3 - Responses to Second Set of Staff Data Requests
- Exhibit 4 - Answers to First Set of Pesall Discovery
- Exhibit 5 - Answers to Second Set of Pesall Discovery
- Exhibit 6 - BSSE 9 - Map Showing Preferred Route
- Exhibit 7 - Route Change Request Form
- Exhibit 8 - Pesall's First Requested Route Change
- Exhibit 9 Route Change Matrix (BSSE 29- 31) Confidential (not available to the public)
- Exhibit 10 - MISO Tariff Attachment FF
- Exhibit 11 - Affidavit of Mailing for October 17 Public Input Hearing
- Exhibit 12 - Affidavit of Mailing for May 20 Public Input Hearing
- Exhibit 13 - Updated Table of Public Outreach
- Exhibit 14 - Danny Frederick CV
- Exhibit 15 - Jon Leman CV
- Exhibit 16A - Henry Ford Pre-filed Testimony Dated April 25, 2014
- Exhibit 16B - Henry Ford Pre-filed Rebuttal Testimony Dated May 9, 2014
- Exhibit 16C - Henry Ford Pre-filed Supplemental Rebuttal Testimony Dated May 23, 2014
- Exhibit 17 - Jason Weiers Pre-filed Testimony Dated April 25, 2014
- Exhibit 18 - Angela Piner Pre-filed Testimony Dated April 25, 2014
- Exhibit 19 - Danny Frederick Pre-filed Testimony Dated April 25, 2014
- Exhibit 20 - Jon Leman Pre-filed Testimony Dated April 25, 2014
- Exhibit 21A - Pesall Property Photograph - Looking North
- Exhibit 21B - Pesall Property Photograph - Looking South
- Exhibit 21C - Pesall Aerial Map
- Exhibit 22 - Morehouse and Schuring Aerial Map
- Exhibit 23 - June 3, 2014 Draft of Soybean Cyst Nematode Prevention Plan
- Exhibit 24 - Power Point Presentation for October 17, 2013, Public Input Hearing
- Exhibit 25 - Route Map Dated June 10, 2014
- Exhibits 26-49 - Reserved for future use
- Exhibit 50 - Power Point Presentation from May 20, 2014, Public Input Hearing
- Exhibit 50A - Revised Maps of Route Changes
- 06/05/14 - Gerald Pesall's Exhibit List
 - Certificate of Service
 - Exhibit 101 - Gerald Pesall Prefiled Direct Testimony
 - Exhibit 102 - Gregory Tylka Prefiled Direct Testimony
 - Exhibit 103 - Gregory Tylka CV
 - Exhibit 104 - Gregory Tylka Prefiled Surrebuttal Testimony
 - Exhibit 105 - 2014 SCN Distribution Map
 - Exhibit 106 - 1956 USDA Special Report on SCN
 - Exhibit 107 - 1998 Soybean Digest Special Report on SCN
 - Exhibit 108 - 1996 First Report of SCN in South Dakota
 - Exhibit 109 - 2007 SCN University Fact Sheet
 - Exhibit 110 - 1955 SCN Plant Disease Reporter
- 06/06/14 - Montana-Dakota Utilities Co. and Otter Tail Power Co.'s Letter regarding Commissioner Nelson's Inquiry During the May 20, 2014 Public Input Hearing
 - Henry Ford's Letter to Lyle and Catherine Podoll dated June 6, 2014
- 06/09/14 - Joint Motion for Approval of Settlement Stipulation (Montana-Dakota Utilities Co. and Otter Tail Power Company, and the Staff of the South Dakota Public Utilities Commission)
 - Settlement Stipulation
 - Certificate of Service
- 06/20/14 - Amended Settlement Stipulation (Montana-Dakota Utilities Co. and Otter Tail Power Company, and the Staff of the South Dakota Public Utilities Commission)
 - Redlined - Amended Settlement Stipulation (Montana-Dakota Utilities Co. and Otter Tail Power Company, and the Staff of the South Dakota Public Utilities Commission)
 - Certificate of Service

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- 06/20/14 - Schuring Farms' Email regarding Crop Insurance Policy
 - AgriDex's Fax
 - USDA's Article
- 06/26/14 - Schuring Farms' Insurance Policy Provisions
- 06/27/14 - Exhibit 111 - Pesall's Insurance Policy Provisions
 - Certificate of Service
- 07/09/14 - June 10, 2014, Transcript
- 07/09/14 - June 11, 2014, Transcript
- 07/11/14 - Schuring Farms' RCIS - MPCl Policy Review/Change Form
- 07/11/14 - Schuring Farms' Common Crop Insurance Policy
- 07/18/14 - Gerald Pesall's Post-Hearing Initial Brief
 - Certificate of Service
- 07/18/14 - Montana-Dakota Utilities Co. and Otter Tail Power Proposed Findings of Fact and Conclusions of Law
 - Proposed Order Granting Permit to Construct Facilities
 - Montana-Dakota Utilities Co. and Otter Tail's Motion for Leave to Submit Documentary Evidence
 - Exhibit 26 - Big Stone South to Ellendale 345kV Transmission Line Project Route Change Request Denial
 - Exhibit 26A - Map
 - Exhibit 301A - Amended Settlement Stipulation
 - Montana-Dakota Utilities Co. and Otter Tail Initial Post-Hearing Brief
 - Certificate of Service
- 07/18/14 - PUC Staff's Letter regarding Initial Post-Hearing Brief and Proposed Findings of Fact and Conclusions of Law
- 07/18/14 - Webster Reporter and Farmer's Affidavit of Publication
- 08/01/14 - Gerald Pesall's Post-Hearing Rebuttal Brief
 - Certificate of Service
- 08/01/14 - Montana-Dakota Utilities Co. and Otter Tail Power Company Post-Hearing Reply Brief
 - Certificate of Service
- 08/04/14 - Lyle Podoll's Email regarding Public Hearing on May 20, 2014
 - Lyle Podoll's Email regarding Public Hearing on May 20, 2014 Confidential (not available to the public)
 - PUC Staff's Response to Lyle Podell
 - PUC Staff's Response to Lyle Podell Confidential (not available to the public)
 - August 6, 2014, Agenda of Commission Meeting
- 08/11/14 - Motion to be Offered by Commissioner Nelson at the August 13 Ad Hoc Meeting
- 08/27/14 - Transcript of August 13, 2014, Ad Hoc Commission Meeting (EL13-028)
- 09/15/14 - Transcript of August 6, 2014 Commission Meeting
- 09/19/14 - Pesall's Email
 - 09/17/14 - Notice of Appeal
 - 09/17/14 - Certificate of Service
 - 09/19/14 - Amended Certificate of Service (this corrected the Certificate of Service filed on 9/17/14)