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September 25, 2014

**VIA E-MAIL AND  
FIRST-CLASS MAIL**

Honorable Jon S. Flemmer  
Day County Courthouse  
711 W. 1<sup>st</sup> Street #201  
Webster, SD 57274

Re: In the Matter of the In the Matter of the Transmission Permit for the Big  
Stone South to Ellendale Project (SD PUC Docket No. EL13-028)  
Day County Civ. 14-53  
Our File No.: 13054.000

Dear Judge Flemmer:

Our firm represents Otter Tail Power Company and Montana-Dakota Utilities Co., who are the applicants for a facility permit for the construction of a 345kV transmission line from Ellendale, ND to Big Stone, SD. The Public Utilities Commission of the State of South Dakota entered an order granting the facility permit. Intervenor Gerald Pesall has appealed that decision to Circuit Court in Day County. It is my understanding that this matter is assigned to you as Day County is one of the counties assigned to you.

It is also my understanding that your mother owns real property that is on the current proposed route for the transmission line and that your mother opposes the placement of the transmission line on her property. Because of this situation, we are respectfully requesting pursuant to SDCL 15-12-21.1 that you recuse yourself from presiding over the appeal. Please inform counsel whether you will voluntarily recuse yourself.

Respectfully yours,

BOYCE, GREENFIELD, PASHBY & WELK, L.L.P.

Thomas J. Welk

TJW/taj

cc: Bob Pesall  
John Smith