

## Individual Report for Docket Number : S.CT.27324

**Docket Title:**

Gerald Pesall vs Montana Dakota Utilities, Otter Tail Power, Schuring Farms Inc., Bradley Morehouse, SDPUC

**Open Date :** 01/20/2015**Close Date :** 11/09/2015**Days Open :** 293**Reopened Date :****Filing Type :**

S.CT.

**Tax ID # :****Attorney :**

JS

**Staff :****Date Of Final Decision :****Memo :**

### Primary Appeal Information

**Appeal Date :****Appellant :****Decision Date :****Appeal Location :****Current Status :****Description of Above Decision :**

### Secondary Appeal Information

**Appeal Date :****Appellant :****Decision Date :****Appeal Location :****Current Status :****Description of Above Decision :**

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### **Docket Notes :**

01/20/15 - Filed and Docketed - M:/puc/web/internet/dockets/civil/2015/suprct27324/filename.pdf  
01/20/15 - Notice of Appeal – M:/scnoticeofappeal.pdf  
01/20/15 - Order for Transcripts – M:/orderfor transcripts  
01/20/15 - Appellant's Docketing Statement M:/docketingstatement.pdf  
01/20/15 - Final Decision and Order  
Notice of Entry – M:/finalorder.pdf  
01/20/15 - Fifth Judicial Circuit's Judgment scjudgment.pdf  
01/20/15 - Certificate of Service – M:/certificateofservice.pdf  
01/26/15 - Certificate of Service – M:/certificateofservice012615.pdf  
01/29/15 - Appellant's Amended Docketing Statement – M:/amendeddocketstatement.pdf  
01/29/15 - Final Decision and Order  
Notice of Entry M:/order2.pdf  
01/29/15 - Judgment M:/judgment2.pdf  
01/29/15 - Certificate of Service – M:/certificateofservice012915.pdf  
02/09/15 - Fifth Judicial Circuit's Letter to Parties regarding Alphabetical and Physical Exhibit Indexes – M:/ltr020915.pdf  
03/02/15 - Appellant's Brief – M:/appeal.pdf  
03/02/15 - Appendix – Index – M:/index.pdf  
03/02/15 - 1. Exhibit 1: Application to the Public Utilities Commission of the State of South Dakota (relevant sections) – M:/1.pdf  
03/02/15 - 2. MISO Transmission Expansion Plan 2011 (Appendix B to the Application, relevant sections) – M:/2.pdf  
03/02/15 - 3. Transcript of Proceedings before the Commission, Volume I (June 10, 2014 evidentiary hearing, relevant sections) – M:/3.pdf  
03/02/15 - 4. Transcript of Proceedings before the Commission, Volume II (June 11, 2014 evidentiary hearing, relevant sections) – M:/4.pdf  
03/02/15 - 5. Exhibit 108: First Report of Soybean Cyst Nematode in South Dakota (December 21, 1995) – M:/5.pdf  
03/02/15 - 6. Exhibit 109: Soybean Cyst Nematode South Dakota Extension Fact Sheet (February, 2007, relevant sections) – M:/6.pdf  
03/02/15 - 7. Exhibit 102: Direct Testimony of Gregory Tylka (April 23, 2014, relevant sections) – M:/7.pdf  
03/02/15 - 8. Exhibit 301A: Amended Settlement Stipulation (June 18, 2014) – M:/8.pdf  
03/02/15 - 9. Exhibit 23: Soybean Cyst Nematode Mitigation Plan (un-dated) – M:/9.pdf  
03/02/15 - 10. Transcript of Proceedings before the Commission (August 6, 2014 hearing, relevant sections) – M:/10.pdf  
03/02/15 - 11. Final Decision and Order  
Notice of Entry (August 22, 2014) – M:/11.pdf  
03/02/15 - 12. Oral Argument Hearing Administrative Appeal (December 23, 2014, relevant sections) – M:/12.pdf  
03/02/15 - 13. Judgment by the Circuit Court (December 24, 2014.) – M:/13.pdf  
03/02/15 - 14. Findings of Fact, Conclusions of Law, and Decision and Order Denying Permit (Relevant sections of the Original PUC decision in the MANDAN case, January 14, 1982) – M:/14.pdf  
04/13/15 - PUC Appellee's Brief – M:/pucbrief.pdf  
04/13/15 - Appendix - Appendix Index – M:/pucappendixindex.pdf  
04/13/15 - 1. Order Granting Intervention and Party Status dated Nov. 6, 2013 – M:/puc1.pdf  
04/13/15 - 2. Transcript of Oral Argument Hearing Administrative Appeal (December 23, 2014, Circuit Court Hearing) – M:/puc2.pdf

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04/13/15 - 3. Exhibit 1: Application to the Public Utilities Commission of the State of South Dakota (relevant sections) - - M:/puc3.pdf  
04/13/15 - 4. Administrative Record - Alphabetical Index of CIV 14-53 - M:/puc4.pdf  
04/13/15 - 5. Affidavit of Service - (001040-001041) - M:/puc5.pdf  
  
04/13/15 - 6. Notice of Application  
Order for and Notice of Public Input Hearings  
Notice of Opportunity to Apply for Party Status dated August 26, 2013 (001042-001043) - M:/puc6.pdf  
04/13/15 - 7. Application for Party Status - Gerald Pesall (001477) - M:/puc7.pdf  
04/13/15 - 8. Exhibit 21A - Pesall Property Photograph - Looking North - M:/puc8.pdf  
04/13/15 - 9. Exhibit 21B - Pesall Property Photograph - Looking South - M:/puc9.pdf  
04/13/15 - 10. Exhibit 21C - Pesall Aerial Map - M:/puc10.pdf  
04/13/15 - 11. Order Granting Intervention and Party Status (003525) - M:/puc11.pdf  
04/13/15 - 12. Exhibit 2 - Responses to First Set of Staff Data Requests - M:/puc12.pdf  
04/13/15 - 13. Exhibit 3 - Responses to Second Set of Staff Data Requests - M:/puc13.pdf  
04/13/15 - 14. Exhibit 4 - Answers to First Set of Pesall Discovery - M:/puc14.pdf  
04/13/15 - 15. Exhibit 5 - Answers to Second Set of Pesall Discovery - M:/puc15.pdf  
04/13/15 - 16. Exhibit 16B - Henry Ford Pre-filed Rebuttal Testimony Dated May 9, 2014 - M:/puc16.pdf  
04/13/15 - 17. Exhibit 16C - Henry Ford Pre-filed Supplemental Rebuttal Testimony Dated May 23, 2014 - M:/puc17.pdf  
04/13/15 - 18. Exhibit 23 - June 3, 2014 Draft of Soybean Cyst Nematode Prevention Plan - M:/puc18.pdf  
04/13/15 - 19. Exhibit 301 - Settlement Stipulation - M:/puc19.pdf  
04/13/15 - 20. Transcript of Proceedings before the Commission, Volume I (June 10, 2014 Evidentiary Hearing, Relevant Sections) - M:/puc20.pdf  
04/13/15 - 21. Transcript of Proceedings before the Commission, Volume II (June 11, 2014 Evidentiary Hearing, Relevant Sections) - M:/puc21.pdf  
04/13/15 - 22. Senate Bill 62 - M:/puc22.pdf  
04/13/15 - 23. Notice of Application  
Order for and Notice of Public Input Hearings  
Notice of Opportunity to Apply for Party Status dated March 17, 2014 - M:/puc23.pdf  
  
04/14/15 - Appellee's Letter regarding Appellee's Brief - M:/ltr041315.pdf  
04/14/15 - Appellee's Brief - M:/appelleebrief.pdf  
04/14/15 - Appendix (no index) No. APP001 - APP047 - M:/appelleebrief.pdf  
04/16/15 - Supreme Court of South Dakota's Letter to PUC regarding Appellee's Brief - M:/ltr041615.pdf  
04/17/15 - Appellee's Letter regarding Revised Appellee's Brief - M:/ltr041615.pdf  
04/16/15 - Revised Appellee's Brief - M:/brief040615.pdf  
04/17/15 - Revised Appendix- Index - M:/index041615.pdf  
04/17/15 - App 1 - Circuit Court's Judgment - M:/appendix1.pdf  
04/17/15 - App 2 - Final Decision and Order- Notice of Entry - M:/appendix2.pdf  
04/17/15 - App 3 - Exhibit 301A, Amended Settlement Stipulation - M:/appendix3.pdf  
04/17/15 - App 4 - Oral Argument Hearing Administrative Appeal - M:/appendix4.pdf  
04/24/15 - Appellant's Reply Brief M:/ltr042415.pdf  
05/11/15 - Appellee's Letter to Clerk of Court regarding Motion to Affirm - M:/ltr051115.pdf  
05/11/15 - Motion to Affirm - M:/motiontoaffirm.pdf  
05/11/15 - Certificate of Service - M:/certificateofservice051115.pdf

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05/18/15 - Gerald Pesall's Resistance to Motion to Affirm - M:/resistancemotiontoaffirm.pdf  
05/18/15 - Certificate of Service - M:/Certificateofservice051815.pdf  
06/16/15 - Order Denying Motion to Affirm Appeal - M:/denymotion.pdf  
08/18/15 - PUC's Notice of Appearance (Karen E. Cremer) - M:/noticeofappearance.pdf  
08/18/15 - Notice of Withdrawal of Attorney John Smith - M:/withdrawal.pdf  
08/18/15 - Certificate of Service - M:/certificateofservice081815.pdf  
11/04/15 - Supreme Court's Opinion - M:/opinion.pdf  
11/09/15 - Docket Closed - M:/close.pdf

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**Docket Synopsis :**