

IN THE SUPREME COURT
OF THE STATE OF SOUTH DAKOTA

Gerald Pesall,

Appellant,

Case No. 27324

v.

MOTION TO AFFIRM

Montana-Dakota Utilities, Otter Tail Power,
Schuring Farms, Inc., Bradley Morehouse, and
the South Dakota Public Utilities Commission,

Appellees.

Appellees, Montana-Dakota Utilities and Otter Tail Power Company, through their attorneys, respectfully move for entry of an order affirming the judgment of the Circuit Court because it is manifest on the face of the briefs and the record that Appellant Gerald Pesall's appeal is without merit pursuant to SDCL 15-26A-87.1. This motion is supported by the record and the appellate briefs previously submitted to the Court in the merits of this appeal.

Dated this 11th day of May, 2015.

/s/ Jason R. Sutton
Electronically Filed

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