

1	STATE OF SOUTH DAKOTA)	IN CIRCUIT COURT
) SS	
2	COUNTY OF DAY)	FIFTH JUDICIAL CIRCUIT
	* * * * *	* * * * *
3)
4	GERALD PESALL,) CIV. 14-53
	Appellant,)
5	VS.) ORAL ARGUMENT HEARING
) ADMINISTRATIVE APPEAL
6)
7	MONTANA DAKOTA UTILITIES, OTTER)
	TAIL POWER, SCHURING FARMS, INC.,)
8	BRADLEY MOREHOUSE, AND THE)
	SOUTH DAKOTA PUBLIC UTILITIES)
9	COMMISSION,)
	APPELLEES.)
10	* * * * *	* * * * *
11	<u>DATE & TIME:</u>	December 23, 2014
12		2:00 p.m.
13	<u>BEFORE:</u>	THE HONORABLE SCOTT P. MYREN
14		CIRCUIT COURT JUDGE
15		Brown County Courthouse
		Aberdeen, South Dakota 57401
16	<u>LOCATION:</u>	Brown County Circuit Courtroom
17		Brown County Courthouse
18		Aberdeen, South Dakota 57401
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1 Mr. Smith, can you hear me?

2 MR. SMITH: I can, Your Honor.

3 THE COURT: And did you want to make other
4 identifications on the record?

5 MR. SMITH: Well, I'm John Smith, commission counsel for
6 the South Dakota Public Utilities Commission representing
7 the South Dakota Public Utilities Commission this docket.
8 With me in the room today, and we're on speaker phone, is
9 Commissioner Chris Nelson. And that's it.

10 THE COURT: Thank you. And I'll just make sure on the
11 telephone line, was there any other party or any other
12 person that wished to appear before the Court on this
13 matter? If so, just speak up.

14 There are no other appearances being noted on the
15 record.

16 And there is a voluminous record here. I've had the
17 opportunity to review the entire record. And paying
18 particular attention, of course, to the evidentiary hearing
19 and the exhibits that were presented there. And I've also
20 received various briefings from all the parties, which I've
21 had a chance to review.

22 So with the understanding that I've been through all of
23 that material, I will let each of the counsel make their
24 argument. And then as I, I think I explained earlier, I
25 will go back around one additional time for each of the