

IN THE SUPREME COURT
OF THE STATE OF SOUTH DAKOTA

GERALD PESALL, Appellant

v.

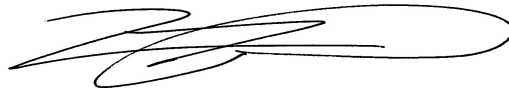
MONTANA-DAKOTA UTILITIES, OTTER
TAIL POWER, SCHURING FARMS, INC.,
BRADLEY MOREHOUSE, and the SOUTH
DAKOTA PUBLIC UTILITIES COMMISSION,
Appellees

GERALD PESALL'S RESISTANCE TO
MOTION TO AFFIRM

Case No. 27324

Appellant Gerald Pesall, through his attorney N. Bob Pesall, resists the Applicants' Motion to Affirm filed herein on May 11, 2015 and respectfully requests that this Court deny the same. The record and briefs previously submitted demonstrate that the appeal has merit. Further, because of the legal nature of the issues in this appeal, none of the grounds set out in S.D.C.L. 15-26A-87.1(A), upon which an appeal can be found "without merit" are present in this case.

Dated this 18th Day of May, 2015



N. Bob Pesall, Attorney
P.O. Box 23
Flandreau, SD 57028
(605) 573-0274
bob@pesall.com