

November 3, 2014

South Dakota Public Utilities Commission  
500 East Capitol Avenue  
Pierre, SD 57501

Re: In the Matter of the Application of Black Hills Power, Inc. for a Permit to  
Construct a 230 Kv Transmission Line from Northeastern Wyoming to the  
Rapid City Area in South Dakota  
Docket # EL-14-061

Comments of Victoria Leonard – intervening party  
Landowner off of Sunridge Road

Dear Public Utilities Commission:

I am writing to comment on the settlement agreement reached with Black Hills Power and Light (“BHP”). I understand the Public Utilities Commission (“PUC”) has no authority as to the placement of the route of the proposed powerline. I also understand I have a right to make comments on the settlement agreement and as to how the settlement agreement was reached.

I have written to the PUC before and I thank you for responding. BHP has not been as responsive. Yes, I have written earlier comments regarding easement concerns and I am aware that the placement of the route is the responsibility of the applicant, the Black Hills Power and Light.

However, BHP has not been responsive, and, in fact, the decision as to the final route was just made two months ago. The original application of BHP to the PUC indicated a completely different route. BHP has not stated why the route was drastically changed. The PUC has stated that placement of the route was reached after “interaction with landowners.” Black Hills Power and Light (“BHP”) may have discussed placement of the route with other landowners, but, had I not contacted them at the beginning of October, I’m not sure if or when they would have contacted me in regard to placement of the route. In other words, BHP decided on the location of the final route without much negotiation with the landowners. The landowners were forced to contact BHP. BHP did not contact them in reference to the placement,

I also know you have a responsibility to protect citizen’s rights, as elected officials. In this particular docket, I don’t believe you have protected the citizen’s rights. In Baltimore Gas and Electric co. v. Natural Resources Defense Council, Inc., the court stated the agency has a

duty to adequately consider and disclose the environmental impact of its actions and that its decision is not arbitrary. As the settlement agreement states, as of October 28, 2014, the date the agreement was signed, no Final Environmental Statement had been issued. BHP and the PUC do not even know at this point what requirements or mitigation measures need to be taken, and yet they have signed off on the application.

I am opposed to the granting of BHP's application to run a 230 Kv transmission line due to the fact that it will run right through a large residential district in the Black Hills, much of the line will go right through the Black Hills National Forest and result in the destruction of over 600 trees, and the fact that it appears to run right through Rapid City Proper ending at a substation located in Rapid City. I am wondering if the residents of Rapid City are even aware that this project is occurring.

Residents living near the construction site and the line itself will suffer economically, as well as there will be dangers to their health. Economically, they will suffer as just the fear itself of living near a power line will cause a significant decline in the value of their homes and resale value. The fear itself will depress the value. See Ryan v. Kansas City Power, 815 P.2d 528 (Kan. 1991). In that case, an expert witness testified that "People don't like the unsightliness of it [the power line], and then, of course, there is a latent fear." The court stated, "Accordingly, in a condemnation action to require an easement for installation of a high voltage electrical line we find evidence of fear in the marketplace is admissible with respect to the value of the property . . . If no one will buy a residential lot because it has a high voltage line across it, the lot is a total loss even though the owner has the legal right to build a house on it." South Dakota follows the same "majority rule." See Basin Elec. Power Coop. Inc. v. Cutler, 217 N.W.2d 789 (S.D. 1974). At this time, I know of at least 14 residences that are located within 150 feet of the power line.

There is also the very real danger present due to the electromagnetic fields generated by the power line. These are often difficult to estimate, as the field and its strength varies and increases as more power flows through the line. In April of 2007, the United Kingdom Department of Health advised that residences must be at least 197 feet away from the power line. The World Health Organization (WHO) also published a report in 2007 regarding potential health impacts. The WHO did fail to demonstrate a strict causation, but concluded that there was sufficiently strong impact to remain a concern and warrant further research should be done. The WHO report stated, "Epidemiological studies have consistently shown association between magnetic fields (above 3-4 milligauss – MG) and childhood leukemia.

Again, I believe the notice of the public hearing was only sent out to landowners living within 150 feet of the power line. Residents of Rapid City proper have not even been notified that this application has been granted.

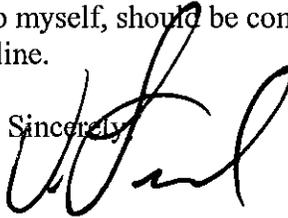
Also, in paragraph 16, it states Applicant shall notify the SWPPP when it has the final design for the project. This is confusing, as an attachment to the settlement clearly states that the route selected is the "final route."

Again, Applicant has been unresponsive during the siting project. This is something that I believe should be stressed in the agreement, that Applicant responds quickly to complaints during construction, not after the project is completed and that Applicant must obtain permission to enter private property on which the line will be run. To enter the private property for construction and to "rip out" trees for the ROW is "taking" and is protected under the United States Constitution.

In conclusion, my property value is being dramatically reduced by this powerline, and, to date, BHP has made no effort to contact me about an easement (contrary to paragraph 21, in which the language clearly states "easements are being negotiated") or to compensate me for the large loss I am incurring.

If the power line benefits the greater community, the losses it imposes on those landowners in close proximity, in addition to myself, should be compensated and agreements made prior to the construction of the power line.

Sincerely,



Victoria Leonard  
2020 Stanford Ave.  
Saint Paul, MN 55487  
Property owner off of Sunridge road  
Email: [vicki.leonard@hennepin.us](mailto:vicki.leonard@hennepin.us)  
(651) 699-4999 and (612) 348-8192

(A hard copy will also be sent by mail with affidavit of service)

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

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**IN THE MATTER OF THE APPLICATION OF  
BLACK HILLS POWER, INC. FOR A PERMIT  
TO CONSTRUCT A 230 KV TRANSMISSION  
LINE FROM NORTHEASTERN WYOMING TO  
THE RAPID CITY AREA IN SOUTH DAKOTA**

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**AFFIDAVIT OF SERVICE**

**EL-14-061**

I, Victoria Leonard, under oath, do swear, I hereby certify that a copy of the comments of Victoria Leonard to the above cited docket were served electronically, as well as by the United States mail on the following:

Public Utilities Commission  
500 East Capitol Ave.  
Pierre, SD 57501

[Puc@state.sd.us](mailto:Puc@state.sd.us)

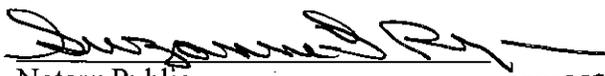
FURTHER AFFIANT SAYETH NOT.



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Victoria Leonard  
2020 Stanford Ave.  
Saint Paul, MN 55487  
(612) 348-8192  
(651) 699-4999  
Intervening Party

Subscribed and sworn to before  
me on this 3rd day of November, 2014.



Notary Public

