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June 6, 2014

Patricia Van Gerpen  
Executive Director  
Public Utilities Commission  
Capitol Building, 1st floor  
500 E. Capitol Ave.  
Pierre, SD 57501-5070

Re: In the Matter of the In the Matter of the Transmission Permit for the Big  
Stone South to Ellendale Project (SD PUC Docket No. EL13-028)  
Our File No.: 13054.000

Dear Ms. Van Gerpen:

Tom Welk asked me to respond to Commissioner Nelson's inquiry during the May 20, 2014 Public Input Hearing. Specifically, Commissioner Nelson asked "[s]o would it be correct that if a landowner wanted the line moved to the section line, you'd have to get a county variance?" (page 168, lines 6-9). We understand this inquiry to be specific to Brown County. Accordingly, in Brown County, a variance would be required where a landowner desires to have the Project constructed or erected closer to an improved public road than the applicable setback limitations require.

Pursuant to SDCL 31-18-2, thirty-three feet (33') on either side of the center line of all section line right-of-ways are dedicated to the public. Much of the Project's route in Brown County is located on property zoned "Ag Preservation." Pursuant to Section 4.0606 of Title 4 of the Brown County Ordinance, for property zoned "Ag Preservation," "[a]ll structures shall be set back not less than one hundred (100) feet from all improved public roads measured from road right-of-way." As such, a variance will be required if a landowner wanted a structure within one hundred thirty-three feet (133') of the center line of an improved public road.

A variance may be sought from the Brown County Planning and Zoning Board, pursuant to the County's zoning ordinances. (Sections 4.23, 4.24). A variance from the required setbacks will be granted "where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Title would result in unnecessary and undue hardship." (Section 4.0102).

Best regards,

BOYCE, GREENFIELD, PASHBY & WELK, L.L.P.

Gregg S. Greenfield

Cc: Thomas Welk, Jason Sutton, Jennifer Smestad, Dan Kuntz

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# BSSSE

## Big Stone South to Ellendale

June 6, 2014

Lyle & Catherine Podoll  
11957 390<sup>th</sup> Ave  
Westport, SD 57481

Re: Alternative Route

Dear Mr. & Mrs. Podoll:

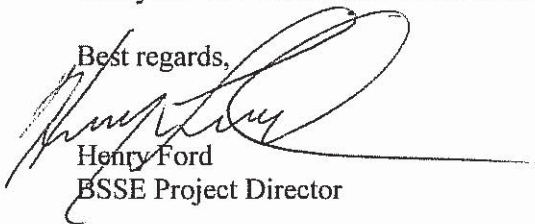
Thank you for your letter dated May 20, 2014. Based on your letter, I think that we can agree that the Project has made various attempts to address your concerns starting in the Fall of 2013 through our meeting on June 3, 2014. The Project values your input and appreciates your willingness to work toward finalization of the route.

Regarding your suggested route changes, the Project has reviewed such changes based on the same criteria utilized for the original route including the impact to other occupied homes, route alignment on the route corridor and the response of your neighbors. You were provided with a response to your initial request for a route change to the west and the south indicating the proposed route change was not acceptable based on impacts to other homes and the lack of support from other landowners.

In an effort to accommodate your concern that the line would be in the sight line of your new home and your son's home, the Project considered a route change to place the line behind your home and your son's home behind your tree belt in order to minimize visual impacts. At the May 22, 2014 hearing in Aberdeen you testified that the proposed tree belt route change was unacceptable and again suggested moving the line to the south across land owned by the Dennerts and Carol Ryberg and continuing to the south and then to the east. Once again, your proposed alternative places you at odds with landowners on the proposed southern route change who were opposed to your earlier proposed route change to the west and the south.

Based on the Project's original siting criteria and the lack of support for your proposed alternatives, the Project has submitted its original route to the PUC. This does not preclude further discussions on other route options, meeting our criteria, that may be identified. We look forward to continuing our discussions with you and look forward to a final resolution of this matter.

Best regards,



Henry Ford  
BSSE Project Director

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