

**From:** Chris Podoll[SMTP] [REDACTED]  
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Docket Number: EL13-028 Last Name: PODOLL First Name: LYLE Company: SELF Address: 11957 390TH AVE City: WESTPORT State: SD Zip: 57481-7002 Phone: 605-290-0735 Fax: Email: [LCPODOLL@NRCTV.COM](mailto:LCPODOLL@NRCTV.COM) Comments:

August 3, 2014

Public Utilities Commission

At the PUC hearing held in Aberdeen on May 20<sup>th</sup> Mr Smith made a comment that in many cases if a project were approved by the PUC, companies often will continue to work with landowners. This past few months Arnold Dennert, Carol Rydberg, and I have talked many times and we respectfully disagree with Mr Smith based on some of the things that have happened the past few months.

Arnold Dennert on sections 7 & 12 of Westport township is opposed to the original route as it comes close to his house. He is on board and has signed a form for inspection to see if his land is suitable for poles as long as the south route we all support is considered. Carol Rydberg is on board for the same reason. The original proposal, which she is against, places the poles 150' out onto her property on section 18 of Westport Township and the south route proposal would place the poles on the east edge of section 18, only 10' out onto her property. She also signed the form for property inspection based on consideration of the south route proposal which she supports. To the east of Carol Rydbergs is land owned by Schaunaman Family Farms who also are against the original proposal. They would have approximately 5 quarters involved with most having the poles 150' out on their property. Melvin Schanzenbach is the son-in-law of the Schaunaman family and leases all their farm property. Melvin indicated that the Schaunaman family would be in favor of the south route proposal as the majority of the line would involve overhang from Carol Rydbergs property vs 150' onto their land.

In a letter to me from BSSE dated June 6<sup>th</sup> of 2014 they indicated that "your proposed alternatives places us at odds with landowners on the proposed southern route" which might not be entirely accurate for the following reasons. Several months ago I visited with John Kippley who owns the land south of Carol Rydberg on section 19 of Westport Township. Even though he does not like the entire project John said he would consider taking the line to help those who would have it near their residences. Just a few short weeks ago I received a phone call from KLJ stating that they were told to "emphatically go to hell" on placing the line on that property. Arnold Dennert, Carol Rydberg and I then met

with John Kippley about the issue. We asked him if he told KLJ to go to hell. He stated that he felt the same as before, did not like the entire project, but would consider taking the line to help residences. In fact, the representative from KLJ had called and postponed their meeting, so John said he did not have the opportunity to tell them to "go to hell" even if he had wanted to. John still wanted to meet with KLJ so he called them to schedule another meeting. John also stated that he was willing to sign the form as Arnold and Carol did for KLJ to inspect the property for suitability. He did meet with them again, but they did not have the form along for him to sign. The other quarter in question on section 19 involved the Mincks family. They were all here this summer and we discussed the line issue. As they intend to sell the quarter to John Kippley they were also going to meet with KLJ along with John to discuss it. They also indicated they would sign the form for inspection of the property, but once again no form was brought to the meeting. It was also mentioned that there could be artifacts on some of this property so KLJ said they would not even consider looking at it. In reality there are also considerable artifacts on the Rydberg and Dennert property so why are they considering those locations? As you can see by cancelling meetings, making false "go to hell" statements and not showing up with forms for the landowners to sign is an indication of a feeble attempt to sabotage the proposed south route. Also just because a landowner makes the statement he does not favor the entire project is not an excuse to discontinue looking at the south route because many have made that statement, but indicated they would get on board if it were kept away from residences. With Dennerts, Rydbergs signing the form Kippley, and Mincks indicating they would sign inspection forms does not place us at odds with landowners as indicated in the BSSE letter of June 6<sup>th</sup>. Just because the PUC also received a copy of this letter does not mean it's factual. From the Mincks quarter on 2 ½ miles east there is an unimproved township line on 122<sup>nd</sup> St. of Garland Township that the township would make available to BSSE to assist in the south route proposal. I know of no landowners on that line that are in opposition if the line were to remain on the 66' right of way. KLJ is not letting the landowners know that the township road is available so land owners are assuming this line would run out onto their property. The South Dakota Association of Townships said it is common for utilities to run directly on those mile lines and there is no regulation to prevent it. There is also a local public utility line on part of the 2 1/2 miles and there is no law on the books that prevent two lines running parallel to one another. In fact, it is common practice for the local utilities to be buried if another company requests it. Small investment compared to the cost of this project. Just because BSSE "does not want" to run on the township line or just because BSSE "does not want to parallel" another line and just because KLJ "wants to wrongly interpret statements to kill the south proposal" the south proposal is still a viable option, all the PUC has to do is reject the line from north of Arnold Dennerts to the end of 122<sup>nd</sup> street. We know the PUC cannot tell them where to put the line, but if you tell them NO on the original route, the south route is still a good option even though they are looking for "excuses" and using incorrect information to both you and me to eliminate it for consideration. The alternate in reroute number two on the map can still be an option also, one more reason for the PUC to deny this portion of the original route.

I would like to discuss some of the issues we have gone through on the proposed reroute number two. This route would go through the land of Melvin Schanzenbach to the west, mentioned in paragraph two, on the north edge of my property, as well as Paul Dennert and Gordon Pierson to the east. In my letter to the PUC on May 20<sup>th</sup> I indicated that Arnold and Darlene Dennert, Carol Rydberg, and I had met with a representative from KLJ. Other than the comments he made in that letter he had also told us that Melvin Schanzenbach had called KLJ and wanted the line on his property. He wanted to save his in-laws, the Schaunamans from having to go through the stress of fighting the original proposed line. The KLJ representative stated on numerous occasions that Melvin "said he was taking it for the team" meaning the Schaunamans. We were also told that Paul Dennert and Gordon Pierson were on board. They both stated they would go along if Melvin and I signed on, but Gordon said he would prefer the south route. Arnold Dennert and I met with Melvin Schanzenbach about 3 weeks ago and asked him about calling KLJ and wanting the line to come through his land. Melvin was furious! When a different KLJ representative had called him about the proposed reroute he said the only advantage for him was it would go through two fewer quarters on the land he farms vs the original route. He did not call them, they called him, he did not say he would take it for the team, he left the conversation with KLJ that he was

not interested, and stated to Arnold and I he would sign a statement to that fact. Melvin asked Arnold and I if those false statements KLJ made about what he supposedly said was grounds for slander? During this same period this representative told Melvin that I was on board for the reroute. My comments are on record at the May 20<sup>th</sup> meeting and anything different would also be a false statement they made about me to Melvin. As late as Monday July 28<sup>th</sup> this representative called Melvin again and said he should still sign up for the reroute. Melvin also told her he was considering the false statements about what he said as slanderous. Why are they working on the reroute when the original proposal has been presented to the PUC? Apparently the PUC can deny this portion of the original proposal and we can discuss the reroute again, or the south proposal, but as you can see by the above tactics they have employed, and by some possibly slanderous statements we cannot trust that they will negotiate in good faith with honest facts if you approve the original route. In researching some information I was told by an employee of the State of South Dakota, before I had a chance to ask any questions, that it is common practice for utilities trying to come into the state to divide landowners or use them to get others to sign on. As you can see they told Arnold, Darlene, Carol and I Melvin was on board and they told Melvin that I was on board, which both are false statements. I don't believe we are the only ones this happened to.

On the subject of Eminent Domain it is my understanding it is a tool available to companies so a "small" percentage of people cannot stop a project for the public good that a "large" majority has agreed to. If the approximate percentage of 60 and 40 are correct, 60% is not a large majority and 40% is not a small percentage so approximately 40% would have to be taken to court. Is it common practice to take 40% to court? Is that what the State of South Dakota intended with Eminent Domain? Also on the "public good" does not pertain to the residents of South Dakota, but two out of state companies and recipients of the electricity to others far away are the major beneficiaries.

Two other topics for discussion are artifacts and the Dakota Skipper Butterfly. Two of the landowners to the east of me received phone calls a couple of weeks ago from KLJ wanting permission to come on their land to look for these butterflies. That was the first anyone here had heard of it. I called the SD GFP to obtain some information. They gave me the name of Dennis Skadsen as an expert. Dennis stated that the life span of this butterfly is very short in June or July. With the cold spring their span was from approximately July 1 through July 12<sup>th</sup> this year. Why this request came at the end of their life cycle is questionable with no time to do an accurate study. Regardless of anyone's stand on the status of this butterfly any study done now would not produce a butterfly. Why would not the PUC or the State require the facts on this species when it could be given due diligence instead of a lame approach to let the project proceed. Why are the study requirements on the books if no one intends to do the study when butterflies would be alive. Are the people doing the study hired by the power companies? Is the study unbiased and factual if not done during the life span? Same goes for artifacts. Who does the study? Who pays for the study? Is the study unbiased or paid for by the power companies? It is my understanding that any artifacts or remains found by the construction company must be reported and construction ceased. Who will see that this will happen? Who pays the construction company? Does the State of South Dakota have a representative involved that is unbiased and personally involved with all the above issues? Anything less is an insult to the Native American Community and those who are concerned about the endangered butterfly. No one wants to "create" these issues to stop the project, but doing inadequate studies or skirting the issue goes against the laws of this State and it's residents for the benefit of two out of state companies that probably care less about our culture or environment as they did not consider these issues at the beginning of this project.

Hopefully now you can understand our concern with Mr Smith's statement. We all feel that if you approve the original request from BSSE they will, with impunity, cram this project down our throats when there are two viable and better options available to keep it away from our homes. The three of you as representatives of this State know full well the honesty and integrity of the residents of South Dakota. If all the landowners in this area of the project had been treated with the same honesty and integrity we would not be pleading with you stop this portion of the original proposal. We

have found the comment that was made about these companies trying to divide us with false statements to be absolutely correct. The fact that we landowners have been in constant contact and compared notes we have found very little honesty and integrity in return. Many residents from other areas brought up the same problems at your PUC hearings. It has not been our intent to stop the entire project, but to ask the PUC to deny the original route from Arnold Dennerts to the end of 122<sup>nd</sup> St in Westport and Garland Townships because we know there are other options available. That is our request at this time, but suffice it to say some in our group have honestly stated they hope you stop the entire project at this time because of the way we have been treated.

If anyone from your office would like to follow up on the above information, any or all of us would be most glad to meet with you.

Thank you for your time, and please consider our request.

Lyle Podoll

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