



FIFTH JUDICIAL CIRCUIT COURT



JON S FLEMMER  
Circuit Court Judge

711 West 1st St., Suite #201 Webster, SD 57274-1362  
Phone # 605-345-3771 • Fax # 605-345-3818

CALLEEN MISTEREK RPR  
Court Reporter

September 26, 2014

Mr. Thomas J. Welk  
Boyce, Greenfield, Pashby & Welk, L.L.P.  
P.O. Box 5015  
Sioux Falls, SD 57117-5015

Re: In the Matter of the Transmission Permit for the Big Stone South to Ellendale Project (Day Co. Civ. #14-53)

Dear Mr. Welk:

I have received your e-mail and letter dated September 25, 2014, informing me of the filing of the above appeal in Circuit Court and informally requesting that I recuse myself from presiding over the appeal. Based upon this request and SDCL 15-12-21.1, I am going to disqualify myself from any action in this case.

I do not know what the current proposed route is for the line, as my mother was contacted by representatives on several occasions about a couple of different parcels of property. However, I do not believe it is accurate for you to say that she opposes the placement of the transmission line on her property. Based on where on her property the line was to be located, she was not prepared to agree to the terms proposed by the representatives at the time she was contacted without consulting with tenants and other family members.

By copy of this letter, together with a copy of your letter, I am notifying Presiding Judge Myren of my decision so that another judge can be assigned to the case. I believe that you will be notified by Judge Myren or the Court Administrator of the new judge assigned so that further proceedings can be scheduled.

Sincerely,

Jon S. Flemmer  
Circuit Court Judge

cc: file  
Presiding Judge Myren  
N. Bob Pesall

RECEIVED

SEP 29 2014

Per \_\_\_\_\_