

From: PUC
Sent: Wednesday, April 6, 2022 10:06 AM
To: [REDACTED]
Subject: HP22-001

Mr. Klassen,

The Public Utilities Commission does not have authority in law over easements or eminent domain, nor does it have routing authority. If you wish to pursue a change in law, that should be taken up with your legislators.

You ask about the criteria the commission must follow in considering a siting permit, and that is provided in [SDCL 49-41B-22](#).

49-41B-22. Applicant's burden of proof.

The applicant has the burden of proof to establish by a preponderance of the evidence that:

- (1) The proposed facility will comply with all applicable laws and rules;
- (2) The facility will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area. An applicant for an electric transmission line, a solar energy facility, or a wind energy facility that holds a conditional use permit from the applicable local units of government is determined not to threaten the social and economic condition of inhabitants or expected inhabitants in the siting area;
- (3) The facility will not substantially impair the health, safety or welfare of the inhabitants; and
- (4) The facility will not unduly interfere with the orderly development of the region with due consideration having been given the views of governing bodies of affected local units of government. An applicant for an electric transmission line, a solar energy facility, or a wind energy facility that holds a conditional use permit from the applicable local units of government is in compliance with this subdivision.

Chris Nelson, Chairman
South Dakota Public Utilities Commission
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