



## SPINK COUNTY COMMISSIONERS

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March 27, 2025

Public Utilities Commission  
500 E. Capitol Ave.  
Pierre, SD 57501-5070

Re: HP24-001

Dear PUC Commissioners,

The Spink County Commission respectfully requests that you consider our proposal when deciding HP24-001. Our request is based on the applicant's admission that the routing process will be significantly delayed, and the Commission's current timelines are unrealistic.

The applicant claims that its ability to survey has now changed with the passage of HB 1052, signed by the governor on March 6. We contend that the applicant's ability to survey changed on August 22, 2024, when the SD Supreme Court ruled that the applicant had not yet demonstrated that it was a common carrier. That court decision was remanded back to the circuit court, while also pausing all surveys without landowner permission.

While fully aware of the challenges of proceeding without all survey rights, the applicant still chose to proceed and apply for a PUC permit on Nov 19, 2024. It is Spink County's opinion that a route through South Dakota has been in serious question since August, thereby making this docket proceedings an undue burden on the landowners and taxpayers of Spink County, and South Dakota.

On February 12, 2025, Spink County was served an 11-page document consisting of Applicants Interrogatories, Requests for Production of Documents and Requests for Admission. Spink County was granted a one-week extension, which put the deadline for response on March 12, 2025. Many hours were spent by county staff and our attorneys producing the documents requested and answering the applicant's request on time. Ironically, the applicant asked to have the permit paused on March 12, 2025.

It is also Spink County's opinion that the 11-page request by the Applicant to Spink County was made with the applicant being fully aware that this docket continuing to proceed with no obvious route through South Dakota was unlikely. Spink County asks the PUC commissioners to strongly consider the intense emotional, physical, and financial stress placed upon South Dakota landowners, along with the extra burden on local governments and taxpayers by the applicant through their actions and these proceedings over the past several years. Therefore, Spink County respectfully requests that all attorney fees associated with the response to the applicant's interrogatory, document production, and admission, be reimbursed by the applicant. We will gladly provide a copy of our bill to prove the costs, at your request. Spink County would also request that the same consideration be given to other parties who may have incurred similar costs.

Thank you for your work serving the people of the Great State of South Dakota, and thank you for your consideration of our request.

Respectfully,

Handwritten signature of Brian Johnson.

Brian Johnson, Chairman  
Spink County Board of Commissioners

**EXHIBIT**

**A**