

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF  
MONTANA-DAKOTA UTILITIES CO. AND  
OTTER TAIL POWER COMPANY FOR A  
PERMIT TO CONSTRUCT THE BIG STONE  
TO SOUTH ELLENDALE 345KV  
TRANSMISSION LINE

GERALD PESALL'S AMENDED OBJECTIONS  
TO APPLICANTS' FILING OF COMPLIANCE  
WITH CONDITION 17: SCN SAMPLING AND  
MITIGATION PLAN

EL13-028

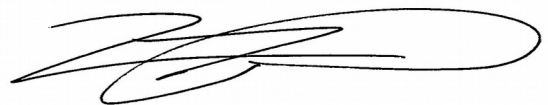
COMES NOW Gerald Pesall, through counsel, and submits the following amended objections to the acceptance of the Applicants' Filing of Compliance with Condition 17: SCN Sampling and Mitigation Plan upon the following grounds:

1. Gerald Pesall maintains his objection that permitting the Applicants to prepare their own mitigation plan is an improper delegation of the Commissions' authority, or in the alternative, that its consideration at this time conflicts with the twelve month decisional requirement under S.D.C.L. 49-41B-24.
2. Gerald Pesall objects on the grounds that the Applicants have not complied with the terms of the plan to-date, as set out in the Affidavit of Gerald Pesall Regarding Mitigation Activities filed and served herewith, and as required by the Commission's existing permit order and S.D.C.L. 49-41B-22(1).
3. Gerald Pesall further objects on the grounds that the filing is inadequate, incomplete, does not adequately address handling and disposal of soil extracted or removed from construction sites, and does not allow for third-party review of mitigation activities to ensure compliance.

Based on the foregoing, Gerald Pesall objects to the filing and requests that the Commission reject the same.

In the alternative, in order to facilitate enforcement of the mitigation plan, Gerald Pesall requests that the Commission direct the Applicants to provide notice of the contents of the mitigation plan, and access to relevant compliance records, upon request, to all affected landowners.

Dated this 25<sup>th</sup> Day of August, 2015



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