

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

In the Matter of the Transmission Permit for the
Big Stone South to Ellendale Project

EL13-028

**APPLICANTS' FILING OF
COMPLIANCE WITH CONDITION 30**

Applicants Otter Tail Power Company and Montana Dakota Utilities Co. ("collectively Applicants"), through their attorneys, respectfully submit this filing establishing their compliance with Condition 30 of the Amended Settlement Stipulation, which is incorporated by reference into the Commission's August 22, 2014, Order, of the facility permit for the Big Stone South to Ellendale Project ("the Project"). Condition 30 required Applicants to provide a report to the Commission providing the following information within 90 days of the Project's completion: (1) as built locations of structures and route, including drawings; (2) status of remedial activities for alleged road damage, alleged property damage, alleged environmental damage, or other alleged damage that resulted from construction activities; and (3) a summary of known Landowner complaints and the Applicants' response. This filing acts as the report satisfying this condition.

1. As built locations of structures and route, including drawings: Attached as Exhibit A are the plan and profile drawings depicting the as built locations of the structures and routes.

2. Status of remedial activities for alleged road damage, alleged property damage, alleged environmental damage, or other alleged damage that resulted from construction activities:

The following is a summary of the current status of the identified categories of potential construction damages and current remediation efforts:

- Regarding alleged road damage, the Project has worked to remediate any construction related road damages. Currently, all three counties—Grant, Day, and Brown—have signed releases indicating that the Project has fully mitigated any alleged road damage. Further, 40 of the 41 townships have signed the releases indicating that the Project has fully mitigated any alleged road damage. The Project has a verbal agreement with the remaining township and continues to work with the township to finalize the release.
- Regarding alleged property damage, the only known alleged property damage are crop damages arising from construction. Consistent with the Application, the Applicants are compensating landowners for construction crop damages. The current status of these crop damage negotiation is that 385 of the 413 parcels (93%) have accepted the monies offered by the Project to compensate the landowner for any crop damages. The Project continues to work with the remaining landowners to reach agreements regarding any crop damages.
- There are no known environmental damages or other alleged damages arising from constructing activities. However, the Project continues restoration and expect to meet all restoration requirements by late summer 2019.

3. A summary of know Landowner complaints and the Applicants' response:

Applicants understand this as referring to formal complaints to the Commission. The only formal complaint to the Commission of which Applicants are aware was a complaint by Brent Zimmerman. He communicated with the Commission Staff regarding several complaints in March of 2018. He complained that he did not get paid enough for his easement, that he was

upset about the location of the structures on his property, that he did not want the Project to improve a township road as requested by the township, that he was upset about the tree removal associated with the township road, and concerns about induced voltage. Prior to the formal complaint, the Project had worked both with Mr. Zimmerman for approximately 18 months to address his evolving concerns. After the complaint, the Project directly contacted Mr. Zimmerman in an additional attempt to address his concerns. Commission Staff was apprised of these efforts. To the best of the Project's knowledge at this time, Mr. Zimmerman's complaint has been fully addressed and resolved to the best extent reasonably possible. No further action was taken by the Commission Staff or Mr. Zimmerman regarding the complaint.

Throughout the construction, the Project engaged in frequent communications with Landowners to address landowner concerns, and the Project strived to work with Landowners to resolve any issues. None of these other issues resulted in a formal complaint to the Commission.

Dated 23rd day of April, 2019



Thomas J. Welk
Jason R. Sutton
BOYCE LAW FIRM, L.L.P.
P. O. Box 5015
Sioux Falls, SD 57117-5015
(605) 336-2424

Jennifer O. Smestad
General Counsel
Otter Tail Power Company
215 S Cascade St.
Fergus Falls, MN 56538-0496
(218) 739-8892

Daniel S. Kuntz
Associate General Counsel
MDU Resources Group, Inc.
P.O. Box 5650

1200 West Century Avenue
Bismarck, ND 58506-5650
(701) 530-1016

Attorneys for Montana-Dakota Utilities Co.
and Otter Tail Power Company

CERTIFICATE OF SERVICE

I, Jason R. Sutton, do hereby certify that I am a member of Boyce Law Firm, LLP, attorneys for Montana-Dakota Utilities Co. and Otter Tail Power Company and that on the 23rd day of April 2019, a true and correct copy of the foregoing and this Certificate of Service were served via email to the following addresses listed:

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
patty.vangerpen@state.sd.us

Ms. Karen Cremer
Staff Attorney
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
karen.cremer@state.sd.us

Mr. Brian Rounds
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
brian.rounds@state.sd.us

Mr. Darren Kearney
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
Darren.kearney@state.sd.us

Ms. Jennifer Smestad
General Counsel
Otter Tail Power Company
215 S Cascade St.
Fergus Falls, MN 56538-0496
jsmestad@ottertail.com

Mr. Daniel S. Kuntz
Associate General Counsel
MDU Resources Group, Inc.
P.O. Box 5650
1200 West Century Avenue
Bismarck, ND 58506-5650
dan.kuntz@mduresources.com

Ms. Maxine Fischer
Brown County Auditor
25 Market St., Ste 1
Aberdeen, SD 57401
maxine.fischer@browncounty.sd.gov

Ms. Sandra Raap
Day County Auditor
711 W. First St., Ste. 204
Webster, SD 57274
dcaud@itctel.com

Ms. Karen Layher
Grant County Auditor
210 E. Fifth Ave.
Milbank, SD 57252

Mr. Bob Pesall - Representing: Gerald Pesall
Law Firm
PO Box 23
Flandreau, SD 57028

karen.layher@state.sd.us

Mr. James R. McKane III
41697 139th Street
Andover, SD 57422
jamesmavis@hotmail.com

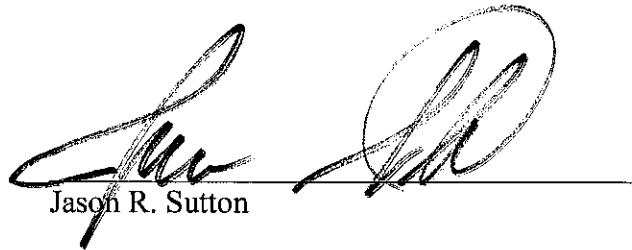
Mr. Randall Schuring
Vice President
Schuring Farms, Inc.
507 S. Second Street
Andover, SD 57422
schuringrl@hotmail.com

Mr. Kevin Anderson
100 S. First
Andover, SD 57422
kanderson@nvc.net

bob@pesall.com

Mr. Clark T. Olson
13926 417th Avenue
Andover, SD 57422
timolson@nvc.net

Mr. Bradley R. Morehouse
14026 416th Avenue
Andover, SD 57422
mhouse@nvc.net



Jason R. Sutton