

Mr. Hodgens:

This is in response to your email sent Nov. 7 regarding the Black Hills Power transmission line docket, EL14-061.

As you know, the commission held a hearing on Nov. 6, 2014 to consider the BHP transmission line requested by the utility's filed permit application on June 30, 2014.

Your email was shared with PUC Staff Attorney Karen Cremer who has been working on this docket. She stated she provided email responses to you regarding the hearing including preparation needed and equipment available, days in advance of the hearing. She believed from this that you intended to submit exhibits, attend and participate in the hearing.

You mention having trouble using the PUC e-filing system. Consumers who wish to submit information on dockets, but who do not have internet service, have inadequate service or have problems using electronic filing have other options such as submitting items via the U.S. Postal Service. E-filing instructions on the site give the commission's phone number to contact staff to receive instructions on filing via mail when necessary.

You state that one county commissioner (Pennington County) was unaware of the project. South Dakota Codified Law 49-41B-15(3) requires notice of the application and hearing be served upon governing bodies within the affected area. On July 7, 2014, the commission's counsel served the Pennington County Commission, the Rapid City Council, and the Pennington County Auditor the Notice of Application; Order for and Notice of Public Hearing; Notice of Opportunity to Apply for Party Status: <http://www.puc.sd.gov/commission/dockets/electric/2014/EL14-061/certificateofservice070714.pdf> On July 2, 2014, pursuant to SDCL 49-41B-15(5), BHP served the Pennington County Auditor with a copy of the application: <http://www.puc.sd.gov/commission/dockets/electric/2014/EL14-061/ltr070214.pdf>

You state that neighbor Gene Woodle, Esq. has not yet received notification of the project. There is evidence that on July 14, 2014, a public hearing notice was sent to Woodle by certified return receipt mail. It was returned to the sender as unclaimed. This is part of confidential Exhibit A on the PUC website, dated July 15, 2014.

You also state that BHP represented that Hills Material is owner of the land east of Jim Steele, whereas, it is Northwest Engineer Co. and that their CFO Dave Crabb indicated to you that the company did not formally receive notification. Attorney Cremer inquired about this notice of BHP and the utility responded that Hills Materials Company received notice delivered on July 14, 2014, signed for by James Burnham. Burnham with Northwestern Engineering also signed for that company's notice on the same date, July 14, 2014. Oldcastle Materials SD Inc.'s notice was delivered on July 15, 2014, and Carey Highland signed for it.

The commission has six months to process siting permit applications such as this one filed by BHP. That timeframe is defined by law enacted by the South Dakota Legislature, and the commission must stay on task to process an application such as this within that defined timeframe, including issuing the final commission order. The commission welcomes input and evidence from affected and interested landowners and consumers in the process.

If you have further questions as to the siting process, please provide them to Attorney Cremer. Your email and this response will be added to the EL14-061 docket.

Gary Hanson, Chairperson
South Dakota Public Utilities Commission
www.puc.sd.gov