



Gary Hanson, Chairman
Chris Nelson, Vice Chairman
Kristie Fiegen, Commissioner

South Dakota
**PUBLIC UTILITIES
COMMISSION**
500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.puc.sd.gov

(605) 773-3201

Consumer Hotline
1-800-332-1782

Email
puc@state.sd.us

August 8, 2019

Miles Schumacher
Lynn, Jackson, Shultz & Lebrun, P.C.
110 N. Minnesota Ave., Suite 400
Sioux Falls, SD 57104

SD PUC Commission Staff
500 E Capitol Ave
Pierre, SD 57501

RE: EL 15-020

Dear Mr. Schumacher and Commission Staff:

During the August 6 Commission meeting regarding EL15-020 I made some comments relating to decommissioning conditions in the permit. Subsequent analysis of the decommissioning conditions leads me to believe that there may have been an inadvertent oversight in the stipulated language in Condition 32 which has the potential to reek significant havoc years down the road if not rectified.

Condition 32 states, "Before commencing construction, the Applicant shall furnish a bond in the amount of \$5,000,000 to comply with the requirements of ARSD 20:10:22:33.01. Such bond shall be issued in favor of, and for the benefit of, all such townships, counties, and other governmental entities whose property is crossed by the transmission facilities."

It appears to me that in the listing of those who may benefit from the bond, if exercised, should necessarily include "participant landowners". While townships, counties, and other governmental entities may have an interest in decommissioning, primary interest will lie with the participant landowners. Should the permit holder fail to adequately decommission and the bond be exercised, participant landowners should most certainly have access to bond proceeds to pay for decommissioning of facilities on their property.

While I know of no mechanism to force the amendment of existing permit conditions no matter how flawed, I do feel that I can request the parties – applicant and commission staff – to voluntarily enter into a stipulation adding "participant landowners" or some comparable language to Condition 32.



Gary Hanson, Chairman
Chris Nelson, Vice Chairman
Kristie Fiegen, Commissioner

South Dakota

**PUBLIC UTILITIES
COMMISSION**

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.puc.sd.gov

(605) 773-3201

Consumer Hotline
1-800-332-1782

Email
puc@state.sd.us

Since the bond has not yet been obtained I see no additional burden to the permit holder in adding this language and hope that Lincoln Clean Energy and commission staff would agree to this additional stipulation.

Thank you for your consideration.

Sincerely,

Chris Nelson
Commissioner