

10/22/2026

Randy Schaefer

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Madison, SD 57042

South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

RE: EL26-028 - In the Matter of the Application of Otter Tail Power Company for a Facility Permit for the Big Stone South to Hankinson to Bison 345 kV Transmission Line Project.

**FORMAL OBJECTION TO PROPOSED POWER LINE CROSSING MY PROPERTY
— PRIVATE PROPERTY RIGHTS, LOSS OF REASONABLE USE, AND
IRREVERSIBLE IMPACT**

Dear Commissioners:

I submit this letter today as a formal objection to the proposed power line that would cross my 46.87-acre property. I respectfully request that the Commission give serious consideration to the fundamental property rights at stake, the extraordinary loss of future use this project would impose, and the permanent consequences of placing a second utility powerline across wild and unbroken land that is already encumbered by the current line and its easement.

I. THE RIGHT TO USE AND ENJOY MY OWN PROPERTY

My 46 acres of recreational land overlooking the untamed Whetstone Creek represents more than acreage on a map. It represents the ability to determine how my land is used, and whether we can one day build a home on the property.

Private property ownership must mean more than the right to pay taxes, maintain title, and continue bearing the financial responsibilities of ownership. It must also carry meaningful rights to use, enjoy, improve, and make reasonable future decisions about one's own land.

The proposed power line threatens those rights in a direct and substantial way. It would add an additional 150 feet of easement encumbrance onto my property that is already encumbered by the existing 120-foot utility easement.

II. THE LOSS OF THE ABILITY TO BUILD A HOME

One of my principal concerns is that the proposed power line would prevent us from building a home on this property.

This is not a minor inconvenience, an aesthetic objection, or a disagreement about the appearance of utility structures. It is the potential loss of a central and deeply important use of my land.

The ability to build a home is one of the most significant uses a property owner may reasonably wish to preserve. A 46-acre parcel should not be viewed simply as a fixed piece of ground that can be crossed by a utility corridor without meaningful consideration of the consequences. Its size, layout, natural condition, and potential building locations all matter.

If the proposed line, its required setbacks, safety restrictions, easements, access requirements, or related limitations eliminate my only feasible home site, the practical effect could be to deprive me of a major use of the entire property.

I ask the Commission to examine this issue as a substantive property-rights concern, not merely as a question of where a utility line can physically be placed.

III. A PERMANENT BURDEN ON MY LAND

All of my land there except the current power line with its 120' easement is wild and unbroken. That condition has value in itself, and preserving it is part of what makes this land important to me.

The proposed project would impose a lasting change on that condition. Depending on the final route, easement terms, access rights, and applicable restrictions, the project could affect not only the area directly beneath the line but also the practical use, development potential, and enjoyment of the surrounding property.

The Commission should not assume that impacts are confined to the narrow footprint occupied by poles, towers, or conductors. The consequences for an individual landowner may extend beyond that footprint, particularly when a proposed corridor interferes with the location of a future home or constrains the reasonable use of the parcel as a whole.

Once this infrastructure is installed and the associated property restrictions take effect, restoring the landowner's original freedom of choice may be difficult or impossible.

IV. THE PUBLIC INTEREST MUST BE WEIGHED AGAINST THE BURDEN ON INDIVIDUAL LANDOWNERS

I recognize that reliable electrical service is important. However, the public interest in utility infrastructure does not make the rights and interests of individual property owners irrelevant.

The Commission should carefully evaluate whether this particular route is necessary, whether reasonable alternative routes or configurations exist, and whether the proposed project places a disproportionate burden on my property when other options may be available.

A utility's need to construct a project should not automatically determine which private landowner must bear its consequences. Route selection should reflect a genuine assessment of alternatives, costs, environmental effects, property impacts, and the practical consequences for each affected owner.

I request that the Commission require a meaningful examination of whether this line can be routed or redesigned to avoid my property or, at minimum, to preserve a feasible location for a home and minimize interference with the remaining reasonable uses of the land.

V. REQUEST FOR SPECIFIC FINDINGS AND PROTECTION OF MY RIGHTS

I respectfully request that the Commission:

1. Fully consider the effect of the proposed line and all associated easements, setbacks, access rights, and restrictions on my ability to use and develop my 46 acre property.
2. Require the applicant to identify and substantiate any claim that the proposed route is necessary and that reasonable, less damaging alternatives are not feasible.
3. Evaluate the actual location of all feasible home sites before approving a route that could eliminate this use of my property.
4. Consider alternative routes or design changes that would avoid my property or preserve meaningful residential and other lawful uses.
5. Ensure that any applicable requirements concerning notice, evidence, landowner participation, route approval, and compensation are fully observed.
6. Preserve my ability to raise all applicable legal objections and pursue any remedies available under South Dakota law.

I further request that the Commission not treat the existence of a proposed utility corridor as an insignificant burden simply because I would continue to own the underlying acreage. Retaining title to land is not the same as retaining the practical freedom to use it.

VI. FORMAL OBJECTION AND RESERVATION OF RIGHTS

I formally object to the proposed route across my property and ask the Commission not to approve it without a thorough, evidence-based examination of its consequences for my property rights and future use.

I reserve all rights, claims, objections, and remedies available to me under applicable law, including any rights relating to the scope of a proposed easement, the necessity and location of the route, compensation for property interests taken or impaired, and any legally cognizable loss in property value or use.

Nothing in this letter should be construed as consent to an easement, voluntary surrender of property rights, or agreement that the proposed route is necessary or appropriate.

CONCLUSION

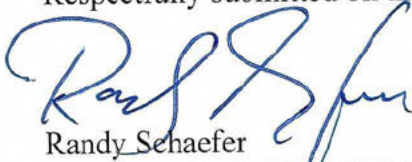
I will defend my rights as a property owner to preserve the ability to decide how this land will be used, including whether and where a home may be built, and how I am able to use this property my family has owned for about thirty years.

The proposed additional power line threatens to take away that freedom of choice and impose a permanent burden on land that I have the right to use and enjoy, subject to applicable law. The Commission should not dismiss that consequence as an incidental cost of a public utility project.

I respectfully urge the Commission to protect the integrity of the review process, scrutinize the proposed route, consider the full extent of the impact on my property, and reject or require relocation of the proposed line if a reasonable alternative can avoid this serious interference with my rights.

Thank you for your consideration of this formal objection. I request that this letter be included in the appropriate project record and that I be notified of any applicable procedures and deadlines for submitting further objections, evidence, or testimony.

Respectfully submitted on this date 10/22/2026,



Randy Schaefer









