



319 South Coteau Street
P.O. Box 280
Pierre, SD 57501

Phone: 605-224-5825
Fax: 605-224-7102
www.riterlaw.com

September 21, 2015

Patricia Van Gerpen
Executive Director
SD Public Utilities Commission
500 East Capitol
Pierre, SD 57501

HP14-002 - In the Matter of the Application of Dakota Access, LLC for an
Energy Facility Permit to Construct the Dakota Access Pipeline

Dear Ms. Van Gerpen:

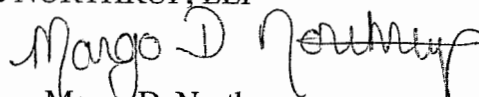
Attached for electronic filing, please find a Motion for Substitution of Witness
and Attachment A referencing the above stated matter. If you have any questions, please
contact me.

Thank you.

Very truly yours,

RITER, ROGERS, WATTIER
& NORTHRUP, LLP

By:


Margo D. Northrup

MDN-cd
Enclosure

Robert C. Riter, Jr
Margo D. Northrup

Darla Pollman Rogers
Lindsey Riter-Rapp

Jerry L. Wattier
Robert D. Hofer, Of Counsel

004897

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

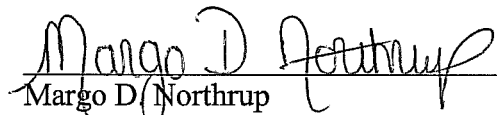
IN THE MATTER OF THE	)	DOCKET NO. HP14-002
APPLICATION OF DAKOTA ACCESS,	)	
LLC FOR AN ENERGY FACILITY	)	SOUTH DAKOTA ASSOCIATION
PERMIT TO CONSTRUCT THE	)	OF RURAL WATER SYSTEMS, INC.
DAKOTA ACCESS PIPELINE	)	MOTION FOR SUBSTITUTION OF
		WITNESS

MOTION FOR SUBSTITUTION OF WITNESS

COMES NOW South Dakota Association of Rural Water Systems, Inc. ("SDARWS") and hereby petitions the South Dakota Public Utilities Commission for permission to substitute its witness. On July 8, 2015, SDARWS filed Pre-filed testimony of Steve Harper. Steve Harper was the General Manager for WEB Water Development Association, Inc. ("WEB Water"). He filed his testimony on behalf of the seven rural water systems that will have waterlines crossed by Dakota Access Pipeline, LLC ("DAPL") in the state of South Dakota. Mr. Harper has recently left employment of WEB Water. SDARWS is requesting that it be allowed to substitute Mr. Harper with Dan Zulkosky, the Construction Administrator of Lewis & Clark Regional Water System ("Lewis & Clark"). Of the seven member systems of SDARWS, impacted by the DAPL project, Lewis & Clark is the only System that has not reached an agreement with DAPL. Attached hereto (Attachment A) is proposed pre-filed testimony of Mr. Zulkosky. SDARWS also requests that Mr. Zulkosky be allowed to testify on October 6th or 7th, 2015.

WHEREFORE, Petitioner requests that the Commission grant this Motion and allow SDARWS to Substitute its Witness and allow Mr. Zulkosky to testify on October 6th or 7th, 2015.

Dated this 21 day of September, 2015.


Margo D. Northrup
Riter, Rogers, Wattier & Northrup, LLP
319 S. Coteau – P.O. Box 280
Pierre, South Dakota 57501
605-224-5825
South Dakota Association of Rural Water
System, Inc.

IN THE MATTER OF THE APPLICATION
OF DAKOTA ACCESS, LLC FOR AN
ENERGY FACILITY PERMIT TO
CONSTRUCT THE DAKOTA ACCESS
PIPELINE

**PRE-FILED TESTIMONY OF
DAN ZULKOSKY**

COUNTY OF LINCOLN)

through 337 miles of pipeline to members in a roughly 5,000 square mile area. It is important to Lewis & Clark as well as all of our customers that have worked so hard in making Lewis & Clark the reality that it is today, that we maintain the integrity of our rural water system for generations to come.

Please state the purpose of your testimony in this proceeding:

With at least one crossing with DAPL, on behalf of Lewis & Clark, I have been negotiating in good faith to finalize a crossing agreement with DAPL. Most importantly, we are focusing on ensuring our drinking water supply in South Dakota remains protected to the best of our abilities.

Have you been working with Engineering Consultants to ensure that Lewis & Clark's waterlines re protected?

Yes, we are working with Banner Associates of Brookings, South Dakota.

What recommendations have been made to Lewis & Clark to ensure the waterlines are protected?

The waterline of Lewis and Clark is 54 inches in diameter and it is not possible to move this line. This puts Lewis and Clark in a unique situation from the other crossings of rural water lines. Our Engineers are working on a crossing agreement that will specify the engineering requirements necessary for this crossing.

Why is your testimony late-filed?

Steve Harper, recently left the employment of WEB Water.

Would you be available to present testimony and respond to questions during the formal hearing scheduled for September 29 through October 8, 2015?

Yes.

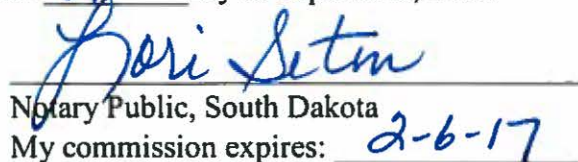
Does that conclude your testimony?

Yes.


Dan Zulkosky

Subscribed and sworn to before me this 21st day of September, 2015.




Notary Public, South Dakota
My commission expires: 2-6-17

CERTIFICATE OF SERVICE

I hereby certify that an original Motion for Substitution its Witness of the South Dakota Association of Rural Water Systems, Inc., filed in Docket No. HP 14-002, was served upon the SDPUC electronically, directed to the attention of:

Ms. Patricia Van Gerpen, Executive Director
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501

A copy was also sent by e-mail to each of the following individuals:

Ms. Kristen Edwards
Staff Attorney
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
Kristen.edwards@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

Mr. Brett Koenecke - representing Dakota Access, LLC
May, Adam, Gerdes and Thompson, LLP
PO Box 160
Pierre, SD 57501
Brett@mayadam.net

Ms. Kara Semmler - representing Dakota Access, LLC
May, Adam, Gerdes and Thompson, LLP
PO Box 160
Pierre, SD 57501
kcs@magt.com

Mr. Tom Siguaw
Senior Project Director - Engineering
Dakota Access, LLC
1300 Main Street
Houston, TX 77002
tom.siguaw@energytransfer.com

Mr. Keegan Pieper
Associate General Counsel
Dakota Access, LLC
1300 Main Street
Houston, TX 77002
keegan.pieper@energytransfer.com

Mr. Stephen Veatch
Senior Director - Certificates
Dakota Access, LLC
1300 Main Street
Houston, TX 77002
Stephen.veatch@energytransfer.com

Mr. Joey Mahmoud
Senior Vice President - Engineering
Dakota Access, LLC
1300 Main Street
Houston, TX 77002
Joey.mahmoud@energytransfer.com

Mr. Jack Edwards
Project Manager
Dakota Access, LLC
4401 S. Technology Dr.
South Suite
Sioux Falls, SD 57106
Jack.edwards@energytransfer.com

Ms. Jennifer Guthmiller
McPherson County Auditor
PO Box 390
Leola, SD 57456
mcpersonaud@valleytel.net

Mr. Keith Schurr
Edmunds County Auditor
PO Box 97
Ipswich, SD 57451
Keith.schurr@state.sd.us

Ms. Kelly Toennies
Faulk County Auditor
PO Box 309
Faulkton, SD 57438
Kelly.toennies@state.sd.us

Ms. Theresa Hodges
Spink County Auditor
210 E. Seventh Ave.
Redfield, SD 57469
spinkcoauditor@nrctv.com

Ms. Jill Hanson
Beadle County Auditor
Suite #201
450 Third St. SW
Huron, SD 57350
auditor@beadlesd.org

Ms. Jennifer Albrecht
Kingsbury County Auditor
PO Box 196
DeSmet, SD 57231
Jennifer.albrecht@state.sd.us

Ms. Susan Connor
Miner County Auditor
PO Box 86
Howard, SD 57349
minerauditor@minercountysd.org

Ms. Roberta Janke
Lake County Auditor
200 E. Center St.
Madison, SD 57042
lakeauditor@lakecountysd.com

Ms. Geralyn Sherman
McCook County Auditor
PO Box 190
Salem, SD 57058
Geraldyn.sherman@state.sd.us

Mr. Bob Litz
Minnehaha County Auditor
415 N. Dakota Ave.
Sioux Falls, SD 57104
blitz@minnehahacounty.org

Ms. Sheila Hagemann
Turner County Auditor
PO Box 370
Parker, SD 57053
turcoaud@iw.net

Ms. Marlene Sweeter
Lincoln County Auditor
104 N. Main St.
Canton, SD 57013
auditor@lincolncountysd.org

Ms. Lisa Schaeffbauer
Campbell County Auditor
PO Box 37
Mound City, SD 57646
campbellcommission@yahoo.com

Ms. Karla Engle
Special Assistant Attorney General
South Dakota Department of
Transportation
700 E. Broadway Ave.
Pierre, SD 57501-2586
karla.engle@state.sd.us

Mr. Scott Pedersen
Chairman
Lake County
200 E. Center St.
Madison, SD 57042
lakegovt@lakecountysd.com

Ms. Mavis A. Parry
3 Mission Mtn. Rd.
Clancy, MT 59634
mavisparry@hotmail.com

Mr. Manuel J. de Castro Jr.
Attorney
Lake County States Attorney
200 E. Center St.
Madison, SD 57042
lakesa2@lakecountysd.com

Mr. Steve Harper
General Manager
WEB Water Development Association, Inc.
PO Box 51
Aberdeen, SD 57402
sharper@webwater.org

Mr. Randy Kuehn
17940 389th Ave.
Redfield, SD 57469
rlkfarms@gmail.com

Mr. Jim Schmidt
Chairman
Lincoln County Board of Commissioners
104 N. Main, Ste. 110
Canton, SD 57013-1703
Auditor@lincolncountysd.org

Mr. Michael F. Nadolski - Representing
Lincoln County Board of Commissioners
Attorney
Lincoln County
Ste. 200
104 N. Main
Canton, SD 57077
mnadolski@lincolncountysd.org

Mr. Bret Merkle - Representing Pente
Farms, LLC; KKKP Property, LLLP;
Pederson Ag, LLC; Calvin Schreiber;
DLK&M, LLC; Jean Osthus; and Daniel &
Marcia Hoiland
Merkle Law Firm
PO Box 90708
Sioux Falls, SD 57109-0708
bret@merklelaw.com

Ms. Cindy Heiberger
Commission Chairman
Minnehaha County
415 N. Dakota Ave.
Sioux Falls, SD 57104
cjepson@minnehahacounty.org

Mr. Kersten Kappmeyer
Attorney
Minnehaha County
415 N. Dakota Ave.
Sioux Falls, SD 57104
kkappmeyer@minnehahacounty.org

Mr. Glenn J. Boomsma - Representing:
Peggy A. Hoogestraat, Kevin J.
Schoffelman, Linda Goulet, Corlis
Wiebers, Mavis Parry, Shirley Oltmanns,
Janice E. Petterson, Marilyn Murray,
Delores Andreessen Assid, Joy Hohn, and
Orrin E. Geide
Attorney
Breit Law Office, P.C.
606 E. Tan Tara Circle
Sioux Falls, SD 57108
glenn@breitlawpc.com

Ms. Peggy A. Hoogestraat
27575 462nd Ave.
Chancellor, SD 57015
gardengalpeggy@gmail.com

Ms. Marilyn J. Murray
1416 S. Larkspur Trl.
Sioux Falls, SD 57106
murrayma1@sio.midco.net

Ms. Teresa Sidel
City Administrator
City of Hartford
125 N. Main Ave.
Hartford, SD 57033
cityhall@hartfordsd.us

Ms. Linda Goulet
27332 Atkins Pl.
Tea, SD 57064
45Lgoulet@gmail.com

Ms. Kimberly Craven - Representing
Dakota Rural Action and Indigenous
Environmental Network (IEN)
3560 Catalpa Way
Boulder, CO 80304
kimecraven@gmail.com

Ms. Jennifer S. Baker – Representing
Yankton Sioux Tribe
Attorney
Fredericks Peebles & Morgan LLP
1900 Plaza Dr.
Louisville, CO 80027
Jbaker@ndnlaw.com

Ms. Joy A. Hohn
46178 263rd St.
Hartford, SD 57033
rjnhohn@gmail.com

Mr. Larry A. Nelson - Representing: City
of Hartford
Frieberg, Nelson and Ask, L.L.P.
PO Box 38
Canton, SD 57013
lnelson@frieberglaw.com

Ms. Linda Glaeser
Manager
Rocky Acres Land Investment, LLC
27324 91st Ave. E.
Graham, WA 98338
lglaeser@seattlecca.org
lmglaeser@wwdb.org

Mr. Dale E. Sorenson
Dale E. Sorenson Life Estate
45064 241st St.
Madison, SD 57042
a77man@msn.com

Ms. Sabrina King
Community Organizer
Dakota Rural Action
518 Sixth Street, #6
Rapid City, SD 57701
sabrina@dakotarural.org

Mr. Frank James
Staff Director
Dakota Rural Action
PO Box 549
Brookings, SD 57006
fejames@dakotarural.org

Mr. Douglas Sorenson
24095 451st Ave.
Madison, SD 57042
plowboy@svtv.com

Mr. Phillip Fett
PO Box 572
Lennox, SD 57039
vonfett529@gmail.com

Ms. Shirley M. Oltmanns
26576 466th Ave.
Sioux Falls, SD 57106
ssoltm@gmail.com

Mr. Craig L. & Ms. Dotta-Jo A. Walker
733 NE 15th St.
Madison, SD 57042
court_walker@hotmail.com

Ms. Diane Best
Attorney
City of Sioux Falls
224 W. Ninth St.
Sioux Falls, SD 57117-7402
dbest@siouxfalls.org

Ms. Janice E. Petterson
6401 S. Lyncrest Ave., Apt. 307
Sioux Falls, SD 57108
grmjanp@sio.midco.net

Mr. Paul A Nelsen
46248 W. Shore Pl.
Hartford, SD 57033
paul@paulnelsenconstruction.com

Ms. Debra K., Mr. Duane H. & Mr.
Dennis S. Sorenson
24095 451st Ave.
Madison, SD 57042
stubbyfarmer@yahoo.com

Mr. William Haugen
Haugen Investments LP
PO Box 545
Hartford, SD 57033
wh401889@hotmail.com

Mr. Orrin E. Geide
46134 263rd St.
Hartford, SD 57033

Mr. Bradley F. Williams
1044 Overlook Rd.
Mendota Heights, MN 55118
bwilliams@bestlaw.com

Mr. Kevin J. Schoffelman
712 W. Fourth Ave.
Lennox, SD 57039
klschoff@outlook.com

Mr. Charles J. Johnson
45169 243rd St.
Madison, SD 57042
c-bjohnson@svtv.com

Ms. Corliss F. Wiebers
607 S. Elm St.
PO Box 256
Lennox, SD 57039
wiebersco@gmail.com

Mr. Paul F. Seamans
27893 244th St.
Draper, SD 57531
jackknife@goldenwest.net

Delores Andreessen Assid
c/o Laurie Kunzelman
3604 E. Woodsedge St.
Sioux Falls, SD 57108
(605) 321-5539 - voice

Mr. John Wellnitz
305 A St.
Osceola, SD 57353
johnwellnitz@gmail.com

Mr. John Stratmeyer
46534 272nd St.
Tea, SD 57064

Mr. Lorin L. Brass
46652 278th St.
Lennox, SD 57039
brass@iw.net

Mr. Tom Goldtooth
Executive Director
Indigenous Environmental Network
ien@igc.org

Mr. Dallas Goldtooth
Community Organizer
Indigenous Environmental Network
goldtoothdallas@gmail.com

Mr. Matthew L. Rappold –
Representing:
RST-Sicangu Oyate Land Office
and RST- Sicangu Lakota Treaty Office
Rappold Law Office
816 Sixth St.
PO Box 873
Rapid City, SD 57709
Matt.rappold01@gmail.com

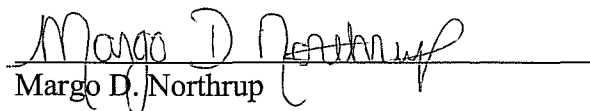
Ms. Paula Antoine
RST-Sicangu Oyate Land Office
PO Box 658
Rosebud, SD 57570
wopila@gwtc.net

Mr. Royal Yellow Hawk
RST- Sicangu Lakota Treaty Office
PO Box 430
Rosebud, SD 57570
yellowhawkroyal@yahoo.com

Ms. Thomasina Real Bird –
Representing: - Yankton Sioux Tribe
Attorney
Fredericks Peebles & Morgan LLP
1900 Plaza Dr.
Louisville, CO 80027
trealbird@ndnlaw.com

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

Dated this 21 day of September, 2015.


Margo D. Northrup