

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

<b>IN THE MATTER OF THE APPLICATION OF</b>	)	<b>ORDER GRANTING MOTION</b>
<b>DAKOTA ACCESS, LLC FOR AN ENERGY</b>	)	<b>TO RELEASE CONSTRUCTION</b>
<b>FACILITY PERMIT TO CONSTRUCT THE</b>	)	<b>BOND AND TERMINATE</b>
<b>DAKOTA ACCESS PIPELINE</b>	)	<b>APPOINTMENT OF PUBLIC</b>
	)	<b>LIAISON OFFICER</b>
	)	
	)	
	)	<b>HP14-002</b>

On December 15, 2014, the South Dakota Public Utilities Commission (Commission) received an energy facility permit application (Application) from Dakota Access, LLC (Dakota Access) pursuant to SDCL 49-41B-4 to construct the South Dakota portion of the Dakota Access Pipeline (Pipeline). The Pipeline begins in North Dakota and terminates in Patoka, Illinois, traversing 13 counties in South Dakota. The route enters South Dakota in Campbell County at the North Dakota/South Dakota border and extends in a southeasterly direction, exiting the state at the South Dakota/Iowa border in Lincoln County. The length of the Pipeline through South Dakota is approximately 272 miles. On December 14, 2015, the Commission issued its Final Decision and Order (Permit) granting the permit, subject to conditions. According to Dakota Access's final Quarterly Report, construction on the Pipeline began on May 16, 2016, and the Pipeline became operational on June 1, 2017.

On January 8, 2015, Commissioner Fiegen filed a letter delivered to Governor Dennis Daugaard advising of a conflict of interest under SDCL 49-1-9 after learning of family ownership of land on the proposed Pipeline route. On January 14, 2015, Governor Daugaard filed a letter to Secretary of State Shantel Krebs appointing State Treasurer Rich Sattgast to serve as Acting Commissioner in place of Commissioner Fiegen pursuant to SDCL 49-1-9.

Condition 6 of the Permit required Dakota Access to provide a public liaison officer approved by the Commission. The public liaison officer may not be removed without the approval of the Commission. By Order dated March 8, 2016, Eric Munz was approved as the public liaison officer and has since served in that role.

Pursuant to SDCL 49-41B-38 and Permit condition 25(f), Dakota Access was required to obtain, and file for approval, a bond in the amount of \$24 million. On March 7, 2016, Dakota Access filed the bond. The bond was approved by the Commission by Order dated April 28, 2016.

On August 7, 2023, Dakota Access filed a Motion to Release Construction Bond and Terminate the Appointment of Public Liaison Officer.

At its regularly scheduled meeting on October 24, 2023, the Commission considered the motion. The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-41B. The Commission voted unanimously to grant the Motion to Release Construction Bond and Terminate the Appointment of Public Liaison Officer.

It is therefore

ORDERED, that the Motion to Release Construction Bond and Terminate the Appointment

of Public Liaison Officer is granted.

Dated at Pierre, South Dakota, this 30<sup>th</sup> day of October 2023.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.

By: *Krista Swords*

Date: *30 October 2023*

BY ORDER OF THE COMMISSION:

*Gary Hanson*  
GARY HANSON, Vice Chairman

*Chris Nelson*  
CHRIS NELSON, Commissioner

*Richard L. Sattgast*  
RICHARD L. SATTGAST, Acting Commissioner