



Kristie Fiegen, Chairperson
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PUBLIC UTILITIES COMMISSION

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February 24, 2017

Gerald Botkin

Prescott, IA 50859

Dear Mr. Botkin:

This is in response to your second letter regarding the Dakota Access Pipeline construction permit granted by the South Dakota Public Utilities Commission.

Your questions about the pipeline's route in North Dakota are not ones I can answer. Your questions about that state's permit review process should be directed to:

North Dakota Public Service Commission

600 E Boulevard Ave, Dept. 408

Bismarck, ND 58505-0480

Website: www.psc.state.nd.us; Email: ndpsc@nd.gov

Your letter stated, *"Why did you allow the pipeline to go into Sioux Falls, build storage tanks along the river that is the city's water supply?"*

The South Dakota PUC did not permit storage tanks near Sioux Falls as part of the project. The City of Sioux Falls and the entity that supplies water to the city were both parties to the permit process. Accommodations were made and provisions added to the permit conditions to satisfy concerns those parties raised.

As far as the South Dakota project and route, the PUC is prohibited from choosing the route of the pipeline or the infrastructure. The South Dakota Energy Facility Permit Act gives the PUC authority to grant, deny, or grant with conditions a permit to construct the crude oil pipeline in South Dakota. See SDCL Chapter 49-41B and ARSD 20:10:22. South Dakota law explicitly prohibits the PUC from routing a pipeline.

As relayed earlier, the permit issued by the PUC for this docket, HP14-002, includes 70 conditions the pipeline's owners must follow in building the pipeline. I encourage you to access a computer via your local library or another source to read the full permit with conditions and protections issued by the state of South Dakota, at www.puc.sd.gov. This will likely answer many of your questions. I have enclosed an Informational Guide about the commission's review and jurisdiction of pipeline construction permit requests that may be helpful in understanding South Dakota's permit consideration process.

Sincerely,

Kristie Fiegen