

From: PUC
Sent: Thursday, November 19, 2015 4:11 PM
To: [REDACTED]
Subject: HP14-002

Dale, Craig and Cody Hoyer:

This is in response to your email, letter and easement excerpt regarding the Dakota Access Pipeline permit application request currently open before the commission.

Dakota Access filed their pipeline permit application on Dec. 15, 2014 and the commission will issue a decision by Dec. 15, 2015 to stay within the one-year statutory limit.

The commission's evidentiary hearing concluded in October, and the next step in the procedural schedule posted in the docket is the drafting and submission of reply briefs by the various parties involved in the case. These briefs are due to the commission on Nov. 20. This schedule also reflects that the oral decision by the commission is scheduled for Nov. 30.

A synopsis of the permit application review process is provided in the Pipeline Siting Guide linked to the commission's homepage online at www.puc.sd.gov and here is a link:

<http://www.puc.sd.gov/commission/Publication/pipelinesiting.pdf>. Here are excerpts from that document regarding easements and eminent domain:

The PUC is not involved in the easement acquisition process that occurs between applicants and landowners.

Likewise, the PUC does not have a role in the eminent domain process, which is handled in the circuit court system.

Landowners with concerns about these issues should seek advice from their personal attorney.

These are also addressed in the Dakota Access Pipeline Frequently-Asked-Questions document online:

<http://www.puc.sd.gov/Dockets/HydrocarbonPipeline/2014/hp14-002faq.aspx>

Here is the state law regarding a transfer of permit, if issued, given your reference to that concern:

49-41B-29. Transfer of permit--Commission approval--Rules. A permit may be transferred, subject to the approval of the Public Utilities Commission to a person who agrees to comply with the terms, conditions, and modifications contained therein. The commission shall adopt rules pursuant to the authority granted under this chapter.

Source: *SL 1977, ch 390, § 4.*

Thank you for writing to share your opinions. I appreciate your frustrations and concerns as landowners. Your email and attachments as well as my response will be posted under Comments and Responses in the docket, HP14-002, so my fellow commissioners and all parties to the open, public docket have access to them:

<http://www.puc.sd.gov/Dockets/HydrocarbonPipeline/2014/hp14-002.aspx>

Chairman Chris Nelson
South Dakota Public Utilities Commission
www.puc.sd.gov