

---

**From:** PUC  
**Sent:** Thursday, June 18, 2015 1:54 PM  
**To:** [REDACTED]  
**Subject:** HP14-002

Mrs. O'Kane:

Thank you for your message relaying questions and concerns regarding the Dakota Access Pipeline construction permit application filed with the commission by Energy Transfer Partners, L.P.

There has been no decision or ruling made by this commission granting or denying the pipeline permit application. I encourage you to review the scheduling order in this docket, HP14-002, to understand the timing of this docket's processing: <http://puc.sd.gov/commission/orders/hydrocarbonpipeline/2015/hp14-002schedule.pdf>

As you will see, the discovery process for this docket is currently underway, and several key steps remain before the evidentiary hearing scheduled for September 29-October 8, 2015. Therefore, the commission and the parties to the docket are about mid-way through processing this docket.

Given your personal interest in this application, I encourage you to read the documents filed and do so regularly to see new information as it is added. The commission has a statutory limit of one year during which to analyze the permit application, request additional information, and ultimately render a decision. Therefore, we have much work and many questions to answer before that point is reached. While commissioners are reviewing and questioning, a team of commission staff members assigned to the docket and their consultants are doing the same independently, along with any intervenors as other parties in the case.

You will find a document on the home page of the commission's website titled Pipeline Siting Info Guide that explains the processing of pipeline siting permit requests which may be helpful to you, as well as a Dakota Access Pipeline Frequently Asked Questions document. Here are the links:  
<http://www.puc.sd.gov/commission/Publication/pipelinesiting.pdf> and  
<http://www.puc.sd.gov/Dockets/HydrocarbonPipeline/2014/hp14-002faq.aspx>

As relayed via these documents, the commission does not have legal authority over the easement process or eminent domain. Any issues dealing with those matters are handled by circuit court, so the commission's construction permit consideration does not include that. Your concerns with land acquisition should be discussed with your attorney. As far as the state of Iowa's action or inaction on a pipeline permit, we have no authority there and another state's laws or permitting process is not considered in South Dakota's proceeding.

Once the pipeline company's application requesting a construction permit is filed with this commission, we are focused solely on the South Dakota project or route as outlined in the application. Any questions you have regarding the Iowa process should be referred to the proper officials in that state.

Your letter will be added to the Dakota Access Pipeline docket, HP14-002, along with this response. Because commissioners have a decision-making role in docket matters, any discussion with a commissioner about an open docket must take place in an open, public forum. By placing your message in the docket, the other commissioners and interested parties will have access to your comments for consideration.

Chris Nelson, Chairman  
South Dakota Public Utilities Commission  
[www.puc.sd.gov](http://www.puc.sd.gov)