

From: PUC
Sent: Tuesday, October 20, 2015 11:22 AM
To: [REDACTED]
Subject: HP14-002

Ms. O’Kane:

This is in response to your email requesting that a decision be made soon on the Dakota Access Pipeline permit request, docket HP14-002. The Public Utilities Commission must follow state law which requires us to complete an investigation and make a decision within one year following the filing of the permit application request. Dakota Access filed their application on Dec. 15, 2014, therefore, the commission will issue a decision by Dec. 15, 2015.

Although one year may seem like ample time for such a permit request to be decided, much work must take place and many steps must be taken prior to making a decision on a project of this magnitude. The scheduling order issued by the commission on March 11 outlines some of these steps. Here is a link to that order in the official docket: <http://www.puc.sd.gov/commission/orders/hydrocarbonpipeline/2015/hp14-002schedule.pdf> and a May 20 order amending a portion of this: <http://puc.sd.gov/commission/orders/hydrocarbonpipeline/2015/hp14-002amendedprocedure.pdf> The evidentiary hearing concluded Oct. 9, and the various parties are now drafting their post-hearing briefs per the schedule posted in the docket on Oct. 13:

- Nov. 6 – Briefs due from all parties
- Nov. 20 – Reply briefs due
- Nov. 30 – Oral decision
- Dec. 15 – Statutory deadline for final commission decision

A synopsis of the permit application review process is provided in a Pipeline Siting Guide available online at <http://www.puc.sd.gov/commission/Publication/pipelinesiting.pdf> Here are excerpts from that document to help answer your questions:

- In pipeline siting cases, the commission has one year from the date of application to make a decision.*
- 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.*

You may find this Dakota Access Pipeline Frequently-Asked-Questions document helpful as well:
<http://www.puc.sd.gov/Dockets/HydrocarbonPipeline/2014/hp14-002faq.aspx>

Thank you for writing again. I appreciate your frustration in wanting a decision to be made on the permit application and I appreciate the patience you have shown during the past year as a landowner along the proposed project route. Your message and my response will be posted under Comments and Responses in the formal docket so the applicant 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