

BEFORE THE PUBLIC UTILITIES  
COMMISSION OF THE STATE OF SOUTH  
DAKOTA

**IN THE MATTER OF THE APPLICATION )  
OF DAKOTA ACCESS, LLC FOR AN )  
ENERGY FACILITY PERMIT TO )  
CONSTRUCT THE DAKOTA ACCESS )  
PIPELINE )  
)**

APPLICATION FOR PARTY  
STATUS  
**HP14-002**

Pursuant to SDCL 49-41B-17 and ARSD 20:10:22:40

\_\_\_\_\_  
(Name of Applicant)

petitions the Public Utilities Commission to be granted party status in the above-referenced facility permit proceeding.

Briefly explain your interest in this permit proceeding. Form is limited to 1000 characters.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Print or Type Name

Address: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
Name of Organization if filing on behalf of organization

\_\_\_\_\_  
Date

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Notary Public

(Seal)

My Commission expires: \_\_\_\_\_

NOTE: The petition was filed Dec. 15, 2014, consistent with SDCL 49-41B-17 and ARSD 20:10:22:40. This Application for Party Status form must be filed in the Commission's offices on or before Feb. 13, 2015.

Executive Director  
South Dakota Public Utilities Commission  
500 E. Capitol Ave.  
Pierre, SD 57501-5070  
Electronic Filing: <http://puc.sd.gov/EFilingOptions.aspx>

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# South Dakota Public Utilities Commission Information Guide to Siting Pipelines

This guide is intended to offer a simple overview of the Public Utilities Commission's process in making a decision to approve or deny the construction of pipeline facilities specific to South Dakota Codified Laws Chapter 49-41B (see [www.legis.sd.gov/Statutes/Codified\\_Laws](http://www.legis.sd.gov/Statutes/Codified_Laws)) and South Dakota Administrative Rules Chapter 20:10:22 (see [www.legis.sd.gov/rules](http://www.legis.sd.gov/rules)). This guide is informational and does not address all situations, variations and exceptions in the pipeline siting process and proceedings of the PUC.

## PUC Authority

The South Dakota Legislature gave the PUC authority to issue permits for certain pipelines. South Dakota pipelines within the commission's siting jurisdiction include those designed to transport coal, gas, liquid hydrocarbons, liquid hydrocarbon products, or carbon dioxide, for example. In considering applications, the commission's primary duty is to ensure the location, construction and operation of the pipeline will produce minimal adverse effects on the environment and the citizens. The commission determines these factors based on definitions, standards and references specified in South Dakota Codified Laws and Administrative Rules. In pipeline siting cases, the commission has one year from the date of application to make a decision.

The commission strives to issue a reasoned decision and conditions, where appropriate, that uphold the law and discourage a potentially expensive and lengthy appeal process.

In rendering its decision, the commission may grant the permit, deny the permit, or grant the permit with terms, conditions or modifications of the construction, operation or maintenance as the commission finds appropriate and legally within its jurisdiction. The commission does not have authority to change the route or location of a project. The decision of the commission can be appealed to the circuit court and, ultimately, to the South Dakota Supreme Court.

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.

## Applicant Responsibility

The applicant that seeks the PUC's approval must show its proposed project:

- will comply with all applicable laws and rules;
- will not pose a threat of serious injury to the environment nor to the social or economic condition of inhabitants or expected inhabitants in the siting area;
- will not substantially impair the health, safety or welfare of the inhabitants; and
- will not unduly interfere with the orderly development of the region with due consideration having been given to the views of the governing bodies of affected local units of government.

## PUC Staff Role

PUC staff members assigned to work on a pipeline siting case will typically include one attorney and multiple analysts. Staff attorneys have educational and practical experience in administrative law, trial procedure and business management principles. Staff analysts have expertise in engineering, research and economics. Some of the work the staff does involves reviewing data and evidence submitted by the applicant and intervenors, requesting and analyzing opinions from experts, and questioning the parties. The staff considers this information relative to state laws and rules and presents recommendations to the Public Utilities Commissioners.

**(Information about Public Involvement  
found on back)**

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## Public Involvement

South Dakotans, as well as anyone else with an interest in a siting case, have a variety of ways to stay informed and involved.

- **Review the electronic docket.** A docket is the continually updated collection of documents filed with the commission for a particular case. Dockets are accessible under the Commission Actions tab on the PUC website, [www.puc.sd.gov](http://www.puc.sd.gov). Dockets are labeled to correspond with their type and filing date. For example, the Keystone XL Pipeline docket is HP09-001; HP for hydrocarbon pipeline, 09 for the year 2009 and 001 to indicate it was the first hydrocarbon pipeline docket filed with the commission in 2009. The Dakota Access Pipeline docket is HP14-002.
- **Attend a public input hearing.** The PUC will hold a public input hearing or hearings on a pipeline siting case, with 30 days notice, as physically close as practical to the proposed pipeline route. At the hearing, the applicant describes its project and the public may ask questions and offer comment. Commissioners and staff attend this public hearing. The discussion is documented and becomes part of the record.
- **Submit comments.** Members of the public are encouraged to relay written comments or questions about an active siting case to the PUC. These informal public comments are filed in the docket and reviewed and considered by the PUC commissioners and staff. Public comments must include the commenter's full name and address and should include the docket number or siting project name, as well as the commenter's e-mail address and phone number, if available. These comments should be sent to [puc@state.sd.us](mailto:puc@state.sd.us) or PUC, 500 E. Capitol Ave., Pierre, SD 57501.
- **Become an intervenor.** Individuals who wish to be formal parties in a siting case may apply to the commission for intervenor status. Intervention deadline is clearly indicated within the docket. Intervention is appropriate for people who intend to actively participate in the case through legal motions, discovery (requests for facts or documents), the written preparation and presentation of actual evidence, and in-person participation in a formal hearing. Intervenors are legally obligated to respond to discovery from other parties and to submit to cross-examination at a formal hearing. Individuals seeking only to follow the progress of a siting case or to offer comments for the PUC's consideration need not become intervenors.
- **Communicate on record.** Verbal communication between a commissioner and a person with an interest in a matter before the commission that does not occur in a public forum or as part of the official record should be avoided. Those who communicate in writing with a commissioner about an open or imminent docket matter should understand that their comments will become part of the official record and subject to review by all parties and the public. Likewise, comments made at a PUC public proceeding or submitted to the commission relative to a docket matter become part of the record, open to review by all parties and the public. Because commissioners have a decision-making role in docket matters, any discussion with a commissioner about an open or imminent docket must take place in an open forum, such as a public meeting, with notice given to all parties.

### South Dakota Public Utilities Commission

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Pierre, SD 57501

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