

From: PUC Admin <PUCAdmin@state.sd.us>

Sent: Monday, May 16, 2022 2:32 PM

To: PUCHP22001SL@LISTSERV.SD.GOV

Cc: de Hueck, Adam <Adam.deHueck@state.sd.us>

Subject: INTERVENOR EMAIL TO ALL PARTIES AND ATTACHED INTERVENOR GUIDE

What to Expect in HP22-001 as a Formal Party (an Intervenor)

Adam de Hueck, South Dakota Public Utilities Commission General Counsel
Docket [HP22-001](#) Hearing Examiner

Remember: This proceeding is akin to a lawsuit. From this perspective, Summit Carbon Solutions is suing for a permit and the Public Utilities Commissioners are the judges. Every step and application of law that the commission takes in this contested administrative law proceeding is a professionally bound quasi-judicial administrative action done under the Administrative Procedures Act. This is conducted in the spirit and methods of the state's judicial branch of government in effort to comply with the separation of powers within the legislative, administrative, executive, and judicial systems. Reliance on and use of civil rules of procedure and evidence are requisites for the commission and you. A prohibition on ex-parte communication with hearing examiners and/or commissioners is in effect. So, you **should not** engage in direct conversation, whether that is verbal or electronic (email, for example), with them about the case outside of a public meeting with all parties present.

A massive record in this proceeding has begun and is forthcoming. As a side note to the voluminous record this case carries—in somewhat rapid response to the commission's infamous Keystone XL hard record dump at the county courthouse—the South Dakota Supreme Court now requires electronic participation (as is the preference of this commission attorney who drove the truck and trailer of files just a few blocks west of Capitol's PUC headquarters).

With that, all documents submitted for the HP22-001 docket should be filed via the PUC's electronic filing process only, please. The attached [intervenor guide](#) explains how to successfully file your documents with the commission.

Intervenors: As you understand, are beginning to understand, or will soon come to understand, this journey to trial is a major commitment. The discovery process alone, with its data requests and interrogatories will, at times, leave you feeling like you didn't relax at all last weekend and how can you still have a substantial to-do list and email backlog? It is imperative that you read and respond to your email daily. If you are represented by an attorney in this proceeding, that attorney should be the person who will make filings and communications on your behalf.

NOTE – Everything is conducted electronically – including all PUC meetings, filing of motions, testimony, and exhibits – among others. Use of the PUC's [E-filing](#) system and a valid email address is expected.

This email is short. Attorneys, please make sure it finds your clients as they are not individually listed on the service list. A copy will be available on the commission's [website](#).

I hope to get out an occasional email update when needed during the process once I catch up on my email backlog.

Have a great week.

ADAM