

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE APPLICATION BY)	ORDER DENYING MOTION
SCS CARBON TRANSPORT LLC FOR A)	TO RECONSIDER
PERMIT TO CONSTRUCT A CARBON)	PROCEDURAL SCHEDULE;
DIOXIDE TRANSMISSION PIPELINE)	ORDER SETTING DATE
)	FOR FINAL DECISION AND
)	ORDER
)	
)	HP22-001

On February 7, 2022, the South Dakota Public Utilities Commission (Commission) received an Application for a Permit to Construct a Carbon Dioxide Transmission Pipeline (Application) from SCS Carbon Transport LLC (Applicant or SCS), a limited liability company owned by Summit Carbon Solutions, LLC. Applicant proposes to construct and operate a carbon dioxide (CO₂) transmission pipeline (Project). The Project is approximately 2,000 miles of pipelines for the transportation of CO₂ from more than 30 ethanol plants across five states, including seven ethanol plants in South Dakota, to underground injection control facilities in North Dakota. The proposed route of the main line enters South Dakota in Lincoln County at the Iowa/South Dakota border and extends in a northwesterly direction, exiting the state at the South Dakota/North Dakota border in McPherson County. In addition to the main line, the proposed Project includes lateral and trunk lines connecting ethanol plants to the main line. The proposed length of pipelines through South Dakota is approximately 477 miles and would cross the counties of Beadle, Brown, Clark, Codington, Edmunds, Hamlin, Hand, Hyde, Kingsbury, Lake, Lincoln, McCook, McPherson, Minnehaha, Miner, Spink, Sully, and Turner.

On February 9, 2022, Vice Chairperson Kristie Fiegen filed a letter delivered to Governor Kristi Noem advising of a conflict of interest under SDCL 49-1-9 after learning of family ownership of land on the proposed Project route. On February 10, 2022, the Commission issued a Notice of Application; Order for and Notice of Public Input Meetings; Notice of Opportunity to Apply for Party Status. Pursuant to ARSD 20:10:22:40, the deadline for persons to file an application for party status was April 8, 2022. On February 16, 2022, Josh Haeder, State Treasurer, was appointed by Governor Noem to serve as an Acting Commissioner in this docket. On February 24, 2022, the Commission issued an Order Assessing Filing Fee; Order Authorizing Executive Director to Enter into Consulting Contracts. Public input meetings were held March 22 through March 25, 2022, at various locations in the Project's footprint.

On April 26, 2022, the Commission issued an Order Granting Party Status Applications. On May 5, 2022, the Commission issued an Order Granting Party Status; Order Denying Party Status; Order Granting Withdrawal. On May 13, 2022, the Commission issued an Order Granting Party Status; Order Denying Party Status. On June 13, 2022, the Commission issued an Order Granting, in part, Motion to Extend Final Decision Deadline; Order Denying Landowners' Motion to Dismiss and, in the alternative, Motion for Stay. The Commission has issued orders granting requests to withdraw party status to Daniel Hoey on behalf of Intervenor West Central School District, Greg Alvine, Hand County, Jayne and Blaise Fogarty, and Jody Eli-Ackerman.

On January 11, 2023, the Commission issued an Order Granting Motion for Procedural Schedule; Order Granting Withdrawal of Party Status. On January 19, 2023, the Commission

issued an Order Denying Renewed Motion to Dismiss and Return Summit's Application, or in the Alternative, a Motion for Stay. On January 20, 2023, Applicant filed a Motion to Reconsider Procedural Schedule. On January 25, 2023, Applicant filed a Motion for a Definitive Date for Final Decision and Order, and Landowner Intervenor filed its Resistance to Summit's Motion to Reconsider. On January 30, 2023, the Commission issued an Order For and Notice of Motion Hearing on Less than 10 Days' Notice. On January 30, 2023, Commission staff filed its Response to Applicant's Motion to Reconsider. On February 1, 2023, The Ethanol Plants¹, filed a Joinder to Motion for Definitive Date for Final Decision and Order.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 15-6, and 49-41B, and ARSD Chapters 20:10:01 and 20:10:22. The Commission may rely upon any or all of these or other laws of this state in making its determination.

On February 9, 2023, at its regularly scheduled meeting, the Commission considered the Motion to Reconsider Procedural Schedule and the Motion for a Definitive Date for Final Decision and Order. After reviewing the written filings and hearing argument from the parties, the Commission voted unanimously to deny the Motion to Reconsider Procedural Schedule and voted to grant the Motion for a Definitive Date for Final Decision and Order that sets November 15, 2023, as the date for a final decision and order. It is therefore

ORDERED, that the Motion to Reconsider Procedural Schedule is hereby denied. It is further

ORDERED, that the Motion for a Definitive Date for Final Decision and Order is hereby granted and that November 15, 2023, is set as the date for a final decision and order.

Dated at Pierre, South Dakota, this 15th day of February 2023.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.
By: <u>Adam DeHueck</u>
Date: <u>2/15/23</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner

Josh Haeder
JOSH HAEDER, Acting Commissioner

¹ Collectively referred to as "The Ethanol Plants", this filing was submitted by the following Intervenor: Dakota Ethanol, LLC; Glacial Lakes Energy, LLC; Redfield Energy, LLC; and Ringneck Energy, LLC.