



Motion to Dismiss and Return Summit's Application, or in the alternative, a Motion for Stay (Motion to Dismiss).

On January 5, 2023, the Commission's General Counsel held a prehearing scheduling conference with the parties and other interested persons to discuss the various motions and a draft procedural schedule. The parties agreed that the Motion to Dismiss would be heard at the Commission's January 17, 2023, Agenda Meeting. Responses to the Motion to Dismiss were filed by SCS, The Ethanol Plants<sup>1</sup>, and Commission Staff. On January 11, 2023, the Commission issued an Order Granting Motion for Procedural Schedule.

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 January 17, 2023, at its regularly scheduled meeting, the Commission considered the Motion to Dismiss. After hearing argument from the parties, the Commission found that as of the date the Motion to Dismiss was heard, SCS had sent notice to additional landowners within one-half mile of the route and that the current procedural schedule provided adequate time to accommodate those receiving late notice, and, therefore, voted unanimously to deny the Motion to Dismiss. It is therefore

ORDERED, that the Renewed Motion to Dismiss and Return Summit's Application, or in the alternative, a Motion for Stay is hereby denied.

Dated at Pierre, South Dakota, this 19 day of January 2023.

<b>CERTIFICATE OF SERVICE</b>
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>Kerwin E. Cremer</u>
Date: <u>01/19/23</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson  
GARY HANSON, Commissioner

Chris Nelson  
CHRIS NELSON, Commissioner

Josh Haeder  
JOSH HAEDER, Acting Commissioner

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