

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

IN THE MATTER OF THE APPLICATION BY)	ORDER FOR AND NOTICE OF
SCS CARBON TRANSPORT LLC FOR A)	MOTION HEARING ON LESS
PERMIT TO CONSTRUCT A CARBON)	THAN 10 DAYS' NOTICE
DIOXIDE TRANSMISSION PIPELINE)	
)	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.

Party status has been granted to numerous individuals and entities. On August 14, 2023, the Commission issued an Order and Notice of Evidentiary Hearing, ordering that the evidentiary hearing in this matter would commence on September 11, 2023. Commission Counsel sent an email to all parties, which was filed in the docket, notifying the parties that all major prehearing motions would be heard by the Commission at its regularly schedule Commission meeting on August 29, 2023.

On August 18, 2023, intervenors represented by attorney Brian Jorde (Landowners) filed Landowners' Motion to Return Application. In the Motion to Return Application, Landowners request the Commission return the Application pursuant to SDCL 49-41B-13(1).

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B. Pursuant to SDCL 49-41B-24, the Commission has one year from the date of application to render a decision on the Application. Pursuant to ARSD 20:10:01:22.02, the Commission may

order a hearing on less than ten days' notice if the Commission determines good cause exists therefor. The Commission finds that because it is necessary to decide the Motion to Return Application in advance of the evidentiary hearing, good causes exist to hear this motion, as well as any other motions filed prior to the August 29 Commission meeting, on less than ten days' notice.

It is therefore

ORDERED, that a hearing on the Motion to Return Application will be held by the Commission in connection with its regular meeting on August 29, 2023, beginning at 9:00 A.M. CDT in Room 413, Capitol Building, Pierre, S.D. It is further

ORDERED, that responses to the Motion to Return should be filed by parties choosing to respond on or before August 24, 2023, at 5:00 P.M. CDT, and Landowners' may file a reply by 3:00 P.M. CDT on August 28, 2023. It is further

ORDERED, that the Commission may also hear other pending motions in this docket at the August 29, 2023, Commission meeting.

Dated at Pierre, South Dakota, this 21st day of August 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.
By: <u><i>Kristen Edwards</i></u>
Date: <u>21 August 2023</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner

Josh Haeder
JOSH HAEDER, Acting Commissioner