

In accordance with SDCL 49-41B-16, the Commission published notice and thereafter held public input meetings in Onida on March 22, 2022, in Sioux Falls on March 23, 2022, in De Smet and Redfield on March 24, 2022, and in Aberdeen on March 25, 2022.

On April 8, 2022, Applicant filed a letter and project overview map noting the adoption of alternate routes in Beadle, Edmunds, Lake, Lincoln, McPherson, Minnehaha, and Miner counties. On April 26, 2022, the Commission issued an Order Granting Party Status Applications. On April 28, 2022, Landowners' Motion for Approval of Party Status Applications Filed After April 8, 2022, and Motion for Extension of Intervention Deadline or in the Alternative Motion for Stay of All Proceedings was filed by Domina Law Group who represents numerous Intervenors. On May 5, 2022, the Commission issued an Order Granting Party Status; Order Denying Party Status; Order Granting Withdrawal.

On May 9, 2022, SCS Carbon filed a Motion to Extend Deadline to June 15, 2023, for a Scheduling Order and for Pre-Filed Testimony. On May 10, 2022, SCS Carbon filed a letter regarding re-routes that were not identified as alternate routes prior to April 8, along with Exhibits A-F. On May 13, 2022, the Commission issued an Order Granting Party Status; Order Denying Party Status. On May 17, 2022, Intervenors represented by Domina Law Group filed Landowners' Motion to Dismiss and in the Alternative Motion for Stay and Objection to Summit's Motion to Extend Deadlines and for Scheduling Order and Motion to Extend Deadlines (sic).

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 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.

At its regularly scheduled meeting on June 8, 2022, the following motions were heard:

1. Applicant's Motion to Extend Deadline to June 15, 2023, for a Scheduling Order and for Pre-Filed Testimony;
2. Intervenors' (represented by Domina Law Group) Motion to Dismiss and in the Alternative Motion for Stay; and
3. Intervenors' (represented by Domina Law Group) Motion for Approval of Party Status Applications Filed After April 8, 2022, and Motion for Extension of Intervention Deadline or in the Alternative Motion for Stay of All Proceedings.

Having read the motions and responses filed in the docket, and having heard oral presentations, the Commission voted unanimously to grant, in part, Applicant's Motion to Extend Deadline for a final decision, finding it prudent to extend the deadline indefinitely, rather than to June 15, 2023. With no objection from those parties present, the Commission deferred action on Applicant's Motion for a Scheduling Order and for Pre-Filed Testimony as well as the Intervenors' Motion for Extension of Intervention Deadline. Intervenors' withdrew its Motion for Approval of Party Status Applications Filed After April 8, 2022. The Commission then voted unanimously to deny the Intervenors' Motion to Dismiss and in the Alternative Motion for Stay. It is therefore

ORDERED, that Applicant's Motion to Extend Deadline for a final decision is hereby granted, in part, for an indefinite period of time. It is further

ORDERED, that the Intervenors' Motion to Dismiss and in the Alternative Motion for Stay is hereby denied.

Dated at Pierre, South Dakota, this 13th day of June 2022.

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: Karen E. Crema

Date: 06/13/22

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Commissioner

Gary Hanson
GARY HANSON, Commissioner

Josh Haeder
JOSH HAEDER, Acting Commissioner