

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

IN THE MATTER OF THE APPLICATION BY)	ORDER GRANTING, IN
SCS CARBON TRANSPORT LLC FOR A)	PART, MOTION TO EXTEND
PERMIT TO CONSTRUCT A CARBON)	FINAL DECISION
DIOXIDE TRANSMISSION PIPELINE)	DEADLINE; ORDER
)	DENYING LANDOWNERS'
)	MOTION TO DISMISS AND
)	IN THE ALTERNATIVE
)	MOTION FOR STAY
)	
)	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 Carbon), 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 5 states, including 7 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. Major components being built in South Dakota are expected to include 4 pump stations, 16 main line valves, 5 launcher-receiver sites, and approximately 5 miles of access roads as part of the Project. In addition to the main line and other components, the proposed Project includes lateral and trunk lines connecting ethanol plants throughout the eastern part of South Dakota to the main line. The proposed length of pipelines through South Dakota is approximately 469 miles and will cross the counties of Beadle, Brown, Clark, Codington, Edmunds, Hamlin, Hand, Hyde, Kingsbury, Lake, Lincoln, McCook, McPherson, Minnehaha, Miner, Spink, Sully, and Turner. The proposed pump stations are located in Kingsbury, McPherson, Minnehaha, and Spink counties. Applicant estimates the total cost of the proposed Project in South Dakota to be \$785 million.

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 is April 8, 2022.

On February 10, 2022, the Commission electronically transmitted notice of the filing and the intervention deadline of April 8, 2022, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. 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 a Filing Fee in the amount of \$592,500.

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. Cremer

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