
BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE
APPLICATION BY SCS TRANSPORT
LLC FOR A PERMIT TO CONSTRUCT A
CARBON DIOXIDE TRANSMISSION
PIPELINE

SDTA FIRST DISCOVERY REQUEST

Docket No. HP22-001

**DISCOVERY REQUESTS OF SOUTH DAKOTA TELECOMMUNICATIONS
ASSOCIATION (SDTA) TO SCS TRANSPORT, LLC**

The South Dakota Telecommunications Association (“SDTA”) hereby serves its Discovery Requests on SCS Transport, LLC (“SCS”). Unless otherwise noted in a specific request, the Discovery Requests are directed to SCS specifically, and its responses should be provided, as appropriate.

You are requested and required to answer fully and under oath, pursuant to S.D. Admin. R. 20:10:01:22.01, each of the following Discovery Requests and serve a copy of your answers and responses thereto upon Kara Semmler, General Counsel for SDTA, on or before July 3, 2022. Please be advised that your answers must include all information available not only to you, but to your agents, officers, representatives, employees, attorneys, insurers, or others who have information available to you upon inquiry to them.

DEFINITIONS

As used herein, the following terms have the meaning as set forth below:

1. The term “you” refers to “SCS Transport LLC” or “SCS” (as the company may be referenced in abbreviated fashion).
2. The terms “document” or “documents” as used herein shall include, without limitation, any writings and documentary material of any kind whatsoever, both originals and copies (regardless of origin and whether or not including additional writing thereon or attached thereto), and any and all drafts, preliminary versions, alterations, modifications, revisions, changes and written comments of and concerning such material, including but not limited to: correspondence, letters, memoranda, notes, reports, directions, studies, investigations, questionnaires and surveys, inspections, permits, citizen complaints, papers, files, books, manuals, instructions, records, pamphlets, forms, contracts, contract amendments or supplements, contract offers, tenders, acceptances, counteroffers or negotiating agreements, notices, confirmations, telegrams, communications sent or received,

print-outs, diary entries, calendars, tables, compilations, tabulations, charts, graphs, maps, recommendations, ledgers, accounts, worksheets, photographs, tape recordings, movie pictures, videotapes, transcripts, logs, workpapers, minutes, summaries, notations and records of any sort (printed, recorded or otherwise) of any oral communication whether sent or received, and other written or electronic records or recordings, in whatever form, stored or contained in or on whatever medium including computerized or digital memory or magnetic media that: (a) are now or were formerly in your possession, custody or control; or (b) are known or believed to be responsive to these interrogatories, regardless of who has or formerly had custody, possession or control.

3. The term “including” means “including, but not limited to.”
4. “Affiliate” means a person or entity that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this definition, “own” means to own an equity interest (or the equivalent thereof) of more than five (5) percent.

INSTRUCTIONS

1. If you maintain that any document or record that would be responsive to any of the data requests has been destroyed, set forth the content of said document, the location of any copies of said document, the date and circumstances of said destruction, and the name of the person who ordered or authorized such destruction.
2. In answering these data requests, furnish all responsive documents in your possession or in the possession of any of your directors, officers, employees, agents, representatives, or attorneys.
3. If you cannot answer a data request in full after exercising due diligence to secure all the information requested, or does not have precise information with regard to any part of a data request, so state in the response, describing in full the efforts to obtain the information requested, and then proceed to respond to the fullest extent possible. If an objection is made to any part of a data request, answer all parts of the data request to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.
4. If a responsive document is considered to contain confidential, proprietary, or otherwise protected information, please furnish this document subject to a protective agreement.
5. If any information is withheld under a claim of privilege, please describe the information without revealing the asserted privileged information and provide a statement of the basis upon which the claim of privilege is based.

6. If any of the information requested by a data request varies over time, state the response for each period of time as to which the response differs, and identify the time periods.
7. These interrogatories and requests are considered continuing and should be supplemented as additional information becomes available.

INTERROGATORIES AND REQUESTS FOR PRODUCTION

1. Are you aware of locations along the proposed pipeline route, where buried telecommunications and/or broadband facilities (herein “Communication Facilities”) are currently located?
 - a. If so, provide location identifying information.
 - b. Describe what procedures will be used to protect and preserve the Communications Facilities during pipeline construction activities.
 - c. Describe which entity (SCS or Communications Facilities) pays for the above safety procedures.

ANSWER: No.

- a. **If utility companies provide shape files of utility lines, Summit Carbon Solutions (SCS) will incorporate them into the planning, design, and construction of the project.**
- b.
 - **SCS will make every effort to locate all structures (aboveground or underground) during preconstruction survey and the locations of such structures identified will be shown on Project Drawings.**
 - **Additionally, Summit Carbon Solutions will comply with all South Dakota One Call laws. At least 48-hours prior to beginning construction activities at discrete locations, Summit Carbon Solutions will contact the SD OneCall system to allow utility operators 48 hours to mark underground utilities in the area in which SCS will perform subsurface activities.**
 - **SCS’s Contractors shall be responsible for the protection of existing utilities, pipelines, and structures during construction activities. Excavation in the vicinity of existing underground structures shall be carefully done by hand, by hydro vacuum, or as required by owner/operator of existing structure.**
 - **Unless otherwise directed, the SCS’s Contractor shall cross under all existing underground pipelines, utilities, and structures with a minimum of 12 inches.**
 - **SCS’s Contractor will notify SCS within 24-hours prior to the commencement of any trenching or excavating activities in the vicinity of foreign utility crossings.**

- SCS's Contractor shall keep copies of all applicable permits at the trenching and excavating sites during execution of those activities.
- SCS's Contractor shall erect and maintain signage, barriers, warning flashers or fencing around excavations left overnight or for an extended period of time in accordance with the local regulations.

Enclosed with these answers is a typical figure for "foreign" utility crossing.

- c. SCS will pay for all construction activities related to the construction of the project. If the owner of an underground utility wants to witness subsurface work, such costs will be borne by the utility company(ies).
2. Provide construction plans, drawings and/or methods of construction used in a standard Communications Facilities crossing.
 - a. Include specifications that include depth of cover for the pipeline and any required distance between facilities.

ANSWER: See response to Question 1 regard typical foreign utility crossings; the Pipeline Hazardous Materials and Safety Administration (PHMSA) establishes a minimum 36" depth of cover for regulated pipelines (49 CFR 195.248) and a minimum distance of 12" from the outside of a regulated pipeline and other underground structures and utilities (49 CFR 195.250). SCS prefers a 48" depth of cover and a minimum distance of 12" between the CO2 pipeline and other underground structures and utilities.

3. Will SCS charge a "crossing fee" if Communications Facilities will cross the SCS line after the pipeline is built because of broadband expansion in SD?
 - a. If so, what is the fee or describe how the fee is calculated?
 - b. If so, provide the statutory authority for such a fee?

ANSWER: No.

4. Has SCS or its affiliates entered into any crossing agreement with a telecommunications/broadband company in the past?
 - a. If so, provide a copy of any agreement it entered into with said telecommunications/broadband company.

ANSWER: No.

5. What requirements will SCS impose (whether as a result of pipeline safety regulations or internal policy) upon a telecommunications/broadband company installing Communications Facilities in the same area as the pipeline, after the pipeline is built?

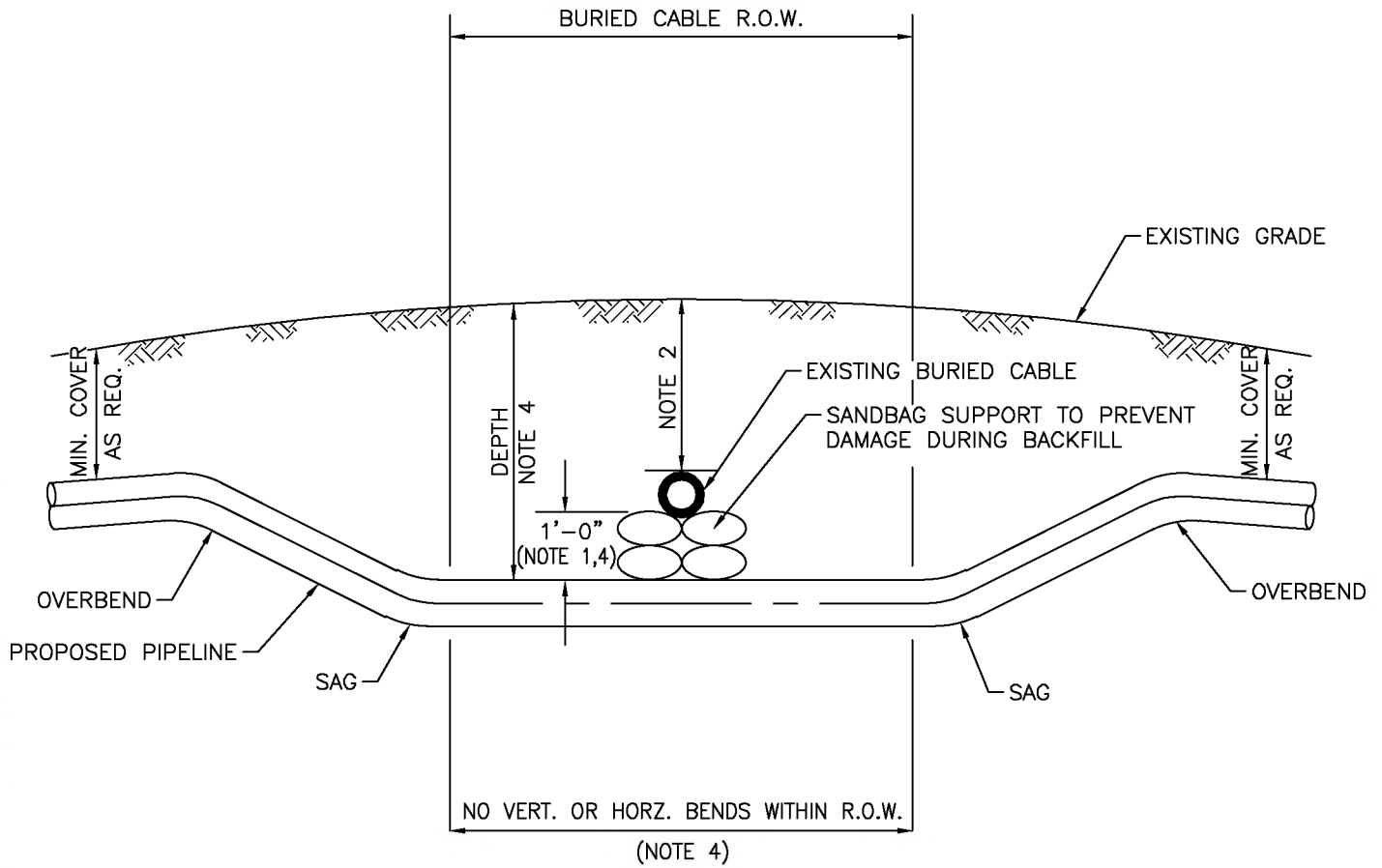
CERTIFICATE OF SERVICE

Cody L. Honeywell of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 7th day of July, 2022, he served electronically served through electronic mail a true and correct copy of the foregoing in the above-captioned matter to the following at their last known address, to-wit:

Kara Semmler
Attorney for South Dakota Telecommunications Assn.
karasemmler@sdtaonline.com

CODY L. HONEYWELL

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NOTES:

1. A MINIMUM CLEARANCE OF 12" MUST BE MAINTAINED FROM ANY UNDERGROUND STRUCTURE NOT ASSOCIATED WITH THE PIPELINE. THE RECOMMENDED VERTICAL CLEARANCE IS 12" BETWEEN ANY FOREIGN UTILITY AND THE PROPOSED PIPELINE.
2. BURIED CABLE LOCATIONS & DEPTHS TO BE DETERMINED BY ELECTRONIC MEANS IN ADVANCE OF PIPELINE CONSTRUCTION AND CONFIRMED BY CAREFULLY EXPOSING BY NON-MECHANIZED EQUIPMENT WHEN WITHIN 24" IN ANY DIRECTION FROM THE EXISTING FACILITY.
3. OWNER OF BURIED CABLE(S) SHALL BE NOTIFIED 48 HOURS IN ADVANCE OF EXCAVATION OF CROSSING.
4. DEPTH OF PIPELINE INCLUDING CLEARANCE SHALL BE MAINTAINED FOR THE FULL ANGULAR WIDTH OF BURIED CABLE R.O.W.
5. CONTRACTOR TO SUPPORT AS REQUIRED BY THE CABLE OWNER. IF CABLE OWNER HAS NO SPECIFIC REQUIREMENTS, THEN SUPPORT EXPOSED CABLE WITH WOOD PLANK OR STRUCTURAL STEEL ANGLE IRON DURING CONSTRUCTION.
6. CONTRACTOR TO UTILIZE CAUTION WITH PLACEMENT OF BACKFILL TO MINIMIZE POSSIBLE DAMAGE TO THE CABLE.
7. CONTRACTOR SHALL NOTIFY THE 811 CALL BEFORE YOU DIG PROGRAM AT LEAST 48 HOURS PRIOR TO DIGGING.

GULF INTERSTATE ENGINEERING						SUMMIT CARBON SOLUTIONS								
						DWN. BY: GIE		06-13-22		SUMMIT CARBON SOLUTIONS PIPELINE PROPOSED 4"-24" PIPELINE BURIED CABLE CROSSING DETAIL				
						CHK: JW		07-10-22						
						PROJ. ENGR: VK		07-01-22						
						PROJ. MGR.								
						CLIENT APP.								
						SCALE: N.T.S.				DWG. NO. 1927-000-PL-DWG-0057		SHT. NO. 70 OF 1		REV. 1
NO.	REVISION DESCRIPTION	BY	DATE	CHK'D	APP'D									
1	ISSUED FOR USE	GIE	07-01-22	JW	VK									
0	ISSUED FOR USE	GIE	06-13-22	JW	VK									