

From: PUC Admin
Sent: Tuesday, January 3, 2023 4:26 PM
To: Brian E. Jorde (bjorde@dominalaw.com) <bjorde@dominalaw.com>
Cc: Ryan Cwach <ryan@birmcwachlaw.com>
Subject: HP22-001 Intervenor Filings

Mr. Jorde,

You were copied on the following email messages from the PUC email address to Mike Klipfel and Brian Hoffman, two intervenors you represent who sent messages to the PUC on Dec. 30, 2022, concerning docket HP22-001. The PUC's response to Klipfel's message was sent to you at 4:51 PM and Hoffman's was sent at 5:22 PM, both on Dec. 30, 2022.

This is in response to your Dec. 30, 2022 email to the South Dakota Public Utilities Commission regarding the proposed SCS Carbon Transport LLC's Pipeline, docket [HP22-001](#).

You submitted a party status application to the South Dakota Public Utilities Commission for docket HP22-001 dated April 6, 2022, with representation by Attorney Brian Jorde. Your party status application was acted on by the commission during its April 14, 2022 meeting, and you were accepted as an intervenor as reflected in the commission's order issued on April 26, 2022.

As an intervenor, you must follow the proper process for communication with and submission of evidence to the commission by docket parties. For this reason, your email sent to PUC@state.sd.us has not been accepted as a docket filing by the commission. This is not the proper email address or process for communication as an intervenor. We suggest you confer with your attorney concerning any docket filings. As your attorney knows, such filings must be submitted via the [E-filings](#) tab on the commission website home page, which provides instructions for parties (intervenors) filing documents regarding an open docket with the commission.

South Dakota Public Utilities Commission Staff
PUC.sd.gov

Nonetheless, these two intervenors, in addition to approximately eight other intervenors that you also represent, sent email messages directly to commissioners the evening of Dec. 30, 2022, and continue to do so today.

As you are well aware, **this is not proper communication with the commissioners from intervenors you represent concerning an open docket.**

You and other intervenors were instructed as to the proper communication as a formal party to the case via a letter from [Commission General Counsel](#) Adam de Hueck with the [Intervenor Guide](#), sent to you and posted in the docket on May 16, 2022.

Given the confusion created by these emails sent directly to commissioners by intervenors, we have decided to handle this by posting them, along with this communication to you, as one filing in the docket.

Please ensure that you communicate with your intervenor clients so that this does not happen again. Your clients' communications with the commissioners concerning the docket must be properly filed by you, as the attorney representing them, via E-Filing. As intervenors, they are no longer commenters on this open docket.

If you have any questions about the commission's process, reach out to me or Commission General Counsel Karen Cremer.

Adam de Hueck and Karen Cremer, Commission Attorneys
South Dakota Public Utilities Commission
PUC.sd.gov