

# MAY ADAM

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Public Utilities Commission  
Attn: Patricia Van Gerpen, Executive Director  
VIA E-MAIL ONLY: [patty.vangerpen@state.sd.us](mailto:patty.vangerpen@state.sd.us)

**RE: IN THE MATTER OF THE APPLICATION BY SCS CARBON TRANSPORT,  
LLC FOR A PERMIT TO CONSTRUCT A CARBON DIOXIDE  
TRANSMISSION PIPELINE.  
PUC Docket: HP22-001  
MAGT File: 0515**

Dear Ms. Van Gerpen:

In recent meetings, the Commissioners have inquired or made comments about lawsuits in which the Project is a party. In some, the Project is a defendant; in others, it is a plaintiff. In all cases to date, the underlying controversy is one regarding what the law is and what the law says about a party's rights and responsibilities vis a vis the project. We think that asking a court to review the law and declare rights and responsibilities is a legitimate endeavor for anyone.

In any event, Judge Parady in the Third Circuit recently issued the attached opinion letter which has been distributed to other judges considering the same questions. We are attaching it here for the information of Commissioners and other parties as well.

Very truly yours,

MAY, ADAM, GERDES & THOMPSON LLP



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Attachment  
CC/att:HP22-001 Service List

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