

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

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

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**MOTION FOR TIME CERTAIN FOR
EVIDENCE ON THE ISSUE OF
COUNTY PREEMPTION**

HP22-001

Staff of the Public Utilities Commission (Commission) by and through its undersigned counsel hereby files this Motion for Time Certain for Evidence on the Issue of County Preemption. Staff requests the final two days—September 27 and September 28—of the Evidentiary Hearing currently scheduled from September 11 through September 28 be reserved specifically for the hearing of evidence on the issue of county preemption relating to SDCL 49-41B-28. If the schedule of the Evidentiary Hearing is hereinafter modified, Staff maintains its request that the final two days be reserved for the issue of county preemption.

Staff makes this motion in consideration of the desire of all parties to have ample notice of the schedule of the proceedings and to plan accordingly. Furthermore, as Staff is cognizant of the travel arrangements needed for all parties and witnesses, the granting of this request will prevent the need to travel back to a separate proceeding to hear the issue of county preemption.

Therefore, Staff requests the Commission enter an Order reserving September 27-28, or the final two days of the Evidentiary Hearing, for evidence on the issue of county preemption.

In addition, while the deadline for prefiled direct testimony has passed, Staff would not object to county witnesses having the opportunity to provide testimony at the evidentiary hearing, provided those witnesses are disclosed and prefiled testimony is filed by the September 6 deadline witness and exhibit lists. Minnehaha County is the only county against whom preemption is sought that is not currently a party to this docket. Should Minnehaha County opt for a limited intervention, as was done in Docket No. HP22-002, Staff would not object.

Dated this 28 day of August 2023.



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