

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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

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HP22-001

**\* INTERVENOR SPINK COUNTY,  
\* MCPHERSON COUNTY, AND  
\* BROWN COUNTY'S MOTION FOR  
\* TIME CERTAIN FOR EVIDENCE ON  
\* THE ISSUE OF COUNTY PRE-EMPTION**

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Spink County, Brown County, and McPherson County, by and through its undersigned counsel, hereby files this Motion for Time Certain for Evidence on the issue of county pre-emption. Spink County, Brown County, and McPherson County do not object to the date set forth by the staff of the Public Utilities Commission; September 27 and September 28.

Spink County, Brown County, and McPherson County request that county witnesses have the opportunity to provide testimony at the evidentiary hearing, however, these counties ask that the witnesses be disclosed and pretrial testimony be filed by September 15, 2023. This will give counsel for these counties sufficient time to prepare the necessary prefiled written testimony and exhibits necessary to properly address and inform the necessary parties as to their basis for each county's ordinance. It should be noted that Summit Carbon did not serve their motion on these counties until August 21, 2023. It is prejudicial to each county preparing their prefile testimony and exhibits in such a limited time frame when the date to address the county pre-emption issue has not been set.

Dated this 31<sup>st</sup> day of August, 2023.

RICHARDSON, WYLY, WISE, SAUCK  
& HIEB, LLP

By /s/ Joshua K. Finer  
Attorneys for Brown County,  
McPherson County and Spink County

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