

**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**

HLP22-001

**LANDOWNERS' MOTION TO
CONTINUE HEARING ON
PROPOSED
SCHEDULING ORDER**

Landowners as noted on the attached Exhibit A state as follows:

1. Landowners incorporate their arguments and statements as made in their December 12, 2022, filing entitled "Landowners' Opposition to Summit's Motion for Scheduling Order and Board Request for Scheduling Proposals and in the Alternative Landowners' Proposed Scheduling Order."

2. Since December 12, 2022, Landowners have been in further communication with PUC staff as directed by the PUC to find potential dates for hearing in this matter. A true and accurate copy of those communications are here below, and it is noted that at this time these dates cannot be confirmed but that PUC Staff may have them confirmed by December 19 or 20, 2022:

From: Brian Jorde <BJorde@dominalaw.com>
Sent: Wednesday, December 14, 2022 9:08 AM
To: Mohr, Leah <Leah.Mohr@state.sd.us>
Cc: Jordan Custer <JCuster@dominalaw.com>; Edwards, Kristen <Kristen.Edwards@state.sd.us>
Subject: [EXT] PUC Scheduling

Leah:

1. We talked Monday about finding dates for potential hearing in the PUC Summit matter.
2. Just checking in to see if you have come up with options in the 2 date ranges we discussed.
3. Please advise at your earliest convenience.

4. Thank you!

Respectfully,

[Brian E. Jorde](#)

Lawyer

DOMINALAW Group pc llo

www.dominalaw.com

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From: Mohr, Leah <Leah.Mohr@state.sd.us>

Sent: Wednesday, December 14, 2022 10:36 AM

To: Brian Jorde <BJorde@dominalaw.com>

Cc: Jordan Custer <JCuster@dominalaw.com>; Edwards, Kristen <Kristen.Edwards@state.sd.us>

Subject: RE: PUC Scheduling

Hi Brian – Per your phone call to me on Dec. 12, 2022, you requested available dates for an evidentiary hearing for HP22-001, Summit Pipeline. You stated that your preferred dates are August – September 2023 or December 2023 – January 2024. Given the short timeframe for me to evaluate your requested dates, I am only able to provide the following to you as tentative. That is, there has not been sufficient time for me to fully vet these dates relative to the full commission calendar. Understanding that these date ranges will have the caveat that they may be unavailable, I can provide you with the following:

The commission might be able to accommodate a two-week evidentiary hearing for HP22-001 among these possible dates:

Sept. 11-22, 2023

Sept. 18-29, 2023

Jan. 16-26, 2024 (Jan. 15 is a holiday)

Jan. 22 – Feb. 2, 2024

Leah Mohr, Deputy Executive Director

South Dakota Public Utilities Commission

500 E. Capitol Ave.

Pierre, SD 57501

Phone: (605) 773-3201

Web: <https://puc.sd.gov>

Email: leah.mohr@state.sd.us

From: Brian Jorde <BJorde@dominalaw.com>
Sent: Wednesday, December 14, 2022 2:31 PM
To: Mohr, Leah <Leah.Mohr@state.sd.us>
Cc: Jordan Custer <JCuster@dominalaw.com>; Edwards, Kristen <Kristen.Edwards@state.sd.us>
Subject: RE: [EXT] PUC Scheduling

Leah:

1. Thank you for this.
2. How long do you think until you will be able to confirm these timeframes as available windows for a Hearing?

Respectfully,

[Brian E. Jorde](#)
Lawyer
DOMINALAW Group pc llo
www.dominalaw.com

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From: Mohr, Leah <Leah.Mohr@state.sd.us>
Sent: Wednesday, December 14, 2022 3:02 PM
To: Brian Jorde <BJorde@dominalaw.com>
Cc: Jordan Custer <JCuster@dominalaw.com>; Edwards, Kristen <Kristen.Edwards@state.sd.us>
Subject: RE: PUC Scheduling

Hi Brian – I think that Dec. 19 will be the earliest I might be able to refine the dates.

*Leah Mohr, Deputy Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
Phone: (605) 773-3201
Web: <https://puc.sd.gov>
Email: leah.mohr@state.sd.us*

3. Unless PUC Staff is able to confirm the above potential dates at or prior to the scheduled hearing for December 20, 2022, on this matter, Landowners respectfully request any hearing on scheduling be continued until such time that more available options for hearing dates are confirmed.

4. In the event the above dates are all confirmed as available Landowners request one of the following date sequences be chosen for evidentiary hearing in this docket:

- a. September 11 through 29, 2023
- b. January 16, 2024, through February 4, 2024

REQUEST FOR RELIEF

Landowners each request an Order continuing any hearing or decision related to potential scheduling order or procedural order in this docket until such time that additional potential dates have been confirm by PUC Staff.

Landowners each lastly request any and all other relief deemed necessary.

By: /s/ Brian E. Jorde

Brian E. Jorde
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And

/s/ Ryan Cwach
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Landowners' Lawyers