

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

<b>IN THE MATTER OF THE APPLICATION )</b>	<b>NOTICE OF APPLICATION; ORDER</b>
<b>BY SCS CARBON TRANSPORT LLC FOR )</b>	<b>FOR AND NOTICE OF PUBLIC</b>
<b>A PERMIT TO CONSTRUCT A CARBON )</b>	<b>INPUT MEETINGS; NOTICE OF</b>
<b>DIOXIDE TRANSMISSION PIPELINE )</b>	<b>OPPORTUNITY TO APPLY</b>
)	<b>FOR PARTY STATUS</b>
)	
)	
)	
)	<b>HP22-001</b>

On February 7, 2022, the South Dakota Public Utilities Commission (Commission) received an Application for a Permit to Construct a Carbon Dioxide Transmission Pipeline (Application) from SCS Carbon Transport LLC, a limited liability company owned by Summit Carbon Solutions, LLC (Summit or Applicant). Applicant proposes to construct and operate a carbon dioxide (CO<sub>2</sub>) transmission pipeline (Project). The Project is approximately 2,000 miles of pipelines for the transportation of CO<sub>2</sub> from more than 30 ethanol plants across 5 states, including 7 ethanol plants in South Dakota, to underground injection control facilities in North Dakota. The proposed route of the main line enters South Dakota in Lincoln County at the Iowa/South Dakota border and extends in a northwesterly direction, exiting the state at the South Dakota/North Dakota border in McPherson County. Major components being built in South Dakota are expected to include 4 pump stations, 16 main line valves, 5 launcher-receiver sites, and approximately 5 miles of access roads as part of the Project. In addition to the main line and other components, the proposed Project includes lateral and trunk lines connecting ethanol plants throughout the eastern part of South Dakota to the main line. The proposed length of pipelines through South Dakota is approximately 469 miles and will cross the counties of Beadle, Brown, Clark, Codington, Edmunds, Hamlin, Hand, Hyde, Kingsbury, Lake, Lincoln, McCook, McPherson, Minnehaha, Miner, Spink, Sully, and Turner. The proposed pump stations are located in Kingsbury, Minnehaha, McPherson, and Spink counties. Applicant estimates the total cost of the proposed Project in South Dakota to be \$785 million.

On February 9, 2022, Vice Chairperson Kristie Fiegen filed a letter delivered to Governor Kristi Noem advising of a conflict of interest under SDCL 49-1-9 after learning of family ownership of land on the proposed Project route.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-1, and 49-41B and ARSD Chapters 20:10:01 and 20:10:22.

Pursuant to SDCL 49-41B-15 and 49-41B-16, **the Commission will hold public input meetings on the Application at the following times and places:**

**Tuesday, March 22, 2022 – 5:30 p.m. CDT– Sully Buttes High School  
Gymnasium, 500 S. 8<sup>th</sup> Street, Onida, South Dakota**

**Wednesday, March 23, 2022 – 5:30 p.m. CDT – Washington Room, Ramkota  
Conference Center, 3200 W. Maple Street, Sioux Falls, South Dakota**

**Thursday, March 24, 2022 – 12:00 p.m. (noon) CDT, De Smet Event Center, 705  
Wilder Lane, De Smet, South Dakota**

**Thursday, March 24, 2022 – 5:30 p.m. CDT, Redfield School Auditorium, 111 E.  
6<sup>th</sup> Avenue, Redfield, South Dakota**

**Friday, March 25, 2022 – 12:00 p.m. (noon) CDT, Northern Room, Ramkota  
Hotel, 1400 8<sup>th</sup> Avenue Northwest, Aberdeen, South Dakota**

The purpose of the public input meetings will be to hear public comments regarding the permit Application and the proposed Project. At the meetings, Applicant will present a brief description of the Project, after which interested persons may appear and present their views, comments, and questions regarding the Application and the Project. A copy of the Application is on file with the Beadle, Brown, Clark, Codington, Edmunds, Hamlin, Hand, Hyde, Kingsbury, Lake, Lincoln, McCook, McPherson, Minnehaha, Miner, Spink, Sully, and Turner County auditors pursuant to SDCL 49-41B-15.2 and at the Commission's office in Pierre. The Application and all other documents in the docket, including detailed maps of the Project may be accessed on the Commission's website at [www.puc.sd.gov](http://www.puc.sd.gov) under Commission Actions, Commission Dockets, Hydrocarbon and Carbon Dioxide Pipeline Dockets, 2022 Hydrocarbon and Carbon Dioxide Pipeline Dockets, HP22-001.

Pursuant to SDCL 49-41B-17 and ARSD 20:10:22:40, the statutory parties to this proceeding are the Applicant and the Commission staff. Each municipality, county, and governmental agency in the area where the facility is proposed to be sited; or any person residing in the area where the facility is proposed to be sited, or any directly interested person, may be granted party status in this proceeding by making timely written application to the Commission. Applications for party status will be available at the public input meetings or may be obtained from the Commission's website or by contacting the Commission. **Applications for party status must be filed with the Commission on or before 5:00 p.m. on April 8, 2022.** The Commission will also be accepting comments in writing from anyone, either by mail, personal delivery, or e-mailing the Commission right up until the time of the decision. You only need to apply for party status if you want to participate formally in the docket by putting on actual testimony or other factual evidence, conducting discovery, cross-examining witnesses, making legal arguments, and to preserve your right to appeal to the courts if you do not believe the Commission's decision is legally correct.

Following the public input meetings, the Commission may schedule a formal evidentiary hearing conforming to SDCL Chapter 1-26 to consider any issues raised by any intervening party, the Commission's staff, or the Commission itself. At such a formal hearing, all parties will have the opportunity to appear, present evidence, cross-examine the other parties' witnesses, and exercise all other rights afforded by SDCL Chapters 1-26, 49-1, and 49-41B and ARSD Chapters 20:10:01 and 20:10:22, including rights of appeal to the courts.

For approval, Applicant must show that the proposed Project will comply with all applicable laws and rules, will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area, will not substantially impair the health, safety or welfare of the inhabitants, and will not unduly interfere with the orderly development of the region with due consideration having been given to the views of governing bodies of affected local units of government. Based upon these factors, the Commission will decide whether the permit to construct should be granted, denied, or granted upon such terms, conditions, or modifications of the construction, operation, or maintenance as the Commission finds appropriate. It is therefore

ORDERED, that the Commission will hold public input meetings on the Application and Project on:

**Tuesday, March 22, 2022 – 5:30 p.m. CDT– Sully Buttes High School  
Gymnasium, 500 S. 8<sup>th</sup> Street, Onida, South Dakota**

**Wednesday, March 23, 2022 – 5:30 p.m. CDT – Washington Room, Ramkota  
Conference Center, 3200 W. Maple Street, Sioux Falls, South Dakota**

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Wilder Lane, De Smet, South Dakota**

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Friday, March 25, 2022 – 12:00 p.m. (noon) CDT, Northern Room, Ramkota Hotel, 1400 8<sup>th</sup> Avenue Northwest, Aberdeen, South Dakota

It is further

ORDERED, that pursuant to SDCL 49-41B-17 and ARSD 20:10:22:40, **applications for party status must be filed with the Commission on or before 5:00 p.m., CDT, on April 8, 2022.**

Pursuant to the Americans with Disabilities Act, these meetings will be held in physically accessible locations. Please contact the Public Utilities Commission at least 48 hours prior to the meeting if you have special needs so arrangements can be made to accommodate you.

The Commission's contact information is: Public Utilities Commission, 500 E. Capitol Ave., Pierre, SD, 57501, or by phone at (605) 773-3201 or (800) 332-1782.

Dated at Pierre, South Dakota, this 10<sup>th</sup> day of February 2022.

<b>CERTIFICATE OF SERVICE</b>
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.
By: <u>Karen E. Bremer</u>
Date: <u>2/10/2022</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson  
CHRIS NELSON, Chairman

Gary Hanson  
GARY HANSON, Commissioner