

**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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STAFF’S WRITTEN OBJECTIONS

HP22-001

Staff of the South Dakota Public Utilities Commission hereby submits Staff’s Written Objections (Objections) and requests these Objections be heard as part of the evidentiary hearing and be taken up upon commencement of that hearing on September 11, 2023. The reason for the Objections is the fact that Landowner Intervenors who are collectively represented (Landowners) filed approximately 130 sets of prefiled testimony.

The majority of this prefiled testimony contains a number of attachments that are nearly identical in content as well as numbering. Because of the size of the witness list and number of evidentiary objections that would have to be made each time verbatim testimony is offered, it is necessary to detail the objections in advance, rather than repeating the same objection to the same statement dozens of times. Furthermore, laying out the objections in writing ahead of time affords each party the opportunity to understand and identify the specific language to which Staff objects.

Staff objects to the following excerpts from the verbatim lay witness testimony and requests the Commission make a ruling striking the specific statement and reserves the right to include additional objections as necessary.

In identifying the location of the verbatim language for the purposes of this Motion, Staff will refer to the prefiled testimony of Sam and Linda Schauer.

1. **Attachment 4** (Nebraska case involving Magellan pipeline), irrelevant, lacks foundation.

2. **Attachment 5** (Climate Change article). Hearsay, lacks foundation.
3. **Attachment 6** (article calling on US and Canadian policymakers). Hearsay, lacks foundation.
4. **Attachment 7** (letter from Indigenous Environmental Network). Hearsay, lacks foundation.
5. **Attachment 8** (New York Times article). Hearsay, lacks foundation.
6. **Attachment 9** (Iowa State University Article). Hearsay, lacks foundation, improper lay witness testimony.
7. **Attachment 10** (Wiley Article). Hearsay, lacks foundation, improper witness testimony.
8. **Attachment 11** (article on Carbon Capture and Public Health). Hearsay, lacks foundation, improper lay witness testimony.
9. **Attachment 12** (Insurance Letters). Hearsay, lacks foundation.
10. **Attachment 13** (Land Reclamation of the Bison Pipeline (pg. 1-12)). Hearsay, lacks foundation, irrelevant as the pipeline involved in the article is not the same as the proposed pipeline at issue in this matter; (RFA slides (pg. 13)). Hearsay, lacks foundation.

CONCLUSION

WHEREFORE, in the interest of judicial efficiency and providing clarity to the parties, Staff requests the Commission take up these Objections as part of the evidentiary hearing and rule on those items listed herein.

Staff greatly respects the Landowners' desires to have their concerns shared. However, this is a formal contested case proceeding pursuant to SDCL 1-26, and we must adhere to the rules of evidence and existing Commission orders. The Attachments specified above are clearly

hearsay and are being offered for the truth of the matter asserted within the attachment. Given the content of these hearsay attachments and the lay witnesses' inability to provide context to that content, any potential probative value of these attachments is far outweighed by the prejudice that would be caused by admission into the record.

This Written Objection is not intended to be exhaustive of all objections Staff might have. Staff reserves the right to make additional objections at the evidentiary hearing.

Dated this 6th day of September 2023.



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