

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 PIPELINE	<p style="text-align: center;">HP22-001</p> <p style="text-align: center;">APPLICANT’S RESISTANCE TO LANDOWNERS’ REPLY TO PUC STAFF AND APPLICANT’S RESPONSES TO MOTION TO DISMISS AND ALTERNATIVE MOTIONS</p>
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COMES NOW, the Applicant, by and through its attorney, resisting Landowners’ Reply to PUC Staff and Applicant’s Responses to Motion to Dismiss and Alternative Motions, states as follows:

The timeline for the motions and responses are as follows: Landowners filed their initial Motion on April 28, 2022. Applicant filed a separate motion regarding a deadline extension on May 9, 2022. Landowners then filed another Motion, and an objection to Applicant’s separate motion, on May 17, 2022. PUC Staff filed and served their response on the pending motions on June 1, 2022. The Applicant filed and served their response to the pending motions on June 1, 2022. Landowners filed and served their reply to Applicant’s and PUC Staff’s responses on June 7, 2022. The pending motions from both the Landowners and from the Applicant are to be heard on June 8, 2022.

Proceedings before the Commission are governed by the South Dakota Rules of Civil Procedure, located in SDCL § 15-6. Additionally, “regulation of proceedings before the commission, including forms, notices, applications, pleadings, orders to show cause and the service thereof, all of which shall conform to those used in South Dakota courts.” SDCL § 49-1-

Pursuant to SDCL § 15-6-6(d), “a reply brief may be served by the movant not later than two days before the hearing, unless the court permits them to be served at some other time.”

Clearly, the Landowners have failed to file and serve their reply in a timely manner pursuant to SDCL § 15-6-6(d); because of this failure, Applicant requests the Commission does not consider the reply.

REQUEST FOR RELIEF

The Applicant respectfully requests the Commission does not consider the Landowners’ Reply dated June 7, 2022.

Dated this 7th day of June, 2022.

MAY, ADAM, GERDES & THOMPSON LLP

BY: _____

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