
From: PUC

Sent: Thursday, March 17, 2022 4:38 PM

To: [REDACTED]

Subject: HP22-001

Mr. Anderson,

This is in response to your message regarding the proposed SCS Carbon Transport LLC pipeline.

The Public Utilities Commission received a siting permit application for this pipeline project on Feb. 7, 2022, resulting in the opening of docket [HP22-001](#). This docket will receive a detailed review of the proposed project by the commission, with a final decision required by state law by Feb. 6, 2023. This will begin with next week's public input meetings hosted by the commission along the pipeline's route, as required by law. It is unfortunate that you cannot attend one of these, and there will not be remote access via phone or video. However, the applicant's presentation at these meetings as well as a recording of the meetings will be posted in the docket afterwards so you can access this information. As staff relayed earlier, there are other options to comment on and learn more about the project with regard to the docket.

You will be able to learn more as further project information will be requested by the commissioners and staff, filed in the online docket, and be publicly available during the months ahead.

The commission is not involved with eminent domain or easements. Here is an excerpt from the Public Utilities Commission's [Information Guide to Siting Pipelines](#) posted online:

The PUC is not involved in the easement acquisition process that occurs between applicants and landowners. Likewise, the PUC does not have a role in the eminent domain process, which is handled in the circuit court system. Landowners with concerns about these issues should seek advice from their personal attorney.

Likewise, the commission is not involved in planning or routing the project, and does not have the legal authority to change or mandate a route. See [SDCL 49-41B-36](#).

Given your company-specific questions dealing with the routing decisions, financial relationships, revenue sources, and landowner easements, these go beyond the commission's

jurisdiction. Thus, you may wish to email the applicant directly. They provide this email address for landowner questions: info@summitcarbon.com.

My fellow commissioners and I cannot deny any applicant a siting permit without fully reviewing and processing the application. We are bound by law to follow the criteria on whether or not a project is eligible to receive a permit. If the commissioners were to not follow the specific criteria in state law and deny a permit without proper cause, that decision would be appealed to, and almost certainly overruled by, circuit court.

In addition to my obligation to follow the law, I am a landowner in South Dakota and I understand your concern to protect your property.

Thank you for reaching out. Your letter and my response will be posted under Comments and Responses in the docket.

Chris Nelson, Chairman
South Dakota Public Utilities Commission
PUC.sd.gov