

From: PUC
Sent: Thursday, March 31, 2022 3:00 PM
To: [REDACTED]
Subject: HP22-001

Ms. Burkhart,

This is in response to your email regarding the proposed SCS Carbon Transport LLC pipeline, docket [HP22-001](#). I understand your frustration in not knowing for certain if the proposed project affects your property. I encourage you to review the maps in the public docket file, particularly [Appendix 4](#), showing seven alternate routes being considered, and the following Appendix 6 maps showing the route for which the applicant is requesting a permit.

[03/11/22 - SCS Carbon Transport LLC's Letter regarding Appendix 6](#)

[Appendix 6A - North Orientation](#)

[Appendix 6B - North Orientation](#)

[Appendix 6C - North Orientation](#)

The Public Utilities 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](#). In past siting dockets involving other projects, routes and layouts have become more firm following the information gathered at the public input meetings. Since you received notice from SCS Carbon Transport LLC and are concerned that the project may affect your property or that you may be on an alternate route, you should carefully consider whether to become an intervenor in the docket.

The deadline for intervention is established in state law, as is the deadline for a commission decision by Feb. 7, 2023. **I encourage any party that is legally qualified and wishes to be an intervenor to file by April 8, 2022.**

My fellow commissioners and I cannot deny any applicant a siting permit without fully reviewing and processing the application. Meanwhile, the commission's staff is also reviewing the application and docket filings and seeking additional information. 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.

Your email and this response will be posted under Comments and Responses in the docket.

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