

From: PUC
Sent: Wednesday, September 6, 2023 1:43 PM
To: [REDACTED]
Subject: HP22-001

Ms. Shepard,

This is in response to your September 5 email to the South Dakota Public Utilities Commission relaying concerns regarding SCS Carbon Transport, LLC's requested siting permit application that is currently an open docket, [HP22-001](#).

You relay your opposition to the project and cite numerous conclusions you have reached. Many, if not all, of your concerns will be the subject of expert witness testimony and cross-examination during the upcoming evidentiary hearing for this docket, to be held Sept. 11-27, 2023. That is when my fellow commissioners and I will have our opportunity to ask many questions and listen closely to the questions and answers of the formal parties and expert witnesses involved in the docket, assisting us in making decisions concerning this application. As commissioners, we must base our decisions on facts and evidence as opposed to hearsay and emotions.

You reference North Dakota and Iowa laws and actions, and I will not opine on those as my jurisdiction – as for my fellow commissioners – is South Dakota law. Upon being elected, each of us took an oath to follow the laws of the state of South Dakota. The laws and rules that provide the commission's jurisdiction were enacted by the South Dakota Legislature. This [Pipeline Siting Information Guide](#) is helpful in understanding the commission's legal authority and processing of a docket such as this.

Since commissioners have a decision-making role in docket matters, communication with us about any open or imminent docket must be done in an open forum, such as a public meeting or hearing, with notice given to all parties and/or made available via the docket. Thus, your email and my response will be posted under Comments and Responses in this docket. As referenced in the Pipeline Siting Information Guide, posted on the commission website home page and in the docket, communication intended for commissioners about a docket should be sent to PUC@state.sd.us.

Thank you for writing to share your conclusions and providing me this opportunity to explain the commission's legal jurisdiction.

Gary Hanson, Vice Chairman
South Dakota Public Utilities Commission
PUC.sd.gov