
From: PUC

Sent: Friday, March 11, 2022 4:09 PM

To: [REDACTED]

Subject: HP22-001

Mr. Fischbach,

This is in response to your letter with signatures regarding the proposed SCS Carbon Transport LLC pipeline. I understand your concerns and those of the other landowners near the proposed project's route.

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 Feb. 6, 2023. Public input meetings will be held along the pipeline's route. You will find a list of these meetings, scheduled for March 22-25, in the docket.

You may find information addressing some of your concerns during the explanation provided by the project's permit applicant during the public input meetings. I encourage you and the others signing the letter to attend one of these meetings. In addition, a large amount of further project information will be requested, filed in the online docket, and be publicly available during the year ahead.

Those unable to attend a public input meeting may submit written comments for commissioners and others to review and to be posted in the open docket. In addition to obtaining feedback at these meetings and via written comments, commission staff are in the process of reviewing the project's application to ensure it meets the requirements of South Dakota laws and rules. The project applicant, individuals who were granted party status, and commission staff will present their cases with evidence to the commission. The commission will issue a decision on whether or not to issue a permit based on the record before it and following the criteria provided by state law. This discussion and decision will take place during a public meeting. The processing of a pipeline siting docket can take up to one year.

The commission is not involved with eminent domain. 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.

You urge my fellow commissioners and me to oppose the pipeline. We cannot simply deny any applicant a siting permit without fully reviewing and processing the application and the evidence. We must follow the criteria established by law in determining whether or not a project is eligible to receive a permit. We each took an oath to follow these laws.

You will find information posted on the PUC's website to guide you in understanding the processing of siting dockets and communicating with the commission on dockets: [Information Guide to Siting Pipelines](#), [Informational Guide](#), and [Ex Parte Communications Guidelines](#).

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

Chris Nelson, Chairman
South Dakota Public Utilities Commission
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