
From: PUC

Sent: Monday, March 21, 2022 1:51 PM

To: [REDACTED]

Subject: HP22-001

Mr. Fischbach,

This is in response to your letter that the Public Utilities Commission received in today's mail regarding the Summit Carbon Pipeline project, docket [HP22-001](#). I responded on March 11, 2022, to a letter from you, and some of the issues you raise were addressed in my earlier response.

In your latest letter, you wrote that, *“For example, on October 26, 2021, I discovered that your entire staff held a private meeting with officials from Summit in your office in Pierre at 8:00 a.m. yet upon request by me, your staff refused to meet with some of us landowners and hear our concerns.”* The meeting you reference is not one that I or my fellow commissioners were invited to or attended. The meeting PUC staff attended was held at the request of Summit Carbon staff members to discuss the company's intended siting permit application filing. Six PUC staff members attended this Oct. 27, 2021, meeting in a conference room in Pierre, not at the commission's office. As is the case with every major siting docket filed with the commission during the past two decades, representatives for the company request a meeting in advance with staff to discuss the application process and the mechanics of filing a large docket such as this with the commission. This meeting was similar to those held with other siting permit applicants previously, and it is appropriate and helpful to the PUC staff managing such a large initial filing and docket.

You wrote that, *“In January of this year, Summit officials were allowed to appear before the Senate Commerce Committee in the legislature with a PUC commissioner present without public notice to lobby for their pipeline, yet no opposing landowners were given the same opportunity.”* Senate Commerce Committee Chair Casey Crabtree requested that I meet with that committee during its [Jan. 13, 2022 meeting](#) to explain the commission's process when a siting permit application such as Summit Carbon's is filed. I explained how that process works, including the timeline established by state law. The committee's [minutes](#) reflect this. I excused myself from the committee meeting after my explanation and prior to other discussion, including any discussion involving the Summit Carbon project.

You reference many other issues you have with the proposed project that I will not address since I am still learning about this project as the permit application is reviewed. My fellow

commissioners and I have much more work ahead of us prior to making a decision on whether or not a siting permit will be issued.

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

Chris Nelson, Chairman
South Dakota Public Utilities Commission
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