
From: PUC

Sent: Monday, March 7, 2022 3:48 PM

To: [REDACTED]

Subject: HP22-001

Mr. and Ms. Hohn,

This is in response to your email 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 Feb. 6, 2023. This will begin with public input meetings hosted by the commission 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 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.

The commission is not involved with eminent domain. Although you state you do not agree with me since you believe my fellow commissioners and I could simply deny a siting permit, nonetheless it is true. 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.

My fellow commissioners and I cannot simply 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 or not. It is not simply a cursory thumbs up or thumbs down decision. If the commissioners were to not follow the specific criteria in state law and simply deny a permit without proper cause, that decision would be appealed to – and almost certainly overruled by – circuit court. My fellow commissioners and I would be going against the very oaths we took to abide by the law in carrying out the duties of a commissioner.

Despite my obligation to follow the law, I am a landowner in South Dakota and I understand your concern and your dedication to protect your property. What concerns me also are the references you made to the Dakota Access Pipeline and how the company did not follow the permit conditions established by the commission. PUC staff will be reading this and I assure you they will follow up with you to understand your specific Dakota Access Pipeline non-compliance issues in order to take these up with the company.

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

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