

From: PUC
Sent: Thursday, March 31, 2022 2:13 PM
To: [REDACTED]
Subject: HP22-001

Mr. and Ms. Hohn,

This is in response to your follow-up email after the March 23 public input meeting in Sioux Falls for the [HP22-001](#) docket. If you are aware of a landowner that was entitled to receive notice from SCS Carbon Transport LLC and did not, please encourage them to notify the commission in writing.

The 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.

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
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