

From: PUC
Sent: Friday, June 23, 2023 5:07 PM
To: Barbara LeGare [REDACTED]
Subject: HP22-001

Mr. and Ms. LeGare,

This is in response to your letter dated June 20, 2023, asking that my fellow commissioners and I deny a permit for docket HP22-001 based on SDCL 49-41B-22. You write that “*Electric transmission line, solar energy and wind energy facilities mentioned in the second and fourth sentences, don’t mention GAS line transmission.*”

There are many state statutes and rules to be referenced regarding consideration of this siting permit, including those referencing pipeline safety and gas transmission lines, in addition to federal code under the Pipeline and Hazardous Materials Safety Administration with the U.S. Department of Transportation. You may reference further information online via [Pipeline Safety](#) and [SDCL Chapter 49-34B](#).

The [Information Guide to Siting Pipelines](#), posted on the commission website home page and in the docket, explains the processing of a siting docket like this by the commission, with an excerpt below.

This guide is intended to offer a simple overview of the Public Utilities Commission’s process in making a decision to approve or deny the construction of pipeline facilities specific to South Dakota Codified Laws Chapter 49-41B (www.sdlegislature.gov/Statutes/Codified_Laws) and South Dakota Administrative Rules Chapter 20:10:22 (www.sdlegislature.gov/Rules/RulesList).

I agree that there are many questions that must be answered concerning the safety of a CO₂ pipeline. That is the purpose of commission docket [HP22-001](#).

As you will see by reviewing the documents posted thus far in this online docket, many, many issues are being addressed by formal parties involved in the siting docket. These issues are being dissected and will be robustly discussed and cross-examined during the upcoming evidentiary hearing, scheduled for Sept. 11-22 and 25-29, 2023. That hearing is when commissioners will ask many questions, as will other parties involved in the case, ultimately assisting the commissioners in determining whether each will vote yes or no on a permit or consider conditions with a permit. My fellow commissioners and I will make that determination based on facts – evidence – presented by parties to the docket. Our decision must be based

on evidence, not on emotions. We must make a decision that is within the commission's legal jurisdiction, and one we believe will be upheld should our decision be appealed to circuit court.

For these reasons, my fellow commissioners and I continue to carefully study the formal filings submitted to this docket. We will listen closely to the evidence presented during the evidentiary hearing, and we will each ask many questions concerning those facts. Following this entire process, the commissioners will publicly discuss and vote according to the evidence within the jurisdiction provided to the commission by the state legislature in South Dakota Codified Law. Each commissioner took an oath to follow state law upon acceptance of our responsibilities as a commissioner. I take my oath to follow the law seriously.

Since commissioners have a decision-making role in docket matters, any 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 or made available via the docket. Thus, your email and my response will be posted under Comments and Responses in this docket.

Thank you for reaching out and allowing me to share the full responsibilities of commissioners regarding the HP22-001 docket and relaying to you why saying no to a siting permit now as you request is untimely and unlawful.

Gary Hanson, Vice Chairman
South Dakota Public Utilities Commission
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