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**From:** PUC  
**Sent:** Monday, April 11, 2022 1:37 PM  
**To:** [martys@moodycounty.net](mailto:martys@moodycounty.net)  
**Subject:** HP22-001

Moody County Commission Chair Bruning,

This is in response to your letter and resolution establishing a temporary moratorium 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 state law by Feb. 7, 2023. This began with March 22-25 public input meetings hosted by the commission along the pipeline's route, as required by law.

You will be able to learn more as further project information will be requested by the commissioners and staff, filed in the online docket, and be publicly available during the months ahead. I encourage you and your fellow commissioners to follow this docket as it is processed and new information is posted in the online docket. Many issues raised will be addressed by commission staff working with other state agencies and industry expert witnesses.

Please keep in mind that 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. 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.

I understand your commission's concerns about protecting the property of those living within your county's borders.

Your letter, resolution, and my response will be posted under Comments and Responses in the docket.

Chris Nelson, Chairman  
South Dakota Public Utilities Commission  
[PUC.sd.gov](http://PUC.sd.gov)