

**From:** Nelson, Chris  
**Sent:** Monday, May 15, 2023 8:27 AM  
**To:** Mulally, Tina  
**Cc:** Van Gerpen, Patty  
**Subject:** FW: [EXT] eminent domain

Representative Mulally,

Thanks for your email.

As you know eminent domain is defined in state law and disputes on issues such as you have raised regarding constitutionality are being arbitrated in the court system. The PUC is not involved in eminent domain.

As you also know there are two applications for siting permits for carbon dioxide pipelines pending at the PUC. My decisions on those cases will be based on the criteria provided in state law and the facts as established in each case. Hearings are scheduled in July-August and in September for the purpose of establishing those facts in contested case proceedings. Any decision the PUC makes is subject to appeal to the court system where the Court will determine if our decision was based on fact and law.

Sincerely,

*Chris Nelson*

South Dakota Public Utilities Commissioner  
500 E Capitol Ave  
Pierre, SD 57501  
605-773-3201