

From: PUC

Sent: Tuesday, March 15, 2022 3:33 PM

To: spilde@venturecomm.net

Subject: HP22-001

Spilde family,

This is in response to your letter 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. 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 request that the April 8 deadline for the permit application hearing be moved back. April 8 is the deadline established by state law for anyone who wishes to become a formal party, otherwise known as an intervenor, to file for party status in this docket with the commission. No date has been set for an evidentiary hearing for this docket at this point, and that is likely months ahead.

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. 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 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. 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. My fellow commissioners and I would be going against the oaths we took to abide by the law.

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.

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

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