

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE APPLICATION OF)	ORDER ESTABLISHING POST-
NAVIGATOR HEARTLAND GREENWAY,)	HEARING BRIEFING
LLC FOR A PERMIT UNDER THE SOUTH)	SCHEDULE
DAKOTA ENERGY CONVERSION AND)	AND DECISION DATE
TRANSMISSION FACILITIES ACT TO)	
CONSTRUCT THE HEARTLAND)	
GREENWAY PIPELINE IN SOUTH DAKOTA)	HP22-002

On September 27, 2022, the South Dakota Public Utilities Commission (Commission) received an Application for a Permit under the South Dakota Energy Conversion and Transmission Facilities Act to Construct the Heartland Greenway Pipeline in South Dakota (Application) from Navigator Heartland Greenway, LLC, a limited liability company owned by Navigator CO2 Ventures LLC (Navigator or Applicant). Applicant proposes to construct and operate a carbon dioxide (CO2) transmission pipeline (Project). The Project is approximately 1,300 miles of pipelines for the transportation of CO2 from more than 21 ethanol and fertilizer plants across five states, including three ethanol plants in South Dakota, that will transport captured carbon dioxide for permanent and secure underground sequestration in Illinois and/or to off-take facilities for commercial/industrial use. The Project consists of 111.9 miles of carbon dioxide pipeline in South Dakota that will cross the counties of Brookings, Moody, Minnehaha, Lincoln, and Turner.

On June 9, 2023, the Commission issued an Order for and Notice of Evidentiary Hearing. The evidentiary hearing was held in three sessions with the first beginning on July 25, 2023, and ending on August 5, 2023; the second session was held on August 8, 2023; and the third session is scheduled for August 24-25, 2023. At the conclusion of the second session of the evidentiary hearing, a briefing schedule and decision date was set by the Commission. It is therefore

ORDERED, that initial post-hearing briefs shall be filed and served by all parties who wish to submit briefs no later than 5:00 p.m. CDT on August 28, 2023. A party may also submit proposed findings of fact and conclusions of law with its initial brief; and it is further

ORDERED, that with the exception of briefing on the question of preemption pursuant to SDCL 49-41B-28, response briefs may only be submitted by parties who submitted initial briefs and who wish to respond to other parties' initial briefs. Response briefs shall be filed and served no later than 10:00 a.m. CDT on September 4, 2023; and it is further

ORDERED, that unless otherwise ordered by the Commission, briefing on the preemption question may be included within a party's initial or response brief. An initial brief is not required in order to submit a response brief on this issue; and it is further

ORDERED, that the Commission shall make its decision on this docket on September 6, 2023, at 9:30 a.m., in Room 414 of the State Capitol Building, Pierre, South Dakota.

Dated at Pierre, South Dakota, this 23rd day of August 2023.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.

By: Adam Detbeck

Date: 8/23/23

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner