

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

IN THE MATTER OF THE APPLICATION OF)	ORDER DENYING MOTION
NAVIGATOR HEARTLAND GREENWAY, LLC)	TO RETURN APPLICATION
FOR A PERMIT UNDER THE SOUTH DAKOTA)	
ENERGY CONVERSION AND 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 5 states, including 3 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 September 29, 2022, the Commission electronically transmitted notice of the filing and the intervention deadline of November 28, 2022, to interested individuals and entities on the Commission’s PUC Weekly Filings electronic listserv. On September 30, 2022, the Commission issued an Amended Notice of Application; Order for and Notice of Public Input Meeting; Notice of Opportunity to Apply for Party Status. Pursuant to ARSD 20:10:22:40, the deadline for persons to file an application for party status is November 28, 2022. On November 21 and 22, 2022, the Commission held public input meetings in Canton, Flandreau, and Sioux Falls. Party status has been granted to numerous individuals and entities. On January 19, 2023, the Commission issued an Order Setting Procedural Schedule. On January 24, 2023, the Commission received Landowners’ Motion to Return Application. On January 30, 2023, the Commission issued an Order for and Notice of Motion Hearing on Less than 10 Days’ Notice. On January 30, 2023, PUC staff filed a Response to Motion to Return Application. On February 3, 2023, Navigator filed an Objection to Motion to Return Application. On February 8, 2023, the Commission received Landowners’ Reply to Applicant’s Objection to Motion to Return Application.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B and ARSD Chapter 20:10:01 and 20:10:22. The Commission may rely upon any or all of these or other laws of this state in making its determination.


At its regularly scheduled meeting on February 9, 2023, the Commission considered this matter. After reviewing the written filings and hearing oral argument from the parties, the Commission voted 2-1 to deny Landowners’ Motion to Return Application, with Commissioner Hanson dissenting. It is therefore

ORDERED, that Landowners’ Motion to Return Application is denied.

Dated at Pierre, South Dakota, this 13th day of February 2023.

CERTIFICATE OF SERVICE

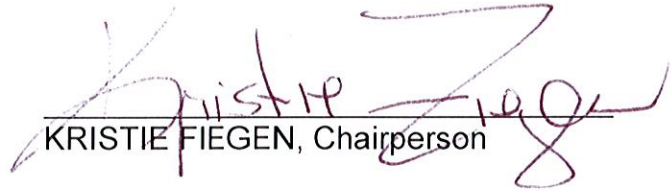
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.

By: 

Date: 2/13/23

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:


KRISTIE FIEGEN, Chairperson

GARY HANSON, Commissioner,
dissenting


CHRIS NELSON, Commissioner