

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

<b>IN THE MATTER OF THE APPLICATION OF</b>	)	<b>ORDER DENYING LATE-</b>
<b>NAVIGATOR HEARTLAND GREENWAY, LLC</b>	)	<b>FILED PARTY STATUS</b>
<b>FOR A PERMIT UNDER THE SOUTH DAKOTA</b>	)	
<b>ENERGY CONVERSION AND TRANSMISSION</b>	)	
<b>FACILITIES ACT TO CONSTRUCT THE</b>	)	
<b>HEARTLAND GREENWAY PIPELINE IN</b>	)	
<b>SOUTH DAKOTA</b>	)	<b>HP22-002</b>

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. 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 March 2, 2023, the Commission issued an Order Granting Request to Withdraw Party Status; Order Amending Procedural Schedule. On April 18, 2023, the Commission received an Application for Party Status from Valero Renewable Fuels Company, LLC.

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 April 27, 2023, the Commission considered Valero Renewable Fuels Company, LLC’s request for late-filed party status and heard argument from the parties. Finding that the intervention was filed significantly beyond the intervention deadline without good cause for such delay and finding that the intervention would unduly prejudice the rights of other parties in the proceeding, the Commission voted 2-1 to deny Valero Renewable Fuels Company, LLC’s request to for party status, Commissioner Fiegen dissenting. It is therefore

ORDERED, that the request of Valero Renewable Fuels Company, LLC for late-filed party status is hereby denied.

Dated at Pierre, South Dakota, this 28<sup>th</sup> day of April 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 DeHueck

Date: 4/28/23

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

KRISTIE FIEGEN, Chairperson  
Dissenting

Gary Hanson  
GARY HANSON, Commissioner

Chris Nelson  
CHRIS NELSON, Commissioner