

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

| | |
|---|--|
| IN THE MATTER OF THE APPLICATION OF) NAVIGATOR HEARTLAND GREENWAY,) LLC FOR A PERMIT UNDER THE SOUTH) DAKOTA ENERGY CONVERSION AND) TRANSMISSION FACILITIES ACT TO) CONSTRUCT THE HEARTLAND) GREENWAY PIPELINE IN SOUTH DAKOTA))) | ORDER GRANTING MOTION TO) SET DISCOVERY RESPONSE) DEADLINE; ORDER GRANTING) MOTION TO REQUIRE PREFILED) TESTIMONY; ORDER TO HOLD) PREHEARING SCHEDULING) CONFERENCE) 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 October 5, 2022, the Commission received an application for party status from the South Dakota Telecommunications Association. On October 6, 2022, the Commission received an application for party status from the Brookings County Commission. On October 28, 2022, the Commission granted party status to the South Dakota Telecommunications Association and the Brookings County Commission. On November 21 and 22, 2022, the Commission held public input meetings in Canton, Flandreau, and Sioux Falls. On December 7, 2022, the Commission issued an order granting party status. On December 12, 2022, the Commission received an Application for Party Status from Gwen Reker. On December 16, 2022, the Commission received an Application for Party Status from Dave Larson. On December 22, 2022, PUC staff filed a Motion for Discovery Response Deadline; Motion to Require Prefiled Testimony; and Request for Prehearing Scheduling Conference. On December 28, 2022, the Commission issued an Order Granting Party Status to Gwen Reker and Dave Larson.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B, specifically 49-41B-17, and ARSD Chapter 20:10:22, specifically 20:10:22:40.

At its regularly scheduled meeting on January 5, 2023, the Commission considered PUC Staff's Motion for Discovery Response Deadline; Motion to Require Prefiled Testimony; and Request for Prehearing Scheduling Conference. The Commission voted unanimously to grant PUC Staff's Motion for Discovery Response Deadline; Motion to Require Prefiled Testimony; and Request for Prehearing Scheduling Conference.

It is therefore

ORDERED, that responses to discovery shall be due ten business days from receipt of discovery, all witnesses must submit prefiled testimony, and a virtual prehearing scheduling conference be held at a date to be determined by the Commission Attorney.

Dated at Pierre, South Dakota, this 10th day of January 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: <u>Adam Detbeck</u> |
| Date: <u>1/10/23</u> |
| (OFFICIAL SEAL) |

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner