

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

IN THE MATTER OF THE APPLICATION OF)	ORDER ASSESSING FILING
NAVIGATOR HEARTLAND GREENWAY, LLC)	FEE; ORDER AUTHORIZING
FOR A PERMIT UNDER THE SOUTH)	EXECUTIVE DIRECTOR TO
DAKOTA ENERGY CONVERSION AND)	ENTER INTO CONSULTING
TRANSMISSION FACILITIES ACT TO)	CONTRACTS
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. SDCL 49-41B-12 provides for a filing fee to be assessed to cover the Commission's actual cost of investigating, reviewing, processing, and serving Notice of the Application.

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 October 11, 2022, Staff filed a letter regarding filing fee.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B, specifically 49-41B-12, 49-41B-26, and ARSD Chapter 20:10:22.

At its regularly scheduled meeting on October 11, 2022, the Commission considered this matter. Commission staff requested that the Commission assess a filing fee of up to \$400,000, with an initial deposit of \$8,000, and authorize the executive director to enter into consulting contracts that may be needed for the review of the Application. With agreement from Navigator, the Commission unanimously voted to assess a filing fee up to \$400,000, with an initial deposit of \$8,000, for actual expenses incurred in processing this Application commencing from the filing date. The Commission further voted unanimously to authorize the executive director to enter into necessary consulting contracts. It is therefore

ORDERED, that Navigator Heartland Greenway, LLC shall be assessed a filing fee of up to \$400,000 to reimburse actual expenses incurred by the Commission in the processing of the Application with an initial deposit of the \$8,000 minimum fee. It is further

ORDERED that the executive director is hereby authorized to enter into necessary consulting contracts.

Dated at Pierre, South Dakota, this 14th day of October 2022.

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>10/14/22</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Commissioner

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner