

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

<b>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 ) ) )</b>	<b>ORDER GRANTING MOTION ) TO INTERVENE FOR LIMITED ) PURPOSE; ORDER DENYING ) MOTION TO HOLD IN ) ABEYANCE APPLICANT'S ) MOTION TO PRE-EMPT ) COUNTY ORDINANCES )  HP22-002</b>
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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 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 March 2, 2023, the procedural schedule was amended. A hearing will be held July 25 -27, 2023 and July 31, 2023, through August 5, 2023. On July 21, 2023, the Commission received Minnehaha County's Motion to Intervene for Limited Purpose; Motion to Hold in Abeyance Applicant's Motion to Pre-Empt County Ordinances (Motions).

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.

The Commission considered the Motions on July 25, 2023, immediately prior to the beginning of the evidentiary hearing. Regarding Minnehaha County's Motion to Intervene for Limited Purpose, no party objected to the motion. The Commission voted unanimously to grant the motion. Hearing arguments from the parties regarding Minnehaha County's Motion to Hold in Abeyance Applicant's Motion to Pre-Empt County Ordinances, the Commission voted unanimously to deny the motion. It is therefore

ORDERED, that Minnehaha County's Motion to Intervene for Limited Purpose is granted. It is further

ORDERED, that Minnehaha County's Motion to Hold in Abeyance Applicant's Motion to Pre-Empt County Ordinances is denied.

Dated at Pierre, South Dakota, this 28<sup>th</sup> day of July 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 Detrick*

Date: 7/28/23

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*Kristie Fiegen*  
KRISTIE FIEGEN, Chairperson

*Gary Hanson*  
GARY HANSON, Commissioner

*Ch. Nelson*  
CHRIS NELSON, Commissioner