

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

IN THE MATTER OF THE APPLICATION OF)	ORDER FOR AND NOTICE OF
NAVIGATOR HEARTLAND GREENWAY,)	MOTION HEARING ON LESS
LLC FOR A PERMIT UNDER THE SOUTH)	THAN 10 DAYS' NOTICE
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 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 on July 25 through August 3, 2023. On June 23, 2023, the Commission granted staff's Motion for Time Certain for Witness Testimony. On June 26, 2023, the Commission received the following four Motions from Navigator:

1. Applicant's Motion to Address Procedural Issues;
2. Applicant's Motion to Limit or Exclude Certain Testimony;
3. Applicant's Motion to Preempt County Ordinances Under SDCL § 49-41B-28 (Motion to Preempt); and
4. Applicant's Motion for Prehearing Conference.

Applicant's Motion to Preempt requested preemption pursuant to SDCL § 49-41B-28 as part of the Commission's final decision in this docket. Therefore, the Motion to Preempt will be considered at a later time and is not included in this Notice of Hearing.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B. Pursuant to SDCL 49-41B-24, the Commission has one year from the date of application to render a decision on the Application. Pursuant to ARSD 20:10:01:22.02, the Commission may order a hearing on less than ten days' notice if the Commission determines good cause exists therefor. The Commission finds that because it is necessary to decide these Motions in advance of the evidentiary hearing, good causes exist to hear these Motions on less than ten days' notice.

It is therefore

ORDERED, that a hearing on the above-listed Motions, excluding the Motion to Preempt, will be held by the Commission in connection with its regular meeting on July 11, 2023, beginning at 9:00 A.M. CDT in Room 413, Capitol Building, Pierre, S.D.

Dated at Pierre, South Dakota, this 27th day of June 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 DetHeck</u>
Date: <u>6/27/23</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen

KRISTIE FIEGEN, Chairperson

Gary Hanson

GARY HANSON, Commissioner

Chris Nelson

CHRIS NELSON, Commissioner