

**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 FOR AND NOTICE OF
MOTIONS HEARING ON LESS
THAN 10 DAYS' NOTICE**

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 January 19, 2023, the Commission issued a procedural schedule setting the hearing for June 7 – June 16, 2023. On February 9th, 2023, the Commission considered and denied Landowners' Motion to Return Application and directed all parties to consider alternative hearing dates. On February 16, 2023, Applicant filed a Motion for Protective Order. On February 21, 2023, Commission staff filed a Motion to Amend the Procedural Schedule and Joyce Swanson filed a Request to Withdraw as an Intervenor.

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 this matter must be resolved so parties can prepare their cases, good cause exists to hear the motions on less than ten days' notice.

It is therefore

ORDERED, that a hearing on the Motions will be held by the Commission in connection with its regular meeting on February 28, 2023, beginning at 1:30 P.M. CST in the Matthew Training Center, Foss Building, Pierre, S.D.

Dated at Pierre, South Dakota, this 21st day of February 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 Wetneck

Date: 2/21/23

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner