

**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
MOTION 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 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 July 11, 2023, the Commission granted in part, denied in part, and deferred in part, prehearing Motions filed by Navigator. The hearing examiner held a virtual pretrial conference on July 11, 2023.

On July 14, 2023, the Commission received Intervening Landowners' Motion for Remote Testimony filed on behalf of Intervenors represented by attorney Brian Jorde.

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 this request in advance of the evidentiary hearing, good causes exist to hear the Motion for Remote Testimony on less than ten days' notice., as well as to address any prehearing procedural matters as necessary at that time.

It is therefore

ORDERED, that a hearing on the above matters will be held, ad hoc, Thursday, July 20, 2023, at 1:00 p.m. CDT in Room 413, Capitol Building, Pierre, S.D.

Dated at Pierre, South Dakota, this 17th 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 Lettueck

Date: 7/17/23

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen

KRISTIE FIEGEN, Chairperson

Gary Hanson

GARY HANSON, Commissioner

Chris Nelson

CHRIS NELSON, Commissioner