

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

<b>IN THE MATTER OF THE APPLICATION OF )</b>	<b>ORDER SETTING PROCEDURAL</b>
<b>NAVIGATOR HEARTLAND GREENWAY, )</b>	<b>SCHEDULE</b>
<b>LLC FOR A PERMIT UNDER THE SOUTH )</b>	
<b>DAKOTA ENERGY CONVERSION AND )</b>	
<b>TRANSMISSION FACILITIES ACT TO )</b>	
<b>CONSTRUCT THE HEARTLAND )</b>	
<b>GREENWAY PIPELINE IN SOUTH DAKOTA )</b>	<b>HP22-002</b>

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 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. Pursuant to ARSD 20:10:22:40, the deadline for persons to file an application for party status is November 28, 2022. On October 28, 2022, the Commission granted party status to the South Dakota Telecommunications Association and the Brookings County Commission. On November 21 and 22, 2022, the Commission held public input meetings in Canton, Flandreau, and Sioux Falls. On December 7, 2022, the Commission issued an order granting party status. On December 22, 2022, PUC staff filed a Motion for Discovery Response Deadline; Motion to Require Prefiled Testimony; and Request for Prehearing Scheduling Conference. On December 28, 2022, the Commission issued an Order Granting Party Status to Gwen Reker and Dave Larson. On January 10, 2023, the Commission issued an order granting staff's motion and a virtual prehearing scheduling conference with the parties and other interested persons to discuss various procedural issues and a draft procedural schedule was held on January 13, 2023.

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.

At its regularly scheduled meeting on January 17, 2023, the Commission considered the procedural schedule presented by Commission Counsel. After hearing argument from the parties, the Commission voted unanimously to adopt the proposed procedural schedule discussed at the prehearing scheduling conference as revised during Commission discussion and argument from

the parties. It is therefore

ORDERED, that the procedural schedule shall be set as follows:

First discovery requests:	January 30, 2023
Responses due:	February 13, 2023
Second discovery requests:	March 1, 2023
Responses due:	March 15, 2023
Intervenor testimony:	April 12, 2023
Staff testimony:	April 12, 2023
Applicant limited	
Supplemental testimony:	April 12, 2023
Rebuttal testimony:	May 12, 2023
Final discovery:	May 14, 2023
Final discovery responses due:	May 28, 2023
Surrebuttal testimony:	May 26, 2023
Witness List and prefiled exhibits:	May 31, 2023
Hearing dates:	June 7 – June 16, 2023

Dated at Pierre, South Dakota, this 19<sup>th</sup> day of January 2023.

<b>CERTIFICATE OF SERVICE</b>
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 de Heck</u>
Date: <u>1/19/23</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen  
KRISTIE FIEGEN, Chairperson

Gary Hanson  
GARY HANSON, Commissioner

Chris Nelson  
CHRIS NELSON, Commissioner