

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

<b>IN THE MATTER OF THE APPLICATION OF</b>	)	<b>ORDER DENYING MOTION</b>
<b>NAVIGATOR HEARTLAND GREENWAY,</b>	)	<b>FOR REMOTE TESTIMONY;</b>
<b>LLC FOR A PERMIT UNDER THE SOUTH</b>	)	<b>ORDER GRANTING MOTIONS</b>
<b>DAKOTA ENERGY CONVERSION AND</b>	)	<b>FOR TIME CERTAIN FOR</b>
<b>TRANSMISSION FACILITIES ACT TO</b>	)	<b>WITNESS TESTIMONY</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 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 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 (Motion for Remote Testimony) filed on behalf of Intervenors represented by attorney Brian Jorde. The Motion for Remote Testimony requests the Commission issue an order permitting certain witnesses to testify remotely, permitting witness Dr. John Abraham to testify on a date certain, and permitting landowner witnesses to testify remotely or by sworn affidavit, or in the alternative to establish a date certain for witness testimony. On July 17, 2023, the Commission received International Union of Operating Engineers Local 49's Motion for Time Certain for the testimony of witnesses Nathaniel Runke and Randall Harris.

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 an ad hoc meeting on July 20, 2023, the Commission considered the Motions. Hearing arguments from the parties regarding remote or telephonic testimony, the Commission, finding the appearance of all witnesses necessary, voted unanimously to deny the Intervening Landowners' Motion as it relates to remote or telephonic testimony and to grant the Intervening

Landowners' Motion as it relates to a time certain on July 27, 2023, to hear the testimony of Dr. John Abraham. The Commission deferred the Intervening Landowners' Motion as it relates to establishing a time certain for the other witness testimony requested in the Motion. The Commission then granted International Union of Operating Engineers Local 49's Motion for Time Certain for the testimony of witnesses Nathaniel Runke and Randall Harris.

It is therefore

ORDERED, that Intervening Landowners' Motion for Remote Testimony is denied. It is further

ORDERED, that Intervening Landowners' request for time certain on July 27, 2023, to hear the testimony of Dr. John Abraham is granted. It is further

ORDERED, that the International Union of Operating Engineers Local 49's Motion for Time Certain for Witness Testimony of witnesses Nathaniel Runke and Randall Harris is granted.

Dated at Pierre, South Dakota, this 24<sup>th</sup> day of July 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 DeHueck</u>
Date: <u>7/24/23</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen  
KRISTIE FIEGEN, Chairperson

Gary Hanson  
GARY HANSON, Commissioner

Chris Nelson  
CHRIS NELSON, Commissioner