

**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 GRANTING
REQUEST TO WITHDRAW
PARTY STATUS**

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 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. 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 an Order Setting Procedural Schedule. On January 30, 2023, the Commission issued an Order for and Notice of Motion Hearing on Less than 10 Days' Notice. On February 13, 2023, the Commission issued an Order Denying Motion to Return Application. On February 21, 2023, the Commission issued an Order for and Notice of Motions Hearing on Less Than 10 Days' Notice. On March 2, 2023, the Commission issued an Order Granting Request to Withdraw Party Status; Order Amending Procedural Schedule; Order Granting Motion for Protective Order. On April 17, 2023, the Commission issued an Order Granting Request to Withdraw Party Status. On April 28, 2023, the Commission issued an Order Denying Late-Filed Party Status. On May 30, 2023, Timothy Scherb filed a Request to Withdraw as an Intervenor.

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 June 6, 2023, the Commission considered Timothy Scherb's request to withdraw his party status. Hearing no objection from the parties, the Commission unanimously voted to grant Timothy Scherb's request to withdraw. It is therefore

ORDERED, that the request of Timothy Scherb to withdraw as a party to this docket is hereby granted.

Dated at Pierre, South Dakota, this 8th 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 DeHuelde</u>
Date: <u>6/8/23</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chi Nelson
CHRIS NELSON, Commissioner