

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE)	HP 22-002
APPLICATION OF NAVIGATOR)	
HEARTLAND GREENWAY LLC FOR A)	MOTION TO INTERVENE FOR
PERMIT UNDER THE SOUTH DAKOTA)	LIMITED PURPOSE, TO HOLD
ENERGY CONVERSION AND)	IN ABEYANCE APPLICANT’S
TRANSMISSION FACILITIES ACT TO)	MOTION TO PRE-EMPT
CONSTRUCT THE HEARTLAND)	COUNTY ORDINANCES
GREENWAY PIPELINE IN SOUTH)	UNDER SDCL 49-41B-28, AND
DAKOTA)	FOR SCHEDULING ORDER
)	

Minnehaha County and the Minnehaha County Commissioners, by and through the undersigned counsel appearing specially on their behalf, hereby move the Commission for an order permitting Minnehaha County to intervene for the limited purposes of (a) objecting to Applicant’s Motion to Pre-empt County Ordinances under SDCL § 49-41B-28 filed on June 26, 2023; and (b) moving to hold the Applicant’s Motion to Pre-empt County Ordinances under SDCL § 49-41B-28 in abeyance, as set out in the brief to be filed in support of this Motion.

Minnehaha County further moves the Commission to set a scheduling order on Applicant’s Motion, which shall include a deadline by which Minnehaha County may submit responsive written testimony on issues addressed in the Applicant’s Motion and Applicant’s supporting evidence and a separate deadline by which Minnehaha County may submit written briefing on the merits of the Motion; and (iii) a date and time for hearing at which all interested parties may be heard on Applicant’s Motion.

Given the significance of the County’s interest, the untimely nature of the Applicant’s Motion, and the complexity of issues raised therein, Minnehaha County respectfully requests that the County be given until at least August 21, 2023 to submit evidence to be considered by the

Commission and be given an opportunity to submit written argument on the merits of the Motion on a date and time no earlier than the deadline set by the Commission for final submission of post-trial briefing.

In support of this Motion, Minnehaha County will be submitting its Brief in Support of Minnehaha County's Motion to Hold in Abeyance the Applicant's Motion to Pre-Empt County Ordinances under SDCL §49-41B-28, along with a transcript of the July 11, 2023 hearing that it procured on an expedited basis and that is attached hereto as **Exhibit A**.

Date: July 21, 2023.

CADWELL SANFORD DEIBERT & GARRY LLP

By /s/ Alex M. Hagen _____

Alex M. Hagen
Claire Wilka
200 East 10th St., Suite 200
Sioux Falls SD 57104
(605) 336-0828
ahagen@cadlaw.com
cwilka@cadlaw.com
Attorneys for Intervenors

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the foregoing was served on those listed below on July 21, 2023:

Via email:

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
patty.vangerpen@state.sd.us

Ms. Kristen Edwards
Staff Attorney
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
Kristen.edwards@state.sd.us

Mr. Darren Kearney
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
darren.kearney@state.sd.us

Mr. Jon Thurber
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
jon.thurber@state.sd.us

Mr. Kevin Strehlow
Executive VP & General Counsel
Navigator Energy Services
2626 Cole Ave, Suite 900
Dallas, TX 75204
kstrehlow@nesmidstream.com

Ms. Sarah Dempsey
Assistant General Counsel
Navigator CO2
13333 California St., Ste 202
Omaha, NE 68154
sdempsey@navco2.com

Ms. Kara Semmler
General Counsel
South Dakota Telecommunications
Association
320 E. Capitol Ave.
Pierre, SD 57501
karasemmler@sdaonline.com

Mr. Robert W. Hill
Brookings County Commission
520 3rd St., Ste. 210
Brookings, SD 57006
rhill@brookingscountysd.gov

Mr. Thomas H. Frieberg
Frieberg, Nelson & Ask LLP
115 N. Third St., PO Box 511
Beresford, SD 57004
tfrieberg@frieberlaw.com

Mr. William H. Golden
Lincoln County
104 N. Main St., Ste 200
Canton, SD 57013
wgolden@lincolncountysd.org

Ms. Carla Bruning
Moody County Commission
101 E. Pipestone Ave., Ste. D
Flandreau, SD 57028
doe-zoning@moodycounty.net

Mr. Hunter Winklepleck
Bethany Home Brandon
3012 E. Aspen Blvd.
Brandon, SD 57005
hwinklepleck@bethanylutheranhome.com

Dr. Jarod Larson
Brandon Valley School District
300 S. Splitrock Blvd.
Brandon, SD 57005
Jarod.larson@k12.sd.us

Mr. Tony Penn
Mr. Nathaniel Runke
Great Plains Laborers' District Council and
International Union of Operating Engineers,
Local 49
4208 W. Partridge Way, Unit 2
Peoria, IL 61615
gpldc@aol.com
nrunke@local49.org
ljohnson@greatplainslaborer.org

Mr. William Taylor
Taylor Law Firm
4820 E. 57th St., Ste. B
Sioux Falls, SD 57108
Bill.taylor@taylorlawsd.com

Mr. Jeremy Duff
Taylor Law Firm
4820 E. 57th St., Ste. B
Jeremy.duff@taylorlawsd.com

Ms. Cathy Lu Miller
1214 Rockbend Parkway
Saint Peter, MN 56082
catm981@hotmail.com

Mr. David Reker
47975 239th St.
Trent, SD 57065
dcreker@proton.me

Ms. Kathy Jo Serck
POA for Lois Jean Rollings
619 Hubbard St., PO Box 416
Hudson, SD 57034
kjs@alliancecom.net

Mr. Ricky A. Veldkamp
48014 240th St.
Trent, SD 57065
rgveld@goldenwest.net

Mr. William G. Haugen, Jr.
DEH III, LLC
PO Box 90442
Sioux Falls, SD 57109
Wh401889@hotmail.com

Ms. Anna Friedlander
United Association of Journeymen and
Apprentices of the Plumbing and Pipe Fitting
Industry of the United States and Canada, AFL-
CIO
3 Park Place
Annapolis, MD 21401
afriedlander@odonoghuelaw.com

Mr. John Taylor
Taylor Law Firm
4820 E. 57th St., Ste. B
Sioux Falls, SD 57108
John.taylor@taylorlawsd.com

Mr. Eric H. Bogue
47832 U.S. Hwy 18
Canton, SD 57013
ehbogue@gmail.com

Ms. Lesley Pedde
132 Springtree Bend
Cibolo, TX 78108-3261
lesley@pedde.com

Ms. Gwen Reker
47975 239th St.
Trent, SD 57065
gwenreker@proton.me

Mr. Alfred Slaathaug
48198 Kim Cir.
Brandon, SD 57005
Al_evie@outlook.com

Mr. John P. Peterson
Peterson Law Office
6201 E. Silver Maple Circle, Ste. 102
Sioux Falls, SD 57110
peteronlaw@midconetwork.com

Ms. Darla Pollman Rogers
Riter Rogers, LLP
319 S. Coteau; PO Box 280
Pierre, SD 57501
dprogers@riterlaw.com

Ms. Ellie Bailey
Riter Rogers, LLP
319 S. Coteau; PO Box 280
Pierre, SD 57501
e.bailey@riterlaw.com

Mr. Brian E. Jorde, Attorney
Mr. Ryan Cwach, Attorney
Domina Law Group
2425 S. 144th St.
Omaha, NE 68144
SDCO2@dominalaw.com
ryan@birmcwachlaw.com
JCuster@dominalaw.com

James E. Moore
Woods, Fuller, Shultz & Smith P.C.
300 S. Phillips Ave, Suite 300
Sioux Falls, SD 57117-5027
James.Moore@woodsfuller.com

Via U.S. Mail, postage prepaid:

Mr. Leslie Downer
1935 3rd St.
Brookings, SD 57006

/s/ Alex M. Hagen
Alex M. Hagen
One of the Attorneys for Intervenors