

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION
BY 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

DOCKET HP 22-002

MOTION FOR REMOTE TESTIMONY

COMES NOW, Intervening Landowners by and through their counsel of record, Brian Jorde, Domina Law Group, pc llo, and Ryan Cwach, Birmingham & Cwach Law Offices, PLLC, and respectfully move the Commission for the following orders:

1. An order allowing witness John Abraham to appear virtually and to allow Mr. Abraham's testimony to occur out of order on July 27.

Mr. Abraham is unable to attend the hearing in person due to a scheduling conflict that cannot be moved and his only availability to appear virtually is on July 27th. Mr. Abraham is a critical witness to the Intervening Landowner's case, and no other party will be prejudiced by Mr. Abraham appearing virtually.

2. An order allowing witness Richard Kuprewicz to appear virtually.

Mr. Kuprewicz is unable to attend the hearing in person due to scheduling conflicts that make travel impossible to Pierre from his home state of California. Mr. Kuprewicz is a critical witness to the Intervening Landowner's case, and no other party will be prejudiced by Mr. Kuprewicz appearing virtually.

3. An order allowing Intervening Landowners who are not subject to cross examination to have their testimony offered and received into the record either by that Intervening Landowner affirming the pre-filed testimony remotely or by submitting a subscribed and sworn affidavit verifying and so adopting the Intervening Landowner's pre-filed testimony.

Intervening landowners are ordinary South Dakotans with jobs and family obligations that limit their ability to take extended periods of time off to appear in-person until their unknown turn to testify. If no cross-examination of the witness is anticipated, the alternatives proposed herein provide a judicially efficient method for the Intervening Landowners to develop their record. No other party will be prejudiced by Intervening Landowners submitting their testimony in either alternative.

4. In the event the motion in paragraph three is not granted, an order setting a date and time certain for Intervening Landowners testimony so Intervening Landowners can make travel arrangements with their employers and families.

5. Intervening Landowners respectfully request that this motion be heard on July 20, 2022 at the Pretrial Hearing Conference.

Dated this 14th day of July 2023.

/s/ Brian E. Jorde

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