

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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HP22-002

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	: : : : :	MOTION FOR AN ORDER ALLOWING MOODY COUNTY WITNESSES CARLA BRUNING AND KENDRA ENG TO APPEAR ON A DATE AND TIME CERTAIN TO PROVIDE TESTIMONY AND SUBMIT TO CROSS-EXAMINATION
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Comes now Moody County, South Dakota, by and through Moody County State's Attorney, Paul M. Lewis, and respectfully moves the South Dakota Public Utilities Commission to enter an order allowing Moody County's witnesses, Commission Chair Carla Bruning and Moody County Zoning Administrator Kendra Eng, to appear on a date certain and at a time certain to provide their rebuttal testimony to Applicant's Motion to Preempt County Ordinances filed on June 26, 2023, and to submit themselves to cross-examination on the same.

On July 11, 2023, the South Dakota Public Utilities Commission expressed a desire to have Moody County, Minnehaha County, and Lincoln County address the Applicant's preemption motion, however, the Public Utilities Commission was vague as to how and when the counties would participate in the above-captioned matter.

On July 20, 2023, the parties in HP22-002 conducted a pre-hearing teleconference with staff of the Public Utilities Commission, and when Moody County asked the Applicant for a date certain, the Applicant was uncertain as to when their preemption motion would be addressed.

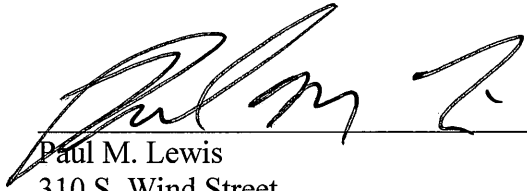
Moody County, South Dakota, desires to testify against the Applicant's Motion to Preempt County Ordinances, and to submit to cross-examination by all interested parties, but, respectfully, Moody County does not desire to be put into a situation wherein it would need to be

personally present for all testimony throughout the duration of the Public Utilities Commission's hearing on HP22-002; in the off-chance that the Applicant's preemption motion might be addressed.

Therefore, Moody County would respectfully request consideration to the establishment of a date and time certain during which the Applicant's preemption motion would be addressed, and further respectfully requests that this motion be heard on July 25, 2023, at 9:00 o'clock a.m., or as soon thereafter as counsel may be heard.

Respectfully submitted this 20th day of July, 2023.

MOODY COUNTY STATE'S ATTORNEY

A handwritten signature in black ink, appearing to read "Paul M. Lewis", is written over a horizontal line.

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