

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

In the Matter of the Application by	)	
Navigator CO2 Ventures LLC for a	)	Docket No. HP22-002
Permit to Construct A Carbon Dioxide	)	
Transmission Pipeline	)	

**Motion to Intervene of the United Association of Journeymen and Apprentices of the  
Plumbing and Pipe Fitting Industry of the United States and Canada, AFL-CIO**

On September 27, 2022, Navigator Heartland Greenway, LLC, a limited liability company owned by Navigator CO2 Ventures LLC (“Applicant”) submitted an application to the South Dakota Public Utilities Commission (“Commission”) for a permit under the South Dakota Energy Conversion and Transmission Facilities Act to construct the Heartland Greenway Pipeline in South Dakota (the “Project”). Pursuant to the Amended Notice of Application for Docket No. HP22-002 establishing a deadline for intervention of November 28, 2022, the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL-CIO (“United Association”) respectfully moves to intervene in the above-captioned proceeding. For the reasons stated below, the Commission should grant this Motion to Intervene and confer party status on the United Association.

**I. Communications**

Communications should be directed as follows:

1. Chad Gilbert, Director of Pipeline and Gas Distribution  
United Association of Journeymen and Apprentices of the Plumbing and  
Pipe Fitting Industry of the United States and Canada, AFL-CIO  
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## **II. Basis for Intervention**

The United Association is a labor organization representing approximately 355,000 members in the United States and Canada who perform work in all facets of the plumbing and pipe fitting industry, including the construction of large-diameter transmission pipelines. Indeed, United Association members have worked on construction of every major pipeline project in the United States for the last 75 years, or longer. The United Association's principal place of business is located at Three Park Place, Annapolis, Maryland 21401. One of the United Association's local union affiliates, Local 300, has an office located at 612 E. 4th Street, Sioux Falls, South Dakota 57103. There are 282 United Association members who reside in South Dakota.

According to the Application, the Project would involve construction of 111.9 miles of carbon dioxide pipeline in South Dakota as well as three (3) ethanol plants over a four-year construction period. The Applicant estimates that the Project would require an initial capital investment of approximately \$179 million for the South Dakota portion alone.<sup>1</sup> During construction, the Applicant expects that peak employment would occur in 2024, consisting of 1,020 jobs, and that average employment during the construction period would entail 430 jobs, with average annualized wages of \$54,300.<sup>2</sup> As noted in the Application, the Applicant has executed a Letter of Intent to utilize United Association members to construct the Project as part

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<sup>1</sup> Direct Testimony of Jonathan Muller on behalf of the Applicant at 3, Sept. 27, 2022, available at: <https://puc.sd.gov/commission/dockets/HydrocarbonPipeline/2022/HP22-002/JMuller.pdf>.

<sup>2</sup> *Id.*

of a union workforce, meaning that some of these thousands of construction jobs would be filled by workers represented by the United Association.<sup>3</sup> Conversely, these jobs will not exist for the benefit of workers represented by the United Association if the Commission denies the permit sought in this docket.

As their representative, the United Association and its local affiliates would bargain over these workers' wages, benefits, and working conditions and would also refer them for employment; represent them in disputes with employers; and provide health, retirement, and other fringe benefits through joint labor-management trust funds. In the bigger picture, the United Association also advocates for and offers insight on responsible and safe energy infrastructure development, based on its immense experience and expertise in the field and that of the workers it represents.

### **III. Conclusion**

For these reasons, the United Association submits that it has a direct interest in the outcome of this case, as required by SDCL 49-41B-17(4). *See* "Staff Memorandum on Intervention," Docket No. HP22-001, March 17, 2022 (explaining that a group whose members would suffer immediate gain or loss if the Commission grants or denies a permit is entitled to intervention under SDCL 49-41B-17). The United Association's interests cannot be represented adequately by any other party in this proceeding because no other entity represents United Association workers. These interests are not shared by the public or taxpayers at-large. Finally, the United Association submits that its participation in this proceeding would serve the public interest, as the United

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<sup>3</sup> Application Sec. 7.2, pg. 57, available at: <https://puc.sd.gov/commission/dockets/HydrocarbonPipeline/2022/HP22-002/Application.pdf>.

Association would be able to provide the Commission with an on-the-ground perspective and helpful information about the specifics of Project construction, methods, and technologies.

Accordingly, the United Association respectfully moves to intervene pursuant to SDCL 49-41B-17 and ARSD 20:10:22:40.

Dated: November 28, 2022

Respectfully submitted,

/s/ Chad Gilbert

Chad Gilbert, Director of Pipeline and Gas  
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