



Kristie Fiegen, Chairperson
Gary Hanson, Vice Chairman
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South Dakota

PUBLIC UTILITIES COMMISSION

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September 5, 2023

Richard and Cindy Jorgensen



Crooks SD 57020

Mr. and Ms. Jorgensen,

This is in response to your letter regarding the Navigator Heartland Greenway, LLC docket, HP22-002.

You write about your concerns about your land and this proposed project's application for a siting permit submitted to the South Dakota Public Utilities Commission on Sept. 27, 2022, currently under review by the commission. I appreciate receiving the maps you provided showing your land in proximity to the proposed pipeline route.

Please reference the Pipeline Siting Info Guide that is enclosed, posted on the commission website home page and in the online docket, explaining the South Dakota Public Utilities Commission's processing of siting dockets such as these. I encourage you to read the state statutes and rules referenced and that provide the commission's jurisdiction according to laws passed by the South Dakota Legislature.

My fellow commissioners and I will make a determination on the permit based on facts presented by parties to the docket. Our decision must be based on evidence, not hearsay or emotion. We must make a decision that is within the commission's legal jurisdiction, and one we believe will be upheld should our decision be appealed to circuit court.

The Navigator evidentiary hearing was held July 25-August 8, with two additional days of hearing August 24-25. If you have been listening to the hearing or following along by reading the exhibits and other filings, you know landowner concerns, particularly how the construction of the proposed project may affect drain tile and future uses of the land, was discussed by the parties with many questions asked by commissioners.

Since commissioners have a decision-making role in docket matters, any communication with us about any open or imminent docket must be done in an open forum, such as a public meeting or hearing, with notice given to all parties or made available via the docket. Thus, your letter and my response will be posted under Comments and Responses in the docket.

Thank you for writing to share your concerns and allowing me to explain the commission's jurisdiction regarding this CO₂ pipeline's siting permit application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kristie Elegen". The signature is stylized and cursive, with a large initial "K" and a long, sweeping underline that extends to the right.

Kristie Elegen