

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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**HP 22-002**

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,

**APPLICANT’S SECOND  
SUPPLEMENTAL RESPONSES TO  
STAFF’S THIRD SET OF DATA  
REQUESTS**

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Applicant Navigator Heartland Greenway LLC makes the following supplemental responses to Staff’s Third Set of Data Requests pursuant to SDCL § 15-6-33, and SDCL § 15-6-34(a). These responses are made within the scope of SDCL 15-6-26(e) and shall not be deemed continuing nor be supplemented except as required by that rule. Applicant objects to definitions and directions in answering the requests to the extent that such definitions and directions deviate from the South Dakota Rules of Civil Procedure.

- 3-1) Refer to Page 60 of the Application. The Applicant states "an emergency response plan for the HGPS is being prepared and will be in place prior to commencing operation."  
Can the Applicant prepare the emergency response plan and submit it for Commission consideration prior to the evidentiary hearing? If no, please explain.

**RESPONSE:** Objection. The emergency response plan is within the jurisdiction of PHMSA and is preempted by federal law. Without waiving the objection, the Emergency Response Plan is under development and a draft will be completed after collaboration with local EMS departments. The coordination activities that have been and will be undertaken with first responders, and their timing, are described in the answer to DR 3-12 (a)). PHMSA requires that the emergency response plan be submitted before operation, which is not anticipated until Q4 2024. As indicated in the PHMSA Exceedance Table provided in Exhibit D of the Application, Applicant expects to have the plan completed and vetted 90-180 days before in-service, which would be Q3 2024.

**SUPPLEMENTAL RESPONSE:** Without waiving the objection previously stated, attached as confidential documents subject to the Protective Order are a preliminary draft of the Emergency Response Plan and HGS Emergency Management System Guidance and Framework.

Dated this 18th day of July, 2023.

WOODS, FULLER, SHULTZ & SMITH P.C.

By /s/James E. Moore

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*Attorneys for Navigator Heartland Greenway*

## OBJECTIONS

The objections stated to Staff's Third Set of Data Requests were made by James E. Moore, one of the attorneys for Navigator Heartland Greenway, for the reasons and upon the grounds stated therein.

/s/ James E. Moore  
*One of the Attorneys for Navigator Heartland  
Greenway*

## CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of July, 2023, a true and correct copy of the foregoing Applicant's Second Supplemental Responses to Staff's Third Set of Data Requests was served via e-mail transmission to the following:

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/s/ James E. Moore  
*One of the Attorneys for Navigator  
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