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		APPLICANT'S FIFTH
CONVERSION AND TRANSMISSION	:	SUPPLEMENTAL RESPONSES
FACILITIES ACT TO CONSTRUCT THE		TO STAFF'S FIRST SET
HEARTLAND GREENWAY PIPELINE IN		OF DATA REQUESTS
SOUTH DAKOTA,	•	2

:

Applicant Navigator Heartland Greenway LLC makes the following supplemental responses to Staff's First 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.

EXHIBIT

N44

1-37) Please provide Applicant's suggested amount for a road bond issued pursuant to SDCL 49-41B-38 along with support for the amount.

RESPONSE: Based on a formula previously adopted by the Commission, Applicant recommends an indemnity bond based on 10% of estimated construction cost in South Dakota, which is \$142 million. Thus, Applicant suggests an indemnity bond in the amount of \$7.1 million for 2024 and a bond for the same amount in 2025.

SUPPLEMENTAL RESPONSE: Based on a formula previously adopted by the Commission, Applicant recommends an indemnity bond based on 2.9% of estimated construction cost in South Dakota, which is \$158 million. This is the percentage of construction cost that Commission Staff agreed would be appropriate in Docket HP 22-001, and that the Commission approved in Docket HP 14-002. Thus, Applicant suggests an indemnity bond in the amount of \$2,291,000 for 2024 and a bond in the same amount in 2025. Dated this 18th day of July, 2023.

WOODS, FULLER, SHULTZ & SMITH P.C.

By /s/James E. Moore James E. Moore P.O. Box 5027 300 South Phillips Avenue, Suite 300 Sioux Falls, SD 57117-5027 Phone (605) 336-3890 Fax (605) 339-3357 Email: James.Moore@woodsfuller.com Attorneys for Navigator Heartland Greenway

OBJECTIONS

The objections stated to Staff's First 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.

<u>/s/ James E. Moore</u> 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 Fifth Supplemental Responses to Staff's First Set of Data Requests was

served via e-mail transmission to the following:

Ms. Kristen Edwards Staff Attorney South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501 <u>Kristen.edwards@state.sd.us</u> Mr. Jon Thurber Staff Analyst South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501 jon.thurber@state.sd.us

Mr. Darren Kearney Staff Analyst South Dakota Public Utilities Commission 500 E. Capitol Ave. Pierre, SD 57501 <u>darren.kearney@state.sd.us</u>

> <u>/s/ James E. Moore</u> One of the Attorneys for Navigator Heartland Greenway