

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

IN THE MATTER OF THE APPLICATION BY SCS)	ORDER DENYING
CARBON TRANSPORT LLC FOR A PERMIT TO)	SUSPENSION OF
CONSTRUCT A CARBON DIOXIDE)	CURRENT SCHEDULING
TRANSMISSION PIPELINE)	ORDER, ISSUING STAY
)	OF DISCOVERY, AND
)	DENYING EXTENSION OF
)	CURRENT DEADLINE
)	INDEFINITELY
)	
)	HP24-001

On November 19, 2024, the South Dakota Public Utilities Commission (Commission) received an Application for a Permit to Construct a Carbon Dioxide Transmission Pipeline (Application) from SCS Carbon Transport LLC (Summit or Applicant), a limited liability company owned by Summit Carbon Solutions, LLC. Applicant proposes to construct and operate a carbon dioxide (CO₂) transmission pipeline (Project). The Project, which has been named the Midwest Carbon Express pipeline, is approximately 2,500 miles of pipelines for the transportation of CO₂ from ethanol plants across five states to underground injection wells in North Dakota. The South Dakota portion of the Project is approximately 698 miles, crossing 23 counties. The Commission held public input meetings on the Application at six locations in proximity to the route on January 15-17, 2025.

On November 21, 2024, the Commission issued a Notice of Application; Order for and Notice of Public Input Meeting; Notice of Opportunity to Apply for Party Status and electronically transmitted notice of the filing and the intervention deadline of January 24, 2025, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. The Commission has granted Party Status to a number of persons, including governmental entities.

On March 12, 2025, the Applicant filed a Motion to Suspend Current Scheduling Order and Extend Current Deadline Indefinitely (Motion to Suspend). On March 27, 2025, Intervening Landowners filed a Motion to Deny Application. On March 27, 2025, Commission Staff (Staff) filed a Response to Applicant's Motion to Suspend Current Scheduling Order and Extend Current Deadline Indefinitely. On April 4, 2025, the Applicant filed Replies to Responses and to Motions. On April 8, 2025, Intervening Landowners filed a Reply Brief. On April 8, 2025, Staff filed a Supplemental Response to Applicant's Motion to Suspend and Landowners' Motion to Deny.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B.

At its regularly scheduled meeting on April 10, 2025, the Commission considered the Applicant's Motion to Suspend and Intervening Landowners' Motion to Deny. Attorney Brett Koenecke, representing the Applicant, requested the Commission grant its request to suspend the current scheduling order and to extend the current deadline indefinitely. The Commission asked questions of the Applicant, Intervening Landowners, and Staff. After hearing from the parties, the Commission found that Applicant failed to provide information on its proposed plans

during the suspension period in order to justify suspension of this docket and, therefore, denied the Motion to Suspend. Further, the Commission requested that the Applicant be prepared to present a plan on how they intend to move forward with the Project at the April 22, 2025, commission meeting. Finally, the Commission stayed all discovery responses until one week after the April 22, 2025, commission meeting.

It is therefore

ORDERED, that Applicant's Motion to Suspend Current Scheduling Order and Extend Current Deadline Indefinitely is hereby denied. It is further

ORDERED, that discovery response deadlines are stayed until one week following the April 22, 2025, meeting.

Dated at Pierre, South Dakota, this 15th day of April 2025.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.

By: Ami L. Frost

Date: 04/15/2025

BY ORDER OF THE COMMISSION:

Gary Hanson

GARY HANSON, Chairperson

Chris Nelson

CHRIS NELSON, Commissioner

Kristie Fiegen

KRISTIE FIEGEN, Commissioner