

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

IN THE MATTER OF THE APPLICATION BY SCS CARBON TRANSPORT LLC FOR A PERMIT TO CONSTRUCT A CARBON DIOXIDE TRANSMISSION PIPELINE)	ORDER ASSESSING FILING FEE; ORDER AUTHORIZING EXECUTIVE DIRECTOR TO ENTER INTO CONSULTING CONTRACTS; ORDER GRANTING PARTY STATUS APPLICATIONS
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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, including 15 in South Dakota, to underground injection wells in North Dakota. The main line of the proposed route enters South Dakota in Lincoln County at the Iowa/South Dakota border and extends in a northwesterly direction, exiting the state at the South Dakota/North Dakota border in McPherson County. Major components and associated facilities planned in South Dakota are expected to include pump stations, main line valves, launcher-receiver sites, and approximately 16 total miles of temporary and permanent access roads as part of the Project. In addition to the main line and other components, the proposed Project includes lateral and trunk lines connecting ethanol plants throughout the eastern part of South Dakota to the main line. The Project also includes approximately two miles of transmission pipeline originating at the POET Bioprocessing plant near Hudson, South Dakota and exiting the state into Iowa in northeast Union County, before ultimately connecting with Summit's pipeline facilities in Iowa. The total proposed length of pipelines through South Dakota is approximately 698 miles and will cross the counties of Beadle, Brookings, Brown, Clark, Codington, Davison, Edmunds, Grant, Hamlin, Hand, Hyde, Kingsbury, Lake, Lincoln, McCook, McPherson, Minnehaha, Miner, Sanborn, Spink, Sully, Turner, and Union. The proposed pump stations are planned to be located in Beadle, Edmunds, Lake, Minnehaha, McPherson, and Spink counties. Applicant estimates the total cost of the proposed Project in South Dakota to be \$1,351,563,747.

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 received Applications for Party Status from a number of persons, including governmental entities. On December 13, 2024, Commission Staff filed Staff's Memorandum Regarding Party Status Applications, and Applicant filed a Response to Staff's Memorandum/Objection to Intervention Petitions.

SDCL 49-41B-12 authorizes the Commission to assess a maximum fee not to exceed one-quarter of one percent for the first one hundred million dollars of estimated construction costs plus one-twentieth of one percent of all additional estimated construction costs of the Project, with a minimum total fee chargeable of not less than twenty thousand dollars. The fee shall be deposited in a subfund in the Commission's Regulatory Assessment Fee Fund to defray Commission expenses incident to analyzing and ruling upon the Application. The maximum fee amount, calculated pursuant to statute, is \$875,782.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-41B, specifically 49-41B-12, 49-41B-17, 49-41B-26, and ARSD Chapter 20:10:22.

At its regularly scheduled meeting on December 17, 2024, the Commission considered the establishment of the filing fee. Commission staff requested that the Commission assess a filing fee pursuant to

SDCL 49-41B-12 of up to the statutory maximum of \$875,782, and authorize the executive director to enter into consulting contracts that may be needed for the review of the Application. The Commission unanimously voted to assess a filing fee up to the statutory limit of \$875,782, for actual expenses incurred in processing the Application. The Commission voted unanimously to authorize the executive director to enter into necessary consulting contracts.

The Commission also considered all Applications for Party Status filed on or before December 16, 2024. Finding that neither Applicant nor Staff had objected to those applicants for party status within two miles of the Project, the Commission voted unanimously to grant party status to the following individuals and entities: Kaley Nolz, Amanda Radke, Dakota Access, LLC, the Brookings County Commission, Jason Fauth, South Dakota Telecommunications Association, Debora Ross, Robert Ross, Jane Payfer, LeRoy Braun, City of Hartford, Highmore Fire Department, Inc., and Tobin Doeden. The Commission deferred action on the remaining Applications for Party Status until the January 14, 2025 Commission meeting.

It is therefore

ORDERED, that SCS Carbon Transport LLC shall be assessed a filing fee not to exceed \$875,782 to reimburse actual expenses incurred by the Commission in the processing of the Application. It is further

ORDERED that the executive director is hereby authorized to enter into necessary consulting contracts. It is further

ORDERED, that the Applications for Party Status of Kaley Nolz, Amanda Radke, Dakota Access, LLC, the Brookings County Commission, Jason Fauth, South Dakota Telecommunications Association, Debora Ross, Robert Ross, Jane Payfer, LeRoy Braun, City of Hartford, Highmore Fire Department, Inc., and Tobin Doeden are hereby granted.

Dated at Pierre, South Dakota, this 20th day of December 2024.

<p align="center">CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u><i>Kristie Fiegen</i></u></p> <p>Date: <u>30 Dec 2024</u></p>
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BY ORDER OF THE COMMISSION:

Kristie Fiegen

KRISTIE FIEGEN, Chairperson

Gary Hanson

GARY HANSON, Commissioner

Chris Nelson

CHRIS NELSON, Commissioner