

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

IN THE MATTER OF THE APPLICATION BY)		
SCS CARBON TRANSPORT LLC FOR A)		NOTICE OF APPLICATION;
PERMIT TO CONSTRUCT A CARBON)		ORDER FOR AND NOTICE OF
DIOXIDE TRANSMISSION PIPELINE)		PUBLIC INPUT MEETING;
)		NOTICE OF OPPORTUNITY
)		TO APPLY FOR PARTY
)		STATUS
)		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 5 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 2 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.

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

Pursuant to SDCL 49-41B-15 and 49-41B-16, the Commission will hold public input meetings on the Application at the following times and places:

- **Mitchell: Wednesday, January 15, 2025, at 10:00 a.m., CT, at the Mitchell High School Performing Arts Center, 821 N. Capital St., Mitchell, South Dakota.**
- **Sioux Falls: Wednesday, January 15, 2025, at 5:00 p.m., CT, at the HUB Auditorium, Southeast Technical College, 2001 N. Career Ave., Sioux Falls, South Dakota.**

- **De Smet: Thursday, January 16, 2025, at 11:30 a.m., CT, at De Smet Event Center Theater, 705 Wilder Lane, De Smet, South Dakota.**
- **Watertown: Thursday, January 16, 2025, at 6:00 p.m., CT, at the Kampeska Hall, Ramkota Hotel & Watertown Event Center, 1901 Ninth Ave. SW, Watertown, South Dakota.**
- **Aberdeen: Friday, January 17, 2025, at 10:30 a.m., CT, at the Dakota Room, The Dakota Event Center, 720 Lamont St., Aberdeen, South Dakota.**
- **Redfield: Friday, January 17, 2025, at 6:00 p.m., CT, at Redfield School Auditorium, 111 E. Sixth Ave., Redfield, South Dakota.**

The purpose of the public input meetings will be to hear public comments regarding the Application and the Project. At the meetings, Summit will present a brief description of the Project, after which interested persons may appear and present their views, comments, and questions regarding the Application. A copy of the Application is on file with the County Auditor in each of the above-mentioned counties which the Project crosses and at the Commission's office in Pierre. The Application and all other documents in the docket, including detailed maps of the Project, may be accessed on the Commission's web site at puc.sd.gov under Commission Actions, Commission Dockets, Hydrocarbon and Carbon Dioxide Pipeline Dockets, 2024 Hydrocarbon and Carbon Dioxide Pipeline Dockets, HP24-001.

Pursuant to SDCL 49-41B-17, the parties to this proceeding are currently the Applicant and the Commission Staff. Each municipality, county, and governmental agency in the area where the facility is proposed to be sited; or any person residing in the area where the facility is proposed to be sited, or any directly interested person, may be granted party status in this proceeding by making timely written application to the Commission. Applications for party status will be available at the public input hearing or may be obtained from the Commission's website. Pursuant to ARSD 20:10:22:40, applications for party status must be filed within 60 days from the date the application was filed. However, because the public input meetings will be ongoing as of the 60-day deadline, the current Parties, namely Applicant and Staff, have stipulated to considering as timely all applications for party status received by the Commission by January 24, 2025. **Applications for party status must be received by the Commission on or before 5:00 p.m., CT, January 24, 2025.** The Commission will also accept written comments from anyone other than parties to the proceeding, either by mail, personal delivery, or e-mail until the time of the decision. You only need to apply for party status if you want to participate formally in the case by putting on actual testimony or other factual evidence, conducting discovery, cross-examining witnesses, making legal arguments, and to preserve your right to appeal to the courts if you do not believe the Commission's decision is legally correct. You do not need to have party status in order to submit written comments. Parties should submit information pursuant to the procedural schedule rather than submitting written comments.

Following the public input meetings, the Commission may schedule a formal evidentiary hearing conforming to SDCL Chapter 1-26 to consider issues raised by any party or the Commission itself. At such a formal hearing, parties will have the opportunity to appear, present evidence, and cross-examine the other parties' witnesses and exercise all other rights afforded by SDCL Chapters 1-26, 49-1, and 49-41B and ARSD Chapters 20:10:01 and 20:10:22, including rights of appeal to the courts.

For approval, Applicant must show that the proposed Project will comply with all applicable laws and rules, will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area, will not substantially impair the health, safety or welfare of the inhabitants, and will not unduly interfere with the orderly development of the region with due consideration having been given to the views of governing bodies of affected local units of government. Based upon these factors, the Commission will decide whether a permit to construct should be granted, denied, or granted upon such terms, conditions, or modifications of the construction, operation, or maintenance as the Commission finds appropriate.

In addition, Applicant may request the Commission issue an order superseding or preempting local land use controls pursuant to SDCL 49-41B-28. In the Application, Applicant has requested the Commission exercise its statutory authority pursuant to SDCL 49-41B-28 to supersede certain county ordinances, in whole or in part.¹

It is therefore

ORDERED, that the Commission will hold a public input meeting on the Application and Project on:

- **Mitchell: Wednesday, January 15, 2025, at 10:00 a.m., CT, at the Mitchell High School Performing Arts Center, 821 N. Capital St., Mitchell, South Dakota.**
- **Sioux Falls: Wednesday, January 15, 2025, at 5:00 p.m., CT, at the HUB Auditorium, Southeast Technical College, 2001 N. Career Ave., Sioux Falls, South Dakota.**
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It is further

ORDERED, that, in accordance with the Stipulation between Applicant and Staff, the Commission will consider all applications for party status filed by January 24, 2025, to be timely filed. It is further

ORDERED, that pursuant to ARSD 20:10:22:40, **applications for party status must be received by the Commission on or before 5:00 p.m., CT, on January 24, 2025.**

Pursuant to the Americans with Disabilities Act, these hearings will be held in physically accessible locations. Please contact the Public Utilities Commission at (605) 773-3201 at least

¹ See Application at p. 19.

48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 21st day of November 2024.

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: <u><i>Ami Gierst</i></u>
Date: <u>11/21/24</u>

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner