BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE APPLICATION BY SCS CARBON TRANSPORT LLC FOR A PERMIT TO CONSTRUCT A CARBON DIOXIDE TRANSMISSION PIPELINE

ORDER ESTABLISHING PROCEDURAL SCHEDULE AND ORDER DENYING REQUEST FOR REMOTE TESTIMONY

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.

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 held public input meetings on the Application at six locations in proximity to the route on January 15-17, 2025. On January 2, 2025, staff filed a Proposal for Procedural Schedule. Staff amended its proposal on January 3, 2025. The Proposed Procedural Schedule, as amended, seeks to establish certain dates and deadlines, including the dates for the evidentiary hearing in this matter. On January 3, 2025, Attorney Brian Jorde, representing Intervenor Leroy Braun, filed an Objection To Staff's Proposed Procedural Schedule And Motion Substitute Proposed Procedural Schedule And Motion For Approval To Present Testimony Via Live Video Means. On January 8, 2025, the Commission issued a Notice of Motions Hearing providing notice to the service list that the Commission would consider the Proposal for Procedural Schedule and intervenor Leroy Braun's motions at its regularly scheduled commission meeting on January 28, 2025. On January 22, 2025, Staff filed a letter notifying the Commission of an agreement between Staff and Intervenor Attorney Brian Jorde as to certain dates for the procedural schedule.

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

At its regularly scheduled meeting on January 28, 2025, the Commission considered Staff's Proposed Procedural Schedule, as well as Intervenor Leroy Braun's Motion For Approval To Present Testimony Via Live Video Means. After hearing from the Parties, the Commission voted unanimously to grant Staff's Amended Proposal for Procedural Schedule, with certain changes reflected below, and to adopt the following Procedural Schedule:

Applicant Supplemental Testimony Staff and Intervenor Testimony Rebuttal Testimony Deadline for Substitution of Witnesses Last Day to Serve Discovery Responses to Final Discovery Due File Exhibits and Witness List Deadline to File Substantive Motions Prehearing Conference Evidentiary Hearing January 31, 2025, 1:00 p.m. CT June 13, 2025, 1:00 p.m. CT July 11, 2025, 1:00 p.m. CT July 17, 2025 July 21, 2025 July 30, 2025 August 4, 2025, 1:00 p.m. CT August 4, 2025, 1:00 p.m. CT August 6, 2025 Week 1: Wednesday, Aug. 13 – Friday, Aug. 15 Week 2: Tuesday, Aug. 19 – Friday, Aug. 22 Week 3: Monday, Aug. 25 – Friday, Aug. 29 Week 4: Tuesday, Sept. 2 – Friday, Sept. 5 Week 5: Monday, Sept. 8 – Friday, Sept. 12 After hearing from the Parties, the Commission voted 2-1 (Chairman Hanson dissenting) to deny Intervenor Leroy Braun's Motion For Approval To Present Testimony Via Live Video Means at this time.

It is therefore

ORDERED, that the Procedural Schedule is hereby established as set forth above. It is further

ORDERED, that discovery responses shall be due fifteen calendar days from receipt of discovery requests. It is further

ORDERED, that the submission of prefiled testimony is required as a prerequisite to a witness's testimony at the evidentiary hearing, with the exception of Applicant rebuttal witnesses responding to new issues raised at the evidentiary hearing. It is further

ORDERED, that by the Commission establishing the Procedural Schedule herein, Intervenor Leroy Braun's Motion Substitute Proposed Procedural Schedule is denied. It is further

ORDERED, that Intervenor Leroy Braun's Motion For Approval To Present Testimony Via Live Video Means is hereby denied without prejudice.

Dated at Pierre, South Dakota, this 315^{+} day of January 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 ORDER OF THE COMMISSION:

GARY HANSON, Chairperson (Dissenting in part)

CHRIS NELSON, Commissioner

KRISTIE FIEGEN, Commissioner