

**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 DENYING MOTION
FOR ATTORNEY'S FEES;
ORDER GRANTING
REQUESTS TO WITHDRAW
PARTY STATUS; ORDER
CONTINUING HEARING ON
MOTION TO DENY**

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 received and granted Applications for Party Status from a number of persons, including governmental entities. A number of persons previously granted party status have requested to withdraw their party status.

A procedural schedule was adopted by the Commission by Order dated January 31, 2025. On March 12, 2025, Applicant filed a Motion to Suspend Current Scheduling Order and Extend Current Deadline Indefinitely (Motion to Suspend Schedule). The Commission then issued a Notice of Hearing, scheduling the Motion to Suspend Schedule to be heard on April 10, 2025. On March 27, 2025, attorney Brian Jorde, representing several intervenors, filed a Landowners' Motion to Deny Application, which the Commission has also noticed to be heard on April 10, 2025.

On March 27, 2025, the Commission received a letter from Spink County, a party in this proceeding, requesting attorney fee reimbursement. On March 31, 2025, Commission Counsel filed a letter notifying Spink County that the filing was improperly submitted pursuant to SDCL 15-6-11(a), which requires the filing to be signed by an attorney. Subsequently, on March 31, 2025, Spink County filed Spink County Commission's Motion for Attorney's Fees.

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

At its regularly scheduled commission meeting, and pursuant to the notices of hearing, the

Commission considered the pending motions on April 10, 2025. Finding it was without statutory authority to award attorney's fees in this circumstance, the Commission voted unanimously to deny Spink County Commission's Motion for Attorney's Fees. With no objection from any Party, the Commission voted unanimously to grant the pending requests to withdraw party status. Finally, the Commission voted to defer action on Landowners' Motion to Deny Application, continuing the motions hearing to the next Commission meeting, with the directive that Applicant provide to the Commission a clear plan for proceeding forward in this docket.

It is therefore

ORDERED, that withdrawal of Party Status is hereby granted to Harlan Young, Pieter Williams, Katy Millington, Dan Paulson, Jillane Paulson, Dorothy A. Olson and Kenwood E. Olson, Todd Nelson, Amy Pekelder, Ryan Pekelder, Gehm Family Trust, Amanda Radke, Mark Lapka, Holly Lapka, Joy Hohn, Dakota Aeration, Dwayne Pederson Ag Co., KKKP Property LLLP, Pederson Ag LLC, and Kaley Nolz. It is further

ORDERED, that Spink County Commission's Motion for Attorney's Fees is hereby denied. It is further

ORDERED, that the hearing on Landowners' Motion to Deny Application is hereby continued to April 22, 2025, at 1:30 p.m. CT in room 414¹ in the State Capitol Building in Pierre, South Dakota during the Commission's regularly scheduled meeting. It is further

ORDERED, that at or prior to the April 22, 2025 Commission meeting, Applicant shall provide to the Commission a clear plan for proceeding in this docket.

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:	<u><i>Julie L. Torst</i></u>
Date:	<u>04/15/2025</u>

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairperson

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

¹ Note that this room number is subject to change.