

**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**

HP24-001

**MOTION TO SUSPEND CURRENT
SCHEDULING ORDER AND EXTEND
CURRENT DEADLINE INDEFINITELY**

COMES NOW, the Applicant, by and through its attorneys of record, and moves the Commission for an Order

1. Suspending the current scheduling order; and
2. Extending indefinitely the current deadline for Commission action pursuant to SDCL § 49-41B-24.1.

The motion is predicated on the following analysis of the facts and law.

The Application on file and at issue is for a facility permit pursuant to SDCL ch. 49-41B. That permit is for, among other things, a specific route designated by the Commission over which the Applicant is allowed and permitted to construct and operate the proposed facility. The process of acquiring a permit for the route necessitates a number of actual boots on the ground surveys, civil and biological and cultural in nature, in order to determine and prove to the Commission the feasibility of constructing and operating the facility over the permitted route.

The current survey law as passed and amended requires the surveying party to have an existing permit application and the legal authority to condemn right of way. SDCL ch. 21-35-1.

With the passage of HB 1052, the Applicant's ability to obtain survey permission has changed. However, the project must survey the route completely in order to inform the Commission of the constructability prior to obtaining a permit. The surveys which are necessarily required to inform the route decisions as to right of way will be significantly delayed.

The resulting delays in obtaining the surveys mean that the timelines involved in Commission action on this application are unrealistic. Accordingly, the Applicant asks that the proceedings be paused for review and adjustment of the schedule until such time as the Applicant is prepared to proceed.

Dated this 12th day of March, 2025.

MAY, ADAM, GERDES & THOMPSON LLP

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CERTIFICATE OF SERVICE

Brett Koenecke, of May, Adam, Gerdes & Thompson LLP, certifies that on the 12th day of March, 2025, he electronically filed and served through the PUC filing system a true and correct copy of the foregoing in the above-captioned action to the service list of docket HP24-001.



BRETT KOENECKE