

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

IN THE MATTER OF THE APPLICATION BY )	
SCS CARBON TRANSPORT LLC FOR A )	PIPELINE CONSTRUCTION
PERMIT TO CONSTRUCT A CARBON )	TRADES' APPLICATION FOR
DIOXIDE TRANSMISSION PIPELINE )	PARTY STATUS
)	
)	Docket No. HP24-001

The Great Plains Laborers District Council ("GPLDC") acting for the Laborers' International Union of North America and the International Union of Operating Engineers ("IUOE") Local 49, (Collectively "Petitioners") by and through the undersigned, hereby submits this Application for Party Status to the South Dakota Public Utilities Commission ("Commission") in the above-referenced proceeding pursuant to SDCL § 49-41B-17(4) and ARSD 20:10:22:40 and 20:10:01:15.02.

For the following reasons and on the following grounds, Petitioners respectfully request the Commission confer them party status:

1. On November 19, 2024, SCS Carbon Transport LLC ("Summit" or "Applicant"), a limited liability company owned by Summit Carbon Solutions, LLC, submitted an Application for a Permit to Construct a Carbon Dioxide Transmission Pipeline ("Application"). The Midwest Carbon Express Project ("Project") consists of 2,500 miles of pipelines for the transportation of carbon dioxide ("CO<sub>2</sub>") from ethanol plants across five states to underground injection facilities in North Dakota. According to the Application, the South Dakota portion of the Project will include construction of approximately 698 miles of CO<sub>2</sub> pipelines resulting in \$1.9 billion of capital expenditures over the construction period. Of this amount, \$476 million is labor income. (Summit Application at 143). At peak construction, approximately 3,000 construction personnel will be employed. Summit states that contractors will hire a minimum of 50% of construction personnel from local communities. (Pre-Filed Direct Testimony of James Powell at 9).

2. The Petitioners represent two of the four construction trade unions (commonly called the Pipeline Trades) employed on main line pipeline projects across the United States, the

Laborers' International Union of North America ("LIUNA") and the International Union of Operating Engineers ("IUOE"). In this proceeding the GPLDC and IUOE Local 49, appear for the LIUNA and the IUOE membership, respectively.

3. Members of the Pipeline Trades are union members employed by pipeline construction companies belonging to the Pipe Line Contractors Association ("PLCA"). The PLCA is a trade association established in 1948 and consists of the largest and most experienced pipeline contractors in the country. The PLCA and Pipeline Trades are signatories to the National Pipe Line Agreement, a national labor agreement governing main line pipeline construction. All of the modern major interstate transmission pipeline projects in South Dakota have been built by PLCA contractors and members of the Pipeline Trades, including the Keystone Pipeline in 2009 and the Dakota Access Pipeline in 2016. Collectively, the Pipeline Trades represent hundreds of construction workers in the state including members who live in counties traversed by the Project. The Pipeline Trades have local offices at: Laborers' Local 620, 606 N. Kiwanis Avenue, Sioux Falls, SD 57104 and IUOE Local 49, 4009 W. 49<sup>th</sup> Street, Suite 102, Sioux Falls, SD 57106.

4. SDCL 49-41B-17(4) establishes the statutory requirements for intervention to include: "(4) Any person residing in the area where the facility is proposed to be sited, or any directly interested person, if timely application therefore is made as determined by the commission pursuant to rule. An application for party status in a proceeding under this chapter must contain a detailed statement of the interests and reasons prompting the application." The South Dakota Supreme Court has held that "the interest which entitles a party to intervene must be a direct interest, by which the intervening party is to obtain immediate gain or suffer loss by the judgment which may be rendered between the original parties." *Jackson v. Board of County Commissioners for Pennington County*, 81 N.W. 2d 686, 689 (1957).

5. The Petitioners are "directly interested person[s]" in this proceeding because members of the Pipeline Trades will be employed to build the pipelines in South Dakota. Summit will employ PLCA contractors to build the Project. As such, the pipeline facilities will be built under the terms and conditions of the National Pipe Line Agreement which require 50 percent of the construction workforce be dispatched from local union hiring halls, ensuring employment and economic benefits stay in South Dakota. Workers employed on the Project will receive free training, family-sustaining wages, affordable family health insurance, and pension benefits.

6. The Petitioners membership will be materially affected by the outcome of this proceeding. Pipeline Trades' members will directly benefit from employment opportunities created by the Project, or lose employment opportunities if the Application is denied. Construction of the Summit Project will support millions of work hours for Pipeline Trades' members.

7. Petitioners' interest in this proceeding is to protect the significant employment opportunities for Pipeline Trades members who will be employed on the Project. As the bargaining unit representatives of these workers, the Pipeline Trades are empowered to represent their members' collective interests. The Pipeline Trades' interest in the outcome of this proceeding cannot be adequately represented by any other party, nor will Petitioners' participation delay this proceeding.

8. Pipeline Trades timely request party status in this proceeding.

9. Copies of all notices, orders, and pleadings in this proceeding should be served on:

John E. Taylor  
William Taylor  
Taylor Law Firm, PC  
4820 E 57th St  
Sioux Falls, SD 57108  
E-mail: [john.taylor@taylorlawsd.com](mailto:john.taylor@taylorlawsd.com)  
[bill.taylor@taylorlawsd.com](mailto:bill.taylor@taylorlawsd.com)

With copies to:

Nathaniel J. Runke  
International Union of Operating Engineers Local 49  
4009 W. 49th Street, Suite 102  
Sioux Falls, SD 57106  
Email: [nrunke@local49.org](mailto:nrunke@local49.org)

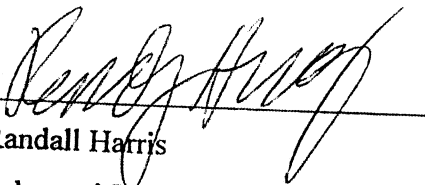
Tony Penn, Business Manager  
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4208 W. Partridge Way Unit 2  
Peoria, IL 61615  
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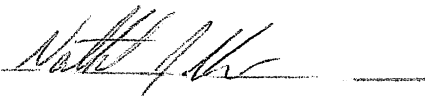
Randall Harris  
May Va Lor  
Laborers' International Union of North America  
1 North Old State Capitol Plaza

Suite 525  
Springfield, Illinois 62701  
Email: [rharris@midwestlaborers.org](mailto:rharris@midwestlaborers.org)  
[mlor@liuna.org](mailto:mlor@liuna.org)

WHEREFORE, the Pipeline Trades respectfully request the Commission grant this timely Application for Party Status and permit Petitioners to participate in this proceeding with full rights as a party.

Dated January 23, 2025

  
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Randall Harris  
Laborers' International Union of North America

  
\_\_\_\_\_  
Nathaniel J. Runke  
International Union of Operating Engineers Local 49

STATE OF SOUTH DAKOTA     )  
                                          : SS  
COUNTY OF MINNEHAHA     )

On this the 23rd day of January 2025, before me, the undersigned officer personally appeared Randall Harris from the remote location of Austin, Texas and Nathaniel J. Runke from the remote location of St. Paul, Minnesota, neither of whom were in my physical presence, but appearing by means of communication technology, known to me or satisfactorily proven to be the person whose name they subscribed to the within instrument and acknowledged to me that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

*William Taylor*

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Notary Public - South Dakota

My Commission Expires:

(seal)

