

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

IN THE MATTER OF THE APPLICATION BY SCS CARBON TRANSPORT, LLC FOR A PERMIT TO CONSTRUCT A CARBON DIOXIDE TRANSMISSION PIPELINE	Docket No. HP24-001 APPLICATION FOR PARTY STATUS OF SOUTH DAKOTA ETHANOL PRODUCERS ASSOCIATION
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COMES NOW South Dakota Ethanol Producers Association (“SDEPA”), by and through its undersigned counsel, and pursuant to SDCL § 49-41B-17(4), A.R.S.D. §§ 20:10:22:40 and 20:10:01:15.02, respectfully petitions this Commission for leave to intervene as a party in the above-captioned proceeding. In support hereof, Petitioner SDEPA states and declares as follows:

1. SDEPA is a nonprofit corporation organized and existing under the laws of the State of South Dakota.

2. SDEPA is primarily comprised of nine (9) member companies¹ with sixteen operating facilities and one planned facility, namely Dakota Ethanol in Wentworth, Glacial Lakes Energy, with facilities in Aberdeen, Huron, Mina, and Watertown, NuGen Energy in Marion, POET Bioprocessing, with facilities in Big Stone City, Chancellor, Groton, Hudson, and Mitchell, POET Research Center in Scotland, Redfield Energy in Redfield, Red River Energy in Rosholt, Ringneck Energy in Onida, Valero Energy in Aurora, and Gevo (planned facility) in Lake Preston.

3. SDEPA was organized for the purpose of representing the interests of its members in expanding ethanol production, providing access to the ethanol marketplace, and promoting the

¹ SDEPA also has several associate members who are not ethanol producers, but which have connections to the South Dakota ethanol industry and share in the same economic and educational goals held by the members identified in Paragraph 2.

increased use and acceptance of ethanol. It further seeks to promote positive public policy on a state and national level.

4. SCS Carbon Transport, LLC (“Summit”) filed an application dated November 19, 2024 (the “Application”), through which it seeks issuance of a permit to construct the SCS Carbon Transport LLC Pipeline (the “Pipeline”). As set forth in its Application, Summit states:

The Project will capture and transport CO₂ extracted from the fermentation process from 15 ethanol plants (14 existing traditional ethanol plants and one ethanol plant associated with Gevo’s proposed sustainable aviation fuel [SAF] facility) in South Dakota, along with 42 other ethanol plants in adjacent states.

See Summit Application at p. 1, Introduction. Summit further states:

The Applicant’s parent company, Summit Carbon Solutions, LLC, has long-term agreements with 57 partnering ethanol plans in the MCE Project’s five-state footprint, including 15 ethanol plants in South Dakota. In aggregate, these plants currently produce approximately 5.7 billion gallons of ethanol annually with South Dakota facilities producing approximately 2 billion gallons annually (includes GEVO forecasted production). This production represents approximately 35% of the total United States (U.S.) 2023 annual production of approximately 16 billion gallons (Renewable Fuels Association N.D.). Utilizing the Project enables participating ethanol plants to reduce their carbon intensity (or carbon footprint) by approximately fifty percent (50%) putting them on the path towards producing a net-zero carbon fuel by 2030. Doing so allows the partnering ethanol plants to sell their product at a premium in the growing number of low carbon fuel markets in the U.S. and other countries that have adopted low carbon fuel standards and allows them access to emerging markets such as SAF.

Id. at p. 2. Summit proposes to build and operate the Pipeline and any necessary related facilities in the counties of Beadle, Brookings, Brown, Clark, Codington, Davison, Edmunds, Grant, Hamlin, Hand, Hyde, Kingsbury, Lake, Lincoln, McCook, McPherson, Miner, Minnehaha, Sanborn, Spink, Sully, Turner, and Union.

5. South Dakota Codified Law 49-41B-17(4) defines parties to a proceeding as “[a]ny 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.”

6. SDEPA is a person directly interested in this docket. The proposed Pipeline will have a significant impact on South Dakota's ethanol and agricultural industries. The Members of SDEPA own and operate (or will own and operate in the instance of GEVO) facilities or other established infrastructure located along the route of the proposed Pipeline in the following counties: Brookings (Valero Energy), Beadle, Codington, Edmunds (Glacial Lakes Energy), Kingsbury (GEVO), Lake (Dakota Ethanol), Spink (Redfield Energy), Sully (Ringneck Energy), Brown, Davison, Grant, Lincoln, and Turner (POET Bioprocessing). The Pipeline will capture and transport CO₂ from facilities owned and operated by each of SDEPA's Members. SDEPA's Members will therefore be directly impacted by all aspects of the Project, including identification of and interconnection with CO₂ delivery points, construction, operation, maintenance, and safety.

7. This Commission is vested with the authority to grant or deny Summit's requested permit and to impose conditions upon Summit which the Commission believes are necessary to adequately address the social and economic conditions of the individuals and entities located along the Pipeline's proposed route.

8. SDEPA has a direct and substantial interest in the outcome of these proceedings as this Commission's decision will affect its Members' operations and financial conditions. SDEPA seeks permission to intervene in this Docket as an organization, believing it can consistently and adequately represent the interests of its Members more completely and efficiently as an organization than through individual applications from each of its Members. Accordingly, SDEPA desires to intervene as a party in order that it may receive pleadings and other documents, present evidence and written argument, and otherwise take all actions necessary to clarify, support, or oppose certain positions taken by the parties to this docket.

Dated this 7th day of January, 2025.

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