

**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**

**HLP24-001**

**Jorde Landowners’  
Motion for Party Status**

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The persons and or entities on Exhibit “A” to this Motion, also referred to for simplicity as Jorde Landowners, represented by Brian Jorde and Ryan Cwach, collectively request they each be granted intervention in this docket for the reasons described herein.

**Overview**

1. This Motion requests party status for persons described in **Exhibit “A”** who fall into these categories:
  - a. Living within or owning targeted land within two (2) miles from the proposed hazardous pipeline route;
  - b. Living within or owning potentially affected land between two (2) to two and a half (2.5) miles from the proposed hazardous pipeline route;
  - c. Living within or owning potentially affected land within between two and a half (2.5) to four (4) miles from the proposed hazardous pipeline route;
  - d. Living within or owning potentially affected land within between (4) to five (5) miles from the proposed hazardous pipeline route;
  - e. Working or otherwise having substantial contacts in an area within two (2) miles from the proposed hazardous pipeline route.
  
2. Jorde Landowners also request consideration for party status be granted to those persons on **Exhibit “B”** attached hereto. These persons are Iowa Landowners who will be directly affected by the decision in this docket due to the Iowa Utilities Commission order conditioning construction of Summit’s Iowa route, which is on appeal, until such

time as all other state agencies with siting or routing powers approve Summit's respective state applications. Because the PUC decision has a directed and significant legal impact upon the **Exhibit "B"** persons, these persons have a more direct interest and certainly a greater interest than the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the U.S. and Canada, Laborers' International Union of North America, International Union of Operating Engineers Local 49's, and the South Dakota Ethanol Producers Association, all of whom have received party status.

### Argument

3. SDCL 49-41B-17(4) states:

"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."

4. This statute describes an individual party to a PUC proceeding as 1) "[A]ny person residing in the area where the facility is proposed to be sited and 2) "...any directly interested person..." SDCL 49-41B-2(10) defines "siting area" as "that area within ten miles in any direction of a proposed energy conversion facility..." Therefore, those persons residing within the siting area, ten (10) miles, should have automatic Party status so long as they completed a Party Status Application. Ten (10) miles is also the precedent set by the PUC in each of the prior CO2 dockets.

5. To the extent Staff, and by extension the PUC, determined a two (2) mile limit is the appropriate cut-off distance for docket participation by relying upon a document not in evidence, that has not been subject to cross-examination, and that admits it does not present worst-case scenario dispersion analysis, may be misguided.

6. In terms of determining who is a "directly interested" person, the PUC has wide latitude as evidenced by granting party status to Union groups with no "direct" interest whatsoever in these proceedings. Further, the South Dakota Ethanol Producers Association admits it has no direct interest. The alleged members of that entity are already

intervenor status individually and it is hard to imagine even a plausible argument for a direct interest of the Association when it only exists to promote interests of its members, all of whom are already separately intervenors.

7. Property owners and residents within ten (10) miles, certainly five (5) miles of the proposed route, have more of a direct interest than the unions and an association already granted party status, simply based upon proximity to the proposed pipeline.

**Conclusion**

8. For the reasons stated above and the facts stated in Exhibit “A” and “B”, Movants respectfully request the Commission grant party status to all persons and entities listed in Exhibits “A” and “B.”

Dated: February 26, 2025

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**CERTIFICATE OF SERVICE**

On February 26, 2025, a true and correct copy of the foregoing was served electronically to persons on the PUC Service List for this Docket.

/s/ Brian E. Jorde  
Brian E. Jorde