

From: PUC
Sent: Wednesday, November 23, 2022 1:46 PM
To: [REDACTED]
Subject: HP22-001 & HP22-002

Mr. Alberts,

This is in response to your letter to the Public Utilities Commission regarding the proposed SCS Carbon Transport LLC Pipeline, docket [HP22-001](#), and the Navigator Heartland Greenway, LLC's Pipeline, docket [HP22-002](#).

The commission received a siting permit application from SCS Carbon Transport on Feb. 2, 2022, and received the Navigator application on Sept. 27, 2022. Both dockets are receiving detailed reviews by my fellow commissioners and me as well as PUC staff working on the docket along with their expert witnesses. The public input meetings hosted by the commission along Summit's and then Navigator's proposed routes provided input to commissioners, the companies as applicants, as well as to the PUC staff and others concerned about these projects.

The [Information Guide to Siting Pipelines](#) posted on the commission website home page and in the dockets, further explains the commission's processing of such dockets, including the relevant state laws and rules. The commission is not involved with eminent domain or easements and here is an excerpt from the above document:

The PUC is not involved in the easement acquisition process that occurs between applicants and landowners. Likewise, the PUC does not have a role in the eminent domain process which is handled in the circuit court system. Landowners with concerns about these issues should seek advice from their personal attorney.

Keep in mind that the commission is not involved in planning or routing any project requesting a siting permit, and does not have the legal authority to change or mandate a route. See South Dakota Codified Law, specifically [SDCL 49-41B-36](#). In past siting dockets involving other projects, routes and layouts have become more firm following the information gathered by the applicant during and as a result of the public input meetings.

You will learn more about the proposed projects and find answers to your questions as further information continues to be requested by the commissioners

and staff, filed in the online dockets, and publicly available during the months ahead. Many questions also are and will be asked and new issues addressed by commission staff working with other state agencies and industry expert witnesses.

Thank you for sharing your concerns. Your letter and this response will be posted under Comments and Responses in both online dockets.

Chris Nelson, Chairman
South Dakota Public Utilities Commission
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