
From: PUC
Sent: Tuesday, August 22, 2023 8:33 AM
To: [REDACTED]
Subject: HP22-001

Ms. Jacobson,

Thank you for reaching out regarding the proposed SCS Carbon Transport CO₂ pipeline project. This siting permit request is an open docket, [HP22-001](#), before the commission.

This [Pipeline Siting Information Guide](#) and [Guidelines](#) help explain the commission's processing of such a docket and why I cannot speak to you about it. See excerpts from the former below.

This guide is intended to offer a simple overview of the Public Utilities Commission's process in making a decision to approve or deny the construction of pipeline facilities specific to South Dakota Codified Laws Chapter 49-41B (www.sdlegislature.gov/Statutes/Codified_Laws) and South Dakota Administrative Rules Chapter 20:10:22 (www.sdlegislature.gov/Rules/RulesList).

PUC Authority

The South Dakota Legislature gave the PUC authority to issue permits for certain pipelines. South Dakota pipelines within the commission's siting jurisdiction include those designed to transport coal, gas, liquid hydrocarbons, liquid hydrocarbon products, or carbon dioxide, for example. In considering applications, the commission's primary duty is to ensure the location, construction and operation of the pipeline will produce minimal adverse effects on the environment and the citizens. The commission determines these factors based on definitions, standards and references specified in South Dakota Codified Laws and Administrative Rules. In pipeline siting cases, the commission has one year from the date of application to make a decision.

In rendering its decision, the commission may grant the permit, deny the permit, or grant the permit with terms, conditions or modifications of the construction, operation or maintenance as the commission finds appropriate and legally within its jurisdiction. The commission does not have authority to change the route or location of a project. The decision of the commission can be appealed to the circuit court and, ultimately, to the South Dakota Supreme Court.

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.

Since commissioners have decision-making authority on this docket, any communication with us about an open or imminent docket must be done in an open forum, such as a public meeting or hearing with notice given to the formal parties or made available via the docket. As such, your email and my response will be posted under Comments and Responses in the docket.

If you still have questions after reading these documents, I suggest you contact a member of the commission's staff to request an explanation about the laws governing the commission and how the commission does not have any legal authority regarding eminent domain. PUC staff members can be reached by calling 605-773-3201.

Chris Nelson, Commissioner
South Dakota Public Utilities Commission
PUC.sd.gov