



Chris Nelson, Chairman
Kristie Fiegen, Vice Chairperson
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South Dakota

PUBLIC UTILITIES COMMISSION

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October 24, 2022

Joan McMillin

[REDACTED]
Sioux Falls, South Dakota 57105

Ms. McMillin,

This is in response to your letter to the Public Utilities Commissioners regarding the proposed SCS Carbon Transport LLC CO2 Pipeline, docket HP22-001.

The commission received a siting permit application for this pipeline project on Feb. 7, 2022, resulting in the opening of this docket. The applicant filed a supplement to the application on Oct. 13, 2022. This docket is receiving a detailed review of the proposed project by the commission. This began with March 22-25 public input meetings hosted by the commission along the pipeline's route as required by law.

You will learn more about the issues you raise as further project information will be requested by the commissioners and staff, filed in the online docket, and be publicly available during the months ahead. I encourage you to follow this docket as it is processed and new information is posted. Many issues raised are and will be addressed by commission staff working with other state agencies and industry expert witnesses.

The Information Guide to Siting Pipelines document that you referenced, further explains the commission's processing of such a docket, including the relevant state laws and rules.

The commission is not involved with eminent domain or easements as this document states: *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 easements are not within the legal authority of the commission, affected landowners are advised to seek advice from an attorney that specializes in easements.

Please 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 available at <https://SDLegislature.gov>, and specifically, SDCL 49-41B-36.

My fellow commissioners and I cannot deny any applicant a siting permit without fully reviewing and processing an application that has been legally filed with the commission. If the commissioners were to not follow the specific criteria in state law and deny a permit without justifiable cause, that decision would be appealed to, and almost certainly overruled by, circuit court.

In addition to my obligation to follow the law, I am a landowner in South Dakota. Thus, I understand your concern to protect your family and your property.

Thank you for reaching out to share your concerns. Your letter and my response will be posted under Comments and Responses in the online docket.

Sincerely,

A handwritten signature in black ink that reads "Chris Nelson". The signature is written in a cursive, flowing style.

Chris Nelson