

**From:** PUC  
**Sent:** Friday, March 24, 2023 5:09 PM  
**To:** [REDACTED]  
**Subject:** HP22-002

Ms. Poppinga,

This is in response to your email regarding the Navigator Heartland Greenway, LLC carbon capture project. The commission opened this docket on Sept. 27, 2022, after receiving the application for a siting permit from Navigator.

You share your concerns about the safety of the pipeline and the product being transported, and that certainly is a key issue with this docket. Those of us at the commission are carefully assessing potential hazards, first responder training, and the handling of damages, should the company be granted a siting permit. The commission must work in concert with federal law, including the laws governing the Pipeline and Hazardous Materials Safety Administration under the U.S. Department of Transportation.

The documents filed with the application are being reviewed by the commission's staff along with other state agency staff and expert witnesses engaged by commission staff, as well as intervenors, my fellow commissioners and me. These formal parties are working through the discovery process which includes multiple rounds of questions being asked of Navigator and others, preparing testimony to be filed, and all of this evidence will be probed further during the evidentiary hearing. Given your concerns, I urge you to follow along as this docket is processed and information is added to the docket record online.

This [Pipeline Siting Information Guide](#) may be helpful in understanding the commission's processing of a siting docket such as this. See excerpts below that address the commission's legal jurisdiction regarding the pipeline route and the docket processing timeline, as you mention both of these in your email.

*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.*

Your message and my response will be posted under Comments and Responses in [HP22-002](#).

Thank you for reaching out to share your concerns.

Kristie Fiegen, Chairperson  
South Dakota Public Utilities Commission  
[PUC.sd.gov](http://PUC.sd.gov)