

**From:** PUC

**Sent:** Saturday, July 22, 2023 1:12 PM

**To:** [REDACTED]

**Subject:** HP22-002

Ms. Lane,

This is in response to your letter of July 21, 2023, expressing your opposition to the Navigator Heartland Greenway, LLC CO<sub>2</sub> pipeline siting application filed with the South Dakota Public Utilities Commission. This is commission docket [HP22-002](#).

The [Information Guide to Siting Pipelines](#), posted on the commission website home page and in the dockets, explains the processing of siting dockets like these by the commission, with excerpts below.

*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 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.*

*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](http://www.sdlegislature.gov/Statutes/Codified_Laws)) and South Dakota Administrative Rules Chapter 20:10:22 ([www.sdlegislature.gov/Rules/RulesList](http://www.sdlegislature.gov/Rules/RulesList)).*

There are several state statutes and rules providing consideration of a siting permit such as this. There are also several statutes and rules referencing pipeline safety and gas transmission lines, in addition to federal code under the Pipeline and Hazardous Materials Safety Administration with the U.S. Department of Transportation. You may want to

reference information at [PUC.sd.gov](http://PUC.sd.gov) via the [Pipeline Safety](#) tab and South Dakota Codified Laws, Public Utilities and Carriers, [Title 49](#), particularly SDCL 49-34B addressing Pipeline Safety.

There are many concerns including public safety that must be addressed regarding a requested permit for a CO<sub>2</sub> pipeline. As you will see by reviewing the documents posted thus far in the dockets many, many issues are being addressed by formal parties involved. These issues are being dissected and will be robustly discussed and cross-examined during the evidentiary hearing. Commissioners will ask many questions, as will other parties involved in the docket, ultimately assisting the commissioners in determining whether each will vote yes or no on a permit or consider conditions with a permit. My fellow commissioners and I will make that determination based on facts presented by parties to the docket. Our decision must be based on evidence. We must make a decision that is within the commission's legal jurisdiction, and one we believe will be upheld should our decision be appealed to circuit court.

Following the arduous review process that began with the company filing a permit application, the commissioners will publicly discuss and vote according to the evidence within the jurisdiction provided by the state legislature in South Dakota law. Each commissioner took an oath to follow state law upon acceptance of our responsibilities as a commissioner.

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

Thank you for reaching out to share your view.

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