

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: SUMMIT CARBON SOLUTIONS, LLC	DOCKET NO. HLP-2021-0001
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**ORDER ADDRESSING LOCATION OF HEARING AND SCHEDULING
ORAL ARGUMENT**

BACKGROUND

On January 28, 2022, Summit Carbon Solutions, LLC (Summit Carbon), filed with the Utilities Board (Board) a petition to construct, operate, and maintain a proposed hazardous liquid pipeline to transport liquefied carbon dioxide within the state of Iowa. The petition and the exhibits filed in support of the petition are being reviewed by the Board's Safety and Engineering staff (Staff) to determine whether Staff requires additional information to complete its review and whether there are corrections that need to be made to the petition or exhibits to bring those documents into compliance with Iowa Code chapter 479B and Board rules in 199 Iowa Administrative Code chapter 13.

Iowa Code § 479B.6(a) requires the Board schedule a hearing to consider whether to grant Summit Carbon a permit to construct the proposed pipeline. As part of the process of scheduling a hearing, the Board needs to establish a procedural schedule, set an intervention date, set dates for Summit Carbon and other parties to file prepared testimony and exhibits, and set the hearing date. Iowa Code § 479B.6(b)

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requires the hearing to be held “in the county seat of the county located at the midpoint of the proposed pipeline.”

Because of the configuration of the proposed pipeline, with one primary line and several trunk lines, the midpoint of this proposed pipeline is not as easily determined as it would be if the line were only a single line. The Board has determined that compliance with this statutory requirement is an issue that needs to be addressed prior to setting a procedural schedule and while Staff is reviewing the petition and petition exhibits. In this order, the Board is presenting a methodology for determining the midpoint of Summit Carbon’s proposed pipeline, and the Board is providing an opportunity for parties and interested persons to brief the issue, file comments, and attend an oral argument. The issues the Board is requesting be addressed are whether the methodology set forth in this order meets the legal requirements of Iowa Code § 479B.6(b) and whether the midpoint of the Summit Carbon pipeline can be in a county where the pipeline will not be located.

FACTORS CONSIDERED

In considering the midpoint of the primary line and trunk lines of the Summit Carbon pipeline, the Board interprets the statute to require that the hearing be held at a location that provides all landowners an approximate equal opportunity to attend the hearing. In this instance, to meet that requirement the Board has estimated the travel time from five endpoints of the pipeline in Iowa. The five endpoints are: (1) a point in Lyon County where the proposed line crosses the Iowa state line into South Dakota, (2) a point in Woodbury County where the proposed line crosses the Iowa state line into

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Nebraska, (3) a point in Fremont County where one of the proposed trunks lines ends, (4) a point in Chickasaw County where the proposed primary line ends, and (5) a point in Dickinson County where one of the proposed trunk lines crosses the Iowa state line into Minnesota. The Board recognizes that there is also an endpoint in Emmet County close to the endpoint in Dickinson County that also crosses the Iowa state line into Minnesota. Because of the proximity of the two endpoints in Dickinson and Emmet counties, the Board only estimated distances from the Dickinson County endpoint.

To determine the midpoint based upon those five endpoints, the Board estimated the distance between:

1. The endpoint in Fremont County to the endpoint in Chickasaw County.
2. The endpoints in Fremont and Chickasaw counties and the two endpoints of trunk lines in Greene and Story counties.
3. The endpoint in Woodbury County to the endpoints of trunk lines located in Greene and Story counties.
4. The endpoint in Lyon County and the endpoints of the trunk lines in Greene and Story counties.
5. The endpoint in Dickinson County and the endpoints of the trunk lines in Greene and Story counties.

Under this methodology, the distance between the Fremont County and Chickasaw County endpoint establishes an endpoint in a county south of the primary pipeline route. The Board has not selected a specific county that it considers to be the midpoint and where the hearing is to be held. The Board first wants to consider any legal challenges to the described method of determining the midpoint so that the issue of where the hearing will be held can be resolved prior to consideration of a procedural schedule.

This order sets times for the parties and interested persons to file briefs addressing the method of determining a midpoint, including specifically the method

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described in this order, and the issue of whether the hearing can be held in a county where the pipeline is not located. The Board is also scheduling an oral argument to address any legal issues, or other issues, raised by the comments or briefs.

ORDERING CLAUSES

IT IS THEREFORE ORDERED:

1. Briefs or comments addressing the Utilities Board's compliance with Iowa Code § 479B.6(b) as described in this order shall be filed on or before March 31, 2022.

2. Oral argument to address the Utilities Board's compliance with Iowa Code § 479B.6(b) is set for April 12, 2022, following the April monthly public Board meeting.

Persons who wish to participate in the oral argument shall file a pleading indicating whether participation will be in person or virtually. Those planning to participate virtually are required to have video and audio capability.

UTILITIES BOARD

Geri Huser Date: 2022.03.17
19:05:19 -05'00'

Richard Lozier Date: 2022.03.17
17:30:23 -05'00'

ATTEST:

Kerrilyn Russ Digitally signed by Kerrilyn Russ
Date: 2022.03.18 10:33:48
-05'00'

Joshua J Byrnes Date: 2022.03.17
16:44:55 -05'00'

Dated at Des Moines, Iowa, this 18th day of March, 2022.