

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: NUSTAR PIPELINE OPERATING PARTNERSHIP L.P.	DOCKET NO. HLP-2021-0002
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**ORDER DECLARING EXHIBIT H IN FINAL FORM, SETTING PROCEDURAL
SCHEDULE, AND APPROVING SURVEYING NOTICE**

On January 27, 2022, NuStar Pipeline Operating Partnership L.P. (NuStar) filed a petition with the Utilities Board (Board) in Docket No. HLP-2021-0002 for a permit to construct, operate, and maintain 13.74 miles of hazardous liquid pipeline in Lee County, Iowa, to transport anhydrous ammonia.

On April 22, 2022, the Board held a scheduling conference at which both NuStar and the Office of Consumer Advocate, a division of the Iowa Department of Justice, appeared. Tentative dates to be included in the final procedural schedule were identified by the parties.

At the scheduling conference, the Board stated it would not set the procedural schedule until NuStar had filed a notice with the Board that it had submitted an Exhibit H identifying all known parcels over which it reasonably anticipates requesting the right of eminent domain, and until the Board has reviewed the identified parcels for compliance with the requirements of 199 Iowa Administrative Code (IAC) 13.3(1)(h). The Board further stated that after it had completed its review and determined Exhibit H to be in final form, it would set the procedural schedule, including the date for hearing.

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On June 10, 2022, NuStar filed its response to Board Safety and Engineering staff's (Staff) review letter addressing deficiencies identified in NuStar's Exhibit H.

On June 16, 2022, Staff issued a review letter identifying additional deficiencies in NuStar's Exhibit H.

On June 22, 2022, NuStar filed its response to Staff's June 16, 2022 letter.

The Board has completed its review of Exhibit H and finds it to be in final form. The Board will therefore set the procedural schedule and the hearing date for this docket. However, due to the needed revisions to Exhibit H, the Board will move the Staff report due date from July 1, 2022, to July 8, 2022.

Pursuant to Iowa Code § 479B.6(2), if the proposed hazardous liquid pipeline exceeds five miles in length, the hearing shall be held in the county seat located at the midpoint of the proposed hazardous liquid pipeline. In this case, NuStar's proposed project is located entirely in Lee County. The hearing will be held on October 19, 2022, at the Quality Inn and Suites in Fort Madison, Iowa.

On or before October 11, 2022, parties shall file a list containing the name of each witness and the order of the witnesses. A comprehensive procedural schedule is provided as Attachment A to this order and incorporated into this order by reference.

Lastly, the Board notes 199 IAC 7.13 governs intervention for contested cases and requires the Board to generally grant leave to intervene to any person with a cognizable interest in the proceeding. The June 15, 2022 intervention deadline has passed; however, should a party seek intervention, the Board will follow the requirements of 199 IAC 7.13 when determining whether to grant intervention. Any

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party granted intervention beyond the intervention deadline will be subject to the procedural schedule as shown in Attachment A to this order.

TESTIMONY AND EXHIBITS

Parties to the docket may file prefiled testimony and exhibits as described in 199 IAC 7.10. Prefiled landowner testimony should be in question-and-answer format, with numbered lines if possible, and at a minimum should address the following subjects:

1. Current use of the property and any plans for a different use in the future.
2. A general description of the property.
3. A description of any specific concerns regarding the proposed transmission line.
4. A description of any alternative proposed routes, including its advantages and disadvantages.
5. For any objection filed other than the prefiled testimony, identification of the objection by the date it was filed.

Filing an objection does not make a person a party to this proceeding. An objector may appear at the hearing and provide additional information. To become a party to the proceeding, a person must file a petition to intervene in this docket. All such petitions must comply with the requirements of 199 IAC 7.13. If an affected landowner has filed a written objection, that objection will be made part of the evidentiary record.

MARKING OF TESTIMONY AND EXHIBITS

All testimony and exhibits shall be marked in the following naming convention:

- Testimony shall be designated using the filing party's name, last name of the witness, and then the type of testimony: "Direct," "Rebuttal," "Reply," or

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“Supplemental.” Example: “[Filing Party Name] Smith Direct Testimony.” The testimony shall be marked and offered into evidence at the hearing.

- Testimony shall be labeled on each page using the filing party’s name, last name of the witness, then the type of testimony, and “Page X of X” in the upper right-hand corner of the page. Example: “[Filing Party Name] Smith Direct Testimony Page X of X.”
- Any evidence supported by a witness shall be marked with the witness’ last name and then the exhibit, the type of exhibit, and the exhibit number. Exhibits shall be filed separately from the testimony. Examples: “[Filing Party Name] Smith Direct Exhibit 1” or “[Filing Party Name] Smith Direct Exhibits 1, 2, 3.” Parties may combine exhibits into a single filing subject to a limit of five megabytes and fewer than 20 separate documents per filing.
- Information in an exhibit may be formatted and identified based upon the filing party’s internal policies and shall be identified with the exhibit number at the top right of each page of the exhibit.
- Hearing exhibits shall be marked with the filing party’s name and the exhibit number. Example: “[Filing Party Name] Smith Direct Exhibit 1, Workpapers.” Workpapers do not need to be provided to the court reporter unless the workpapers are made an exhibit at the hearing.
- Testimony and supporting documents should be titled following the described naming convention when entering the document titles in the Board’s electronic filing system (EFS). Documents that do not comply with this naming convention will not be accepted for filing.
- Exhibits not previously filed in EFS prior to hearing shall be filed in EFS within three days of the conclusion of the hearing.

NUSTAR’S RESPONSE TO THE BOARD’S APRIL 19, 2022 ORDER

Regarding the notice required for surveying, on May 4, 2022, NuStar filed its response to the Board’s April 19, 2022 order requiring the company to file its reasonable date range included in the initial ten-day mailing sent, pursuant to Iowa Code § 479B.15, as well as how NuStar will contact landowners, should surveying occur after the initial date range. NuStar states it is very different from the two proposed statewide

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liquefied carbon dioxide pipelines, and it is not aware of any complaints that have been raised based upon its ten-day notice letters. NuStar states that while it believes being included with these other two pipelines is unwarranted, it does propose to adopt a notification plan.

NuStar states it proposes to conduct the surveying activities within 30 days after the ten-day notice requirement has run. With regard to notice, should surveying occur after the 30 days, NuStar states it will contact the landowner and any persons in possession of the land to let them know of a new survey window of no more than 30 days from the expiration of the original 30-day window. Contact will be made by telephone, email, in-person contact from a land agent, or via a new letter, depending on what contact information is available to NuStar and the specifics of the relationship between NuStar and the landowner and any person in possession of the property.

The Board has reviewed NuStar's response and finds it to be reasonable. The Board will approve NuStar's notice proposal.

ORDERING CLAUSES

IT IS THEREFORE ORDERED:

1. A public hearing for the presentation of evidence and the cross-examination of witnesses shall commence at 9 a.m. October 19, 2022, at the Quality Inn and Suites in Fort Madison, Iowa. Persons with disabilities who will require assistive services or devices to observe or participate in the hearing shall contact the Utilities Board Customer Service staff at (515) 725-7300 at least five business days in advance of the hearing to request appropriate arrangements.

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2. A comprehensive procedural schedule established for this docket is attached to this order and identified as Attachment A.

3. The survey notice proposal submitted by NuStar Pipeline Operating Partnership L.P. on May 4, 2022, is approved.

UTILITIES BOARD

Geri Huser Date: 2022.06.28
11:34:30 -05'00'

Richard Lozier Date: 2022.06.28
13:31:48 -05'00'

ATTEST:

Louis Vander Streek Louis Vander Streek
2022.06.29 08:49:05
-05'00'

Joshua J Byrnes Date: 2022.06.28
13:15:32 -05'00'

Dated at Des Moines, Iowa, this 29th day of June, 2022.

ATTACHMENT A

HLP-2021-0002 Procedural Schedule	
Procedural Activity	Dates
Scheduling Conference	4/22/2022
Intervention Deadline	6/15/2022
Testimony	
Staff Report Due	7/8/2022
Company and Supporting Intervenor Direct Testimony Due	7/29/2022
OCA & Resisting Intervenor Direct Testimony Due	9/12/2022
Company Rebuttal Testimony Due	9/30/2022
Prehearing/Hearing	
Witness Information Due	10/11/2022
Hearing	10/19/2022