

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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IN RE:  NUSTAR PIPELINE OPERATING PARTNERSHIP L.P.	DOCKET NO. HLP-2021-0002
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**ORDER CONTINUING HEARING AND APPROVING 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 approximately 13.74 miles of hazardous liquid pipeline in Lee County, Iowa, to transport anhydrous ammonia.

On June 29, 2022, the Board issued an order setting the procedural schedule for NuStar's proposed hazardous liquid pipeline in Lee County. The order scheduled the hearing in this matter to commence at 9 a.m. October 19, 2022, in Fort Madison, Iowa.

On October 14, 2022, the Board issued an order continuing the hearing and setting a scheduling conference for October 19, 2022.

On October 19, 2022, NuStar; the Office of Consumer Advocate, a division of the Iowa Department of Justice; and John Hayes, on behalf of Hayes Menke 9, LLC, appeared and participated in the scheduling conference.

Based on the discussion at the scheduling conference, the Board will continue the hearing to commence at 1 p.m. January 9, 2023, at the Quality Inn and Suites in

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Fort Madison. The Board is not amending any other item included in the procedural schedule issued on June 29, 2022.

In addition to requesting a new hearing date, on October 10, 2022, NuStar filed a proposed notice of eminent domain proceedings which will be sent to all landowners and affected persons with an interest in the property over which eminent domain is being requested, as well as a proposed eminent domain publication. The Board has reviewed the documents, and is requiring changes as shown in the attachments to this order, incorporated herein by reference.

**IT IS THEREFORE ORDERED:**

1. The hearing for NuStar Pipeline Operating Partnership L.P. shall commence at 1 p.m. January 9, 2023, at the Quality Inn and Suites in Fort Madison, Iowa.
2. NuStar Pipeline Operating Partnership L.P. shall revise the proposed eminent domain documents as shown in the attachments to this order incorporated into this order by reference.

**UTILITIES BOARD**

**Geri Huser** Date: 2022.10.27  
15:57:41 -05'00'

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**Richard Lozier** Date: 2022.10.28  
10:28:41 -05'00'

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**ATTEST:**

**Louis Vander Streek** Louis Vander Streek  
2022.10.28 11:14:05  
-05'00'

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**Josh Byrnes** Date: 2022.10.28  
09:10:48 -05'00'

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Dated at Des Moines, Iowa, this 28th day of October, 2022.

**NOTICE OF EMINENT DOMAIN  
PROCEEDINGS**

[ADDRESSEE]

Date: \_\_\_\_\_, 2022

Re: Iowa Utilities IUB Docket No. HLP 2021-0002

Notice is given that NuStar Pipeline Operating Partnership L.P. (“NuStar”), under the provisions of Iowa Code Chapter 479B, has filed a petition with the Iowa Utilities Board (“IUB”) for a hazardous liquid pipeline permit to construct an anhydrous ammonia pipeline in Lee County, Iowa, to connect, initially, the OCI fertilizer facility in Wever, Iowa, to a larger ammonia pipeline network and meet the demand for anhydrous ammonia in the area.

Since NuStar has not secured a voluntary easement from you, NuStar is requesting that the IUB grant it the authority to acquire by eminent domain (condemnation) the interests in your property necessary for the pipeline project. A copy of the relevant Exhibit H for your property, which was filed with the IUB as part of the above-referenced docket, is attached as Attachment A to this notice.

You have a right to file a written objection to the request for the right of eminent domain. Objections may be filed no later than five days before the scheduled hearing date.

Anyone seeking to file an objection in this docket may do so in writing to the IUB or by filing electronically using the IUB’s electronic filing system (“EFS”) at <http://efs.iowa.gov>, ~~citing the docket number, and clicking on the~~ To file in EFS, click on the “Submit Filing” tab and following all instructions to log in as a guest, to upload documents and receive a filing ID number select the “Submit Comment” dropdown. Instructions for to complete an objection are included on this page. After the filing has been processed, the filer will receive e-mail notification including that includes a link to the filing. ~~If a filing is rejected, the filer will receive an automatic e-mail rejection notice from the IUB EFS Help Desk, along with a reason for the rejection. Notification of a rejected filing will not be provided to other parties on the service list or to the Office of Consumer Advocate or to IUB staff. All documents in a rejected filing must be re-submitted once the appropriate corrections have been made.~~ For help assistance, contact the EFS Help Desk Monday through Friday, except State holidays, 8 a.m. to 4:30 p.m. Phone: (515) 725-7300. Persons ~~lacking computer~~ without access to a computer may ~~file written comments by~~ have the objection added into the IUB’s EFS by mailing them to the Iowa Utilities Board, Executive Secretary, Docket No. HLP-2021-0002, 1375 E. Court Ave., Des Moines, Iowa 50319.

The IUB has scheduled a public hearing to consider the petition, including the route, any filed objections, the request for eminent domain authority, and to hear

testimony to aid it in determining whether to grant the permit and the right of eminent domain. The IUB will hold a public hearing beginning at ~~9 a.m. December 14, 2022~~ [1:00 p.m. January 9, 2023](#). The hearing shall be held at the Quality Inn and Suites in Fort Madison, Iowa. Persons with disabilities who will require assistive services or devices to observe this hearing or participate in it should contact the IUB at (515) 725-7300 no later than ten days prior to the hearing to request that appropriate arrangements be made.

At the hearing, parties will be given the opportunity to cross-examine NuStar's witnesses and to present witnesses on their own behalf. The IUB established a procedural schedule by its order issued June 29, 2022, which established dates for parties to file prepared testimony prior to the hearing. Copies of the IUB's orders, and NuStar's petition, prepared testimony and exhibits and other pertinent filings in this docket may be viewed under the docket number in the IUB's EFS at <http://efs.iowa.gov>. Questions about the procedural schedule or IUB rules should be directed to the Utilities Board Records and Information Center at 1375 E. Court Ave., Des Moines, IA 50319 or at (515) 725-7300.

The IUB may grant a permit, including the location of the route, in whole or in part, upon such terms, conditions and restrictions, and with such modifications as to location and route, as may seem to it just and proper. The IUB must determine that the proposed pipeline promotes the public convenience and necessity and meets other requirements of applicable Iowa law and IUB rules. If the right of eminent domain is granted by the IUB, it is granted for the life of the proposed pipeline. The permit granted by the IUB is for a 25-year period, which is subject to renewal for as long as the pipeline is in use. There is no requirement for the IUB to rule by a particular date. Once a final decision has been issued, any party may appeal to the Polk County District Court or in the district court for the county in which you reside or have your principal place of business within ~~20~~ [30](#) days of issuance of the final decision.

The matter of just compensation for property rights taken by eminent domain is not determined by the IUB. If the IUB grants NuStar eminent domain authority for an interest in your property, just compensation will be determined by a compensation commission appointed from your county pursuant to Iowa Code chapter 6B. A copy of the Attorney General's Acquisition Negotiations Statement of Rights (Iowa Administrative Code 61-34.1), which is a statement of the rights of individual property owners with respect to the acquisition of interests in their property under ~~C~~chapter 6B, is attached as Attachment B.

A map showing the route of the anhydrous ammonia pipeline has been filed in the IUB docket available online, but one also may be obtained at no cost by calling (877) 552-1771, or by writing to K.C. Purgason – St. Manager Real Estate, 19003 IH-10 West, San Antonio, Texas 78257. Email is as follows: [kc.purgason@nustarenergy.com](mailto:kc.purgason@nustarenergy.com).

**ATTACHMENT A**  
(Copy of Exhibit H)

**ATTACHMENT B**  
(Statement of Rights)

## NOTICE

Notice is given that NuStar Pipeline Operating Partnership L.P., (NuStar) San Antonio, Texas, pursuant to Iowa Code chapter 479B (2022), has filed a petition with the Iowa Utilities Board (IUB) for a pipeline permit to construct, operate, and maintain an anhydrous ammonia pipeline in Lee County, Iowa. In its petition, NuStar requests the use of the right of eminent domain (“condemnation”) for securing right-s-of-way for the proposed pipeline.

The route of the pipeline is described as follows:

(Insert attached legal description)

NuStar has been in contact with landowners to discuss acquiring easements along the proposed route of the pipeline. The Board makes the decision whether to approve or deny the pipeline permit through a hearing process. When the IUB has decided the case, NuStar or a landowner may appeal the IUB’s ruling to the courts.

The Board, in considering a petition requesting the right of condemnation, does so in an open and public process. If the IUB grants the right for condemnation, NuStar may petition the Chief Judge of the Judicial District for Lee County to appoint a compensation commission. The compensation commission sets the compensation amounts. NuStar may then proceed with the work for the pipeline. The landowner or NuStar may appeal the amount determined by the compensation commission to the courts.

The IUB has established ~~9 a.m. December 11, 2022~~ [1:00 p.m. January 9, 2023](#), as the time for the public hearing on NuStar’s petition. The hearing will be held at the Quality Inn and Suites in Fort Madison, Iowa.

All filings in this docket (Docket No. HLP-2021-0002) may be viewed by searching under the docket number in the IUB’s electronic filing system (EFS) at <http://efs.iowa.gov>. Objections to the granting of the pipeline permit may be filed electronically using EFS or filed in writing with the IUB no later than five days before the date of the hearing. Instructions for submitting an electronic filing can be found in EFS; written objections must be mailed to the Iowa Utilities Board, 1375 E. Court Ave., Des Moines, IA 50319. Both electronic and written objections must clearly state the objector’s name and address and list the docket number on the objection.

Persons with disabilities who will require assistive services or devices to observe this hearing or participate in it should contact the IUB at (515) 725-7300 no later than ten days prior to the hearing to request that appropriate arrangements be made.

If you have questions regarding this project or to obtain a map of the route of the anhydrous ammonia pipeline at no cost, please contact the following:

K.C. Purgason – Sr. Manager  
Real Estate 19003 IH-10 West  
San Antonio, Texas  
78257  
[kc.purgason@nustarene  
rgy.com](mailto:kc.purgason@nustarenergy.com) (877) 552-1771

The date of publication is (type in first date of publication).