

IOWA UTILITIES BOARD

IN RE:

SUMMIT CARBON SOLUTIONS, LLC

DOCKET NO. HLP-2021-0001

ORDER ESTABLISHING BRIEFING SCHEDULE AND ADDRESSING BRIEF PAGE LIMITS

On August 22, 2023, the Utilities Board (Board) commenced the hearing in Docket No. HLP-2021-0001, regarding Summit Carbon Solutions, LLC's (Summit Carbon) petition for a hazardous liquid pipeline permit in Iowa for the transportation of liquefied carbon dioxide. On November 8, 2023, the evidentiary record was closed and the hearing concluded.

At the close of the hearing, the Board and the parties discussed the briefing schedule for this docket. After hearing from several parties in attendance, the Board concluded initial simultaneous briefs would be due six weeks after the date in which the final transcript is uploaded into the Board's electronic filing system, and simultaneous reply briefs would be due three weeks after the date the initial simultaneous briefs are due. The Board acknowledged this was longer than a typical briefing schedule, but due to the voluminous record and the upcoming holiday season, the Board determined it was appropriate to expand the briefing schedule. The Board reminds the parties that the briefing requirements are found in 199 Iowa Administrative Code (IAC) 7.23(8).

On November 13, 2023, the final transcript was uploaded into the Board's electronic filing system. The parties' initial simultaneous briefs will be due on or before December 29, 2023. As the initial simultaneous briefs are due on or before December

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29, 2023, the simultaneous reply briefs will be due three weeks later, on or before January 19, 2024.

After discussing the dates for the briefs at the end of the hearing, several parties raised an issue about the page limits found in 199 IAC 7.23(8)(c). Under this lettered paragraph, initial briefs are limited to 90 pages and reply briefs are limited to 40 pages. After discussion with the parties, the Board agreed to raise the page limit to 150 pages for all parties for their initial simultaneous brief. During the discussion on page limits, Jorde Landowners, a group of approximately 154 landowners, requested to be allowed 15 pages per landowner, not including the 150 pages granted to all parties. The Board granted Jorde Landowner's request to be allowed 15 pages per landowner.

The Board reminds the parties that these are limits—not goals. Having said that, the Board understands that with a record containing tens of thousands of pages of testimony and exhibits, and a transcript, which as of October 5, 2023, was nearly 7,000 pages that parties may exceed the 150-page limit. If a party exceeds the 150-page limit, that party must submit a request to exceed the page limit set during the hearing and confirmed by this order. The request may be filed at the same time as the initial simultaneous brief is due. A failure to request to exceed the page limit may be deemed defective, consistent with 199 IAC 7.23(8)(c).

After establishing the initial brief lengths, the Iowa Farm Bureau Federation asked about the reply brief length, which is currently 40 pages. The Board will raise the simultaneous reply brief page limit to 75 pages for all parties. Similar to the initial briefs, should a party need to exceed the 75-page limit, that party must submit a request to exceed the page limit. The request may be filed at the same time as the simultaneous

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reply brief is due. A failure to request to exceed the page limit may be deemed defective, consistent with 199 IAC 7.23(8)(c).

IT IS THEREFORE ORDERED:

1. Initial simultaneous briefs shall be due on or before December 29, 2023.
2. Simultaneous reply briefs shall be due on or before January 19, 2024.
3. The page length for initial simultaneous briefs submitted in Docket No. HLP-2021-0001 shall be increased to 150 pages for all parties.
4. Jorde Landowners shall be allowed to submit an initial simultaneous brief consisting of 150 pages, plus 15 pages per landowner.
5. The page length for simultaneous reply briefs submitted in Docket No. HLP-2021-0001 shall be increased to 75 pages for all parties.
6. If a party needs to exceed either the simultaneous initial or reply brief page limit, the party shall submit a request to exceed the page limit.
7. Any request to exceed the page limit, shall be submitted on or before the due date for the respective brief that requires the request.

UTILITIES BOARD

Erik M. Helland 2023.11.17
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Joshua Byrnes Date: 2023.11.17
12:08:35 -06'00'

ATTEST:

Keetah A Horras Date: 2023.11.17
10:29:50 -06'00'

Sarah Martz Date: 2023.11.17
08:06:37 -06'00'

Dated at Des Moines, Iowa, this 17th day of November, 2023.