

STATE OF IOWA
BEFORE THE IOWA UTILITIES BOARD

IN RE:)	DOCKET NO. HLP-2021-0001
)	
SUMMIT CARBON SOLUTIONS, LLC)	PETITION TO INTERVENE
)	

COMES NOW the Board of Supervisors for the County of Wright, State of Iowa, by and through the undersigned Wright County Attorney, pursuant to IAC 199-7.13, and for this Petition to Intervene, states:

1. Wright County, Iowa, is primarily an agricultural county, with unique natural resources. An ethanol plant is also located in the county.
2. The proposed Summit pipeline will pass through Wright County, Iowa, intersecting multiple Wright County farm-to-market roadways.
3. The proposed Summit pipeline will pass through several drainage districts in Wright County.
4. The proposed Summit pipeline will pass through several waterways in Wright County and adjacent county- managed wildlife areas.
5. The power of a county is vested in its board of supervisors under Iowa Code section 331.301(2).
6. The Board of Supervisors of the County of Wright, State of Iowa, is granted authority under Iowa Code section 331.301(1) to “exercise any power and perform any function it

deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare comfort, and convenience of its residents”.

7. Pursuant to Iowa Code section 468.1, the supervisors of Wright County, Iowa, have jurisdiction, power, and authority over the drainage districts of Wright County, Iowa, except those that elected to establish private trustees. Iowa Code section 468.186 provides in part, that when “any person proposes to construct a pipeline . . . on, over, across, or beneath the right-of-way of any drainage or levee district, such person shall, before beginning construction, obtain from the drainage or levee district an easement to cross the district’s right-of-way.” In addition to other provisions under Iowa Code Chapter 468, section 468.186(1) expressly vests in the Wright County Board of Supervisors, plenary authority to impose “such additional conditions as they deem necessary”.
8. To obtain an easement to construct a pipeline through drainage districts in Wright County, an applicant must obtain a construction permit.
9. As noted in IAC 199-7.13(4), the consumer advocate’s role is not to be interpreted as representing every potential interest in the proceeding.
10. The aforementioned unique interests and perspectives of Wright County, Iowa, are better protected through intervention by the Wright County Board of Supervisors.
11. The Wright County Board of Supervisors, through the county engineer, drainage clerk and drainage engineer, and the county conservation director, also are in a unique position to assist in the development of a sound record on issues that arise. Wright County also

has several county commissions, such as its commission on pioneer cemeteries, that should be consulted to avoid or mitigate damage to unique features of the county.

12. Decisions of the Iowa Utility Board regarding the requested permit and eminent domain will directly impact the availability and maintenance of Wright County's farm-to-market roadways, critical drainage district infrastructure, natural resources and the residents of Wright County, Iowa.

13. Regarding the material allegations asserted in the petition filed by Summit Carbon Solutions, LLC, the Wright County Board of Supervisors states:

- a. Section I of the petition for hazardous liquid pipeline permit (hereinafter "petition") is admitted.
- b. Section II of the petition is admitted only to the extent it is a general description of the project related to Wright County, Iowa. All other claims are denied for lack of information.
- c. Section III of the petition is admitted only to the extent it is a general description of the project related to Wright County, Iowa. All other claims are denied for lack of information.
- d. Section IV of the petition is admitted only to the extent it is a general description of the project related to Wright County, Iowa. All other claims are denied for lack of information.
- e. Section V of the petition is admitted.
- f. Section VI of the petition is admitted only to the extent it is a general description of the project related to Wright County, Iowa. The necessity of, and specific derivative benefits to be derived from, the proposed pipeline are denied for lack of information.

- g. Section VII of the petition is admitted only to the extent it is a general description of the project related to Wright County, Iowa. All other claims are denied for lack of information.
 - h. Section VIII of the petition is admitted only to the extent it is a general description of the project related to Wright County, Iowa. All other claims are denied for lack of information.
 - i. Section IX is not a material fact allegation and therefore is neither admitted nor denied.
 - j. Section X is a statement of intent, not a material fact allegation, and therefore is neither admitted nor denied. Intervenor hereby states that there are local ordinances and permits that must be complied with.
 - k. Section XI (request for eminent domain) is resisted as to Wright County's interest in real property, and as to interests in real property held by residents of Wright County, Iowa.
 - l. Section XII is denied for lack of knowledge.
 - m. Section XIII is denied for lack of knowledge. Intervenor hereby states that there are additional laws and local ordinances and permits that must be complied with as it relates to the project in Wright County.
14. If the petition to intervene is granted, the Board of Supervisors reserves the right to participate through filing of pleadings and briefs, providing exhibits and potential testimony at various stages of the proceedings, as well as the option to provide oral argument.

