

**STATE OF IOWA  
DEPARTMENT OF COMMERCE  
IOWA UTILITIES BOARD**

<b>IN RE:</b>  <b>WOLF CARBON SOLUTIONS US, LLC</b>	<b>DOCKET NO. HLP-2022-0002</b>
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**RESPONSE TO ORDER ADDRESSING NOTICE ISSUES**

**COMES NOW**, Wolf Carbon Solutions US, LLC ("Wolf"), the Petitioner in the above-captioned proceeding, and submits this response (the "Response") to the Order Addressing Notice Issues entered by the Iowa Utilities Board ("Board") on September 23, 2022 (the "Order").

**I.     INTRODUCTORY STATEMENT:**

Wolf is in the process of seeking permission to construct and operate a carbon capture pipeline system in Iowa and Illinois. On July 14, 2022, the Board issued an Order granting dates and times for Wolf to hold in-person public informational meetings in five counties in Iowa where the prospective pipeline project may be located, as well as an additional virtual public informational meeting. Wolf held all five public in-person informational meetings in late August of 2022. The virtual public informational meeting was held on September 19, 2022.

During the public informational meetings, some participants indicated they may be affected landowners but did not receive written notice of the meetings to which they were attending. At the time of the informational meetings in question, Wolf believed in good faith that all necessary and appropriate notice requirements had been satisfied. *See* IOWA CODE § 479B.4(5)(b) (requiring notice by certified mail and publication in local geographical areas via newspapers). However, as a result of the public feedback provided during the public informational meetings, Wolf has undertaken an internal review of the notice processes used in advance of the public informational

meetings in order to ensure all legal requirements were satisfied and maximum public transparency was facilitated. During the course of its internal review, Wolf recognized and acknowledges some anomalies have occurred that potentially resulted in certain landowners not receiving notice by certified mail, separate from Wolf's efforts to provide notice by other means, such as the properly published public newspaper notices. In fact, many of the landowners that provided feedback that they did not receive a certified mail notice still appeared at the public information meetings, indicating they were aware of the same.

As such, Wolf is currently taking prudent measures to rectify the issues related to its initial mailing. As a part of this process, Wolf has resolved that, with approval from the Board, it will voluntarily re-conduct in-person public informational meetings as soon as possible, and will strive to reach-out to all potentially "affected persons", as well as re-publish public notices of any upcoming public informational meetings in local newspapers. *See* IOWA CODE § 479B.4(5)(b).

## **II. RESPONSE TO BOARD'S SPECIFIC QUESTIONS:**

The Board's specific questions are set out below, with Wolf's responses following:

**QUESTION 1: Provide an explanation, including legal analysis, regarding the corridor maps for the proposed pipeline that were filed for informational meetings.**

### **RESPONSE:**

As Wolf has made known in its presentations, it established a proposed route for its pipeline, and the notice for the public informational meetings showed the proposed route, or location of the pipeline, as required by Iowa Code §479B.4(5)(a)(5). In addition to the proposed route, the map also reflected a proposed notice corridor. Wolf intended to utilize a corridor that was two-miles in width, essentially one-mile on either side of the centerline of the proposed pipeline. However, Wolf ultimately elected to remove certain parcels from the corridor and narrow

the proposed route in some locations. The Board rules at 199 IAC 13.2(5) require the notice be published and mailed to "persons as listed on the tax assessment rolls as responsible for payment of real estate taxes imposed on the property and those persons in possession of or residing on the property in the corridor in which the pipeline company intends to seek easements." (emphasis added). To the extent Wolf was able to determine it was not going to seek easements from certain landowners, either due to the current land use or other concerns related to the suitability of the land for construction, the landowners were removed from the corridor. Areas removed included high-density locations where construction would be overly disruptive or locations where the topography could make construction overly complicated if not impossible. Landowners in those areas were excluded from written certified mailing because they were at no practical risk of being "affected" per Iowa law. These properties were also removed from the corridor on the published maps and those sent by certified mail; however, given the size of the maps, the removed parcels may have been difficult to identify. Nevertheless, the map complied with the legal requirements, as the law does not require the corridor to even be shown, just the route of the proposed project. Iowa Code §479B.4(5)(a)(5) and 199 IAC 13.2(5)(a)(6).

**QUESTION 2: Respond to the information regarding the notice as set out in Attachment A to the Order and provided below:**

- 1. Explain how the lists of individuals to be noticed for the public informational meetings were prepared by Wolf as required by §479B.4(4).**

**RESPONSE:**

Iowa law requires notice and information to be provided to each landowner affected by the proposed project and each person in possession of or residing on the property. *See* IOWA CODE § 479B.4. The Board rules define an "affected person" as any person with a legal right or interest in the property, including but not limited to the landowner, a contract purchaser of record, a person possessing the property under a lease, a record lienholder, and a record encumbrancer of the property. 199 IAC 13.1(3). In order to ascertain the potentially affected persons, Wolf engaged KC Harvey Environmental, LLC (KC Harvey), who obtained the assessor's office information for the parcels in the two-mile notification corridor in each of the following counties: Clinton, Johnson, Linn, and Scott (the "Counties"). KC Harvey obtained the information from a third-party, Real Estate Portal USA LLC ("ReportAllUSA") whom provides real estate research services that allow Wolf to obtain parcel data, map, create advanced query reports, PDF export, data downloads, and data overlays on to other mapping services.

ReportAllUSA parcel data did not contain all addresses for Cedar County, as such, KC Harvey worked directly with the Cedar County Assessor's Office, which provided a 7,040-page PDF document of the 2021 Real Estate Assessment Rolls. Additional work was performed with an auditor at the Assessor's Office and KC Harvey was able to obtain electronic data containing parcel information from the Cedar County Assessor's office.

Following data acquisition, KC Harvey performed a data gap analysis which identified parcels that had data missing, and the missing data was filled-in, wherever possible, by an employee of Wolf Carbon Solutions.

To identify the name and addresses of the persons listed on the tax assessment rolls as responsible for payment of real estate taxes for each of the parcels located within the notification corridor in the Counties, Wolf reviewed the county assessor's Geographic Information System ("GIS") websites for the Counties.

Using the information provided, tax parcel data was overlaid on a map showing the proposed pipeline route. From these selected tax parcels, Wolf added the owner's name and address information to the informational meeting mailing list for each county.

Once the list of all parcel information was prepared, Wolf then removed duplicate entries and those owners of parcels from whom Wolf had made a preliminary determination that they would not be seeking easements.

**2. Explain how addresses and parcel-specific details were compiled, including the sources used to identify landowners and persons in possession of or residing on the property, pursuant to Iowa Code §479B.4(4).**

**RESPONSE:**

See above response to question 1. In addition, the letter mailed to landowners requested them to notify Wolf of all those who may have an interest in the property, such as tenants or other interested parties, so they could also be provided notice. Wolf received notice of some of these individuals and mailed notice to those individuals as well.

**3. Describe what steps Wolf took to verify the accuracy of the addresses and parcel-specific information once it was compiled.**

**RESPONSE:**

See above response to question 1.

- 4. Explain what steps Wolf took to determine that notice was served by certified mail with return receipt requested on the correct addresses for those individuals along the proposed pipeline route as required by §479B.4(5)(b).**

**RESPONSE:**

Wolf, through its internal review, has determined that some anomalies occurred that likely resulted in certain landowners not receiving notice by certified mail as required by §479B.4(5)(b). The cause of these aberrations in notice appears to have stemmed from an inadvertent series of administrative incongruences between property address collection, *see* IOWA ADMIN. CODE r. 199–13.2(5), and the process used to disseminate the notices. Wolf did not know the scope nor nature of the notice irregularities at the public informational meetings in late August, nor its cause, until after those meetings had concluded. Some of the certified notice letters have since been returned undelivered. While some were returned because they were "unclaimed", many were returned for "insufficient address" or "no such number". Some were returned without any explanation. Thus, the internal review followed.

- 5. Numerous persons have filed comments in the Board's electronic filing system stating that although the pipeline is proposed to go through property they own, possess, or reside on, they did not receive notice as required by §479B.4(5). For each such person, provide a copy of the return receipt showing that notice was mailed and received by the landowners, persons in possession of or residing on the property.**

**RESPONSE:**

As the Board is aware, the Iowa District Court for Polk County has issued an Order granting a Temporary Injunction precluding the disclosure of Wolf's mailing lists. As such, Wolf believes that filing specific return receipt notices would be inconsistent with said injunction. However, Wolf has reviewed the objections that have been filed which contain allegations of lack of notice.

It appears as though some of the individuals properly did not receive notice because they were not "affected", meaning Wolf did not intend to seek any easement rights from said individuals. Others may have been "affected"; but did not get the notice by certified mail due to the mailing anomalies noted above. In any event, as reflected in the introductory statement, Wolf has elected to voluntarily re-conduct the meetings and will take steps to ensure all "affected" landowners are properly noticed.

**6. For each county along the proposed pipeline route, provide a copy of the proof of notice of publication.**

**RESPONSE:**

Wolf filed an Affidavit of Mailing and Proof of Publication herein for each County on August 19, 2022. Copies of the published notices were attached thereto as Exhibits. The notice was published in three papers in Cedar County; two papers in Clinton County; two papers in Johnson County; three papers in Linn County; and two papers in Scott County. Copies of those proofs of publications are already on file in the electronic filing system, so they are not being re-submitted with this filing and the prior filings are incorporated by reference.

**III. CONCLUSION:**

In response to landowner feedback and given the apparent inadvertent issues with the mailing of the certified letters to affected landowners, Wolf has resolved that it will work with the board to ensure notice has been achieved. Wolf proposes to voluntarily re-conduct in-person public informational meetings to ensure landowners have the opportunity to learn about the Mount Simon Hub project. Wolf will work with the Board to get these meetings scheduled as soon as possible, while also allowing adequate time for mailing of new notices and publication of the same.

The Company trusts that the information filed herewith adequately responds to the Board's Order requiring additional information concerning the notices. Should the Board require additional information or further clarification, the Company will respond as rapidly as possible.

Respectfully submitted,

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