

IOWA UTILITIES BOARD

IN RE: SUMMIT CARBON SOLUTIONS, LLC	DOCKET NO. HLP-2021-0001
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ORDER ADDRESSING PETITIONS TO INTERVENE AND SETTING MEETING

PROCEDURAL BACKGROUND

On January 28, 2022, Summit Carbon Solutions, LLC (Summit Carbon), filed a petition for a hazardous liquid pipeline permit with the Iowa Utilities Board (Board) to construct, operate, and maintain approximately 687 miles of 6- to 24-inch diameter pipeline for the transportation of liquefied carbon dioxide within the state of Iowa. On July 19, 2023, the Board issued an order addressing petitions to intervene. The order gave interested persons or legal entities who were denied intervention five days to file a supplemental petition with additional information to support intervention. In addition to these supplemental petitions, the Board has received several new petitions for intervention as well as requests for withdrawal of a petition for intervention.

On July 18, 2023, Goodwin Sonstegard filed a petition for intervention for property owned by Sonstegard Family Farms in Dickinson County, Iowa.

On July 19, 2023, Margaret Meyer filed a petition for intervention for property owned by Lowell Meyer and Margaret Meyer in Mitchell County, Iowa.

On July 20, 2023, requests to withdraw interventions in this matter were filed by Corrine Bonnema, George Bonnema, and Ruth R. Van Tol; Hasty Farms, LLP; John T. Carey; John T. Carey and Esther E. Carey, Robert R. Carey and Nancy Carey, and Richard L. Carey and Jane Carey; and Mark L. Van Tol and Sandra Kay Van Tol.

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On July 21, 2023, Marvin J. Leaders filed a petition for intervention for property owned by Loutomco, Inc., in Wright County, Iowa.

On July 24, 2023, Lisa F. Ritzert filed a petition for intervention for property located in Mitchell County, Iowa.

On July 24, 2023, Stacey Schildroth filed a motion to reconsider the denial of her intervention.

On July 24, 2023, the landowners represented by Brian Jorde and Christian Williams (collectively, Jorde Landowners) filed a motion to reconsider denial of intervention for several landowners and legal entities.

On July 24, 2023, a supplemental petition to intervene was filed by the Honorable Steve King, Michael Daly, Mark Joenks, Ted Junker, James and Janet Norris, Jeffrey Reints, and Jessica Wiskus (collectively, King Intervenors).

On July 24, 2023, the Republican Legislative Intervenors for Justice (RLIJ) filed a motion for clarification and additional time to respond.

On July 26, 2023, Jean L. Kohles filed a petition to intervene for property owned by Kohles Family Farms, LLC (Kohles Family Farms), in Cherokee County.

On August 3, 2023, Robert and Judith Ritter filed a request to withdraw their intervention in this matter.

NEW PETITIONS TO INTERVENE

Goodwin Sonstegard requests intervention for property owned by Sonstegard Family Farms in Dickinson County. Mr. Sonstegard states the criteria for intervention under 199 Iowa Administrative Code (IAC) 7.13(3) has been met. Mr. Sonstegard asserts there has been significant monetary and personal investments in the property

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and no other party or person could effectively represent Sonstegard Family Farms' interests.

Margaret Meyer requests intervention for property owned by Lowell Meyer and Margaret Meyer. Ms. Meyer states the property is located in Mitchell County and is within the corridor for Docket No. HLP-2023-0004, a separate petition for a hazardous liquid pipeline permit filed by Summit Carbon. Ms. Meyer states the criteria for intervention under 199 IAC 7.13(3) has been met. Ms. Meyer asserts she has significant monetary and personal investments in the property and no other party or person could effectively represent her interests.

Marvin J. Leaders requests intervention for property owned by Loutomco, Inc., in Wright County. Loutomco, Inc., states it meets the criteria for intervention under 199 IAC 7.13(3). Loutomco, Inc., asserts it has significant monetary and personal investments in the property and no other party or person could effectively represent its interests.

Lisa F. Ritzert requests intervention for property owned by her in Mitchell County. Ms. Ritzert states her property is within the corridor for Docket No. HLP-2023-0004, a separate petition for a hazardous liquid pipeline permit filed by Summit Carbon. Ms. Ritzert states she meets the criteria for intervention under 199 IAC 7.13(3). Ms. Ritzert asserts she has significant monetary and personal investments in the property and no other party or person could effectively represent her interests.

Jean Kohles requests intervention for property owned by Kohles Family Farms. Kohles Family Farms state the criteria for intervention under 199 IAC 7.13(3) has been met. Kohles Family Farms asserts there has been significant monetary and personal

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investments in the property and no other party or person could effectively represent its interest.

SUPPLEMENTAL PETITIONS TO INTERVENE

With regard to the supplemental petitions to intervene, Stacey Schildroth requests the Board reconsider its denial of her intervention in Summit Carbon's docket. Ms. Schildroth asserts she owns property on the route proposed by Wolf Carbon Solutions US, LLC (Wolf Carbon), in Docket No. HLP-2022-0002. Ms. Schildroth states she is directly impacted by the Board's decision in this matter. Ms. Schildroth asserts the Board's decision in Summit Carbon's docket will have a direct effect on her property as it relates to future development and valuation.

Brian Jorde, representing Jorde Landowners, requested reconsideration of the denial of intervention for John L. Hargens; Margaret Ann Thomson; LB Family Properties, LLC; the Cletus R. Elbert Revocable Trust; the Gaul Revocable Trust; the Mary J. Huss Living Trust; Cornelius J. Schelling; and the Cornelius J. Schelling and Esther Ruth Schelling Revocable Trust. Mr. Jorde states these persons are eminent domain landowners and it is appropriate to grant them intervention.

Mr. Jorde also requests the Board reconsider and grant intervention to William and Vickie Beck; Sylvia M. Spalding; Golden Oaks, Inc. (Golden Oaks); Michael J and Deborah D Main; and RKR Farms, LLC (RKR Farms). Mr. Jorde states these persons are uniquely situated and no other party will advance their interests as non-eminent domain landowners. Mr. Jorde states William and Vickie Beck are tenants for property subject to requests for eminent domain, they have farmed some of the property since

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1985, and they own property adjacent to where Summit Carbon is proposing to locate its proposed hazardous liquid pipeline.

As it relates to Sylvia M. Spalding, Mr. Jorde states Ms. Spalding owns property within Summit Carbon's corridor and survey notices were sent regarding the possibility of locating the proposed hazardous liquid pipeline on the property. Mr. Jorde asserts Summit Carbon's proposed hazardous liquid pipeline may be moved to Ms. Spalding's property, depending on the results of the survey, and granting Ms. Spalding intervention is necessary as a decision by the Board in this case could make arguments moot in the future.

With regard to Golden Oaks, Mr. Jorde indicates that Golden Oaks states Summit Carbon's proposed pipeline appears to straddle the property line. Golden Oaks states, while both of the neighbors have signed an easement, the proposed hazardous liquid pipeline has not been moved fully onto their land.

Mr. Jorde also requests reconsideration as it relates to Michael J and Deborah D Main. Mr. Jorde asserts Summit Carbon's proposed route has been modified so that the proposed hazardous liquid pipeline will not be on their property, but they express concerns about a potential rupture and impacts to their livestock's water supply remain.

Lastly, Mr. Jorde requests reconsideration as it relates to RKR Farms. Mr. Jorde asserts Summit Carbon's proposed route does not cross RKR Farms property, but a routing change could impact its property. Mr. Jorde states RKR Farms is an adjacent landowner but has not had any contact with Summit Carbon regarding any information as it relates to the location or construction activities of the proposed hazardous liquid pipeline.

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Mr. Jorde requests the Board grant intervention to the above listed eminent and non-eminent domain landowners for the reasons described above.

King Intervenors state the Board's denial is a violation of their due process rights. King Intervenors state the Board's use of the term "direct impact" is a new legal standard not supported by 199 IAC 7.13(3) nor Iowa Supreme Court precedent. King Intervenors argue 199 IAC 7.13(3) states, "Any person having an interest in the subject matter of a proceeding may be permitted to intervene," which does not include the term "impact." King Intervenors state the Iowa Supreme Court has stated, "Nothing in the Iowa Code limits standing in pipeline proceedings to individuals whose property is in the direct path of the pipeline." *Puntenney v. Iowa Util. Bd.*, 928 N.W.2d 829, 837 (Iowa 2019).

King Intervenors allege the term "direct impact" is a new, undefined legal term that is an example of an arbitrary, capricious, and abuse of discretion because it is unreasonable. See, *Martin Marietta Materials, Inc. v. Dallas County*, 675 N.W.2d 544, 553 (Iowa 2004). King Intervenors further state the creation of this new standard denies the intervenors due process because it fails to provide a meaningful time and opportunity to be heard. See *Bowers v. Polk Cty. Bd. of Supervisors*, 638 N.W.2d 682, 690-91 (Iowa 2002). King Intervenors assert the Board's five-day time frame by which to file corrective or supplemental filings based upon this new standard is inadequate notice.

As it relates to the Honorable Steve King's petition to intervene, King Intervenors state the Board did not provide a legal basis for its decision in denying his petition and that the Board's decision lacked a factual basis for the denial. King Intervenors assert the Board relied upon facts not in the record, and the only way for him to challenge the

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constitutionality of Summit Carbon's proposed hazardous liquid pipeline is through this proceeding.

As it relates to the cognizable interest the King Intervenors have in this proceeding, they state the legislature's use of the term "public" when describing the public convenience and necessity necessarily means the public as a whole and not only those directly impacted. King Intervenors state the *Puntenney* Court held the Sierra Club Iowa Chapter (Sierra Club) had standing based upon the affidavits of two members from Iowa, neither of which were directly impacted by the Dakota Access, LLC, hazardous liquid pipeline.

Specifically, King Intervenors state the Honorable Steve King has similar interests as that of the affiants for Sierra Club. He has interests in both ethanol and property rights in Iowa, and he states his interests are similar to that of Jeffery Bonar, who filed testimony on behalf of King Intervenors on July 24, 2023, which provides a perspective not being presented by other parties and will help to develop a sound record.

As it relates to Michael Daly, King Intervenors state he lives in Johnson County in close proximity to Wolf Carbon's proposed hazardous liquid pipeline. King Intervenors assert the legal and factual findings in this docket will have precedential value in Wolf Carbon's proceeding and Mr. Daly is interested in having input into the Board's decision that may impact the decision in Wolf Carbon's docket.

King Intervenors' filing included additional information as it relates to Mark S. Joenks. King Intervenors state Mr. Joenks lives 375 feet from Summit Carbon's proposed hazardous liquid pipeline and he has concerns about living near and farming on land above Summit Carbon's proposed hazardous liquid pipeline.

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King Intervenors also state Ted Junker owns property that is proposed to be a party of Navigator Heartland Greenway, LLC's (Navigator) route. King Intervenors assert the legal and factual findings in this docket will have precedential value in Navigator's proceeding and Mr. Junker is interested in having input into the Board's decision, which may impact the decision in Navigator's docket.

King Intervenors state James C. and Janet L. Norris own property where Summit Carbon's proposed hazardous liquid pipeline would pass between. King Intervenors assert the Norrises have an interest in the proceeding due to their concerns about safety and the impacts to their community.

King Intervenors provide supplemental information for Jeffrey E. Reints and assert his property is located on Navigator's proposed route. King Intervenors assert the legal and factual findings in this docket will have precedential value in Navigator's proceeding and Mr. Reints is interested in having input into the Board's decision, which may impact the decision in Navigator's docket. Furthermore, King Intervenors state Mr. Reints is working with CapCO₂ to pursue alternate carbon capture and utilization options that do not require the construction of a pipeline.

Lastly, King Intervenors state Jessica Wiskus lives in Linn County in close proximity to Wolf Carbon's proposed hazardous liquid pipeline. King Intervenors assert the legal and factual findings in this docket will have precedential value in Wolf Carbon's proceeding and Ms. Wiskus is interested in having input into the Board's decision, which may impact the decision in Wolf Carbon's docket.

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MOTION FOR CLARIFICATION

In its filing, RLIJ states it is unclear from the Board's July 19, 2023 order whose petition to intervene was denied. RLIJ further states the Board's requirement of being a "directly impacted" landowner without previous notice was a legal and factual error. RLIJ asserts the five days to file supplemental pleadings under this new standard renders the opportunity to provide supplemental information virtually meaningless. RLIJ requests the Board clarify what criteria it is using to grant or deny petitions to intervene, allow intervenors two weeks after the Board's order on clarification to provide supplemental information, and specifically identify which intervenors were denied because they were not impacted.

WITHDRAWALS OF PETITIONS TO INTERVENE

On July 20, 2023, withdrawals of petitions to intervene were filed by Hasty Farms, LLP; John T. Carey; John T. Carey and Esther E. Carey, Robert R. Carey and Nancy Carey, and Richard L. Carey and Jane Carey; Corrine Bonnema, George Bonnema, and Ruth R. Van Tol; and Mark L. Van Tol and Sandra Kay Van Tol. They stated they want to provide letters to the Board concerning their parcels instead of intervening.

On August 3, 2023, Robert and Judith Ritter filed a withdrawal of their petition to intervene, stating they are Exhibit H landowners and seek to only provide testimony at the hearing.

STANDARD FOR INTERVENTION

The Board's subrule at 199 IAC 7.13(3) provides that "[a]ny person having an interest in the subject matter of a proceeding may be permitted to intervene at the

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discretion of the board....” In determining whether to grant intervention, the Board shall consider factors including, but not limited to, the prospective intervenor’s interest in the subject matter of the proceeding, the effect a final decision in the proceeding may have upon the prospective intervenor’s interest, and the extent to which the prospective intervenor may be expected to assist in the development of a sound record. *Id.* Under 199 IAC 7.13(5), the Board “may limit a person’s intervention to particular issues or to a particular stage of the proceeding, or may otherwise condition the intervenor’s participation in the proceeding.” Furthermore, “[w]hen two or more intervenors have substantially the same interest, the [B]oard . . . may order consolidation of petitions and briefs and limit the number of attorneys allowed to participate actively in the proceedings to avoid a duplication of effort.” 199 IAC 7.13(6).

BOARD DISCUSSION

The Board has reviewed the filings and will grant intervention to John L. Hargens; Margaret Ann Thomson; LB Family Properties, LLC; the Cletus R. Elbert Revocable Trust; the Gaul Revocable Trust; the Mary J. Huss Living Trust; Cornelius J. Schelling; the Cornelius J. Schelling and Esther Ruth Schelling Revocable Trust; Sonstegard Family Farms; Loutomco, Inc.; and Kohles Family Farms. All of these persons and legal entities are subject to a request for eminent domain by Summit Carbon. The petitions to intervene provided the name of the county in which the property subject to eminent domain is located and the name of the owner(s) of the parcels. Additionally, the petitioners assert they meet the requirements of 199 IAC 7.13(3) because the proposed hazardous liquid pipeline will impact their land, they have monetary and personal investments in their land which may be impacted, they are concerned about

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the impacts the proposed hazardous liquid pipeline could have on their communities, no other party could effectively represent their individual interest in their property, and their participation will assist in the development of a sound record. As the Board did in its July 19, 2023 order, it will grant intervention to the legal entity only, and not the legal entity and any person who is a part of the legal entity. That is why the Board will grant intervention to Sonstegard Family Farms; Loutomco, Inc.; and Kohles Family Farms, and not the individual persons who filed for intervention.

As these persons and legal entities are being granted intervention after the July 10, 2023 intervention deadline, they must comply with the already established procedural schedule, including applicable testimony deadlines.

Pursuant to 199 IAC 7.13(6), the following will be a part of Jorde Landowners: John L. Hargens; Margaret Ann Thomson; LB Family Properties, LLC; the Cletus R. Elbert Revocable Trust; the Gaul Revocable Trust; the Mary J. Huss Living Trust; Cornelius J. Schelling; and the Cornelius J. Schelling and Esther Ruth Schelling Revocable Trust.

In the Board's July 19, 2023 order, Marte Elbert and Maureen Elbert Bechard were granted intervention for property owned by Cletus R. Elbert. As the Board did in the July 19, 2023, order, Marte Elbert and Maureen Elbert Bechard will be considered as a part of Jorde Landowners, consistent with 199 IAC 7.13(6), as the Board will grant the Cletus R. Elbert Revocable Trust intervention.

The Board will deny the petitions to intervene filed by Margaret Meyer and Lisa F. Ritzert. These persons are within the notice corridor of a proposed hazardous liquid pipeline in Docket No. HLP-2023-0004. Under 199 IAC 7.13(3), these petitioners have another means to protect their interests: They may file to intervene in Docket No. HLP-

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2023-0004. The Board will also deny Stacey Schildroth's supplemental petition to intervene for the same reason, except the means to protect Ms. Schildroth's interest is by intervening in Docket No. HLP-2022-0002.¹

King Intervenors and RLIJ assert the Board has created a new term for intervenors, "directly impacted." The Board did not create a new term but was assisting landowners in the intervention process. Under the Board's rules, each petition to intervene must state the grounds for intervention. 199 IAC 7.13(3). Each petitioner must plead six factors for the Board to rule on the petition. Under the template submitted by virtually all of the landowners, they made the assertion that the requirements had been met with little to no discussion of the factors. The Board then examined these filings as well as other filings in the docket to assist landowners with intervention by piecing together enough information to grant them intervention without requiring more filings from the landowners. As it relates to persons or legal entities that sought intervention but were denied, the Board was unable to piece together enough information from the docket to grant them intervention. Consequently, the Board gave five days to provide supplemental information to their petitions to intervene.

Furthermore, King Intervenors and RLIJ assert the Board's use of "directly impacted" is not found in 199 IAC 7.13(3), but rather the term "interest" is. The Board agrees that 199 IAC 7.13(3) does not use the term "impacted"; however, the entirety of 199 IAC 7.13(3) states, "Any person having an interest in the subject matter of a proceeding *may* be permitted to intervene at the *discretion* of the board or presiding officer." (emphasis added). The use of the terms "may" and "discretion" clearly indicate

¹ Stacey Schildroth and Jorde Landowners filed their requests as a motion for reconsideration; however, the Board is treating the filings as a supplemental petition to intervene as detailed in the July 19, 2023 order.

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a permissive standard for intervention rather than the establishment of a right of intervention. The Board must examine each petitioner's asserted grounds for intervention and weigh those grounds against the factors set forth in 199 IAC 7.13(3) to determine whether intervention should be granted. As stated above, the Board pieced together information to assist numerous intervening landowners who provided mere assertions of compliance with 199 IAC 7.13(3). The Board used the discretion explicitly referenced in the rule when making these determinations and determined that those who were not directly impacted by Summit Carbon did not provide, nor could the Board piece together, enough information to grant them intervention.

King Intervenors state the Iowa Supreme Court has held that being in the direct path of the pipeline is not a requirement for standing. *Puntenney*, 928 N.W.2d at 837. The Board is not ruling upon standing, but whether to grant intervention. *Compare* 199 IAC 7.13(3) (granting the Board discretion in determining whether to grant intervention) *with* Iowa Code § 17A.19 (authorizing any person or party who is aggrieved or adversely affected by agency action to seek judicial review).

Based upon the above discussion, the Board will deny King Intervenors' supplemental petition for intervention. Michael Daly, Ted Junker, Jeffrey Reints, and Jessica Wiskus, who are a part of King Intervenors, have property or interests at issue that may be addressed in other dockets, specifically Docket Nos. HLP-2021-0003 and HLP-2022-0002. Therefore, they do not meet the requirements of 199 IAC 7.13(3). While there may be common elements between dockets, each docket has its own facts and issues that must be addressed in the respective docket. As it relates to Congressman King, the Board in its July 19, 2023 order found he did not meet the requirements of 199 IAC 7.13(3). In his supplemental filing, Congressman King asserts

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he has a general interest in ethanol and property rights. The Board stands by its determination in its July 19, 2023 order and will deny his petition to intervene. As it relates to Mark Joenk, James Norris, and Janet Norris, the Board will deny their petitions to intervene as these persons' interests will be represented by other parties to the proceeding and these individuals have not established that their participation will substantively assist in the development of the record.

As it relates to the petition to intervene filed by William and Vickie Beck; Sylvia M. Spalding; Golden Oaks; Michael J and Deborah D Main; and RKR Farms, the Board will deny their petitions to intervene. These persons and legal entities have submitted substantially similar information for intervention as that of other parties that have already been granted intervention, and these individuals have not established that their participation will substantively assist in the development of the record.

Lastly, the Board will deny RLIJ's motion for clarification to the extent it is not already addressed by this order. The Board has already ruled on numerous petitions to intervene in its July 19, 2023 order and having an additional filing restating the same information would be inefficient.

For Loutomco, Inc.; Sonstegard Family Farms; and Kohles Family Farms, filed by Marvin J. Leaders, Goodwin Sonstegard, and Jean Kohles, respectively, pursuant to 199 IAC 7.4(8)(a), a party to a proceeding before the Board may appear and be heard through an attorney licensed by the state of Iowa. The Board's rule regarding representation further provides:

A corporation or association may appear and present evidence by an officer or employee. However, only licensed attorneys shall represent a party before the board or a presiding officer in any matter involving the exercise of legal skill or knowledge, except with the consent of the board or

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presiding officer. All persons appearing in proceedings before the board or a presiding officer shall conform to the standard of ethical conduct required of attorneys before the courts of Iowa.

199 IAC 7.4(8)(b).

Therefore, rule 7.4(8)(b) is quoted above for the benefit of Loutomco, Inc.; Sonstegard Family Farms; and Kohles Family Farms. In the event they wish to participate in this docket beyond the presentation of evidence, they must request the Board's consent to do so. This includes cross-examining other parties' witnesses.

Regarding the withdrawal of interventions filed by Hasty Farms, LLP; John T. Carey; John T. Carey and Esther E. Carey, Robert R. Carey and Nancy Carey, and Richard L. Carey and Jane Carey; Corrine Bonnema, George Bonnema, and Ruth R. Van Tol; Mark L. Van Tol and Sandra Kay Van Tol; and Robert and Judith Ritter, the Board will grant their requests. Hasty Farms, LLP; John T. Carey; John T. Carey and Esther E. Carey, Robert R. Carey and Nancy Carey, and Richard L. Carey and Jane Carey; Corrine Bonnema, George Bonnema, and Ruth R. Van Tol; Mark L. Van Tol and Sandra Kay Van Tol; and Robert and Judith Ritter, will no longer be formal parties to this proceeding. These persons will still have rights as eminent domain landowners.

PREHEARING MEETING

The Board will schedule a meeting for all parties at 3:30 p.m. on August 21, 2023, at the hearing venue, Cardiff Event Center, 3232 First Ave. S., Fort Dodge, Iowa. This meeting will be limited to parties to this docket, including admitted intervenors. Parties should arrive no earlier than 3 p.m. for this meeting. This meeting will be for the parties to enter the hearing venue and understand how the technology for the hearing will function. This meeting will not be open to the general public.

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HEARING PROCEDURES

The hearing for Summit Carbon's petition is set to begin at 10 a.m. August 22, 2023, at the Cardiff Event Center, 3232 First Ave. S., Fort Dodge. The doors to the venue will open one hour prior. All persons entering the venue will be required to go through a security screening prior to being allowed to enter. This security screening will likely include a bag check and a scan by a metal detector. The Cardiff Event Center does not allow firearms or weapons within its facility. This prohibition will be enforced. The Cardiff Event Center does not allow outside food or drink to be brought into the venue; however, bottled water is acceptable. Additional rules will be posted conspicuously inside and outside the venue, and all persons must follow those rules.

Inside the venue, seating areas will be assigned. When the seating has reached capacity, all other persons will be required to wait outside until a seat is available inside the venue. The Board will be livestreaming the hearing. A link to the livestream can be found on the Board's website: iub.iowa.gov. The Board expects all parties and persons observing the hearing to be courteous and respectful to everyone. Interruptions or violations of the posted rules may result in removal from the hearing and venue.

As the Board has stated in previous orders, the hearing will begin with testimony from non-intervening landowners subject to a request for eminent domain by Summit Carbon. Once the Board has heard from those landowners, the Board will then begin to hear the cross-examination of parties' witnesses. The Board is unable to predict how long it will take with any particular witness as it relates to cross-examination. Therefore, it is not possible for the Board to definitively state on which date and time a certain witness will be on the witness stand. Due to this unpredictability, the Board is utilizing a weekly digest, which will be published on the Board's website every Thursday at the

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webpage iub.iowa.gov/summit, viewable from the Board website's homepage, and a daily digest, which will be published every day. The weekly digest will provide information about the witnesses the Board anticipates hearing from in the following week. This will provide information to the public about what is expected next week, as well as notifying the parties of which witnesses are anticipated the next week. If an anticipated witness listed in the weekly digest has a scheduling conflict, the party sponsoring the witness should bring the conflict to the Board's attention or to the person the Board designates to receive such information. Due to the complexity of the hearing, the Board will attempt to reschedule the witness for a different time, if possible. However, the hearing must continue and, if no other option is available, it is the party's responsibility to determine the best course of action for their witness. The daily digest will be an anticipation of what is to occur the next day. The daily digest will be the closest approximation for when something is to occur during the hearing that the Board can provide, given the nature of the hearing.

The above discussion is for the benefit of the parties and the public as to what is to be expected at the hearing. This is not an exhaustive description and is an attempt to convey hearing process information to interested persons.

ORDERING CLAUSES

IT IS THEREFORE ORDERED:

1. The petition to intervene filed on behalf of Sonstegard Family Farms on July 18, 2023, is granted.
2. The petition to intervene filed by Margaret Meyer on July 19, 2023, is denied.

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3. The withdrawal of intervention filed by Hasty Farms, LLP, on July 20, 2023, is granted.

4. The withdrawal of intervention filed by John T. Carey on July 20, 2023, is granted.

5. The withdrawal of intervention filed by John T. Carey and Esther E. Carey, Robert R. Carey and Nancy Carey, and Richard L. Carey and Jane Carey on July 20, 2023, is granted.

6. The withdrawal of intervention filed by Corrine Bonnema, George Bonnema, and Ruth R. Van Tol on July 20, 2023, is granted.

7. The withdrawal of intervention filed by Mark L. Van Tol and Sandra Kay Van Tol on July 20, 2023, is granted.

8. The petition to intervene filed on behalf of Loutomco, Inc., on July 21, 2023, is granted.

9. The petition to intervene filed by Lisa F. Ritzert on July 24, 2023, is denied.

10. The supplemental petition to intervene filed by Stacy Schildroth on July 24, 2023, is denied.

11. The supplemental petition to intervene filed by Brian Jorde on July 24, 2023, is granted in part and denied in part, as shown in Attachment A to this order and incorporated herein by reference.

12. The persons and legal entities granted intervention in Attachment A shall be a part of Jorde Landowners.

13. Intervenors Marte Elbert and Maureen Elbert Bechard shall be a part of Jorde Landowners pursuant to 199 Iowa Administrative Code 7.13(6).

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14. The motion for clarification and additional time to respond filed by the Republican Legislative Intervenor for Justice on July 24, 2023, is granted in part and denied in part as explained in the body of this order.

15. The supplemental petition to intervene filed by King Intervenor on July 24, 2023, is denied.

16. The petition to intervene filed on behalf of Kohles Family Farms, LLC, on July 26, 2023, is granted.

17. The withdrawal of intervention filed by Robert and Judith Ritter on August 3, 2023, is granted.

18. A prehearing meeting for the parties shall be held at 3:30 p.m. August 21, 2023, at the Cardiff Event Center, 3232 First Ave. S., Fort Dodge, Iowa.

UTILITIES BOARD

Erik M. Helland 2023.08.07
13:44:13 -05'00'

Joshua Byrnes Date: 2023.08.07
14:14:57 -05'00'

ATTEST:

Kerrilyn Russ 2023.08.08
06:57:10 -05'00'

Sarah Martz Date: 2023.08.07
13:39:00 -05'00'

Dated at Des Moines, Iowa, this 8th day of August, 2023.

ATTACHMENT A

Granted

1. Cornelius J. Schelling
2. John L. Hargens
3. LB Family Properties, LLC
4. Margaret Ann Thomson
5. The Cletus R. Elbert Revocable Trust
6. The Cornelius J. Schelling and Esther Ruth Schelling Revocable Trust
7. The Gaul Revocable Trust
8. The Mary J. Huss Living Trust

Denied

1. Golden Oaks, Inc.
2. Michael J and Deborah D Main
3. RKR Farms, LLC
4. Sylvia M. Spalding
5. William and Vickie Beck