

**STATE OF IOWA
THE IOWA UTILITIES BOARD**

IN RE:	DOCKET NO. HLP-2021-0001
SUMMIT CARBON SOLUTIONS, LLC	MOTION FOR OFFICIAL NOTICE

COMES NOW the Iowa Farm Bureau Federation to respectfully request the Iowa Utilities Board (“Board”) to take official notice of the U.S. Pipeline Hazardous Materials and Safety Administration’s (PHMSA) letter to Summit Carbon Solutions, LLC dated September 15, 2023, and in support thereof states the following:

1. On or about September 15, 2023, the Associate Administrator for Pipeline Safety for PHMSA sent companion letters to the three companies proposing liquified carbon dioxide pipelines in Iowa. In summary, the letter provides guidance regarding the respective authorities of PHMSA, states and local governments. Upon information and belief, the letters were posted to PHMSA’s website on Tuesday, September 19, 2023, and remain available at the following URL: <https://www.phmsa.dot.gov/news/phmsa-issues-letters-wolf-carbon-summit-and-navigator-clarifying-federal-state-and-local>.

2. Upon information and belief, one of these letters from PHMSA was sent and directed to the CEO of Summit Carbon Solutions. A copy of the letter is included as Attachment A.

3. Iowa Code § 17A.14(4) authorizes to the Board to take official notice of “all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the agency.” And, the Board’s rules at Iowa Admin. Code r. 199-7.23(4)(c) authorizes the Board to take official notice of facts in accordance with law.

4. Judicial notice may be taken of a “fact that is not subject to reasonable dispute because it can be accurately and readily determined from sources whose accuracy cannot be reasonably disputed. Iowa R. Evid. 5.201; *In re: Summit Carbon Solutions, LLC, Order Modifying Proposed Order, Denying Motion to Strike, and Taking Judicial Notice*, Docket No. HLP-2021-0001, 2023 WL 5384335 (Aug. 17, 2023).

5. The undersigned consulted with counsel for Summit Carbon Solutions regarding this motion and upon information and belief, the permit applicant does not object to Official Notice being taken by the Board of said letter.

6. Because of the timing of the availability of the letter, Farm Bureau also respectfully requests the Board shorten the time for responding to this motion as allowed by Iowa Admin, Code r. 199-7.12 or permit verbal responses during the evidentiary hearing in lieu of written responses.

WHEREFORE, the Iowa Farm Bureau Federation respectfully requests the Board take judicial notice of the September 15, 2023, PHMSA letter to Summit Carbon Solutions, LLC, provided in Attachment A and at the discretion of the Board, shorten the time period for responses to this motion.

Respectfully submitted,

/s/ Christina L. Gruenhagen

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**ATTORNEYS FOR IOWA FARM BUREAU
FEDERATION**

CERTIFICATE OF SERVICE:

I hereby certify that the foregoing document was electronically filed on September 21, 2023, with the Iowa Utilities Board's Electronic Filing System (EFS) which electronically serves all parties registered with EFS in this docket.

Signature: /s/ Christina Gruenhagen