

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

IN RE:  SUMMIT CARBON SOLUTIONS, LLC  PETITION FOR HAZARDOUS LIQUID PIPELINE PERMIT	DOCKET NO.  HLP-2021-0001 HLP-2024-0001-0014  JOINDER IN MOTION TO REOPEN RECORD
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COME NOW, the Supervisors of Shelby County, Kossuth County, Floyd County, Emmet County, Dickinson County, Wright County, and Woodbury County (“the Counties”) by and through the undersigned counsel and state as follows:

**JOINDER IN MOTION TO REOPEN RECORD  
AND TO CONSOLIDATE OR STAY RELATED DOCKETS**

On March 14, 2024, the Sierra Club filed a Motion to Reopen the Record and to Consolidate or Stay Related Dockets (“the March 14 Motion”). The Counties agree with and hereby file this Joinder to the Sierra Club’s motion.

Summit now proposes to build 18 new trunks and laterals connecting POET and Valero facilities to the carbon capture and sequestration project under consideration in this matter. These new trunk lines are clearly part of the same project and have the same asserted justification in terms of the “public convenience and necessity.” Instead of introducing the same or substantially similar evidence in 14 additional dockets and potentially holding 14 additional hearings, the Board should require Summit to submit additional evidence in this docket. Given the substantial time and resources already expended by all parties to this proceeding, including the Board, and given the overlapping issues of fact and law in the 14 new dockets, it would be far more efficient

and convenient for all concerned to simply reopen the record in this docket so the Board can address this project as one proceeding with one determination of public convenience and necessity and one route approval, rather than litigating these issues hodge-podge in 14 separate contested cases with 14 hearings and 14 permits.

In the alternative, should the Board determine not to consolidate these 16 clearly related dockets, the Board should at least deny Summit's request for informational meetings at this time or stay further proceedings in the 14 new dockets.

First, permits for this project have already been denied in both South Dakota and North Dakota, and the parties to this docket have sharply contested whether this project promotes the public convenience and necessity under Iowa law. Additionally, the final decision and order in this docket, whatever it is, is highly likely to be the subject of a case seeking judicial review. If no permit issues in this docket or in other states, or if a permit decision is overturned on review, it would be a senseless waste of time and resources to move ahead with consideration of these new dockets.

Second, some of the parties have asked the Board to deny certain portions of Summit's proposed route or to change the route in various places. Additionally, the Counties and Summit are actively litigating zoning and land use issues in the federal 8<sup>th</sup> Circuit Court of Appeals. The outcome of this litigation could affect the location and route proposed in this docket which would in turn potentially affect the permit applications in the 14 newly filed dockets. This effectively means the route of this pipeline project is still a moving target.

For all of these reasons, the Counties join the March 14 Motion filed by the Sierra Club.

Respectfully submitted,

By: /s/ Timothy J. Whipple

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