

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: SUMMIT CARBON SOLUTIONS, LLC	DOCKET NO. HLP-2021-0001
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ORDER SETTING ORAL ARGUMENT

On September 2, 2022, the Utilities Board (Board) issued an order in Docket No. HLP-2021-0001 regarding Summit Carbon Solutions, LLC's (Summit Carbon), August 3, 2022 limited motion for reconsideration of the Board's July 14, 2022 order. The September 2, 2022 order stated the Board needs additional information about federal preemption for the requested plume modeling, risk assessment, and emergency response plan, and that it had questions for the parties regarding this issue. The Board held a status conference on September 16, 2022, to, among other things, hear from interested persons as to when they thought an oral argument on the federal preemption question should be held.

At the September 16, 2022 status conference, Summit Carbon; the Office of Consumer Advocate, a division of the Iowa Department of Justice; the Hardin County Board of Supervisors; Iowa Farm Bureau Federation; the Shelby County Board of Supervisors; Mr. George Cummins; and Sierra Club all provided comments as to when they thought the oral argument should be held.

After hearing from interested persons, the Board is scheduling the oral argument for December 13, 2022, to begin 15 minutes after the conclusion of the Board's monthly

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public meeting. The Board will require briefs to be filed prior to the oral argument. The briefing of this issue will be limited only to the issue of federal preemption of the Board's requested information and to the Board's jurisdiction to inquire into the actions proposed by Summit Carbon to address safety concerns involving the proposed pipeline. The Board is seeking information as to how federal preemption does or does not apply to the required findings the Board must make in order to determine whether to grant a permit for a hazardous liquid pipeline permit, including, but not limited to, the relationship of the pipeline to present and future land use and zoning ordinances and the inconvenience or undue injury that may result to property owners as a result of the proposed project.

Specifically, the Board is requesting briefing as to how the information it seeks interplays with Board requirements for finding that a proposed hazardous liquid pipeline complies with Iowa Code chapter 479B, 199 Iowa Administrative Code chapters 9 and 13, and federal preemption.

Any interested person who wishes to participate in the oral argument on December 13, 2022, shall file a brief on or before November 10, 2022. The filing of a brief will determine participation at the December 13, 2022 oral argument. Both Navigator Heartland Greenway, LLC, and Wolf Carbon Solutions US, LLC, may file briefs in relation to this oral argument and participate in the oral argument without filing for intervention.

IT IS THEREFORE ORDERED:

1. Interested persons shall file briefs, as described in the body of this order, on or before November 10, 2022.
2. An oral argument to discuss the issue of federal preemption shall be held

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on December 13, 2022, to begin 15 minutes after the conclusion of the Utilities Board's regular monthly public meeting, which begins at 9 a.m. in the Utilities Board's Hearing Room, located at 1375 E. Court Ave., Des Moines, Iowa. Only those persons that file briefs may participate in the oral argument.

UTILITIES BOARD

Geri Huser Date: 2022.10.07
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Richard Lozier Digitally signed by Richard Lozier
Date: 2022.10.06 02:16:41 -05'00'

ATTEST:

Kerrilyn Russ Date: 2022.10.07
13:00:35 -05'00'

Dated at Des Moines, Iowa, this 7th day of October, 2022.