

1 STATE OF IOWA
2 DEPARTMENT OF COMMERCE
3 BEFORE THE IOWA UTILITIES BOARD

4 IN RE: : Docket No.
5 : HLP-2021-0001
6 SUMMIT CARBON SOLUTIONS, :
7 LLC :
8 :
9 : X

10 DEPOSITION OF JAMES POWELL,
11 taken by the Sierra Club before Darcy Kriens,
12 Certified Shorthand Reporter of the State of Iowa, at
13 111 East Grand Avenue, Suite 301, Des Moines, Iowa,
14 commencing at 1:33 p.m., Friday, June 23, 2023.

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25 DARCY KRIENS - CERTIFIED SHORTHAND REPORTER



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12	EXHIBITS:	MARKED
13	5 - OCA Data Request No. 68.....	5
14		
15	REPORTER'S NOTE: EXHIBIT 5 WAS NEWLY MARKED AND	
16	RETURNED TO WALLACE TAYLOR. ELECTRONIC COPIES OF THE	
17	EXHIBIT WERE ATTACHED TO THE ELECTRONIC TRANSCRIPTS.	
18	(phonetic) indicates a phonetic spelling.	
19	{sic} indicates the text is as stated.	
20	Quoted text is as stated by the speaker.	
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1 P R O C E E D I N G S

2 JAMES POWELL,

3 called as a witness by the Sierra Club, being first
4 duly sworn by the Certified Shorthand Reporter, was
5 examined and testified as follows:

6 EXAMINATION

7 BY MR. LONG:

8 Q. Hello, Mr. Powell.

9 A. Hi, John.

10 Q. We've met before. My name is John Long, an
11 attorney with the Office of Consumer Advocate. I'd
12 just like to ask you a few questions.

13 As you may have heard from the previous
14 witnesses, if you don't understand my question, please
15 explain that you don't understand, and I'll try to
16 make it understandable for you.

17 MR. DUBLINSKE: For the record, is this
18 being marked as Exhibit 5 (indicating)?

19 BY MR. LONG:

20 Q. I distributed to the witness and Mr. Powell
21 and the court reporter and others in the room Summit's
22 Response to OCA Data Request 68. I'd like to ask you
23 about that now, Mr. Powell.

24 (Deposition Exhibit 5 was marked for
25 identification.)

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1 BY MR. LONG:

2 Q. Pardon me while I find the exact reference.

3 Did you have a hand in preparing this
4 response?

5 A. I did not.

6 Q. Okay. I will ask you, then, to your
7 knowledge, are you able to answer any questions that
8 pertain to insurance that the company will have or the
9 company's ability to pay damages down the road from
10 operations, if and when they come due?

11 A. I can speak to it generally.

12 Q. Okay. Do you see in the second line of
13 this response that it states -- it starts on the first
14 line -- "Summit will procure and maintain 'All Risk'
15 property insurance and third-party liability insurance
16 consistent with industry practice, as required by law,
17 and in compliance with counterparty insurance
18 requirements."

19 I'd like to focus on a couple of those
20 phrases and see if you can explain what you think is
21 meant by them.

22 Let me back up. Do you have experience in
23 the pipeline industry?

24 A. Yes.

25 Q. And does that experience include -- again,

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1 not specific to Summit -- looking at financial
2 responsibility and the insurance?

3 A. Can you be more specific?

4 Q. Have you been involved in decisions about
5 insurance for pipelines in the course of your career?

6 A. I have.

7 Q. Thank you. Can you explain what "best
8 industry practice" would mean and how an expert like
9 yourself in the industry would look at the insurance
10 issue for a pipeline?

11 A. So I'm not an insurance professional nor am
12 I the person that's leading that effort at this point
13 in Summit; however, my experience is limited to
14 liability from this perspective.

15 So where the location of an asset is, the
16 potential cost associated with that asset, repairing
17 that asset, replacing that asset -- that's the limit
18 of my experience -- and approving budgets associated
19 with that.

20 Q. Can you tell me who would be making
21 decisions about liability insurance for Summit or at
22 least who would be familiar with the issue?

23 A. At this point our chief financial officer
24 is leading that effort, was leading that effort. At
25 some point, Mr. Long, the executive management team

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1 will make that decision and potentially could be the
2 board of directors, depending on the magnitude of that
3 decision.

4 Q. Okay. I'm going to ask -- I'm not sure
5 that you're going to be able to answer -- do you see
6 where it also says you'll maintain the insurance,
7 quote, as required by law?

8 A. Yes.

9 Q. What kind of legal requirements do you
10 think this refers to?

11 MR. DUBLINSKE: Objection. Legal
12 conclusion.

13 You can answer, if you know.

14 A. I do not know.

15 BY MR. LONG:

16 Q. Finally, the last sentence of the
17 response -- I'll give you a moment to look at it --
18 this sentence says at the end of the response,
19 "Further, once operational, SCS will generate revenues
20 to cover potential damages."

21 Do you know anything about how cash will
22 remain in the company or sent to investors, parents or
23 affiliates, or would that be the CFO as well?

24 A. That would be the CFO, although we don't
25 have a working asset, yet, John, so those decisions

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1 have not been made.

2 Q. So even the CFO wouldn't have any idea of
3 when this will be done?

4 A. In my opinion.

5 MR. LONG: Okay. I don't have anything
6 else. Thanks for letting me go.

7 MR. DUBLINSKE: Are we going to restore
8 normalcy and let Wally go now?

9 MS. GRUENHAGEN: Yes. You go ahead, Wally.

10 FURTHER EXAMINATION

11 BY MR. TAYLOR:

12 Q. To follow up on Mr. Long's question, first
13 of all, I'm Wally Taylor, and I represent the Sierra
14 Club. I think you knew that.

15 A. Hello, Mr. Taylor.

16 Q. Who is the CFO?

17 A. We have a temporary CFO at this point.
18 We're doing a search.

19 The CFO we had when we founded the business
20 has left the company, and so there's someone in that
21 position temporarily. We're in a search to replace
22 that person to -- There is no permanent CFO, as we sit
23 here today.

24 Q. Okay. Would Mr. Pirolli have any knowledge
25 of the subjects Mr. Long was asking you about?

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1 A. I know you're going to speak with him at
2 some point.

3 Q. Yes.

4 A. My assumption is -- My assumption is it's
5 similar to mine because he's not leading the -- he's
6 not the primary person leading the efforts around
7 insurance and insurance coverage.

8 Q. So you are the chief operating officer for
9 Summit; correct?

10 A. Yes.

11 Q. When did you start working for Summit?

12 A. June 1st of 2021.

13 Q. What was the status of the project or the
14 proposal at that point?

15 A. There was a conceptual project. So in
16 engineering terms, there had been a feasibility study
17 performed.

18 Q. And who did that feasibility study?

19 A. Wood.

20 Q. Pardon?

21 A. Wood, W-o-o-d. Wood.

22 Q. What kind of company is that?

23 A. They're one of the largest global
24 companies -- engineering and design companies.

25 Q. So they would have a website?

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1 A. They would. You'll have to be careful
2 because they change their name quite frequently,
3 Mr. Taylor, but I believe today is it's Wood, not The
4 Wood Group.

5 Q. So you were on the ground floor, so to
6 speak, for Summit?

7 A. Fair characterization.

8 Q. How did you get contacted by Summit? Did
9 you learn about them? How did that relationship come
10 about?

11 A. They contacted me.

12 Q. Your reputation had preceded you?

13 A. I don't believe they used a search firm,
14 but I'm not sure.

15 Q. So what did you do for Summit in the
16 initial conception, design, getting the project going?

17 A. I did a preliminary evaluation of the
18 concept to determine whether I thought it was
19 feasible, and when I agreed to accept the position,
20 then I started putting a team together.

21 Q. What did you do in trying to determine
22 whether the project was feasible? What sort of things
23 did you look at?

24 A. Just generally where the pipeline would be
25 built, the schedule, the cost, permitting

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1 requirements, those types of things.

2 Q. Had you had any experience with carbon
3 dioxide pipelines prior to that?

4 A. Not directly.

5 Q. How about indirectly?

6 A. Yes.

7 Q. Tell me about it.

8 A. I was a vice president of projects and
9 engineering for Kinder Morgan. Kinder Morgan has an
10 extensive carbon dioxide footprint in west Texas and
11 New Mexico, and I was brought in on a few occasions as
12 a senior advisor on some of their projects.

13 Q. Did that inform your work in the initial
14 evaluation of the Summit project?

15 A. No.

16 Q. What specifically did you determine with
17 respect to those different parameters you were telling
18 me about that you explored on behalf of Summit?

19 A. Similar to any major project, Mr. Taylor,
20 whether I thought it was achievable and how long that
21 may take and how much that may cost.

22 Q. Why did you think it was achievable?

23 A. Because the pipeline conceptually is in
24 five upper Midwest states that are fairly receptive to
25 pipeline construction. I've worked in North Dakota,

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1 Nebraska and Iowa previously, and Dakota Access was
2 constructed through South Dakota and into Iowa.

3 So I assumed that we could achieve it.

4 Q. Did you see any unique or specific issues
5 regarding carbon dioxide pipelines versus oil or some
6 other substance?

7 A. A weld is a weld, Mr. Taylor.

8 Q. Is a weld the only thing you looked at?

9 A. What I mean is a pipeline is very similar
10 regardless of the commodity that's being transported
11 in the pipeline.

12 Q. Did you talk to any, we might call,
13 stakeholders in Iowa to see if this concept might be
14 acceptable or if there were any issues that might
15 confront Summit?

16 A. No.

17 Q. Did you look at the concept of carbon
18 capture and storage as to how it might impact the
19 plans for Summit?

20 A. Meaning? I'm sorry. I don't understand
21 the question.

22 Q. I'll try to rephrase it.

23 You knew that the Summit pipeline's design
24 was based on capturing carbon at certain industries,
25 primarily ethanol plants, and transporting it to

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1 North Dakota and apparently sequestering it up there.
2 Did you consider any issues regarding that particular
3 process?

4 A. Yes. So in the very beginning when I began
5 with the project, I spoke to professionals in
6 North Dakota including the NDIC, about their primacy
7 and how they achieved primacy and storage capability.

8 Q. For the record, you used an acronym there.
9 What was that?

10 A. NDIC?

11 Q. Yes.

12 A. North Dakota Industrial Commission. They
13 have jurisdiction over storage and sequestration in
14 North Dakota. Sorry.

15 Q. Again, for the record what does "primacy"
16 mean?

17 A. Primacy means -- I'm not an attorney. I'm
18 an expert in CCUS; however, it's my understanding that
19 primacy is that state -- there are only two states at
20 this point -- demonstrated they have the rigor and the
21 process in place to assess the capability and risk
22 associated with storage of CO₂, and that the EPA has
23 relegated their authority to those states, the
24 Environmental Protection Agency.

25 Q. Right. So does Summit have a project-ready

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1 sequestration site in North Dakota right now?
2 A. Yes.
3 Q. Will the CO2 be used for an ash cloud
4 recovery or some other use?
5 A. Not currently.
6 Q. At some point it might be?
7 A. Not where we're storing it, Mr. Taylor.
8 Q. You said "not currently." I wondered --
9 A. Well, let me just -- Oil production, oil
10 and gas production in North Dakota is a considerable
11 distance northwest of where we plan to store. So with
12 the current footprint that we're discussing overall,
13 not just Iowa, we could not use CO2 for enhanced oil
14 recovery.
15 Q. So can you say unequivocally that the CO2
16 that Summit will be storing or sequestering in
17 North Dakota will never be used for enhanced oil
18 recovery?
19 A. I can say that currently there is no plan
20 to use the CO2 that we will transport for enhanced oil
21 recovery.
22 Q. That's not unequivocally, is it?
23 A. That's my response.
24 Q. Well, if it were to be used at some future
25 time for enhanced oil recovery, how would that be

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1 done? Do you know?

2 MR. DUBLINSKE: Objection. Calls for
3 speculation.

4 You can answer, if you know.

5 A. That would require an additional project
6 to, again, supply CO2 where enhanced oil recovery or
7 oil and gas production was actually taking place.

8 BY MR. TAYLOR:

9 Q. But that could be done?

10 MR. DUBLINSKE: Same objection.

11 A. Yeah. There are a lot of things that could
12 be done, Mr. Taylor. That's not our current plan.

13 BY MR. TAYLOR:

14 Q. So after your initial assessment in June or
15 so on of 2021, what was the next step or steps that
16 Summit did to get this project going?

17 A. Well, generally it's identify a preliminary
18 route for the pipeline, identify where facilities
19 would be located, perform hydraulics, identify permit
20 requirements, timing of that, develop schedules, cost
21 estimates.

22 There's a sequence of events that are
23 typical for a major project.

24 Q. So how was the route determined?

25 A. The route was determined using a geospatial

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1 platform that has access to hundreds of attributes.
2 Federal grasslands, conservation easements, permitted
3 water wells, wetlands. Anything that's publicly
4 available.

5 So that information is used to then route a
6 pipeline to try to avoid as many of those areas as
7 possible.

8 Q. What was your specific task in terms of
9 selecting a route?

10 A. So in my role, I'm -- I have a more general
11 view of all of the technical work that's performed.
12 So we have engineers and other professionals who
13 perform that work, and then ultimately in my role,
14 then, I have to review it at some level and either
15 accept it or not.

16 Q. At the time that you were trying to
17 determine a route, did you know which ethanol plants
18 would be signing up with Summit?

19 A. At that time there were 32 plants that were
20 already under contract, and they constituted the
21 initial source plants for the pipeline network.

22 Q. Those 32 plants were in several states,
23 correct, and not just Iowa?

24 A. No. There were 12 in Iowa.

25 Q. And, of course, it makes sense you'd have

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1 to know who your customers were before you could know
2 where the route had to be; correct?

3 A. Yes.

4 Q. And you'd have to, as I think one of the
5 previous witnesses said, have lateral lines in place
6 to get to the ethanol plants; correct?

7 A. Generally that's correct.

8 Q. It's my understanding you have just
9 recently added a 13th plant to your pipeline; is that
10 correct?

11 A. That's correct.

12 Q. And how did that come about?

13 A. Could you please rephrase the question?

14 Q. Sure. It's Absolute Energy in St. Ansgar;
15 is that right?

16 A. Yes, sir.

17 Q. Did Summit approach them, or did they
18 approach Summit? How did that come about?

19 A. I'm not the commercial manager on the
20 project, Mr. Taylor, but there are finite setups or a
21 number of ethanol plants in Iowa that -- our
22 commercial team has been talking with most of those
23 plants, it's my understanding, since before I joined
24 the project.

25 So these conversations are ongoing, and as

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1 those plants evaluate their opportunities and what
2 CCUS or how CCUS may benefit them, they may or may not
3 come to the table. In this case Absolute Energy
4 decided they wanted to work with Summit.

5 Q. Are you saying there are a finite number of
6 ethanol plants in Iowa? Is it contemplated that there
7 may be other kinds of industries that would connect to
8 the Summit pipeline system?

9 A. Our limitation is capacity and feasibility.
10 So if another source, whether pre-combustion or
11 post-combustion, wanted to connect to Summit and we
12 have the capacity, because we are a common carrier,
13 then we would entertain that.

14 Q. At this point do you have any other
15 industries or types of customers you might have been
16 talking to as Summit?

17 A. Yes.

18 Q. And who would that be?

19 A. I don't know off the top of my head, and
20 I'm not sure if we have nondisclosure agreements.

21 MR. DUBLINSKE: My guess is we probably do.

22 THE WITNESS: I'm assuming I shouldn't
23 mention those names.

24 MR. DUBLINSKE: You should not.

25

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1 BY MR. TAYLOR:

2 Q. You mentioned your capacity. On page 4 of
3 your testimony, you said that the pipeline's proposed
4 to transport about 9.5 million metric tons of CO2 per
5 year, but you have a capacity of 18 million metric
6 tons per year. Is that correct?

7 A. Can I have a copy of my testimony? Thanks.
8 What page was that?

9 Q. Page 4, and I've got my note at lines 12
10 and 13.

11 A. Okay.
12 (Brief pause.)

13 A. Yes. So the question is: We're
14 transporting 9.5, but we have the capacity of 18?

15 Q. Yes.

16 A. That's correct.

17 Q. How did you decide to go to a capacity of
18 18 million metric tons per year?

19 A. With most pipeline projects that I've been
20 involved with, Mr. Taylor, it's always a balance of
21 how big the pipe -- how big is the pipe that you build
22 versus how much horsepower you use while in operation.

23 That's typically an economic
24 constructability decision, and so in this case we
25 decided to build a 24-inch pipeline at its largest.

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1 Then it was just a matter of how much horsepower and
2 when to install ultimately and how much material we
3 could push through the pipe, and that happens to be
4 18 million tons.

5 Q. With respect to these other possible
6 customers that Summit has been talking to, did Summit
7 contact them, or did they contact Summit? Do you
8 know?

9 A. Again, I'm not that close to the commercial
10 aspects of the business, Mr. Taylor. I will tell you
11 that it's my understanding most industrial sources in
12 the state of Iowa and Summit have had ongoing
13 conversations for quite some time.

14 There are some that have elected to go with
15 other projects in the state. Then there are those
16 that still have not committed.

17 So I think we speak with all of them on a
18 regular basis as permitted by whatever restrictions
19 they or we have.

20 Q. Is that something Mr. Pirolli might have a
21 better knowledge of?

22 A. Yes.

23 Q. Of the 9.5 million metric tons that you're
24 saying the pipeline has proposed to transport, do you
25 have that many metric tons signed up now?

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1 A. Generally, with the Absolute addition, it
2 may be slightly greater. I don't know off the top of
3 my head. Generally that's correct.

4 Q. Aside from the ethanol plants that you now
5 have signed up and that Navigator has signed up, how
6 many more ethanol plants are there in Iowa?

7 A. That's a good question. Mr. Taylor, I'm
8 probably way off. At one point I thought -- I was
9 thinking the number was 42.

10 Q. I think that's right.

11 A. We have 13. So I think until the pipelines
12 are built, all plants are fair game. I should say
13 until they're permitted and built.

14 Q. So you're trying to grab some of
15 Navigator's, are you?

16 A. Again, I'm the commercial fellow, but I
17 would be disappointed if he were not.

18 Q. Back to the route selection. What sort of
19 considerations went into selecting the route?

20 A. As I mentioned earlier, it's -- there are
21 literally hundreds of features or attributes that you
22 consider, and ultimately it's constructability, it's
23 cost, schedule, risk. There's a multitude of them.

24 Q. I think you were present at least for part
25 of Mr. Louque's testimony this morning. When was the

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1 dispersion modeling actually done? Do you know?

2 A. I can't remember when it was initiated, but
3 it was shortly after the preliminary route was set and
4 we filed our State application in Iowa. It was
5 January of 2022.

6 It's been ongoing, as Mr. Louque testified.

7 Q. So is it fair to say that there has been
8 more than one dispersion modeling study?

9 A. No.

10 Q. You say it's been ongoing. I'm not sure
11 what that means, then, I guess.

12 A. Mr. Louque testified, if I remember
13 correctly, that it's evolving. What that means is
14 that if we change the route, even a micro change, then
15 we update the model periodically to make sure it's as
16 accurate as we can get at that point in time.

17 Q. Do you know if any portions of the route
18 have been changed because of dispersion modeling?

19 A. No.

20 Q. You don't know, or it hasn't?

21 A. To my knowledge, it has not been changed.

22 Q. Would you agree, though, that if dispersion
23 modeling showed that within the area of dispersion in
24 significant concentration and if there were people or
25 livestock in that area that you wouldn't want to

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1 change the route?

2 A. No.

3 Q. Why would you not change the route?

4 A. Well, one, the premise I disagree with.

5 Secondly, as Mr. Louque stated, you
6 identify the pipeline route, and then there are other
7 measures, many, that you undertake to mitigate the
8 risk associated with that, with the intent of always
9 keeping the commodity in the pipeline.

10 Q. Well, if you're never going to change the
11 route, what's the purpose of doing the dispersion
12 modeling, other than to satisfy PHMSA?

13 A. I didn't say we wouldn't change the route.
14 We've changed the route hundreds of times. You said
15 because of the dispersion modeling.

16 Q. That's right. If the dispersion modeling
17 says your pipeline will disperse significant
18 concentration of CO2 in an area where people or
19 livestock are, why wouldn't you want to change the
20 route?

21 THE WITNESS: I'm assuming we're not
22 getting into results?

23 MR. DUBLINSKE: Not results, but to the
24 extent you can answer the question on the general
25 principles.

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1 A. Generally, as Mr. Louque testified, you use
2 this information to inform where you need to mitigate
3 the risk, and there are many, many things you can do
4 to mitigate the risk.

5 You can put your pipeline deeper. You can
6 add valves. You can add other measures. You can put
7 in a robust leak detection system like we planned to
8 do.

9 It's very important that you integrate the
10 risk associated with your pipeline with your integrity
11 management program. So that's what we will do.

12 BY MR. TAYLOR:

13 Q. Is it fair to say, though, that before the
14 pipeline is actually in the ground, you could change
15 the route?

16 A. We have limited opportunity to change the
17 route in this state within the current application.

18 Q. But you could change the route?

19 MR. DUBLINSKE: Calls for a legal
20 conclusion.

21 You can answer, if you know.

22 A. We can change the route.

23 BY MR. TAYLOR:

24 Q. It's my understanding that the carbon
25 dioxide that's going to be captured from the ethanol

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1 plants is from the fermentation process of the ethanol
2 production; is that correct?

3 A. That's my understanding.

4 Q. It would not be from the natural gas that
5 is powering the plant itself; correct?

6 A. That's correct.

7 Q. And the purpose of capturing the
8 fermentation process we covered outside is because
9 it's 90-some percent pure?

10 A. It's nearly pure, yes.

11 Q. So it's sort of a low-hanging fruit, isn't
12 it?

13 A. From a design and technology perspective,
14 it's ideal.

15 Q. If you capture CO2 and put it in your
16 pipeline from sources other than ethanol plants in its
17 fermentation process, how would that change your
18 carbon capture process and what you might have to do
19 to make it feasible to transport for sequestration?

20 A. It will have no impact on the
21 transportation and injection and sequestration.

22 Q. How about the capture?

23 A. It may, whether it's pre-combustion or
24 post-combustion.

25 Q. What's the difference in the two? I mean,

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1 how does pre-combustion or post-combustion make the
2 difference?

3 A. It depends on the industrial process.
4 Simply we have a quality spec in the pipeline, and so
5 for the commodity of CO2 to be injected into the
6 pipeline for transportation, it has to meet that
7 quality spec.

8 So upstream of that, it doesn't really
9 matter, as long as whatever equipment is put in place
10 at the capture facility. We lose any of those
11 constituents and impurities so it can meet the quality
12 spec.

13 Q. In one of the data request responses that I
14 got, it said that Summit would own the capture
15 equipment. So would Summit be responsible for having
16 the proper capture equipment for a source other than
17 an ethanol plant?

18 MR. DUBLINSKE: I'm going to object on a
19 couple things. I'm going to object on speculation.

20 Also, to the extent that requires getting
21 into terms of agreements with individual facilities,
22 we'd need a protective agreement on those.

23 Subject to those objections, if there's
24 anything left, you can answer.

25 A. I would just say that the plants we

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1 currently have under contract, we will provide the
2 capture equipment.

3 BY MR. TAYLOR:

4 Q. So it's possible, you're saying, that for
5 some other facility you would maybe not own the
6 capture equipment?

7 MR. DUBLINSKE: Same objection.

8 Answer, if you know.

9 A. I'm speculating, but Navigator, for
10 instance, their model is they do not own the capture
11 equipment. It's an option, or that's my understanding
12 about Navigator.

13 BY MR. TAYLOR:

14 Q. You're right.

15 A. I don't necessarily want to be affiliated
16 with Navigator. I'm just making that clear.

17 Q. It's my understanding -- and correct me if
18 I'm wrong -- that if it were a carbon dioxide captured
19 from some source, other than the fermentation process
20 from an ethanol plant, that there would have to be
21 certain contaminants, including water, that would have
22 to be removed.

23 Is that your understanding?

24 A. Could you state that one more time, please?

25 Q. Sure. If the carbon dioxide were captured

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1 from a facility other than the fermentation process
2 from an ethanol plant, there would be certain
3 impurities, including water, that would have to be
4 removed before it could be put into the pipeline?

5 A. I can't speculate on what may or may not be
6 there, but as I stated before, we'll have a pipeline
7 quality spec. That will be very restrictive on water
8 content and any other impurity that may be in the CO2.

9 Q. But even with the CO2 from the ethanol
10 plants, there's still some water in there, isn't
11 there, initially?

12 A. When received from the ethanol plant?

13 Q. Yes.

14 A. Correct.

15 Q. So what happens to that water?

16 A. It's dehydrated. It's removed from the
17 stream.

18 Q. How do you do that?

19 A. With a glycol dehydration unit.

20 Q. And who owns that unit?

21 A. Summit --

22 MR. DUBLINSKE: Objection --

23 THE WITNESS: Sorry. I got to slow down.

24 A. Summit. Summit Carbon Capture will own
25 that equipment.

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1 BY MR. TAYLOR:

2 Q. Okay. In your written testimony, you refer
3 to low-carbon fuel standard markets.

4 First of all, tell me what you understand
5 about those low-carbon fuel standard markets and how
6 they work.

7 A. Well, again, I'm not the commercial
8 representative from Summit, but my general
9 understanding is there are markets, primarily on the
10 West Coast of the United States and outside of the
11 United States, that will pay a premium for fuels that
12 have a lower-carbon intensity.

13 Q. How do you know that the CO2 that will be
14 removed from these ethanol plants and placed into the
15 Summit pipeline would qualify for those low-carbon
16 fuel markets?

17 A. Again, this isn't my area of expertise.

18 Q. It was in your testimony. That's why I'm
19 asking.

20 A. Generally. The specifics on how those
21 calculations are made were not in my testimony.

22 Generally there are calculations or
23 modeling that take into account all the industrial
24 process of extracting this CO2, transporting the CO2
25 to its ultimate location.

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1 Then it's also -- You're talking about the
2 low-carbon fuel markets. Then what is the impact on
3 the ethanol produced? By removing the CO₂, what does
4 that do to the carbon intensity of that ethanol
5 product?

6 So that calculation takes that into effect,
7 or those models take that into effect.

8 Q. In your written testimony, you claim that
9 the Summit pipeline represents a significant
10 opportunity for existing ethanol plants to remain
11 competitive.

12 On what do you base that statement?

13 A. Well, I base that statement off of studies
14 like the Renewable Fuels Association and the ethanol
15 plants themselves who currently sell or provide
16 ethanol to some of those markets and the value of that
17 product when their carbon intensity is reduced.

18 Q. Now, you didn't have any problem preparing
19 that report for the Renewable Fuels Association, did
20 you?

21 A. I did not.

22 Q. Do you know whether or not Iowa ethanol
23 plants are currently selling ethanol in those
24 low-carbon fuel markets?

25 A. I do not.

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1 Q. Who will own the sequestration site, the
2 sequestration equipment in North Dakota?

3 MR. DUBLINSKE: Objection. Relevance, but
4 you can answer, if you know.

5 A. Summit Carbon will own the equipment, but
6 it's my understanding that we lease the space.

7 BY MR. TAYLOR:

8 Q. You've also said in your testimony that if
9 we support the ethanol industry that increases rural
10 land prices. Do you recall that in your testimony,
11 page 5, line 20?

12 (Brief pause.)

13 A. Yes.

14 Q. Wouldn't that make it harder for getting
15 farmers to buy land if the land prices go up?

16 (Brief pause.)

17 Q. That's not in your testimony.

18 A. I'm reading my testimony because I didn't
19 recognize it. I don't know that land values will
20 increase.

21 My point is it's my understanding in
22 Iowa -- I'm not a farmer -- that the value of land in
23 Iowa has a large dependency on the corn suitability
24 rating and the production of crops on that parcel of
25 land, and it's my opinion that and the opinion of

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1 other third parties that putting a pipeline under that
2 property will not devalue that or decrease that value.

3 Q. But would you agree that raising the prices
4 of the land will make it harder for beginning farmers
5 to buy the land or other people to get into farming?

6 A. Mr. Taylor, I'm not contending it's going
7 to increase the value of the land, and I don't have an
8 opinion around what that may or may not do for young
9 farmers.

10 Q. You also say -- this is on page 6, line
11 2 -- that if your pipeline supports the ethanol
12 industry, that adds additional rural jobs. What kind
13 of jobs does it add?

14 A. Well, we have an Ernst & Young report that
15 provides that in more detail than my response. We
16 will add jobs, the pipeline company, so we will have
17 operations jobs and technician jobs associated with
18 it, and it's our understanding, in conversation with
19 the ethanol plants, that we will service that with the
20 potential increased revenue from the project. They
21 will then expand their facilities.

22 My assumption is that as they're expanding
23 their facilities, that will create construction jobs
24 and potentially operations jobs.

25 Q. How many permanent employees would Summit

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1 have if the pipeline is constructed?

2 A. 250 to 300 in the field.

3 Q. What will they be doing?

4 A. Various roles. Supporting maintenance,
5 damage prevention and operations.

6 Q. The reason I ask is I recall in the Dakota
7 Access case there were very few permanent jobs. I'm
8 wondering what is different about this pipeline.
9 200-and-some jobs?

10 A. The difference is Dakota Access from A to B
11 was just flowing through Iowa. We're connecting the
12 12 plants in Iowa and, you know, the remainder of the
13 plants in other states.

14 Each of those facilities are capture
15 facilities and will have personnel supporting them,
16 have pump stations incrementally that they support and
17 staff up and down the pipeline and sitting in the
18 control center in the city.

19 So we'll have a much bigger presence along
20 the footprint of our pipeline than Dakota Access.

21 Q. And also on page 6 you indicate that
22 supporting the ethanol industry would increase the
23 rural tax base. Doesn't that mean that farmers and
24 landowners would pay more on their property taxes?

25 A. What I mean by that is it will pay property

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1 taxes. Summit Carbon will pay taxes.

2 Q. So you're talking just about the land on
3 the easement?

4 A. That, and property taxes for our assets,
5 the pipeline and facilities.

6 What I mean by that is for a county or a
7 jurisdiction that doesn't have a pipeline there now,
8 our pipeline or another, then they don't have the
9 taxes that would be generated if a pipeline were there
10 or an operating asset of any kind of infrastructure.

11 Q. Let's talk about the routing again. In
12 selecting the route for the pipeline, how much
13 distance was established for setbacks from residences
14 and buildings housing animals?

15 A. At what point?

16 Q. Pardon?

17 A. At what point?

18 Q. Any place where there might be residences
19 or animal facilities.

20 A. No. What I meant is you probably know that
21 the PHMSA setback requirement is 50 feet.

22 Q. No, it isn't.

23 A. Yes, it is.

24 Q. That's a ditch depth requirement.

25 A. No. No, sir. It's 50 feet at 36 inches of

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1 depth. That 50 feet then is waived if it's deeper,
2 which our pipeline is. So that's the federal
3 requirement.

4 Initially with the routing we had a
5 400-foot screening, and then we manually evaluate any
6 habitable structure that's inside that distance for
7 the full length of the pipeline.

8 Q. So how did you establish setbacks from
9 residences?

10 A. I just explained it.

11 Q. So you took 50 feet and added something to
12 it or what?

13 A. The initial screening distance was
14 400 feet. That was preliminary.

15 Then there are a multitude of factors, one
16 being dispersion modeling, that we used then to
17 evaluate each habitable structure along the full
18 pipeline route.

19 Q. But I thought you told me a little bit ago
20 that the dispersion modeling was not used to change
21 the route of the pipeline.

22 A. I didn't say we changed the route of the
23 pipeline.

24 Q. You said you used the dispersion modeling
25 to determine setbacks.

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1 A. No, I did not.

2 Q. That's what you just told me.

3 A. I did not. I said that's a factor when
4 you're considering setbacks. I didn't say we used it
5 to adjust the pipeline around.

6 Q. So how can it be a factor, if you don't use
7 it?

8 A. Mr. Louque explained how the dispersion
9 modeling is -- how the process works and how that's
10 utilized. I'm not going to talk about the results.

11 Q. Did you talk to any landowners or residents
12 about working with them to determine a setback
13 distance from their residence?

14 A. Personally I --

15 Q. Well, did Summit? Let's put it that way.

16 A. Yes.

17 Q. Were any route changes made as a result of
18 those conversations?

19 A. There were route changes made for many,
20 many landowners based on conversations that involved
21 many things. Each landowner may have their rationale
22 on why they want the pipeline where they want it on
23 their property.

24 Q. So the pipeline route can be changed;
25 correct?

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1 A. Within the corridor that's presently in our
2 application in Iowa.

3 Q. And so if the dispersion modeling would say
4 you need to be 600 feet away from a residence, you can
5 do that; correct?

6 MR. DUBLINSKE: Objection to form.

7 You can answer, if you know.

8 A. I'm not going to speak to the results of
9 dispersion modeling.

10 BY MR. TAYLOR:

11 Q. I didn't ask. I'm just suggesting a
12 hypothetical. I'm not talking about the actual
13 result.

14 A. As I said, generally, Mr. Taylor, the
15 pipeline can be moved within the corridor, the
16 existing corridor that we identified on the
17 application with the Iowa Utilities Board.

18 Q. Just for clarity, by "the corridor," you
19 mean the corridor that you used for the informational
20 meetings at the outset of the process?

21 A. The corridor that's in our application.

22 Q. During construction and prior to being
23 placed in service, who will inspect and test the
24 pipeline?

25 A. Can you be more specific?

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1 Q. During construction there are, obviously,
2 activities that have to be done correctly. Would you
3 agree?

4 A. Yes.

5 Q. The depth of the ditch, the wells? You
6 know more about the construction than I do, but there
7 are certainly parts of the construction process that
8 have to be done correctly, and my question is: Who
9 inspects and makes sure that's done correctly?

10 A. So there's a multitude. So generally --
11 I'll go through it very quickly. When it comes to
12 welding, there will be a nondestructive examination of
13 a third party that X-rays every weld that's made.

14 That X-ray then will be available, that
15 film or that product derived from the X-ray process
16 will be available for review, and PHMSA will review
17 maybe not all, but they'll review a significant number
18 of those.

19 There will also be a -- in Iowa we have an
20 ag impact plan I'm sure you're familiar with,
21 mitigation plan, and it will be third-party inspectors
22 that we pay for but that are employed by the counties.
23 They will confirm that -- whether we're claiming the
24 right-of-way properly, et cetera. We'll pressure-test
25 the pipeline before we put it into operation.

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1 That will be formed by a third party, but
2 we'll have digital verification of that test, and
3 PHMSA will also evaluate that. PHMSA will also, in my
4 experience, have their weld inspectors come onto the
5 right-of-way while they're working many times, and
6 they will check our welders, make sure our welders are
7 complying with the welder qualification procedures and
8 make sure they're using the right welding rods, et
9 cetera.

10 So there's many tests that are performed,
11 and they'll all be performed by third parties with
12 oversight from ourselves, PHMSA and others.

13 Q. With respect to the people doing the
14 construction, does that require some special training
15 and some special skills in order to do that?

16 A. It depends on their job.

17 Q. Such as?

18 A. If you're operating equipment, that
19 requires specialized training. If you're welding,
20 that requires specialized training.

21 If you're the laborer that's carrying skids
22 from the truck to the side of the ditch, that's less
23 specialized.

24 Q. Even I could do that?

25 A. I don't know if I could do it.

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1 Q. So I guess my question next is: Are there
2 enough of those kinds of skilled people in Iowa to do
3 that work?

4 A. No.

5 Q. So you would have to bring in workers from
6 other states?

7 A. Yes.

8 Q. Does PHMSA actually send inspectors to look
9 at the pipeline construction as it's being
10 constructed?

11 A. In my experience, they do.

12 Q. What conversations have you had with PHMSA
13 about this project, if any?

14 A. We've had ongoing conversations in D.C. and
15 their regional office in Kansas City. So PHMSA's very
16 interested in a project of this size and scale, and so
17 they review our technical plans when they're ready for
18 review. They don't formally sign off on our plans,
19 but they review them and provide feedback.

20 PHMSA is not the only entity.

21 Q. I understand. But PHMSA has a
22 responsibility for the design, construction and
23 maintenance operations of the pipeline itself;
24 correct?

25 A. They have responsibility for oversight,

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1 correct.

2 Q. And my question was, I guess: How can we
3 be assured that PHMSA is on the job, so to speak,
4 making sure that that's done?

5 A. I can't speak for PHMSA, Mr. Taylor, but I
6 can tell you that in my experience they're very
7 rigorous about providing oversight during design,
8 during construction and during operation.

9 Q. What's your understanding of how local
10 emergency personnel -- by "local," I mean personnel in
11 a county or city -- will be trained and what will they
12 be allowed to do in case of an emergency?

13 A. I think, fortunately, you had an
14 opportunity to talk to Rod Dillon, who is an expert in
15 emergency response. So he --

16 Q. Sort of. Go ahead.

17 A. Did you say "sort of," sir? Did you say
18 "sort of"?

19 Q. Sort of, yeah.

20 A. Just for the record, he's a former fireman
21 and probably one of the foremost emergency response
22 professionals in the U.S., and he is charged with
23 working with local fire departments and other first
24 responders to ensure that they're trained properly and
25 that they have the equipment that they need to respond

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1 to a CO2 release from a pipeline, if it should occur.

2 Q. Back to my question. What will the local
3 emergency personnel be trained to do? What will they
4 be allowed to do in the case of an emergency?

5 A. They will have -- Rod will develop
6 technical response plans, and they will be trained
7 with them collaborating on those plans, and they will
8 be trained to those plans.

9 Q. What will they be allowed to actually do in
10 the case of an emergency? By that I mean, will they
11 be allowed to do anything with the pipeline itself?
12 Will they be allowed to evacuate people? Will they be
13 allowed to protect property in any way?

14 That's what I'm getting at.

15 MR. DUBLINSKE: Objection. Form.

16 Objection. Asked and answered. Objection. Lack of
17 foundation to this witness's knowledge.

18 You can answer, if you know.

19 A. Mr. Taylor, with all due respect, you had
20 an opportunity to talk to the expert. I will just
21 tell you that Mr. Dillon will assess the capabilities
22 of first responders along the entire footprint of the
23 pipeline, and he will make sure that they are trained
24 and equipped, and he will tailor his response plans
25 according to what their capabilities are.

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1 BY MR. TAYLOR:

2 Q. If local responders are not capable, as you
3 put it, will Summit have people available who are?

4 A. Yes.

5 Q. And where will they be stationed?

6 A. Again, Mr. Taylor, I can't speculate. Rod
7 is doing that assessment now. It's two years before
8 we go into operation.

9 So over the next year he will continue
10 those conversations and those evaluations.

11 MR. TAYLOR: I think that's all the
12 questions I have.

13 FURTHER EXAMINATION

14 BY MR. WHIPPLE:

15 Q. Mr. Powell, we've met. My name is Tim
16 Whipple. I represent a long list; Shelby, Kossuth,
17 Floyd, Emmet, Dickinson, Woodbury and Wright Counties.

18 A. Okay.

19 Q. I want to start just for a minute picking
20 up where Mr. Taylor left off with Mr. Dillon just for
21 a minute.

22 He reports to you, does he not, and takes
23 direction from you as the COO?

24 A. He does.

25 Q. I think what Mr. Taylor was referring to is

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1 that in some of the questioning of Mr. Dillon, he
2 seemed unwilling to provide a lot of information at
3 this time to county and city emergency responders.

4 Is that something that, from your position,
5 you would re-evaluate?

6 A. Re-evaluate what?

7 Q. What information gets provided to county
8 emergency managers and first responders and when.

9 A. In my experience, this is the normal course
10 of business. We've acquired 71 percent of the
11 right-of-way in the state, so there's still
12 right-of-way to acquire, which means there could be
13 some changes.

14 He still is assessing the capabilities of
15 first responders in this state. So as that progresses
16 and evolves, then he will finalize his emergency
17 response plans, his public awareness plans and
18 training plans well before we go into operation. Then
19 he will provide those, and he has to provide them to
20 train from them.

21 Q. If counties wanted to have that information
22 now, would you be willing to consider that sooner than
23 Mr. Dillon's current time frame, I guess, is what I'm
24 asking on behalf of the counties?

25 A. I think generally we're always willing to

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1 sit down with a county and talk about that process and
2 what that looks like. We can provide a boilerplate
3 plan now, but until we know the names of the volunteer
4 firemen and their capabilities and what they may need
5 from a resource perspective, we can't finalize the
6 plan.

7 So it will evolve. So we can have ongoing
8 conversation.

9 Q. That's not the most important question, but
10 I just wanted to follow up on that.

11 I do want to go to your written statement
12 and go through a few things with you, a few questions
13 mostly in the way of asking you to expand and some
14 things you already provided in a written statement.
15 I'm going to start on page 4.

16 So you say that it's your direction and
17 intent -- I'm reading at line 2 -- to plan, construct
18 and operate a world-class project which meets the
19 needs of the shippers.

20 To whom are you referring there?

21 A. Well, currently that's the ethanol.

22 Q. All 34? Is it 34?

23 A. Again, I'm not the commercial person, but
24 the "shippers" is whoever is moving carbon dioxide
25 through our pipeline.

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1 Q. And you're saying that's the ethanol
2 plants?

3 A. Currently, yes, the ethanol plants.

4 Q. Okay. So that's 13 in Iowa; correct?

5 A. With the addition of Absolute Energy,
6 that's 13.

7 Q. Okay. And how many in Minnesota, if you
8 know?

9 A. Currently under contract seven.

10 Q. And South Dakota?

11 A. Eight.

12 Q. Nebraska?

13 A. Three.

14 Q. North Dakota?

15 A. One.

16 Q. One?

17 A. One.

18 Q. One of the questions I have is: Without
19 Iowa, would you consider this project feasible to move
20 forward without the Iowa plants economically?

21 A. Again, I'm not the commercial person, but
22 from a cost perspective, if you pull Iowa out, I mean,
23 there's 685 miles of pipe and 13 facilities in Iowa,
24 so it's significant. You can see it's almost a
25 billion dollars in cost.

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1 So if you look at the remaining plants and
2 the cost of the infrastructure, I think it would be
3 viable. Again, I'm not the commercial lead.

4 Q. Sure. But your opinion is the product
5 would still be feasible even without Iowa?

6 A. It's preferable to have Iowa.

7 Q. Well, sure. Let's say the Board denies the
8 Iowa permit. Could it move forward with just the
9 other states?

10 MR. DUBLINSKE: Objection. Speculation.

11 You can answer if you know.

12 A. I can speculate. I think it would. I
13 don't know.

14 BY MR. WHIPPLE:

15 Q. That's all right. It's counterfactual?

16 A. I'd have to re-evaluate.

17 Q. You'd have to re-evaluate, but it wouldn't
18 be in your near view just a flat no-go?

19 MR. DUBLINSKE: Asked and answered.

20 Go ahead.

21 A. I think that's correct.

22 BY MR. WHIPPLE:

23 Q. So of the 9 1/2 million metric tons you
24 refer to on page 4, how much of that comes from Iowa,
25 if you know?

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1 A. Yeah. I don't know off the top of my head.
2 I want to say it's about a third.

3 Q. About a third. Okay.

4 Moving down to line 19, you talk about how,
5 in your view, the ethanol plants' carbon intensity
6 score increases the value of the ethanol, and I want
7 to just have a better understanding of how that
8 happens. You know, expand on that a little, how extra
9 value is added to the ethanol through the pipe.

10 A. It's my understanding many of our ethanol
11 plants partners currently have a carbon intensity of
12 65 to 70. By removing the CO2, typically it reduces
13 that by 25 to 30 points or essentially almost by 50
14 percent.

15 So the low-carbon fuel markets, as I
16 understand it, pay a higher premium or margin for a
17 lower-intensity fuel. So by removing that or reducing
18 their carbon intensity, their product will be more
19 valuable in the low-carbon fuel markets.

20 Q. When you say that, does that mean they get
21 a higher price per gallon?

22 A. That's my understanding.

23 Q. And that would be the ethanol plants,
24 though, correct, and not Summit?

25 MR. DUBLINSKE: I'm going to object. That

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1 goes into details of the offtake agreements with the
2 ethanol plants we'll only discuss with a protective
3 order.

4 MR. WHIPPLE: Bret, it doesn't. I'm not
5 asking about the offtake agreements. I'm talking
6 about the ethanol plants that are selling the ethanol
7 to Summit.

8 MR. DUBLINSKE: Same objection. They're
9 operating agreements.

10 MR. WHIPPLE: He can't answer whether
11 Summit sells ethanol?

12 MR. DUBLINSKE: He can't.

13 BY MR. WHIPPLE:

14 Q. I'm moving on to page 5. You talk about at
15 line 2 the need for existing ethanol plants in the
16 upper Midwest to secure competitive access.

17 The purpose of the pipe is to transport
18 carbon dioxide; correct?

19 A. Correct.

20 Q. So any benefit to the ethanol markets is
21 not a direct benefit of the pipeline, is it?

22 A. I think that gets into the commercial
23 agreements.

24 MR. DUBLINSKE: If you can answer
25 generally, go ahead.

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1 A. Can you restate it, please?

2 BY MR. WHIPPLE:

3 Q. Yes. It's not with respect to the
4 agreements. The primary purpose of the pipeline being
5 to transport carbon, any benefits at all to the
6 ethanol markets would stem from secondary or tertiary
7 benefits; correct?

8 A. Associated with the removal of the carbon?

9 Q. Well, but the pipeline isn't transporting
10 ethanol; correct? It's transporting carbon; correct?

11 A. Correct. Carbon dioxide.

12 Q. Right. So the economic benefits of the
13 project are related to ethanol; correct? To the
14 ethanol markets?

15 A. No, that's not correct.

16 Q. Okay. Tell me how I'm wrong.

17 MR. DUBLINSKE: To the extent you can do it
18 without getting into the details of the offtake
19 agreements, you can answer.

20 A. So one benefit is removing the carbon
21 dioxide through the pipeline and sequestering it.
22 That has an economic benefit or has a value, and there
23 is a value of moving a lower-carbon ethanol to a
24 low-carbon fuel market. There could be a value
25 associated with carbon credits.

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1 So I'm not the commercial person. You'll
2 have an opportunity to talk to Mr. Pirolli. There is
3 potentially more than just that economic benefit or
4 economic variable.

5 Q. Let me ask it a different way. You're not
6 selling the carbon; right?

7 A. No one is buying buckets of carbon, right?
8 We're not selling -- physically selling the CO2?

9 Q. Correct.

10 A. That's correct.

11 Q. That's correct. And the pipeline is
12 physically transporting CO2?

13 A. That's correct.

14 Q. Which is not being directly sold in that
15 form?

16 A. That's correct.

17 Q. Moving on to line 6, you say, "These
18 higher-margin markets ultimately improve the economic
19 return to the ethanol plants," and they do that
20 through these other value chains; right?

21 A. In where they actually sell or market their
22 ethanol?

23 Q. Right. There's not a direct change to the
24 ethanol price per gallon?

25 A. By lowering the carbon intensity, there is.

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1 Q. So do you consider that a direct effect or
2 an indirect effect?

3 A. For the ethanol plants?

4 Q. Yes.

5 A. A direct effect? How do you define "direct
6 effect"?

7 Q. Maybe this is just my ignorance. Surely
8 there are many things to which I'm ignorant.

9 In my mind a pipeline that's transporting
10 carbon can only have indirect impacts on ethanol and
11 grain markets. So I'm looking to be educated about
12 why I'm wrong about that view, if it is wrong.

13 A. I misunderstood your question. I thought
14 you said is there a value to the ethanol plant tying
15 into the ethanol, which is directly to the ethanol
16 plant.

17 Q. But it doesn't increase the price per
18 gallon of ethanol; right?

19 A. It does.

20 Q. It causes the price per gallon to go up?
21 Will I pay more at the pump?

22 A. No. It increases the value of the ethanol
23 in the marketplace for the ethanol plant. They can
24 sell it for a higher premium.

25 In the low-carbon fuel market, that market

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1 pays more for a lower-carbon intensity fuel, so it's
2 more valuable to the ethanol plant.

3 Maybe I'm misunderstanding your question.

4 Q. I'm sure you're not. I'm sure it's a
5 confused question.

6 I'm going to get back into the land values
7 for a minute that you discussed with Mr. Taylor. Have
8 you studied the impact on land values of putting the
9 pipeline in the ground?

10 I mean, has Summit studied the impact to
11 the value of that land to landowners?

12 A. In Iowa?

13 Q. Well, let's start with Iowa, but have you
14 studied it anywhere? Ultimately I care about Iowa.

15 A. I care about Iowa as well. We have, and I
16 haven't directly, but like many things we've talked
17 about, there are third-party studies that will tell
18 you there's no devaluation -- whether you're urban,
19 rural, agricultural -- with a pipeline or other
20 infrastructure.

21 Q. Do you specifically know which third-party
22 studies?

23 A. I do.

24 Q. Would you be able to provide those after
25 today maybe through a request?

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1 A. I thought we already had.

2 MR. WHIPPLE: I thought I had asked for
3 those, Bret, and you said you didn't want to talk
4 about land values.

5 MR. DUBLINSKE: I don't recall that.

6 MR. WHIPPLE: Maybe you and I can sort that
7 out afterwards.

8 A. Unless Bret objects, we can provide the
9 studies.

10 BY MR. WHIPPLE:

11 Q. Yes. I'd like to see them. I'd like to
12 know, because on behalf of counties, the reason we'd
13 like to know is to assess whether it impacts
14 ultimately property tax base.

15 I'll ask you that. Have you studied that
16 as well? Do these studies look at that?

17 A. Again, I'm not a tax professional. My
18 understanding, from these studies and Summit
19 Agricultural, who buys and sells land in Iowa on
20 somewhat of a large scale, is that the pipeline or
21 infrastructure will not devalue the property.

22 So it may not devalue the tax base, but it
23 doesn't increase -- to Mr. Taylor's point, I think,
24 earlier, it's not to my understanding that it would
25 increase the value of the property either, which would

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1 potentially, I guess, in theory increase a property
2 owner's taxes.

3 Q. I guess I'd be most interested to know:
4 The studies, do they look at other states where carbon
5 pipelines have been installed and the before-and-after
6 land values? Do they get into that level of detail,
7 to your knowledge?

8 A. They get into that level of detail in
9 pipelines in general in various service, and quite
10 frankly, I don't remember if they distinguish between
11 service and the study, I believe, of the pipeline and
12 pipelines.

13 Q. Yes, I would like to see those.

14 MR. DUBLINSKE: We can sort that out.

15 MR. WHIPPLE: Yes, let's sort that out.

16 BY MR. WHIPPLE:

17 Q. Just moving down your testimony, again, at
18 line 21, you talk about how expanding markets for Iowa
19 ethanol supports corn prices.

20 I'll ask you the same question essentially.
21 Have you studied that? Have you studied the direct
22 connection between expanding ethanol and corn prices?

23 A. I personally have not, but as I referenced,
24 you know, the recent study from the Iowa Renewable
25 Fuels Association, but other studies on the demand for

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1 corn in this state and the other four states and how
2 that's directly tied to the consumption from the
3 ethanol facilities in the state.

4 Q. Well, I guess more to the point I'm going
5 to is as part of your project, if you took that into
6 account, studied it and understood it as part of the
7 analysis of the project?

8 A. Only generally from this perspective that
9 our ethanol plant partners, we know what their
10 production profile looks like currently, and we know
11 that at least what they've told us is that that
12 profile may look like, if we're successful with this
13 project, and that would increase. So that should also
14 increase their demand for corn.

15 Q. In your conversations with your ethanol
16 plant partners, is it your understanding that they
17 would plan to increase their production as a result of
18 the project?

19 A. I don't have those direct conversations.
20 Our commercial team does.

21 It's my understanding that -- I don't know
22 about all 13 plants in Iowa, but there are some of the
23 plant partners who do have expansion plans. Now,
24 whether they come to fruition, I'm not going to
25 speculate, but when we design, to your point,

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1 Mr. Taylor, about capacity, we take into account if an
2 ethanol plant says their production will increase X
3 percent, we take that into account to make sure that
4 as we put -- add additional to put in the pipeline
5 that we're still within our total capacity limitation.

6 Q. Sure. It stands to reason you would need
7 to know if you needed to accommodate more?

8 A. Right, right.

9 Q. So without the specifics, it's just your
10 belief generally that there may, in fact, be an
11 increase in supply of ethanol [sic] that you'd have to
12 accommodate?

13 A. Supply of carbon dioxide.

14 Q. Sorry. Yes. Which means there's going to
15 be more ethanol being made; correct?

16 A. Correct, correct.

17 Q. Is that connected to the fact that you've
18 currently proposed 9 1/2 million metric tons but have
19 a capacity for much more?

20 A. That, and that's a factor. The other
21 factors are what Mr. Taylor mentioned earlier.

22 There are a lot of ethanol plants in this
23 footprint that aren't contracted to anyone. They may
24 or may not have plans to extract the CO2 from their
25 process, but if they do, we may have capacity.

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1 Whether that's pre-combustion -- it may not
2 be just an ethanol plant. It could be any industrial
3 process.

4 Q. I'm sure Bret is going to object to this
5 question, but I'll ask it anyway.

6 Did you say 18 million would be kind of
7 your max capacity?

8 A. Economically viable maximum capacity.

9 Q. Could you accommodate every ethanol plant
10 in the state that's not subscribed within that volume?
11 Could you sweep the field and get every plant, could
12 you? Would you have that much capacity?

13 MR. DUBLINSKE: I'll object on speculation.
14 You can answer, if you know.

15 A. I don't know. I'd have to look. There are
16 really smart people that work on my team to do the
17 hydraulics and make that analysis.

18 Q. That was purely curiosity.

19 A. That would be a good problem to have.

20 Q. I've gone through most of what I have by
21 now. I do want to talk a little bit about page 6,
22 line 14.

23 You talk about the project is anticipated
24 to contribute 73 million in taxes in Iowa during the
25 construction phase. Is it fair to say that that would

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1 probably be sales taxes on construction materials?

2 A. Mr. Whipple, I don't know if we provided
3 the Ernst & Young report. I don't remember the
4 detail. That's a significant piece of it.

5 Q. That's a significant piece of it? Is that
6 where it comes from?

7 A. It's from the Ernst & Young report.

8 Q. Okay. So it's not the EIN property tax
9 number that you refer to?

10 A. Not during construction.

11 Q. And the 30 million per year, what is your
12 understanding of how a pipeline property is taxed in
13 Iowa? I'm not asking you to be a tax lawyer, but just
14 give me your business understanding of how you pay
15 taxes on the pipeline.

16 MR. DUBLINSKE: I'm going to object on
17 legal conclusion, anyway, but if you know, go ahead
18 and answer.

19 A. To use your phrase from earlier, I am
20 ignorant on this topic.

21 So generally I know how property taxes are
22 assessed, but I'm not sure of the details. It's,
23 obviously, much different in North Dakota than it is
24 here.

25 I know North Dakota's at this point, but we

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1 do have a tax professional that has worked with
2 Ernst & Young to assess what those values are based on
3 Iowa tax laws, is my assumption.

4 Q. Okay. So really this is more of you're
5 pulling together what Ernst & Young did and reflected
6 it in your testimony? You're not really the person to
7 ask on this point, is what you're telling me?

8 A. No, and it's similar to some of the other
9 things we've talked about before. We're providing it
10 based on the value of construction, the value of the
11 asset, and then those professionals are deriving what
12 those values may be.

13 Q. We've got you here today. We don't have
14 the Ernst & Young guys.

15 A. Sorry about that, Mr. Whipple.

16 Q. I'm going to talk a little bit about the
17 route selection, which is the next thing in your
18 written testimony. You talked just a little bit --
19 and I know you're not Mr. Schovanec, but generally
20 during the routing process, what was your approach to
21 small towns?

22 Did you try to avoid them? Did you try to
23 go near them? Did you sweep them aside and not care?

24 Just generally speaking, small towns, how
25 did they figure into your decision on the pipeline's

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1 route?

2 A. Well, I think sweeping anything aside and
3 not caring is extreme, Mr. Whipple.

4 Q. That's why I asked it that way. I figured
5 you didn't do that. Tell me how you did do it.

6 A. Ninety percent of the property we cross in
7 Iowa is agricultural use, so, again, there's many,
8 many, many things, featured and areas that we have to
9 avoid.

10 So we try to navigate the route of the
11 pipeline around and among those when possible and
12 skirt economic development plans, for instance. So
13 we -- If information was publicly available from
14 Charles City, for instance, on where they thought
15 their city boundaries would be in 2050, we took that
16 into consideration.

17 Q. You did do that?

18 A. Yes, generally we did that, if it was
19 available.

20 Q. Because, obviously, it does go into the
21 city limits of Charles City, as it comes within a few
22 hundred feet of the city limits of Earling. I'm sure
23 you're not surprised to know that's a matter of
24 concern to the counties.

25 I guess if you did do that, then how did

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1 you arrive at a route selection in those two
2 communities with specific reference to them coming
3 that close to the city limits? I mean, what were your
4 considerations in those two cases, if you know?

5 A. Well, there's -- As Mr. Louque said,
6 there's no restriction. As you know, there was no
7 restriction at all.

8 So we take into consideration where the
9 pipeline is traversing, even if it's a
10 high-consequence area. So, as I said, we took that
11 into consideration.

12 I didn't say we avoided it, but we took
13 that into consideration.

14 Q. And if Shelby County prefers that the route
15 not come within 2 miles of town, did you consider
16 that?

17 A. Well, when we routed the pipeline,
18 Mr. Whipple, that ordinance was not in place.

19 Q. But the comprehensive plan was, and it had
20 that 2-mile zone buffer on every town in Shelby.

21 A. And then you get into who accountability
22 for siting in the state of Iowa. I'm not an attorney.
23 It's my understanding it's the Iowa Utilities Board.

24 Q. Without getting into who has the authority,
25 I think we can talk about what the goals of local

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1 officials are, especially after it's constructed, to
2 the impact on their community. Even if they don't
3 directly control it, you know they have strong
4 feelings with it.

5 Wouldn't you want to get those thoughts and
6 comments and feedback from local officials?

7 MR. DUBLINSKE: Objection. Form.

8 You can answer.

9 A. That's a gross mischaracterization in that
10 we've been working on this pipeline project for two
11 years and attend practically every public meeting from
12 these counties and municipalities, and they have all
13 had the opportunity and us as well to interact and
14 share the plans.

15 So we filed an application in January of
16 2022, and the City [sic] of Shelby, for instance,
17 passes an ordinance months and months later that,
18 obviously, was not in place. Whether or not you say
19 it was in their plan, that restriction was not in
20 place when we routed the pipeline.

21 Q. I know all that. I'm not disputing that we
22 have a dispute over that.

23 A. Then I'll add --

24 Q. Just legally if your team went to a
25 supervisors meeting and the supervisors publicly asked

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1 for a change in the route, would you take that into
2 consideration?

3 MR. DUBLINSKE: Calls for speculation.

4 You can answer.

5 BY MR. WHIPPLE:

6 Q. It absolutely calls for speculation.

7 A. Let's talk about all 82 counties and not
8 the 29 or so in Iowa. What's the rationale? So we
9 have strict guidance and requirements from PHMSA and
10 have in the Iowa statute requirements from the Iowa
11 Utilities Board.

12 We have adhered to those, in my opinion, so
13 having 82 counties potentially impose restrictions
14 after the fact that may or may not contradict with the
15 federal and state requirements, as you may or may not
16 agree, can be difficult.

17 Q. And this is one of the areas in which, you
18 know, the counties have disagreement with you all.
19 Shelby County's view is that the ordinance restricted
20 it prior to the new ordinance; that its pre-existing
21 ordinance restricted it. You all disagree with that.

22 I don't want to get into the ability to
23 enforce that. I want to talk with you, as the COO,
24 about a level of values and priorities and what things
25 are important to you as you make decisions about the

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1 routing and what things aren't; whose feedback is
2 important to you, and whose comments do you take into
3 consideration and whose you don't.

4 So I'm probing that more so than legal
5 authority. This, obviously, isn't the venue for that.

6 Really what I'm asking when I ask you the
7 hypothetical about the supervisor meeting is: How
8 important is it to you to listen to the desires of
9 county officials about the route?

10 A. It's important. Of the 82 counties, there
11 are a handful where that collaboration probably could
12 have been better.

13 It's saying that I'm not -- I'll just leave
14 it at that. I will also say that our intent is that
15 the carbon dioxide will remain in the pipeline, and as
16 an industry that happens 99.999 percent of the time.

17 So our focus is on designing and
18 constructing a pipeline that is compliant with state
19 and federal regulations and maintain that pipeline in
20 compliance with those regulations and keeping the CO2
21 in the pipe.

22 Q. So I accept that; right? I personally
23 anyway accept everything you say about your desire to
24 keep the product in the pipe.

25 How do you deal, as we try to work through

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1 this process with the fact that there seems to be many
2 people who don't and the decisions that they might
3 make in selling property or buying property or using
4 land differently as a result of what you're about to
5 do, are their desires important to consider?

6 Because they aren't county officials. I'll
7 represent to you that they're worried about property
8 values and future development and about the impact of
9 the pipeline that's outside of what you cover in your
10 testimony.

11 You know, how willing are you in your
12 position to work with our counties on changes in the
13 route?

14 A. Well, the route as it sits today is firm.
15 We've reached an agreement with 71 percent of the
16 landowners in this state, which is a significant
17 number.

18 We've worked with many of those to
19 accommodate the route on their parcels of land, and
20 we've worked with many of the communities, including
21 the boards of supervisors of the counties in this
22 state, but the route is firm.

23 Q. Are you aware that typically county
24 officials and city officials, too, are accustomed to
25 permitting just about everything that gets built in

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1 jurisdictions?

2 A. I'm not familiar with what they typically
3 do and do not do. I know what the state statute says.

4 Q. Well, I guess I'll represent to you that
5 most structures don't get built in Iowa without some
6 kind of local zoning approval.

7 A. Okay.

8 Q. So I'll represent to you that that's
9 important to the counties that are used to playing
10 that role. I know that's being --

11 A. I will add this, Mr. Whipple. I'm sure
12 that your clients in Shelby and other counties that
13 you represent can tell you that we have Summit
14 representatives, not contract representatives, Summit
15 representatives at every one of their meetings that
16 we're allowed to attend and have a standing offer to
17 meet with those boards of supervisors and other
18 stakeholders anytime that we can make that -- we can
19 accommodate.

20 So that continues to be the case today.

21 Q. But the question --- and it seems to be
22 answered at this point -- is whether you're willing to
23 move the route, and that seems to be no. Would you
24 agree?

25 A. Correct, correct.

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1 MR. WHIPPLE: That's all I've got.

2 (Recess taken.)

3 FURTHER EXAMINATION

4 BY MS. GRUENHAGEN:

5 Q. I'm Chris Gruenhagen. I represent Iowa
6 Farm Bureau. I think maybe we've met in the Utilities
7 Board room a time or two.

8 A. A scheduling conference, yes.

9 Q. Thanks for agreeing to answer questions
10 today. I appreciate that.

11 A. Sure.

12 Q. I'm going to do my best not to retread over
13 things they've already talked about, but I can't
14 completely promise that.

15 Just listening to the conversation today
16 and reading your direct testimony, is it fair to say
17 that, for the most part, your testimony is summarizing
18 what the other witnesses have testified to?

19 A. I think it's fair to say my testimony is
20 intended to be fairly general, and it summarizes some
21 aspects, not every aspect of the project. I don't
22 think that's an unfair assessment.

23 Q. Okay. So you started in 2021?

24 A. Yes.

25 Q. At that time were any of the ethanol plants

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1 already signed onto the project?

2 A. There were 32. I'm sorry. Maybe 31. I'm
3 sorry.

4 Q. When you were hired, there were already
5 that many?

6 A. There were a significant number of plants
7 already signed, and I believe that included all 12 in
8 Iowa.

9 Q. Okay. Do you know approximately when the
10 first plant was signed?

11 A. Chris, I don't. I think they --
12 Mr. Pirolli will be able to tell you.

13 I think they formed the company in February
14 of '21, and so I'm assuming we had to have an entity
15 in place to be able to sign those contracts.

16 Q. But Mr. Pirillo would have more detail
17 regarding that?

18 A. Yes.

19 Q. Okay.

20 MS. GRUENHAGEN: So, Mr. Dublinske, I'm not
21 going to ask about the terms of the optic agreements.

22 BY MS. GRUENHAGEN:

23 Q. Are you familiar with the terms of the
24 optic agreements?

25 A. I am not.

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1 Q. Who at Summit is familiar with the terms?

2 A. That would be Mr. Pirolli.

3 Q. All right. Do you have any other kinds of
4 contracts, other than the offtake agreements, to your
5 knowledge, with the ethanol plants?

6 A. Not to my knowledge.

7 Q. And then is Mr. Pirolli the one who is
8 responsible for marketing the services?

9 A. He is.

10 Q. Okay.

11 A. If you mean by marketing services, any
12 commercial or business development is Mr. Pirolli.

13 Q. You talked earlier about you have quality
14 specs for the type of product that the pipeline can
15 transport.

16 Are there any other industries, other than
17 the ethanol or fertilizer industries, that can meet
18 those specifications, to your knowledge?

19 A. The answer is yes. Any CO2 that would be
20 available that you could capture and make available
21 could be -- I'm assuming. There may be an exception
22 that I'm not aware of -- processed to meet those
23 quality specs. It's just the cost associated with
24 that may be prohibitive.

25 Q. So a power-generation facility, for

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1 example, the EPA has a requirement or is discussing a
2 requirement for sequestration for them.

3 Is that product, to your knowledge, able to
4 be processed and able to meet the specifications to be
5 transported in the pipeline?

6 A. To my knowledge, yes.

7 Q. Okay. Any other kind of industries that
8 you're aware of that would have carbon dioxide?

9 A. A plethora of industries. So it could be
10 manufacturing, other manufacturing facilities,
11 fertilizer facilities, gas plants. Any type of
12 industrial process, really.

13 It's just the amount of CO2 that would be
14 available and the cost of processing it to meet those
15 transportation specs.

16 Q. Okay. Page 4. And you've had some
17 discussion about this already today, about the
18 capacity of the pipeline. So line 12 being 9.5
19 million metric tons.

20 What would need to happen to get up to the
21 18 million metric tons? Is it increased pressure in
22 the pipeline? What would allow it to transport up to
23 18?

24 A. The pressure profile wouldn't change. It
25 would be the number of intermediate pump stations. So

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1 booster stations that would keep the pressure in the
2 operating range.

3 Q. So it would essentially speed it up because
4 you'd have more booster stations in layman's terms?

5 A. Correct. So, for instance, today with
6 9 1/2 million tons, we plan to construct seven pump
7 stations. You may hear six or seven.

8 I'm not sure what Mr. Schovanec says. It
9 depends on the location, and we haven't finalized --
10 we don't have agreement on the location on all those
11 yet with landowners.

12 To get to 18 million tons, it could be 17,
13 again, depending on where that volume comes in. If
14 you get a lot of volume from Iowa, then we may need
15 17.

16 If a lot of that volume comes from
17 South Dakota or Minnesota further up the pipeline or
18 downstream, however you view it, it could be less.
19 Worst case it would be 17 pump stations including the
20 six or seven in Phase 1, the initial scope.

21 Q. Okay.

22 A. But the pipe diameters stay the same.

23 Q. Would the pipe diameter limit the capacity
24 in those areas?

25 A. Yes.

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1 Q. Okay. So, for example, is it a trunk that
2 comes down western Iowa down to Fremont County? It
3 has a smaller diameter. I think it starts at 6 and
4 gradually increases as it goes north.

5 A. Very good.

6 Q. Okay. So that would be limited in taking
7 additional carbon dioxide along the route because of
8 the diameter essentially?

9 A. Yes. So we've made an assessment looking
10 at those industrial -- potential industrial sources in
11 all of these areas and determined what we think would
12 be obtainable and what wouldn't and determine what
13 that volume would be, and that's how we size the
14 pipeline.

15 As you may or may not be aware, the
16 easements we're executing with landowners are very
17 specific. It will be an 8-inch pipeline or a single
18 pipeline.

19 Unlike many easements I'm familiar with
20 outside of this project, it's not ambiguous. So to go
21 back and increase capacity above what we already
22 assumed, we have to have that conversation with not
23 only the Utilities Board but every landowner.

24 Q. So I'm going to add 2 and 2 together, and
25 you can tell me if I do it correctly. Because the

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1 diameter through that part of the state is only at
2 6 inches and 8 inches, what that tells me is there's
3 been a calculation that it would not be financially
4 feasible to pull the carbon dioxide from those
5 power-generation plants near Council Bluffs?

6 A. No, that's not accurate. It's just that we
7 don't feel that we have an opportunity either -- I'm
8 not sure if conversations took place with the folks
9 you're referencing.

10 Either they've indicated that's not in
11 their plan to capture their CO2, or we don't think
12 that it would be viable for them. They don't think
13 it's viable, or we wouldn't be an alternative for them
14 to move the CO2 on.

15 We'll take any CO2 that's available that
16 can meet the spec, but we don't think that we can
17 obtain that CO2 for whatever reason. Mr. Pirolli may
18 be able to add more information there.

19 Q. Okay. Thank you. That's helpful.

20 Several times in your testimony, in your
21 direct testimony you talk about sustaining the demands
22 for corn, supporting corn prices, attractive corn
23 prices.

24 Did Summit commission or hire anyone to do
25 an analysis of what the impact this pipeline would

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1 have on corn prices?

2 A. Not to my knowledge, but Summit Ag are
3 farmers themselves, and this is my first foray in
4 especially the corn market.

5 I'm from Oklahoma where it's more wheat
6 than corn, but it's my understanding -- They also have
7 experience with ethanol and have operated ethanol
8 plants in this state and now internationally, so it's
9 my understanding from them -- and they watch the
10 markets very closely -- that there's a correlation
11 and, of course, the Iowa Renewable Fuels Association
12 and other studies.

13 Q. Is it your understanding the Iowa Renewable
14 Fuels study that was released in February of this
15 year, that it says corn prices will increase as a
16 result of this pipeline?

17 A. It's my understanding -- It's been a while
18 since I've read it. It's my understanding it was more
19 focused around if Iowa ethanol plants can't remain
20 competitive because other -- if they don't have
21 opportunity to compete in the low-carbon fuel markets
22 that they may lose some of the demand.

23 Q. So to the best of your recollection, that
24 study doesn't say that corn prices will increase as a
25 result of the pipeline?

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1 A. I don't remember if it does or does not.

2 Q. Okay. So other than Summit Ag having an
3 opinion about that, Summit Carbon Solutions has not
4 done any studies regarding impacts on corn prices?

5 A. Not to my knowledge.

6 Q. Okay. So when you use the phrases
7 "sustains the demand for corn, supports corn prices,
8 attractive corn prices," it's just different ways of
9 kind of saying the same thing?

10 What do you mean by that? Do you mean that
11 you anticipate corn prices to be increasing, or what
12 are you intending to convey by using that kind of
13 language?

14 A. The intention is understanding that the
15 demand for corn in Iowa, which is considerable from
16 the ethanol plants, that if the ethanol plants went
17 away or production declined, that would have a direct
18 effect on corn production or the value of corn
19 production in this state.

20 Q. So that is based on if the ethanol plants
21 weren't there essentially?

22 A. Yes.

23 Q. Okay. So you're making an assumption with
24 that. It's that if the pipeline wasn't built, the
25 ethanol plants won't be there? Is that the assumption

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1 you're making?

2 A. No. The assumption is that at some point
3 in the future if plants, aside from those plants in
4 Iowa that we're connected to, are selling to
5 low-carbon fuel markets and they're -- and those
6 plants are in Nebraska or Minnesota or South Dakota or
7 Kansas, if they're supplying the demand and the demand
8 for the corn -- if you're a farmer -- I'm not a
9 farmer, so this is my assumption.

10 If those ethanol plants are paying more for
11 that commodity or feed stock than a plant not selling
12 to those markets and is not getting the same value,
13 then that would impact the plants that can't compete
14 in that market.

15 Q. So you're just talking about basically the
16 profit margin involved with it, is what you're
17 essentially talking about?

18 A. Yes, to Mr. Whipple's direct effect.

19 MR. WHIPPLE: No comment.

20 BY MS. GRUENHAGEN:

21 Q. We'll just go to that for a second. When
22 you were talking to Mr. Whipple, I just wanted to be
23 clear. Was your testimony that you believe the price
24 of ethanol will increase as a result of the pipeline?

25 A. I believe -- Mr. Pirolli will be the expert

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1 on this. I believe -- It's my understanding anyway
2 that the value of that gallon of ethanol is higher in
3 a low-carbon fuel market than a market that's not paid
4 a premium for a lower-carbon fuel.

5 Q. I know you're not an economist, but I'm
6 going to ask this question anyway. If a product
7 becomes commoditized such that all the product meets
8 that same criteria, does the price still tend to
9 increase?

10 A. You're talking supply and demand?

11 Q. Yes.

12 A. I'm assuming that's not the case. I'm
13 assuming it becomes static.

14 If the demand is not greater than the
15 supply, then that would affect the price, I'm
16 assuming, because I'm not an economist.

17 Q. There's some common sense involved in it,
18 in that discussion as well?

19 A. Yeah, yeah.

20 Q. Okay. I assume the reason you're proposing
21 the pipeline to be going through Iowa is Iowa's the
22 largest ethanol producer as well as the one or two of
23 the largest corn producer as well?

24 A. Yeah, and it's impactful to the state GDP,
25 right?

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1 THE WITNESS: Mr. Taylor, we have 42 plants
2 in Iowa.

3 BY MS. GRUENHAGEN:

4 Q. I'm going to switch a little bit to talk
5 about routing. We'll venture into that area.

6 Who is responsible for the routing within
7 Summit? Is it Mr. Schovanec?

8 A. Mr. Schovanec has primary accountability
9 for the pipeline scope of the work, so he is the
10 primarily accountable person.

11 Q. Okay. He testified earlier that Summit is
12 using the platform called Pivot to do the routing.
13 Are you familiar with that?

14 A. Yes. That's the tool that we use for the
15 routing.

16 Q. In your testimony you talked about that
17 earlier today, that after Pivot did their initial
18 route with the 400-foot setback, then Summit went
19 through and did a manual review of occupied
20 structures.

21 Do you recall talking about that?

22 A. Yes.

23 Q. Okay. That manual review of the occupied
24 structures, did that happen before or after the court
25 order was noticed?

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1 A. That happened preliminarily, to my
2 recollection, before, and then it's ongoing. Every
3 time we move the pipeline, that analysis potentially
4 continues.

5 Q. So when the notices went out for the
6 information meeting, which is what we're talking
7 about, the notice corridor, Summit had already gone in
8 and evaluated structure by structure?

9 A. That's my recollection.

10 Q. Okay.

11 A. And you're talking about specific to the
12 400-foot setback?

13 Q. Yes.

14 A. To my recollection, that's correct.

15 Q. Did Summit look at any other occupied
16 structures, other than those within the 400-foot
17 setback?

18 A. We typically look at any structure that
19 could be habitable, even livestock or humans. So
20 that's barns, sheds, those kinds of things.

21 Q. Okay. I assume because of your position
22 you're familiar with the filings with the IUB?

23 A. Yes.

24 Q. Earlier Summit offered a more precise
25 aerial visual of the route. Would that have been the

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1 Pivot platform that had been provided to the IUB, or
2 when there was descriptions of the aerial and the
3 visual, is that Pivot or something else?

4 A. So Pivot is geospatial data that's
5 available, like, from Google or, like, from Bing or
6 other sources, satellite imagery.

7 The enhanced imagery we were talking about
8 is we actually flew the route and videoed the route.
9 That is more high-resolution imagery, so that was the
10 imagery that we were offering to make available.

11 Q. And in what platform was that made
12 available?

13 A. Now you're way over my head.

14 Q. Was it software? Did you just give the
15 videotapes to them? What was provided?

16 A. It was digitally available, but I don't
17 know what the format was. So we didn't just give them
18 pictures, I'm assuming. I can't remember.

19 MR. DUBLINSKE: We provided them a link to
20 a website.

21 BY MS. GRUENHAGEN:

22 Q. Do you know if the website consisted of
23 photographs, or was it a video? What type of material
24 was it?

25 A. Again, I don't remember that link, but I

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1 know it was videoed. So whether that video -- I think
2 there was some difficulty in transmitting that. So
3 whether that video was snipped or it was a continued
4 video, I'm not sure, but it is a video feed.

5 Q. Does the Utilities Board and their staff
6 still have access to that?

7 MR. DUBLINSKE: You can answer, if you
8 know.

9 A. I don't know, but it is available.

10 MR. DUBLINSKE: I honestly don't know.

11 A. I mean, we have -- we still have that for
12 our use.

13 BY MS. GRUENHAGEN:

14 Q. Okay. Thank you.

15 Earlier today you also testified that PHMSA
16 has reviewed the technical plan for the pipeline and
17 provided feedback on that?

18 A. There are various technical plans, so one
19 is a crack propagation plan. So they reviewed that
20 with our experts.

21 Q. Okay. So that's what they reviewed, is the
22 crack provocation [sic] plan?

23 A. Propagation.

24 Q. Propagation. Thank you.

25 A. The more appropriate title is Fracture

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1 Control Plan.

2 Q. Okay. That term I've heard.

3 A. As we produce these plans, PHMSA will
4 typically want to review them.

5 Q. So they've reviewed the Fracture Control
6 Plan at this point?

7 A. (Witness nodded head affirmatively.)

8 Q. Have they reviewed any other technical
9 plans?

10 A. Underpinning that is our pipe
11 specification, our metallurgical analysis. So there
12 are other technical -- there is other technical
13 information under PHMSA's plan they reviewed.

14 Q. Has PHMSA visited the manufacturing you
15 have of your site?

16 A. We aren't manufacturing yet. We will be
17 later this year.

18 We've identified the mills. They're aware
19 of those.

20 They'll want to see our QA/QC plans, and in
21 my experience, they will send people to inspect. I
22 should say experts, not "people." They're one in the
23 same, but they will send technical experts.

24 Q. I would assume, if they're sending people,
25 that it would be someone that knows what they're

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1 looking at?

2 A. They are the federal government, but yes,
3 that's correct in their case.

4 Q. Okay. So now back to your testimony with
5 just some specific things.

6 This is going to be an odd question, but on
7 page 4, line 14, the sentence right after where it
8 talks about the capacity.

9 When it says "carbon dioxide T" --

10 A. Yeah, I think that's a typo.

11 Q. -- is that a typo, or does it mean
12 something?

13 A. That's a typo. If it means something, I
14 don't know what it is.

15 Q. I assumed it was a typo. That makes me
16 feel better. I was like, "What am I missing?" I
17 appreciate that. Thank you.

18 I thought there was something about it I
19 didn't know. All right.

20 Page 7. This is where you talk about
21 above-ground facilities. With the other ones you talk
22 about approximate sizes of them, but you didn't talk
23 about the size of a pump station.

24 So about how much land is needed for a pump
25 station?

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1 A. It's my understanding Erik Schovanec and
2 others determined the size based on the equipment, but
3 they're generally 2 1/2 to 4 acres total area.

4 Q. Two and a half to 4, you said?

5 A. Yes, ma'am.

6 Q. Okay. Thank you.

7 And so when you're talking about
8 above-ground structures, does Summit typically
9 purchase easements for those or purchase the land and
10 feed for those pieces of property?

11 A. Both, and that's largely dependent on the
12 landowner and how they prefer to structure that.

13 Q. So do you typically structure that however
14 the landowner would like that to be structured?

15 A. That's my understanding. Mike O'Rourke is
16 the expert in that area, but that's my understanding.

17 Q. Page 8, line 23. This was the design of
18 the pipeline where this is at in the testimony. It
19 says, "Higher design factors will be used at
20 crossings."

21 What kind of crossings? Road crossings,
22 waterway crossings?

23 A. Rail crossings, anything that could have a
24 heavier load, either static or nonapplicable load. So
25 if it has traffic of some sort or under-the-water

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1 crossing, we typically make that heavier wall pipe
2 just to mitigate risk.

3 Q. If there's a driveway at a farm which
4 typically always carries heavy equipment because you
5 have grain that's full, that they'll be carrying their
6 feed or if it's a livestock farm, is there typically
7 higher design factors underneath these roads or
8 driveways?

9 A. It really depends on the depth, and it
10 depends on the equipment. There's going to be that
11 large equipment across the right-of-way in many
12 locations, right, with combines and grain trucks, et
13 cetera.

14 So we've designed or taken that into
15 account with the wall thickness of the pipe and wall
16 pressure. Even at a .7 of yield strength, it still
17 can accommodate those kinds of loads in most cases,
18 but our team evaluates it at every crossing.

19 Q. Okay. Are there any other kinds of
20 crossings that we haven't talked about, other than
21 roads, railroads, water?

22 A. I can't think of one off the top of my head
23 where you would have traffic or loads.

24 Q. Page 11, line 6. We're talking about
25 operations personnel.

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1 It's our understanding that the operations
2 personnel have not been hired yet; is that correct?

3 A. Not along the -- Well, not along the
4 pipeline route. We do have our control center manager
5 that's been on board for a year, and we have two
6 gentlemen that are in the organization now that will
7 be operations supervisors, but we have not hired the
8 bulk of the operators or technicians, that's correct.

9 Q. I believe you may have said the number of
10 people earlier today, but can you remind me?

11 A. In the field it's 250 to 300, and that
12 really depends on how many facilities. So to your
13 earlier question about pump stations, if we have 17,
14 you know, we would have additional personnel.

15 Q. So in your direct testimony here, you talk
16 about that they're going to be located in close
17 proximity to remote-operated facilities.

18 What do you mean by "close proximity"?

19 A. We try to hire folks that live in the area.
20 If we have a pump station in Clay County and want
21 somebody that lives in that area, even though they're
22 remotely operated and we don't need personnel on-site,
23 just from a damage prevention perspective and
24 maintenance perspective, we like to have people that
25 are in fairly close proximity.

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1 We don't want them driving six hours to get
2 from where their office or home is to the location.

3 Q. So is your target 15-minute drive,
4 30-minute drive? What's your target distance to have
5 them located close to those remote facilities?

6 A. It would be longer than that, but again, we
7 want people to -- we want them to access the entire
8 pipeline, so they're just not going to be at these
9 facilities.

10 So it won't be a 15- or 30-minute drive,
11 but we'd like to keep them within -- again, I'm
12 speculating -- let's say an hour from the location.

13 Q. Okay. Thank you.

14 I'm going to move on to page 12, line 3.
15 There's a couple of sentences there at the top of the
16 page.

17 It talks about the right-of-ways going to
18 be patrolled and visually inspected every two weeks.
19 How is that going to be done just practically?

20 A. Either in an airplane or a helicopter. I
21 mean, you can -- some people do it with drone now. In
22 those locations we won't because of the battery life,
23 et cetera, so it will be a manned aircraft.

24 Q. So it's not going to be a UTV going down
25 the line? It's going to be from a distance?

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1 A. No. We use small aircraft because they can
2 fly slower, so they'll be close enough where they can
3 visually see the right-of-way.

4 Q. About how far up is ideal to be able to
5 see?

6 A. I'm not a pilot, but I have seen them, and
7 you see crop dusters.

8 Q. They get pretty low?

9 A. Pretty similar, depending on the
10 obstructions, tree lines and power lines and all those
11 things.

12 They try not to fly so low that they're
13 disturbing cattle and other livestock and those kind
14 of things, but they want to see the pipeline or at
15 least the right-of-way. I mean, if it's in corn, it's
16 a little different.

17 Q. Will that be on a regular schedule?

18 A. PHMSA requires it, you know, twice a month.
19 So we typically do it on a rotation.

20 The same aircraft will just start from one
21 end and go to the other. We'll have more than one
22 aircraft, I'm sure, but they just continually -- it's
23 a rotation.

24 Q. If a landowner sees this aircraft, how will
25 they know it's you and not somebody else?

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1 A. Well, I don't know that they will, but they
2 should see the same aircraft. I mean, they should get
3 used to it. They may have more than one aircraft.
4 I'm not sure.

5 Hopefully they won't be alarmed by a small
6 Cessna or helicopter following the right-of-way route.
7 It should be very obvious what they're doing. They're
8 going from mile marker to mile marker, and there's
9 pipelines.

10 There's 40,000 miles of pipeline in this
11 state, so some of these landowners, I'm sure, are used
12 to it or would recognize it.

13 Q. Believe me, I get phone calls when there's
14 strange --

15 A. Do you?

16 Q. Yes, when there's strange aircraft. On
17 line 4 there it talks about aerial surveillance.
18 That's what you're talking about as well, is the
19 helicopter or the small aircraft?

20 A. It will probably be fixed-wing aircraft
21 because they're a little less -- to me, it's a less of
22 a disturbance than the helicopter. Helicopters are
23 louder.

24 MS. GRUENHAGEN: I think that's all I have.
25 Thank you.

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1 MR. DUBLINSKE: Mr. Jorde, I think we're to
2 you.

3 MR. JORDE: Okay. All right.

4 FURTHER EXAMINATION

5 BY MR. JORDE:

6 Q. Sir, we've talked before. The Summit Board
7 of directors, who is on that Board?

8 A. There is a representative from SK. There
9 are two representatives from Continental Resources.
10 There's a representative from Tiger Infrastructure.
11 There are, I believe, two representatives from TPG,
12 and two representatives from Summit Ag.

13 Q. And can you tell me the names of those
14 people?

15 A. I can tell you some of the names. So Tiger
16 Infrastructure, I believe it's Marc Blair. For TPG --
17 We can get you the names. It's Garth -- I'm not sure
18 of his name.

19 Continental Resources is Darrel Lamb and
20 Tom Lerum. Summit Ag is Bruce Rastetter and Justin
21 Kirchhoff. And SK, I'm not sure of the gentleman's
22 last name.

23 Q. You had talked that you started with Summit
24 officially on June 1, 2021, and that you started
25 putting a team together. Of the people currently in

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1 place at Summit, who of those individuals were persons
2 you selected?

3 A. I selected Eric Schovanec. I selected
4 J.C. Surber. I selected Dan Wood. I selected Dave
5 Smith.

6 Those are the initial team members I
7 selected.

8 Q. When you were doing your
9 back-of-the-envelope feasibility prior to accepting
10 the position at Summit, did you put together or
11 consider any type of budgetary factors at all? The
12 cost of this, kind of length, the litigation, those
13 kind of things?

14 Did you put that into your feasibility
15 analysis?

16 A. Well, I reviewed the cost estimate that was
17 performed by Wood at the time.

18 Q. And is it just construction costs-related
19 items? Did it cover legal? Did it cover PR?

20 Was it a pretty robust analysis of all the
21 costs associated with these major projects?

22 A. It was.

23 Q. And do you remember the cost estimate for
24 easement and land acquisition to site the pipeline
25 itself?

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1 A. I do.

2 Q. And what was that?

3 A. Just for land acquisition was about \$300

4 million.

5 Q. And how are you doing on that budget?

6 A. We've exceeded that budget.

7 Q. And is it true that the Inflation Reduction

8 Act increased the tax subsidies or tax credits

9 available on the 45Q side by approximately 65 percent?

10 A. I guess you've done the math. From \$50 to

11 \$85.

12 Q. So did you increase your land acquisition

13 costs, then, by 65 percent to stay in uniformity with

14 the increase of profits that some would make if this

15 was constructed?

16 A. No.

17 MR. DUBLINSKE: Objection. Calls for -- Go

18 ahead. That's fine.

19 A. No.

20 BY MR. JORDE:

21 Q. Was there a legal expense budget that would

22 have been put together?

23 A. Well, there was an indirect cost for

24 overhead estimate based on for the project team and

25 other costs such as legal, yes.

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1 Q. Well, what was the legal cost estimate?

2 A. I don't remember what specifically that
3 was.

4 Q. Did they break down the line item for
5 public relations and marketing?

6 A. I believe initially it probably did not
7 have that level of granularity. It was factored or
8 bundled into an overhead number.

9 Q. All right. And would that answer be
10 similar if I asked you about a lobbyist budget or kind
11 of political-related budget?

12 A. Well, there wasn't a specific lobbyist
13 budget, but there is a public relations and community
14 engagement budget.

15 Q. Okay. In the North Dakota sequestration
16 site -- Mr. Taylor asked you a few questions about
17 that, but I want to be clear -- did the current
18 contracts you have, the actually executed contracts
19 for the storage space accommodate the total volume at
20 max capacity if you were to transport 18 million
21 metric tons of carbon dioxide for a 12-year period?

22 A. If it was 18 million tons over a 12-year
23 period, it would be a fraction of the storage capacity
24 we have.

25 Q. Okay. So to be clear, the storage capacity

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1 in North Dakota that you have under contract, you
2 believe it is in excess of your -- if you ran the
3 proposed pipeline, the entire footprint at max
4 capacity for a 12-year period?

5 A. Yes.

6 Q. And did you contract additional storage
7 space because you are planning or discussed the
8 Phase 2, 3 or 4, et cetera, of the current footprint?

9 A. In part.

10 Q. All right. And if that's part of it, what
11 would the other consideration be to contracting in
12 excess of the max capacity your pipeline can produce
13 currently?

14 A. Well, you referenced 12 years. We
15 anticipate operating this pipeline more than 12 years.

16 Q. Okay. And I appreciate that.

17 We can agree right now that the tax
18 credits, which I think you may also agree, is really
19 what makes this type of a project viable. Can we
20 agree that currently those are slated to sunset in
21 12 years or expire in 12 years?

22 MR. DUBLINSKE: Objection to form.

23 You can answer.

24 A. I don't agree with your assumption that it
25 makes it viable, but they are -- I think currently the

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1 laws, they are sunseting after 12 years.

2 BY MR. JORDE:

3 Q. And then to my prior point about viability,
4 does any ethanol plant in Iowa that you're contracted
5 with pay you, meaning pay Summit to transport ethanol
6 [sic] -- pardon me. Transport CO2 generated by their
7 ethanol process?

8 MR. DUBLINSKE: Objection. It goes to the
9 terms of the offtake agreements. We have to have a
10 protective agreement.

11 BY MR. JORDE:

12 Q. Okay. Well, if your prior answer was that
13 you disagree that the tax credits make it viable, who,
14 if anyone else, is paying Summit to do anything that
15 would help return your cost of investment on this
16 project, other than the tax credits?

17 MR. DUBLINSKE: Same objection.

18 If you can answer generally, go ahead.

19 A. Generally there's more than one component
20 in the Inflation Reduction Act, and one of those is
21 45Z, which is a higher value.

22 BY MR. JORDE:

23 Q. Well, I appreciate that. Now, you probably
24 know more about it than I do, but the 45Z, based on at
25 least my reading, is that those tax credits are

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1 claimable basically related to the clean fuel
2 standard, which would be for the ethanol plants to
3 claim those type of credits. Is that incorrect? Do
4 you believe Summit has the ability to claim 45Z tax
5 credits?

6 A. I don't know that. Again, we're talking
7 about commercial arrangements. I just said there was
8 a 45Z that is enacted in the law.

9 Q. You were asked a few questions about the
10 EOR, enhanced oil recovery, and I believe your answer
11 was something to the extent that at this time those
12 plans aren't in place.

13 Is it true, sir, in the future you could
14 request the North Dakota PSE for a route from the
15 current sequestration area to the area where that EOR
16 could occur?

17 A. That is possible.

18 Q. Does Harold Hamm, one of your Board members
19 who either, I guess, personally or through kind of
20 resources has invested a quarter billion dollars in
21 your company, does he or via his company or other
22 entities have assets in the area in North Dakota where
23 EOR could utilize the CO2 from this project?

24 A. He does have production in North Dakota.
25 Whether or not he would benefit from an enhanced oil

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1 recovery or the utilization of enhanced oil recovery
2 techniques, I don't know.

3 Q. Is it true that you can locate a hazardous
4 pipeline through wetlands, but you prefer not to?

5 A. You can locate this pipeline or another
6 pipeline in wetlands.

7 Q. Is the preference not to do that a cost
8 consideration or regulatory consideration? How do you
9 analyze that?

10 A. Well, this pipeline will cross wetlands.

11 Q. And I understand that, and I appreciate
12 that. My question is: When you look at the choice of
13 either locating through wetland areas or not -- we
14 know you can do it -- I'm simply curious: What are
15 the considerations of why you determine it's necessary
16 to avoid such areas?

17 A. We haven't determined it as necessary to
18 avoid all wetland areas.

19 Q. Okay. Then is it simply your preference
20 not to go through wetland areas?

21 A. We are traversing wetland areas.

22 Q. All right. In the constructability
23 analysis, is the construction more expensive to locate
24 through wetland areas as opposed to non-wetland areas?

25 A. It depends on the makeup of the wetland

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1 area. Is it a waterway? Is it dry and periodically
2 has, you know, a wet area? It depends.

3 Q. Why not just locate your pipeline in the
4 ditch near the property boundaries as much as you
5 could to avoid going across the heart of people's
6 farms or operations?

7 A. I'm assuming that Mr. Schovanec explained
8 the rationale behind routing the pipeline on
9 properties whether they're an agricultural use or not.

10 Q. Do you have an answer, other than assuming
11 what he may have said?

12 A. No.

13 Q. I want to be clear I understand this
14 capacity piece. I believe you testified approximately
15 9.5 million metric tons is essentially contracted.
16 You have that contract volume presently, and then
17 there was a discussion about booster stations or
18 adding pump stations.

19 Was it your testimony that simply adding
20 pump stations would increase the volume, or do you
21 have to have more contracted CO2 to increase the
22 volume?

23 A. You would have to have more contracted CO2.
24 The plants -- I discussed with Mr. Whipple the plants
25 may expand their further construction, but that would

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1 not account for the full 18 million tons.

2 Q. You had mentioned a handful of the key
3 factors in route selection, and I believe you said
4 constructability costs and risks, and there was a
5 fourth main factor. Do you recall what that was?

6 A. Well, schedule was a factor.

7 Q. Schedule. Okay.

8 And the analysis on schedule, is that an
9 analysis of what the company would like to see as the
10 in-service date, or is that an analysis of the
11 regulatory hurdles? What goes into the schedule
12 analysis?

13 A. Well, I think that's -- I think they're
14 interconnected. You can't decouple those two.

15 Q. Okay. So all of those things -- the
16 company's goals and then the prediction or kind of
17 forecasting of the regulatory time frame -- those all
18 go into it?

19 A. In addition to the land use. So it's our
20 intent to only disturb one planting season in Iowa,
21 for instance.

22 So we want to start construction so that we
23 can start either before a farmer plants or if he
24 plants and doesn't get to harvest. So we don't want
25 to interrupt the next season's planting.

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1 Q. In order to achieve that goal, if this
2 project was approved, would that mean you would have
3 to have essentially multiple crews working at the same
4 time as opposed to constructing in a linear fashion?

5 A. Well, we will construct in a linear
6 fashion, but there will be multiple spreads that are
7 each structuring long segments of the project.

8 Q. You had stated that the pipeline can be
9 changed within the corridor, and I believe that you
10 said the corridor was referenced in your original
11 application.

12 How wide is that corridor?

13 A. That corridor was initially the land parcel
14 that the pipeline directly traversed and parcels on
15 either side. Those parcels were not always of equal
16 size.

17 Q. Okay. So if that's the definition, is it
18 true, then, that the corridor width, since we're
19 scaling it off the adjacent parcels and they can be
20 different sizes, that the width of the corridor
21 obviously fluctuates?

22 A. I think that's fair.

23 Q. And so would you agree to make route
24 modifications, if the landowner requested
25 modifications; a landowner that hasn't yet signed up

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1 with you?

2 A. We have done that many, many times and will
3 continue to work with landowners to try to accommodate
4 their needs, if practical.

5 Q. How can you be sure -- "you" being
6 Summit -- that 100 percent of the CO2 that you claim
7 you will sequester underground in North Dakota
8 actually is staying underground?

9 A. Because there's been studies performed by
10 the Energy and Environmental Resource Council, the
11 State of North Dakota, the Department of Energy that
12 had determined that the subsurface in North Dakota
13 will permanently accommodate the permanent storage and
14 sequestration of CO2.

15 And then we, in addition to that, have
16 drilled test wells, pulled core samples, had those
17 samples evaluated, had an analysis done on injecting
18 CO2 into the three potential storage areas in
19 North Dakota in the -- in the porous space under which
20 we've acquired.

21 Q. In addition to that research that you've
22 done, is there a monitoring system? What I'm thinking
23 is, you know, a seepage or leaking or, you know,
24 escaped CO2, CO2 escaping beyond the data you just
25 referenced. Is there some type of way to confirm with

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1 monitors or some of their technology that it's not
2 leaking?

3 MR. DUBLINSKE: Objection. Relevance.

4 You can answer.

5 A. There is.

6 BY MR. JORDE:

7 Q. And is that something Summit plans to
8 employ, that type of technology at the sequestration
9 site?

10 MR. DUBLINSKE: Same objection.

11 Go ahead.

12 A. We do.

13 BY MR. JORDE:

14 Q. You discussed that you picked -- "you"
15 being Summit -- 400 feet as an initial screening
16 distance from habitable structures. Did you say that
17 was actually from also barns or sheds or any
18 structures, or how did you define that?

19 A. From my recollection at the time, it was
20 any structure that could be inhabited. If it was a
21 shed that was not in -- did not look like it had good
22 integrity, the assumption was that would not be a
23 habitable structure.

24 Q. And the picking of the 400 feet, why not
25 500 feet? Why not 1,000 feet?

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1 Was there any method of coming up with the
2 400 number?

3 A. That's pretty standard practice in
4 cross-country pipelines, depending on where you are.
5 If you're in a tight corridor in Houston, Texas, it's
6 different, but in these types of areas that's pretty
7 standard practice for an initial screening distance.

8 Q. In the initial screening, is that the
9 process where you essentially determine if there is an
10 available route that also maintains the 400-foot
11 distance from the habitable structures?

12 A. I'm sorry. Could you repeat that?

13 Q. Yes. The initial screening, is that simply
14 to determine if a route of any kind is viable in the
15 area of your choosing but still maintains that
16 400-foot buffer or setback you said?

17 A. Yes, initially.

18 Q. You said that 71 percent of the
19 right-of-way has been acquired by Summit in Iowa. Is
20 that percentage on a per parcel or per landowner or
21 per foot or mile? How do you quantify that 71
22 percent?

23 A. That's on mileage per-mile basis or mileage
24 basis. The number of tracks in miles oscillate, but
25 they're always within 1 percent of one another.

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1 Occasionally it's tracts. In Iowa tracts
2 are typically higher because the parcels are smaller.
3 When you get into South Dakota and North Dakota, the
4 parcels are much larger so the mileage is typically a
5 large number of tracts or parcels.

6 Q. What's the current percentage in Nebraska?

7 A. Sixty-eight or 69 percent, if I remember
8 correctly.

9 Q. What about South Dakota?

10 A. Seventy percent.

11 Q. What about Minnesota?

12 A. Seventy-seven percent.

13 Q. Did I miss a state?

14 A. North Dakota is 76 percent.

15 Q. Okay. Thank you.

16 Okay. Although I believe you said that the
17 route is firm at this point -- I believe that was the
18 word you used -- would you agree that for landowners
19 that had signed up and you do have easement agreements
20 in place that you are able -- "you" being Summit -- to
21 modify and move the route within that landowner's
22 property that they've signed up?

23 A. I would agree that as long as there's not
24 an obstruction that we can't either construct through
25 or avoid that that is still -- there's still an

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1 opportunity.

2 Q. All right. Do you know why your company
3 dismissed all the survey injunction lawsuits against
4 my landowner clients?

5 MR. DUBLINSKE: Objection. Calls for legal
6 conclusion and invades privilege.

7 If you've got an answer, you can give it.

8 A. I don't.

9 MR. JORDE: All right. I'm going to
10 reserve the rest of my questions for the time of
11 hearing. Thank you, sir.

12 MR. DUBLINSKE: I don't have any questions.
13 I see Mr. Taylor wants to take another shot
14 here.

15 MR. TAYLOR: Yes. I wanted to clear up one
16 thing that you and Mr. Jorde were discussing.

17 FURTHER EXAMINATION

18 BY MR. TAYLOR:

19 Q. About the storage capacity of the
20 sequestration site in North Dakota, Mr. Jorde referred
21 to it as 18 million tons over 12 years. I think the
22 figure actually is 18 million tons per year over
23 12 years.

24 So given that clarification, is there still
25 enough pore space in North Dakota for that amount of

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1 CO2?

2 A. Eighteen million tons over 12 years is a
3 fraction of the available capacity we have to store
4 CO2.

5 Q. Eighteen million tons per year over 12
6 years?

7 A. Is a fraction.

8 Q. One other thing just for my own
9 edification. You mentioned the Energy and Environment
10 Resource Council. What is that?

11 A. It's center. I misspoke. It's Energy and
12 Environmental Resource Center, I believe.

13 It's a group that is in partnership with
14 University of North Dakota, and they have done all of
15 the subsurface evaluations analysis and modeling over
16 the last 10 or 15 years in conjunction with the State
17 of North Dakota to, one, help them obtain primacy, and
18 secondly, evaluate opportunities like this.

19 So there are two other Class 6 well permits
20 in North Dakota, and they're resolved in both of
21 those, ours being the third, I believe.

22 MR. TAYLOR: Okay. That's all I have.

23 MR. WHIPPLE: I'm done.

24 MR. OSTERGREN: Nothing else.

25 MS. GRUENHAGEN: I have one follow-up.

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1 A. That may be true.

2 Q. Okay. And then you believe you're at about
3 within a percent or so of 71 percent for the number of
4 parcels that are under easement as well?

5 A. Yes.

6 MS. GRUENHAGEN: Okay. So maybe a lot of
7 those that are going to be added are a lot of small
8 parcels because I guess what's in the docket currently
9 is a little bit lower than that.

10 Okay. All right. Well, thank you.

11 THE WITNESS: You're welcome.

12 MR. DUBLINSKE: That sounds like that's
13 all.

14 Before I cut off the broadcast there to
15 Mr. Jorde, let me just reiterate, my understanding is
16 that we next all get together on Friday, June 30th for
17 Mr. Pirolli at 1:30 in the afternoon.

18 MR. TAYLOR: Let me make a record for
19 Mr. Jorde because he wasn't part of the conversation.

20 Brian, this is Wally. I had indicated to
21 Bret that in reviewing the testimony, I didn't think I
22 at least needed to take the depositions of Mr. Schmidt
23 and Mr. McCowen.

24 Is that okay with you?

25 MR. JORDE: Yep, totally fine.

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1 MR. WHIPPLE: 9:00 on the 30th?

2 MR. DUBLINSKE: 1:30. My understanding is
3 Susan Frye & Associates' schedule worked better that
4 we did the afternoon instead of the morning. We
5 always try to accommodate the court reporter.

6 MR. JORDE: Okay. And despite there may be
7 animosity during the depositions, I do appreciate the
8 courtesy of setting up the Zoom remote participation
9 for me, and I'd appreciate it if you could do that the
10 30th as well.

11 MR. DUBLINSKE: Absolutely.

12 MR. JORDE: All right. Thank you.

13 MR. DUBLINSKE: All right.

14 MS. GRUENHAGEN: Thank you for letting us
15 have these in your office.

16 MR. DUBLINSKE: Happy to do that, and we
17 will stop the broadcast. Brian, I'm sure we'll talk
18 soon.

19 (Deposition concluded at 4:30 p.m.)

20

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**OFFICE OF CONSUMER ADVOCATE
DATA REQUEST**

DATE : June 13, 2023
DOCKET NO. : HLP-2021-0001
COMPANY : Summit Carbon Solutions, LLC
WITNESS :
SUBJECT : Proof of Solvency and Financial Ability
REFERENCE : SCS Exhibit D

DATA REQUEST 68: Please cite to record evidence demonstrating SCS' ability to pay damages beyond the \$250,000 bond amount. Please provide any additional evidence demonstrating that SCS will be able to pay any and all damages in Iowa that may be caused by operation of the line.

RESPONSE:

In addition to the bond contemplated by statute, SCS will procure and maintain "All Risk" Property insurance and Third Party Liability insurance consistent with best industry practice, as required by law, and in compliance with counterparty insurance requirements, including those of financing parties or contained in agreements with landowners. Coverages and limits will be determined as the project progresses through development, construction, and operations. SCS will also own attachable property other than the pipeline in Iowa (which Iowa law allows as a substitute for the bond) including real estate parcels owned in fee, and structures at pump station locations and other operations and maintenance facilities. Further, once operational, SCS will generate revenues to cover potential damages.



NOTE: In the event the response to this data request contains confidential information, do not simply mark the entire response or attached document(s) confidential. Please highlight, or otherwise identify, the specific information that is claimed to be confidential.