

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

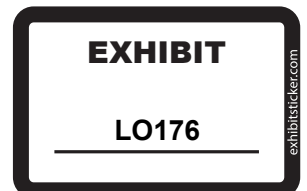
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| <p>IN THE MATTER OF THE APPLICATION<br/>BY SCS CARBON TRANSPORT LLC FOR<br/>A PERMIT TO CONSTRUCT A CARBON<br/>DIOXIDE TRANSMISSION PIPELINE</p> | <p style="text-align: center;">HLP22-001</p> <p style="text-align: center;"><b>SCS CARBON TRANSPORT LLC'S<br/>OBJECTIONS AND RESPONSES TO<br/>ROD AND JOY HOHN'S 1ST SET OF<br/>REQUESTS FOR PRODUCTION</b></p> |
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SCS Carbon Transport, LLC (“SCS” for short), by and through its attorneys of record and under ARSD 20:10:01:22.01 and SDCL §§ 15-6-26 and 15-6-34, responds to Landowners/Intervenors Rod and Joy Hohn’s First Set of Requests for Production dated April 21, 2023, in the above-captioned proceeding. These responses are made without waiving or intending to waive any objection as to relevance, privilege, or admissibility of any information provided in response to the Requests in any subsequent proceeding of this or any other action on any ground. By responding to the Requests, SCS is not admitting that any aspect of the Requests is factually accurate or relevant to this proceeding. SCS represents only that it will reasonably search for documents where it agrees to do so. By stating that no documents exist, SCS represents only that it has reasonably searched for documents. SCS designates its responses as “Confidential” under the Protective Order in this proceeding.

**GLOBAL OBJECTIONS**

The following Global Objections apply to each of the Interrogatories—even if not separately restated below in response to a particular Interrogatory.

Under SDCL § 15-6-26(b)(1), discovery must be “relevant to the subject matter involved in the pending action” and “reasonably calculated to lead to the discovery of admissible evidence.” Additionally, the discovery sought may not be “unreasonably cumulative or duplicative” or



“unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy[,] limitations on the party’s resources, and the importance of the issues at stake in the litigation.” SDCL § 15-6-26(b)(1)(A)(i), (iii). The Requests are unduly burdensome and disproportionate to the needs of this proceeding because they seek irrelevant information.

SCS objects inasmuch as the Requests seek documents relating to anything other than SCS’s pipeline facilities in South Dakota. Only SCS’s South Dakota pipeline facilities are covered by its permit application in this proceeding.

SCS objects inasmuch as the Requests seek information protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS objects inasmuch as the Requests seek information or documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS objects inasmuch as the Requests seek information or documents that are not within SCS’s possession, custody, or control.

## **OBJECTIONS AND RESPONSES TO INTERROGATORIES**

### **REQUEST NO. 1:**

*Produce a true and accurate copy of all documents and data and correspondence all [sic] of any kind referenced by you or relied upon by you to answer any Request for Production of Documents, any Interrogatory, and any Request for Admission served upon you by any party to these proceedings and identify which documents correspond to which response.*

### **RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in requesting, for example, “all documents and data and correspondence [] of any kind referenced by you or relied upon by you.” This Request seeks documents and information in a scope and amount that are disproportionate to the needs of this proceeding.

SCS also objects because this Request is an attempt to improperly extend the scope of what is discoverable through interrogatories and requests for admission. SCS has appropriately responded to each of the Interrogatories and Requests for Admission as permitted and required by the Administrative Rules and the South Dakota Rules of Civil Procedure. No additional information or documents are required.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 2:**

*Produce a true and accurate copy of all documents and data and correspondence all [sic] of any kind that you have previously produced to any other party to these proceedings in response to any discovery request or otherwise.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Requests as vague, ambiguous, overbroad, and unduly burdensome.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 3:**

*Produce a true and accurate copy of all documents and data and correspondence of any kind that you have sent to or received from any politician, or their staffer or employee or agent, of any kind that has held office previously in South Dakota or currently holds office in South Dakota.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The documents sought in this Request are not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request as overbroad and unduly burdensome because it is not limited to SCS's pipeline project or the impacted counties specifically.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking "all documents and data and correspondence of any kind" that SCS has "sent to or received from any politician, or their staffer or employee or agent, of any kind that has held office previously in South Dakota or currently holds office in south Dakota." This Request seeks documents and information in a scope and amount that are disproportionate to the needs of this proceeding.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 4:**

*Produce a true and accurate copy of all documents and data and correspondence all [sic] of any kind sent to or received from any South Dakota based ethanol plant or carbon dioxide emitter you have any agreement with for the alleged capture of carbon dioxide from January 1, 2020 to present date.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. Such documents, data, and correspondence are not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking "all documents and data and correspondence [] of any kind."

SCS also objects to this Request because it seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 5:**

*If not already included in your production response to Request No. 4 above, produce a true and accurate copy of all documents and data and correspondence all of any kind sent to or received from any South Dakota based ethanol plant or carbon dioxide emitter for the alleged capture of carbon dioxide from January 1, 2020 to present date.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it duplicates Request No. 4, which SCS has already addressed.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. Such documents, data, and correspondence are not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking "all documents and data and correspondence [] of any kind."

SCS also objects to this Request because it seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 6:**

*If not already included in your production to any other Request in this discovery set, produce a true and accurate copy of any contract, letter of intent, memorandum of understanding, and agreements of any kind presently in place between you or any affiliated entity or person that in any way relate to the capture of carbon dioxide with or for any Ethanol plant or any other carbon dioxide emitter located in South Dakota that you intend to do business with for CO2 capture.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The documents sought in this Request are not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking the production of "any contract, letter of intent, memorandum of understanding, and agreements of any kind . . . that in any way relate to the capture of carbon dioxide with or for any Ethanol plant or any other carbon dioxide emitter."

SCs also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking documents related to SCS "or any affiliated entity or person."

SCS also objects to this Request because it seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this case.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 7:**

*If you claim there is any demand by carbon dioxide emitters located in South Dakota for your proposed hazardous carbon dioxide pipeline then produce any and all documents and data that you believe proves this claim.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking the production of “any and all documents and data.” This Request seeks documents and information in a scope and amount that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 8:**

*Produce any and all correspondence and data and documents of any kind received by you or any of your agents, employees or contractors that would tend to prove each and every of the ethanol*



*plants or other emitter you propose to capture carbon dioxide from demanded such services from you.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking the production of “any and all correspondence and data and documents of any kind.” This Request seeks documents and information in a scope and amount that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it uses improper grammar, rendering it unintelligible such that SCS is unable to ascertain the type or scope of documents sought.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 9:**

*Please produce any and all data and documents of any kind proving that any of the ethanol plants or emitters located in South Dakota that you propose to capture carbon dioxide from are not presently competitive in the ethanol industry.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking the production of “any and all data and documents of any kind.” This Request seeks documents and information in a scope and amount that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 10:**

*Produce true and accurate copies of (1) balance sheets; (2) income statements; (3) cash flow statements; and (4) statements of shareholders’ equity and (5) annual statements for each and*

*every of the ethanol plants or any other carbon dioxide emitter you claim you would capture carbon dioxide for should your hazardous pipeline be approved.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. Financial and ownership information about any such facilities is not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it seeks information and documents belonging to third parties that SCS does not have access to. To the extent SCS may have access to such information and documents, SCS objects because this Request seeks the disclosure of proprietary or confidential business information or information that is subject to trade-secret protections or for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 11:**

*Produce true and accurate electronic copies of each and every publicly available dataset that you claim to have used in your routing analysis.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking the production of "each and every" dataset.

SCS also objects to this Request because, as the Request admits, such datasets are publicly available; requesting SCS to produce them is unnecessary and unduly burdensome.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 12:**

*Produce true and accurate electronic copies of each and every purchased dataset that you claim to have used in your routing analysis.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCs also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking the production of “each and every” dataset.

SCS also objects because this Request seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 13:**

*For each and all additional datasets collected related to your route analysis and/or selections, produce an electronic copy of each.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking the production of “each and all additional datasets.”

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 14:**

*Produce true and accurate copies of any document or data describing each and every parcel of land currently impacted or crossed by your proposed hazardous pipeline route in South Dakota that has a high-risk feature or similar anywhere located upon that parcel of land. Include the address, tax ID, parcel ID, hazardous pipeline tract number, and basic legal description of each such parcel.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it seeks documents relating to properties that are not owned by the requesting Landowners/Intervenors.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in requesting for “any document or data describing each and every parcel of land.” This Request seeks documents and information in a scope and amount that are disproportionate to the needs of this case.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 15:**

*Produce color electronic versions [of] any aerial maps that show your desired location of your proposed hazardous carbon dioxide pipeline and all easements or leases or property rights you desire from all landowners who are party to these proceedings.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it seeks documents relating to properties that are not owned by the requesting Landowners/Intervenors.

SCS also objects to this Request because it calls for the creation of materials or documents rather than the production of existing documents.

SCS reserves the right to amend or supplement its objections and responses to this Request.

Subject to and without waiving objections, SCS has filed aerial maps in the docket.

**REQUEST NO. 16:**

*Produce color electronic versions any aerial maps that show your desired location of your proposed hazardous carbon dioxide pipeline and all easements or leases or property rights you desire from all landowners who are not party to these proceedings and who have not executed an easement agreement with you.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it seeks documents relating to properties that are not owned by the requesting Landowners/Intervenors.

SCS also objects to this Request because it calls for the creation of materials or documents rather than the production of existing documents.

SCS reserves the right to amend or supplement its objections and responses to this Request.

Subject to and without waiving objections, SCS has filed aerial maps in the docket.

**REQUEST NO. 17:**

*Produce every easement agreement and lease agreement and similar agreements related to any land or real property of any kind located in South Dakota.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of this proceeding in seeking the production of “every” agreement “related to any land or real property of any kind located in South Dakota.”

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 18:**

*Produce all correspondence sent to or received from any alleged South Dakota state agencies you claimed to have coordinated with or that you have communicated with in any way related to your desires to route or potential construction of a hazardous carbon dioxide pipeline in South Dakota.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is unduly burdensome in seeking many documents that, if they exist, are available under South Dakota's Sunshine Law.

SCs also objects to this Request because it is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of this proceeding in seeking the production of "all correspondence" that is "in any way related to" SCS's pipeline.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 19:**

*Produce a list of landowner name and parcel address, tax ID, parcel ID, hazardous pipeline tract number, and basic legal description for any parcel of land in the state of South Dakota where you intend to locate your hazardous pipeline but where you have not yet conducted all the surveys or examinations you deem necessary.*

**RESPONSE:**

SCS incorporates by reference its Global Objections. SCS further objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production



of admissible evidence. Documents relating to property that SCS may still need to survey are not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it seeks documents and information in a scope and amount that are unduly burdensome and disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks documents relating to properties that are not owned by the requesting Landowners/Intervenors.

SCS also objects to this Request because it calls for the creation of materials or documents rather than the production of existing documents.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 20:**

*Produce a list of landowner name and parcel address, tax ID, parcel ID, project number and basic legal description for any parcel of land in the state of South Dakota where you intend to locate your hazardous pipeline where air reconnaissance of any kind occurred at your direction or by you.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. Documents relating to property over which air reconnaissance occurred are not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it seeks documents and information in a scope and amount that are unduly burdensome and disproportionate to the needs of this proceeding.

SCS also objects to this Request because it calls for the creation of materials or documents rather than the production of existing documents.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 21:**

*Produce a list of the names and principal places of business of each and every entity or person of any kind that owns any interest in **SCS Carbon Transport LLC**.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The nature and identity of ownership interests in SCS are not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the proceeding in establishing its scope as "each and every entity or person of any kind that owns any interest."

SCS also objects to this Request because it calls for the creation of materials or documents rather than the production of existing documents.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

Subject to and without waiving these objections, see the attached **Exhibit A**.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 22:**

*Produce all documents related to the creation of SCS Carbon Transport LLC.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The documents sought by this Request are not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the proceeding in seeking "all documents" related to "the creation" of SCS.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 23:**

*Produce the articles of organization or incorporation or similar and all amendments as well as all operating agreements and all amendments related to and of SCS Carbon Transport LLC.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The documents sought by this

Request are not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the proceeding in seeking "all operating agreements and all amendments."

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 24:**

*Produce all meeting minutes and resolutions of SCS Carbon Transport LLC.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. SCS's meeting minutes and resolutions are not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the proceeding in seeking "all meeting minutes and resolutions."

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that

contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 25:**

*If you claim that any carbon dioxide you capture will be safely stored underground, then produce electronic maps and other documents and data that that you believe proves this claim.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The sequestration of CO<sub>2</sub> is not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding. Only SCS's South Dakota pipeline facilities are covered by its permit application in this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 26:**

*Produce any tangible items or data or documents, including ESI, of any kind provided by you to your expert, or provided by your expert to you, or referenced or relied upon by your expert, whether a named expert or simply a consulting expert including reports and draft reports, and correspondence and all documents or data.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in requesting, for example, “any tangible items or data or documents” provided by SCS or SCS’s expert. This Request seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS also objects to this Request insofar as it seeks information beyond the scope of expert discovery allowed by the Administrative Rules and the South Dakota Rules of Civil Procedure including but not limited to SDCL § 15-6-26(b)(4). The Request, for example, seeks draft reports and reports relied upon by non-testifying consulting experts, which are not discoverable.

Subject to and without waiving its objections, SCS states that it will make appropriate and timely expert witness disclosures consistent with the schedule in this proceeding.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 27:**

*Please produce the professional resume of the expert and your engagement agreement for his or her services in this case.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS also objects to this Request insofar as it seeks information beyond the scope of expert discovery allowed by the Administrative Rules and South Dakota Rules of Civil Procedure including but not limited to SDCL § 15-6-26(b)(4). The Request, for example, seeks documents for individuals whom SCS consulted with as potential experts but whom SCS does not expect to call as experts, which are not discoverable.

Subject to and without waiving its objections, SCS states that it will make appropriate and timely expert witness disclosures consistent with the schedule in this proceeding.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 28:**

*Any and all experts' reports which have been prepared in connection with this lawsuit or incident giving rise to this lawsuit, if the expert is expected to or may testify in this case as an expert including all preliminary drafts, modifications and amendments thereto. This request includes email and other communications summarizing opinions.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS objects to this Request because it refers to documents “prepared in connection with this lawsuit or incident giving rise to this lawsuit.” This proceeding is not a lawsuit; it is a permitting proceeding before the South Dakota Public Utilities Commission.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in requesting, for example, “all preliminary drafts, modifications and amendments.”

This Request seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS also objects to this Request insofar as it seeks information beyond the scope of expert discovery allowed by the Administrative Rules and the South Dakota Rules of Civil Procedure including but not limited to SDCL § 15-6-26(b)(4). The Request, for example, seeks preliminary drafts of expert reports and communications between the attorney and any retained expert witness, which are not discoverable.

Subject to and without waiving its objections, SCS states that it will make appropriate and timely expert witness disclosures consistent with the schedule in this proceeding.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 29:**

*Any and all experts' reports which have been prepared in connection with this lawsuit or incident giving rise to this lawsuit, if the expert is expected to or may testify in this case as an expert including all preliminary drafts, modifications and amendments thereto. This request includes email or other communications summarizing opinions.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it duplicates Request No. 28, which SCS has already addressed.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.



SCS objects to this Request because it refers to documents “prepared in connection with this lawsuit or incident giving rise to this lawsuit.” This proceeding is not a lawsuit; it is a permitting proceeding before the South Dakota Public Utilities Commission.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in requesting, for example, “all preliminary drafts, modifications and amendments.” This Request seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS also objects to this Request insofar as it seeks information beyond the scope of expert discovery allowed by the Administrative Rules and the South Dakota Rules of Civil Procedure including but not limited to SDCL § 15-6-26(b)(4). The Request, for example, seeks preliminary drafts of expert reports and communications between the attorney and any retained expert witness, which are not discoverable.

Subject to and without waiving its objections, SCS states that it will make appropriate and timely expert witness disclosures consistent with the schedule in this proceeding.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 30:**

*Any and all work papers, notes, and documents of any expert witness who may testify, or of any expert or potential expert who may or has written a report which may or who will be relied upon in anyway by a testifying expert. Please include all correspondence between you or your counsel or any member or agent of your counsel or his/her law firm and the expert(s).*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in requesting, for example, “[a]ny and all work papers, notes, and documents” and “all correspondence.” This Request seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS also objects to this Request insofar as it seeks information beyond the scope of expert discovery allowed by the Administrative Rules and the South Dakota Rules of Civil Procedure including but not limited to SDCL § 15-6-26(b)(4). The Request, for example, seeks draft expert reports, which are not discoverable.

Subject to and without waiving its objections, SCS states that it will make appropriate and timely expert witness disclosures consistent with the schedule in this proceeding.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 31:**

*Any treatises or authoritative literature which any expert intends to rely on his/her testimony in this case.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome. This Request seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS also objects to this Request insofar as it seeks information beyond the scope of expert discovery allowed by the Administrative Rules and the South Dakota Rules of Civil Procedure including but not limited to SDCL § 15-6-26(b)(4).

Subject to and without waiving its objections, SCS states that it will make appropriate and timely expert witness disclosures consistent with the schedule in this proceeding.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 32:**

*A curriculum vitae or resume for each individual whom you consulted as a potential expert, have hired as a potential expert, or whom you may call as an expert witness at trial or at any hearing on the merits of the claims in this lawsuit.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS also objects to this Request because it is duplicative of Request for Production #27, which SCS has already addressed.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS objects to this Request because it refers to expert witnesses “in this lawsuit.” This proceeding is not a lawsuit; it is a permitting proceeding before the South Dakota Public Utilities Commission.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in requesting “for each individual whom you consulted as a potential expert.” This Request seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS also objects to this Request insofar as it seeks information beyond the scope of expert discovery allowed by the Administrative Rules and the South Dakota Rules of Civil Procedure including but not limited to SDCL § 15-6-26(b)(4). The Request, for example, seeks documents for individuals whom SCS consulted with as potential experts but whom SCS does not expect to call as experts, which are not discoverable.

Subject to and without waiving its objections, SCS states that it will make appropriate and timely expert witness disclosures consistent with the schedule in this proceeding.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 33:**

*Any and all billings/invoices/time charges for the services of any expert witness(es) in this matter.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome through its use of “any” and “all” in describing the documents and scope of information sought. This Request seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS also objects to this Request insofar as it seeks information beyond the scope of expert discovery allowed by the Administrative Rules and the South Dakota Rules of Civil Procedure including but not limited to SDCL § 15-6-26(b)(4).

Subject to and without waiving its objections, SCS states that it will make appropriate and timely expert witness disclosures consistent with the schedule in this proceeding.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 34:**

*Any and all agreements as to the fees and costs of any expert witness(es) in this case.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome through its use of “any” in describing the documents and scope of information sought.

This Request seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS also objects to this Request insofar as it seeks information beyond the scope of expert discovery allowed by the Administrative Rules and the South Dakota Rules of Civil Procedure including but not limited to SDCL § 15-6-26(b)(4).

Subject to and without waiving its objections, SCS states that it will make appropriate and timely expert witness disclosures consistent with the schedule in this proceeding.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 35:**

*Any and all correspondence or other writings, e-mails, faxes or other communications your expert witness(es) received or sent concerning this matter.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS also objects to this Request because it is duplicative of Request for Production 26, which SCS has already addressed.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in requesting “[a]ny and all correspondence” that was received or sent by an expert witness. This Request seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS also objects to this Request insofar as it seeks information beyond the scope of expert discovery allowed by the Administrative Rules and the South Dakota Rules of Civil Procedure including but not limited to SDCL § 15-6-26(b)(4). The Request, for example, seeks communications between SCS's counsel and an expert witness, which are not discoverable.

Subject to and without waiving its objections, SCS states that it will make appropriate and timely expert witness disclosures consistent with the schedule in this proceeding.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 36:**

*Any and all records, publications, films, data, and/or other materials and documents and tangible items your expert witness(es) used or in any way relied upon in the formation of his or her opinions or report in this matter.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in requesting “[a]ny and all records, publications, films, data, and/or other materials.” This Request seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS also objects to this Request insofar as it seeks information beyond the scope of expert discovery allowed by the Administrative Rules and the South Dakota Rules of Civil Procedure including but not limited to SDCL § 15-6-26(b)(4).

Subject to and without waiving its objections, SCS states that it will make appropriate and timely expert witness disclosures consistent with the schedule in this proceeding.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 37:**

*Any and all records, publications, films, data, and/or other materials and documents and tangible items you may admit into evidence at the trial of this matter.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks documents relating to “the trial of this matter.” This proceeding is not a lawsuit; it is a permitting proceeding before the South Dakota Public Utilities Commission.

SCS also objects to this Request insofar as it seeks the disclosure of any documents or information that SCS may use for rebuttal or impeachment purposes.

Subject to and without waiving its objections, SCS states that it has not yet determined which exhibits it will seek to introduce at the final hearing in this proceeding and will supplement this response as appropriate under the Administrative Rules, the South Dakota Rules of Civil Procedure, and the Commission’s scheduling orders in this proceeding.

SCS reserves the right to amend or supplement its objections and responses to this Request.



**REQUEST NO. 38:**

*Any and all records, publications, films, and/or other materials and documents and tangible items you may use in the examination and/or cross examination of witnesses at trial or hearing on the merits of these lawsuits.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS also objects to this Request inasmuch as it is duplicative of Request No. 37, which SCS has already addressed.

SCS objects to this Request because it seeks documents relating to the “trial or hearing on the merits of these lawsuits.” This proceeding is not a lawsuit; it is a permitting proceeding before the South Dakota Public Utilities Commission.

SCS also objects to this Request insofar as it seeks the disclosure of any documents or information that SCS may use for rebuttal or impeachment purposes.

Subject to and without waiving its objections, SCS states that it has not yet determined which exhibits it will seek to introduce at the final hearing in this proceeding and will supplement this response as appropriate under the Administrative Rules, the South Dakota Rules of Civil Procedure, and the Commission’s scheduling orders in this proceeding.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 39:**

*Any and all documents, photographs, or any other physical evidence which may be used or offered by you as an exhibit at trial or hearing on the merits of these lawsuits.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it is duplicative of Request No. 37, which SCS has already addressed.

SCS objects to this Request because it seeks documents relating to the “trial or hearing on the merits of these lawsuits.” This proceeding is not a lawsuit; it is a permitting proceeding before the South Dakota Public Utilities Commission.

SCS also objects to this Request insofar as it seeks the disclosure of any documents or information that SCS may use for rebuttal or impeachment purposes.

Subject to and without waiving its objections, SCS states that it has not yet determined which exhibits it will seek to introduce at the final hearing in this proceeding and will supplement this response as appropriate under the Administrative Rules, the South Dakota Rules of Civil Procedure, and the Commission’s scheduling orders in this proceeding.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 40:**

*Any and all documents and data which you believe support any denial or partial denial as contained in your Pleadings in this lawsuit. For each such denial or partial denial identify the documents or data corresponding to that specific response.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because there are no “[p]leadings in this lawsuit.” This proceeding is not a lawsuit with pleadings; it is a permitting proceeding before the South Dakota Public Utilities Commission.

**REQUEST NO. 41:**

*Any and all documents and data which you believe support any denial or partial denial as drafted by you and contained in any of your responses to Requests for Admissions served on you. For each*

*such denial or partial denial identify the documents or data corresponding to that specific response.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS incorporates by references its objections and response to Landowners/Intervenors' 1st Set of Requests for Admission.

SCS objects to this request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking the production of “[a]ny and all documents and data” that SCS “believe[s]” supports any of its denials or partial denials of any Request for Admission.

SCS objects to this Request because it overly burdensome, disproportionate to the needs of this proceeding, and an improper discovery device. *See, e.g., Lakehead Pipe Line Co. v. Am. Home Assurance Co.*, 177 F.R.D. 454, 458 (D. Minn. 1997) (“[T]he Defendants take issue with the Plaintiffs’ refusal to provide the factual bases for a number of their denials, either as part of the denials themselves, or in answers to accompanying Interrogatories. We have, however, found nothing improper in the Plaintiffs’ Responses to those Requests. Requests for Admission are not a discovery device.”); *Phila. Gear Corp. v. Techniweld, Inc.*, 1992 U.S. Dist. LEXIS 6555, at \*7 (E.D. Pa. May 4, 1992) (denying motion to compel responses to interrogatories that were “a repetitive and overly burdensome attempt to force defendant to answer its requests for admissions”); *Michael v. Wes Banco Bank, Inc.*, 2006 U.S. Dist. LEXIS 40585, at \*7 (N.D. W. Va. June 15, 2006) (Seibert, M.J.) (discussing substantially similar language of Federal Rule 36(a) and stating that “parties may properly respond to a request for admission with a denial. No further [response] is warranted. The Federal Rules of Civil Procedure do not require parties to explain a denial.” (cleaned up)).

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 42:**

*Produce a copy of any Corporate Tree or organizational chart or similar document that shows the relationships between you and any parent entity and any affiliated entity and any sister entity and any subsidiary entity and an affiliated entity and any holding company entity or any other entity in any way related to you. The versions requested are all versions starting as of January 1, 2019, to present time.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The relationship between SCS and any parent, affiliated, sister, subsidiary, or other related entity is not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it seeks discovery about entities that are not parties to this proceeding.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome.

SCS also objects to the time frame of this Request—"January 1, 2019, to present time." Even if such a corporate tree or organizational chart was discoverable (it is not), there is no basis for discovery of versions of such documents spanning almost three years.

SCS objects to this Request as vague and overbroad in seeking discovery about entities "in any way related to" SCS.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that

contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request insofar as it would require SCS to create or provide documents not maintained in the ordinary course of its business.

SCS reserves the right to amend or supplement its responses and objections to this Request.

**REQUEST NO. 43:**

*Produce a Corporate organizational chart or tree showing the relationships between you and any affiliated or related entities, parent or sibling entities, and any entity with any ownership in you.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects because this Request seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The relationship between SCS and any other related entity is not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking discovery about "any affiliated or related entities, parent or sibling entities, and any entity with any ownership in" SCS.

SCS also objects to this Request because it seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it is unreasonably cumulative and duplicative of Request No. 42, which SCS has already addressed.

SCS also objects to this Request because it seeks discovery about entities that are not parties to this proceeding.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request insofar as it would require SCS to create or provide documents not maintained in the ordinary course of its business.

SCS reserves the right to amend or supplement its responses and objections to this Request

**REQUEST NO. 44:**

*Produce a true and accurate copy of any contract, agreement, understanding, letter of intent, or memorandum of understanding, or document of any kind presently in existence between you or any affiliated entity or person that in any way relate to the capture, sequestration, containment, or transportation of carbon dioxide emitted by or from any Ethanol plant or any other kind of carbon producing facility located in South Dakota. This should include but not be limited to “offtake” agreements.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request inasmuch as it duplicates Request No. 6, which SCS has already addressed.

SCS also objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The documents sought in this Request are not relevant to SCS’s burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request inasmuch as it seeks documents relating to anything other than SCS's pipeline facilities in South Dakota. Only SCS's South Dakota pipeline facilities are covered by its permit application in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking the production of "any contract, agreement, understanding, letter of intent, or memorandum of understanding, or document of any kind . . . that in any way relate to the capture, sequestration, containment, or transportation of carbon dioxide emitted by or from any Ethanol plant or any other kind of carbon producing facility."

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking documents related to SCS "or any affiliated entity or person."

SCS also objects to this Request because it seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 45:**

*Produce a true and accurate copy of any contract, agreement, understanding, letter of intent, or memorandum of understanding, or document of any kind presently in existence between you or any affiliated entity or person that in any way relate to the capture, sequestration, containment, or transportation of carbon dioxide emitted by or from any Ethanol plant or any other kind of carbon*

*producing facility located in North Dakota. This should include but not be limited to “offtake” agreements.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request inasmuch as it duplicates Request No. 6, which SCS has already addressed.

SCS also objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The documents sought in this Request are not relevant to SCS’s burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request inasmuch as it seeks documents relating to anything other than SCS’s pipeline facilities in South Dakota. Only SCS’s South Dakota pipeline facilities are covered by its permit application in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking the production of “any contract, agreement, understanding, letter of intent, or memorandum of understanding, or document of any kind . . . that in any way relate to the capture, sequestration, containment, or transportation of carbon dioxide emitted by or from any Ethanol plant or any other kind of carbon producing facility.”

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking documents related to SCS “or any affiliated entity or person.”

SCS also objects to this Request because it seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that



contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 46:**

*Produce a true and accurate copy of any contract, agreement, understanding, letter of intent, or memorandum of understanding, or document of any kind presently in existence between you or any affiliated entity or person that in any way relate to the capture, sequestration, containment, or transportation of carbon dioxide emitted by or from any Ethanol plant or any other kind of carbon producing facility located in Minnesota. This should include but not be limited to “offtake” agreements.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request inasmuch as it duplicates Request No. 6, which SCS has already addressed.

SCS also objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The documents sought in this Request are not relevant to SCS’s burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request inasmuch as it seeks documents relating to anything other than SCS’s pipeline facilities in South Dakota. Only SCS’s South Dakota pipeline facilities are covered by its permit application in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking the production of “any contract, agreement, understanding, letter of intent,

or memorandum of understanding, or document of any kind . . . that in any way relate to the capture, sequestration, containment, or transportation of carbon dioxide emitted by or from any Ethanol plant or any other kind of carbon producing facility.”

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking documents related to SCS “or any affiliated entity or person.”

SCS also objects to this Request because it seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 47:**

*Produce a true and accurate copy of any contract, agreement, understanding, letter of intent, or memorandum of understanding, or document of any kind presently in existence between you or any affiliated entity or person that in any way relate to the capture, sequestration, containment, or transportation of carbon dioxide emitted by or from any Ethanol plant or any other kind of carbon producing facility located in Nebraska. This should include but not be limited to “offtake” agreements. Note this also includes any such agreements, contracts, or understandings between you and any of the entities listed in Request for Production #37 and any other affiliated entities not mentioned there.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request inasmuch as it duplicates Request No. 6, which SCS has already addressed.

SCS also objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The documents sought in this Request are not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request inasmuch as it seeks documents relating to anything other than SCS's pipeline facilities in South Dakota. Only SCS's South Dakota pipeline facilities are covered by its permit application in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking the production of "any contract, agreement, understanding, letter of intent, or memorandum of understanding, or document of any kind . . . that in any way relate to the capture, sequestration, containment, or transportation of carbon dioxide emitted by or from any Ethanol plant or any other kind of carbon producing facility."

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking documents related to SCS "or any affiliated entity or person."

SCS also objects to this Request because it seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 48:**

*Produce a true and accurate copy of any contract, agreement, understanding, letter of intent, or memorandum of understanding, or document of any kind presently in existence between you or any affiliated entity or person that in any way relate to the capture, sequestration, containment, or transportation of carbon dioxide emitted by or from any Ethanol plant or any other kind of carbon producing facility located in Iowa. This should include but not be limited to “offtake” agreements.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request inasmuch as it duplicates Request No. 6, which SCS has already addressed.

SCS also objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The documents sought in this Request are not relevant to SCS’s burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request inasmuch as it seeks documents relating to anything other than SCS’s pipeline facilities in South Dakota. Only SCS’s South Dakota pipeline facilities are covered by its permit application in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking the production of “any contract, agreement, understanding, letter of intent, or memorandum of understanding, or document of any kind . . . that in any way relate to the

capture, sequestration, containment, or transportation of carbon dioxide emitted by or from any Ethanol plant or any other kind of carbon producing facility.”

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking documents related to SCS “or any affiliated entity or person.”

SCS also objects to this Request because it seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 49:**

*Produce a true and accurate copy of any contract, agreement, understanding, letter of intent, or memorandum of understanding, or document of any kind presently in existence between you or any affiliated entity or person that in any way relate to the capture, sequestration, containment, transportation, or storage of carbon dioxide to or at any location or facility located in Illinois. This should include but not be limited to pour space or storage agreements.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request inasmuch as it duplicates Request No. 6, which SCS has already addressed.

SCS also objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The documents sought in this Request are not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request inasmuch as it seeks documents relating to anything other than SCS's pipeline facilities in South Dakota. Only SCS's South Dakota pipeline facilities are covered by its permit application in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking the production of "any contract, agreement, understanding, letter of intent, or memorandum of understanding, or document of any kind . . . that in any way relate to the capture, sequestration, containment, or transportation of carbon dioxide emitted by or from any Ethanol plant or any other kind of carbon producing facility."

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking documents related to SCS "or any affiliated entity or person."

SCS also objects to this Request because it seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 50:**

*Produce a true and accurate copy of any contract, agreement, understanding, letter of intent, or memorandum of understanding, or document of any kind presently in existence between all of the following entities and one another in any way related to the capture, sequestration, transportation, and storage of Carbon Dioxide between you and any related person or entity.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request inasmuch as it duplicates Request No. 6, which SCS has already addressed.

SCS also objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The documents sought in this Request are not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it is unintelligible. It seeks documents "between all of the following entities and one another" but provides no list of entities.

SCS also objects to this Request because it uses improper grammar, rendering it unintelligible such that SCS is unable to ascertain the type or scope of documents sought.

SCS also objects to this Request because it seeks discovery about entities that are not parties to this proceeding.

SCS also objects to this Request inasmuch as it seeks documents relating to anything other than SCS's pipeline facilities in South Dakota. Only SCS's South Dakota pipeline facilities are covered by its permit application in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking the production of "any contract, agreement, understanding, letter of intent,

or memorandum of understanding, or document of any kind” that are “related to the capture, sequestration, transportation, and storage of Carbon Dioxide between [SCS] and any related person or entity.”

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking documents related to SCS “and any related person or entity.”

SCS also objects to this Request because it seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 51:**

*Produce a true and accurate copy of any document of any kind that specifically describes the details of your business plan.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.



SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking “any document of any kind” that “specifically describes the details of [SCS’s] business plan.”

SCS also objects to this Request because it seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 52:**

*Produce a true and accurate copy of any document of any kind that specifically describes the details of your business model.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it duplicates Request No. 51, which SCS has already addressed.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking “any document of any kind” that “specifically describes the details of [SCS’s] business model.”

SCS also objects to this Request because it seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 53:**

*Produce a true and accurate copy of any document of any kind that specifically describes at each stage who owns the Carbon Dioxide you intend to capture, transport, sequester and store.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. Ownership information of CO<sub>2</sub> is not relevant to SCS’s burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking “any document of any kind” about the owners of CO<sub>2</sub> “at each stage.”

SCS also objects to this Request because it seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 54:**

*Produce a true and accurate copy of any document of any kind that specifically describes at each stage who pays who [sic] for the Carbon Dioxide you intend to capture, transport, sequester and store.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. Such financial information about CO<sub>2</sub> is not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking "any document of any kind" that "specifically describes who pays who[m]" for the CO<sub>2</sub>.

SCS also objects to this Request because it seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 55:**

*Produce a true and accurate copy of any document of any kind that specifically describes how revenue is generated in exchange for the capturing, sequestering, storing, and transporting Carbon Dioxide in your business model.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking “any document of any kind” that “specifically describes how revenue is generated . . . in [SCS’s] business model.”

SCS also objects to this Request because it seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 56:**

*Produce a true and accurate copy of any and all correspondence and communications between you and any of your agents and employees and any agent or employee of any Carbon Dioxide emitter, such as Ethanol Plants. This includes any and all correspondence between your lawyers to and from any such entity or its agents and or employees.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. Such communications are not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking "any and all correspondence and communications" between SCS, its agents, or employees and "any agent or employee of any Carbon Dioxide emitter."

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that

contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law. Specifically, SCS objects because this Request seeks correspondence involving SCS's legal counsel.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 57:**

*Produce a true and accurate copy of any and all documents that specifically describe who owns the Carbon Dioxide capture equipment, who owns, [sic] the pipeline and all its appurtenances, and who owns the storage space in Illinois where the Carbon Dioxide intended to be transported in your pipeline is supposed to be permanently stored.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS also objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. For example, information about the ownership of capture equipment, pipeline and facilities outside South Dakota, and storage space are not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding. Only SCS's South Dakota pipeline facilities are covered by its permit application in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking "any and all documents" describing the ownership of "Carbon Dioxide capture equipment, . . . the pipeline and all its appurtenances, and . . . the storage space in North Dakota."

SCS also objects to this Request because it seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS also objects to this Request because it is unnecessarily duplicative; SCS has already provided sufficient information about the ownership of its pipeline in response to Landowners/Intervenors' Interrogatory No. 21.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 58:**

*Produce a true and accurate copy of any prospectus, private placement memorandum, proformas or similar that in any way describe your business model or business plan or that were used to solicit any interest or investment in you.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. Documents used to solicit

investments are not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking discovery about "any prospectus, private placement memorandum, proformas or similar [documents]" that describe SCS's business model "in any way."

SCS also objects to this Request because it seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 59:**

*Produce a true and accurate copy of any Insurance Polic(ies) held by you or any of your related entities that may in any way provide coverage for any damages to person or property that could occur by your desired surveys or examinations onto Landowners' land.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. Insurance policy information relating



to SCS's surveys and examinations is not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking discovery about "any Insurance Polic(ies) held by [SCS] or any of [SCS's] affiliated entities."

SCS also objects to this Request because it seeks documents and information in a scope, amount, and format that are disproportionate to the needs of this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 60:**

*For all the landowners that you failed to, per South Dakota law, timely send proper written notice to, produce true and accurate copies of the exact notice you did ultimately send to those landowners, if any.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of this proceeding.

SCS also objects to this Request because it is improperly argumentative and conclusory.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 61:**

*Produce an electronic list of all landowners including their mailing addresses that own land or real property upon which you desire to locate your proposed hazardous carbon dioxide pipeline.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of this proceeding.

SCS also objects to this Request because it calls for the creation of materials or documents rather than the production of existing documents.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that

contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 62:**

*Produce an electronic list of all landowners including their mailing addresses that own land or real property within one half mile of any land upon which you desire to locate your proposed hazardous carbon dioxide pipeline.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of this proceeding.

SCS also objects to this Request because it calls for the creation of materials or documents rather than the production of existing documents.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 63:**

*Produce an electronic list of all landowners including their mailing addresses that own land or real property within two miles of any land upon which you desire to locate your proposed hazardous carbon dioxide pipeline.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of this proceeding.

SCS also objects to this Request because it calls for the creation of materials or documents rather than the production of existing documents.

SCS also objects to this Request because it is not limited to SCS's pipeline in South Dakota. Only SCS's South Dakota pipeline facilities are covered by its permit application in this proceeding.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 64:**

*Produce an electronic list of all landowners of parcels of South Dakota land upon which you still desire a survey or examination of any kind.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The specifics of SCS's surveys and examinations requests are not relevant to SCS's burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of this proceeding.

SCS also objects to this Request because it calls for the creation of materials or documents rather than the production of existing documents.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 65:**

*Produce a copy of any and all correspondence you or anyone working on your behalf or at your direction has sent to each of the Intervenors in these PUC proceedings, including but not limited your alleged 30-day notice survey letter(s).*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. “[A]ny and all correspondence” sent to “each of the Intervenors” in this proceeding is not relevant to SCS’s burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding. For example, this Request specifically seeks SCS’s “alleged 30-day notice survey letter(s).” The specifics of SCS’s surveys and examinations are not relevant to SCS’s burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of this proceeding.

SCS also objects to this Request because it calls for the creation of materials or documents rather than the production of existing documents.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 66:**

*Produce documentation that explains your process for evaluating and paying damage claims submitted by landowners related to any damage or injury you or your agents or employees or contractors may cause.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, unduly burdensome in seeking documents “related to any damage or injury” that SCS or its representatives “may cause.”

SCS also objects to this Request because it calls for the creation of materials or documents rather than the production of existing documents.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 67:**

*Produce an organizational chart showing all the executives and managers and their names who work for or are employed by SCA [sic] Carbon Transport LLC.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. An organizational chart is not relevant to SCS’s burden of proof under SDCL § 49-41B-22 or any other material issue in this proceeding.

SCS also objects to this Request because it is vague, ambiguous, overbroad, unduly burdensome in seeking an organization chart relating to “all the executives and managers . . . who work for or are employed by” SCS.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 68:**

*Produce all documentation, data, and correspondence or [sic] any kind sent by you or your employees or agents or related third parties to or received from each entity on this “Governing Bodies” list you produced and filed with the PUC: GoverningBodies.pdf (sd.gov)*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence.

SCS also objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking “all documentation, data, and correspondence [of] any kind.” This Request seeks documents and information in a scope and amount that are disproportionate to the needs of this proceeding.



SCS also objects to this Request because it refers to a “list you produced and filed” but does not identify, attach, or provide that list.

SCS reserves the right to amend or supplement its objections and responses to this Request.

Subject to and without waiving the objection, SCS did not produce and file a “Governing Bodies” list with the PUC.

**REQUEST NO. 69:**

*Produce your Exhibit B - Phase 1 Confidential (not available to the public) as filed with the PUC and any updates or amendments.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 70:**

*Produce any and all plume studies of any kind or similar [sic] related to forecasting or predicting or analyzing a potential rupture or failure of your proposed hazardous carbon dioxide pipeline.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The documents sought in this Request are not relevant to SCS’s burden of proof under SDCL § 49-41B-22 or any other material issue in

this proceeding. Safety aspects of SCS's pipeline are regulation by the federal government, not the South Dakota Public Utilities Commission.

SCS objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking "any and all plume studies of any kind or similar [documents]."

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS reserves the right to amend or supplement its objections and responses to this Request.

**REQUEST NO. 71:**

*Produce any and all risk mitigation related studies or data in your possession or that have been contracted by you or any of your agents employees or related parties or that you rely on in any way to make risk related decisions and statements about your desired project at issue in this Docket.*

**RESPONSE:**

SCS incorporates by reference its Global Objections.

SCS objects to this Request because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. Safety aspects of SCS's pipeline are regulation by the federal government, not the South Dakota Public Utilities Commission

SCS objects to this Request because it is vague, ambiguous, overbroad, and unduly burdensome in seeking "any and all risk mitigation related studies or data."

SCS also objects to this Request because it seeks information and documents that contain proprietary or confidential business information or are subject to trade-secret protections or that contain information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS also objects to this Request inasmuch as it seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS reserves the right to amend or supplement its objections and responses to this Request.

Dated this \_\_\_, day of May, 2023.

\_\_\_\_\_  
James Powell

IN WITNESS WHEREOF I hereunto set my hand and official seal this \_\_\_\_\_ day of May, 2023.

(Seal)

\_\_\_\_\_  
Notary Public – South Dakota  
Notary Print Name:  
My Commission Expires:

AS TO OBJECTIONS

Counsel signs these answers as to the foregoing stated objections, as required by the South Dakota Rules of Civil Procedure.

Dated this 5th day of May, 2023.

**MAY, ADAM, GERDES & THOMPSON LLP**

BY: /s/ Brett Koenecke

BRETT KOENECKE

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Attorneys for SCS Carbon Transport, LLC

**CERTIFICATE OF SERVICE**

Cody L. Honeywell of May, Adam, Gerdes & Thompson LLP hereby certifies that on the 5th day May, 2023, he did serve, through electronic mail, a true and correct copy of the foregoing to the following at their last known address, to-wit:

Ryan Cwach

[ryan@birmcwachlaw.com](mailto:ryan@birmcwachlaw.com)

Brian E. Jorde

[bjorde@dominalaw.com](mailto:bjorde@dominalaw.com)

/s/ Cody L.Honeywell

CODY L. HONEYWELL

**EXHIBIT A**

*to SCS Carbon Transport LLC's Objections and Responses to  
Rod and Joy Hohn's 1st Set of Requests for Production*

1. SCS Carbon Transport LLC is wholly owned by Summit Carbon Project Holdco LLC. Summit Carbon Project Holdco LLC's principal place of business is in Ames, Iowa.