
From: Cody Honeywell
Sent: Thursday, May 18, 2023 2:55 PM
To: BJorde@dominalaw.com; ryan@birmcwachlaw.com
Cc: Brett Koenecke <brett@mayadam.net>
Subject: RE: SCS PUC Docket HP22-001

See attached for signed copies.

Thank you,

Cody Honeywell



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From: Cody Honeywell
Sent: Friday, May 5, 2023 4:37 PM
To: BJorde@dominalaw.com; ryan@birmcwachlaw.com
Cc: Brett Koenecke <brett@mayadam.net>
Subject: SCS PUC Docket HP22-001

Ryan and Brian,

Please see the attached responses from SCS to Rod and Joy Hohn's requests. As you will see, these copies do not have Mr. Powell's wet signature as of yet, but we will get you signed copies as soon as possible.

Thank you,

Cody Honeywell



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

IN THE MATTER OF THE APPLICATION BY SCS CARBON TRANSPORT LLC FOR A PERMIT TO CONSTRUCT A CARBON DIOXIDE TRANSMISSION PIPELINE	HLP22-001 SCS CARBON TRANSPORT LLC’S OBJECTIONS AND RESPONSES TO ROD AND JOY HOHN’S 1ST SET OF INTERROGATORIES
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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 15-6-33, responds to Landowners/Intervenors Rod and Joy Hohn’s First Set of Interrogatories 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 Interrogatories in any subsequent proceeding of this or any other action on any ground. A partial answer to any Interrogatory that has been objected to, in whole or in part, is not intended to be a waiver of the objection. By responding to the Interrogatories, SCS is not admitting that any aspect of the Interrogatories is factually accurate or relevant to this proceeding. 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 Interrogatories are unduly burdensome and disproportionate to the needs of this proceeding because they seek irrelevant information.

SCS objects inasmuch as the Interrogatories seek information 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 Interrogatories 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 Interrogatories seek information that contains proprietary or confidential business information or is subject to trade-secret protections or that contains 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 Interrogatories seek information that is not within SCS's possession, custody, or control.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

For each such ethanol plant or other facility emitting carbon dioxide located within South Dakota that you desire to attempt to capture and then transport in your proposed hazardous pipeline, identify the names and addresses of each such plant or facility with whom you presently have an executed contract or executed agreement or letter of intent or similar and identify the persons with the most knowledge about the contents of those agreements per plant and facility.

RESPONSE:

SCS incorporates by reference its Global Objections.

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

SCS also objects to this Interrogatory because it seeks information that contains proprietary or confidential business information or is subject to trade-secret protections or that contains 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 its objections, SCS responds as follows:

SCS's affiliates have entered into definitive agreements or letters of intent for the transportation of carbon dioxide (CO₂) by SCS from the following facilities in South Dakota:

Plant	Location
Dakota Ethanol LLC	Wentworth, SD
Glacial Lakes Energy LLC (Aberdeen)	Aberdeen, SD
Glacial Lakes Energy LLC (Huron)	Huron, SD
Glacial Lakes Energy LLC (Mina)	Mina, SD
Glacial Lakes Energy LLC (Wtown)	Watertown, SD
Redfield Energy LLC	Redfield, SD
Ringneck Energy & Feed LLC	Onida, SD
Gevo, Inc.	Lake Preston, SD

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

INTERROGATORY NO. 2:

If you claim that any carbon dioxide you capture will be safely stored underground explain the science and geology that forms the basis of such claim.

RESPONSE:

SCS incorporates by reference its Global Objections.

SCS objects to this Interrogatory because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The sequestration of CO₂ 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 Interrogatory because it seeks information that contains proprietary or confidential business information or is subject to trade-secret protections or that contains 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 Interrogatory.

Subject to and without waiving objections, SCS would reference the North Dakota Industrial Commission's frequently asked questions page for Class VI Wells and the Geologic Storage of carbon dioxide, found here:

<https://www.dmr.nd.gov/oilgas/undergroundfaq.asp#:~:text=Wells%20must%20be%20c onstructed%20in%20a%20manner%20that,or%20suspend%20the%20well%20permit%2 0at%20any%20time>

INTERROGATORY NO. 3:

If you claim demand for your proposed hazardous pipeline comes from existing ethanol plants in South Dakota who need to obtain competitive access to low carbon fuel markets then describe specifically how the any such ethanol plants or other facilities in South Dakota that you propose to capture carbon dioxide from will access such low carbon fuel markets and specifically describe how the ethanol produced by any of these ethanol plants will be delivered to any alleged low carbon fuel markets.

RESPONSE:

SCS incorporates by reference its Global Objections.

SCS objects to this Interrogatory because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. Ethanol plants' access to

low carbon fuel markets 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 Interrogatory because it seeks information that contains proprietary or confidential business information or is subject to trade-secret protections or that contains 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 Interrogatory.

Subject to and without waiving its objections, SCS responds as follows:

Low Carbon Fuel Markets have been established by laws and regulations in Canada (the largest export market for U.S. ethanol), and the U.S. states of California, Oregon, and Washington. Ethanol plants in South Dakota consistently access these markets by shipping ethanol in rail cars. The 4 markets mentioned above are accessible directly or via interchange on Class I carriers such as the Burlington Northern Santa Fe and Canadian Pacific railroads, as well as short line rail carriers. Ethanol is loaded into railcars at the ethanol plants and shipped to fuel terminals in the respective destination markets. The ethanol is unloaded from the railcars and held in storage tanks. The ethanol is ultimately blended with gasoline to meet specific standards, and loaded into trucks for distribution to fuel retailers.

INTERROGATORY NO. 4:

If in response to Requests For Production served on you by me, you claim that you do not have such annual statements, profit and loss statements, balance sheets, and assets and liability information for any one or more of the ethanol plants or other South Dakota facilities in question or if you object to producing those on any other basis, then explain specifically how you can make

the claim related to those ethanol plants being unable to remain competitive unless your hazardous pipeline is approved by the South Dakota PUC.

RESPONSE:

SCS incorporates by reference its Global Objections.

SCS objects to this Interrogatory 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 Interrogatory because it seeks information belonging to third parties that SCS does not have access to. To the extent SCS may have access to such information, SCS objects because this Interrogatory 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 Interrogatory.

Subject to and without waiving objections, Low Carbon Fuel Standards (LCFS) cap the emissions associated with transportation fuels, thereby incentivizing the use of low-CI fuel products. LCFS markets are competitive, as renewable fuel producers with the lowest CI scores achieve premiums, while products with higher CI scores are not able to gain access. As focus on carbon intensity reduction increases, biorefineries such as ethanol plants make investments to reduce their CI scores through projects such as energy efficiency and carbon capture. The CI for South Dakota ethanol plants contracted to transport their CO₂ on the Summit Carbon Solutions pipeline system currently ranges from 60 -70 g CO₂e / MJ. Energy efficiency and renewable

projects such as installing solar panels or wind turbines can reduce the CI of ethanol by approximately 3-5 points. If the same ethanol plant captures CO2 before it's emitted into the atmosphere and transports the commodity via pipeline for permanent storage and sequestration (CCS), the CI reduction is approximately 25-30 points (a 50% reduction). Although carbon intensity reduction is an "all of the above" strategy, CCS is critical to ensuring a sustainable competitive edge in LCFS markets.

Passage of the Inflation Reduction Act (IRA) has further incentivized ethanol producers to implement a CCS strategy. Every ethanol production facility in the Country is evaluating their CCS options, as are many other CO2 emitters. If South Dakota ethanol plants are unable to capture, transport, and permanently store CO2, they will be displaced by ethanol from plants in surrounding states that have lower CI scores. The best opportunity to reduce their CI scores and increase the value of their product is through a partnership with Summit Carbon Solutions. CO2 transportation infrastructure is critical to achieving environmental, economic, and sustainable development goals now and into the future.

INTERROGATORY NO. 5:

Identify the persons involved in searching for information responsive to these Interrogatories and describe the search efforts made. Include in this description the identities of persons involved, contacted, and the sources inspected for responsive information. Consider this to apply to not only this Set of Interrogatories but all future sets as well.

RESPONSE:

SCS incorporates by reference its Global Objections.

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

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

SCS also objects to this Interrogatory because it seeks information protected by the attorney-client privilege and the attorney work-product doctrine.

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

INTERROGATORY NO. 6:

Specifically describe and list each and every application, permit, variance, approval or similar of any kind that you desire or need from any South Dakota entity whether governmental or private, to locate, construct, and operate your proposed hazardous carbon dioxide pipeline in the state of South Dakota.

RESPONSE:

SCS incorporates by reference its Global Objections.

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

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

Subject to and without waiving its objections, SCS responds as follows:

SCS refers Landowners/Intervenors to pages 6–9 of the supplemental application filed on October 13, 2022 which list federal and state permits that may be required for the construction and operation of the SCS’s pipeline facilities in South Dakota.

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

INTERROGATORY NO. 7:

Specifically describe and list each and every application, permit, variance, approval or similar of any kind that you desire or need from any governmental or private entity other than those related

to or located within South Dakota, to locate, construct, and operate your proposed hazardous carbon dioxide pipeline in the state of South Dakota.

RESPONSE:

SCS incorporates by reference its Global Objections.

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

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

Subject to and without waiving its objections, SCS responds as follows:

SCS refers Landowners/Intervenors to pages 6–9 of the supplemental application filed on October 13, 2022, which list federal and state permits that may be required for the construction and operation of the SCS’s pipeline facilities in South Dakota.

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

INTERROGATORY NO. 8:

Provide the names of any companies corporations entities and persons of any kind that you have relied upon contracted with and or employed to assist you with any surveys of any kind and any examinations of any property of any kind in the state of South Dakota and for each such survey or examination conducted specifically list those persons or entities that participated in each specific survey or examination and include a description of the property and parcel where such examination or survey allegedly occurred including but not limited to the parcels address, parcel ID, tax ID, hazardous pipeline tract number, and basic legal description.

RESPONSE:

SCS incorporates by reference its Global Objections.

SCS objects to this Interrogatory because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The identity of every property surveyed by SCS and the identity of SCS’s contractors and employees relating to those

surveys 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 Interrogatory because it is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of this proceeding.

Subject to and without waiving its objections, SCS responds as follows:

SCS has contracted with the following companies to perform surveys and examinations on properties in South Dakota:

- Perennial Environmental Services, LLC
 - Address: 13100 Northwest Freeway, Suite 150, Houston, TX 77040
 - Phone: (713) 462-7121
- TRC
 - Address: 800 S. Seventh Ave., Sioux Falls, SD 57104
 - Phone: (903) 316-9012
- Terracon
 - 11555 Clay Rd., Suite 100, Houston, TX 77043
 - Phone: (713) 690-8989

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

INTERROGATORY NO. 9:

You claim that Summit Carbon “will pay for any and all damages to property and/or crops resulting from said surveys” in relation to surveys you desire upon and in the land of South Dakotans. Please explain each item of evidence of proof of damage or loss that you require before you would compensate landowners for such damage or loss.

RESPONSE:

SCS incorporates by reference its Global Objections.

SCS objects to this Interrogatory because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The specifics of how SCS would calculate or substantiate compensation for damages 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 Interrogatory because it seeks information protected by the attorney-client privilege and the attorney work-product doctrine.

SCS also objects to this Interrogatory because it is vague, ambiguous, overbroad, and unduly burdensome in requesting an explanation of “each item of evidence.”

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

INTERROGATORY NO. 10:

Describe your understanding of the type and amount of annual South Dakota state subsidies of any kind provided to South Dakota based Ethanol Plants that you intend to capture carbon dioxide from.

RESPONSE:

SCS incorporates by reference its Global Objections.

SCS objects to this Interrogatory because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. State subsidies to ethanol plants 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 Interrogatory because it seeks information protected by the attorney-client privilege and the attorney work-product doctrine.

SCS also objects to this Interrogatory because it is unduly burdensome in seeking information that is publicly available.

SCS also objects to this Interrogatory because it seeks information belonging to third parties that SCS does not have access to. To the extent SCS may have access to such information, SCS objects because this Interrogatory 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 Interrogatory.

INTERROGATORY NO. 11:

Describe your understanding of the type and amount of annual Federal subsidies of any kind provided to South Dakota based Ethanol Plants that you intend to capture carbon dioxide from.

RESPONSE:

SCS incorporates by reference its Global Objections.

SCS objects to this Interrogatory because it seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. Federal subsidies to ethanol plants 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 Interrogatory because it seeks information protected by the attorney-client privilege and the attorney work-product doctrine.

SCS also objects to this Interrogatory because it is unduly burdensome in seeking information that is publicly available.

SCS also objects to this Interrogatory because it seeks information belonging to third parties that SCS does not have access to. To the extent SCS may have access to such information, SCS objects because this Interrogatory 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 Interrogatory.

INTERROGATORY NO. 12:

For any Request for Admission served on you that you answer in any way other than an unqualified admission, state here the facts and reasons why you deny or partially deny any such Request for Admission. For each such explanation list the Request for Admission you are referring to.

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 Interrogatory because it is 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 Interrogatory.

INTERROGATORY NO. 13:

Specifically describe the details of your business model.

RESPONSE:

SCS incorporates by reference its Global Objections.

SCS objects because this Interrogatory seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The details of SCS's business model 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 because this Interrogatory is vague, ambiguous, overbroad, and unduly burdensome in seeking discovery about "the details of [SCS's] business model."

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

SCS also objects because this Interrogatory seeks 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 also objects inasmuch as this Interrogatory 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.

Subject to and without waiving its objections, SCS responds as follows:

SCS is developing and will own, operate, and manage an interstate pipeline within South Dakota for the transportation of CO₂. SCS's pipeline will receive, transport, and deliver CO₂ through a network of more than 2,000 miles of underground pipelines across five states: South Dakota, North Dakota, Iowa, Minnesota, and Nebraska. SCS's pipeline will travel through 18 counties in South Dakota: Beadle, Brown, Clark, Codington, Edmunds, Hamlin, Hand, Hyde, Kingsbury, Lake, Lincoln, McCook, McPherson, Miner, Minnehaha, Spink, Sully, and Turner.

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

INTERROGATORY NO. 14:

Specifically describe at each stage in your business model who owns the Carbon Dioxide you intend to capture, transport, sequester, and store.

RESPONSE:

SCS incorporates by reference its Global Objections.

SCS objects because this Interrogatory seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. Ownership information of CO₂ "at each stage in [SCS's] business model" 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 because this Interrogatory is vague, ambiguous, overbroad, and unduly burdensome in seeking discovery about the owners of CO₂ "at each stage in [SCS's] business model."

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

SCS also objects because this Interrogatory seeks 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 also objects inasmuch as this Interrogatory 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 Interrogatory.

INTERROGATORY NO. 15:

Specifically describe at each stage in your business model 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 because this Interrogatory seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. Financial information about CO₂ “at each stage in [SCS’s] business model” 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 because this Interrogatory is vague, ambiguous, overbroad, and unduly burdensome in seeking discovery about “who pays who[m]” for the CO₂ “at each stage in [SCS’s] business model.”

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

SCS also objects because this Interrogatory seeks 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 also objects inasmuch as this Interrogatory 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 Interrogatory.

INTERROGATORY NO. 16:

Specifically describe at each stage in your business model 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 Interrogatory because it duplicates Interrogatory No. 15, which SCS has already addressed.

SCS also objects because this Interrogatory seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. Financial information about CO₂ “at each stage in [SCS’s] business model” 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 because this Interrogatory is vague, ambiguous, overbroad, and unduly burdensome in seeking discovery about “who pays who[m]” for the CO₂ “at each stage in [SCS’s] business model.”

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

SCS also objects because this Interrogatory seeks 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 also objects inasmuch as this Interrogatory 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 Interrogatory.

INTERROGATORY NO. 17:

Specifically describe the details of [sic] specifically describes how any item or category of revenue is generated in your business model in exchange for any alleged activity you intend to engage in and not limited to just the capturing, transporting, sequestering, storing of Carbon Dioxide.

RESPONSE:

SCS incorporates by reference its Global Objections.

SCS objects because this Interrogatory seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The details about revenue generation in SCS's business model 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 because this Interrogatory is vague, ambiguous, overbroad, and unduly burdensome in seeking discovery about "how any item or category of revenue is generated in [SCS's] business model." This Interrogatory is also overbroad because it is "not limited to just the capturing, transporting, sequestering, storing of Carbon Dioxide" and seeks discovery about SCS's business practices unrelated to this proceeding.

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

SCS also objects because this Interrogatory seeks 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 also objects inasmuch as this Interrogatory 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 Interrogatory.

INTERROGATORY NO. 18:

List the names, employers and contact information for any person at or associated with any Ethanol Plant or other Carbon Dioxide emitter who is the signer or signatory on any document that you or your associated entities have with any such Ethanol Plant or other Carbon Dioxide emitter.

RESPONSE:

SCS incorporates by reference its Global Objections.

SCS objects because this Interrogatory seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The contact information and identities of such persons 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 because this Interrogatory is vague, ambiguous, overbroad, and unduly burdensome in seeking discovery about the contact information for "any person at or associated

with any Ethanol Plant or other Carbon Dioxide emitter who is the signer or signatory on any document” SCS or its affiliated entities has.

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

SCS also objects to this Interrogatory inasmuch as it is unreasonably cumulative and duplicative of Interrogatory No. 1.

SCS also objects because this Interrogatory seeks 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 also objects inasmuch as this Interrogatory 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 Interrogatory.

INTERROGATORY NO. 19:

Specifically describe the relationship, business connection, and purpose of each and every related company or entity or person to or owner of SCS CARBON TRANSPORT LLC.

RESPONSE:

SCS incorporates by reference its Global Objections.

SCS objects because this Interrogatory seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The relationship, business connection, and purpose of every single entity and person related to 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 because this Interrogatory is vague, ambiguous, overbroad, and unduly burdensome in seeking discovery about the “relationship, business connection, and purpose” of “each and every related company or entity or person to or owner of” SCS.

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

SCS also objects because this Interrogatory seeks 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 also objects inasmuch as this Interrogatory 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 Interrogatory.

INTERROGATORY NO. 20:

List by name or description and describe the types or kinds of agreements or letters of intent or contracts of any kind you currently have in place or are presently negotiating with any Ethanol Plant or other Carbon Dioxide emitter that are you may be in any way associated with your proposed hazardous Carbon Dioxide pipeline, list by name or description and describe the types or kinds of agreements or letters of intent or contracts of any kind you currently have in place with any of your associated companies, including by not limited to all your internal or intra-company agreements that in any way relate to your proposed hazardous Carbon Dioxide pipeline.

RESPONSE:

SCS incorporates by reference its Global Objections.

SCS objects because this Interrogatory seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. The details of agreements with CO₂

emitters and affiliated entities 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 because this Interrogatory is vague, ambiguous, overbroad, and unduly burdensome in seeking discovery about "agreements or letters of intent or contracts of any kind" that SCS has or is negotiating with "any Ethanol Plant or other Carbon Dioxide emitter" that SCS is "in any way associated with."

SCS also objects because this Interrogatory is vague, ambiguous, overbroad, and unduly burdensome in seeking discovery about "agreements or letters of intent or contracts of any kind" that SCS has with "any of [SCS's] associated companies."

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

SCS also objects because this Interrogatory seeks 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 also objects inasmuch as this Interrogatory 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 Interrogatory.

INTERROGATORY NO. 21:

For each State you propose to conduct any business activity related to your proposed hazardous Carbon Dioxide pipeline, specifically describe who owns the Carbon Dioxide capture equipment, who owns the pipeline and all its appurtenances, and who owns the storage space in Illinois where

the Carbon Dioxide intended to be transported in your hazardous pipeline is supposed to be permanently stored.

RESPONSE:

SCS incorporates by reference its Global Objections.

SCS objects because this Interrogatory seeks irrelevant information and is not reasonably calculated to result in the production of admissible evidence. Specific details about the ownership of CO₂ capture equipment, pipeline, 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.

SCS also objects because this Interrogatory is vague, ambiguous, overbroad, and unduly burdensome in seeking discovery about the ownership of "Carbon Dioxide capture equipment," "the pipeline and all its appurtenances," and "the storage space in Illinois."

SCS objects because this Interrogatory is overbroad in that it seeks discovery about "each State [that SCS] propose[s] to conduct any business activity related to [SCS's] proposed hazardous Carbon Dioxide pipeline."

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

SCS also objects because this Interrogatory seeks 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 also objects inasmuch as this Interrogatory 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.

Subject to and without waiving its objections, SCS responds as follows:

Neither SCS nor its affiliates intend to sequester CO₂ in Illinois.

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

INTERROGATORY NO. 22:

List the name, employer, and drafter or author of any prospectus, private placement memorandum, proformas or similar that have been used by you or any of your affiliated entities including by not limited to solicit investment in in part or stage of your proposed hazardous Carbon Dioxide pipeline business.

RESPONSE:

SCS incorporates by reference its Global Objections.

SCS objects because this Interrogatory 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 because this Interrogatory is vague, ambiguous, overbroad, and unduly burdensome in seeking discovery about "any prospectus, private placement memorandum, proformas or similar documents" used by SCS or its "affiliated entities" to solicit investments.

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

SCS also objects because this Interrogatory seeks 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 also objects inasmuch as this Interrogatory 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 also objects because this Interrogatory seeks discovery about entities that are not parties to this proceeding and are not relevant to any of the issues in this proceeding.

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

INTERROGATORY NO. 23:

Please describe the actions and/or efforts that you have taken to locate and identify any electronically stored information (“ESI”) regarding or that is responsive to any of Landowners’ Interrogatories or Requests for Production of Documents to you including the name and employment position of each person (i.e., custodian) whose hard drive, computers, or other electronic device you searched for such ESI, the search terms you used to attempt to locate any such ESI, and each electronic storage area (e.g., email systems, networks, servers, and terminals) that you searched for such ESI.

RESPONSE:

SCS incorporates by reference its Global Objections.

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

SCS also objects because this Interrogatory is vague, ambiguous, overbroad, and unduly burdensome in seeking descriptions of all actions and efforts SCS has taken to “locate and identify any electronically stored information (‘ESI’) regarding or that is responsive to any of Landowners’ Interrogatories or Requests for Production of Documents.”

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

SCS also objects inasmuch as this Interrogatory 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 also objects to this Interrogatory as improper because Landowners/Intervenors have not set forth any reason to suggest that SCS has not met its obligation to preserve and produce relevant documents and information in this proceeding.

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

INTERROGATORY NO. 24:

Please describe any Insurance Polic(ies) held by you or any of your affiliated entities that in any way may provide liability coverage for any damages to person or property that could occur by your desired surveys or examinations onto Landowners' land.

RESPONSES:

SCS incorporates by reference its Global Objections.

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

SCS also objects because this Interrogatory seeks 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 also objects inasmuch as this Interrogatory 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 Interrogatory.

Subject to and without waiving its objections, SCS responds as follows:

SCS has obtained a \$5 million performance bond for the payment of any actual damage done to landowners' property by SCS's surveys and examinations in South Dakota.

In addition, Summit carries Commercial General Liability insurance of \$1,000,000 per Occurrence, \$2,000,000 in general aggregate. The commercial general liability policy is a standard insurance policy issued to business organizations to protect them against liability claims for bodily injury and property damage arising out of premises, operations, products, and completed operations; and advertising and personal injury liability. Summit also carries \$1,000,000 in coverage on commercial automobile liability, which would cover damage to property and bodily injury caused by an automobile. The commercial general liability and the commercial automobile liability policy are provided by the insurance company Chubb.

In addition, Summit carries \$10,000,000 of commercial excess and umbrella insurance, provided by the insurance company Chubb. Written over various primary liability policies, including the automobile liability, and commercial general liability coverage. The policy serves

the purpose of providing excess limits when the limits of underlying liability policies are exhausted by the payment of claims.

INTERROGATORY NO. 25:

Identify, including name and current address, of each person you may or expect to call as an expert witness and with respect to each such expert witness, disclose all information discoverable by written interrogatory as set in the South Dakota Discovery Rules, and:

(a) The expert's qualifications to serve as an expert witness in this matter including credentials, resume or CV of the witness;

(b) A statement of all opinion(s) the witness does and will express and the basis and the reasons for each of them including all theories, grounds, and analysis. Please supply sufficient information to fully answer this question and to permit decision about whether a deposition is required;

(c) The facts and data, including any assumptions or presumptions considered or used by each expert witness in forming each opinion, including a description and identification of any documents whether physical or electronic or any exhibit or evidence of any kind that the witness was provided, or reviewed, or will be used as a part of the basis of any opinion formed including publications describing the methods or techniques the expert uses;

(d) The compensation paid to the expert for the expert's time spent on this lawsuit and the rate(s) at which the expert has, or will, bill the time for his or her expert services in this matter; and

(e) A listing of all cases in which he or she has testified as an expert witness either by deposition or at trial or prepared reports, affidavits or declarations or otherwise furnished evidence, in the last four years. Include the court, case number, case name, whether the case is currently pending or when it concluded and contact name for the engaging lawyers.

RESPONSE:

SCS incorporates by reference its Global Objections.

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

SCS also objects inasmuch as this Interrogatory 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 also objects to this Interrogatory because it is vague, ambiguous, overbroad, and unduly burdensome in requesting “all theories, grounds, and analysis” and “facts and data.”

SCS also objects to this Interrogatory 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).

SCS also objects to this Interrogatory because it would require SCS to create or provide information not maintained in the ordinary course of its business.

SCS will make appropriate and timely expert witness disclosures consistent with the schedule in this proceeding. Subject to and without waiving its objections, SCS intends to call witnesses that have previously made pre-filed written testimony in this docket. SCS reserves the right to disclose an updated list in accordance with the scheduling order in this proceeding.

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

INTERROGATORY NO. 26:

Identify any statements, information and/or documents known to you and requested by any of landowners' Interrogatories or Requests for Production of Documents which you claim to be work product or subject to any common law or statutory privilege, and with respect to each Interrogatory or Requests for Production of Documents, specify the legal basis for the claim as required by the South Dakota Rules of Discovery and privilege log requirements.

RESPONSE:

SCS incorporates by reference its Global Objections.

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

SCS also objects to this Interrogatory insofar as it seeks information beyond the scope allowed by the Administrative Rules and the South Dakota Rules of Civil Procedure including but not limited to SDCL § 15-6-26(b)(5).

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

Subject to and without waiving its objections, SCS states that it has not withheld any responsive statements, information, or documents solely based on a claim of privilege or work product.

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


Dated this 18th day of May, 2023.



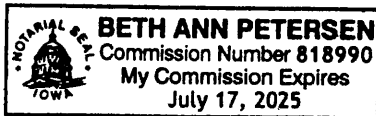
James Powell

IN WITNESS WHEREOF I hereunto set my hand and official seal this 18 day of May, 2023.

(Seal)



Notary Public - ~~South Dakota~~ IOWA
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

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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

Brian E. Jorde
bjorde@dominalaw.com

/s/ Cody L. Honeywell _____
CODY L. HONEYWELL