

**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

**LANDOWNERS' OPPOSITION TO
SUMMIT'S MOTION FOR
SCHEDULING ORDER**

Landowners as noted on the attached Exhibit A state as follows:

1. On November 4, 2022, Summit filed a Motion for Scheduling Order and argues for an April 2023 evidentiary hearing and mentions its speculation as to what the Iowa Utilities Board (IUB) may be doing.

2. Landowners object because this Docket is nowhere near a point where discussions about a Scheduling Order are appropriate let alone determining a Scheduling Order.

3. Given Summit references the IUB proceedings it is important to note those proceedings deal with a different company than Applicant here, SCS Carbon Transport, LLC. In Iowa the Applicant is Summit Carbon Solutions, LLC. Importantly on November 8, 2022, the IUB stated as follows:

“Pursuant to 199 Iowa Administrative Code 13.3(1)(h), a hearing cannot be set until Exhibit H is in its final form. Summit Carbon filed its Exhibit H which, at its maximum, had more than 1,500 parcels subject to a request for eminent domain. The number of parcels subject to Exhibit H requires a significant amount of Board staff time to review, in addition to reviewing of other parts of the petition, petition exhibits, and testimony. As the Board stated in its June 17, 2022 order, the Board determines when Exhibit H is in final form and a hearing can be set. Summit Carbon’s Exhibit H filings have not reached that point.”

4. For context, Exhibit H in the IUB proceedings is a critical portion of the Application are the documents that show the easements that Summit does not have and reflects the large amount of Iowa landowner opposition and the landowners who have refused to grant easements to Summit. According to Summit’s unaudited claims it has obtain a little more than just 50% of the easements it needs in Iowa, and the IUB has declared that is not enough to consider Summit’s Application

complete and not enough to set a date for evidentiary hearing. The South Dakota PUC is urged to find the same. On December 13, 2022, the IUB will hold a general discussion as to a “potential procedural schedule.” It is anticipated an IUB evidentiary hearing will not be scheduled until Summit makes substantial “progress” on its easement acquisition efforts.

5. Presently the PUC Summit docket remains on “indefinite” hold as previously declared by the PUC. Nothing has change to suggest the final proposed hazardous pipeline route has been determined nor that a final and complete application is on file. Summit has not obtained even 50% of the easements it desires in South Dakota and no proceedings, and no scheduling should move forward until it has acquired at least 90% of the South Dakota easements it desires. It is premature to discuss a potential Scheduling Order at this stage.

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