

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.

ANSWER: Navigator Heartland Greenway LLC ("Navigator") has a customer agreement with Valero CCS Solutions LLC for the shipment of carbon dioxide from the Valero Renewables plant located at One Valero Place, Aurora, South Dakota 57002. Navigator also has a customer agreement with POET BIOCARBON LLC for the shipment of carbon dioxide from the Poet Bioprocessing facility located at 27716 462nd Avenue, Chancellor, South Dakota 57015; and from the Poet Bioprocessing facility located at 29619 Spur Avenue, Hudson, South Dakota 57034.

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.

ANSWER: Objection. This interrogatory seeks information that is outside the scope of the PUC's jurisdiction and not relevant to Navigator's burden of proof under SDCL § 49-41B-22.

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.

ANSWER: Objection. This interrogatory seeks information that is outside Navigator's knowledge and control. Without waiving the objection, demand for the project is addressed in Section 1.2 of Navigator's application filed with the PUC.

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.

ANSWER: Objection. Financial statements and documents belonging to Navigator's customers are outside Navigator's knowledge and control. Without waiving the objection, demand for the project is addressed in Section 1.2 of Navigator's application filed with the PUC.

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.

ANSWER: Monica Howard and Brandi Naughton provided information used in answering these interrogatories, which was done with the assistance of counsel. The answers are provided within the scope of SDCL § 15-6-26.

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.

ANSWER: Other required permits, consultations are addressed in Section 1.8 of Navigator's application filed with the PUC. Additionally, permits to cross private rail road companies will be required .

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.

ANSWER: Objection. This interrogatory seeking information concerning permits outside South Dakota is outside the jurisdiction of the PUC. Other required permits related to the project in South Dakota are addressed in Section 1.8 of NHG's application filed with the PUC.

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.

ANSWER: Objection. This interrogatory seeks information that is outside the jurisdiction of the PUC. Without waiving the objection, Navigator has contract agreements with Perennial Environmental Services, Topographic, and Egal, Field & Nowak Inc to lead in conducting environmental and civil surveys in South Dakota.

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.

ANSWER: Objection. This interrogatory seeks information that is outside the jurisdiction of the PUC. In addition, this interrogatory refers to “Summit Carbon,” not Navigator. Without waiving the objection, Navigator has worked, and will continue to work, cooperatively with landowners on a case-by-case basis to address any claims of compensable damage due to survey activity. Navigator has not paid any damages to date in South Dakota related to surveys.

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.

ANSWER: Objection. The request related to annual state subsidies is vague and unclear. It also seeks information outside the jurisdiction of the PUC and not relevant to Navigator's burden of proof.

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

ANSWER: Objection. The request related to annual state subsidies is vague and unclear. It also seeks information outside the jurisdiction of the PUC and not relevant to Navigator's burden of proof.

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.

ANSWER: NHG has separately responded to the requests for admissions that were served as required by SDCL § 15-6-36.

INTERROGATORY NO. 13: Specifically describe the details of your business model.

ANSWER: Objection. This interrogatory is vague and unclear. It also seeks information that is beyond the scope of discovery under SDCL 15-6-26 because it is not relevant to Navigator's burden of proof or any issues in the case. Without waiving the objection, with respect to the subject of Navigator's application before the PUC, Navigator is in the business of transporting carbon dioxide for a fee. As described in the application, the Heartland Greenway Pipeline is the midstream transportation system that includes carbon capture facilities and sequestration of carbon dioxide, but permit approval under SDCL Ch. 49-41B is limited to the pipeline in South Dakota that will be used for transportation.

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.

ANSWER: NHG's business in transportation. The South Dakota ethanol plants that have contracted for the shipment of CO2 own the CO2 transported on the pipeline system.

INTERROGATORY NO. 15: Specifically describe at each stage in your business model who pays who for the Carbon Dioxide you intend to capture, transport, sequester, and store.

ANSWER: NHG's business is transportation. The South Dakota ethanol plants pay Navigator for the shipment of CO₂.

INTERROGATORY NO. 16: Specifically describe at each stage in your business model who pays who for the Carbon Dioxide you intend to capture, transport, sequester, and store.

ANSWER: NHG's business is transportation. The South Dakota ethanol plants pay Navigator for the shipment of CO₂.

INTERROGATORY NO. 17: Specifically describe the details of 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.

ANSWER: Objection. This interrogatory is vague, unclear, and confusing. It also seeks information beyond the scope of discovery under SDCL § 15-6-26.

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.

ANSWER: Objection. This interrogatory seeks information beyond the scope of discovery under SDCL § 15-6-26, as well as information that is proprietary and confidential. The terms of NHG's contracts with its shippers are commercially sensitive and confidential.

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 **NAVIGATOR HEARTLAND GREENWAY, LLC**.

ANSWER: Objection. This interrogatory is vague, unclear, and confusing. It also seeks information beyond the scope of discovery under SDCL § 15-6-26. The identity of all persons having an ownership interest in every entity in any way related to Navigator Heartland Greenway LLC is not relevant or likely to lead to the discovery of admissible evidence. Without waiving the objection, information on the project ownership and the entities involved in the project is provided in the Executive Summary to the Application.

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.

ANSWER: Objection. This request seeks the discovery of commercial and proprietary information because it has commercial value and disclosure to any competitor would cause damage to Navigator. Without waiving the objection, subject to entry of an appropriate protective order by the PUC, Navigator will produce a table containing responsive information related to contracts between Navigator and its South Dakota customers.

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.

ANSWER: Objection. This interrogatory seeks information that is outside the scope of the PUC's jurisdiction and not relevant to Navigator's burden of proof under SDCL § 49-41B-22. Without waiving the objection, as explained in the executive summary to the application, Navigator Heartland Greenway LLC will construct and operate the pipeline. HG Carbon Storage, LLC will own the sequestration facilities, and the emitting facilities will own the capture equipment in South Dakota.

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.

ANSWER: Objection. This interrogatory seeks investor-related information that is outside the scope of discovery under SDCL 15-6-26(b) and not relevant to Navigator's burden of proof under SDCL 49-41B-22.

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.

ANSWER: These interrogatories were answered as required by SDCL § 15-6-33. Answering these interrogatories did not require a search of ESI using certain search terms.

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.

ANSWER: Objection. This request seeks information that is outside the scope of discovery and not relevant to Navigator's burden of proof. With out waiving the objection, Navigator will pay landowners for any property damage caused by the survey crews.

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.

ANSWER: Navigator will disclose and supplement its expert testimony as required by the Procedural Schedule established by the PUC. Navigator submitted prefiled testimony with its application, and file any additional expert testimony as allowed by the Procedural Schedule.

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.

ANSWER: See the objections stated herein and in response to Landowner Rick Bonander's Requests for Production of Documents.

Dated this 15th day of February, 2023.

WOODS, FULLER, SHULTZ & SMITH P.C.

By /s/James E. Moore

James E. Moore

P.O. Box 5027

300 South Phillips Avenue, Suite 300

Sioux Falls, SD 57117-5027

Phone (605) 336-3890

Fax (605) 339-3357

Email: James.Moore@woodsfuller.com

Attorneys for Navigator Heartland Greenway

OBJECTIONS

The objections stated to Landowner/Intervenor Rick Bonander's First Set of Interrogatories were made by James E. Moore, one of the attorneys for Navigator Heartland Greenway, for the reasons and upon the grounds stated therein.

/s/ James E. Moore

*One of the Attorneys for Navigator Heartland
Greenway*

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of February, 2023, a true and correct copy of the foregoing Applicant's Answers to Landowner/Intervenor Rick Bonander's First Set of Interrogatories was served via e-mail transmission to the following:

Mr. Brian E. Jorde, Attorney
Domina Law Group
2425 S. 144th St.
Omaha, NE 68144
Bjorde@dominalaw.com
SDCO2@dominalaw.com
JCuster@dominalaw.com

Mr. Ryan Cwach
Birmingham & Cwach Law Office
124 Walnut Ave., Ste. 201
Yankton, SD 57078
ryan@birmcwachlaw.com

Ms. Kristen Edwards
Staff Attorney
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
Kristen.edwards@state.sd.us

Mr. Jon Thurber
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
jon.thurber@state.sd.us

Mr. Darren Kearney
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
darren.kearney@state.sd.us

/s/ James E. Moore

*One of the Attorneys for Navigator
Heartland Greenway*