

Notice of Ex Parte Communication

Case No. PU-22-391

Pursuant to 28-32-37, a person who has a direct or indirect interest in the outcome of the proceeding may not communicate, directly or indirectly regarding any issue in the proceeding while it is pending without notice and opportunity for all parties to participate in the communication. Consistent with the listed section, this document shall be placed in the record.

a) Party or person providing the ex parte communication:

See attached copy of ex parte email communication and list of senders who sent them.

b) Description of all written or oral communications received, all written and oral responses to the communications:

See attached copy of the written communication provided to Commissioner Sheri Haugen-Hoffart.

c) All responses made written or oral to the ex parte communication:

No response was provided.

Any person desiring to rebut the ex parte communication is allowed to do so upon request within ten days after notice of the communication.

Current Parties, interested persons, and other persons allowed to participate that these matters: SCS Carbon Transport, LLC.

Reporting Staff: John M. Schuh

Schuh, John M.

From: Haugen-Hoffart, Sheri
Sent: Wednesday, November 30, 2022 3:19 PM
To: Schuh, John M.
Subject: FW: Summit Carbon Solutions Update 11/23/2022
Attachments: 2-22-20 48 hr NRC report overnite in hospital.pdf; North Dakota CO2 DLG Professional Agreement 10S1038 (2) (1) (1) (1) (1) (1) (1) (1).pdf; Pipeline_Safety_Trust_CO2-Pipeline-Backgrounder.pdf; 3-23-22_Final-Accufacts-CO2-Pipeline-Report.pdf

From: marvin abraham <marvinabraham@hotmail.com>
Sent: Wednesday, November 30, 2022 1:22 PM
Subject: Fw: Summit Carbon Solutions Update 11/23/2022

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

From: Eliot Huggins <eliot@drcinfo.com>
Sent: Wednesday, November 23, 2022 4:36 PM
Subject: Summit Carbon Solutions Update 11/23/2022

All:

I hope that everyone has a wonderful Thanksgiving. I also hope that everyone is able to get some rest and/or spend some time with friends and family this weekend.

1. Here is a recording of the Monday Burleigh County Commission meeting:

[Burleigh Commission Replay 11/21/22 \(dakotamediaaccess.net\)](https://www.dakotamediaaccess.net/BurleighCommissionReplay11/21/22)

I'm including it again, because I agree with the characterization that it is a "must see" as someone else described to me. Let's build this momentum and replicate this across North Dakota. The people will not stand for eminent domain for private gain. As was established at the meeting-----the contact person to share information and concerns is Mitch Flanagan: **Email: burleighcobuilding@nd.gov or 701-221-4319**

Time will be of the essence and getting the ordinance approved as close to January 1st as possible is what we really want to strive for.

2. I'm directly attaching the Domina Law agreement to get connected to collective legal representation with Domina Law--- you can also learn more here: [JOIN N.D.E.T. — North Dakota Easement Team](#) I can't emphasize enough to do this asap as outlined in my last email.

3. I really liked this article that discusses the ongoing lawsuit in Shelby County, IA ----as it covered the county's perspective and you can hear directly from the county attorney: [Crossing a line? Summit Carbon Solutions files lawsuit against Shelby County | Harlan Newspapers \(harlanonline.com\)](#)

It will be very interesting to see how this plays out.

4. Here are some brief audio recordings of recent arguments in front of the South Dakota PUC surrounding setting a hearing schedule for the permit application: [Summit Carbon Solution looking to set date for hearing on application for co2 pipeline - Hub City Radio](#)

You can hear briefly from attorney Brian Jorde, Summit's attorney, and the PUC chairman--- thought this was very interesting and is a small peek into how this process works.

5. I was recently made aware of some reporting/research that has come to light surrounding the Satartia, Mississippi pipeline rupture.

A claim that we have heard time and time again was that no one was hospitalized overnight. **It appears that this is not true.**

This is from Dan Zegart, who reported on Satartia extensively in this article: [Gassing Satartia: Carbon Dioxide Pipeline Linked To Mass Poisoning | HuffPost Impact](#)

When faced with evidence of injuries at Satartia, the ethanol pipelines like to say, "But nothing serious - no one spent the night in the hospital."

My reporting showed that wasn't true, that there were several true hospitalizations, and that some victims were in the hospital for days.

Digging through the files, it turns out Denbury knew, according to their report of Feb. 24, 2020 to the National Response Center - two days after the accident - that there were [at least] 2 gassing victims still in the hospital as of the date of that report."

I've attached the relevant National Response Center report to this email to substantiate these claims. The billion dollar pipeline company has plenty of access to resources and information gathering... so the fact that they haven't been truthful surrounding this I find to be concerning.

7. Lastly, there was a lot of interest and concern surrounding federal safety regulations as it relates to CO2 pipelines at the CC meeting. I'm attaching a report and its summary that was commissioned last spring to look into this issue. It's been many months since I shared it. I think you will find it interesting/ more concrete evidence that current regulations are woefully inadequate to protect rural communities. I will also include the PHMSA Satartia report/ summary here if anyone is interested in taking another look: [PHMSA Announces New Safety Measures to Protect Americans From Carbon Dioxide Pipeline Failures After Satartia, MS Leak | PHMSA \(dot.gov\)](#)

6. Thank you! I hope that everyone has a great Thanksgiving and a great next few days. Onward!

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Best,

Eliot Huggins

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Dakota Resource Council

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