

SCS Carbon Transport LLC, Case No. PU-22-391

April 22, 2024, Formal hearing

ND PUBLIC SERVICE COMMISSION

1	STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION SCS Carbon Transport LLC Midwest Carbon Express CO2 Pipeline Project Siting Application Case No. PU-22-391 TRANSCRIPT OF FORMAL HEARING April 22, 2024 Mandan, North Dakota APPEARANCES Commissioners Randy Christmann, Sheri Haugen-Hoffart, and Substitute Decisionmaker Timothy J. Dawson LAWRENCE BENDER, BRET DUBLINSKE, and TYLER GLUDT, Fredrikson & Byron, P.A., on behalf of Applicant SCS Carbon Transport LLC DERRICK BRAATEN, Braaten Law Firm, on behalf of Emmons County KEVIN PRANIS, on behalf of Intervenor Laborers District Council of Minnesota and North Dakota (LIUNA) ZACHARY PELHAM, Special Assistant Attorney General Advisory Counsel to the Public Service Commission	3 PUBLIC TESTIMONY LYNETTE DUNBAR 142 SUANN OLSON 152 GAYLEN DEWING 159 KARL RAKOW 172 CAROLLEE CARRUTH 179 CLINT FELAND 197 GAYLYNN BECKER 209 BAILEY ELKINS 216 MIKE BRANDENBURG 231 CHAD MOLDENHAUER 256 KEN HUBER 267 RANDY OLSON 272 PAUL BROWN 275 ----- INTERVENOR LIUNA WITNESS KEVIN PRANIS Testimony by KEVIN PRANIS 300 Cross Examination by MR. PELHAM 305 -----
2	C O N T E N T S SCS CARBON TRANSPORT LLC WITNESSES DAN PICKERING Direct Examination by MR. BENDER 18 Cross Examination by MR. PELHAM 26 Cross Examination by MR. BRATTEN 29 Cross Examination by MR. PRANIS 36 Questions by COMMISSION 37 WADE BOESHANS Direct Examination by MR. BENDER 45 Cross Examination by MR. PELHAM 61 Cross Examination by MR. SCHOCK 66 Cross Examination by MR. BRATTEN 66 Questions by COMMISSION 70 Redirect Examination by MR. BENDER 84 Recross Examination by MR. PELHAM 85 Recross Examination by MR. BRATTEN 85 JAMES POWELL Direct Examination by MR. DUBLINSKE 87 Cross Examination by MR. PELHAM 97 Cross Examination by MR. SCHOCK 105 Cross Examination by MR. BRATTEN 107 Questions by COMMISSION 110 Redirect Examination by MR. DUBLINSKE 129 Recross Examination by MR. SCHOCK 132 Recross Examination by MR. BRATTEN 134 Questions by COMMISSION 137 JON SCHMIDT Direct Examination by MR. BENDER 280 Cross Examination by MR. PELHAM 286 Cross Examination by MR. BRATTEN 292 Questions by COMMISSION 297 -----	1 ALJ HOGAN: Good morning. We are going to delay 2 the start of our hearing until 9:30. We've heard 3 there's been an accident on the bridge coming in from 4 Bismarck into Mandan. We're waiting to get an update on 5 traffic status. The hotel has gotten several calls from 6 people who are wishing to attend the hearing this 7 morning that are delayed coming over. So we will take 8 -- we're going to start with a break this morning until 9 9:30 and we will try to start at that time. So thank 10 you, everybody, for your patience. 11 (Recess) 12 ALJ HOGAN: All right. Good morning. We are 13 going to get started. Thank you all for your patience. 14 My name is Hope Hogan. I'm an administrative 15 law judge designated upon the request of the Public 16 Service Commission to serve as the hearing officer for 17 today's hearing. Let the record reflect it's 18 April 22nd, 2024, at 10 a.m. This is the time, date, 19 and place set by the Notice of Filing and Notice of 20 Hearing issued by the North Dakota Public Service 21 Commission on March 21st, 2024, for a hearing in the 22 Case No. PU-22-391. This hearing is being held today at 23 the Baymont Inn and Suites in Mandan, North Dakota. 24 As we begin, I would ask everybody to please 25 check their cell phones to make sure they're either PAGE 4

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<p>1 turned off or silenced so that we do not have cell phone</p> <p>2 interruptions throughout our hearing today.</p> <p>3 Also, I'd like to note that the Commission</p> <p>4 understands that a lot of people in attendance at this</p> <p>5 hearing have strong feelings regarding this case and the</p> <p>6 subject matter of this case. I would ask that everybody</p> <p>7 please refrain from any clapping, cheering, or verbal</p> <p>8 commentary throughout our hearing today. This is an</p> <p>9 administrative hearing and the Commission would like to</p> <p>10 maintain decorum as we proceed so that we can conduct</p> <p>11 this hearing in an orderly manner. Likewise, if you</p> <p>12 have a sign, I will ask that you please put your sign</p> <p>13 down and store it on the ground.</p> <p>14 UNIDENTIFIED SPEAKER: I'd ask that they move</p> <p>15 that sign blocking the door, the Summit Carbon sign.</p> <p>16 Actually, it's blocking the notice that this is a public</p> <p>17 hearing. So if they can have their propaganda -- not</p> <p>18 the information table but this flag right out the door</p> <p>19 here. That's how we were welcomed here today.</p> <p>20 ALJ HOGAN: Okay. I wasn't aware of that, but,</p> <p>21 sir, I'm going to --</p> <p>22 UNIDENTIFIED SPEAKER: Well, look. You can make</p> <p>23 yourself aware.</p> <p>24 ALJ HOGAN: Sir, I'm going to ask you to put</p> <p>25 your sign down. If you do not put your sign down, you</p> <p>PAGE 5</p>	<p>1 Morton, Oliver, Richland, and Sargent counties, North</p> <p>2 Dakota.</p> <p>3 On August 4th, 2023, the Commission issued</p> <p>4 findings of fact, conclusions of law and an order</p> <p>5 denying the application.</p> <p>6 On September 15th, 2023, the Commission issued</p> <p>7 an order granting SCS Carbon Transport's petition for</p> <p>8 reconsideration.</p> <p>9 This hearing has been scheduled to focus</p> <p>10 primarily on the portions of the project in Oliver,</p> <p>11 Morton, and Burleigh counties. The Notice of Filing and</p> <p>12 Notice of Hearing specifies the issues to be considered</p> <p>13 in this hearing with the proposed route adjustments and</p> <p>14 supplemental filings and deficiencies noted in the</p> <p>15 Commission's August 18th, 2023, order and including the</p> <p>16 following questions:</p> <p>17 Number one. Will construction, operation, and</p> <p>18 maintenance of the facility at the proposed location</p> <p>19 produce minimal adverse effects on the environment and</p> <p>20 upon the welfare of the citizens of North Dakota?</p> <p>21 Number two. Is the proposed facility compatible</p> <p>22 with environmental preservation and the efficient use of</p> <p>23 resources?</p> <p>24 And number three. Will construction, operation,</p> <p>25 and maintenance of the facility at the proposed location</p> <p>PAGE 7</p>
<p>1 will be asked to leave the hearing room.</p> <p>2 UNIDENTIFIED SPEAKER: I will put it by theirs</p> <p>3 so people can see this too then.</p> <p>4 ALJ HOGAN: I would ask that everybody please be</p> <p>5 respectful of others today even if you disagree with the</p> <p>6 content of their testimony or comments.</p> <p>7 As I mentioned before, there are attendance</p> <p>8 sheets located at the table outside the front door and</p> <p>9 by the watercoolers at the back of the room. The</p> <p>10 Commission would ask that everyone sign in so that</p> <p>11 there's a record of those that are attending the hearing</p> <p>12 for today. And if you'd like to offer public testimony,</p> <p>13 I'd ask that you please indicate that on the attendance</p> <p>14 sheet.</p> <p>15 And just for planning purposes, can I ask</p> <p>16 anybody that wishes to provide public testimony to</p> <p>17 please raise their hand so I can get an estimate of how</p> <p>18 many people we have?</p> <p>19 All right. Thank you.</p> <p>20 This hearing concerns the application of SCS</p> <p>21 Carbon Transport LLC for a certificate of corridor</p> <p>22 compatibility and route permit concerning approximately</p> <p>23 320 miles of carbon dioxide pipeline ranging from 4.5-</p> <p>24 to 24-inch diameter with associated facilities in</p> <p>25 Burleigh County, Cass, Dickey, Emmons, Logan, McIntosh,</p> <p>PAGE 6</p>	<p>1 minimize adverse human, environmental impact while</p> <p>2 ensuring continuing system reliability and integrity and</p> <p>3 ensuring that energy needs are met and fulfilled in an</p> <p>4 orderly and timely fashion?</p> <p>5 I'm now going to ask the parties to note their</p> <p>6 appearance for the record.</p> <p>7 Mr. Bender, I'll start with you if you want to</p> <p>8 introduce yourself, your co-counsel, and identify the</p> <p>9 witnesses you intend to call at this hearing.</p> <p>10 MR. BENDER: Thank you, Your Honor.</p> <p>11 ALJ HOGAN: Can you turn your mic on?</p> <p>12 MR. BENDER: Thank you, Your Honor and</p> <p>13 Commissioners. Lawrence Bender, PO Box 1855, Bismarck,</p> <p>14 North Dakota, appearing in this matter on behalf of SCS</p> <p>15 Carbon Transport LLC. I'm with Fredrikson & Byron Law</p> <p>16 Firm. Also with me here today representing SCS Carbon</p> <p>17 Transport LLC is Mr. Bret Dublinske with the firm of</p> <p>18 Fredrikson & Byron and also Tyler Gludt with Fredrikson</p> <p>19 & Byron.</p> <p>20 The witnesses we plan on calling today, Your</p> <p>21 Honor, are four. We initially intended on calling five</p> <p>22 witnesses, but as we discussed before the hearing, one</p> <p>23 of our witnesses is unavailable today and will be making</p> <p>24 a request that that witness have an opportunity to</p> <p>25 appear at the technical hearings that are going to be</p> <p>PAGE 8</p>

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<p>1 scheduled at a later date. We're also going to do a</p> <p>2 little bit of rearranging in the order in which we'll be</p> <p>3 calling these witnesses. Our first witness will be Dan</p> <p>4 Pickering; our second witness will be Wade Boeshans; our</p> <p>5 third witness will be James Powell; and our fourth</p> <p>6 witness will be Jon Schmidt. The witness we plan on</p> <p>7 calling at a later date is Jeff Olson.</p> <p>8 ALJ HOGAN: All right. Thank you.</p> <p>9 Mr. Pelham, would you please state your</p> <p>10 appearance for the record and introduce Commission staff</p> <p>11 that's appearing with you today.</p> <p>12 MR. PELHAM: Thank you. Zachary Pelham, special</p> <p>13 assistant attorney on behalf of the Public Service</p> <p>14 Commission. To my left is Victor Schock. He's the</p> <p>15 director of Public Utilities. And he may ask some</p> <p>16 questions today as well. Thank you.</p> <p>17 ALJ HOGAN: Thank you.</p> <p>18 And, Mr. Braaten, would you like to state your</p> <p>19 appearance for the record?</p> <p>20 MR. BRAATEN: Yeah, Derrick Braaten with Braaten</p> <p>21 Law Firm here on behalf of Emmons County and also have</p> <p>22 my paralegal, Desirae Zaste, with me here.</p> <p>23 ALJ HOGAN: Mr. Braaten, it's my understanding</p> <p>24 you do not intend to call any witnesses at this hearing?</p> <p>25 MR. BRAATEN: That is correct.</p> <p>PAGE 9</p>	<p>1 nobody gets to be heard if everybody else is shouting</p> <p>2 them down. The one thing that we can't do is hear from</p> <p>3 everybody at once and so something has to give in that</p> <p>4 regard.</p> <p>5 I think back often to my ranch time and how</p> <p>6 frustrating it would feel, especially in the spring when</p> <p>7 it's calving time, to come to a meeting and the company</p> <p>8 where people are drawing a salary spends hours going</p> <p>9 first while I have to wait.</p> <p>10 We understand that, but there is a reason why it</p> <p>11 needs to be done this way, because we're out here</p> <p>12 because we value public testimony, but your public</p> <p>13 testimony, if you're testifying about something that has</p> <p>14 been said at hearings in the past or that you've heard</p> <p>15 uptown, but now the application has changed, it might</p> <p>16 not be meaningful anymore because things have changed</p> <p>17 now. And so it is important that the company be able to</p> <p>18 lay out what the application is now and then we hear</p> <p>19 from the public. So that's why we let at least the</p> <p>20 general applicant witnesses go first. And hopefully</p> <p>21 today yet we'll be able to bring in at least some public</p> <p>22 testimony and get to it.</p> <p>23 This hearing is scheduled for multiple days. We</p> <p>24 don't know how long it's going to go, but we just ask</p> <p>25 for patience in that regard because we -- as I said</p> <p>PAGE 11</p>
<p>1 ALJ HOGAN: All right.</p> <p>2 And, Mr. Pranis, would you like to state your</p> <p>3 appearance for the record and introduce the witnesses or</p> <p>4 state the witnesses you intend to call at this hearing?</p> <p>5 MR. PRANIS: Thank you, Judge Hogan. Kevin</p> <p>6 Pranis on behalf of LIUNA Minnesota and North Dakota</p> <p>7 representing construction laborers. We have three</p> <p>8 potential witnesses' presentation from myself, Evan</p> <p>9 Whiteford who is not here yet today but depending on the</p> <p>10 schedule might be called, and Randy Oelschlager.</p> <p>11 ALJ HOGAN: Thank you.</p> <p>12 We will now take opening comments from the</p> <p>13 commissioners and we'll start with Commissioner</p> <p>14 Christmann.</p> <p>15 COMMISSIONER CHRISTMANN: Thank you, Your Honor.</p> <p>16 And thank you for explaining our decorum.</p> <p>17 This agency, going way back before any of us</p> <p>18 were here, has a long history of running orderly</p> <p>19 meetings on controversial topics, all the way from the</p> <p>20 -- going back to when siting laws were started with the</p> <p>21 power plants back in the late '70s and '80s, coal mine</p> <p>22 things, large power lines from North Dakota to the rest</p> <p>23 of the country, Dakota Access. And so we hope that we</p> <p>24 can maintain that kind of decorum long into the future,</p> <p>25 because it's important that everybody be heard, and</p> <p>PAGE 10</p>	<p>1 before, we do value public testimony.</p> <p>2 I don't know of another agency in state</p> <p>3 government that goes out to places where things are</p> <p>4 being built. We have future hearings like this</p> <p>5 scheduled for Wahpeton and Linton. We had one at</p> <p>6 Gwinner last year too in addition to these towns. We</p> <p>7 want to hear from the people, and I think do it far</p> <p>8 better than any other agency of state government. And</p> <p>9 so we just ask for patience and decorum.</p> <p>10 Thank you very much for being here and thanks in</p> <p>11 advance for those that are still on their way after</p> <p>12 making it through the accident, troubles on the bridge</p> <p>13 this morning.</p> <p>14 ALJ HOGAN: Thank you.</p> <p>15 Commissioner Haugen-Hoffart.</p> <p>16 COMMISSIONER HAUGEN-HOFFART: Thank you.</p> <p>17 I think Hope and Commissioner Christmann have</p> <p>18 summarized it very well. We do appreciate you guys</p> <p>19 being here. It's very important that we hear from the</p> <p>20 public. We want to hear from the public.</p> <p>21 I'm just going to take a side note. To those</p> <p>22 that were involved in the accident, our thoughts and</p> <p>23 prayers are with you. We really hope there's no</p> <p>24 injuries.</p> <p>25 It's very important, when going through all this</p> <p>PAGE 12</p>

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<p>1 information again, is for me, I really want to stick to 2 the facts of this. It's very important that we get 3 facts and facts only when it comes to making a 4 determination and which we are required to do. So I'm 5 going to really appreciate that, in sticking to the 6 facts and asking questions that are facts-based. 7 So, again, thank you for being here and I look 8 forward to hearing from many of you. 9 ALJ HOGAN: Thank you. 10 Mr. Dawson. 11 SUBSTITUTE DECISIONMAKER DAWSON: Thank you, 12 Your Honor. I am the substitute decisionmaker here. I 13 am filling in for Julie Fedorchak. And I do not want to 14 stand in the way any longer of this hearing that's been 15 delayed already so I'd like to thank you all for coming 16 and let's get going. 17 ALJ HOGAN: All right. Thank you. 18 So that everybody is aware, this is a 19 continuation of prior hearings that we have. The 20 Commission re-opened the record so all of the prior 21 evidence and testimony that was taken at our prior 22 hearings is still part of the record. 23 With that in mind, Mr. Bender, I believe Summit 24 has additional exhibits that it's going to offer today. 25 Maybe you could address that issue.</p> <p>PAGE 13</p>	<p>1 thing. Little unusual, but in this case we submitted 2 written testimony. The reason for submitting that 3 written testimony is so that we could save some time at 4 the Commission and so we could give more time to the 5 public to make comments. Summit also values the ideas, 6 comments, and concerns of the public so that was the 7 reason for doing that. 8 ALJ HOGAN: All right. Thank you. 9 Mr. Pelham, any objection to the offered 10 exhibits? 11 So I believe you said you're offering -- there's 12 no objection, 1 through 13, and 14 you were going to 13 offer later? 14 MR. BENDER: That's correct. 15 ALJ HOGAN: Okay. So any objection to 1 through 16 13? 17 MR. PELHAM: I don't. 18 I just want to make sure it's clear on the 19 record, though, as to what they are. So I don't know if 20 this document is -- do you have this document, Judge 21 Hogan? 22 ALJ HOGAN: I do. Yep. 23 MR. PELHAM: I don't have any objection. Thank 24 you. 25 ALJ HOGAN: All right. And, Mr. Braaten?</p> <p>PAGE 15</p>
<p>1 MR. BENDER: Certainly. Thank you, Your Honor. 2 As a result of the Commission granting the 3 petition for reconsideration, Summit filed with the 4 Commission numerous documents, many, many pages of 5 additional material. I have listed those materials on a 6 document that I had an opportunity to distribute to 7 Mr. Braaten as well as other counsel. And they have all 8 agreed that they have no objection to these exhibits 9 being admitted into the record except for we will have 10 one more exhibit, SC R-14, which is some maps. They're 11 similar to the maps that are presented in front of the 12 room and also in the back of the room. And we're going 13 to have Mr. Boeshans talk a little bit about that and 14 then I'll be offering that. 15 One other point I'd like to make with respect to 16 the exhibits we're asking to be entered into the record 17 is SC R-5. That's likely to be an exhibit that we're 18 going to talk quite a bit about today. There's usually 19 questions from the Commission and Commission staff about 20 that. That is what we refer to as a map book. We had a 21 map book in the original hearings and we prepared and 22 had previously submitted to the Commission a new map 23 book. And, once again, that is SCS R-5. 24 ALJ HOGAN: All right. 25 MR. BENDER: And if I may, Your Honor, one more</p> <p>PAGE 14</p>	<p>1 MR. BRAATEN: I don't have any objection. 2 ALJ HOGAN: Mr. Pranis? 3 MR. PRANIS: No objection, Your Honor. 4 ALJ HOGAN: Okay. So Exhibits 1 through 13 will 5 be entered into the record. 6 And I don't know that this document with the 7 exhibit list has made it onto the PSC docket yet. All 8 the documents labeled as exhibits are part of the docket 9 and available online. If anybody wishes to look at the 10 exhibit list, please let me know at a break and I'll 11 have a copy that you can look at. 12 All right. With that in mind, as far as hearing 13 procedure, we're going to start with a few of Summit's 14 witnesses. And once we've heard through -- I think 15 we're going to try to do three of Summit's witnesses and 16 then we will have a block of public testimony after 17 that. So we'll proceed in that manner. 18 With that in mind, I'll just ask if there's any 19 other preliminary matters we need to discuss before we 20 move to testimony. 21 Mr. Bender, did you have anything? 22 MR. BENDER: Perhaps one other point, Your 23 Honor. You know, we have submitted written testimony, 24 but to give the written testimony just a little bit of 25 perspective, our plan was to have the witness be sworn</p> <p>PAGE 16</p>

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<p>1 and then we would just have that witness present some</p> <p>2 very preliminary and summary information to sort of set</p> <p>3 the stage for any questions the Commission may have or</p> <p>4 any cross-examination by counsel.</p> <p>5 ALJ HOGAN: Sure. I think that would be</p> <p>6 helpful.</p> <p>7 Mr. Pelham, any preliminary matters you want to</p> <p>8 discuss?</p> <p>9 MR. PELHAM: No, I don't think so. Thank you.</p> <p>10 ALJ HOGAN: Mr. Braaten?</p> <p>11 MR. BRAATEN: No, Your Honor.</p> <p>12 ALJ HOGAN: Mr. Pranis?</p> <p>13 MR. PRANIS: No, Your Honor.</p> <p>14 ALJ HOGAN: All right. Then, Mr. Bender, you</p> <p>15 can call your first witness.</p> <p>16 MR. BENDER: Summit calls Dan Pickering.</p> <p>17 ALJ HOGAN: Good morning.</p> <p>18 DAN PICKERING: Good morning.</p> <p>19 ALJ HOGAN: It sounds like your microphone is on</p> <p>20 so --</p> <p>21 DAN PICKERING: Yes.</p> <p>22 ALJ HOGAN: -- I'll have you start by stating</p> <p>23 your full name and spelling your last name for the</p> <p>24 record.</p> <p>25 DAN PICKERING: Daniel Ray Pickering. Last name</p> <p>PAGE 17</p>	<p>1 the record, please?</p> <p>2 A. Yes. Daniel Ray Pickering.</p> <p>3 Q. And can you spell your last name?</p> <p>4 A. P-I-C-K-E-R-I-N-G.</p> <p>5 Q. And what is your business address?</p> <p>6 A. 100 Waugh Drive, Suite 600, Houston, Texas.</p> <p>7 Q. And by whom are you employed?</p> <p>8 A. Pickering Energy Partners.</p> <p>9 Q. In what capacity?</p> <p>10 A. I'm the founder and chief investment officer.</p> <p>11 Q. And in preparation for today's hearing, have you</p> <p>12 prepared certain written testimony that you've submitted</p> <p>13 to the Commission?</p> <p>14 A. I have.</p> <p>15 Q. And in your -- well, was that testimony true and</p> <p>16 correct when you prepared it?</p> <p>17 A. It was.</p> <p>18 Q. Is it true and correct as you sit here today?</p> <p>19 A. There are a couple of adjustments I would like</p> <p>20 to add for the record.</p> <p>21 Q. Please do that now.</p> <p>22 A. Sure. When preparing my testimony, I -- I used</p> <p>23 a basis of -- for this particular project of, roughly,</p> <p>24 32 sites where carbon would be gathered. My</p> <p>25 understanding is that's now 57. The capital associated</p> <p>PAGE 19</p>
<p>1 is spelled P-I-C-K-E-R-I-N-G.</p> <p>2 ALJ HOGAN: And before you testify this morning,</p> <p>3 I'm required by law to advise you on the penalties for</p> <p>4 perjury in the state of North Dakota.</p> <p>5 Perjury is a Class C felony, punishable by a</p> <p>6 maximum fine of \$10,000, maximum five years'</p> <p>7 imprisonment, or both.</p> <p>8 Do you understand what perjury is?</p> <p>9 DAN PICKERING: I do.</p> <p>10 ALJ HOGAN: And being advised of the potential</p> <p>11 penalties for perjury, do you promise to tell the truth</p> <p>12 in this case today?</p> <p>13 DAN PICKERING: I do.</p> <p>14 ALJ HOGAN: All right. Thank you.</p> <p>15 Go ahead, Mr. Bender.</p> <p>16 MR. BENDER: Thank you, Your Honor. And as I</p> <p>17 indicated in my introduction, we were calling these</p> <p>18 witnesses a bit out of order and Mr. Pickering is a bit</p> <p>19 out of order in that respect.</p> <p>20 <u>DANIEL PICKERING,</u></p> <p>21 being first duly sworn, was examined and testified as</p> <p>22 follows:</p> <p>23 DIRECT EXAMINATION</p> <p>24 BY MR. BENDER:</p> <p>25 Q. Mr. Pickering, can you state your full name for</p> <p>PAGE 18</p>	<p>1 with the project as I wrote up my testimony was around 5</p> <p>2 billion. I've been made aware that number is closer to</p> <p>3 8. And so, as such, I think some of the numbers that I</p> <p>4 included in my testimony should be considered as</p> <p>5 minimums as opposed to specifics. And one specific</p> <p>6 example there, for instance, would be my estimate that</p> <p>7 power consumption associated with the project would be,</p> <p>8 roughly, \$4 million annually. I think that number is</p> <p>9 now closer to 14 million given the increase in the</p> <p>10 number of sites.</p> <p>11 So I'd make those adjustments to the numbers in</p> <p>12 my direct testimony.</p> <p>13 Q. Okay. Mr. Pickering, let's talk a little bit</p> <p>14 about why you're here. What's the purpose of your</p> <p>15 testimony?</p> <p>16 A. Sure. I'm here really to talk about what I</p> <p>17 think are the benefits associated with the project for</p> <p>18 the citizens of North Dakota, the state of North Dakota.</p> <p>19 Q. And is it your understanding that in some of the</p> <p>20 previous hearings there were some suggestions made that</p> <p>21 the only benefit to the state of North Dakota was to the</p> <p>22 Tharaldson Ethanol plant in Cass County, North Dakota?</p> <p>23 A. That's correct. I think that there are</p> <p>24 incremental benefits, and that's part of what I'm here</p> <p>25 to talk about.</p> <p>PAGE 20</p>

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<p>1 Q. So, in your opinion, there are other benefits</p> <p>2 other than just the Tharaldson plant to the state of</p> <p>3 North Dakota, is that correct, and its citizens?</p> <p>4 A. Absolutely. They're included in my written</p> <p>5 testimony. I'm happy to summarize them here if it's</p> <p>6 helpful.</p> <p>7 Q. Why don't you spend a few moments just</p> <p>8 summarizing them and perhaps you can break them down, if</p> <p>9 it's at all possible, into different parts?</p> <p>10 A. Sure. I think there are two or three different</p> <p>11 parts associated with the benefits of this project, jobs</p> <p>12 being one and the resulting economic impact from those</p> <p>13 jobs. There are other direct revenue opportunities.</p> <p>14 And then I think a third category which I would call the</p> <p>15 potential opportunity associated with the project and</p> <p>16 the follow-on to the project.</p> <p>17 Q. Okay. Let's talk about jobs first. I assume</p> <p>18 there's going to be a certain number of jobs that will</p> <p>19 be created as a result of construction of the pipeline?</p> <p>20 A. That's correct. And so when we think about this</p> <p>21 is a very big project that will last several years, the</p> <p>22 expectation is there will be 1,500 to 2,000 jobs created</p> <p>23 during that -- that pipeline construction process. The</p> <p>24 estimates associated with that spending and follow-on</p> <p>25 economic impact range from a billion one to a billion</p> <p>PAGE 21</p>	<p>1 different categories. One, where the carbon is being</p> <p>2 injected into the pore space underground, there are</p> <p>3 leaseholders that are being paid for the use of that</p> <p>4 pore space. So there are pore space leases that --</p> <p>5 where the benefit accrues directly to the landowners.</p> <p>6 I mentioned power. So we'll pull -- we -- the</p> <p>7 project will pull power from North Dakota sources which</p> <p>8 should approximate, roughly, \$14 million. That's the</p> <p>9 correction from the 4 million in my written testimony.</p> <p>10 Q. And it's your understanding that Mr. Boeshans</p> <p>11 will discuss that in a little bit further detail; is</p> <p>12 that correct?</p> <p>13 A. That's correct.</p> <p>14 Q. Okay. Continue, please.</p> <p>15 A. And so those are -- those are some of the direct</p> <p>16 and obvious potential economic impacts that I think</p> <p>17 haven't been mentioned previously. And then I turn to</p> <p>18 the more opportunity-driven potential benefits.</p> <p>19 Q. And let's discuss those first, please.</p> <p>20 A. Sure. And so in my estimation what happens when</p> <p>21 a project of this size and magnitude happens in an area</p> <p>22 is success begets success, if you will. And so this is</p> <p>23 -- this project is likely and potentially creates what I</p> <p>24 would call kind of a first mover advantage in carbon</p> <p>25 capture. And so as I think through what those things</p> <p>PAGE 23</p>
<p>1 three and with the potential for that to increase given</p> <p>2 kind of an inflationary environment.</p> <p>3 Q. Okay. And will there be some benefits with</p> <p>4 respect to the job market after the line is constructed?</p> <p>5 A. The ongoing operations of the business, the</p> <p>6 indication of full-time ongoing employment, Summit</p> <p>7 itself has indicated 30 to 50 full-time jobs with</p> <p>8 associated vendors somewhere in the 60 to 150 jobs. So</p> <p>9 if we think about that, it's sort of nine -- 90 to 200</p> <p>10 in terms of total jobs. And the estimated economic</p> <p>11 impact there would be, call it \$50 million plus. And</p> <p>12 that's, roughly, 100 to \$200,000 per person or per job,</p> <p>13 if you will, which is in line with what I've seen in</p> <p>14 other large construction projects and big ongoing</p> <p>15 operating facilities in other states.</p> <p>16 Q. Okay. And I think everyone agrees now that this</p> <p>17 will have some benefit with respect to the Tharaldson</p> <p>18 plant. The Tharaldson plant is going to have some</p> <p>19 benefits to the job market for construction of the</p> <p>20 project, and you've also now discussed benefits to the</p> <p>21 job market in terms of operations. What other benefits</p> <p>22 will be received by the state of North Dakota and the</p> <p>23 citizens of the state?</p> <p>24 A. Sure. The ones that are tangible and immediate</p> <p>25 upon startup of the project could fall into a couple of</p> <p>PAGE 22</p>	<p>1 mean, it just is the potential to attract more similar</p> <p>2 carbon-related opportunities to the state.</p> <p>3 And so one example of that would be future</p> <p>4 projects that look like the current Summit project.</p> <p>5 This current project is 40 million tons of annual</p> <p>6 injection capacity. That's, roughly, .4 percent of</p> <p>7 total U.S. carbon generation. So it's a very small</p> <p>8 component of a very big opportunity set. And so there's</p> <p>9 the potential that we would see more projects like this</p> <p>10 that would be attracted to North Dakota because it's</p> <p>11 been done here and had success here. So that's one</p> <p>12 example.</p> <p>13 The other -- the others would include, with more</p> <p>14 carbon attracted to the state, again potential,</p> <p>15 potential here, would be there are other businesses --</p> <p>16 fertilizer, food and beverage, the ag business,</p> <p>17 etcetera -- that use CO2. If there's more carbon in the</p> <p>18 state, there's more potential for those jobs to be</p> <p>19 created or those industries to come to the state. So</p> <p>20 the expansion of kind of the carbon infrastructure, if</p> <p>21 you will.</p> <p>22 One other ancillary benefit could potentially</p> <p>23 be, if we think about where the carbon for this</p> <p>24 particular project is being sourced, it's coming from</p> <p>25 ethanol plants across the country. Ethanol uses corn.</p> <p>PAGE 24</p>

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<p>1 So if there's an uplift in the economics of ethanol</p> <p>2 associated with carbon sequestration, then ethanol</p> <p>3 plants have better economics. Those better economics</p> <p>4 could attract more spending in the ethanol business,</p> <p>5 which attracts more corn consumption. And so there's a</p> <p>6 potential to at least support, if not enhance, the price</p> <p>7 of corn which would then flow through to farmers here in</p> <p>8 the state of North Dakota.</p> <p>9 Q. Okay. Mr. Pickering, I want to keep this to a</p> <p>10 summary to stand true to what I indicated as we don't</p> <p>11 want to take a lot of time because you've submitted</p> <p>12 written testimony. Anything else that you want to add?</p> <p>13 A. The only thing I'd add, two final points. One</p> <p>14 is there are uses in the energy business for CO2. And</p> <p>15 so, again, with a carbon infrastructure that could</p> <p>16 potentially develop in North Dakota, more carbon coming</p> <p>17 into the state creates more opportunities for the energy</p> <p>18 business to enhance their recovery. And so I think</p> <p>19 there's a revenue generation possibility around energy.</p> <p>20 That certainly would be an uplift for the energy sector</p> <p>21 here in the state.</p> <p>22 And then, finally, I think about the optionality</p> <p>23 associated with this business in North Dakota. So</p> <p>24 anything that diversifies revenue streams of the</p> <p>25 citizens in the state, optionality is a good thing and</p> <p>PAGE 25</p>	<p>1 have talked about the numbers in aggregate because I</p> <p>2 think that -- that you don't have one without the other.</p> <p>3 Q. Understood.</p> <p>4 So as far as, though, the estimates on 30 to 50</p> <p>5 full-time jobs, is that for the pipeline or is that for</p> <p>6 the overall project, is your estimate?</p> <p>7 A. So that -- that would be -- that would be the</p> <p>8 oversight of the project within the boundaries of North</p> <p>9 Dakota.</p> <p>10 Q. So do you have or are you able to provide a</p> <p>11 number as to what your position would be as to the</p> <p>12 number of full-time jobs for the pipeline aspect</p> <p>13 after -- assuming it's approved and assuming it's</p> <p>14 constructed, what is the number of full-time jobs that</p> <p>15 Summit would be employing on the pipeline?</p> <p>16 A. Someone else is going to have to give you that</p> <p>17 number. I don't have that breakdown.</p> <p>18 Q. Same question for the associated jobs. I think</p> <p>19 you testified that there were 60 to 150 associated jobs.</p> <p>20 Is that the same response that you'd have?</p> <p>21 A. It would be.</p> <p>22 Q. Do you know what type of jobs these would be?</p> <p>23 A. Yeah. The answer is yes. They'll be anything</p> <p>24 from system operators who would -- would monitor the</p> <p>25 ongoing injection to maintenance and repair folks as</p> <p>PAGE 27</p>
<p>1 has value. And I think that this project and the</p> <p>2 potential follow-ons, development of this carbon</p> <p>3 ecosystem could be a positive.</p> <p>4 MR. BENDER: No further questions, Your Honor.</p> <p>5 ALJ HOGAN: All right. Mr. Pelham, any</p> <p>6 questions?</p> <p>7 MR. PELHAM: Thank you.</p> <p>8 CROSS EXAMINATION</p> <p>9 BY MR. PELHAM:</p> <p>10 Q. Good morning, Mr. Pickering. You understand</p> <p>11 that this is a pipeline siting case; right?</p> <p>12 A. I do.</p> <p>13 Q. All right. And a lot of -- well, some of the</p> <p>14 information in your written testimony talks about carbon</p> <p>15 capture generally; right?</p> <p>16 A. Correct.</p> <p>17 Q. In your written testimony, do you distinguish</p> <p>18 between the economic benefit that you've provided in</p> <p>19 your testimony between the carbon capture aspect, the</p> <p>20 storage of it and pore space versus this case, the</p> <p>21 pipeline siting case?</p> <p>22 A. In my written testimony I haven't. And the way</p> <p>23 I tend to think about this is it is an integrated</p> <p>24 project. There is no need for the pipeline if the CO2</p> <p>25 can't be sequestered. And so I view it as a system and</p> <p>PAGE 26</p>	<p>1 well. So those would be a couple of examples of the</p> <p>2 types of jobs.</p> <p>3 Q. Your testimony talks about enhanced oil</p> <p>4 recovery. Are you familiar with that?</p> <p>5 A. I am.</p> <p>6 Q. Do you know whether or not Summit plans to</p> <p>7 utilize carbon-CO2 from its pipeline for enhanced oil</p> <p>8 recovery?</p> <p>9 A. My understanding is there is no expectation that</p> <p>10 the CO2 will be used in EOR. It will all be injected,</p> <p>11 sequestered.</p> <p>12 Q. So then I guess my question to you then is, if</p> <p>13 that's the case, then why is that information in your</p> <p>14 written testimony?</p> <p>15 A. Sure. The -- there are a number of comments in</p> <p>16 my testimony about the possible implications of the</p> <p>17 project, and my expectation is that a successful carbon</p> <p>18 sequestration project will -- will beget incremental</p> <p>19 opportunities to develop what I call a carbon ecosystem.</p> <p>20 And that carbon attracted to the state could then be</p> <p>21 available for EOR.</p> <p>22 Q. Thank you, sir. I don't have any other</p> <p>23 questions for you.</p> <p>24 A. Thank you.</p> <p>25 ALJ HOGAN: Mr. Schock, any questions?</p> <p>PAGE 28</p>

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<p>1 Mr. Braaten, any questions?</p> <p>2 MR. BRAATEN: Yes, Your Honor. Thank you.</p> <p>3 CROSS EXAMINATION</p> <p>4 BY MR. BRAATEN:</p> <p>5 Q. Mr. Pickering, what's Summit's plan for the</p> <p>6 pipeline after the closure of the sequestration</p> <p>7 facility?</p> <p>8 A. I'm not aware of what the plan is.</p> <p>9 Q. Do you have contracts with the ethanol plants</p> <p>10 that go longer than the 10-year period for the injection</p> <p>11 facility?</p> <p>12 A. I'm not aware of the specific contract tenure</p> <p>13 associated with the project.</p> <p>14 Q. Do you know how long the contracts with the</p> <p>15 ethanol plants go?</p> <p>16 A. I don't.</p> <p>17 Q. Do you know if it's more than 20 years?</p> <p>18 A. I don't know.</p> <p>19 Q. Is it your understanding that you have contracts</p> <p>20 with ethanol plants for 10 years?</p> <p>21 A. I'm not familiar with the duration of the</p> <p>22 contracts with the ethanol plants. What I am confident</p> <p>23 of is that there is ample pore space for any duration</p> <p>24 contract that would be signed given -- given the pore</p> <p>25 volume available in North Dakota.</p> <p>PAGE 29</p>	<p>1 mentioned other industries. Fertilizer is a user of</p> <p>2 CO2, as is the food and beverage industry. Metal</p> <p>3 fabrication uses CO2. So there are a number of</p> <p>4 potential industries that could utilize CO2 if it</p> <p>5 becomes more readily available in North Dakota.</p> <p>6 Q. If CO2 is utilized for sequestration by</p> <p>7 obtaining 45Q credits, that CO2 cannot then be taken</p> <p>8 back out of the ground for use for commercial purposes;</p> <p>9 right?</p> <p>10 A. That's the way I understand the 45Q credit,</p> <p>11 correct.</p> <p>12 Q. So any carbon that is sequestered under the 45Q</p> <p>13 credit program is never going to be used for any kind of</p> <p>14 commercial operation such as you've described?</p> <p>15 A. Yeah. The intent of -- the intent of permanent</p> <p>16 sequestration is that it's sequestration. And my</p> <p>17 understanding of the Summit pipeline is all CO2 that</p> <p>18 comes through this particular project will be</p> <p>19 sequestered permanently. So none would be subsequently</p> <p>20 removed.</p> <p>21 Q. So the pipeline that is being built for the</p> <p>22 Summit project will never be used to transport CO2</p> <p>23 anywhere other than a permanent sequestration facility?</p> <p>24 A. I couldn't -- I couldn't answer that with --</p> <p>25 with any clarity because I don't know what Summit's</p> <p>PAGE 31</p>
<p>1 Q. Summit's plan is to extend the pipeline up to</p> <p>2 the Bakken oil patch to use CO2 for enhanced oil</p> <p>3 operations in the Bakken after the closure of the</p> <p>4 sequestration area; right?</p> <p>5 A. I'm not familiar with -- with Summit's plans</p> <p>6 post the project.</p> <p>7 Q. Who is?</p> <p>8 A. Who is familiar? I assume another witness could</p> <p>9 answer that question that is associated with Summit.</p> <p>10 I'm not a Summit employee.</p> <p>11 Q. Which witness associated with Summit could</p> <p>12 answer that question?</p> <p>13 A. I don't know.</p> <p>14 Q. You talked about economic benefits such as jobs</p> <p>15 for the pipeline construction and you also talked about</p> <p>16 opportunity-driven potential benefits. What other kinds</p> <p>17 of carbon projects or facilities do you believe that</p> <p>18 would be more likely to locate in North Dakota if Summit</p> <p>19 is successful?</p> <p>20 A. Yeah. So when we think about uses of CO2,</p> <p>21 renewable fuels tend to -- tend to be associated with</p> <p>22 carbon sequestration. And so while there aren't any of</p> <p>23 those facilities today, you could see a sustainable</p> <p>24 aviation fuel facility could potentially be justified</p> <p>25 based on the ability to sequester the carbon. I</p> <p>PAGE 30</p>	<p>1 ultimate plans are and -- and the end users, the CO2</p> <p>2 emitters, what they will ultimately want to do with the</p> <p>3 CO2.</p> <p>4 Q. So after the 10-year facility is over, they</p> <p>5 could do whatever they wanted with that CO2?</p> <p>6 A. Who's "they" in your question?</p> <p>7 Q. The emitters you referred to.</p> <p>8 A. Well, if -- if emitters are putting CO2 into the</p> <p>9 pipeline and transporting it to North Dakota, then</p> <p>10 they're going to have some idea of what happens to it.</p> <p>11 If -- if -- that could be injection. That could be</p> <p>12 other uses. But they'll know that before it goes into</p> <p>13 the pipeline.</p> <p>14 Q. But we don't know that right now, do we?</p> <p>15 A. I think it's hard to know what happens 10 years</p> <p>16 in the future.</p> <p>17 Q. I think I understood you to be saying that</p> <p>18 Summit's project could attract other carbon industries</p> <p>19 and it could also eventually result in additional</p> <p>20 business for the ethanol industry. And then you also</p> <p>21 talked about jobs. Other than those, what benefits to</p> <p>22 North Dakota do you see the pipeline that's being</p> <p>23 proposed bringing to North Dakota citizens?</p> <p>24 A. So I mentioned several of them in my -- in my</p> <p>25 testimony. And I think what I would say is that it's</p> <p>PAGE 32</p>

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<p>1 hard for any of us to know as a -- as this what I've</p> <p>2 called carbon ecosystem develops, it's hard for any of</p> <p>3 us to know exactly what that looks like and what</p> <p>4 potential opportunities may -- may be created. Ethanol</p> <p>5 and renewable fuels is clearly a -- one significant</p> <p>6 beneficiary of the ability to sequester CO2. And so</p> <p>7 other benefits include, as I mention, things like the</p> <p>8 pore space leases, the potential of other -- other</p> <p>9 industries, the power consumption.</p> <p>10 So at this point I wouldn't have anything to add</p> <p>11 other than the things I've mentioned both in my direct</p> <p>12 testimony and then here.</p> <p>13 Q. I understand there may be another witness to</p> <p>14 speak to this, but how is power consumption a benefit to</p> <p>15 North Dakota citizens?</p> <p>16 A. Well, it's incremental. It's incremental</p> <p>17 spending that occurs in the state. And so it's a GDP</p> <p>18 enhancer. When you've got incremental consumption,</p> <p>19 generation and consumption of power, that's more dollars</p> <p>20 coming into the power co-ops.</p> <p>21 Q. Can you identify any benefits to North Dakota of</p> <p>22 the proposed pipeline that are not economic or benefits</p> <p>23 to the tax base?</p> <p>24 A. Just to make sure I understand the question. So</p> <p>25 any benefits that are not economic benefits?</p> <p>PAGE 33</p>	<p>1 being paid for that carbon to be stored under their</p> <p>2 land.</p> <p>3 Q. Why?</p> <p>4 A. Because I believe the State of North Dakota has</p> <p>5 -- has defined that that pore space, the landowner owns</p> <p>6 the pore space and, therefore, if you're going to use</p> <p>7 it, i.e., put something there that wasn't there before,</p> <p>8 you have to pay the landowner for that use.</p> <p>9 Q. Because you're compensating them for using their</p> <p>10 property?</p> <p>11 MR. BENDER: Your Honor, I'm going to object. I</p> <p>12 don't have any problem with him answering the questions,</p> <p>13 but insofar as it calls for a legal conclusion,</p> <p>14 Mr. Pickering is not a lawyer so I would object on those</p> <p>15 grounds.</p> <p>16 ALJ HOGAN: Can you rephrase your question? And</p> <p>17 were you looking for a legal conclusion? Maybe you</p> <p>18 could clarify.</p> <p>19 MR. BRAATEN: I'm just looking for -- no, I'm</p> <p>20 not looking for a legal conclusion.</p> <p>21 Q. (BY MR. BRAATEN) Are you paying the landowners</p> <p>22 money in exchange for the use of their property?</p> <p>23 MR. BENDER: Same objection.</p> <p>24 ALJ HOGAN: I'll let him answer with the</p> <p>25 understanding he's not a lawyer and this is not a legal</p> <p>PAGE 35</p>
<p>1 Q. Correct.</p> <p>2 A. Yeah. I mean, I think the most meaningful one</p> <p>3 is -- is this concept of what I call a halo of being</p> <p>4 considered a first mover or among the first movers</p> <p>5 around carbon capture and the carbon industry. Why?</p> <p>6 Because I think the broad public perception is that</p> <p>7 doing something to help climate change and reduce CO2 is</p> <p>8 a positive and a good thing and so I believe that states</p> <p>9 that are at the forefront of that will -- will be viewed</p> <p>10 positively. So the qualitative benefit is,</p> <p>11 quote/unquote, "those guys are doing good things." And</p> <p>12 how that translates is also very difficult, but good</p> <p>13 reputation has a lot of value.</p> <p>14 Q. How do the leaseholders benefit from the pore</p> <p>15 space leases?</p> <p>16 A. The leaseholders receive a payment allowing the</p> <p>17 pipeline project, the Summit project, to inject carbon</p> <p>18 into their pore space that's under their -- the ground</p> <p>19 underneath their acreage. And so it's a financial</p> <p>20 benefit that they accrue at the time of the lease</p> <p>21 payment.</p> <p>22 Q. And is that financial benefit compensation for</p> <p>23 the use of their property?</p> <p>24 A. I don't know what -- I don't know what the legal</p> <p>25 definition of "compensation" means, but -- but they are</p> <p>PAGE 34</p>	<p>1 conclusion.</p> <p>2 So you're answering to your knowledge and</p> <p>3 understanding.</p> <p>4 THE WITNESS: Sure.</p> <p>5 A. Then the answer is yes.</p> <p>6 MR. BRAATEN: No further questions.</p> <p>7 ALJ HOGAN: Mr. Pranis, any questions?</p> <p>8 MR. PRANIS: Yes, briefly, Your Honor.</p> <p>9 CROSS EXAMINATION</p> <p>10 BY MR. PRANIS:</p> <p>11 Q. Mr. Pickering, so I just wanted to clarify that</p> <p>12 while the numbers that you are citing, the estimates</p> <p>13 you're citing for economic impact are for the project as</p> <p>14 a whole, would it be correct to say that, in the absence</p> <p>15 of the pipeline, if the pipeline were not to be</p> <p>16 approved, that those numbers would likely be zero or</p> <p>17 approximately zero?</p> <p>18 A. There's a significant amount of spending that's</p> <p>19 occurred, that has already occurred. If the project</p> <p>20 doesn't move forward, I think it's very fair to say</p> <p>21 there would be zero incremental or very low incremental</p> <p>22 economic benefit.</p> <p>23 Q. Thank you.</p> <p>24 And, Mr. Pickering, to clarify, when you were</p> <p>25 talking about the additional opportunities in carbon</p> <p>PAGE 36</p>

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<p>1 management, you're referring to -- you were asked about,</p> <p>2 you know, what was directly connected to this pipeline</p> <p>3 project, but I want to clarify that I believe your</p> <p>4 testimony was about potential investments that could be</p> <p>5 elicited by demonstrating North Dakota's capabilities</p> <p>6 and leadership in the carbon management space to</p> <p>7 investors, operators, particularly from outside the</p> <p>8 region that might make additional new investments in</p> <p>9 different projects; is that correct?</p> <p>10 A. That's correct. I'm -- my belief would be that</p> <p>11 there would be incremental projects or benefits that</p> <p>12 come as a result of this project.</p> <p>13 Q. Thank you.</p> <p>14 MR. PRANIS: No further questions.</p> <p>15 ALJ HOGAN: Commissioner Christmann.</p> <p>16 COMMISSIONER CHRISTMANN: I don't have very many</p> <p>17 questions because actually your written testimony was</p> <p>18 pretty clear, but I did have a couple of clarifications</p> <p>19 and one, I guess, looming question.</p> <p>20 On page 3 of your testimony, you said</p> <p>21 approximately \$900 million will be spent in North</p> <p>22 Dakota. Is that -- now in your testimony this morning,</p> <p>23 I think you said 1.1 to 1.5 billion. Is that an update</p> <p>24 on that number? Or when you said 1.1 to 1.5, is that</p> <p>25 something different?</p> <p>PAGE 37</p>	<p>1 think, is a more accurate calculation.</p> <p>2 COMMISSIONER CHRISTMANN: Because I think that's</p> <p>3 about what --</p> <p>4 THE WITNESS: Correct.</p> <p>5 COMMISSIONER CHRISTMANN: -- his total up to.</p> <p>6 THE WITNESS: Correct.</p> <p>7 COMMISSIONER CHRISTMANN: Okay. And then in</p> <p>8 reading this, I kept flipping pages, waiting for one</p> <p>9 that you never addressed, and so maybe I'm</p> <p>10 misunderstanding from previous hearings. Somewhere</p> <p>11 along the line, once or probably multiple times, we've</p> <p>12 heard of property tax exemption for a pipeline project</p> <p>13 like this. I can't remember for how many years. It was</p> <p>14 my understanding, though, that the -- when the State</p> <p>15 developed that property tax exemption, that it was the</p> <p>16 State doing that, not those counties and political</p> <p>17 subdivisions, but that the counties get the property</p> <p>18 taxes from the State, but the State doesn't collect them</p> <p>19 from the property owner. Is that how you understand it?</p> <p>20 THE WITNESS: I'm taking the proverbial Fifth on</p> <p>21 that -- on that question. And the reason I say that is</p> <p>22 I'm not a tax expert and I didn't really think about</p> <p>23 taxes in this analysis. I thought more about the</p> <p>24 economics of the project.</p> <p>25 And so you're correct, there is no comment on</p> <p>PAGE 39</p>
<p>1 THE WITNESS: Yeah, thanks for the question.</p> <p>2 So the \$900 million is the number associated</p> <p>3 with capital spending in North Dakota. And the 1.1 to</p> <p>4 1.2 that I mentioned is my expectation -- and I think I</p> <p>5 quote that number in the testimony, that that's the</p> <p>6 overall flow-through impact and there's some inflation</p> <p>7 associated with that.</p> <p>8 The number -- the \$900 million number is a bit</p> <p>9 dated. It's kind of a 2022 estimate. And nothing that</p> <p>10 cost X in 2022 costs X in 2024, 2025. So I think</p> <p>11 there's inflation associated with that. How much, I'm</p> <p>12 not sure, but there's inflation.</p> <p>13 COMMISSIONER CHRISTMANN: Okay. And then the</p> <p>14 next one I think you have ironed out, but I just want to</p> <p>15 rephrase it --</p> <p>16 THE WITNESS: Sure.</p> <p>17 COMMISSIONER CHRISTMANN: -- to make sure I'm</p> <p>18 understanding. On page 4, your testimony said</p> <p>19 \$4 million of power will be sourced to North Dakota.</p> <p>20 Now -- and I noticed before that Mr. Boeshans' testimony</p> <p>21 had it by cooperative or by county, I can't remember</p> <p>22 which way, and it totaled up to much more. You're</p> <p>23 saying this should have been 14?</p> <p>24 THE WITNESS: That's correct. Again, a 2022</p> <p>25 estimate updated to 2024. And Mr. Boeshans' number, I</p> <p>PAGE 38</p>	<p>1 taxes in my prepared testimony because I just haven't</p> <p>2 focused on it and don't understand the nuances of North</p> <p>3 Dakota taxation.</p> <p>4 COMMISSIONER CHRISTMANN: So as far as the</p> <p>5 testimony, we don't know whether there's a benefit to</p> <p>6 political subdivisions from additional revenue for</p> <p>7 taxes?</p> <p>8 THE WITNESS: I can't imagine that there won't</p> <p>9 be taxes associated with this project and therefore</p> <p>10 there have to be some. I just don't know how to</p> <p>11 quantify them.</p> <p>12 COMMISSIONER CHRISTMANN: Okay. I don't have</p> <p>13 any other questions. Thank you.</p> <p>14 THE WITNESS: Thank you.</p> <p>15 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>16 COMMISSIONER HAUGEN-HOFFART: Thank you.</p> <p>17 I'm going to pick up there. In reading your</p> <p>18 testimony, that is one of the things I was waiting to</p> <p>19 find, is the political -- or the economic impact on the</p> <p>20 counties in which the pipeline is going through. So I</p> <p>21 don't know if you can get that for us or who for the</p> <p>22 company can provide that economic impact per county.</p> <p>23 MR. BENDER: We may be able to address that yet</p> <p>24 today with another witness.</p> <p>25 COMMISSIONER HAUGEN-HOFFART: Okay. So I look</p> <p>PAGE 40</p>

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<p>1 forward to that. Thank you.</p> <p>2 I always read with great interest when people do</p> <p>3 modeling, what factors go into the modeling and what</p> <p>4 assumptions for their -- I'm just curious in this, when</p> <p>5 looking at this, did you take into account any -- just</p> <p>6 looking at supply chain issues, lack of workforce,</p> <p>7 housing, etcetera, how that impacts the modeling that</p> <p>8 you presented?</p> <p>9 THE WITNESS: Yeah. There was detailed modeling</p> <p>10 done by a global consulting firm, EY, that resulted in a</p> <p>11 2020 -- 2022 report that -- that is the basis for a</p> <p>12 number of numbers that I use in my testimony.</p> <p>13 MR. BENDER: Dan, excuse me for interrupting,</p> <p>14 but can you describe the acronym "EY"?</p> <p>15 THE WITNESS: I think Ernst & Young, they go by</p> <p>16 "EY" these days, but, again, global nationally</p> <p>17 recognized consulting firm, tax and audit as well.</p> <p>18 So -- so the basis of that report involved very</p> <p>19 detailed bottoms-up modeling of everything from supply</p> <p>20 chain to employment to all -- several other things that</p> <p>21 you mentioned, Commissioner. And so in a way I'm</p> <p>22 analyzing the modeler or assessing the model. It's one</p> <p>23 of the reasons that my assessment of costs and economic</p> <p>24 impact is actually higher, because I do think that</p> <p>25 things like supply chain and inflationary pressures over</p> <p>PAGE 41</p>	<p>1 you CO2 and inject it in your facility.</p> <p>2 COMMISSIONER HAUGEN-HOFFART: Do you know if</p> <p>3 there's any concerns with access to capital on this</p> <p>4 project?</p> <p>5 THE WITNESS: My experience in big projects is</p> <p>6 there is always a concern about access to capital until</p> <p>7 you have the money in the bank, but this is a project</p> <p>8 that is both high profile and in the sweet spot of</p> <p>9 infrastructure investing. Today there's a lot of money</p> <p>10 interested in being involved in -- in low-carbon</p> <p>11 projects. And so I don't think they'll have a problem</p> <p>12 raising money, but my guess is, if you asked the</p> <p>13 company, they would say they're always nervous about</p> <p>14 where -- you know, funding the pipeline.</p> <p>15 COMMISSIONER HAUGEN-HOFFART: I'm not quite</p> <p>16 following the whole timeline. So when we -- my</p> <p>17 understanding of this, we have this pipeline coming</p> <p>18 through, or the request, and the purpose is</p> <p>19 sequestration.</p> <p>20 THE WITNESS: Yes, ma'am.</p> <p>21 COMMISSIONER HAUGEN-HOFFART: That's got to be</p> <p>22 for 12 years. So maybe I'm just not aware of other</p> <p>23 interest with the 45Q where people are knocking at the</p> <p>24 door or bringing forth other carbon-related things. Now</p> <p>25 I'm not saying it's not being done, but I'm just trying</p> <p>PAGE 43</p>
<p>1 the last two or three years have increased the costs</p> <p>2 associated with the project.</p> <p>3 COMMISSIONER HAUGEN-HOFFART: So that could have</p> <p>4 negative impact on a project if there's delays.</p> <p>5 THE WITNESS: It could. That's right. And, in</p> <p>6 fact, I think what we've seen is the overall cost</p> <p>7 estimate for the project has gone up fairly</p> <p>8 substantially. And so, you know, this is an</p> <p>9 economically-driven project, and at some point if costs</p> <p>10 go too high it won't make sense to do.</p> <p>11 COMMISSIONER HAUGEN-HOFFART: So what other</p> <p>12 factors could prohibit a project going forward? Supply</p> <p>13 chain? You don't get the pipe. What about the impact</p> <p>14 to the landowners?</p> <p>15 THE WITNESS: So other -- other things that</p> <p>16 could -- access to capital. Investors that are</p> <p>17 providing equity or debt capital for an \$8 billion</p> <p>18 project might decide they don't want to do that. That</p> <p>19 would make it hard to -- to complete the project. And</p> <p>20 then, obviously, this process. You can't do a project</p> <p>21 that's not permitted. And so, you know, clearly this is</p> <p>22 the -- a key component. Access to capital is a key</p> <p>23 component. And then the underlying -- the underlying</p> <p>24 transporters of CO2 are another key component. You have</p> <p>25 to have customers that want to take -- that want to give</p> <p>PAGE 42</p>	<p>1 to connect some of the dots, and maybe that's -- the</p> <p>2 onus is on me to get it, but I'm just not seeing it.</p> <p>3 So thank you for your input. I have no other</p> <p>4 questions.</p> <p>5 ALJ HOGAN: Mr. Dawson.</p> <p>6 SUBSTITUTE DECISIONMAKER DAWSON: Thank you,</p> <p>7 Your Honor. I have no questions.</p> <p>8 ALJ HOGAN: Mr. Bender, any redirect?</p> <p>9 MR. BENDER: No redirect.</p> <p>10 ALJ HOGAN: Mr. Pelham or Mr. Schock, any other</p> <p>11 questions?</p> <p>12 MR. PELHAM: No, Your Honor.</p> <p>13 ALJ HOGAN: Mr. Braaten?</p> <p>14 MR. BRAATEN: No, Your Honor.</p> <p>15 ALJ HOGAN: Mr. Pranis?</p> <p>16 MR. PRANIS: No, Your Honor.</p> <p>17 ALJ HOGAN: All right. Well, thank you,</p> <p>18 Mr. Pickering.</p> <p>19 Mr. Bender, you can call your next witness.</p> <p>20 MR. BENDER: Thank you. Summit calls Wade</p> <p>21 Boeshans.</p> <p>22 ALJ HOGAN: Good morning. I'll have you state</p> <p>23 your full name for the record and spell your last name.</p> <p>24 WADE BOESHANS: Good morning. Wade Boeshans.</p> <p>25 ALJ HOGAN: Can you spell your last name,</p> <p>PAGE 44</p>

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<p>1 please?</p> <p>2 WADE BOESHANS: B-O-E-S-H-A-N-S.</p> <p>3 ALJ HOGAN: And, Mr. Boeshans, were you in the</p> <p>4 room and did you hear me go through the penalties for</p> <p>5 perjury earlier?</p> <p>6 WADE BOESHANS: I was.</p> <p>7 ALJ HOGAN: And do you understand what perjury</p> <p>8 is?</p> <p>9 WADE BOESHANS: I do.</p> <p>10 ALJ HOGAN: And being advised of the potential</p> <p>11 penalties for perjury, do you promise to tell the truth</p> <p>12 in this case today?</p> <p>13 WADE BOESHANS: I do.</p> <p>14 ALJ HOGAN: All right. Thank you.</p> <p>15 Go ahead, Mr. Bender.</p> <p>16 MR. BENDER: Thank you.</p> <p>17 <u>WADE BOESHANS.</u></p> <p>18 being first duly sworn, was examined and testified as</p> <p>19 follows:</p> <p>20 DIRECT EXAMINATION</p> <p>21 BY MR. BENDER:</p> <p>22 Q. Wade, would you state your full name for the</p> <p>23 record, please?</p> <p>24 A. Wade Wayne Boeshans.</p> <p>25 Q. And I apologize, Wade, for mispronouncing your</p> <p>PAGE 45</p>	<p>1 testimony versus your written testimony?</p> <p>2 A. Sure. As I understand it, Mr. Pickering used</p> <p>3 the Ernst & Young report that he referenced. It was a</p> <p>4 -- which was a report that was conducted in 2022 to</p> <p>5 assess the economic impact of the project across the</p> <p>6 entire footprint. Since that time, the number of plants</p> <p>7 has increased and so we have a higher throughput, higher</p> <p>8 volume associated with that, which is included in my</p> <p>9 numbers.</p> <p>10 Additionally, we've done -- you know, completed</p> <p>11 front-end engineering and detailed design across the</p> <p>12 system, which has then determined the pumping -- pump</p> <p>13 sizes, pump capacities, motor sizes, and ultimately from</p> <p>14 that we're able to develop then the -- the energy needs</p> <p>15 of the project.</p> <p>16 And my numbers reflect the current design of the</p> <p>17 system, the current throughput of the system, etcetera.</p> <p>18 Q. And the discrepancy that Mr. Pickering discussed</p> <p>19 and that you've explained further, that discrepancy</p> <p>20 doesn't result or wasn't an incorrect statement in your</p> <p>21 testimony, it was an incorrect statement in</p> <p>22 Mr. Pickering's testimony; is that correct?</p> <p>23 A. Yeah. I would just characterize it as the</p> <p>24 statements in my testimony are current 2024 estimates</p> <p>25 versus Pickering's was 2022 estimates.</p> <p>PAGE 47</p>
<p>1 last name. Could you --</p> <p>2 A. I'm used to it.</p> <p>3 Q. Pardon me?</p> <p>4 A. I'm used to it.</p> <p>5 Q. Okay. Can you spell your last name, please?</p> <p>6 A. B-O-E-S-H-A-N-S.</p> <p>7 Q. And what is your business address?</p> <p>8 A. 3442 East Century Avenue, Bismarck.</p> <p>9 Q. And by whom are you employed?</p> <p>10 A. Summit Carbon Solutions.</p> <p>11 Q. In what capacity?</p> <p>12 A. As executive vice president.</p> <p>13 Q. And in preparation for today's hearing, have you</p> <p>14 prepared written testimony that's been submitted to the</p> <p>15 Commission?</p> <p>16 A. I have.</p> <p>17 Q. And when you prepared that testimony, was it</p> <p>18 true and correct?</p> <p>19 A. It was.</p> <p>20 Q. And is it true and correct as you sit here</p> <p>21 today?</p> <p>22 A. It is.</p> <p>23 Q. Mr. Pickering pointed out a discrepancy in his</p> <p>24 testimony. Let's start with that. Can you just explain</p> <p>25 what -- as you understand the discrepancy in his</p> <p>PAGE 46</p>	<p>1 Q. And just to make it clear, the issue was the</p> <p>2 number of ethanol plants going from 32 to 57; is that</p> <p>3 correct?</p> <p>4 A. That's correct.</p> <p>5 Q. Mr. Boeshans, as the previous witness did, I'm</p> <p>6 not going to have you go through every word of your</p> <p>7 written testimony. The idea of presenting written</p> <p>8 testimony was to save some of the commissioners' time</p> <p>9 and allow more time for the public to testify, but I</p> <p>10 want to have you summarize some of your written</p> <p>11 testimony. Is that okay?</p> <p>12 A. Yes.</p> <p>13 Q. Let's start out with what the purpose of your</p> <p>14 testimony is.</p> <p>15 A. Yeah, the purpose of my testimony is to provide</p> <p>16 testimony or an update on the Bismarck reroute, our</p> <p>17 sequestration facility development, and our routing</p> <p>18 across -- routing of the line across BNI and up to the</p> <p>19 Young Station.</p> <p>20 Q. And were you involved in preparing or having</p> <p>21 prepared under your control and supervision some maps</p> <p>22 that are going to be offered as SCS R-14?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And do you have those maps in front of</p> <p>25 you?</p> <p>PAGE 48</p>

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<p>1 A. Yes, I do.</p> <p>2 Q. And I believe a copy should have been</p> <p>3 distributed to each one of the commissioners as well as</p> <p>4 counsel.</p> <p>5 Could you just very briefly describe what that</p> <p>6 packet is?</p> <p>7 A. Sure. The packet includes, on the first page, a</p> <p>8 map of the pipeline route around Bismarck. So it's</p> <p>9 blown up to really identify the reroute around Bismarck.</p> <p>10 And then subsequently we have a similar map for each one</p> <p>11 of the counties across the footprint in North Dakota.</p> <p>12 And so what you see on that map is the current route is</p> <p>13 identified in blue and call it the previous route or old</p> <p>14 route in red.</p> <p>15 And so you'll see on the first page of the -- of</p> <p>16 the packet the reroute around Bismarck. And so from</p> <p>17 that you can see where we depart from the red line on</p> <p>18 the east side of Bismarck, we routed, you know,</p> <p>19 approximately eight miles to the north and then west,</p> <p>20 crossing 83, or North Dakota Highway 83, about nine</p> <p>21 miles north of Bismarck, and then making our way back</p> <p>22 towards 1804 to the previous route.</p> <p>23 Q. And your testimony today is primarily, at least</p> <p>24 with respect to rerouting, is going to focus on the</p> <p>25 reroute around Bismarck; is that correct?</p> <p>PAGE 49</p>	<p>1 protective order?</p> <p>2 MR. BENDER: Your Honor, what I would suggest is</p> <p>3 perhaps, when we take a break, I could meet with</p> <p>4 Mr. Braaten and perhaps we could come up with something</p> <p>5 that is in line with the protective order but gets</p> <p>6 Mr. Braaten what he needs. I want to accommodate him,</p> <p>7 if I can.</p> <p>8 ALJ HOGAN: Okay.</p> <p>9 MR. BRAATEN: That's good.</p> <p>10 ALJ HOGAN: And, Mr. Pranis, any objection to</p> <p>11 the exhibit?</p> <p>12 MR. PRANIS: No, Your Honor.</p> <p>13 ALJ HOGAN: All right. I will admit SCS R-14</p> <p>14 with the caveat that we'll work to get Mr. Braaten the</p> <p>15 information that he needs. All right. Go ahead.</p> <p>16 Q. (BY MR. BENDER) Wade, let's talk a little bit</p> <p>17 now more about your involvement in the reroute around</p> <p>18 Bismarck. I believe your testimony was that you were</p> <p>19 significantly involved in working through that reroute;</p> <p>20 is that correct?</p> <p>21 A. Yeah, that's correct. I led the team that did</p> <p>22 the rerouting around Bismarck.</p> <p>23 Q. And why don't you describe for us, subsequent to</p> <p>24 the issuance by the Commission denying the application</p> <p>25 and then the granting of the petition for</p> <p>PAGE 51</p>
<p>1 A. That's correct.</p> <p>2 Q. And the reason for that is you were</p> <p>3 significantly involved in that reroute; is that correct?</p> <p>4 A. Yeah, that's correct.</p> <p>5 Q. And with respect to other reroutes in the other</p> <p>6 counties, while you were aware of them, you were not</p> <p>7 working on them directly. Is that a fair statement?</p> <p>8 A. Yeah, that's correct.</p> <p>9 MR. BENDER: We'd offer the Exhibit SC R-14.</p> <p>10 ALJ HOGAN: Mr. Pelham, any objection?</p> <p>11 MR. PELHAM: No objection.</p> <p>12 ALJ HOGAN: Mr. Braaten?</p> <p>13 MR. BRAATEN: Your Honor, I would have one</p> <p>14 objection to the map containing Emmons County if the</p> <p>15 underlying shapefiles are not provided to Emmons County.</p> <p>16 If you can provide the underlying shapefile, I have no</p> <p>17 objection and no objection to the rest of the exhibit.</p> <p>18 MR. BENDER: Your Honor, the shapefiles that --</p> <p>19 have been submitted to the Commission, but they're under</p> <p>20 a protective order.</p> <p>21 What information is it that you need,</p> <p>22 Mr. Braaten? We might be able to provide you what you</p> <p>23 need without having to modify the protective order.</p> <p>24 MR. BRAATEN: I'd like the ability to use the</p> <p>25 shapefiles. Is that something that's possible under the</p> <p>PAGE 50</p>	<p>1 reconsideration, what did -- what did Summit do with</p> <p>2 your help and involvement?</p> <p>3 A. Sure. So after the denial of the previous</p> <p>4 route, we met as a team, looked at the findings of fact,</p> <p>5 after which I reached out to the Bismarck area</p> <p>6 intervenors and I met with -- or contacted all of them,</p> <p>7 met with some of them several times, just to better</p> <p>8 understand what their concerns were.</p> <p>9 Q. And let me stop you, Wade, just so -- for</p> <p>10 everybody's benefit, can you describe or give the names</p> <p>11 of those Bismarck intervenors? Who were they?</p> <p>12 A. They were Chad Moldenhauer, Chad Wachter, and</p> <p>13 John Warford.</p> <p>14 Q. Okay. Please continue.</p> <p>15 A. Yeah. So as I mentioned, had numerous meetings</p> <p>16 with Bismarck area intervenors. Again, after that</p> <p>17 learned, you know, really their primary concerns and,</p> <p>18 you know, got some input on how to address them. From</p> <p>19 that, then we started reaching out to landowners to</p> <p>20 identify a suitable route that would go further north</p> <p>21 and east in Bismarck, crossing somewhere between, you</p> <p>22 know, midway and -- and the Baldwin road.</p> <p>23 And so we started contacting landowners. Had</p> <p>24 numerous meetings, often met with landowners several</p> <p>25 times to introduce the project, educate them on the</p> <p>PAGE 52</p>

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<p>1 project, answer their questions, address their concerns.</p> <p>2 Sometimes it was in our office, sometimes it was in</p> <p>3 their shops or their homes. And it was a very</p> <p>4 interactive process.</p> <p>5 Q. Let me stop you there. And I want you to</p> <p>6 describe, was that -- was that the initial contact that</p> <p>7 you were making where you talked about the process?</p> <p>8 A. Yes. You know, the initial contact to -- yes,</p> <p>9 yes, exactly.</p> <p>10 Q. Okay. And how would you describe that process?</p> <p>11 Was it -- was it favorable? Did the individuals that</p> <p>12 you were contacting about right of way, did they seem</p> <p>13 receptive to the right of way on their property?</p> <p>14 A. Yeah, they were -- you know, they were -- they</p> <p>15 were receptive. We -- they always had questions and</p> <p>16 we'd address those questions, and sometimes we met</p> <p>17 numerous times. And through that process we were -- we</p> <p>18 then -- kind of the first step for us from there after</p> <p>19 we started to develop, you know, an acceptable route</p> <p>20 that the landowners had input on, and we went out and</p> <p>21 started surveying the route.</p> <p>22 Q. Did there come a time when that receptiveness</p> <p>23 changed?</p> <p>24 A. I would say as we worked through that process,</p> <p>25 you know, through the -- through the survey, we were</p> <p>PAGE 53</p>	<p>1 Q. Okay. And what was Summit's approach with that</p> <p>2 in terms of did you continue to work with those owners</p> <p>3 in an attempt to acquire easements or did you just stop?</p> <p>4 A. No. We continued to engage with them. But,</p> <p>5 again, it was -- you know, we're understanding that they</p> <p>6 -- many of those landowners wanted to wait and see if we</p> <p>7 got a permit first and then continue the easement</p> <p>8 discussions.</p> <p>9 Q. Let's talk a little bit about the reroute, and</p> <p>10 if it's helpful, certainly utilize Exhibit SCS R-14 in</p> <p>11 describing the initial route for this pipeline and the</p> <p>12 proposed new route for the pipeline. And there's page</p> <p>13 numbers on those maps. When you're describing a map, it</p> <p>14 might be useful for the Commission, Commission staff,</p> <p>15 and counsel to know which map you're talking about by</p> <p>16 referring to the page number.</p> <p>17 A. Sure. So I'll start with page number 1 which,</p> <p>18 again, is the route around Bismarck. You know, the red</p> <p>19 line represents the old route, the blue line represents</p> <p>20 the current route.</p> <p>21 As I mentioned earlier, the reroute extends</p> <p>22 about seven, almost eight miles further to the north</p> <p>23 from the previous route, then makes its way to the -- to</p> <p>24 the west, traverses about a mile south of the town of</p> <p>25 Baldwin, crosses Highway 83, and then it kitty-corners</p> <p>PAGE 55</p>
<p>1 able to secure voluntary survey access from over</p> <p>2 90 percent of the landowners along the route. We</p> <p>3 surveyed the route. We had one of our employees in the</p> <p>4 field throughout that survey process. And, you know, we</p> <p>5 found it to be very beneficial and they were in the</p> <p>6 community and -- and as people are coming up and down</p> <p>7 the road, they could stop and ask questions. We were</p> <p>8 able to ensure that we were respecting the landowners'</p> <p>9 property.</p> <p>10 And we, you know, completed over 80 percent of</p> <p>11 those surveys before -- before the winter set in and</p> <p>12 were able to ultimately finalize a route and -- and</p> <p>13 update the route and filed the updated route with the</p> <p>14 Commission and into this docket, after which the route</p> <p>15 was filed, then, you know, we got feedback from</p> <p>16 landowners that they were being contacted by the North</p> <p>17 Dakota Easement Team and being discouraged not to talk</p> <p>18 to us and were feeling pressure and so it slowed down.</p> <p>19 And it was -- you know, we were at a point where</p> <p>20 we're still developing the permit, we're still</p> <p>21 developing the -- preparing for the hearings and</p> <p>22 ultimately, assuming approved, then the ability to</p> <p>23 construct the line. So we didn't pressure them hard but</p> <p>24 continued to engage, but clearly they were being</p> <p>25 pressured by others.</p> <p>PAGE 54</p>	<p>1 to the southwest, back to the original route, ties into</p> <p>2 the original route at about Highway 1804 along the</p> <p>3 Missouri River. And the Missouri River crossing is in</p> <p>4 the same location.</p> <p>5 Q. Okay. And I think you've testified that the</p> <p>6 initial route, there was some concern by the Bismarck</p> <p>7 intervenors; is that correct?</p> <p>8 A. There was.</p> <p>9 Q. And at least two of the Bismarck intervenors</p> <p>10 were builders; is that correct?</p> <p>11 A. That's correct.</p> <p>12 Q. And they develop housing subdivisions; is that</p> <p>13 correct?</p> <p>14 A. Yeah, that's correct.</p> <p>15 Q. And to your knowledge, are there any proposed</p> <p>16 subdivisions in your new proposed route?</p> <p>17 A. Not to my knowledge.</p> <p>18 Q. Now, one of the items that the Commission</p> <p>19 identified as a potential problem in denying the first</p> <p>20 application was that the route passed over an area that</p> <p>21 was covered by a coal permit from the Public Service</p> <p>22 Commission that BNI had received. Are you aware of</p> <p>23 that?</p> <p>24 A. Yes, I'm aware of that.</p> <p>25 Q. Okay. And can you explain what Summit had done</p> <p>PAGE 56</p>

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<p>1 prior to that order being denied and what Summit has</p> <p>2 done since the order was denied in terms of working with</p> <p>3 the PSC, working with BNI to resolve, if any, of that</p> <p>4 issue?</p> <p>5 A. Sure. I'll refer you to page 4 in the exhibits,</p> <p>6 which is the Oliver County slide -- or map, excuse me.</p> <p>7 Again, the blue line reflects the current route and the</p> <p>8 red line reflects what I would describe as the old route</p> <p>9 or the previous route.</p> <p>10 So obviously, given my previous history as the</p> <p>11 president and general manager of BNI, I was very</p> <p>12 familiar with BNI's operations, its mining reserves, its</p> <p>13 mining plans, etcetera. After the announcement of the</p> <p>14 joint development agreement with Minnkota and the</p> <p>15 decision to route a line up to the Minnkota storage</p> <p>16 site, we met with the BNI general manager and</p> <p>17 engineering manager in our office in about June of 2022.</p> <p>18 We looked at a couple different routes. One was to kind</p> <p>19 of the east side of BNI's permitted mine area. The</p> <p>20 other was to the west side of BNI's permitted mine area.</p> <p>21 Kind of through those discussions we determined that the</p> <p>22 route on the west side was the favorable route.</p> <p>23 And so then we proceeded then to get permission</p> <p>24 to survey that route from the landowners. We surveyed</p> <p>25 the route, did some route adjustments along the way, and</p> <p>PAGE 57</p>	<p>1 effort to characterize or evaluate all of the data that</p> <p>2 we collected, build it into a model, ultimately complete</p> <p>3 our design and engineering and application for a storage</p> <p>4 facility permit, which we -- which were recently</p> <p>5 docketed. We have three docketed storage facility</p> <p>6 permit hearings that will be coming up here in June for</p> <p>7 three separate storage sites within that area, within</p> <p>8 Oliver and Mercer counties.</p> <p>9 Q. And Mr. Pickering provided some information with</p> <p>10 respect to the economic benefits of this project. Did</p> <p>11 you hear that testimony?</p> <p>12 A. I did.</p> <p>13 Q. And could you expand perhaps a bit -- I know you</p> <p>14 did it in your written testimony, but just for the</p> <p>15 benefit of the Commission and the general public that's</p> <p>16 here today, just orally explain for us some of the</p> <p>17 benefits to the agricultural economy, in your opinion.</p> <p>18 A. Sure. So I'd just say that in North Dakota the</p> <p>19 ag and energy economy represents 70 percent of our</p> <p>20 economy. It's very material to our economic success.</p> <p>21 Our project, which today includes 57 ethanol plants,</p> <p>22 those 57 plants consume about 1.7 billion bushels of</p> <p>23 corn. They represent about 30 percent of the ethanol</p> <p>24 production in the U.S. That by extension represents</p> <p>25 corn that is produced on about 30 million acres. So</p> <p>PAGE 59</p>
<p>1 then went back to BNI to verify the route with them and</p> <p>2 got their concurrence on the route.</p> <p>3 Also engaged with the North Dakota PSC</p> <p>4 Reclamation Division, Guy Welch, and confirmed the</p> <p>5 process for -- and requirements for crossing a mining</p> <p>6 permit with the -- with the regulator, the Reclamation</p> <p>7 Division. And we got letters from both, both from BNI</p> <p>8 and from the Reclamation Division, kind of affirming the</p> <p>9 same.</p> <p>10 Q. Okay. Now, Wade, when the previous witness was</p> <p>11 testifying, there were some questions about</p> <p>12 distinguishing between the pipeline and the</p> <p>13 sequestration project. It might be useful for the</p> <p>14 Commission and the staff for you to just give us a</p> <p>15 little bit of information with respect to the status of</p> <p>16 the sequestration project.</p> <p>17 A. Sure, sure. I'll give you kind of a high-level</p> <p>18 overview.</p> <p>19 We, you know, initially identified an area in</p> <p>20 Oliver and Mercer counties, about 170,000 acres. We</p> <p>21 then engaged Neset Consulting and the Energy and</p> <p>22 Environmental Research Center out of Grand Forks to do</p> <p>23 site characterization on about a 150,000-acre area</p> <p>24 within -- within that original call it "target area."</p> <p>25 We completed that work. And then the EERC led the</p> <p>PAGE 58</p>	<p>1 that is very material to the corn markets, the U.S. corn</p> <p>2 markets.</p> <p>3 We also have the Tharaldson plant that's part of</p> <p>4 our project. In North Dakota we produce 350, 400</p> <p>5 million bushels of corn a year. Roughly half of that is</p> <p>6 consumed by ethanol plants. The Tharaldson plant alone</p> <p>7 consumes between 15 and 20 percent, about 60 million</p> <p>8 bushels a year. So our project and Tharaldson are</p> <p>9 material, in my opinion, to North Dakota's economy.</p> <p>10 Q. Let's talk a little bit -- and, once again,</p> <p>11 Mr. Pickering touched on this but benefit to electric</p> <p>12 energy suppliers. How can this project benefit them?</p> <p>13 A. So as I included in my written testimony and</p> <p>14 Mr. Pickering testified to, you know, our project will</p> <p>15 locate pump stations and facilities throughout North</p> <p>16 Dakota that will purchase electricity from the local</p> <p>17 cooperatives or utilities that serve those areas. And</p> <p>18 so by increasing their load were able -- then they're</p> <p>19 able to spread their fixed costs, if you will, over a</p> <p>20 larger volume of sales.</p> <p>21 And so it's good for North Dakota in terms of,</p> <p>22 you know, we export -- about 70 percent of the</p> <p>23 electricity produced in this state gets exported out of</p> <p>24 the state. And so we're generating load and -- and</p> <p>25 supporting our energy industry and at the same time</p> <p>PAGE 60</p>

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<p>1 supporting the local cooperatives in which we operate.</p> <p>2 Q. And what benefits will there be to pore space</p> <p>3 owners?</p> <p>4 A. Well, for the pore space owners, we will pay</p> <p>5 royalties for the injection of CO2 into their -- into</p> <p>6 their lands or beneath the surface of their lands.</p> <p>7 We'll also pay -- you know, we pay them for the right to</p> <p>8 do so. In the option and lease agreements, we made</p> <p>9 bonus payments to them.</p> <p>10 Q. So supplemental payments to farmers and ranchers</p> <p>11 for utilization of the pore space. Is that a fair</p> <p>12 statement?</p> <p>13 A. That's a fair statement, yes.</p> <p>14 Q. And they'll be able to utilize the surface just</p> <p>15 as they did before CO2 was injected into the pore space.</p> <p>16 Is that a fair statement?</p> <p>17 A. Yeah, that's correct.</p> <p>18 MR. BENDER: That's all the questions I have at</p> <p>19 this time.</p> <p>20 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>21 MR. PELHAM: Thank you.</p> <p>22 CROSS EXAMINATION</p> <p>23 BY MR. PELHAM:</p> <p>24 Q. Good afternoon, Mr. Boeshans. Some questions</p> <p>25 about your -- you filed testimony, page 11, you were</p> <p>PAGE 61</p>	<p>1 your project."</p> <p>2 Q. So as to the two that have indicated they wish</p> <p>3 to wait until after proceedings are done, permit</p> <p>4 applications are concluded, have they specifically told</p> <p>5 you that the reason is because of these letters from</p> <p>6 this law -- law firm?</p> <p>7 A. They have not specifically told me that.</p> <p>8 Q. And as to the one, presumably you don't know</p> <p>9 because you haven't been able to have a conversation.</p> <p>10 Is that fair to say?</p> <p>11 A. That's fair.</p> <p>12 Q. You mentioned winter season. How has the winter</p> <p>13 season impacted the surveying and has -- has that -- now</p> <p>14 that winter is finally lifting, although we had a fairly</p> <p>15 mild winter this last winter, how has that impacted the</p> <p>16 survey for the Bismarck reroute area?</p> <p>17 A. So we completed -- we completed the 80-plus</p> <p>18 percent of survey that -- and I guess that has been</p> <p>19 completed was done by November, early November, as I</p> <p>20 recall. We will, you know, send surveyors back to the</p> <p>21 field here, you know, now that, you know, the frost is</p> <p>22 out and the snow is gone, upcoming and complete the</p> <p>23 additional surveys.</p> <p>24 Q. At this time, Mr. Boeshans, does Summit have any</p> <p>25 plans to institute condemnation action for the three</p> <p>PAGE 63</p>
<p>1 asked about the progress on the Bismarck reroute, and</p> <p>2 you indicate that 25 out of 28 survey permissions have</p> <p>3 been acquired from landowner groups; correct?</p> <p>4 A. That's correct.</p> <p>5 Q. And those three, can you tell us specifically</p> <p>6 what the issues are with those three that you have not</p> <p>7 -- that Summit has not been able to obtain yet?</p> <p>8 A. Yes. I'm trying to recall specifically the</p> <p>9 three individuals. Two of them wanted to wait until</p> <p>10 after we have a permit before we advance or give us</p> <p>11 permission to advance the survey activities and easement</p> <p>12 discussions. One of them we met with and then since has</p> <p>13 not returned a call or contact.</p> <p>14 Q. And you include in an exhibit in your prefiled</p> <p>15 testimony Exhibit A and it's some letters from Domina</p> <p>16 Law Group. I'm just wondering, sir, can you tell the</p> <p>17 Commission what it is that Summit believes these letters</p> <p>18 from this law firm has caused issues to Summit</p> <p>19 specifically as to this Bismarck reroute?</p> <p>20 A. Yeah. So as I mentioned in my testimony, one of</p> <p>21 the landowners brought that to us when he came in to</p> <p>22 sign his agreement or shortly thereafter, I don't</p> <p>23 recall. Provided us -- you know, "This is what I</p> <p>24 received at my house. And my neighbors are receiving</p> <p>25 the same. And we've had visits encouraging us to oppose</p> <p>PAGE 62</p>	<p>1 remaining landowners in the Bismarck reroute area that</p> <p>2 there's been no permission to survey their property yet?</p> <p>3 A. We -- we do not.</p> <p>4 Q. Aside from Emmons County and Burleigh County,</p> <p>5 are you able to testify as to the status of conditional</p> <p>6 use permits?</p> <p>7 A. Are you asking me to testify to the status of</p> <p>8 conditional use permits in which counties?</p> <p>9 Q. Excepting Burleigh and Emmons. So for the areas</p> <p>10 that we're here about, I mean Oliver County, Emmons --</p> <p>11 not Emmons County, but Sargent County, other counties on</p> <p>12 the project, where is Summit at in terms of obtaining</p> <p>13 any necessary conditional use permits from counties</p> <p>14 where the line is crossing?</p> <p>15 A. Yeah, okay. Thank you.</p> <p>16 So I know that we have obtained some of the road</p> <p>17 crossing permits which are -- I don't know if you</p> <p>18 classify those as --</p> <p>19 Q. Let me ask you this --</p> <p>20 A. -- conditional use permits --</p> <p>21 Q. Are you familiar with a conditional use permit</p> <p>22 and do you know what that conditional use permit is?</p> <p>23 And maybe -- and if you're not the right witness for</p> <p>24 this, then I -- we can ask someone else but --</p> <p>25 A. Sure.</p> <p>PAGE 64</p>

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<p>1 Q. Are you familiar with conditional use permits?</p> <p>2 A. I am familiar with conditional use permits.</p> <p>3 Q. So then a little bit different than road permits</p> <p>4 and road use permits. Conditional use permit, can you</p> <p>5 just update the Commission as to where that is, if you</p> <p>6 -- if you're able to?</p> <p>7 A. I'll have to defer to Jimmy Powell who has</p> <p>8 responsibility for the rest of the system and the</p> <p>9 conditional use permits. As I understand, it would be</p> <p>10 associated with the pump stations.</p> <p>11 Q. Fair enough.</p> <p>12 Questions on HDD drilling under certain rivers</p> <p>13 in North Dakota. Is that you or Mr. Schmidt?</p> <p>14 A. Yeah, that would be Mr. Powell and Mr. Schmidt.</p> <p>15 Q. Mr. Powell and Schmidt, okay.</p> <p>16 Same question as to whether or not winter</p> <p>17 construction is anticipated, is that a better question</p> <p>18 for Mr. Powell or Mr. Schmidt?</p> <p>19 A. It is.</p> <p>20 Q. Do you have any -- well, strike that.</p> <p>21 I don't have any other questions for you, sir.</p> <p>22 ALJ HOGAN: Mr. Schock, any questions?</p> <p>23 MR. SCHOCK: I think just a couple.</p> <p>24</p> <p>25</p> <p>PAGE 65</p>	<p>1 an agreement to jointly develop CO2 storage facilities</p> <p>2 near Center. Is that accurate?</p> <p>3 A. That's accurate.</p> <p>4 Q. And is that a separate facility than Minnkota's</p> <p>5 storage facility it's using for Project Tundra?</p> <p>6 A. Yes. We jointly developed a west storage</p> <p>7 facility, DCC West.</p> <p>8 Q. Okay. And DCC West is a project of both</p> <p>9 Minnkota and Summit?</p> <p>10 A. No. It's wholly owned by Minnkota.</p> <p>11 Q. What is Summit's role with the development of</p> <p>12 that project?</p> <p>13 A. We engaged, I guess, with them. They were -- we</p> <p>14 have a joint development arrangement with them but which</p> <p>15 -- in which they were the leader. So we helped pay for</p> <p>16 it.</p> <p>17 Q. Does Summit have guaranteed -- let me start</p> <p>18 over. Does Summit have a specific volume of guaranteed</p> <p>19 access in Minnkota's storage facility?</p> <p>20 MR. BENDER: Your Honor, I'm going to object. I</p> <p>21 think we're getting far afield of a pipeline hearing.</p> <p>22 And I think what Mr. Braaten is up to is he's conducting</p> <p>23 a fishing operation to assist him in the hearing that's</p> <p>24 going to take place before the Industrial Commission in</p> <p>25 June.</p> <p>PAGE 67</p>
<p>1 CROSS EXAMINATION</p> <p>2 BY MR. SCHOCK:</p> <p>3 Q. So just to go back to those landowners we were</p> <p>4 just talking about, the three; so the two that are</p> <p>5 wanting to wait until the permit is issued by the</p> <p>6 Commission, have you been able to survey their property</p> <p>7 at all?</p> <p>8 A. We have not.</p> <p>9 Q. Okay. Would you be able to give us a number,</p> <p>10 what percent of the total North Dakota corridor has been</p> <p>11 surveyed at this point?</p> <p>12 A. I'll have to defer to Jimmy on that one in terms</p> <p>13 of the percent of the total of North Dakota.</p> <p>14 Q. Okay.</p> <p>15 A. What I can tell you is we surveyed 92 percent --</p> <p>16 or, excuse me, we surveyed 82 percent of the reroute and</p> <p>17 we got permission to survey 92 percent.</p> <p>18 Q. Okay. My remaining questions are probably</p> <p>19 better for Jimmy based on your responses. So thank you.</p> <p>20 ALJ HOGAN: Mr. Braaten, any questions?</p> <p>21 MR. BRAATEN: Yes. Thank you, Your Honor.</p> <p>22 CROSS EXAMINATION</p> <p>23 BY MR. BRAATEN:</p> <p>24 Q. Is it accurate to say that -- I think your</p> <p>25 written testimony stated that Minnkota and Summit have</p> <p>PAGE 66</p>	<p>1 ALJ HOGAN: Can you address relevance for this</p> <p>2 proceeding?</p> <p>3 MR. BRAATEN: Yeah. I'm asking questions</p> <p>4 directly from his written testimony where he states how</p> <p>5 does the project benefit North Dakota's energy industry</p> <p>6 and then talks about the Minnkota and Summit joint</p> <p>7 development of CO2 storage facilities for this pipeline.</p> <p>8 ALJ HOGAN: I will note the objection, but I'll</p> <p>9 allow him to answer.</p> <p>10 Do you need the question repeated?</p> <p>11 THE WITNESS: Yeah, can you repeat the question?</p> <p>12 Q. (BY MR. BRAATEN) Did Summit -- does Summit</p> <p>13 have a specific volume of guaranteed access into the</p> <p>14 Minnkota facility?</p> <p>15 A. We do not.</p> <p>16 Q. If Summit is unable to permit its own</p> <p>17 sequestration facilities, would the access to Minnkota's</p> <p>18 facilities be enough to operate the pipeline as planned?</p> <p>19 A. I have to go back. I don't recall specifically,</p> <p>20 to address your question in detail. I don't believe so.</p> <p>21 Q. Does Summit have plans to develop sequestration</p> <p>22 sites in addition to the one it's developed with</p> <p>23 Minnkota or the one it's attempting to develop on its</p> <p>24 own?</p> <p>25 A. Our current plans are to develop the sites that</p> <p>PAGE 68</p>

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<p>1 we've applied permits for.</p> <p>2 Q. With respect to the pipeline being sited here</p> <p>3 today, are there plans for any additional sequestration</p> <p>4 sites for that pipeline?</p> <p>5 A. We don't have any plans that we've announced or</p> <p>6 that we've, you know, quite frankly, developed at this</p> <p>7 point.</p> <p>8 Q. In your written testimony there's a question:</p> <p>9 how does the project benefit North Dakota's energy</p> <p>10 industry? And there's discussion of the Minnkota and</p> <p>11 Summit facility. But other than the Minnkota and Summit</p> <p>12 facility, can you tell me how you believe the project</p> <p>13 benefits North Dakota's energy industry?</p> <p>14 A. I would say just -- just broadly speaking, you</p> <p>15 know, much in the same way that Mr. Pickering testified</p> <p>16 earlier, that, in my now 20 years of -- you know, in the</p> <p>17 energy industry, 20-plus years in the industry, being</p> <p>18 involved in developing carbon capture and storage in</p> <p>19 North Dakota for the last close to 15 years now, one of</p> <p>20 the biggest challenges to moving -- moving --</p> <p>21 commercializing carbon capture and storage was actually</p> <p>22 being -- having that commercially done in the state at</p> <p>23 large commercial scale. As Mr. Pickering indicated, as</p> <p>24 Minnkota and Summit work together to commercialize CCS,</p> <p>25 that then makes it less risky for others to follow and</p> <p>PAGE 69</p>	<p>1 COMMISSIONER CHRISTMANN: In your testimony, you</p> <p>2 mentioned that the reroute is nine miles north of</p> <p>3 Bismarck city limits; is that correct?</p> <p>4 THE WITNESS: That's correct. I would say --</p> <p>5 let me correct you on that.</p> <p>6 COMMISSIONER CHRISTMANN: There's some more</p> <p>7 things in here, but I'm getting to them.</p> <p>8 THE WITNESS: Okay.</p> <p>9 COMMISSIONER CHRISTMANN: On page 4, and I think</p> <p>10 at that point -- and this is what I wanted to clarify</p> <p>11 with this. You're talking about, like, kind of in the</p> <p>12 Highway 83 area.</p> <p>13 THE WITNESS: Correct.</p> <p>14 COMMISSIONER CHRISTMANN: Okay. And then later</p> <p>15 on, on page 13, it mentions seven miles north on the</p> <p>16 west side. So I'm assuming kind of in that 1806 area;</p> <p>17 correct?</p> <p>18 THE WITNESS: That's correct.</p> <p>19 COMMISSIONER CHRISTMANN: And that's the city</p> <p>20 limits. It seems like in previous hearings there's been</p> <p>21 confusion when we have company people on and later</p> <p>22 individual testimony differing back and forth between</p> <p>23 city limits and extraterritorial limits.</p> <p>24 THE WITNESS: Yes.</p> <p>25 COMMISSIONER CHRISTMANN: So in each of those</p> <p>PAGE 71</p>
<p>1 do the same things or deploy CCS on other energy</p> <p>2 facilities or on other projects. So certainly that's a</p> <p>3 benefit to the state.</p> <p>4 As I mentioned, I think, also in my written</p> <p>5 testimony, these CCS projects are providing an</p> <p>6 opportunity to landowners who own pore space to monetize</p> <p>7 that resource. So that's clearly a benefit to the state</p> <p>8 of North Dakota and the citizens of North Dakota.</p> <p>9 Q. Could those landowners monetize that resource by</p> <p>10 leasing their pore space to a different company?</p> <p>11 A. I don't know. I'm not aware of what other</p> <p>12 opportunities they have, if any.</p> <p>13 Q. If they sign a lease with Summit, would they be</p> <p>14 able to lease their pore space to another company?</p> <p>15 A. They would not.</p> <p>16 MR. BRAATEN: No further questions.</p> <p>17 ALJ HOGAN: Mr. Pranis, any questions?</p> <p>18 MR. PRANIS: No, Your Honor.</p> <p>19 ALJ HOGAN: Commissioner Christmann.</p> <p>20 COMMISSIONER CHRISTMANN: A few, but, first of</p> <p>21 all, sorry that I of all people said Boeshans, but other</p> <p>22 people were saying it. I thought it had evolved. I'm</p> <p>23 glad you're back to where you were when -- when you were</p> <p>24 a Miner and a Bison.</p> <p>25 THE WITNESS: Thank you.</p> <p>PAGE 70</p>	<p>1 places at Highway 83 and where you're referencing to the</p> <p>2 west side, do you know what the -- how far north the</p> <p>3 reroute is from the extraterritorial boundaries?</p> <p>4 THE WITNESS: Let me look at the map here. So</p> <p>5 we cross Highway 83 six miles north of the ETA.</p> <p>6 COMMISSIONER CHRISTMANN: Six miles north of the</p> <p>7 ETA.</p> <p>8 THE WITNESS: Yes.</p> <p>9 COMMISSIONER CHRISTMANN: Okay.</p> <p>10 THE WITNESS: And then as we then traverse</p> <p>11 around to the northwest side, it's about four and a half</p> <p>12 miles --</p> <p>13 COMMISSIONER CHRISTMANN: Okay.</p> <p>14 THE WITNESS: -- from the ETA.</p> <p>15 COMMISSIONER CHRISTMANN: Oh, yeah, and that is</p> <p>16 on page 13 too, at that one. Okay. And then -- but</p> <p>17 unless I missed it, I didn't see anything on the east</p> <p>18 side. And so when I'm looking at the new map that got</p> <p>19 handed out today, not down by the interstate but kind of</p> <p>20 by that 1804 corridor, it looks like you're -- well,</p> <p>21 right by the 1804 corridor, you're probably just a</p> <p>22 little over three miles from what appears to be housing</p> <p>23 addition. But do you know, on that east side, how far</p> <p>24 you are from city limits and from ETA at the -- maybe</p> <p>25 the closest points?</p> <p>PAGE 72</p>

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<p>1 THE WITNESS: Yes. So where we cross Interstate</p> <p>2 94 to the east of Bismarck, so the route didn't change,</p> <p>3 the crossing of the route didn't change in that area,</p> <p>4 which is, as it is, about three miles to the east of the</p> <p>5 ETA and five miles to the east of the city limit, as I</p> <p>6 understand it.</p> <p>7 COMMISSIONER CHRISTMANN: So anything we see</p> <p>8 that looks like houses, if they were in fact houses,</p> <p>9 those are just outside development areas outside of</p> <p>10 Bismarck?</p> <p>11 THE WITNESS: Yeah, I would say that -- if you</p> <p>12 look at the map, the furthest development to the east is</p> <p>13 Silver Ranch just on the north side of I-94.</p> <p>14 COMMISSIONER CHRISTMANN: Okay.</p> <p>15 THE WITNESS: Which is the end of the -- or</p> <p>16 close to the city limits.</p> <p>17 COMMISSIONER CHRISTMANN: Okay. And do you know</p> <p>18 offhand -- so on the -- now I'm going back to the west</p> <p>19 side again.</p> <p>20 THE WITNESS: Yeah.</p> <p>21 COMMISSIONER CHRISTMANN: About how far are you</p> <p>22 from the Double Ditch site there?</p> <p>23 THE WITNESS: We're about three and a half miles</p> <p>24 upriver.</p> <p>25 COMMISSIONER CHRISTMANN: Okay.</p> <p>PAGE 73</p>	<p>1 COMMISSIONER HAUGEN-HOFFART: So you're in</p> <p>2 negotiations with them or talks with them?</p> <p>3 THE WITNESS: We've had commercial discussions</p> <p>4 with them, yes.</p> <p>5 COMMISSIONER HAUGEN-HOFFART: Okay. I'm going</p> <p>6 to go to the Minnkota and Summit project. It says "the</p> <p>7 agreement provides." Has an agreement been signed with</p> <p>8 Minnkota?</p> <p>9 THE WITNESS: Can you clarify that question?</p> <p>10 COMMISSIONER HAUGEN-HOFFART: It says "the</p> <p>11 agreement provides." It says "How does this project</p> <p>12 benefit North Dakota energy industry?" on page 6.</p> <p>13 "First, Minnkota and Summit have an agreement."</p> <p>14 Has the agreement been signed?</p> <p>15 THE WITNESS: Yeah. As I mentioned earlier, we</p> <p>16 signed a joint development agreement with Minnkota. We</p> <p>17 announced that in April of 2022.</p> <p>18 COMMISSIONER HAUGEN-HOFFART: Okay. Thank you.</p> <p>19 You go on to state on page 6 "We have completed</p> <p>20 a preliminary study of the anticipated power."</p> <p>21 Are you willing to share that study with us?</p> <p>22 THE WITNESS: I think we -- we could share that.</p> <p>23 MR. BENDER: I don't think that would be a</p> <p>24 problem.</p> <p>25 COMMISSIONER HAUGEN-HOFFART: Okay. The reason</p> <p>PAGE 75</p>
<p>1 THE WITNESS: Between three and a quarter and</p> <p>2 three and a half.</p> <p>3 COMMISSIONER CHRISTMANN: Okay. Your Honor, I'm</p> <p>4 sorry, but along the way I thought of another one that</p> <p>5 might be best directed for him, but I'm not thinking of</p> <p>6 it now so I might want to come back after the others,</p> <p>7 but I won't hold things up.</p> <p>8 ALJ HOGAN: Sure.</p> <p>9 Commissioner Haugen-Hoffart.</p> <p>10 COMMISSIONER HAUGEN-HOFFART: Thank you.</p> <p>11 I'm going to go kind of page by page on your</p> <p>12 testimony so I'm going to apologize if you're going to</p> <p>13 have to go back and address some questions.</p> <p>14 On page 5 you say Summit will continue to engage</p> <p>15 with other ethanol plants within the state. Can you</p> <p>16 tell me how many more ethanol plants you are engaging</p> <p>17 with in North Dakota?</p> <p>18 THE WITNESS: So there are -- the five ethanol</p> <p>19 plants in North Dakota, two of them have already</p> <p>20 developed a carbon capture and storage, Blue Flint and</p> <p>21 Red Trail, and so they're injecting today and doing the</p> <p>22 same thing we're proposing to do in our project.</p> <p>23 There's the Tharaldson plant who we've already</p> <p>24 contracted with. And so there's two remaining plants</p> <p>25 that -- which we think are possible to join our project.</p> <p>PAGE 74</p>	<p>1 why I want to explore this a little further is when</p> <p>2 we're looking at some of the utilities, looking at some</p> <p>3 of the other issues in our realm of regulation, is all</p> <p>4 these cooperatives belong to Basin, which are within the</p> <p>5 SPP region. And we've already noted that there is some</p> <p>6 congestion up in the western part of the state. So I</p> <p>7 guess I would like, as the Commission, for us to really</p> <p>8 look at does this create any additional concerns --</p> <p>9 THE WITNESS: Sure.</p> <p>10 COMMISSIONER HAUGEN-HOFFART: -- with that. So</p> <p>11 that's the relevance of why I'm getting at that. So I</p> <p>12 would like -- for myself, I would really like to explore</p> <p>13 that further as far as the energy needs and the impact</p> <p>14 it might have on that. So I look forward to that</p> <p>15 report.</p> <p>16 I want to talk about when you met with some of</p> <p>17 the intervenors in north Bismarck. You mentioned two of</p> <p>18 the developers, they had a -- I would say a strong</p> <p>19 objection to where the initial route was based on their</p> <p>20 development. So after you met with them and you moved</p> <p>21 the route out of their development area, I believe there</p> <p>22 was concerns from others regarding the route north such</p> <p>23 as other landowners, county commissioners, etcetera.</p> <p>24 Did you engage them in your discussion on the proposed</p> <p>25 where -- route north, or was it after you met with those</p> <p>PAGE 76</p>

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<p>1 developers you ceased conversation?</p> <p>2 THE WITNESS: So we -- as I testified already,</p> <p>3 we met with the intervenors. I also reached out to the</p> <p>4 City of Bismarck and met with Commissioner Zenker. We</p> <p>5 had numerous meetings with emergency managers and first</p> <p>6 responders in both Burleigh County and the city of</p> <p>7 Bismarck and as well as across the footprint of the</p> <p>8 project.</p> <p>9 We did not go back and meet with every landowner</p> <p>10 that was on the old route. We communicated to them, and</p> <p>11 I think that's been filed in a document, that we had</p> <p>12 moved off of their properties.</p> <p>13 So our -- as it relates to landowners, our</p> <p>14 communication was primarily directed at the landowners</p> <p>15 that we were proposing to route the line across to get</p> <p>16 their input and acceptance on the proposed reroute.</p> <p>17 COMMISSIONER HAUGEN-HOFFART: So did</p> <p>18 Commissioner Zenker, emergency management, first</p> <p>19 responders, or anyone have additional route suggestions?</p> <p>20 THE WITNESS: Not -- not on the route, no.</p> <p>21 Those discussions were primarily focused on emergency</p> <p>22 response and -- and emergency planning versus routing of</p> <p>23 the project.</p> <p>24 COMMISSIONER HAUGEN-HOFFART: So what I'm</p> <p>25 hearing is if a landowner or someone is still opposed,</p> <p>PAGE 77</p>	<p>1 emergency response plans and stuff? Can you give me an</p> <p>2 overview of those conversations?</p> <p>3 THE WITNESS: Sure. I'll just -- I'll start</p> <p>4 with safety and emergency response related to the</p> <p>5 pipeline are under Jimmy Powell's leadership. These may</p> <p>6 be better questions for him. But I can tell you at a</p> <p>7 high level I did attend five of --</p> <p>8 COMMISSIONER HAUGEN-HOFFART: I don't mean to</p> <p>9 interrupt, but if he can give me the details of that,</p> <p>10 then I'll be more than happy to defer to save time.</p> <p>11 THE WITNESS: Sure.</p> <p>12 COMMISSIONER HAUGEN-HOFFART: So would you</p> <p>13 rather have him answer it?</p> <p>14 THE WITNESS: Yeah, I can let Jimmy answer it.</p> <p>15 COMMISSIONER HAUGEN-HOFFART: Okay.</p> <p>16 THE WITNESS: Affirm that I did attend five of</p> <p>17 those.</p> <p>18 COMMISSIONER HAUGEN-HOFFART: Okay. So not only</p> <p>19 in Burleigh but in Morton and I think one of the --</p> <p>20 THE WITNESS: I attended meetings in Oliver,</p> <p>21 Mercer, Burleigh, city of Bismarck, and Dickey County.</p> <p>22 COMMISSIONER HAUGEN-HOFFART: Okay. I'm just</p> <p>23 going to ask you one follow-up. Did any of the</p> <p>24 emergency managers make any requests of Summit?</p> <p>25 THE WITNESS: I don't recall specific requests.</p> <p>PAGE 79</p>
<p>1 there has been limited communication between Summit and</p> <p>2 those landowners or those still in opposition?</p> <p>3 THE WITNESS: Yeah, I can't testify to all of</p> <p>4 the interactions with landowners in and around Bismarck,</p> <p>5 especially outside of the Bismarck reroute. I do know</p> <p>6 that we held safety meetings, you know, last -- I guess</p> <p>7 it was last summer, fall that were -- the public was</p> <p>8 invited and announced to attend, but we have not had</p> <p>9 specific meetings with all of the intervenors on the</p> <p>10 route, if that's your question.</p> <p>11 COMMISSIONER HAUGEN-HOFFART: Okay. Well, I</p> <p>12 thought I read in this that you were -- you were the one</p> <p>13 who led the reroute in north Bismarck.</p> <p>14 THE WITNESS: I was.</p> <p>15 COMMISSIONER HAUGEN-HOFFART: Correct?</p> <p>16 THE WITNESS: Yes. Jimmy Powell leads</p> <p>17 everything outside of that.</p> <p>18 COMMISSIONER HAUGEN-HOFFART: I want to talk a</p> <p>19 little bit about the emergency management meetings that</p> <p>20 you've had. You list -- you gave us a document that had</p> <p>21 numerous dates on it where you met with them. Can you</p> <p>22 give me an overall view, on those dates that you met,</p> <p>23 what was discussed? I understand some confidential</p> <p>24 information on GIS and dispersion models, but can you</p> <p>25 give me -- like did you discuss policy, your response,</p> <p>PAGE 78</p>	<p>1 I don't recall specific requests. There was a lot of</p> <p>2 discussion around emergency response, emergency</p> <p>3 planning, training, equipment, those kinds of things.</p> <p>4 COMMISSIONER HAUGEN-HOFFART: Okay. I can -- I</p> <p>5 can defer that to Mr. Powell and the emergency managers.</p> <p>6 THE WITNESS: Sure.</p> <p>7 COMMISSIONER HAUGEN-HOFFART: We talked at the</p> <p>8 last hearing about plans of potential growth in north</p> <p>9 Bismarck, east Bismarck. Have you reviewed any current</p> <p>10 growth plans for Bismarck in relationship to the new</p> <p>11 route that you're proposing?</p> <p>12 THE WITNESS: We've reviewed the Bismarck 2045</p> <p>13 growth plan. And I believe that was discussed in the</p> <p>14 previous hearings as well. Additionally, I looked at</p> <p>15 the Burleigh County, I guess, future development plan --</p> <p>16 maybe I'm using the wrong term there -- where they laid</p> <p>17 out zoning areas for future development or zoning types</p> <p>18 for future development. I found those on their website.</p> <p>19 But those would be the two things that we looked at</p> <p>20 rather to -- related to future plans, other than our</p> <p>21 interactions with the Bismarck intervenors that were</p> <p>22 developers.</p> <p>23 COMMISSIONER HAUGEN-HOFFART: So I believe you</p> <p>24 said that in looking at -- working with the developers</p> <p>25 that you talked to and now with this growth plan, this</p> <p>PAGE 80</p>

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<p>1 route did not impact any future growth in the -- in your 2 proposed area? 3 THE WITNESS: That's my understanding, yes. 4 COMMISSIONER HAUGEN-HOFFART: Okay. That's all 5 the questions I have. Thank you. 6 THE WITNESS: Thank you. 7 ALJ HOGAN: Mr. Dawson, any questions? 8 SUBSTITUTE DECISIONMAKER DAWSON: Thank you, 9 Your Honor. 10 What is the status of the setback waivers on the 11 rerouted route? 12 THE WITNESS: So we have one setback waiver on 13 the reroute portion. We have -- we have a signed waiver 14 from the landowner. 15 SUBSTITUTE DECISIONMAKER DAWSON: Can you 16 compare that to how it was before you rerouted? Were 17 there more setback waivers on the original route? 18 THE WITNESS: I can't. I don't know that 19 information. Jimmy probably does. 20 SUBSTITUTE DECISIONMAKER DAWSON: No further 21 questions. 22 ALJ HOGAN: Commissioner Christmann, did you get 23 your other question? 24 COMMISSIONER CHRISTMANN: I did, Your Honor, and 25 it's two.</p> <p>PAGE 81</p>	<p>1 COMMISSIONER CHRISTMANN: Yes. The February 2 version, I believe it was. 3 THE WITNESS: Which page is that? 4 COMMISSIONER CHRISTMANN: I'm not even -- I'm 5 not even seeing a page number on here. 6 (Pause) 7 COMMISSIONER CHRISTMANN: 40. Down in the 8 bottom left there's a -- if we're both on the same page, 9 there's a notation that a waiver has been obtained for a 10 domestic structure or business. 11 THE WITNESS: I see the note. 12 COMMISSIONER CHRISTMANN: Okay. What about the 13 one right to the north of it? It seems like that would 14 be about the same distance away too and it appears to be 15 a domestic structure or business. 16 THE WITNESS: I can't comment on that. I don't 17 know the distance. I believe this is, again, outside of 18 the Burleigh -- or the Bismarck reroute so I'll defer to 19 Jimmy. 20 COMMISSIONER CHRISTMANN: Oh, yeah. 21 THE WITNESS: He may know -- 22 COMMISSIONER CHRISTMANN: I was thinking of 23 Burleigh County, but you said the Bismarck reroute was 24 your domain. Okay. I'll waive that one for Jimmy too 25 then.</p> <p>PAGE 83</p>
<p>1 We've -- the project has gone from 30-some 2 plants to 57? 3 THE WITNESS: That's correct. 4 COMMISSIONER CHRISTMANN: Okay. But the 5 pipeline diameter is the same; correct? 6 THE WITNESS: That's correct. 7 COMMISSIONER CHRISTMANN: And I know I'm 8 comparing liquids to gases here, but when we did the 9 approval for the Dakota Access Pipeline optimization, it 10 involved adding pump stations. Is there anything that 11 has changed as far as additional pump stations in North 12 Dakota or increased diameter of the pipeline? 13 THE WITNESS: Not that I'm aware of. Jimmy can 14 answer that specifically as he's responsible for the 15 pipeline engineering and construction aspects. 16 COMMISSIONER CHRISTMANN: Okay. 17 THE WITNESS: Not that I'm aware of. 18 COMMISSIONER CHRISTMANN: Okay. And then 19 outside of that, in the bigger map that was filed in, I 20 think, February -- 21 THE WITNESS: Okay. I don't have that in front 22 of me. 23 COMMISSIONER CHRISTMANN: Do you have that? 24 THE WITNESS: Is that in this book? 25 MR. BENDER: Yes.</p> <p>PAGE 82</p>	<p>1 Nothing else, Your Honor. Thank you. 2 ALJ HOGAN: Mr. Bender, any redirect? 3 MR. BENDER: Yes, Your Honor, just one question, 4 and I inadvertently forgot to ask this as a result of 5 some questions that were posed to Mr. Pickering. 6 REDIRECT EXAMINATION 7 BY MR. BENDER: 8 Q. Wade, can you help us understand the tax 9 structure on this pipeline? I think you're aware of how 10 it will be taxed and where that money is going to come 11 from. Can you help us with that? 12 A. You're talking about the state taxes or property 13 taxes? 14 Q. Yeah, the state tax and the fact that there's an 15 exemption but yet the county will still receive the tax. 16 Do you understand that whole system? 17 A. Yeah, generally I understand it. 18 Q. Can you describe it for the commissioners? 19 A. Yeah. Essentially, the State has provided a 20 ten-year tax incentive for building lots of different 21 types of infrastructure including carbon dioxide 22 pipelines in North Dakota, which underneath that law 23 essentially the State pays the county the tax liability 24 for the first ten years. 25 Q. So there's no loss of tax revenue to the county?</p> <p>PAGE 84</p>

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<p>1 A. Not to the county. The county gains the tax</p> <p>2 revenue associated with the project.</p> <p>3 MR. BENDER: No further questions.</p> <p>4 ALJ HOGAN: Mr. Pelham, any other questions?</p> <p>5 MR. PELHAM: Just briefly.</p> <p>6 RE CROSS EXAMINATION</p> <p>7 BY MR. PELHAM:</p> <p>8 Q. That tax structure you just stated, sir, that's</p> <p>9 not a Commission rule, that's a state statute; correct?</p> <p>10 A. That's correct.</p> <p>11 Q. Thank you.</p> <p>12 ALJ HOGAN: Mr. Schock, any other questions?</p> <p>13 Mr. Braaten?</p> <p>14 MR. BRAATEN: Yes, Your Honor.</p> <p>15 RE CROSS EXAMINATION</p> <p>16 BY MR. BRAATEN:</p> <p>17 Q. You mentioned that you'd obtained a setback</p> <p>18 waiver in Burleigh County; is that right?</p> <p>19 A. That's correct.</p> <p>20 Q. How many setback waivers did you attempt to</p> <p>21 obtain in Emmons County?</p> <p>22 A. I'm not familiar with Emmons County.</p> <p>23 Q. Who is?</p> <p>24 A. Jimmy.</p> <p>25 Q. Thank you.</p> <p>PAGE 85</p>	<p>1 JAMES POWELL: I was.</p> <p>2 ALJ HOGAN: And do you understand what perjury</p> <p>3 is?</p> <p>4 JAMES POWELL: I do.</p> <p>5 ALJ HOGAN: And being advised of the potential</p> <p>6 penalties for perjury, do you promise to tell the truth</p> <p>7 in this case today?</p> <p>8 JAMES POWELL: I do.</p> <p>9 ALJ HOGAN: All right. Thank you.</p> <p>10 All right. Go ahead, Mr. Dublinske.</p> <p>11 MR. DUBLINSKE: Thank you, Your Honor.</p> <p>12 <u>JAMES POWELL.</u></p> <p>13 being first duly sworn, was examined and testified as</p> <p>14 follows:</p> <p>15 DIRECT EXAMINATION</p> <p>16 BY MR. DUBLINSKE:</p> <p>17 Q. Mr. Powell, what is your business address?</p> <p>18 A. It's 2321 North Loop, Ames, Iowa 50010.</p> <p>19 Q. And by whom are you employed?</p> <p>20 A. Summit Carbon Solutions.</p> <p>21 Q. And in what capacity are you employed by Summit?</p> <p>22 A. I'm the chief operating officer.</p> <p>23 Q. Did you cause or did you prepare written</p> <p>24 testimony and cause to be prefiled before the hearing</p> <p>25 today written testimony in this matter?</p> <p>PAGE 87</p>
<p>1 MR. BRAATEN: No further questions.</p> <p>2 ALJ HOGAN: Mr. Pranis, any questions?</p> <p>3 MR. PRANIS: No, Your Honor.</p> <p>4 ALJ HOGAN: Any other Commission questions?</p> <p>5 All right. Well, thank you, Mr. Boeshans.</p> <p>6 THE WITNESS: Thank you.</p> <p>7 ALJ HOGAN: It's about 10 to 12 so I think we'll</p> <p>8 take our lunch break now rather than starting another</p> <p>9 witness. And we will try to reconvene at 1:00.</p> <p>10 (Recess)</p> <p>11 ALJ HOGAN: All right. If everybody wants to</p> <p>12 make their way back to their seats, I think we're going</p> <p>13 to get started.</p> <p>14 All right. Mr. Dublinske, would you like to</p> <p>15 call your next witness?</p> <p>16 MR. DUBLINSKE: Thank you, Your Honor. SCS</p> <p>17 calls James Powell.</p> <p>18 ALJ HOGAN: Good afternoon, Mr. Powell. Can I</p> <p>19 have you state your full name and spell your last name</p> <p>20 for the record?</p> <p>21 JAMES POWELL: Yes. Good afternoon. James</p> <p>22 Ernest Powell, spelling P-O-W-E-L-L.</p> <p>23 ALJ HOGAN: And, Mr. Powell, were you in the</p> <p>24 room this morning when I went through the penalties for</p> <p>25 perjury?</p> <p>PAGE 86</p>	<p>1 A. I did.</p> <p>2 Q. And when you prepared that testimony, was it</p> <p>3 true and correct?</p> <p>4 A. It was.</p> <p>5 Q. Are there any corrections you need to make to</p> <p>6 your testimony before we begin today?</p> <p>7 A. No.</p> <p>8 Q. And if I asked you the questions in your</p> <p>9 prefiled written testimony on the stand today, would</p> <p>10 your answers be the same?</p> <p>11 A. Yes.</p> <p>12 Q. You filed 20 pages, roughly, of testimony and</p> <p>13 attached exhibits. The exhibits were A through D; is</p> <p>14 that correct?</p> <p>15 A. I believe that's correct, yes.</p> <p>16 Q. And as was true with Mr. Bender earlier, I don't</p> <p>17 want to recreate all 20 pages, but for the benefit of</p> <p>18 folks who have not had an opportunity to read it, I do</p> <p>19 want to highlight a little bit and summarize that</p> <p>20 testimony. Okay?</p> <p>21 A. Yes.</p> <p>22 Q. Is it your understanding and certainly the</p> <p>23 purpose of your testimony that this proceeding is to</p> <p>24 address changes that have been made or developments</p> <p>25 subsequent to this Commission's August 2023 order?</p> <p>PAGE 88</p>

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<p>1 A. Yes.</p> <p>2 Q. And that order raised several issues that the</p> <p>3 Commission said would require further development to</p> <p>4 move forward. Is that a fair statement?</p> <p>5 A. That's accurate.</p> <p>6 Q. And you were here for Mr. Boeshans' testimony;</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. And he addressed one of those, which was the</p> <p>10 reroute around Bismarck. Am I correct that your</p> <p>11 testimony addresses how the majority of the other issues</p> <p>12 raised by the Commission have been addressed by SCS?</p> <p>13 A. That's correct.</p> <p>14 Q. And, again, without going into all the details</p> <p>15 in your testimony, I'd like to at least summarize those</p> <p>16 areas that you have listed in your testimony.</p> <p>17 Mr. Boeshans addressed the reroute around Bismarck, but</p> <p>18 the company has made other reroutes and adjustments to</p> <p>19 the route that is being presented to the Commission;</p> <p>20 correct?</p> <p>21 A. That's correct.</p> <p>22 Q. And can you summarize the nature and how those</p> <p>23 came to be and what those other adjustments are?</p> <p>24 A. Yes. So we heard in the previous evidentiary</p> <p>25 hearings, we heard input from landowners and the</p> <p>PAGE 89</p>	<p>1 reduce the width of the corridor.</p> <p>2 Q. And I believe your testimony also includes an</p> <p>3 update for the Commission on your work collaborating</p> <p>4 with the North Dakota Geological Survey; is that</p> <p>5 correct?</p> <p>6 A. That's correct. So --</p> <p>7 Q. Can you summarize that update for us?</p> <p>8 A. Yeah. So with the -- including the reroutes,</p> <p>9 there are now 18 locations that present some geological</p> <p>10 risk. And so we worked with the North Dakota Geological</p> <p>11 Survey to evaluate each of those. We had a consultant</p> <p>12 that actually completed either Phase I or Phase II</p> <p>13 assessments on each of those 18, which are reflected in</p> <p>14 the map books, the map books that were submitted, you</p> <p>15 know, with the petition for reconsideration information.</p> <p>16 And so those have all been addressed</p> <p>17 satisfactorily. And what I mean by that is the risk has</p> <p>18 been mitigated. Either we directionally drill them so</p> <p>19 there's no surface disturbance or we've moved the</p> <p>20 pipeline sufficiently away from the geohazard itself.</p> <p>21 And the state geologist has concurred.</p> <p>22 Q. And that concurrence was attached to your</p> <p>23 prefiled testimony as an exhibit; correct?</p> <p>24 A. It was.</p> <p>25 Q. You also talked some about in your testimony</p> <p>PAGE 91</p>
<p>1 commissioners, and so we tried to address with the</p> <p>2 reroutes, tried to accommodate specific landowners that</p> <p>3 testified about the pipeline traversing their property.</p> <p>4 And in total we've routed off approximately 42</p> <p>5 landowners that were on the original route that was</p> <p>6 filed with the original application in October of '22.</p> <p>7 Now, a portion of those 42 are obviously on the northern</p> <p>8 Bismarck reroute.</p> <p>9 Q. And there is an Exhibit 14 that was handed out</p> <p>10 today that was discussed with Mr. Boeshans. It is a</p> <p>11 series of maps county-by-county. And those other route</p> <p>12 adjustments are reflected in subsequent pages of those</p> <p>13 maps; correct?</p> <p>14 A. That's correct.</p> <p>15 Q. And am I correct that another one of the</p> <p>16 modifications that has been made is a reduction of the</p> <p>17 width of the requested corridor?</p> <p>18 A. That's correct. So, again, we heard from the</p> <p>19 commissioners in the previous hearings, they -- they</p> <p>20 suggested or challenged us if we could reduce the width</p> <p>21 of the 300-foot corridor which was the original width in</p> <p>22 the original application. And the route at this point,</p> <p>23 even including the reroutes, is mature enough and enough</p> <p>24 field survey work and other investigation has been</p> <p>25 completed to the point where we felt confident we could</p> <p>PAGE 90</p>	<p>1 regarding updates on emergency response outreach and</p> <p>2 coordination. Could you give us a summary of what your</p> <p>3 testimony says about those activities?</p> <p>4 A. Yes. And I'll go back even a little further if</p> <p>5 that's okay in that.</p> <p>6 Since, essentially, late fall of 2021, we've had</p> <p>7 an emergency response professional on staff, and in the</p> <p>8 beginning he met with emergency managers and first</p> <p>9 responders in every county that the project traverses,</p> <p>10 introduced himself, introduced the project, and so has</p> <p>11 maintained a line of communication. But after we issued</p> <p>12 the petition for reconsideration and the changes in the</p> <p>13 route, we updated our dispersement modeling. And so</p> <p>14 then we scheduled meetings with as many emergency</p> <p>15 managers, not only in North Dakota but across the</p> <p>16 footprint, as we could to review the latest information.</p> <p>17 And that's just part of this iterative process</p> <p>18 of working with emergency managers and first responders</p> <p>19 to be prepared by the time the pipeline goes into</p> <p>20 operation for an event if one should occur.</p> <p>21 Q. And I believe where your written testimony left</p> <p>22 off was that SCS had extended invitations for emergency</p> <p>23 management teams along the route to go to Texas A&M for</p> <p>24 some specialized training. Do you have an update on</p> <p>25 that training activity?</p> <p>PAGE 92</p>

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1 **A. Yes. So Texas A&M University has one of the**
2 **premier firefighting programs in the country. And as**
3 **part of that, they've amended that to include CO2 and**
4 **CO2 pipeline releases and they started that this past**
5 **fall.**
6 **And so we've attended four of those sessions.**
7 **They're about every other month. And so we invite --**
8 **and we have an opportunity to provide spots for two**
9 **people. And so we've had firefighters from South**
10 **Dakota, for instance, that have attended. In fact, one**
11 **was just held last Saturday. And Dave Daum, who's our**
12 **director of Health, Safety, Security, and Environmental,**
13 **attended that one. And we had two firefighters from**
14 **South Dakota.**
15 **And we're extending that invitation to North**
16 **Dakota as well. And when we met with Burleigh County**
17 **and the City of Bismarck emergency manager and first**
18 **responders, we extended that invitation at that point,**
19 **and also extended that invitation to Ms. Senger, who I**
20 **believe also has accountability for Emmons County. They**
21 **declined, but that's an open invitation. And they said**
22 **that they would be interested in the future.**
23 **So we'll maintain that all the way through**
24 **operation and beyond. And that's just one element of**
25 **training that we'll provide.**

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1 **Q. Thank you.**
2 **I think the last area that you had said in your**
3 **testimony that you were providing an update on was**
4 **easement acquisition. I know that there is a table that**
5 **lays out all of the details on that as Attachment D or**
6 **Exhibit D to your testimony, but can you summarize for**
7 **the Commission what that table reflects?**
8 **A. Yeah. And if the commissioners remember, you**
9 **know, last fall or late last summer when we conducted**
10 **the previous hearings or part of the previous hearings,**
11 **I think our overall percentage was about 75 percent.**
12 **This percentage, which is about 81 percent in miles or**
13 **about 78 or 9 percent in number of tracts or parcels,**
14 **that reflects up to today and that reflects the**
15 **reroutes.**
16 **So specifically the reroutes that I mentioned**
17 **earlier added about 55 miles of new pipeline to the --**
18 **to the route, a net of only about 11 but 55 new miles.**
19 **And those 55 new miles have new landowners. And so on**
20 **the -- on the north Bismarck reroute, we're at about**
21 **42 percent as far as acquisition. On the remainder of**
22 **the reroutes, we're at almost 80 percent. So in**
23 **aggregate, about 55 percent of all the new reroute**
24 **mileage that was added October of last year we've**
25 **acquired.**

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1 **Q. And with that new mileage around Bismarck, what**
2 **is the overall percentage right now of acquisition for**
3 **Burleigh County?**
4 **A. I believe Burleigh County's about 63 percent.**
5 **Q. And just in terms of the other two counties that**
6 **are the particular focus of today's hearing, what are**
7 **the percent acquisition for Morton County?**
8 **A. Yeah. Morton is 90 percent.**
9 **Q. And for Oliver County?**
10 **A. And Oliver is 92 percent.**
11 **We only have two counties below 80 percent and**
12 **that's -- that's Burleigh and Richland.**
13 **Q. Are there any other areas that I might have**
14 **forgotten to mention that you wanted to update or**
15 **summarize the updates in your testimony?**
16 **A. Well, I think we mentioned in my testimony about**
17 **the southern route analysis.**
18 **Q. Absolutely. If you want to tell us a little bit**
19 **about what your testimony says about the southern route**
20 **analysis, please do.**
21 **A. I think at a high level -- I know the**
22 **commissioners asked us to evaluate a route to the south**
23 **of Bismarck. And if I can back up just for a second,**
24 **you know, when we -- when we looked at the routing**
25 **across the footprint, especially in the Bismarck area,**

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1 **initially you look to collate your -- or co-locate,**
2 **excuse me, your pipeline with other infrastructure. And**
3 **so I think everyone knows the Dakota Access Pipeline**
4 **actually crosses south of the city of Bismarck. And so**
5 **we looked at that first. But then we evaluated the**
6 **risk, you know, the flood plain, the proximity to the**
7 **city of Bismarck, the number of potential encroachments,**
8 **you know, for the 500-foot setback in North Dakota, and**
9 **ultimately determined to go to the north of Bismarck.**
10 **So in that southern route analysis, we laid out**
11 **in much more detail the risk associated with building**
12 **the pipeline on the south side of Bismarck versus the**
13 **north side of Bismarck.**
14 **Q. And I know you had mentioned -- I want to back**
15 **up a little bit to your discussion about the reroutes**
16 **generally, but there were a handful of specifically**
17 **identified landowners in that August 2023 order. Just**
18 **to be clear, have you moved the route, the currently**
19 **proposed route, off of those named landowners?**
20 **A. Yes. The four landowners that were specifically**
21 **named in the -- in the denial order, we have completely**
22 **routed off of those landowners. And I would add, Mr.**
23 **Dublinske, that of the 42 landowners that we routed off**
24 **of, we notified all of those landowners in writing that**
25 **they were no longer impacted by the project, at least**

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<p>1 directly impacted by the project.</p> <p>2 Q. Thank you for that clarification.</p> <p>3 I know there was a handful of issues and</p> <p>4 questions that were directed to you, but I will let the</p> <p>5 folks that originally asked those decide whether or not</p> <p>6 they want to bring those to you now.</p> <p>7 MR. DUBLINSKE: And, with that, I would tender</p> <p>8 the witness for cross.</p> <p>9 ALJ HOGAN: All right. Thank you.</p> <p>10 Mr. Pelham, any questions?</p> <p>11 CROSS EXAMINATION</p> <p>12 BY MR. PELHAM:</p> <p>13 Q. Mr. Powell, Dotzenrods, Vculeks, Bernhardtts, and</p> <p>14 Doolittles are the four landowners that you're</p> <p>15 specifically referencing; correct?</p> <p>16 A. That's correct.</p> <p>17 Q. And the line, proposed line, in those areas has</p> <p>18 been rerouted outside of those landowners' property.</p> <p>19 I'm wondering, have you been able to attain the</p> <p>20 easements of their neighbors?</p> <p>21 A. For the most part, yes. As I mentioned,</p> <p>22 Mr. Pelham, we've attained almost 70 percent of the</p> <p>23 right of way on the reroute. So that's not every</p> <p>24 landowner but the majority of the landowners.</p> <p>25 Q. Mr. Powell, would you say there's a common</p> <p>PAGE 97</p>	<p>1 meetings with emergency managers in the counties where</p> <p>2 the proposed line is crossing -- is proposed to cross as</p> <p>3 well as emergency first responders. I'm wondering, sir,</p> <p>4 were you in attendance at those meetings?</p> <p>5 A. In North Dakota I only attended one, which was</p> <p>6 the Burleigh County and City of Bismarck meeting.</p> <p>7 Q. And so at that meeting that you attended, sir,</p> <p>8 I'm wondering what type of -- what type of cited</p> <p>9 concerns were stated by the emergency managers and the</p> <p>10 first responders at the meeting to Summit?</p> <p>11 A. I think it was a fairly common set of questions</p> <p>12 in that they want to understand how the CO2 reacts in</p> <p>13 certain situations, whether it's a full breach, whether</p> <p>14 it's a third-party line strike, how it reacts in certain</p> <p>15 types of environmental conditions, and then what they</p> <p>16 would need as first responders to support a response to</p> <p>17 a release.</p> <p>18 Q. And as far as what they would need, were there</p> <p>19 any specific requests of Summit to provide what was</p> <p>20 needed?</p> <p>21 A. We have -- no, not in that meeting, but I will</p> <p>22 say that we have -- Rod Dillon, our emergency response</p> <p>23 director, has actually solicited a list of potential</p> <p>24 equipment and training from most emergency managers. I</p> <p>25 don't know that that's a hundred percent across the</p> <p>PAGE 99</p>
<p>1 denominator for those landowners with -- who have yet to</p> <p>2 execute an easement with Summit?</p> <p>3 A. I -- I don't think so. I think -- at least I'm</p> <p>4 not directly communicating with most, but the feedback</p> <p>5 from our right of way team and other project folks in</p> <p>6 our organization that meet with those various</p> <p>7 landowners, it's a variety. Some want to wait until we</p> <p>8 get a permit from the Public Service Commission. Others</p> <p>9 have other reasons why they're not signing immediately.</p> <p>10 But it's my understanding that our right of way team</p> <p>11 feels confident they can get there with all of those</p> <p>12 landowners.</p> <p>13 Q. And I understand that's -- that's the hope or</p> <p>14 desire of the -- what Summit is working towards. What</p> <p>15 is -- what is going to happen if voluntary easements are</p> <p>16 not able to be obtained?</p> <p>17 A. Well, we -- we have -- I mean, we've served --</p> <p>18 we've been given or granted survey access by the</p> <p>19 majority of those landowners, over 80 percent. So</p> <p>20 that's -- that's not always a certainty, but it's a</p> <p>21 leading indicator that eventually you can reach an</p> <p>22 agreement with those landowners. And so we're working</p> <p>23 to try to accommodate them.</p> <p>24 Q. So you testified a little bit today and in your</p> <p>25 prefiled testimony you included testimony related to</p> <p>PAGE 98</p>	<p>1 footprint. And so we have a good understanding, but as</p> <p>2 you might -- I'm sure you know, it depends on the</p> <p>3 location and whether they're a voluntary fire department</p> <p>4 or they're the City of Bismarck, which is a more</p> <p>5 well-resourced fire department. So it's -- it's a wide</p> <p>6 range. But no specifics. As far as equipment, there</p> <p>7 was -- there were requests about documentation.</p> <p>8 Q. And I understand you weren't at other meetings</p> <p>9 in other communities in North Dakota, sir, but I'm</p> <p>10 wondering if you know whether or not, in other meetings</p> <p>11 that Summit personnel attended and presented to</p> <p>12 emergency manager and first responders, whether or not</p> <p>13 there were any specific requests for any type of</p> <p>14 equipment that may be needed in the event of some type</p> <p>15 of response in the event of a release?</p> <p>16 A. There was. And Mr. Dillon maintains a</p> <p>17 spreadsheet, a list, by county, by fire department. And</p> <p>18 that typically ranges from CO2 monitors or gas detectors</p> <p>19 to fresh air breathing equipment.</p> <p>20 Q. As far as the invitation to attend this Texas</p> <p>21 A&M training, do you know the reason given why it was</p> <p>22 declined for Burleigh County's emergency manager?</p> <p>23 A. It's my understanding it was just a conflict.</p> <p>24 So we're trying to make sure that we let them know what</p> <p>25 the dates are well in advance so, if there's an</p> <p>PAGE 100</p>

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<p>1 opportunity for them to adjust their schedules, they can</p> <p>2 do that.</p> <p>3 Q. So it sounds to me -- you correct me if I'm</p> <p>4 wrong, sir, it sounds to me that there is a willingness</p> <p>5 to attend, it's just it didn't work out in the schedule;</p> <p>6 everyone's got a schedule. Is that fair to say?</p> <p>7 A. I think that's correct. And if I -- if it</p> <p>8 sounded like I inferred something differently, I didn't</p> <p>9 intend to. So I think it was just a scheduling</p> <p>10 conflict.</p> <p>11 Q. Do you know of any emergency managers, county</p> <p>12 manager -- county emergency managers and/or first</p> <p>13 responders that have attended this training in Texas</p> <p>14 that are from North Dakota?</p> <p>15 A. None to this date.</p> <p>16 Q. Do you know why that is?</p> <p>17 A. One, it's a fairly fresh program. I think this</p> <p>18 is the fourth session. And so we're just getting those</p> <p>19 invitations out over the last couple of months. So it's</p> <p>20 just a matter of getting on people's calendars. And we</p> <p>21 started with emergency managers and fire chiefs. And</p> <p>22 then I'm sure that will then be filtered down through</p> <p>23 battalion chiefs and firefighters, etcetera. So we</p> <p>24 hope, over the next two, two and a half years before</p> <p>25 this pipeline goes into operation, that we've been able</p> <p>PAGE 101</p>	<p>1 Q. And I think Commissioner Christmann asked it,</p> <p>2 but I've got it on my list too about the pump stations.</p> <p>3 I understand, is it four pump stations in North Dakota?</p> <p>4 Am I right?</p> <p>5 A. That's correct.</p> <p>6 Q. And that number hasn't changed, has it?</p> <p>7 A. No, sir. The number of stations hasn't changed.</p> <p>8 What has changed is that -- when they will come online.</p> <p>9 So with -- we've almost doubled the volume with these</p> <p>10 additional plants and so we were going to initially have</p> <p>11 six online with the initial startup and now it will be</p> <p>12 significantly more pump stations online.</p> <p>13 Q. There were some HDD hydrotechnical assessment</p> <p>14 memos that were done -- are you familiar with those? --</p> <p>15 of the James River, Missouri River, Sheyenne River, and</p> <p>16 Bois de Sioux River?</p> <p>17 A. Yeah, I'm generally familiar with those, yes,</p> <p>18 sir.</p> <p>19 Q. And there were some recommendations that were</p> <p>20 made in there by the consultants. For example,</p> <p>21 Geosyntec --</p> <p>22 Is Geosyntec, is that the consultant that was</p> <p>23 retained by Summit?</p> <p>24 A. That's correct.</p> <p>25 Q. -- recommends moving the east bank at a minimum</p> <p>PAGE 103</p>
<p>1 to touch as many of those folks as we can.</p> <p>2 Q. Have you attended the training, sir?</p> <p>3 A. I have not, but as I mentioned, Mr. Daum, who's</p> <p>4 here today, and others within our organization have</p> <p>5 attended.</p> <p>6 Q. Sir, I asked Mr. Boeshans about conditional use</p> <p>7 permits. Outside of Burleigh County and Emmons County,</p> <p>8 are you aware of the status of any conditional use</p> <p>9 permits that are active -- actively been applied for by</p> <p>10 the company and what the status of those are?</p> <p>11 A. Well, there will be four pump stations in North</p> <p>12 Dakota. The other two counties are Richland and</p> <p>13 McIntosh, I believe. And then I believe Logan, the</p> <p>14 township in Logan, requires a conditional use permit.</p> <p>15 But no conditional permits have been applied</p> <p>16 for, Mr. Pelham, and that's primarily because, as we've</p> <p>17 added the additional plants, size of the pipeline</p> <p>18 doesn't change, but depending on where that volume comes</p> <p>19 online, the location of the pump stations may move. And</p> <p>20 so we've just finalized that. And as you're probably</p> <p>21 aware, we've got to have an agreement with the</p> <p>22 landowner, we've got to have that specific information</p> <p>23 about the property, etcetera.</p> <p>24 So it's our intention to file those conditional</p> <p>25 use permits in the next six months.</p> <p>PAGE 102</p>	<p>1 station and made other recommendations for movements for</p> <p>2 the hydrodirectional drilling of riverbeds, these four</p> <p>3 riverbeds that I mentioned.</p> <p>4 Do you know if Summit is going to heed those</p> <p>5 recommendations?</p> <p>6 A. We already have, sir. So, yes, that -- they try</p> <p>7 to maintain -- industry tries to maintain a safety</p> <p>8 factor of 1.5, and they look at scour and they look at</p> <p>9 lateral, you know, migration, etcetera. And when they</p> <p>10 consider all those facts, they'll make a recommendation</p> <p>11 if -- do we move the exit or entry points of the drills</p> <p>12 or do we make the drills deeper below the mudline? For</p> <p>13 instance, across the Missouri River, the recommendation</p> <p>14 was to lower the depth of the drill. And now that</p> <p>15 the -- the shortest distance from the top of pipe to the</p> <p>16 bottom of the mudline in -- in the Missouri is 49 feet.</p> <p>17 So, yes, we have made those changes.</p> <p>18 MR. PELHAM: Okay. And just for purposes of the</p> <p>19 record, I'm referring to what has now been marked as</p> <p>20 SCS R-6, which is Docket No. 437, which contains</p> <p>21 Summit's response to supplemental filing 3.1.4 and those</p> <p>22 are specifically contained in there.</p> <p>23 Mr. Powell, I don't have any other questions for</p> <p>24 you. Thank you.</p> <p>25 THE WITNESS: Thank you.</p> <p>PAGE 104</p>

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<p>1 ALJ HOGAN: Mr. Schock, any questions?</p> <p>2 MR. SCHOCK: Just a couple.</p> <p>3 CROSS EXAMINATION</p> <p>4 BY MR. SCHOCK:</p> <p>5 Q. Survey access. So what percentage of the route</p> <p>6 in North Dakota or the corridor, I should say, has been</p> <p>7 surveyed?</p> <p>8 A. Of the original route, Mr. Schock, it was</p> <p>9 mid 90s, 93, 94 percent. And when I say "survey," I</p> <p>10 mean land, biological, cultural on the reroutes. So</p> <p>11 that 55 miles or so, it's about 78 percent. And as</p> <p>12 Mr. Boeshans mentioned, you know, we -- we got as much</p> <p>13 done as we could weather permitting in the fall so we</p> <p>14 were actually ready to launch a campaign in May to begin</p> <p>15 surveying again.</p> <p>16 Q. Okay. And how much -- so there are kind of --</p> <p>17 slightly different question. What percentage of it do</p> <p>18 you have permission to survey?</p> <p>19 A. I don't know off the top of my head, Mr. Schock.</p> <p>20 We can get you that information, but I don't know off</p> <p>21 the top of my head.</p> <p>22 Q. Okay. If you'd be able to file just a simple</p> <p>23 document just stating that percentage.</p> <p>24 And you, sir, talk a little bit about, with the</p> <p>25 addition of more ethanol plants being added to this</p> <p>PAGE 105</p>	<p>1 to come in. And when I say "guess," it was an educated</p> <p>2 guess based on where the sources were. But it would</p> <p>3 depend on if that volume came on in Iowa or Nebraska</p> <p>4 versus South Dakota or even in North Dakota. So as the</p> <p>5 volumes actually materialized, then we've refined that.</p> <p>6 And so typically in North Dakota, it's my</p> <p>7 understanding these pump stations have moved within a</p> <p>8 mile or two, not significant, even in the same counties,</p> <p>9 but it may affect different landowners.</p> <p>10 Q. Sure. That makes sense.</p> <p>11 And just for understanding purposes, so you can</p> <p>12 increase the throughput of a line significantly by</p> <p>13 adding pump stations while not increasing the maximum</p> <p>14 pressure; is that correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Okay. I think that's all I have. Thank you.</p> <p>17 A. Thank you.</p> <p>18 ALJ HOGAN: Mr. Braaten, any questions?</p> <p>19 MR. BRAATEN: Yes, Your Honor. Thank you.</p> <p>20 CROSS EXAMINATION</p> <p>21 BY MR. BRAATEN:</p> <p>22 Q. Mr. Powell, is it accurate to say that you do</p> <p>23 not have agreements for the pump stations with</p> <p>24 landowners yet?</p> <p>25 A. I do not believe we have those agreements in</p> <p>PAGE 107</p>
<p>1 line, you would not need to increase the size of the</p> <p>2 pipe or increase the number of pump stations; is that</p> <p>3 correct?</p> <p>4 A. That's correct.</p> <p>5 Q. So you would just -- your original application</p> <p>6 listed four pump stations in North Dakota. That would</p> <p>7 be to allow for the maximum throughput from the original</p> <p>8 application. Am I understanding that correct?</p> <p>9 A. That's correct.</p> <p>10 Q. Okay. So your initial plan was maybe to build</p> <p>11 two of those pump stations now and build the other two</p> <p>12 later on once the throughput becomes sufficient enough</p> <p>13 to support additional flow?</p> <p>14 A. Yeah. And, Mr. Schock, I think the original</p> <p>15 plan was to only build one but now it's to -- to build</p> <p>16 all four, correct.</p> <p>17 Q. Does the location of those pump stations change</p> <p>18 in any way or are they as where -- originally where as</p> <p>19 proposed?</p> <p>20 A. They changed slightly. And when I mean</p> <p>21 "slightly," within a mile or two, which may not sound</p> <p>22 practical, but, you know, when you're -- when we're</p> <p>23 designing the system for mass capacity, depending on</p> <p>24 where that volume comes in -- let me back up. When we</p> <p>25 initially did it, we guessed where the volume was going</p> <p>PAGE 106</p>	<p>1 North Dakota, but I can confirm.</p> <p>2 Q. Are you confident you'll be able to get</p> <p>3 agreements for the pump stations?</p> <p>4 A. I think so just from the feedback that I</p> <p>5 received from our -- our right of way team and their</p> <p>6 conversations with prospective landowners.</p> <p>7 Q. And what is that feedback?</p> <p>8 A. Is that they've had substantive conversations</p> <p>9 with potentially impacted landowners and -- and they</p> <p>10 think they can reach agreement.</p> <p>11 Q. You have an easement acquisition update attached</p> <p>12 as Exhibit D to your written testimony. Do you know</p> <p>13 what I'm referring to?</p> <p>14 A. Yes.</p> <p>15 Q. And that chart indicates that it's progress as</p> <p>16 of April 8th, 2024. Do you have an understanding of how</p> <p>17 frequently this chart gets updated?</p> <p>18 A. Daily.</p> <p>19 Q. It gets updated daily?</p> <p>20 A. That's correct.</p> <p>21 Q. Have -- have you continued to make progress on</p> <p>22 easement acquisition in North Dakota?</p> <p>23 A. We have.</p> <p>24 Q. And approximately how much progress would you</p> <p>25 say you've made in the last six months?</p> <p>PAGE 108</p>

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<p>1 A. As I mentioned before, it may not be totally</p> <p>2 accurate, but I believe in late last summer, that the</p> <p>3 acquisition was about -- based on the mileage acquired,</p> <p>4 was about 75, 76 percent. Today it's 81 percent.</p> <p>5 Q. And if someone said that it was 90 percent, that</p> <p>6 would be inaccurate; right?</p> <p>7 A. Today if they said 90 percent?</p> <p>8 Q. Right.</p> <p>9 A. In aggregate, yes, that's incorrect.</p> <p>10 Q. Okay. If landowners raise issues with the idea</p> <p>11 of putting the easement or the pipeline across their</p> <p>12 property, do you ever work those out in the easement</p> <p>13 document?</p> <p>14 A. Yes. In the Exhibit C, that's where the</p> <p>15 specific accommodations to landowners are -- are</p> <p>16 captured.</p> <p>17 Q. Do you feel like you and Summit have been</p> <p>18 successful in accommodating landowner concerns?</p> <p>19 A. I do. And I think the -- the success in</p> <p>20 acquisition underscores that.</p> <p>21 Q. And are you confident that you're going to be</p> <p>22 able to get the majority of the remaining easements</p> <p>23 needed to complete the project?</p> <p>24 A. I will just tell you we've been working for two</p> <p>25 years to try to secure those easements and will continue</p> <p>PAGE 109</p>	<p>1 stepped back a moment. I'm sure we might have people in</p> <p>2 the room unfamiliar with the difference between the</p> <p>3 corridor and the route. So perhaps you want to explain</p> <p>4 your interpretation of the corridor versus the route and</p> <p>5 then you can explain to me the reason for this request</p> <p>6 for a 100-foot route buffer.</p> <p>7 THE WITNESS: Sure. So my understanding is that</p> <p>8 the corridor, in this case 200 feet, is the -- is the</p> <p>9 general area that we can site the pipeline. A lot of</p> <p>10 factors, as you know, come into play, whether it's</p> <p>11 setbacks or cultural, environmental features, etcetera,</p> <p>12 but our commitment is to stay within that 200 feet. We</p> <p>13 view the centerline or try to make sure the centerline</p> <p>14 of the pipe is in the middle of that corridor so we've</p> <p>15 got a hundred feet on either side so we've got some</p> <p>16 flexibility. Because as I mentioned before, we haven't</p> <p>17 completed a hundred percent of the survey.</p> <p>18 The deviation is simply for -- let me be clear.</p> <p>19 We can construct the pipeline within 200 feet as it sits</p> <p>20 today and is in the petition -- or the map books in</p> <p>21 front of you. But the deviation is for workspace</p> <p>22 outside of that in which we already have agreement from</p> <p>23 landowners, whether it's pullback for directional drills</p> <p>24 or access from a roadway into the right of way, things</p> <p>25 of that nature. So that is what that deviation is for.</p> <p>PAGE 111</p>
<p>1 to work every day to try to secure them.</p> <p>2 Q. Do you feel like you're making progress?</p> <p>3 A. I do.</p> <p>4 Q. And do you feel like you'll be able to</p> <p>5 ultimately get the easements you need in order to finish</p> <p>6 your project?</p> <p>7 A. I do.</p> <p>8 Q. And do you feel like you'll be able to get other</p> <p>9 agreements needed from landowners, whether for private</p> <p>10 waterway crossing or driveway or setback variance?</p> <p>11 A. I do.</p> <p>12 MR. BRAATEN: No further questions.</p> <p>13 ALJ HOGAN: Mr. Pranis, any questions?</p> <p>14 Commissioner Christmann.</p> <p>15 COMMISSIONER CHRISTMANN: Okay. First, you have</p> <p>16 a copy of your prefiled testimony handy, I presume?</p> <p>17 THE WITNESS: I do.</p> <p>18 COMMISSIONER CHRISTMANN: So on page 5 you --</p> <p>19 well, just shortly before there, you had addressed in</p> <p>20 here that you were reducing at our request -- and by the</p> <p>21 way, I appreciate it -- reducing that corridor width</p> <p>22 from 300 to 200 feet, but then you mention a deviation</p> <p>23 buffer of up to 100 feet. And I'd like to know more</p> <p>24 about your reasoning for that request.</p> <p>25 But also maybe I probably should have just</p> <p>PAGE 110</p>	<p>1 It's just to add that extra lagniappe, if you will, to</p> <p>2 accommodate where we already have agreements but is not</p> <p>3 specifically within that 200 feet.</p> <p>4 COMMISSIONER CHRISTMANN: So you're viewing this</p> <p>5 deviation buffer as a deviation from the corridor as</p> <p>6 opposed to the route?</p> <p>7 THE WITNESS: Yes, sir.</p> <p>8 COMMISSIONER CHRISTMANN: Because typically our</p> <p>9 -- in more recent years we've sometimes allowed a buffer</p> <p>10 from the route within the corridor so that, you know, if</p> <p>11 there was some obstacle, not -- not to move it even</p> <p>12 anywhere within the corridor without notifying us but</p> <p>13 maybe a few feet one way or the other has been all</p> <p>14 right, but I don't think we've been usually allowing a</p> <p>15 buffer outside of the corridor.</p> <p>16 And so that's going to take a little more work</p> <p>17 here, in my opinion, unless now with my response to you,</p> <p>18 if you want to add anything else.</p> <p>19 THE WITNESS: No. I think that -- just that we</p> <p>20 can construct that pipe within that 200-foot corridor.</p> <p>21 Now, we haven't completed a hundred percent of the</p> <p>22 survey, but we know where the cultural risk is,</p> <p>23 etcetera, so we feel comfortable that we can address</p> <p>24 that.</p> <p>25 COMMISSIONER CHRISTMANN: Okay. Then I want to</p> <p>PAGE 112</p>

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<p>1 jump to page 9. And the meetings that you had on your 2 dispersion modeling methodology, first I was a little -- 3 felt like I was off on the count. On a different page 4 you list them, and you had Mercer in there, which isn't 5 along the pipeline route, and combined with Oliver so 6 you threw me off for one, but of the ones where you had 7 these meetings, I don't see anything mentioned about 8 Logan, Cass, or McIntosh. Now, Logan is less than two 9 miles so I can understand that maybe they're lumped in 10 with McIntosh or Emmons or something like that, but 11 explain -- and you can add more to that if there's other 12 reasons, but I would like explanation of why I see 13 nothing for Cass or McIntosh. And I would just 14 highlight McIntosh has the third most parcels of any of 15 the 10 counties.</p> <p>16 THE WITNESS: Yes, sir. I think it's -- it's 17 specifically scheduling. So I know our team has reached 18 out to individuals, emergency managers, and even county 19 commissioners, etcetera, trying to schedule a time. So 20 I think it's -- at least the understanding I have is 21 within the next few months we will have completed that. 22 It's just at this point in time we have not been able to 23 schedule those meetings with every county that we're 24 impacting.</p> <p>25 COMMISSIONER CHRISTMANN: Okay. And then my</p> <p>PAGE 113</p>	<p>1 Is that still your testimony?</p> <p>2 THE WITNESS: Yes, sir.</p> <p>3 COMMISSIONER CHRISTMANN: Okay. Because later 4 on we get public comments. In the past we've gotten 5 testimony about how "eminent domain was used on my 6 neighbors here in North Dakota." And I'd like you to 7 explain -- I have my opinion, but you're the one 8 testifying. You explain to me the difference between 9 using eminent domain as opposed to invoking state law 10 for survey access.</p> <p>11 THE WITNESS: This is -- this is intended to 12 reference survey permission. So that's actually 13 accessing or gaining survey permission via the court. 14 That's what this is intended to refer to.</p> <p>15 COMMISSIONER CHRISTMANN: So what -- am I 16 understanding your testimony right that the court 17 procedure to get survey access is not really eminent 18 domain?</p> <p>19 THE WITNESS: That's my understanding, correct. 20 We're not trying to take the property or even get 21 permission to construct the pipeline on the property. 22 We're just surveying to see if it's possible to route 23 the pipeline on the property.</p> <p>24 COMMISSIONER CHRISTMANN: Okay. And then the 25 last paragraph on that page you mention that there is no</p> <p>PAGE 115</p>
<p>1 next questions are on your Exhibit A. On page 4 you 2 make the statement that SCS has not filed eminent domain 3 suits on any North Dakota landowners.</p> <p>4 I'll let you get to your page.</p> <p>5 So the third paragraph there, just below the 6 middle of the page, you see that line "SCS has not filed 7 eminent domain suits on any North Dakota landowners"?</p> <p>8 THE WITNESS: And that's in Exhibit A, sir?</p> <p>9 COMMISSIONER CHRISTMANN: Yes. Page 4. You're 10 not matching up?</p> <p>11 THE WITNESS: No, I'm not. Excuse me.</p> <p>12 (Pause)</p> <p>13 THE WITNESS: Yes, sir, I have it. It's -- it's 14 on page 4 here. It was a different number at the 15 bottom. Sorry.</p> <p>16 COMMISSIONER CHRISTMANN: Okay. So that's your 17 testimony?</p> <p>18 THE WITNESS: Correct.</p> <p>19 COMMISSIONER CHRISTMANN: Okay. And then the 20 next paragraph, and I'm kind of starting in the middle 21 of the sentence, "permission to survey the vast majority 22 (greater than 90 percent) of the pipeline route in North 23 Dakota, there have been a limited number of instances 24 where state law has been invoked to allow this critical 25 work to continue."</p> <p>PAGE 114</p>	<p>1 need for a landowner to secure insurance due to the 2 pipeline's presence, the operator is responsible for 3 that. Is that still your testimony?</p> <p>4 THE WITNESS: It is.</p> <p>5 COMMISSIONER CHRISTMANN: And so that was in 6 reference to some testimony about people feeling like 7 they would be unable to get insurance. And so are you 8 just saying here they would probably continue to need 9 their regular insurance that they had before, but they 10 don't need any liability insurance for any liability 11 involving this pipeline?</p> <p>12 THE WITNESS: That's correct. We heard that in 13 testimony and I've heard that in individual meetings 14 with landowners, that they're concerned about having 15 insurance to cover any -- any incidence that's 16 associated with the pipeline, either construction or 17 operation thereof.</p> <p>18 And what we have conveyed to them is, yes, you 19 will need your typical property insurance, liability 20 insurance for anything outside of our operation, but 21 anything that's -- that's caused by the pipeline or 22 construction or operation of it is totally our 23 responsibility.</p> <p>24 And as Mr. Braaten mentioned in the easement 25 agreement, we very clearly say -- at least I think it's</p> <p>PAGE 116</p>

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<p>1 very clear -- that we're indemnifying the landowner of 2 anything except a willful egregious act. So they have 3 to dig the pipeline up and intentionally damage it. 4 Anything aside -- if they accidentally hit it in a 5 farming practice or something like that -- which we hope 6 they won't, it's four-foot deep or deeper -- etcetera, 7 that's still our responsibility.</p> <p>8 COMMISSIONER CHRISTMANN: Okay. And then I want 9 to get to the big map book filed in February. Sadly, I 10 asked Mr. Boeshans this so I probably gave you an 11 opportunity to do your research.</p> <p>12 THE WITNESS: You asked about that one. If I 13 remember correctly, Mr. Christmann, you asked about that 14 one in one of the previous hearings.</p> <p>15 COMMISSIONER CHRISTMANN: Well, I probably 16 should apologize for that then, but I'm not going to.</p> <p>17 (Laughter)</p> <p>18 THE WITNESS: I didn't expect you to, sir.</p> <p>19 COMMISSIONER CHRISTMANN: Clearly, I've 20 forgotten the answer so you'll have to tell me again.</p> <p>21 THE WITNESS: Was that on page 40?</p> <p>22 COMMISSIONER CHRISTMANN: Yes.</p> <p>23 THE WITNESS: Yeah, on page 40, I believe the 24 structure that you talked about is a -- it's a long -- 25 it's almost like a single car garage but it's -- it</p> <p>PAGE 117</p>	<p>1 counties, and I'm going to go to McIntosh. And on there 2 it says "date." And I believe that this represents 3 dates that Summit has contacted them. You have 4 March 29th, 2023, June 15th, 2022, July 10th, 2023, and 5 November 8th, 2023. And then over to the right it says 6 "to be scheduled."</p> <p>7 Can you explain that to me, when you write or 8 put in through your testimony that Summit continues to 9 address landowners' concerns during its safety tour 10 meetings, discussion with county emergency managers, 11 first responders, county commissioners, and landowners 12 along the pipeline, then you have McIntosh and those 13 five dates and it says "to be scheduled"? Can you tell 14 me what's going on there?</p> <p>15 THE WITNESS: The only thing I can tell you, 16 Commissioner, is that our team has been in communication 17 with the emergency managers trying to find the time that 18 accommodates them, and not only them but -- and we'll 19 conduct a meeting if it's just the emergency manager, 20 but if they can get others to attend, whether it's fire 21 chiefs, sheriffs, anybody that may be involved with a 22 response, it's preferable. There are even counties 23 where we've went back twice because some different 24 people may attend.</p> <p>25 COMMISSIONER HAUGEN-HOFFART: So you're saying,</p> <p>PAGE 119</p>
<p>1 appears, at least in aerial imagery, that it's 40 or 50 2 feet long. That's that structure. It's about 350 feet 3 but we -- we determined at least and in conversations 4 with the landowner that that wasn't where -- that 5 doesn't have an office, a living quarters, etcetera.</p> <p>6 COMMISSIONER CHRISTMANN: The one right to the 7 north of the waiver that's been already received is what 8 you're talking about?</p> <p>9 THE WITNESS: I believe that's correct.</p> <p>10 COMMISSIONER CHRISTMANN: Okay. This time I 11 should be able to remember.</p> <p>12 THE WITNESS: And I will just say, if I can, 13 that we -- we do an evaluation, aerial imagery, but then 14 if there's a -- if there's a structure that's in 15 question, we have someone actually physically go out in 16 the field and look at that structure. And if we have an 17 easement with a landowner, we'll talk to the landowner 18 about that structure, if necessary.</p> <p>19 COMMISSIONER CHRISTMANN: Got it.</p> <p>20 I don't have any other questions at this time, 21 Your Honor.</p> <p>22 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>23 COMMISSIONER HAUGEN-HOFFART: Thank you.</p> <p>24 I'm going to go back, I'm going to reference 25 this table, updated Table 6.2.8, emergency management</p> <p>PAGE 118</p>	<p>1 just for clarification, you've reached out five times to 2 McIntosh emergency manager or directors and no one has 3 responded or you haven't been able to schedule a 4 meeting?</p> <p>5 THE WITNESS: Yeah, that's my understanding. 6 And someone has responded. They just haven't been able 7 to agree to a time to meet.</p> <p>8 COMMISSIONER HAUGEN-HOFFART: Okay. I want to 9 talk about landowners. And I'm going to give you a 10 situation. And what I'm seeking to do is understand 11 when you do a reroute or if you work with the landowner 12 on maybe a recommendation. And the thing that comes to 13 my mind is -- I'm going to use the Vculeks. So going 14 back to the first hearings, the Vculeks testified and 15 they gave you a recommendation on how to do a reroute on 16 their land, still staying on their land. Then we get 17 documentation that you've rerouted it so, therefore, now 18 we must have new landowners; correct?</p> <p>19 THE WITNESS: Yes.</p> <p>20 COMMISSIONER HAUGEN-HOFFART: So help me 21 understand why you didn't use Vculeks' recommended 22 reroute on their parcel versus doing a complete reroute 23 affecting a new landowner?</p> <p>24 THE WITNESS: Well, to your point, Commissioner, 25 it's much easier to reach an agreement with a landowner</p> <p>PAGE 120</p>

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<p>1 that we had planned to cross versus reaching out to one, 2 and sometimes it's more than one landowner that would be 3 impacted that isn't impacted in the original route. So 4 if there was a way to get to an agreement with that 5 landowner, we would be there.</p> <p>6 I mean, we've rerouted over several hundred 7 times. You guys have that information. And we've added 8 27 miles. This isn't including the north -- the reroute 9 around the north side of Bismarck. This is generally. 10 Because a landowner may want us to hug the property line 11 versus cross diagonally and that adds length to the 12 pipeline. And we've agreed to do that.</p> <p>13 Now, I will say, Commissioner too, occasionally 14 it is compensation. I mean, if there's -- that's 15 atypical, but sometimes landowners, you know, their -- 16 their desire for compensation is way outside of what we 17 deem practical for us, but that's the exception.</p> <p>18 COMMISSIONER HAUGEN-HOFFART: So it gets down to 19 what I'm hearing is maybe compensation.</p> <p>20 THE WITNESS: Rarely, but it -- occasionally it 21 does.</p> <p>22 COMMISSIONER HAUGEN-HOFFART: So the main reason 23 why not accepting a reroute on someone's parcel of land 24 would be what?</p> <p>25 THE WITNESS: Why they wouldn't accept our</p> <p>PAGE 121</p>	<p>1 some situation why you didn't accept the Vculeks' 2 reroute.</p> <p>3 THE WITNESS: I'm sorry, you're talking about 4 the Vculeks?</p> <p>5 COMMISSIONER HAUGEN-HOFFART: Yeah. They 6 offered you -- I'm trying to understand --</p> <p>7 THE WITNESS: I'm sorry, I didn't know that you 8 were mentioning the Vculeks.</p> <p>9 COMMISSIONER HAUGEN-HOFFART: Yes.</p> <p>10 THE WITNESS: I can tell you specifically -- 11 (Simultaneous speaking)</p> <p>12 COMMISSIONER HAUGEN-HOFFART: -- Summit's 13 philosophy. When you have a landowner that gives you a 14 recommendation that "I don't want it, like, diagonally 15 here but I'm offering you a reroute," why you wouldn't 16 accept that?</p> <p>17 THE WITNESS: Well, I can tell you specifically 18 with the Vculeks, at least one of the tracts. Potato 19 farmers. And one of those tracts had, I believe it was 20 a hundred -- over 120 drain tile laterals, they're every 21 10 feet, which is extremely unusual, at least in my 22 experience. I mean even in Iowa you may see them on 30 23 or 40-foot centers. And so to cross that would have 24 been extremely difficult and potentially risky for the 25 landowner. Because I don't mind guaranteeing drain tile</p> <p>PAGE 123</p>
<p>1 reroute?</p> <p>2 COMMISSIONER HAUGEN-HOFFART: No. Why you 3 wouldn't.</p> <p>4 THE WITNESS: We would. That's what I'm saying. 5 So if -- if someone agrees to -- say, "You can run down 6 the west side of my property," we'll do it. We've done 7 that even when -- when you get this mature in the 8 process as we are and you've got 81 percent of the 9 landowners and you've acquired that property, typically 10 to route off of someone, you've got to change the entry 11 and exit to their property if we've signed the 12 landowners on either side. So not only does that 13 involve a new landowner, it involves amendments on 14 existing landowners. So that's -- we've done that and 15 we do that a lot, but it's not preferable because you're 16 impacting landowners you've already agreed with.</p> <p>17 And so our preference is to always try to make 18 it work with the landowner that we're crossing. So if 19 they give us an option that is doable -- now, if it's 20 not -- if it's -- if there's a cultural restriction or 21 something where they want us to put the pipeline and we 22 can't because it's an avoidance area, it's a wildlife 23 production area, or something we cannot cross, other 24 than that, we'll do just about whatever it takes.</p> <p>25 COMMISSIONER HAUGEN-HOFFART: There had to be</p> <p>PAGE 122</p>	<p>1 for the life of the project, we're doing that, but 2 that's a lot of drain tile.</p> <p>3 So in that case, Commissioner, we approached -- 4 our land team approached the landowners around the 5 Vculeks and were able to reach agreement or at least 6 thought that their landowners were receptive. And so 7 rather than impact the Vculeks and their operation and 8 110 drain tile, we chose to route around. But that -- 9 that's an unusual situation.</p> <p>10 COMMISSIONER HAUGEN-HOFFART: Okay. Thank you 11 for that clarification.</p> <p>12 So do you have any more landowners that have 13 made you recommendations on reroutes on their land that 14 you are not considering?</p> <p>15 THE WITNESS: Not that I'm aware of.</p> <p>16 COMMISSIONER HAUGEN-HOFFART: Maybe they're just 17 -- haven't agreed to sign an easement.</p> <p>18 THE WITNESS: That's true. I mean, we've still 19 got -- we've got about 550 landowners along the route 20 that's before the Commission and we've signed about 440. 21 So we still got 110 landowners to work with.</p> <p>22 COMMISSIONER HAUGEN-HOFFART: Out of that 110, 23 someone's negotiating with you on recommendations to 24 still stay on their parcel but just doing some tweaks 25 here and there?</p> <p>PAGE 124</p>

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<p>1 THE WITNESS: I think --</p> <p>2 COMMISSIONER HAUGEN-HOFFART: You think that --</p> <p>3 (Simultaneous speaking)</p> <p>4 THE WITNESS: No. There are -- there are</p> <p>5 several of those landowners that are -- that may have a</p> <p>6 requirement to adjust the pipeline where we are on their</p> <p>7 property. I mean, I'll give you another example. So</p> <p>8 the -- Kevin Bernhardt, we routed off of his property.</p> <p>9 And so there were some landowners that said, yeah, if</p> <p>10 you put it to the east side, not the west side, or, you</p> <p>11 know -- we agreed.</p> <p>12 So the preference is always to work with a</p> <p>13 landowner that's agreeable. And the vast majority of</p> <p>14 the time their -- their preferences are acceptable,</p> <p>15 again, unless it's something that we can't avoid, like</p> <p>16 there's a -- there's a cultural resource on the</p> <p>17 northeast corner of their property, we just cannot cross</p> <p>18 that.</p> <p>19 COMMISSIONER HAUGEN-HOFFART: Okay. I'm going</p> <p>20 through my notes so...</p> <p>21 THE WITNESS: I'm on your time, Commissioner.</p> <p>22 COMMISSIONER HAUGEN-HOFFART: I'll bet.</p> <p>23 I know this has to do with Sargent County but I</p> <p>24 -- I just -- we talk about collaboration, working with</p> <p>25 landowners, but I'm going to read you a letter and let</p> <p>PAGE 125</p>	<p>1 And so I'm happy to follow up on any individual</p> <p>2 landowner, but I do know that we -- we want to talk with</p> <p>3 landowners. The more we get in front of, the more we're</p> <p>4 able to talk with them, we can even see their -- we can</p> <p>5 get there with them, understand what their concerns and</p> <p>6 issues are, or we can't get there with them and then we</p> <p>7 can see if there's options.</p> <p>8 COMMISSIONER HAUGEN-HOFFART: Okay. Thank you.</p> <p>9 ALJ HOGAN: Mr. Dawson, any questions?</p> <p>10 SUBSTITUTE DECISIONMAKER DAWSON: Thanks, Your</p> <p>11 Honor.</p> <p>12 I have a question about survey access. What</p> <p>13 percentage of landowners don't give you survey access</p> <p>14 and you have to take them to court, approximately?</p> <p>15 THE WITNESS: I'm going to guess, Mr. Dawson, so</p> <p>16 I apologize, but I know we surveyed on the original</p> <p>17 route about 92 percent, on the reroutes about</p> <p>18 78 percent, but I'm trying to think through the number</p> <p>19 of court cases and I know it's a handful. I don't know</p> <p>20 if that's three or that's ten. I'd have to defer to</p> <p>21 counsel to help me with that one or we can get you that</p> <p>22 information.</p> <p>23 SUBSTITUTE DECISIONMAKER DAWSON: Is there any</p> <p>24 incentive for a person to provide survey access?</p> <p>25 THE WITNESS: I think the incentive is -- well,</p> <p>PAGE 127</p>
<p>1 you respond. We received this on April 10th, Docket No.</p> <p>2 513. And it has to do with a landowner. And it says --</p> <p>3 it is addressed to counsel. "I have been trying to have</p> <p>4 a dialogue with you and your client for many months now</p> <p>5 related to certain landowners and your client has been</p> <p>6 largely non-responsive especially in the past four or so</p> <p>7 months."</p> <p>8 So tell me a little bit about -- those easements</p> <p>9 that aren't signed, I mean how is communication moving</p> <p>10 forward to show that there is good faith on trying to</p> <p>11 resolve -- on both sides, but how would you -- how do</p> <p>12 you respond to correspondence like this that there's</p> <p>13 been no correspondence in four months?</p> <p>14 THE WITNESS: Well, I can just tell you, at</p> <p>15 least in -- and I'm not involved on a daily basis with</p> <p>16 the land acquisition team, but I'm involved on a regular</p> <p>17 basis. And I will tell you that it's my objective, is</p> <p>18 to sign as much right of way as quickly as we can.</p> <p>19 And so we are not -- it's my understanding we</p> <p>20 are not avoiding any landowner. And if someone reaches</p> <p>21 out and wants to talk to us, we're very responsive. And</p> <p>22 we have a right of way team that's active in this state.</p> <p>23 And, in fact, as Mr. Boeshans testified to, even his</p> <p>24 team, his office in Bismarck, they are part of that --</p> <p>25 that team that reaches out to landowners.</p> <p>PAGE 126</p>	<p>1 if they're -- if they're opposed to the project and know</p> <p>2 that they never want the pipeline or entertain having</p> <p>3 the pipeline, there may not be an incentive. If you're</p> <p>4 a landowner that -- that may entertain having the</p> <p>5 pipeline, then it's beneficial because then you know as</p> <p>6 the landowner where there may be constraints and then</p> <p>7 you can tell us "I want you to put this --" as</p> <p>8 Commissioner Haugen-Hoffart just said, you can tell us</p> <p>9 "We want the property on the west side," and that's</p> <p>10 where we survey. And if there are no constraints,</p> <p>11 thumbs up, we'll give you -- we'll put the sketch</p> <p>12 together. That's our commitment to route the pipeline</p> <p>13 on the west side.</p> <p>14 SUBSTITUTE DECISIONMAKER DAWSON: So if you're</p> <p>15 out in the field and you don't get survey access from</p> <p>16 somebody, do you look to reroute right away or what's</p> <p>17 the procedure? It would seem to be a foreshadowing.</p> <p>18 THE WITNESS: I think the answer is yes, you</p> <p>19 look at your options. Because maybe to your point, if</p> <p>20 someone doesn't want to grant survey access, it could be</p> <p>21 timing. Don't bother me until you have a permit and</p> <p>22 then we'll talk. Or it may be they just -- they're not</p> <p>23 interested in the project. So, again, as I mentioned,</p> <p>24 an indicator to me that someone maybe will sign an</p> <p>25 easement is they grant survey permission. So the</p> <p>PAGE 128</p>

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<p>1 opposite would be true.</p> <p>2 And so, yes, it gets more tricky as we get this</p> <p>3 mature in the process because you have -- as I mentioned</p> <p>4 earlier, you have individual tracts sometimes that are</p> <p>5 bound by people that have signed, and if every time we</p> <p>6 move off a parcel of property we're impacting at least</p> <p>7 one additional landowner, but I follow your logic. It</p> <p>8 makes sense to look at options.</p> <p>9 SUBSTITUTE DECISIONMAKER DAWSON: No further</p> <p>10 questions. Thank you.</p> <p>11 ALJ HOGAN: Mr. Dublinske, any redirect?</p> <p>12 MR. DUBLINSKE: Yes, Your Honor, just a couple.</p> <p>13 REDIRECT EXAMINATION</p> <p>14 BY MR. DUBLINSKE:</p> <p>15 Q. Mr. Powell, you had some questions about</p> <p>16 scheduling the emergency management coordination meeting</p> <p>17 in McIntosh County. Do you know, and let me know if you</p> <p>18 don't, but do you know if part of the scheduling issue,</p> <p>19 there may have been some turnover in personnel in terms</p> <p>20 of the emergency manager in McIntosh?</p> <p>21 A. I do not know if that's the case.</p> <p>22 Q. I want to go back to a conversation you had with</p> <p>23 Commissioner Christmann. Do you have your testimony</p> <p>24 there with you?</p> <p>25 A. Yes.</p> <p>PAGE 129</p>	<p>1 for small route adjustments?</p> <p>2 A. Yeah, that's correct. I misspoke with</p> <p>3 Commissioner Christmann and was confusing access in</p> <p>4 other areas with the deviation buffer. So that was my</p> <p>5 mistake.</p> <p>6 Q. Okay. So when you were talking with</p> <p>7 Commissioner Christmann, what you were describing was</p> <p>8 temporary workspace --</p> <p>9 A. Yes.</p> <p>10 Q. -- as temporary access; correct?</p> <p>11 A. Yes. I misspoke.</p> <p>12 Q. Okay. So the corridor is the extent of the area</p> <p>13 in which you could put the route. The route is</p> <p>14 centerline in the middle of that and is a subset of the</p> <p>15 corridor; is that correct?</p> <p>16 A. That is correct.</p> <p>17 Q. And the deviation buffer allows you to move the</p> <p>18 route due to -- a small distance due to unexpected</p> <p>19 circumstances. Fair?</p> <p>20 A. Fair.</p> <p>21 Q. Appreciate that clarification.</p> <p>22 I want to go back again just to make sure that</p> <p>23 everyone is clear. You had some questions about whether</p> <p>24 or not the addition of ethanol plants from 32 up to 57</p> <p>25 requires larger pipe diameter. And to be clear, your</p> <p>PAGE 131</p>
<p>1 Q. Can you look at the bottom of page 4 over into</p> <p>2 page 5 and just briefly read that testimony to yourself</p> <p>3 there and let me know when you've had a chance to read</p> <p>4 that?</p> <p>5 A. "As stated above, Summit continues to receive</p> <p>6 input from landowners and other stakeholders --"</p> <p>7 Q. Sorry. Can you read that to yourself and let me</p> <p>8 know when you've read that.</p> <p>9 A. I follow instructions, Mr. Dublinske.</p> <p>10 (Pause)</p> <p>11 A. Yes.</p> <p>12 Q. You had a conversation with Commissioner</p> <p>13 Christmann about a deviation buffer. Do you recall</p> <p>14 that?</p> <p>15 A. I do.</p> <p>16 Q. When I read here at the top of page 5, the</p> <p>17 question at line 3 about following the procedures in the</p> <p>18 Siting Act regarding route adjustments, I just want to</p> <p>19 make sure that we're all using the same language. I</p> <p>20 read your answer there to mean that the deviation buffer</p> <p>21 gives you an ability, for example, if you would need a</p> <p>22 route adjustment because, you know, when you actually</p> <p>23 got doing the work you discovered something unexpected</p> <p>24 as a subterranean feature, to be able to have some</p> <p>25 latitude without having to come back to the Commission</p> <p>PAGE 130</p>	<p>1 answer to that was?</p> <p>2 A. It does not.</p> <p>3 Q. And does it require any additional pump</p> <p>4 stations?</p> <p>5 A. Not above that -- the original complement that</p> <p>6 was in the original application but the timing of them.</p> <p>7 So they will be constructed and brought online sooner.</p> <p>8 Q. And to be clear, that is because SCS designed</p> <p>9 and planned the pipeline looking forward to additional</p> <p>10 growth in volumes over time; correct?</p> <p>11 A. Yeah. We design for a certain capacity. The</p> <p>12 only variable is where does that volume come on. Is it</p> <p>13 where -- where in the system does it come on?</p> <p>14 MR. DUBLINSKE: Nothing further, Your Honor.</p> <p>15 ALJ HOGAN: Mr. Pelham, any other questions?</p> <p>16 MR. PELHAM: Mr. Schock has some questions.</p> <p>17 RECROSS EXAMINATION</p> <p>18 BY MR. SCHOCK:</p> <p>19 Q. I want to go back to the corridor and the route</p> <p>20 buffer here just to put a little bit of finer point on</p> <p>21 it. Okay. Originally you were asking for a</p> <p>22 300-foot-wide corridor. You're now asking for a</p> <p>23 200-foot wide corridor; correct?</p> <p>24 A. Correct.</p> <p>25 Q. Okay. And I think we would both agree that the</p> <p>PAGE 132</p>

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<p>1 corridor is a place that's designated by the Commission</p> <p>2 that's generally a good place to locate a pipeline or</p> <p>3 other facility upon designation?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. A route is an infinitesimally small line</p> <p>6 within that corridor. Historically, let's pretend we're</p> <p>7 having this conversation ten years ago. When the</p> <p>8 Commission approves that route, that is the route,</p> <p>9 there's no deviation permitted. Now for the -- since</p> <p>10 then the Commission has been approving deviation buffers</p> <p>11 that you're kind of speaking to there, but generally</p> <p>12 they've been much narrower than a hundred feet, which</p> <p>13 basically encompasses the entire corridor.</p> <p>14 So I can't speak for the commissioners and what</p> <p>15 they will ultimately approve, but more so the time</p> <p>16 I'm -- I'm seeing more like 10 to 20-foot buffers.</p> <p>17 Would that be an acceptable route buffer that Summit</p> <p>18 could live with?</p> <p>19 A. I think -- I think it would be. And if -- if</p> <p>20 there's a -- an avoidance area that would require</p> <p>21 something beyond that, we would have to come back to the</p> <p>22 Commission with that request.</p> <p>23 Q. Sure. Well, I think that would, you know, per</p> <p>24 our siting laws and rules and even the certification</p> <p>25 document that would ultimately have to be signed by the</p> <p>PAGE 133</p>	<p>1 endangered species and things of that nature that we've</p> <p>2 identified on desktop but looking for signs of those on</p> <p>3 the right of way. And then the cultural --</p> <p>4 archaeological and cultural features, and those crews</p> <p>5 typically have an archaeologist but also, if they choose</p> <p>6 to participate, a tribal member as well.</p> <p>7 Q. And the culturally and environmentally sensitive</p> <p>8 sites, are those generally areas on the property that</p> <p>9 need to be avoided when development occurs?</p> <p>10 A. Yes.</p> <p>11 Q. And what is it that Summit does with that survey</p> <p>12 information that they gather after they go onto the</p> <p>13 landowner's property?</p> <p>14 A. So that's catalogued and then that largely</p> <p>15 becomes part of the information that's shared with the</p> <p>16 State Historical Preservation officer and/or the Corps</p> <p>17 of Engineers.</p> <p>18 Q. So federal and state agencies it's shared with?</p> <p>19 A. Yes, sir.</p> <p>20 Q. So you're going to go onto a landowner's</p> <p>21 property and find all the endangered species habitat,</p> <p>22 catalog it, index it, and report it to the Federal</p> <p>23 Government?</p> <p>24 A. That's my understanding of it. Mr. Schmidt can</p> <p>25 be more specific about that.</p> <p>PAGE 135</p>
<p>1 company, you could not impact any exclusion or avoidance</p> <p>2 areas when doing such route deviation so...</p> <p>3 MR. SCHOCK: That's all I had. I just wanted to</p> <p>4 clean that up a little bit finer.</p> <p>5 ALJ HOGAN: Mr. Braaten, any other questions?</p> <p>6 MR. BRAATEN: Yes. Thank you, Your Honor.</p> <p>7 RECROSS EXAMINATION</p> <p>8 BY MR. BRAATEN:</p> <p>9 Q. Sir, you were asked about the surveying that is</p> <p>10 done by Summit. And on page -- pages 4 to 5 that we</p> <p>11 were just looking at, there's a reference to certain</p> <p>12 cultural or environmentally sensitive areas. Is that</p> <p>13 what the surveyors are looking for when they're out on</p> <p>14 the landowners' property?</p> <p>15 A. Mr. Braaten, there's really three phases of</p> <p>16 survey. One is land where we just look for property</p> <p>17 boundaries and the centerline of the proposed route, if</p> <p>18 you will. Then there's environmental survey and then</p> <p>19 there's cultural survey. So cultural is one piece of</p> <p>20 that, yes.</p> <p>21 Q. What do the environmental and cultural surveys</p> <p>22 consist of?</p> <p>23 A. The environmental crews are biologists</p> <p>24 typically, and Mr. Schmidt can speak more specifically</p> <p>25 to it, but looking for endangered -- threatened and</p> <p>PAGE 134</p>	<p>1 Q. Some landowners don't want you to do that;</p> <p>2 right?</p> <p>3 A. I'm not sure. I know -- I know cultural</p> <p>4 features, sometimes there's an issue.</p> <p>5 Q. When you bring a court action to get survey</p> <p>6 access, do you need to bring that lawsuit in order to</p> <p>7 get access to the landowner's property to do these</p> <p>8 surveys?</p> <p>9 A. That's my understanding, yes.</p> <p>10 Q. And you wouldn't have a right to go onto that</p> <p>11 property without that court-granted access; right?</p> <p>12 A. Without the landowner's permission, that's</p> <p>13 correct.</p> <p>14 Q. And so the court is giving you property rights?</p> <p>15 A. They're giving us access to the property to</p> <p>16 survey.</p> <p>17 Q. So they're giving you a right to enter the</p> <p>18 property?</p> <p>19 A. Yes.</p> <p>20 Q. Which is a property right?</p> <p>21 MR. DUBLINSKE: Objection. Calls for a legal</p> <p>22 conclusion.</p> <p>23 ALJ HOGAN: I tend to agree. I think that's a</p> <p>24 legal conclusion.</p> <p>25 MR. BRAATEN: No further questions.</p> <p>PAGE 136</p>

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<p>1 ALJ HOGAN: Mr. Pranis, any questions?</p> <p>2 MR. PRANIS: No thank you, Your Honor.</p> <p>3 ALJ HOGAN: All right. Commissioner Christmann.</p> <p>4 COMMISSIONER CHRISTMANN: I did miss one</p> <p>5 clarification. When we talked about those meetings in,</p> <p>6 I believe, seven of these 10 counties, eight meetings</p> <p>7 in seven of the 10 counties with the emergency managers</p> <p>8 and emergency responders, was the dispersion modeling</p> <p>9 methodology that's confidential, was that shared or at</p> <p>10 least offered to be shared with those managers and</p> <p>11 responders?</p> <p>12 THE WITNESS: Mr. Christmann -- Commissioner</p> <p>13 Christmann, the methodology, what the inputs are and</p> <p>14 what the outputs are, and then kind of a generic output</p> <p>15 would be discussed, not specific to the area in those</p> <p>16 general meetings, but it's our -- it's our feeling that</p> <p>17 if someone, that someone being emergency manager</p> <p>18 or first responder or fire department personnel,</p> <p>19 etcetera, may be part of the response, then they have to</p> <p>20 have specific information.</p> <p>21 COMMISSIONER CHRISTMANN: No other questions.</p> <p>22 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>23 COMMISSIONER HAUGEN-HOFFART: No, I do not.</p> <p>24 ALJ HOGAN: Mr. Dawson.</p> <p>25 SUBSTITUTE DECISIONMAKER DAWSON: No thank you,</p> <p>PAGE 137</p>	<p>1 morning with public comments, but I appreciate</p> <p>2 legislators coming. Because a lot of times they're here</p> <p>3 on their own time. This isn't a session day or</p> <p>4 something like that where they're getting compensated.</p> <p>5 I see Representative SuAnn Olson here. I see</p> <p>6 Representative Mike Brandenburg. I thought this morning</p> <p>7 I saw Representative Brandon Prichard, but I'm not</p> <p>8 seeing him right now so maybe I'm wrong. And I know</p> <p>9 this morning Senator Keith Boehm was here, and I ran</p> <p>10 into him over lunch and he said he had another hearing</p> <p>11 this afternoon. And so I don't know if I'm missing</p> <p>12 anybody --</p> <p>13 UNIDENTIFIED SPEAKER: Yep, somebody's in the</p> <p>14 back. Yep, there he is. Stand up.</p> <p>15 COMMISSIONER CHRISTMANN: Oh, Senator Gerhardt</p> <p>16 from here in Mandan. Sorry, I didn't remember. I</p> <p>17 actually talked to him over lunch too. So sorry about</p> <p>18 that. But, anyway, just appreciate them being here on</p> <p>19 behalf of their constituents.</p> <p>20 And now I'm ready to move on, Your Honor.</p> <p>21 ALJ HOGAN: All right. Thank you.</p> <p>22 Okay. As I mentioned before the break, we are</p> <p>23 going to start with public testimony, and just a few</p> <p>24 comments regarding public testimony before we would</p> <p>25 start. As I mentioned, the Commission would like to</p> <p>PAGE 139</p>
<p>1 Your Honor.</p> <p>2 ALJ HOGAN: All right. Well, thank you,</p> <p>3 Mr. Powell. That's all the questions we have for you.</p> <p>4 Let's take a 15-minute break and then when we</p> <p>5 come back we will start with public testimony.</p> <p>6 And the Commission would like to hear from</p> <p>7 impacted landowners first. So if you are an impacted</p> <p>8 landowner that would like to provide public testimony,</p> <p>9 if you want to all -- I'll go through instructions on</p> <p>10 testimony when we come back, but you'll have to testify</p> <p>11 from the witness table there. So if you want to make</p> <p>12 your way to the front or sit at the front when we get</p> <p>13 back, that would be great.</p> <p>14 Let's reconvene at 2:25.</p> <p>15 (Recess)</p> <p>16 ALJ HOGAN: All right. If people want to make</p> <p>17 their way back to their seats, we're going to get</p> <p>18 started again.</p> <p>19 COMMISSIONER CHRISTMANN: Your Honor, could I</p> <p>20 have just an announcement chance?</p> <p>21 ALJ HOGAN: Sure. Go ahead.</p> <p>22 COMMISSIONER CHRISTMANN: I usually do this</p> <p>23 right at the beginning of a hearing, I guess it goes</p> <p>24 back to my state Senate days, but I really appreciate</p> <p>25 everybody from the public coming as I talked about this</p> <p>PAGE 138</p>	<p>1 hear from impacted landowners first so I'm going to ask</p> <p>2 those parties to come forward first.</p> <p>3 If you choose to testify today, I'll have you</p> <p>4 take a seat at the witness stand like our prior</p> <p>5 witnesses. You will be sworn in and all the parties</p> <p>6 will be asked if they want to ask you questions so</p> <p>7 please be prepared for that. If you represent a group</p> <p>8 or an entity, if you could identify who you are</p> <p>9 representing, that would be helpful. Likewise, if you</p> <p>10 are a landowner, if you could specify where your land is</p> <p>11 located, that will be helpful as well.</p> <p>12 You are providing testimony in an evidentiary</p> <p>13 hearing. This is not an opportunity to ask questions of</p> <p>14 the parties or the commissioners. It's your opportunity</p> <p>15 to provide information or evidence to the Commission.</p> <p>16 I'd ask that you limit your testimony to the</p> <p>17 construction and effect of the pipeline and refrain from</p> <p>18 discussing issues that the Commission doesn't have</p> <p>19 jurisdiction over like eminent domain. If somebody</p> <p>20 prior to you stated your concern, I'd ask you just state</p> <p>21 that you agree with that statement rather than restating</p> <p>22 everything that's been previously testified to. If the</p> <p>23 point is made by another party, the Commission will</p> <p>24 consider it. Similarly, the testimony taken at prior</p> <p>25 hearings is still part of the record in the case. So if</p> <p>PAGE 140</p>

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<p>1 you previously testified at one of the hearings last 2 year, there's no need to repeat that testimony at this 3 hearing as well.</p> <p>4 So with that in mind, if we have impacted 5 landowners. And I know there's some that were -- that 6 checked yes on the sign-in sheets so whoever would like 7 to come -- or start, if you'd come forward, I'd 8 appreciate that.</p> <p>9 Good afternoon. I'll have you start by -- well, 10 first I'm going to ask if that microphone is on. It 11 should have a green light. Okay, perfect.</p> <p>12 I'll have you state your full name and spell 13 your last name for the record.</p> <p>14 LYNETTE DUNBAR: I'm Lynette Dunbar, 15 D-U-N-B-A-R.</p> <p>16 ALJ HOGAN: And, Ms. Dunbar, were you in the 17 room earlier when I went through the penalties for 18 perjury?</p> <p>19 LYNETTE DUNBAR: I was.</p> <p>20 ALJ HOGAN: And do you understand what perjury 21 is?</p> <p>22 LYNETTE DUNBAR: Yes.</p> <p>23 ALJ HOGAN: And being advised of the potential 24 penalties for perjury, do you promise to tell the truth 25 in this case today?</p> <p>PAGE 141</p>	<p>1 Our county road is maybe a half mile and there 2 are 12 homes in that short span. Some homes are maybe 3 500 feet away from the pipeline and others 1,200 to 4 1,600 feet away. This is too close. And the majority 5 are on the north side of the pipeline which is the 6 direction of the strong prevailing winds. There are at 7 least a couple thousand homes just a short distance 8 north of our county road as well. And Bismarck is not 9 that far. I can drive to Bismarck within 15 minutes.</p> <p>10 So with the winds we have, the plume will reach 11 all the homes and Bismarck in a matter of a couple 12 minutes. You don't need a plume model to know that. I 13 mean, watch the snow blow across the grounds with the 14 high winds which seem to be more and more frequent in 15 North Dakota. And a shelter in place is not going to 16 work and it has been proven in other CO2 pipeline leaks.</p> <p>17 As for myself, we have lived on our property for 18 23 years and our house is estimated about 1,200 feet 19 from the pipeline and our property joins the county 20 road. I am extremely concerned for our neighbors' 21 safety, our safety, our animals' safety, and all of our 22 possessions. I make a living from my animals. We 23 raised our children on this place. We hand-planted 24 thousands of trees, pounded hundreds of fence posts, and 25 now we feel we are being forced to throw that all away</p> <p>PAGE 143</p>
<p>1 LYNETTE DUNBAR: I do.</p> <p>2 ALJ HOGAN: All right. Thank you. You can go 3 ahead.</p> <p>4 <u>LYNETTE DUNBAR.</u></p> <p>5 being first duly sworn, testified as follows:</p> <p>6 LYNETTE DUNBAR: Okay. Commissioners and others 7 present, I am Lynette Dunbar and I live on 188th Avenue 8 Northeast, Baldwin. I strongly urge a vote to the 9 permitting of -- sorry, I'm just a little nervous. I 10 strongly urge a "no" vote to the permitting of Summit 11 Carbon Solutions CO2 pipeline.</p> <p>12 I'm born, raised, educated, and work in North 13 Dakota. I want to state that I am not against 14 pipelines. Each pipeline should be handled due to what 15 it is actually transporting. Nothing highly 16 asphyxiating should be a continuous high-pressure flow 17 close to anyone's residence or any town.</p> <p>18 I don't like that people are being characterized 19 as demons or for attacking the growth of the state's oil 20 and gas industry like in mediums and media. We are all 21 adults and we need to act civilized.</p> <p>22 It's about protecting people's lives, their 23 houses, their buildings, and the animals they raise as 24 well as wildlife and lands. Some people depend on their 25 land and animals to make a living.</p> <p>PAGE 142</p>	<p>1 for something that will not benefit the public, even 2 though they say it will, but it won't.</p> <p>3 We loved where we live. We should feel -- we 4 will -- we shouldn't feel uneasy on our own property or 5 in our own home. It's going to feel like being 6 terrorized every day if this pipeline is allowed by our 7 property. Every out-of-the-ordinary sound will cause 8 anxiety and fear. Nobody should have to deal with this.</p> <p>9 Our current liability insurance will not cover 10 any damages due to the pipeline. We pay for that, but 11 we will not have coverage. They say to go and sue the 12 pipeline owner. Well, for me, that's just kind of like 13 saying "good luck with that" just from how things go in 14 this world.</p> <p>15 I mean, there is no way I can come back from 16 that if all my animals are dead and other buildings 17 damaged, that is if we survive, which is highly 18 unlikely. It seems like the mindset of a lot of North 19 Dakota elected officials and Summit, in my opinion, 20 you'll all be dead so what's it matter? That's how I 21 feel, especially the way things are being handled.</p> <p>22 Others feel this way too. No emergency services will 23 reach us whether it's gas or diesel-powered vehicles. 24 How are the emergency personnel going to feel when they 25 can't help? How are the people voting on the pipeline</p> <p>PAGE 144</p>

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<p>1 going to live with themselves after a big disaster that</p> <p>2 will happen?</p> <p>3 What are we going to do with all of the dead</p> <p>4 animals? We make our living off of that. If those</p> <p>5 animals somehow survive, they're going to have</p> <p>6 neurological disorders. We're still going to have to</p> <p>7 put them down. That's going to be very hard. If people</p> <p>8 and animals miraculously survive, they will all have</p> <p>9 neurological issues. Who's going to pay for that?</p> <p>10 That's not right in any way.</p> <p>11 The thickness and the depth of the pipeline</p> <p>12 needs to be addressed. I mean, we bury our loved ones</p> <p>13 deeper than this pipeline is going to go.</p> <p>14 What about the massive amounts of water that</p> <p>15 will be wasted where there's a lot of areas now that</p> <p>16 don't have enough to support their people? That's going</p> <p>17 to happen here eventually. I mean the Missouri is low</p> <p>18 again.</p> <p>19 I see nothing but costs rising for North</p> <p>20 Dakotans especially with the high electricity needed to</p> <p>21 support this pipeline. We can't even support our</p> <p>22 current infrastructures with the electricity we have</p> <p>23 now. Yeah, we can increase the output, but that's also</p> <p>24 going to increase the costs to North Dakotans again.</p> <p>25 I know there are many other issues I'd love to</p> <p>PAGE 145</p>	<p>1 "deceitfulness." I'm just wondering if you could</p> <p>2 elaborate on that with any specifics.</p> <p>3 LYNETTE DUNBAR: When you listen to certain</p> <p>4 people when they talk, you can tell they're begging the</p> <p>5 question. There's a lot of that that's been going on.</p> <p>6 And I don't think that's right. They need to tell the</p> <p>7 truth whether it's going to be hurting people or not.</p> <p>8 We need the whole truth.</p> <p>9 MR. PELHAM: Thanks for being here today. I</p> <p>10 don't have any other questions.</p> <p>11 ALJ HOGAN: Mr. Schock, any questions?</p> <p>12 Mr. Braaten?</p> <p>13 MR. BRAATEN: No, Your Honor.</p> <p>14 ALJ HOGAN: Mr. Pranis?</p> <p>15 MR. PRANIS: No, Your Honor.</p> <p>16 ALJ HOGAN: Commissioner Christmann.</p> <p>17 COMMISSIONER CHRISTMANN: I think you said 180</p> <p>18 and -- 180 and a half --</p> <p>19 LYNETTE DUNBAR: 188th Avenue.</p> <p>20 COMMISSIONER CHRISTMANN: Oh, 188th. And can I</p> <p>21 just get your address?</p> <p>22 LYNETTE DUNBAR: Yep. It's 199 188th Avenue</p> <p>23 Northeast, Baldwin, North Dakota 58521.</p> <p>24 COMMISSIONER CHRISTMANN: And then can I have</p> <p>25 the -- I was trying to hurry through a lot of maps to</p> <p>PAGE 147</p>
<p>1 address here, but I want to keep it short, but I can't</p> <p>2 believe a company with such deceitfulness is allowed to</p> <p>3 continue to proceed working in the state of North</p> <p>4 Dakota.</p> <p>5 And elected officials are duly bound to protect</p> <p>6 the health and safety of the citizens of North Dakota.</p> <p>7 The citizens are smart and will do the correct research</p> <p>8 for you to make the best decision if you would only</p> <p>9 listen to them and not listen to outside forces that are</p> <p>10 not being completely truthful.</p> <p>11 I strongly urge a "no" to the Summit Carbon</p> <p>12 Solutions CO2 pipeline.</p> <p>13 Thank you for your time.</p> <p>14 ALJ HOGAN: Thank you.</p> <p>15 Mr. Bender, any questions?</p> <p>16 MR. BENDER: No, no questions, Your Honor.</p> <p>17 ALJ HOGAN: Mr. Pelham.</p> <p>18 MR. PELHAM: Good afternoon, Ms. Dunbar. I'm</p> <p>19 just wondering, does the proposed line cross your</p> <p>20 property?</p> <p>21 LYNETTE DUNBAR: It does not cross our property,</p> <p>22 but it is right across the county road --</p> <p>23 MR. PELHAM: Sure.</p> <p>24 LYNETTE DUNBAR: -- from our property line.</p> <p>25 MR. PELHAM: And you used the word</p> <p>PAGE 146</p>	<p>1 see Baldwin and trying to get a feel for the description</p> <p>2 you're giving.</p> <p>3 And this will be for everybody that's talking</p> <p>4 about specific properties so you -- maybe I don't have</p> <p>5 to ask everyone. Do you have your township and section</p> <p>6 and range?</p> <p>7 LYNETTE DUNBAR: We are in the Glenview</p> <p>8 Township. Oh, goodness, I should know our section. We</p> <p>9 are the second one in from Highway 83. It would be</p> <p>10 Earsleys, which the pipeline goes on, they are right on</p> <p>11 Highway 83. And then we are the next property over. I</p> <p>12 couldn't give you my actual plot.</p> <p>13 COMMISSIONER CHRISTMANN: But you don't have</p> <p>14 like 140-81 section 20 or something like that?</p> <p>15 LYNETTE DUNBAR: I couldn't tell you that right</p> <p>16 off the --</p> <p>17 COMMISSIONER CHRISTMANN: Okay.</p> <p>18 LYNETTE DUNBAR: I should know it, but I don't.</p> <p>19 COMMISSIONER CHRISTMANN: I'll find it later.</p> <p>20 And I think you've given a pretty good description of it</p> <p>21 so I'll recognize the picture and get a better feel.</p> <p>22 Thank you for being here, Lynette.</p> <p>23 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>24 COMMISSIONER HAUGEN-HOFFART: Oh, you just got</p> <p>25 to wait, Lynette.</p> <p>PAGE 148</p>

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<p>1 LYNETTE DUNBAR: Sorry.</p> <p>2 COMMISSIONER HAUGEN-HOFFART: A couple more.</p> <p>3 You said you raise animals --</p> <p>4 LYNETTE DUNBAR: I do.</p> <p>5 COMMISSIONER HAUGEN-HOFFART: -- livestock? Can</p> <p>6 you tell me a little bit more about that? What's your</p> <p>7 livestock operation?</p> <p>8 LYNETTE DUNBAR: I raise cattle, I raise pigs, I</p> <p>9 raise chickens, I have geese, and of course the normal</p> <p>10 cats and dogs. But I make a third income off of my</p> <p>11 animals.</p> <p>12 COMMISSIONER HAUGEN-HOFFART: There was</p> <p>13 meetings, and I believe they were open to the public,</p> <p>14 when they talked about -- safety meetings.</p> <p>15 LYNETTE DUNBAR: Okay.</p> <p>16 COMMISSIONER HAUGEN-HOFFART: Did you attend any</p> <p>17 of the safety meetings that have been --</p> <p>18 LYNETTE DUNBAR: I did not know about them. The</p> <p>19 only people that have been contacted are the people who</p> <p>20 are -- or I should say the landowners who are going to</p> <p>21 have the pipeline or some part of the pipeline on their</p> <p>22 land. Nobody else has been contacted in our area or</p> <p>23 invited to any meetings, other than the ones that we put</p> <p>24 on ourself.</p> <p>25 COMMISSIONER HAUGEN-HOFFART: Okay. I have no</p> <p>PAGE 149</p>	<p>1 COMMISSIONER CHRISTMANN: Yeah, I see these</p> <p>2 multiple residences so --</p> <p>3 LYNETTE DUNBAR: Yeah.</p> <p>4 COMMISSIONER CHRISTMANN: Thank you, Lynette.</p> <p>5 ALJ HOGAN: All right. Thank you.</p> <p>6 Who would like to go next?</p> <p>7 Good afternoon. Can I have you state your full</p> <p>8 name and spell your last name for the record?</p> <p>9 SUANN OLSON: My name is SuAnn Olson, O-L-S-O-N.</p> <p>10 ALJ HOGAN: That sounds better. Why don't you</p> <p>11 restate it?</p> <p>12 SUANN OLSON: SuAnn Olson, O-L-S-O-N.</p> <p>13 ALJ HOGAN: And, Ms. Olson, were you in the room</p> <p>14 earlier when I went through the penalties for perjury?</p> <p>15 SUANN OLSON: I was.</p> <p>16 ALJ HOGAN: And do you understand what perjury</p> <p>17 is?</p> <p>18 SUANN OLSON: Yes.</p> <p>19 ALJ HOGAN: Being advised of the potential</p> <p>20 penalties for perjury, do you promise to tell the truth</p> <p>21 in this case today?</p> <p>22 SUANN OLSON: Yes.</p> <p>23 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>24 SUANN OLSON: Okay. Thank you.</p> <p>25</p> <p>PAGE 151</p>
<p>1 further questions. Thank you.</p> <p>2 ALJ HOGAN: Mr. Dawson, any questions?</p> <p>3 SUBSTITUTE DECISIONMAKER DAWSON: No questions,</p> <p>4 Your Honor.</p> <p>5 ALJ HOGAN: Got one?</p> <p>6 COMMISSIONER CHRISTMANN: I think I found it.</p> <p>7 So this proposal has this pipeline going about a mile</p> <p>8 south of Baldwin.</p> <p>9 LYNETTE DUNBAR: Yes.</p> <p>10 COMMISSIONER CHRISTMANN: And I'm thinking, like</p> <p>11 from that intersection then, you're about one to</p> <p>12 two miles further west; right?</p> <p>13 LYNETTE DUNBAR: No. From our house to Baldwin</p> <p>14 is right about a mile.</p> <p>15 COMMISSIONER CHRISTMANN: Okay. And you're on</p> <p>16 the north side of that road?</p> <p>17 LYNETTE DUNBAR: Correct. 188th.</p> <p>18 COMMISSIONER CHRISTMANN: No, you're on the</p> <p>19 south side --</p> <p>20 LYNETTE DUNBAR: We're on -- sorry -- the south</p> <p>21 side of 188th.</p> <p>22 COMMISSIONER CHRISTMANN: And the pipeline is on</p> <p>23 the north.</p> <p>24 LYNETTE DUNBAR: The pipeline is on the north</p> <p>25 side. And then curves right by 83.</p> <p>PAGE 150</p>	<p>1 <u>SUANN OLSON,</u></p> <p>2 being first duly sworn, testified as follows:</p> <p>3 SUANN OLSON: As stated, my name is SuAnn Olson</p> <p>4 and I am testifying before you on behalf of myself and</p> <p>5 my husband. Together we are landowners that will not be</p> <p>6 paid by Summit. Our residence is located about</p> <p>7 three-quarters of a mile south of the new proposed</p> <p>8 route. For reference, we live between 188th Street and</p> <p>9 175th Street. And I did just look up, if you want the</p> <p>10 legal description, I could tell you. So we would be</p> <p>11 T141, Range 80, Section 26 in Glenview Township.</p> <p>12 And I think as you've already heard, there are a</p> <p>13 number of landowners who, in fact, will be much closer</p> <p>14 to the proposed route than we are. Some will be right</p> <p>15 across the road from the pipeline and, like us, will not</p> <p>16 be receiving any kind of payment from anyone even though</p> <p>17 our proximity to the pipeline has the potential to put</p> <p>18 our lives at risk and devastate our property values.</p> <p>19 One of the concerns I have is for safety. I</p> <p>20 don't believe it has still been properly addressed.</p> <p>21 Mr. Powell states that safety meetings were held in</p> <p>22 various counties. Surely that is not all that will be</p> <p>23 required to obtain a permit. Questions remain. Who</p> <p>24 will pay for the specialized equipment that is needed to</p> <p>25 manage a CO2 emergency? How will rural counties</p> <p>PAGE 152</p>

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<p>1 adequately maintain training for a largely volunteer 2 force? How will communities make sure that residents 3 know what to do? I would hope that shelter in place is 4 not the extent of the safety plan.</p> <p>5 500 feet from a residence is the setback being 6 used. Is that safe? Burleigh County didn't think so 7 when they passed their own ordinances.</p> <p>8 I would also ask: has topography been 9 considered? You know, the area north of Bismarck has 10 many hills and valleys. And since CO2 will flow to the 11 lowest elevation, do we know where those critical points 12 are? Does the route avoid areas where a break would 13 endanger more people who are living in those low-lying 14 areas?</p> <p>15 I have a concern for property values. The 16 proposed route was moved to accommodate the concerns of 17 various developers, and I'm happy they did that because 18 that keeps lots of residences out of the way of the 19 pipeline. So from a safety standpoint, that's great. 20 There was a comment in the report submitted by attorneys 21 on August 18th, though, that states "The effect of the 22 project will be adequately minimized because the 23 adjusted route is not located in the vicinity of any 24 existing or known planned developments." 25 Well, every parcel of land has an owner and a</p> <p>PAGE 153</p>	<p>1 And it then makes me wonder, because I think there's no 2 question we're -- we're very quickly coming to a time 3 when the power supply is not going to keep up. And so 4 when we have a problem, when we've maxed out, who goes 5 dark first? Is it the citizens of North Dakota? Is it 6 all these residents of Burleigh County, Emmons County, 7 and in fact counties not at all where this pipeline is 8 located? I don't know the details, but I'm venturing to 9 guess that it would be dangerous to turn the power off 10 for those pump stations and whatnot at the pipeline, 11 which means the people that will need to go dark are the 12 citizens. How is that good for North Dakota? Should we 13 not care about the citizens first?</p> <p>14 I mean, we've got an example already of what's 15 happened when this kind of thing happens with -- in 16 northwestern North Dakota. That area is looking at an 17 increase in rates because of the crypto mining center. 18 I don't know that this would be very much different.</p> <p>19 Finally, Summit is probably going to bring in 20 somewhere in the neighborhood of \$20 billion in tax 21 credits alone. And we get so callous to the numbers. 22 We hear billions in the news all the time. But here is 23 an example of how big a billion is. A million seconds 24 is about 11 and a half days. A billion seconds is 25 nearly 32 years.</p> <p>PAGE 155</p>
<p>1 value. It is unjust to assert that a large block of 2 land owned by a few developers is more important than 3 land held by individual owners. The message received 4 really is that the route can be moved to accommodate 5 important people, but small individual owners just 6 simply don't matter as much.</p> <p>7 If there is a break anywhere along the route, 8 anywhere along the route, not just North Dakota, 9 property values in the vicinity of the entire route will 10 suffer. It is doubtful that buyers will think a 11 500-foot setback from a pipeline will be adequate then. 12 For most of us, our residences are our biggest single 13 asset. So all of us will have a lot to lose.</p> <p>14 I have a concern for the electrical grid. In 15 testimony provided, they're stating that the CCUS 16 projects will require a meaningful amount of power and 17 that Mr. Boeshans noted that the estimated annual 18 utility costs are expected to be over \$14 and a half 19 million per year, supplying, and I quote, "Income for 20 the co-ops for continued maintenance and improvements to 21 their facilities and infrastructure." 22 Now, I have to be honest that that was not -- 23 the reaction I had was "Oh, no! Where is this power 24 going to come from?" All of us are very clear and none 25 other more than the PSC about how tenuous our grid is.</p> <p>PAGE 154</p>	<p>1 The massive amount of money that goes to the -- 2 to the unknown owners of this pipeline are the big 3 winners in this deal. I don't think you can make a case 4 that this pipeline is anywhere nearly as good for our 5 fossil fuel, certainly not for coal or for agriculture.</p> <p>6 That's the extent of my comments.</p> <p>7 ALJ HOGAN: Thank you.</p> <p>8 Mr. Bender, any questions?</p> <p>9 MR. BENDER: No questions.</p> <p>10 ALJ HOGAN: Mr. Pelham.</p> <p>11 MR. PELHAM: Thank you for being here, 12 Ms. Olson -- Representative Olson. And I just have a 13 question for you as far as whether or not you or your 14 husband have had any contact with Summit on any of the 15 issues you've outlined here today.</p> <p>16 SUANN OLSON: I have not.</p> <p>17 MR. PELHAM: They haven't reached out to you, 18 you haven't reached out to them.</p> <p>19 SUANN OLSON: Over time Wade Boeshans has, I 20 think, tried to contact me twice and we tried to get 21 together, and every time it was like I was somewhere out 22 of the country or whatever we were doing and it just 23 never --</p> <p>24 MR. PELHAM: Sure.</p> <p>25 SUANN OLSON: -- never got together.</p> <p>PAGE 156</p>

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<p>1 MR. PELHAM: And you understand as a legislator</p> <p>2 the 500-foot setback requirement is a state statute;</p> <p>3 correct?</p> <p>4 SUANN OLSON: Correct. I would also venture</p> <p>5 it's been in statute for a while. Again, probably at a</p> <p>6 time when we weren't considering this type of a</p> <p>7 pipeline.</p> <p>8 MR. PELHAM: And some of the issues the</p> <p>9 Commission has jurisdiction over, some of the issues the</p> <p>10 Commission simply does not have jurisdiction over. You</p> <p>11 understand that?</p> <p>12 SUANN OLSON: Yes.</p> <p>13 MR. PELHAM: Thank you. I don't have any other</p> <p>14 questions for you.</p> <p>15 ALJ HOGAN: Mr. Schock, any questions?</p> <p>16 Mr. Braaten.</p> <p>17 MR. BRAATEN: No, Your Honor.</p> <p>18 ALJ HOGAN: Mr. Pranis?</p> <p>19 MR. PRANIS: No, Your Honor.</p> <p>20 ALJ HOGAN: Commissioner Christmann.</p> <p>21 COMMISSIONER CHRISTMANN: I do not, but thanks</p> <p>22 for being here, Representative Olson.</p> <p>23 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>24 COMMISSIONER HAUGEN-HOFFART: No, I do not, but</p> <p>25 thank you, SuAnn.</p> <p>PAGE 157</p>	<p>1 perjury?</p> <p>2 GAYLEN DEWING: I was.</p> <p>3 ALJ HOGAN: And do you understand what perjury</p> <p>4 is?</p> <p>5 GAYLEN DEWING: I do.</p> <p>6 ALJ HOGAN: And being advised of the potential</p> <p>7 penalties for perjury, do you promise to tell the truth</p> <p>8 in this case today?</p> <p>9 GAYLEN DEWING: I do.</p> <p>10 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>11 GAYLEN DEWING: Thank you.</p> <p>12 <u>GAYLEN DEWING,</u></p> <p>13 being first duly sworn, testified as follows:</p> <p>14 GAYLEN DEWING: I live on a farm/ranch that is</p> <p>15 approximately four to five miles straight east of the</p> <p>16 Bismarck airport. For full disclosure, I want to say</p> <p>17 that I'm the chairman of the Apple Creek Township board,</p> <p>18 but I am not in any way representing the township today.</p> <p>19 I'm speaking as a private citizen. I also should</p> <p>20 probably say that I have been, in the past, a long-time</p> <p>21 employee of Basin Electric Power Cooperative and was</p> <p>22 their financial reporting manager for several years.</p> <p>23 Sitting here today, I feel totally, completely</p> <p>24 snubbed by an organization called Summit Carbon</p> <p>25 Solutions and I feel that the North Dakota Public</p> <p>PAGE 159</p>
<p>1 ALJ HOGAN: Mr. Dawson.</p> <p>2 SUBSTITUTE DECISIONMAKER DAWSON: One question.</p> <p>3 Representative Olson, do you live next to Ms. Dunbar?</p> <p>4 SUANN OLSON: We don't live terribly far apart.</p> <p>5 I mean, if we cross-countried it, it won't be</p> <p>6 terribly --</p> <p>7 SUBSTITUTE DECISIONMAKER DAWSON: Can you</p> <p>8 estimate how far?</p> <p>9 SUANN OLSON: I'm really terrible --</p> <p>10 SUBSTITUTE DECISIONMAKER DAWSON: No, that's</p> <p>11 fine.</p> <p>12 SUANN OLSON: My husband said a quarter mile.</p> <p>13 He would know better than I.</p> <p>14 SUBSTITUTE DECISIONMAKER DAWSON: That's pretty</p> <p>15 close. I have no further questions. Thank you.</p> <p>16 ALJ HOGAN: All right. Thank you.</p> <p>17 Who would like to go next?</p> <p>18 Good afternoon. Can I get your name and if you</p> <p>19 want to spell your last name for the record.</p> <p>20 GAYLEN DEWING: Good afternoon. First of all,</p> <p>21 thank you, Commissioners and others, for allowing me</p> <p>22 this time. My name is Gaylen Dewing. That last name is</p> <p>23 spelled D-E-W-I-N-G.</p> <p>24 ALJ HOGAN: And, Mr. Dewing, were you in the</p> <p>25 room this morning when I went through the penalties for</p> <p>PAGE 158</p>	<p>1 Service commissioners should also feel snubbed.</p> <p>2 Public Service commissioners made the correct</p> <p>3 decision when they rejected the first request by Summit.</p> <p>4 In their rejection of that, you gave several reasons as</p> <p>5 to why. One of those reasons was that they believed the</p> <p>6 route of this pipeline should be moved further from the</p> <p>7 east side and the north side of Bismarck. In their</p> <p>8 reply, Summit completely snubbed us. They moved the</p> <p>9 pipeline not one inch east of Bismarck. They completely</p> <p>10 ignored that. Even in their diagram they show that line</p> <p>11 in red meaning that's cast in stone, we didn't move it.</p> <p>12 Yes, they did move it north of Bismarck. They did not</p> <p>13 move it east of Bismarck. So I don't feel that they did</p> <p>14 a very good job of answering your concerns.</p> <p>15 There's also a community southeast of Bismarck</p> <p>16 by the name of Lincoln. They've given no consideration</p> <p>17 for that community at all. They talk about the</p> <p>18 developments that are happening north of Bismarck.</p> <p>19 Nobody mentions the developments around Lincoln.</p> <p>20 Lincoln was a very small community. In a very short</p> <p>21 number of years that community has grown to almost 5,000</p> <p>22 people.</p> <p>23 Right now as we speak there's initial talk of</p> <p>24 development around Lincoln to include a golf course with</p> <p>25 many very expensive homes that could be built out there.</p> <p>PAGE 160</p>

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<p>1 That's in very preliminary discussions, but what do you 2 think those homes will be worth if they know that a CO2 3 pipeline is only a short distance away? There's also 4 talk of a 320-home development just on the east side of 5 Lincoln that's within four miles of this pipeline. 6 Nobody mentions that. Nobody mentions the farms outside 7 of the east side of Bismarck. 8 One of the very good intervenors this morning or 9 earlier this afternoon asked the question of one of the 10 Summit testifiers as to why they don't think the 11 landowners want these surveyors on that land. That 12 person was unable to answer the question. Well, I can 13 give you one possible reason, and that is that maybe the 14 rancher has thousands of dollars' worth of cows, calves, 15 or horses, sometimes expensive show horses, that are 16 ranging on that land and are not used to having strange 17 pickups or strange people wandering around amongst them 18 at all times of the day without notice. That might be 19 one reason why the farmer/rancher does not want 20 surveyors out on their property without notice. Maybe 21 Summit could do a better job of looking into what 22 they're trying to build and become familiar with the 23 project they're trying to build and how it impacts the 24 farmers and ranchers. 25 Right now there are four generations of my</p> <p>PAGE 161</p>	<p>1 North Dakota as their dumping grounds. How far do we 2 carry this idea of making North Dakota a dumping grounds 3 for their waste product? 4 CO2 emitted into the air is terribly safe and 5 used by our plants. I don't want to get into a science 6 project here because I'm not a scientist. I happen to 7 be an accountant, a rancher, and a farmer, not a 8 scientist, but I know one thing. I do not want North 9 Dakota to become a dumping grounds for the new green 10 deal, and that's where we're headed. A vast majority of 11 North Dakota citizens oppose the Green New Deal, and I 12 ask that our North Dakota Public Service Commission join 13 with those citizens in opposing a project that, 14 regardless of what Summit says, is just an extension of 15 the Green New Deal. 16 We talked a little bit -- or previous presenters 17 talked a little bit about the amount of power that this 18 project would take. On my farm right now I have some 19 electric water heat -- waterers that will water my 20 horses, water my cattle during the cold North Dakota 21 winters. If we're facing brownouts and we start turning 22 off the electricity to the farms across North Dakota 23 because there is not enough electricity to keep the 24 farms going or the pumps along the pipeline, what's 25 going to happen to the herds of cattle that cannot drink</p> <p>PAGE 163</p>
<p>1 family that are spending time out on my ranch. 2 I'm sorry, Commissioner Christmann, I should 3 have told you my ranch's location is 130-79, sections -- 4 part of sections 15, 14, and 13 in Apple Creek Township. 5 My home -- there's two homes on that farm. One 6 is occupied by my -- or three. One is occupied by 7 myself, one by my daughter and her family, another one 8 for my older daughter and her family. 9 We're approximately three-quarters of a mile 10 south of Apple Creek School. The pipeline right now as 11 it's drawn runs about a quarter of a mile from my 12 property lines. That puts it within about two miles of 13 Apple Creek School. 14 I've talked before at the PSC about the safety 15 issues concerning this pipeline. The safety issues 16 remain basically the same, except when you increase the 17 amount of CO2 to be carried from that of 32 plants up to 18 57, it just exacerbates my concern for safety which 19 means there's even more reasons to say no to this 20 project. 21 This morning Summit referred to the fact that 22 this project was important because it was going to 23 attract more of the same type or similar businesses by 24 capturing and sequestering carbon. This seems to infer 25 that others will follow Summit and be encouraged to use</p> <p>PAGE 162</p>	<p>1 water because their electric waterers are shut off and 2 they've frozen? We're facing brownouts and possibly 3 next blackouts. 4 Not only is it a lack but also look at what the 5 increased rates. I happen to be on Capital Electric and 6 Capital Electric rates are going up. They have already. 7 They're going up again this summer. And I've heard 8 mention of possibly next summer an increase of up to 9 15 percent again for electric rates. The burden that 10 puts on North Dakota farmers is not going to set well 11 when the North Dakota farmers realize that the pipeline 12 is still pressurized with electricity, but their 13 electric waterers are not heated so their cattle don't 14 have water. 15 Speaking of first responders, we've heard a lot 16 of talk about how Summit has been meeting with first 17 responders. Have we heard any talk about how many 18 dollars Summit has pledged to buy equipment for these 19 first responders? Are they going to pledge to pay every 20 cent of the equipment that's going to be needed to be 21 able to operate first responder vehicles in an area 22 within a plume where the oxygen has been depleted by 23 CO2? Are they going to pay a hundred percent of the 24 cost of that equipment? A hundred percent of the cost 25 of more responders?</p> <p>PAGE 164</p>

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<p>1 What's going to happen in the emergency rooms in 2 our hospitals when there's a pipeline burst or leak and 3 people start falling sick? Our emergency rooms here in 4 Bismarck are already overcapacity. People sit for long 5 periods of time waiting to be seen in the emergency 6 rooms of Bismarck's hospitals. That's only going to get 7 worse.</p> <p>8 And Summit keeps telling us they've met with 9 first responders. They haven't done a thing about 10 telling anybody other than maybe a few first responders 11 what their plan is for these emergencies. They haven't 12 met with any of the people, any of the landowners that 13 are concerned about safety. It's not even mentioned.</p> <p>14 All they talk about is dollars. Dollars and 15 cents. There's a saying that people use from the -- 16 comes from the Bible that says money is the root of all 17 evil. That's actually a misquote. The bible says the 18 love of money is the root of all evil.</p> <p>19 I urge the Public Service Commission of the 20 state of North Dakota to make the right decision and 21 reject this project. That is not one to be proud of.</p> <p>22 Thank you for your time. I stand for any 23 questions.</p> <p>24 ALJ HOGAN: Thank you.</p> <p>25 Mr. Bender, any questions?</p> <p>PAGE 165</p>	<p>1 now.</p> <p>2 There's a meeting this afternoon, I believe it's 3 scheduled at 6:00, to discuss that with the City of 4 Lincoln.</p> <p>5 MR. PELHAM: Sure.</p> <p>6 GAYLEN DEWING: So that's about all the 7 information I have at this point in time.</p> <p>8 The other thing I should tell you is that in 9 Apple Creek Township we require a density of at least 10 five acres per lot within sub-developments. And the 11 people wanting to develop the course would like to see 12 it higher density so they could have more homes around 13 the golf course. So that's why we're at that point 14 right now where their initial developments and stuff, 15 they're looking towards Lincoln rather than Apple Creek 16 Township.</p> <p>17 MR. PELHAM: Thank you. Appreciate that 18 clarification, sir.</p> <p>19 And I know you said you're here not -- you're 20 here as a citizen, not as a chairman of Apple Creek 21 Township, but I'm wondering, has there been any contact 22 that the township that you're aware of has had with 23 Summit for its proposed pipeline?</p> <p>24 GAYLEN DEWING: Yeah, the -- the clear answer to 25 that is no, but I don't believe that Summit, in their</p> <p>PAGE 167</p>
<p>1 MR. BENDER: No questions.</p> <p>2 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>3 MR. PELHAM: Thank you, Mr. Dewing, for being 4 here. Just wondering, a little bit more information if 5 you have it on this development of a golf course. You 6 just -- how do you know that and any specifics you can 7 provide to the Commission on that.</p> <p>8 GAYLEN DEWING: I could provide a lot of 9 specifics, but I need to say that the developers of that 10 particular project are in the initial stages. They have 11 come to the Apple Creek Township board who has zoning 12 authority over that area right now. They've suggested 13 the possible use of what is called a PUD. The people of 14 Apple Creek Township moved out into the countryside to 15 maintain a rural type setting. The people of Apple 16 Creek Township voiced their concerns about this and 17 voted very strongly we do not want to get into the use 18 of PUDs for developing property out there that we would 19 like to see remain rural instead.</p> <p>20 MR. PELHAM: Sure.</p> <p>21 GAYLEN DEWING: The developers are now in the 22 process of talking to the City of Lincoln about possibly 23 extending their city limits so that this property would 24 become part of their zoning authority rather than Apple 25 Creek Township's. That's about as far as I know right</p> <p>PAGE 166</p>	<p>1 business plan, has done much of a job. They want to 2 ignore even the counties. So the townships -- and, of 3 course, we have a lot of townships that would be 4 involved by being passed by this pipeline. As far as I 5 know, there's been no contact between Summit and any of 6 the townships in the state of North Dakota that I know 7 of. Certainly not Apple Creek Township.</p> <p>8 Now, Apple Creek township, I have to tell you, 9 has considered the pipeline information from concerned 10 citizens, has come before the township board, and the 11 township board has voted unanimously to support Burleigh 12 County in its objection to the pipeline.</p> <p>13 We have also passed a resolution and put into 14 our zoning ordinances that no township road can be open 15 cut by any pipeline. The State doesn't allow it, the 16 counties don't allow it, and I don't see why the 17 townships should be any less. So we have passed a 18 resolution that if a pipeline crosses a township road, 19 they have to bore under it. They cannot cut through it. 20 No open cutting. And we have the authorization, I 21 believe, to -- and authority to do that.</p> <p>22 MR. PELHAM: Appreciate you being here. I have 23 no further questions.</p> <p>24 GAYLEN DEWING: Thank you.</p> <p>25 ALJ HOGAN: Mr. Schock, any questions?</p> <p>PAGE 168</p>

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<p>1 Mr. Braaten, any questions?</p> <p>2 MR. BRAATEN: No, Your Honor.</p> <p>3 ALJ HOGAN: Mr. Pranis?</p> <p>4 MR. PRANIS: No, Your Honor.</p> <p>5 ALJ HOGAN: Commissioner Christmann.</p> <p>6 COMMISSIONER CHRISTMANN: Yeah, Mr. Dewing, am I</p> <p>7 on the right map page? Like, do you live on section 13?</p> <p>8 GAYLEN DEWING: No. I actually live now on</p> <p>9 section 15. My original farm site that I bought</p> <p>10 53 years ago was on section 14. That's where my oldest</p> <p>11 daughter and her family live now. I live on section 15,</p> <p>12 on 93rd Street, but I own property in section 13, within</p> <p>13 about a quarter -- less than a half a mile from where</p> <p>14 the pipeline is now routed.</p> <p>15 COMMISSIONER CHRISTMANN: And you must own the</p> <p>16 west half?</p> <p>17 GAYLEN DEWING: I own the northwest quarter of</p> <p>18 section 13.</p> <p>19 COMMISSIONER CHRISTMANN: Okay. Because we</p> <p>20 don't have all the maps of like all of Burleigh County.</p> <p>21 This is near the pipeline route so I see section 13.</p> <p>22 And so -- so this map shows it being not on the very</p> <p>23 edge but within maybe a thousand feet of the eastern</p> <p>24 edge of section 13.</p> <p>25 So how far is that to Lincoln west and how far</p> <p>PAGE 169</p>	<p>1 have no further questions.</p> <p>2 ALJ HOGAN: Mr. Dawson.</p> <p>3 SUBSTITUTE DECISIONMAKER DAWSON: No questions.</p> <p>4 Thank you.</p> <p>5 ALJ HOGAN: All right. Thank you, Mr. Dewing.</p> <p>6 GAYLEN DEWING: Thank you so much for your time.</p> <p>7 ALJ HOGAN: Who would like to go next?</p> <p>8 I'll have you start by stating your full name</p> <p>9 and spelling your last name, please.</p> <p>10 KARL RAKOW: My name is Karl Rakow. Last name</p> <p>11 is R-A-K-O-W. I live in Burnt Creek Township, section</p> <p>12 16. I was going to call my wife for the exact, but</p> <p>13 she's picking up my daughter from the hospital so I</p> <p>14 couldn't reach her. But bottom of the Burnt Creek</p> <p>15 Valley on 83.</p> <p>16 ALJ HOGAN: Mr. Rakow, were you in the room</p> <p>17 earlier when I went through the penalties for perjury?</p> <p>18 KARL RAKOW: Yes, I was.</p> <p>19 ALJ HOGAN: And do you understand what perjury</p> <p>20 is?</p> <p>21 KARL RAKOW: Yes, I do.</p> <p>22 ALJ HOGAN: And being advised of the potential</p> <p>23 penalties for perjury, do you promise to tell the truth</p> <p>24 in this case today?</p> <p>25 KARL RAKOW: Yes.</p> <p>PAGE 171</p>
<p>1 north or south?</p> <p>2 GAYLEN DEWING: If I may expand on my answer a</p> <p>3 little bit, Commissioner Christmann, that -- you're</p> <p>4 right, that line runs about a thousand feet or so from</p> <p>5 the eastern edge of the township. There are actually</p> <p>6 homes between the edge of that -- between the route of</p> <p>7 that pipeline and the eastern edge of our township. So</p> <p>8 that shows you how close they are to the homes.</p> <p>9 COMMISSIONER CHRISTMANN: And I think they</p> <p>10 signed waivers, according to this.</p> <p>11 GAYLEN DEWING: Say that again.</p> <p>12 COMMISSIONER CHRISTMANN: They've signed</p> <p>13 waivers, according to this.</p> <p>14 GAYLEN DEWING: Okay. That could be.</p> <p>15 COMMISSIONER CHRISTMANN: So how far is this</p> <p>16 from Lincoln?</p> <p>17 GAYLEN DEWING: It's approximately, from the</p> <p>18 city of Lincoln, I would say that pipeline is less than</p> <p>19 four miles -- I'm just kind of guessing now -- less than</p> <p>20 four miles from the city of Lincoln. And that would put</p> <p>21 it from three miles from Lincoln's ETA.</p> <p>22 COMMISSIONER CHRISTMANN: Okay. Thank you. No</p> <p>23 other questions.</p> <p>24 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>25 COMMISSIONER HAUGEN-HOFFART: Thank you, but I</p> <p>PAGE 170</p>	<p>1 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>2 <u>KARL RAKOW.</u></p> <p>3 being first duly sworn, testified as follows:</p> <p>4 KARL RAKOW: Mine won't take about five minutes</p> <p>5 or less. We want to deal with some facts. And my</p> <p>6 biggest concern is the safety of this project.</p> <p>7 First of all, I believe that the plume study</p> <p>8 should be available to state, county, and citizens. I</p> <p>9 believe we should know what we are in for. The comments</p> <p>10 that I had heard is that, well, for safety or for</p> <p>11 terrorism we really can't, you know, disclose, or</p> <p>12 whatever that rationale is, but, quite frankly, when</p> <p>13 they're digging a 2,000-mile trench and with the</p> <p>14 compressor or stations that are aboveground, I believe</p> <p>15 it's not going to be a secret where it is. I think</p> <p>16 that -- personally, that the reason that it is not being</p> <p>17 disclosed is because the size of what that plume could</p> <p>18 actually be and how it would impact Bismarck.</p> <p>19 The coordinated inner agency response plan,</p> <p>20 which again gets back to safety, what was previously</p> <p>21 brought up, what will the cost on that be? Well, for an</p> <p>22 example, when Jerry Briggs, the fire chief of Satartia,</p> <p>23 Mississippi, who had first-hand experience, I believe in</p> <p>24 there he showed that he figured to upgrade everything</p> <p>25 would be in excess of \$700,000. Now, Satartia,</p> <p>PAGE 172</p>

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<p>1 according to the 2020 census, has 44 people and 305</p> <p>2 people that live within a .1-square-mile radius. So I</p> <p>3 think he would speak to the fact of what it might be for</p> <p>4 a community. I can only say what would that be for</p> <p>5 Bismarck.</p> <p>6 Fire chief in Iowa, and I was trying to find</p> <p>7 that sheet this morning, but it was in the paper where</p> <p>8 he had taken one of his officers and used the current</p> <p>9 tanks hooked up to the oxygen and walked a mile and a</p> <p>10 half and, when he turned around to come back, didn't</p> <p>11 feel he could make it all the way back to where it</p> <p>12 started. And to upgrade to bigger tanks that would</p> <p>13 facilitate perhaps more of a distance would be like</p> <p>14 \$9,000 a tank, is what the article said. And, again, a</p> <p>15 smaller community in Iowa.</p> <p>16 Again trying to deal with facts, that fact is</p> <p>17 something that we know -- not that we, well, how -- what</p> <p>18 if something happened north of Bismarck? What if</p> <p>19 something -- you know, what would it be? And, again, I</p> <p>20 think everyone should know what the impact would be if</p> <p>21 there were something north of town.</p> <p>22 In Sartatia, fact from PHMSA, that was a 24-inch</p> <p>23 pipeline but under 1,400 PSI and half full and that</p> <p>24 plume went 16 miles. And I know you've heard this</p> <p>25 before, but I think it bears a -- concerns people had.</p> <p>PAGE 173</p>	<p>1 you're dealing with a high density population, of what</p> <p>2 it would cost to support the emergency equipment and</p> <p>3 that where necessary.</p> <p>4 As just mentioned before, and just the last</p> <p>5 sentence, Bismarck couldn't handle the Covid. This goes</p> <p>6 over our hospitals. If something did happen, and I</p> <p>7 think we have to look at that, we certainly couldn't</p> <p>8 handle this.</p> <p>9 You know, safety should be the utmost and I</p> <p>10 think that the plume, everyone should know so that we</p> <p>11 have the ability to -- this is what could happen and how</p> <p>12 would we address it, individuals or as a city.</p> <p>13 Thank you for your time.</p> <p>14 ALJ HOGAN: Thank you.</p> <p>15 Mr. Bender, any questions?</p> <p>16 MR. BENDER: No questions.</p> <p>17 ALJ HOGAN: Mr. Pelham.</p> <p>18 MR. PELHAM: Thank you for being here,</p> <p>19 Mr. Rakow. I have some questions for you. You</p> <p>20 mentioned PHMSA a few times. And you understand PHMSA</p> <p>21 is a federal agency --</p> <p>22 KARL RAKOW: Yes.</p> <p>23 MR. PELHAM: -- that is primarily tasked with</p> <p>24 setting safety standards for hazardous pipelines in the</p> <p>25 United States; correct?</p> <p>PAGE 175</p>
<p>1 A natural explosion of CO2 in Cameroon, Africa, killed</p> <p>2 1,740 people and 3,500 animals and, again, fact,</p> <p>3 traveled at 62 miles an hour.</p> <p>4 So if we take the Sartatia plume -- and I have</p> <p>5 the Burleigh County map. And I was, like, 500 -- my</p> <p>6 property was, like, 500 foot of where it was running in</p> <p>7 Burnt Creek, and now where it's moved further north, the</p> <p>8 testimony was up by 83 it was eight miles, I believe</p> <p>9 it's five miles north of where it would be. But this is</p> <p>10 the Sartatia plume 16 miles if it were up here. This</p> <p>11 would encompass the entire city of Bismarck. That is a</p> <p>12 concern to me. Bismarck is certainly more populated</p> <p>13 than communities in Africa.</p> <p>14 And I don't think -- again, my whole thing is</p> <p>15 the safety of if something happened.</p> <p>16 On Saturday morning I was watching an ag thing</p> <p>17 and it was an ancillary business that was -- you know,</p> <p>18 that -- they had a CAT, you know, a big track 650-horse</p> <p>19 IH tractor, and the comment was that their tiling spade</p> <p>20 would go seven-foot. Again a concern, if this is all</p> <p>21 in, time goes, properties, renters change, you know,</p> <p>22 someone rents a piece of property and, all of a sudden,</p> <p>23 they're there with whatever it would be. You know, so I</p> <p>24 believe it is dangerous.</p> <p>25 I believe Summit would have an idea of when</p> <p>PAGE 174</p>	<p>1 KARL RAKOW: True. And I wasn't going to</p> <p>2 repeat. Because like one thing with PHMSA, after the</p> <p>3 Sartatia, was that they are having a study of everything</p> <p>4 from pipe thickness to safety, all of that, and that</p> <p>5 they figured would probably take two years to come out.</p> <p>6 And one of my comments in previous testimony was, if</p> <p>7 this is going to be lasting 10, 15, 20 years, what have</p> <p>8 you, that at least we should wait if this were the case</p> <p>9 until they came out with the new guidelines that it</p> <p>10 would be safe with every aspect.</p> <p>11 MR. PELHAM: And as far as the jurisdiction of</p> <p>12 the Commission as to safety, you understand PHMSA</p> <p>13 primarily has the jurisdiction over safety, over</p> <p>14 federally regulated interstate pipeline.</p> <p>15 KARL RAKOW: I understand that. But certainly</p> <p>16 the safety requirements that they would have on pipe,</p> <p>17 pipe size, and all of that would be germane whether it</p> <p>18 be to Summit or whether it to be anyone here.</p> <p>19 MR. PELHAM: Sure.</p> <p>20 KARL RAKOW: Again, my personal opinion is that</p> <p>21 we're trying to get this through, or they are, before</p> <p>22 these new guidelines come out. And if the new</p> <p>23 guidelines were more strict, then it would simply be,</p> <p>24 no, I believe it would be grandfathered in. The</p> <p>25 question was asked at one of the last ones we had or</p> <p>PAGE 176</p>

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<p>1 whether Summit would feel -- because one of the 2 attorneys asked that question. Because I said, hey, I 3 can't ask that question but I wonder what, and one of 4 the attorneys that asked, and Summit said, yes, they 5 believe they would be grandfathered in. 6 MR. PELHAM: Okay. And I remember you being 7 here too. I just wanted to -- 8 KARL RAKOW: Yeah. 9 MR. PELHAM: All right. Thank you, sir. I 10 don't have any other questions for you. 11 ALJ HOGAN: Mr. Schock, any questions? 12 Mr. Braaten? 13 MR. BRAATEN: No, Your Honor. 14 ALJ HOGAN: Mr. Pranis? 15 MR. PRANIS: No, Your Honor. 16 ALJ HOGAN: Commissioner Christmann. 17 COMMISSIONER CHRISTMANN: No, I do not, but 18 thank you. 19 KARL RAKOW: Thank you for your time. 20 ALJ HOGAN: Commissioner Haugen-Hoffart. 21 COMMISSIONER HAUGEN-HOFFART: Yeah, I just have 22 more of a comment. I thank Counsel Pelham for outlining 23 the jurisdiction of the safety of the pipeline is within 24 PHMSA, on clarifying that, but this is our first day of 25 testimony on this rehearing, and I think we've been</p> <p>PAGE 177</p>	<p>1 I'll have you start by stating your full name 2 and spelling your last name for the record. 3 CAROLLEE CARRUTH: CarolLee Carruth, 4 C-A-R-R-U-T-H. 5 ALJ HOGAN: And were you in the room earlier 6 when I went through the penalties for perjury? 7 CAROLLEE CARRUTH: Yes, I was. 8 ALJ HOGAN: And do you understand what perjury 9 is? 10 CAROLLEE CARRUTH: Yes. 11 ALJ HOGAN: And being advised of the potential 12 penalties for perjury, do you promise to tell the truth 13 in this case today? 14 CAROLLEE CARRUTH: I do. 15 ALJ HOGAN: All right. Thank you. Go ahead. 16 UNIDENTIFIED SPEAKER: Can't hear. 17 CAROLLEE CARRUTH: Is that better? 18 UNIDENTIFIED SPEAKER: Thank you. 19 <u>CAROLLEE CARRUTH.</u> 20 being first duly sworn, testified as follows: 21 CAROLLEE CARRUTH: I was born and raised in 22 North Dakota. I live and farm in Dickey County. I live 23 about two miles south of Ellendale. 24 I have allowed my land to be used for public 25 utilities, an electrical line which was put on some of</p> <p>PAGE 179</p>
<p>1 trying very diligently to get information from Summit on 2 their collaboration with the emergency managers and 3 first responders. And I would hope that we get more 4 detailed information from them on the efforts that they 5 are making to work with them so we do have some 6 assurance. I'm not satisfied with this table. I'll be 7 honest with you. And I think I've been very clear so 8 far that I'm not satisfied, but rest assured this is day 9 one. So I am really hoping that we do get some 10 additional information. 11 So I just want to say that that's my intent. I 12 can't speak on behalf of the other commissioners, but I 13 do look forward to some detailed information. And I 14 also know that we have on a witness list an emergency 15 manager so we can get some of that information and get 16 some information to put to rest that, hopefully, there 17 is -- that safety is the utmost concern. 18 KARL RAKOW: Absolutely. Appreciate your 19 concern. Thank you all. 20 ALJ HOGAN: Mr. Dawson, any questions? 21 SUBSTITUTE DECISIONMAKER DAWSON: No questions, 22 Your Honor. 23 ALJ HOGAN: All right. Thank you, Mr. Rakow. 24 Are there other affected landowners that would 25 like to offer testimony this afternoon?</p> <p>PAGE 178</p>	<p>1 my land a couple of years ago. So I'm not against my 2 land being used for public necessity and good, but that 3 is not what this pipeline is about. I'm here to tell 4 you that there's no way you should consider approving 5 this deadly CO2 pipeline. There are too many adverse 6 effects on the people of North Dakota. 7 All along the pipeline it is too close to 8 dwellings and cities where people live. It is less than 9 a half a mile from my house and my farm where we live. 10 It is less than three miles away from the city of 11 Ellendale which has public schools, nursing homes, and 12 people living in it. We are all in the deadly kill 13 zone. You had Summit move the pipeline further away 14 from Bismarck. Each one of their lives and our lives in 15 rural North Dakota are just as important as each of 16 those people in Bismarck. The public should have to be 17 just as far away from every house as it is from 18 Bismarck. 19 CO2 is a deadly explosive gas. Each of us has 20 to live with that every day next to our house thinking 21 about that, where we live and where our children live. 22 This is up to a 24-inch pipeline under 2,100 PSI that is 23 only four foot underground. We farm. And when our 24 equipment gets stuck, it often goes down further than 25 four feet. To have this equipment go directly on top of</p> <p>PAGE 180</p>

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<p>1 that pipeline when one of my sons is in that equipment 2 and it busts that pipeline, there's no way they would 3 live. And there's no way the people that live in my 4 house would live either. This makes it too dangerous to 5 build in North Dakota and it should not be approved. 6 It does not meet any energy need that North 7 Dakota has. It's too close to our house. And the 8 deadly pipeline burst would endanger all of us, and 9 along the whole pipeline, it is too close to people's 10 houses all along the pipeline. Summit does not care who 11 would die, but as a North Dakota Public Service 12 Commission, you need to care about and be responsible to 13 the lives of the people in North Dakota. 14 We just built our house three years ago. Now 15 this will devalue my property. There's no one in their 16 right mind would ever build by my house that close to 17 that pipeline. And I'd actually hoped the generations 18 of my family would live in it. 19 I farm with my sons. And on the quarter where 20 we live where this pipeline is by, they -- we want to 21 expand. We wanted to build them a house there. Right 22 by where the pipeline is, is where I wanted to build a 23 house for my son, that he could build a house. We want 24 to be in the same quarter where our grain bins are, 25 where our shop is, where our storage is. And now that</p> <p>PAGE 181</p>	<p>1 pipeline with all that pressure on it and likely break 2 it. 3 They say that it would bring jobs to North 4 Dakota, but it would kill jobs. It would kill our 5 agriculture economy along that whole pipeline. You 6 know, those are all businesses that aren't going to be 7 building shops, houses, feedlots. All that construction 8 will be -- will be gone. 9 It also destroys relationships in North Dakota 10 and in our towns. For the -- you know, you say for the 11 people who would sign next to me, on the land next to 12 me, that then would endanger my family. These used to 13 be our friends. This used to be a close community. And 14 now it's tearing it apart, neighbor hating neighbor, 15 because they're allowing a deadly pipeline to be put 16 next to them. 17 Because, you know, some of the people, they say 18 that they have signed, but they may not live on that 19 land, but their neighbor may be right across the road. 20 And what does that do to them when they have allowed 21 this pipeline to be put on their land right next to 22 someone else's house? It destroys relationships. It 23 destroys our communities. 24 And when they say there's only 110 left to sign, 25 that they already have over 400, but you know that's</p> <p>PAGE 183</p>
<p>1 is taking the right -- we own this land. We put our 2 blood, sweat, and tears into this land. We pay taxes on 3 this land. We're responsible. And yet we wouldn't be 4 able to build on our own land because that -- you take 5 that right away from us. We couldn't build that close 6 to this deadly pipeline. 7 And it's not just us. This would be that way 8 along this whole pipeline. It would stop all economic 9 development along this whole pipeline. People couldn't 10 build houses there. They couldn't expand their farms 11 there. They couldn't put grain bins there. They can't 12 put feedlots up. Cities can't develop. Golf courses 13 can't develop. Anything we want to do along this whole 14 pipeline is stopped. 15 And agriculture is the basis of North Dakota. 16 It always has been. Land would not produce well again 17 all the way along that pipeline. You can still look at 18 pipeline that has been put in 20 years ago and you can 19 look at the corn beside the disturbed ground and the 20 corn on it, and it does not produce well. That land 21 would be affected forever. And also, that land when 22 they put it back is going to be soft. And so to be over 23 that with farm equipment would be even more likely that 24 we would get stuck into a depth that would be four feet, 25 would mean our heavy equipment would be right on that</p> <p>PAGE 182</p>	<p>1 probably in direct proportion to the people who it's 2 close to where they live and it affects the livelihood 3 and their houses. For an absentee landowner or even a 4 farmer who doesn't live near that corner it may be easy 5 to sign because it doesn't affect them and so that 6 signature is easy. And it's -- the 110 people left, 7 it's not just that we want more money. There's no 8 amount of money you could give me to kill my children. 9 It's not just about the money. 10 Summit has lied to me in their negotiations. 11 Last summer Summit came to me and said that their PSC 12 permit was approved so I better sign the lease or they 13 would just use eminent domain. And I said, "Really?" 14 Because I was just in contact with the governor's office 15 two days before that asking about this and they said 16 that the permit, it was not decided on yet. 17 And so I asked Summit, the land negotiators, I 18 said, "Do you -- I just called there and, plus, I follow 19 many sites about this pipeline and nothing has come out 20 about this. The governor's office told me two days ago 21 the decision wasn't made." I said, "Are you getting 22 news before us? Have they directly called you and told 23 you before the public that this -- that their permit was 24 approved?" And he said, "We just know." I said, "How 25 do you know? Are they telling you?" He kind of skirted</p> <p>PAGE 184</p>

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<p>1 the issues, he wouldn't tell me how they knew, but he</p> <p>2 said they knew that it was approved so I better just</p> <p>3 sign or they will just use eminent domain.</p> <p>4 I asked to talk to his supervisor and he -- or</p> <p>5 to get the number for his supervisor and he said they</p> <p>6 would not give that out. I asked repeatedly for the</p> <p>7 number of their supervisor and he refused to give it to</p> <p>8 me. Eventually he did call the supervisor but only on</p> <p>9 his phone. He would not let me do it so that I would</p> <p>10 have the number. And she said the same thing. She</p> <p>11 said, "I'll just repeat what he said is true." And she</p> <p>12 would not give me her number and they would not give me</p> <p>13 anyone else to talk to.</p> <p>14 So I did not sign. They left. And the next</p> <p>15 week we found out that the PSC denied their permit. He</p> <p>16 flat-out lied to me. These are the tactics they use to</p> <p>17 get people to sign. Fear and intimidation and lying.</p> <p>18 People are fighting all along this pipeline.</p> <p>19 Counties are trying to make setbacks. I was in at my</p> <p>20 county trying to make a setback. Summit was there</p> <p>21 fighting it. They're fighting. When we're trying to</p> <p>22 just make this safe for our people there, they're</p> <p>23 fighting it. Fighting our safety setbacks so they do</p> <p>24 not have to build this so that it would be safe for the</p> <p>25 people. There's no concern for the people. In every</p> <p>PAGE 185</p>	<p>1 I live in rural North Dakota where most first</p> <p>2 responders are volunteer. In a pipeline explosion, they</p> <p>3 would never get to my family and me before we are</p> <p>4 asphyxiated. Even if they could afford the proper</p> <p>5 equipment, which they can't, which I'm sure they</p> <p>6 couldn't, we don't have any extra money to buy \$700,000</p> <p>7 worth of equipment. And the volunteers have to get to</p> <p>8 their truck -- they come in from all over -- get to</p> <p>9 their trucks, get out to me. I would be asphyxiated</p> <p>10 before they ever got to me.</p> <p>11 Earlier today someone said they think you should</p> <p>12 do this because they think it would create a good image</p> <p>13 for North Dakota as if we're more worried about our</p> <p>14 image to some greater people outside of North Dakota</p> <p>15 than we are about our own North Dakota people and their</p> <p>16 safety.</p> <p>17 But even at that, I don't think it would create</p> <p>18 a good image. It would create a horrible image of North</p> <p>19 Dakota, taking away the property rights of American</p> <p>20 citizens and setting the legal precedence for doing</p> <p>21 that. It also creates a horrible image of North Dakota</p> <p>22 not listening to its citizens but instead listening to</p> <p>23 an out-of-state big business. It also creates a</p> <p>24 horrible image of North Dakota allowing a deadly</p> <p>25 pipeline to be built near its citizens with no concern</p> <p>PAGE 187</p>
<p>1 county along the way they are fighting the safety</p> <p>2 setbacks we are trying to create so our people are safe,</p> <p>3 and animals.</p> <p>4 That's why, since you're in public service, we</p> <p>5 are so desperate for you to listen to us and to care</p> <p>6 about the people of North Dakota and our safety and the</p> <p>7 safety of our businesses, our farming, our families, our</p> <p>8 communities, our animals. A private for-profit business</p> <p>9 should not be able to just come and take our land with</p> <p>10 something that is so dangerous to us.</p> <p>11 This is not -- no one knows the dangers of that</p> <p>12 sequestration site. We have never buried this much CO2</p> <p>13 in the ground. We do not know what that's going to do.</p> <p>14 And this is not a danger you should put on the people of</p> <p>15 North Dakota to assume the risk of what could happen to</p> <p>16 that site if it explodes or the gas leaks into the</p> <p>17 Missouri River.</p> <p>18 So many people rely on that river and the dam</p> <p>19 for water for many, many states. And we have no idea --</p> <p>20 well, we do know what CO2 does when it mixes with water.</p> <p>21 They can't drink it. And we have no idea, if that could</p> <p>22 get to that water source, what fissures there are</p> <p>23 underground, how that CO2 is going to move. This is all</p> <p>24 stuff we do not know and we should not risk the North</p> <p>25 Dakota people with this danger.</p> <p>PAGE 186</p>	<p>1 for their safety.</p> <p>2 As they proved here today, they will not release</p> <p>3 pertinent information that the public should have. They</p> <p>4 want to give it to a person or two. They won't really</p> <p>5 release how much money and how much equipment they're</p> <p>6 going to give to each fire -- each town along the whole</p> <p>7 way for their emergency responders. They've said before</p> <p>8 that the responders would have to decide themselves if</p> <p>9 they would risk their lives to go save someone else. So</p> <p>10 that's the spot they're putting us in.</p> <p>11 We as the public should be able to see that</p> <p>12 information and not just have it given to someone in</p> <p>13 secret. This should be an honest open discussion. I</p> <p>14 think it is incomprehensible that we are even</p> <p>15 considering approving this, looking at what it is doing</p> <p>16 to the residents of North Dakota.</p> <p>17 I beg you to not approve this. It is way too</p> <p>18 dangerous for North Dakota citizens. I thank you for</p> <p>19 your time and allowing us to speak.</p> <p>20 ALJ HOGAN: Thank you.</p> <p>21 Mr. Bender, any questions?</p> <p>22 MR. BENDER: Ma'am, your comments about what a</p> <p>23 Summit representative told you is concerning to me.</p> <p>24 Would you spend some time after the meeting with a</p> <p>25 Summit representative to talk with him about that issue?</p> <p>PAGE 188</p>

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<p>1 CAROLLEE CARRUTH: I surely would.</p> <p>2 MR. BENDER: Okay. Thank you.</p> <p>3 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>4 MR. PELHAM: Thank you, Ms. Carruth. Who was</p> <p>5 the Summit person that you spoke with?</p> <p>6 CAROLLEE CARRUTH: He was one of their land</p> <p>7 agents.</p> <p>8 MR. PELHAM: Do you know his name?</p> <p>9 CAROLLEE CARRUTH: No. I thought I had</p> <p>10 everything in my car this morning and, sadly, forgot my</p> <p>11 file, but I do believe I have his card. And I think</p> <p>12 Summit also knows the agent that was in my area so I</p> <p>13 could get that for you.</p> <p>14 MR. PELHAM: Do you know whether or not they</p> <p>15 were a Summit employee or were they a contracted</p> <p>16 employees?</p> <p>17 CAROLLEE CARRUTH: I believe they are a</p> <p>18 contracted agent.</p> <p>19 MR. PELHAM: Do you know what the name of that</p> <p>20 company was --</p> <p>21 CAROLLEE CARRUTH: No.</p> <p>22 MR. PELHAM: -- is?</p> <p>23 CAROLLEE CARRUTH: Not offhand.</p> <p>24 MR. PELHAM: What about the supervisor? Do you</p> <p>25 know the name of the supervisor?</p> <p>PAGE 189</p>	<p>1 MR. PELHAM: As far as -- and at first I thought</p> <p>2 you had said that your property wasn't on the proposed</p> <p>3 route, but now I think I understand that your property</p> <p>4 is on the proposed route; right?</p> <p>5 CAROLLEE CARRUTH: So after that we were</p> <p>6 fighting -- you know, I was fighting with them to get it</p> <p>7 away from me. And I'm not sure, they haven't contacted</p> <p>8 me lately, and I don't know because they've lied to me</p> <p>9 so it's very hard to know what to believe, but there is</p> <p>10 word out that they may have moved it to my neighbor's</p> <p>11 that's like right across the property line, but that</p> <p>12 extra 20 feet is not going to give me any more safety</p> <p>13 for my dwelling.</p> <p>14 MR. PELHAM: Because you testified -- at one</p> <p>15 point you said "explosive gas." You understand CO2</p> <p>16 isn't flammable? You understand that?</p> <p>17 CAROLLEE CARRUTH: No, but it comes out in a</p> <p>18 plume and it, like, I guess, explodes in a plume. Or</p> <p>19 maybe there's a better word for the plume than</p> <p>20 "explode" --</p> <p>21 MR. PELHAM: Right.</p> <p>22 CAROLLEE CARRUTH: -- I'm not sure, but when you</p> <p>23 look at the pictures or the videos of it coming out, it</p> <p>24 looks like a big round --</p> <p>25 MR. PELHAM: I see. I understand what you mean.</p> <p>PAGE 191</p>
<p>1 CAROLLEE CARRUTH: No. Because they would do --</p> <p>2 they wouldn't give me her name or phone number so I</p> <p>3 could not get any of that information.</p> <p>4 MR. PELHAM: The agent that you were meeting</p> <p>5 with, it was at your home or --</p> <p>6 CAROLLEE CARRUTH: Yes.</p> <p>7 MR. PELHAM: -- where was it at?</p> <p>8 CAROLLEE CARRUTH: Yes, at my home.</p> <p>9 MR. PELHAM: At your home. And he dialed on his</p> <p>10 cell phone? Yeah.</p> <p>11 CAROLLEE CARRUTH: And it said like supervisor</p> <p>12 or something on it. Because, yeah, of course when I was</p> <p>13 talking to her on the phone, I tried to see the phone</p> <p>14 number or name, and it wasn't up there.</p> <p>15 MR. PELHAM: Happen to see the area code or</p> <p>16 anything like that?</p> <p>17 CAROLLEE CARRUTH: No, nothing. The number</p> <p>18 wasn't there or a name.</p> <p>19 MR. PELHAM: Fair enough.</p> <p>20 CAROLLEE CARRUTH: I -- I thought of that, but I</p> <p>21 couldn't see anything that was important.</p> <p>22 MR. PELHAM: Are you -- you said that you</p> <p>23 believe you have his card. Are you able to share that</p> <p>24 with the Commission?</p> <p>25 CAROLLEE CARRUTH: I could, yes.</p> <p>PAGE 190</p>	<p>1 CAROLLEE CARRUTH: -- explosion.</p> <p>2 MR. PELHAM: Yeah. And as far as the depth, you</p> <p>3 testified that farm equipment can get stuck and go</p> <p>4 below. What circumstances specifically have you</p> <p>5 observed of that happening?</p> <p>6 CAROLLEE CARRUTH: In the spring when it's wet,</p> <p>7 in the fall when we combine and going around wet areas.</p> <p>8 We have many -- like where they're trying to put it,</p> <p>9 where they're trying to put it, they're probably</p> <p>10 crossing three, four little wood areas that are wet all</p> <p>11 the time. So all the ground right around that is very</p> <p>12 wet and you have to get right up to that with your</p> <p>13 equipment.</p> <p>14 MR. PELHAM: So is it crossing -- I'm trying to</p> <p>15 understand. Have they provided any maps or anything</p> <p>16 like that to you as far as where the route is proposed</p> <p>17 to cross the property?</p> <p>18 CAROLLEE CARRUTH: Well, not exactly. Like are</p> <p>19 they going to try and go out and around those wet areas?</p> <p>20 I've never got that from them. Or whether they're going</p> <p>21 to go underneath them. They've never given that exact</p> <p>22 of a map.</p> <p>23 MR. PELHAM: Have you talked to the agent that</p> <p>24 you were in contact with as far as modifying the</p> <p>25 proposed route as to avoid some of those concerns?</p> <p>PAGE 192</p>

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<p>1 CAROLLEE CARRUTH: There's no way you could</p> <p>2 cross our quarter without hitting several lowlands like</p> <p>3 that. It's all over. And those are wetlands that</p> <p>4 someone put in the wildlife reserve so those are not</p> <p>5 mitigable. They're spread throughout the land.</p> <p>6 And anywhere that is -- it's on the southern end</p> <p>7 and we live more on the northern end. So anywhere they</p> <p>8 moved it would actually put it closer to our house if it</p> <p>9 was on our land.</p> <p>10 MR. PELHAM: Do you know if anyone has ever</p> <p>11 mentioned boring underneath portions of wetland at all?</p> <p>12 If you do or not. Boring as opposed to trenching.</p> <p>13 CAROLLEE CARRUTH: Not that I have dealt with in</p> <p>14 any of the construction that we've done.</p> <p>15 MR. PELHAM: Thank you for your testimony. No</p> <p>16 further questions.</p> <p>17 CAROLLEE CARRUTH: Thanks.</p> <p>18 ALJ HOGAN: Mr. Schock, any questions?</p> <p>19 MR. SCHOCK: I'm just trying to narrow in on</p> <p>20 where your property is. So I think you said you're</p> <p>21 about two miles directly south of Ellendale?</p> <p>22 CAROLLEE CARRUTH: Right. And then on</p> <p>23 Highway 281, if you see it, I am directly west of 281.</p> <p>24 Like my quarter touches Highway 281.</p> <p>25 MR. SCHOCK: Okay. So I think I have it here.</p> <p>PAGE 193</p>	<p>1 with them lately. And I've been signed up with Brian</p> <p>2 Jorde to handle the legal matters with him. And I</p> <p>3 contacted him this week and his office in Bismarck that</p> <p>4 works with them, and they couldn't be sure either.</p> <p>5 COMMISSIONER HAUGEN-HOFFART: Okay. And I just</p> <p>6 have one further question for clarification. Let's say</p> <p>7 you are in -- on the route. Did you propose a reroute?</p> <p>8 And if so, did you receive any response from Summit</p> <p>9 regarding a reroute?</p> <p>10 CAROLLEE CARRUTH: I did not because I do not</p> <p>11 own any of the quarters right around me so I cannot</p> <p>12 propose it to be moved further away from me.</p> <p>13 COMMISSIONER HAUGEN-HOFFART: Okay.</p> <p>14 CAROLLEE CARRUTH: And on the quarter I'm on,</p> <p>15 it's already -- like I said, it's in the southern end</p> <p>16 and we're on -- we live in the northern end so there</p> <p>17 would really be no route on my land that would move it</p> <p>18 further away than it is right now.</p> <p>19 COMMISSIONER HAUGEN-HOFFART: Okay. I fibbed.</p> <p>20 I do have a further question. Your land is used for</p> <p>21 agriculture?</p> <p>22 CAROLLEE CARRUTH: Yes. We raise corn and</p> <p>23 soybeans.</p> <p>24 COMMISSIONER HAUGEN-HOFFART: Any livestock?</p> <p>25 CAROLLEE CARRUTH: No.</p> <p>PAGE 195</p>
<p>1 Do you know your township, range, section, by chance?</p> <p>2 CAROLLEE CARRUTH: I don't.</p> <p>3 MR. SCHOCK: You don't.</p> <p>4 CAROLLEE CARRUTH: It's the north -- we live on</p> <p>5 the northeast quarter of that section.</p> <p>6 MR. SCHOCK: Okay. Are you willing to share</p> <p>7 your address or --</p> <p>8 CAROLLEE CARRUTH: Yeah. 8860 100 Street</p> <p>9 Southeast, Ellendale, North Dakota 58436.</p> <p>10 MR. SCHOCK: Thank you. No other questions.</p> <p>11 ALJ HOGAN: Mr. Braaten, any questions?</p> <p>12 MR. BRAATEN: No, Your Honor.</p> <p>13 ALJ HOGAN: Mr. Pranis?</p> <p>14 MR. PRANIS: No, Your Honor.</p> <p>15 ALJ HOGAN: Commissioner Christmann.</p> <p>16 COMMISSIONER CHRISTMANN: I think Mr. Pelham</p> <p>17 covered mine. Thank you.</p> <p>18 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>19 COMMISSIONER HAUGEN-HOFFART: I just want to</p> <p>20 clarify. So we do not know for sure if your land now is</p> <p>21 in route of the pipeline?</p> <p>22 CAROLLEE CARRUTH: Yeah. I'm not sure if it has</p> <p>23 been moved off to this point or not.</p> <p>24 COMMISSIONER HAUGEN-HOFFART: Okay.</p> <p>25 CAROLLEE CARRUTH: I have not been in contact</p> <p>PAGE 194</p>	<p>1 COMMISSIONER HAUGEN-HOFFART: Any future use of</p> <p>2 your land? Do you have any future use on how you would</p> <p>3 use your land besides ag?</p> <p>4 CAROLLEE CARRUTH: No. We want to keep using it</p> <p>5 for ag. I have sons that want to farm with us. We</p> <p>6 actually want to expand our ag operation, which is why</p> <p>7 we would like to put more buildings on our site and</p> <p>8 houses.</p> <p>9 COMMISSIONER HAUGEN-HOFFART: Okay. Thank you</p> <p>10 so much for your testimony.</p> <p>11 CAROLLEE CARRUTH: Thank you. Thank you all.</p> <p>12 ALJ HOGAN: Mr. Dawson, any questions?</p> <p>13 SUBSTITUTE DECISIONMAKER DAWSON: No questions</p> <p>14 for me.</p> <p>15 ALJ HOGAN: All right. Thank you.</p> <p>16 CAROLLEE CARRUTH: Thank you.</p> <p>17 ALJ HOGAN: I'll have you state your full name</p> <p>18 and spell your last name for the record, please.</p> <p>19 CLINT FELAND: Clint Feland, and it's</p> <p>20 F-E-L-A-N-D.</p> <p>21 ALJ HOGAN: And, Mr. Feland, were you in the</p> <p>22 room earlier today when I went through the penalties for</p> <p>23 perjury?</p> <p>24 CLINT FELAND: Yes, ma'am.</p> <p>25 ALJ HOGAN: And do you understand what perjury</p> <p>PAGE 196</p>

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<p>1 is?</p> <p>2 CLINT FELAND: I do.</p> <p>3 ALJ HOGAN: And being advised of the potential</p> <p>4 penalties for perjury, do you promise to tell the truth</p> <p>5 in this case today?</p> <p>6 CLINT FELAND: I do.</p> <p>7 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>8 <u>CLINT FELAND.</u></p> <p>9 being first duly sworn, testified as follows:</p> <p>10 CLINT FELAND: I reside in 21 -- part of</p> <p>11 21-140-81. I can -- I'll be able to look out my front</p> <p>12 window and sandbar where this -- in the area where this</p> <p>13 is crossing. And I have land over in 14-141-80. I've</p> <p>14 got 160 acres. This pipeline is not crossing any land</p> <p>15 that I own, but it's affecting land in both locations.</p> <p>16 Kind of -- kind of following Mrs. Dunbar and Mr.</p> <p>17 Dewing, you know, kind of have some similar issues with</p> <p>18 the fact it's crossing not only by where -- where I live</p> <p>19 but my other land I have. The land that I have, the</p> <p>20 four 40-acre tracts that I'm talking about are in</p> <p>21 walking distance of the Dunbars' place.</p> <p>22 And it's maybe a stretch of the word</p> <p>23 "subdivision," but, you know, we think of subdivisions</p> <p>24 as being more densely populated. That area up around</p> <p>25 Baldwin has been known for, and it's due to Burleigh</p> <p>PAGE 197</p>	<p>1 Ditch, if you know where that's at. Sundown Acres is on</p> <p>2 the north side. And it's kind of a little, maybe even</p> <p>3 forgotten about development because there's not a paved</p> <p>4 road going to it, but there's a bunch of beautiful homes</p> <p>5 back there that this pipeline is crossing right next to</p> <p>6 that they're not profiting. So I can't imagine that --</p> <p>7 you know, if they've heard about it, do they know</p> <p>8 exactly where it's crossing? Probably not.</p> <p>9 You know, at some point in time all the people</p> <p>10 that live down there, you get busy in life. Not all of</p> <p>11 us are this passionate to come out, testify at a hearing</p> <p>12 and go before people. There's a lot of young people</p> <p>13 living in developments like Hogue Island, Ponderosa,</p> <p>14 Misty Waters. There's a brand-new development going in</p> <p>15 as we speak. The Knutsons bought land where Gandruds</p> <p>16 had a horse ranch right near us out by Double Ditch</p> <p>17 that -- there again, there was some controversy with</p> <p>18 zoning.</p> <p>19 A previous ruling by the Public Service</p> <p>20 Commission -- that's another one of my aggravations here</p> <p>21 today. You guys have kind of thrown a stick of dynamite</p> <p>22 in on Burleigh County because you're taking away their</p> <p>23 ability to zone this project. So I as a landowner, do I</p> <p>24 have to follow Burleigh County zoning ordinances anymore</p> <p>25 or don't I? Summit don't have to. I guess maybe I</p> <p>PAGE 199</p>
<p>1 County ordinances, that area is saturated of 40-acre</p> <p>2 parcels. And so there's not a lot of big farming that</p> <p>3 goes on up there, but there are a lot of 40-acre tracts</p> <p>4 where you have people living, rural residences, that</p> <p>5 they maybe have a hobby farm, maybe some of them are</p> <p>6 actively farming.</p> <p>7 But when you want to tell me it isn't going to</p> <p>8 have an adverse effect on my property, I'm a real estate</p> <p>9 broker and you're going to put a pipeline valve right</p> <p>10 out the front, the way I understand in this area where</p> <p>11 it got moved so it's -- there's going to be something</p> <p>12 visible, it will always be a reminder. You're having a</p> <p>13 horrible effect on the value of those four 40-acre</p> <p>14 parcels. That's where it moved. As far as where --</p> <p>15 kind of following Mr. Dewing, where I live there was no</p> <p>16 consideration for moving it. I live over next to the</p> <p>17 Missouri River.</p> <p>18 And kind of following some other comments, I</p> <p>19 know Mrs. Dunbar mentioned something about the fact -- I</p> <p>20 forget how or why she heard it had moved, through the</p> <p>21 grapevine. Summit hasn't gone out or had to been</p> <p>22 required to go out and notify people. You know, I</p> <p>23 wonder if everybody living in Sundown Acres knows about</p> <p>24 this pipeline. Because there's people that live down in</p> <p>25 the area where I live -- I'm on south side of Double</p> <p>PAGE 198</p>	<p>1 shouldn't have to. You know, we're all forced to follow</p> <p>2 these rules.</p> <p>3 We have a governor who is spending in excess of</p> <p>4 \$300,000 of taxpayer money to reeducate me. I don't</p> <p>5 want or need to be reeducated. My simple little</p> <p>6 education that I had in rural North Dakota suffices to</p> <p>7 tell me that it makes no sense to bury carbon.</p> <p>8 And if we think this is going to save our</p> <p>9 coal-fired power plants, it is not going to save our</p> <p>10 coal-fired power plants. We're already talking about</p> <p>11 we're going to have manmade jet fuel. There's no future</p> <p>12 to North Dakota in this. This is part of the end.</p> <p>13 We're -- we're bowing to climate activists that it's</p> <p>14 complete nonsense.</p> <p>15 And the Public Service Commission, on your</p> <p>16 homepage it talks about one of the responsibilities of</p> <p>17 the PSC is -- is for the public safety for pipelines and</p> <p>18 underground damage. We're playing God here. What is</p> <p>19 going to happen when we bury all this CO2? To me, it's</p> <p>20 completely crazy. And, you know, we've got other</p> <p>21 projects where we're going to pull -- try to pull CO2</p> <p>22 out of the air and put it underground.</p> <p>23 You know, we need to be passing a bunch of</p> <p>24 ordinances. This is a money grab of tax dollars that</p> <p>25 the money shouldn't be there. And the governor's zero</p> <p>PAGE 200</p>

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<p>1 by 30 program is a bunch of BS as far as most any of us</p> <p>2 that have any mental capacity are -- are concerned.</p> <p>3 Carbon is an element of life. And, if anything, how do</p> <p>4 I give my plant life a shot of carbon. I'm looking for</p> <p>5 more carbon, not less.</p> <p>6 And so when we call people out, that is how to</p> <p>7 save our coal industry. It isn't to bury our heads in</p> <p>8 the sand and go along with it. It's to fight against</p> <p>9 it.</p> <p>10 And I guess, with that, I don't have a lot else</p> <p>11 to say.</p> <p>12 ALJ HOGAN: All right. Thank you.</p> <p>13 Mr. Bender, any questions?</p> <p>14 MR. BENDER: No questions.</p> <p>15 ALJ HOGAN: Mr. Pelham.</p> <p>16 MR. PELHAM: Thanks for being here, Mr. Feland.</p> <p>17 Just wondering as a real estate broker if you can tell</p> <p>18 the Commission about any instances of property value</p> <p>19 losses associated with pipelines that you've experienced</p> <p>20 in your career, which I assume is a lengthy career</p> <p>21 here --</p> <p>22 CLINT FELAND: Yeah, sure. I mean, I can go</p> <p>23 into probably almost every development in Bismarck, no</p> <p>24 matter the age, and I can find a lot that was never</p> <p>25 built on that says "underground pipeline" or it has a</p> <p>PAGE 201</p>	<p>1 going to have a negative value on the property.</p> <p>2 MR. PELHAM: And in your instance as far as your</p> <p>3 property, I understand and you testified that there's</p> <p>4 not -- the route isn't proposed to cross any of your</p> <p>5 property but it's within -- within -- how far is the</p> <p>6 line crossing your property?</p> <p>7 CLINT FELAND: It crosses the river, I'm going</p> <p>8 to say, less than a mile. And I'm going to say where it</p> <p>9 crosses over by Baldwin, there again we're probably</p> <p>10 right at a mile.</p> <p>11 MR. PELHAM: And as far as -- and I think you</p> <p>12 said something about the pipeline valves being visible.</p> <p>13 Do you know whether or not there's a main line valve</p> <p>14 that's proposed in your area? You're just --</p> <p>15 CLINT FELAND: Shit, I don't know half the</p> <p>16 stuff. This pipeline's a secret. Whatever little maps</p> <p>17 were given out we're supposed to go by so I -- I spent a</p> <p>18 good portion of my career in industry, and I'll tell you</p> <p>19 one thing, when it comes to cell towers or any other</p> <p>20 pipeline, I have never seen such BS drawings for a</p> <p>21 project of this magnitude that people have to hunt to</p> <p>22 figure out what's going where.</p> <p>23 MR. PELHAM: So where you -- there's been</p> <p>24 mention of meetings that Summit has held. Have you</p> <p>25 attended any of those meetings?</p> <p>PAGE 203</p>
<p>1 transmission line on it or maybe it has a phone pedestal</p> <p>2 and some other things. Planners are doing a better job</p> <p>3 nowadays of trying to work around those things, but that</p> <p>4 -- that brings up with the fact of this pipeline.</p> <p>5 You are condemning a corridor of land up where</p> <p>6 I'm talking 40-acre parcels that absolutely it's going</p> <p>7 to have a negative effect on a 40-acre parcel because</p> <p>8 you've condemned that strip of land to agricultural use</p> <p>9 only. And so when I want to buy this 40-acre tract of</p> <p>10 ground and plant a beautiful tree grove and I want to</p> <p>11 build some corrals and have livestock and a barn here or</p> <p>12 two, no, Summit's going to say there's some strip of</p> <p>13 land and it just so happens to cut at an angle across</p> <p>14 where I've got some 40-acre parcels potentially. I</p> <p>15 don't, but it's going to have a negative effect. And</p> <p>16 people that don't think it's going to have a negative</p> <p>17 effect, it's going to have a negative effect.</p> <p>18 MR. PELHAM: As far as instances where you've</p> <p>19 been involved in a transaction where a buyer has said,</p> <p>20 "Well, I'm not going to purchase this property because</p> <p>21 of a pipeline or because of a valve," have you had those</p> <p>22 experiences yourself?</p> <p>23 CLINT FELAND: I certainly had experiences where</p> <p>24 we use that as a negotiation tactic. So any time</p> <p>25 there's an easement of any sort, in my opinion it's</p> <p>PAGE 202</p>	<p>1 CLINT FELAND: No, I haven't been invited to</p> <p>2 other than public hearings like this. I -- you know</p> <p>3 what? If I wouldn't be paying attention, I wouldn't</p> <p>4 have a clue this is going on other than a -- like I</p> <p>5 said, if I read a Bismarck Tribune headline or heard it</p> <p>6 on the radio. Ahh, probably doesn't affect me anyway.</p> <p>7 MR. PELHAM: And, look, I'm not arguing with you</p> <p>8 as far as the climate control policy, as far as your</p> <p>9 references to the governor, but you do understand that</p> <p>10 the governor is not on this Commission and the</p> <p>11 Commission has no jurisdiction over the governor;</p> <p>12 correct?</p> <p>13 CLINT FELAND: Certainly.</p> <p>14 MR. PELHAM: Okay. And as far as the Federal</p> <p>15 45Q credits, you understand that the Commission doesn't</p> <p>16 have any jurisdiction --</p> <p>17 CLINT FELAND: Oh, so --</p> <p>18 MR. PELHAM: -- over --</p> <p>19 CLINT FELAND: -- so honestly --</p> <p>20 MR. PELHAM: -- the 45Q credits.</p> <p>21 CLINT FELAND: -- so honestly I'm going to</p> <p>22 interject and throw in there that although I understand</p> <p>23 that, these rulings and this guidance has an effect</p> <p>24 within every agency in our state. If you don't think</p> <p>25 what our governor says and has pull to all these</p> <p>PAGE 204</p>

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<p>1 agencies, it certainly does.</p> <p>2 MR. PELHAM: No, I don't --</p> <p>3 CLINT FELAND: He comes out with a program and</p> <p>4 says zero by 30 and it's mirroring a Biden</p> <p>5 Administration program, we're hearing this from the</p> <p>6 Federal Government and the heads of state --</p> <p>7 MR. PELHAM: Look --</p> <p>8 CLINT FELAND: -- this is the program and the</p> <p>9 page we're on, that's where we're at.</p> <p>10 MR. PELHAM: And I -- I appreciate all of -- all</p> <p>11 of what you've said here, but you understand the</p> <p>12 Commission is charged by the Century Code on a siting</p> <p>13 pipeline case. The siting of a pipeline, while it's a</p> <p>14 CO2 pipeline, you agree with me that the Commission has</p> <p>15 to follow the state statute as to the siting of a</p> <p>16 pipeline, whereas I understand you're saying all of</p> <p>17 these other issues --</p> <p>18 CLINT FELAND: I question -- I question the</p> <p>19 Commission's decision when they denied this, that they</p> <p>20 allowed them to alter it and take off where they left</p> <p>21 off. As far as I'm concerned, when it was denied, they</p> <p>22 should have started out from ground zero completely.</p> <p>23 They should have started off from scratch, which we're</p> <p>24 short-cutting some of the process here.</p> <p>25 MR. PELHAM: And you understand everything that</p> <p>PAGE 205</p>	<p>1 then when the pipeline is in the ground, that they are</p> <p>2 able to prevent construction of something? I think you</p> <p>3 had something within -- within a 40-acre tract?</p> <p>4 CLINT FELAND: Well, what I'm --</p> <p>5 COMMISSIONER CHRISTMANN: How far are you --</p> <p>6 CLINT FELAND: What I'm referring to is a</p> <p>7 40-acre tract. If this is a 40-acre tract and this is</p> <p>8 the pipeline, obviously I'm not doing anything in this</p> <p>9 area where the pipeline is laying; correct? Are you</p> <p>10 going to let me plant a tree grove over the top of the</p> <p>11 pipeline?</p> <p>12 COMMISSIONER CHRISTMANN: If it's square, if</p> <p>13 we're thinking it through the same, so I'm thinking</p> <p>14 your 40-acre tract would be about a quarter mile by a</p> <p>15 quarter mile; correct?</p> <p>16 CLINT FELAND: Yep, if -- if we're fortunate</p> <p>17 enough that it's following a boundary.</p> <p>18 COMMISSIONER CHRISTMANN: So about 1,320 feet.</p> <p>19 So are you suggesting that the pipeline company could</p> <p>20 prohibit someone from building --</p> <p>21 CLINT FELAND: That's not what I'm suggesting.</p> <p>22 COMMISSIONER CHRISTMANN: -- 500 feet away?</p> <p>23 CLINT FELAND: What I'm suggesting is it may not</p> <p>24 in all cases be following the line -- the property line.</p> <p>25 COMMISSIONER CHRISTMANN: Okay.</p> <p>PAGE 207</p>
<p>1 was said at those prior recorded hearings is part of the</p> <p>2 record in this.</p> <p>3 CLINT FELAND: Sure.</p> <p>4 MR. PELHAM: And if it had been denied in that</p> <p>5 fashion, none of that would have been preserved for this</p> <p>6 particular proceeding. Do you understand that?</p> <p>7 CLINT FELAND: Let's start all over from</p> <p>8 scratch. That's the way it should be.</p> <p>9 MR. PELHAM: All right. Thanks for being here.</p> <p>10 I appreciate it.</p> <p>11 CLINT FELAND: You bet.</p> <p>12 ALJ HOGAN: Hang on, hang on. I got to ask some</p> <p>13 more people if they've got questions.</p> <p>14 Mr. Schock, any questions?</p> <p>15 Mr. Braaten?</p> <p>16 MR. BRAATEN: No, Your Honor.</p> <p>17 ALJ HOGAN: Mr. Pranis?</p> <p>18 MR. PRANIS: No, Your Honor.</p> <p>19 ALJ HOGAN: Commissioner Christmann.</p> <p>20 COMMISSIONER CHRISTMANN: I do, one.</p> <p>21 In a lot of pipeline hearings we've discussed</p> <p>22 setbacks, but it typically is regarding something being</p> <p>23 built close to a residence or occupied structure. And</p> <p>24 North Dakota law sets that at 500 feet. And your --</p> <p>25 with your development experience, are you saying that</p> <p>PAGE 206</p>	<p>1 CLINT FELAND: I mean, there's angles and this</p> <p>2 thing zigzags around. So I've got land DAPL crosses at</p> <p>3 an angle. It's covering three quarters. I didn't want</p> <p>4 that either. I'm not against an oil pipeline, but I</p> <p>5 didn't like an easement to cut a jag. It did not</p> <p>6 improve the value of my property. It gave it a negative</p> <p>7 value. There was a one-time payment. I'd gladly pay it</p> <p>8 back today if they'd get it off of there.</p> <p>9 COMMISSIONER CHRISTMANN: Thank you.</p> <p>10 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>11 COMMISSIONER HAUGEN-HOFFART: Clint, no further</p> <p>12 questions.</p> <p>13 ALJ HOGAN: Hang on.</p> <p>14 Mr. Dawson, do you have any questions?</p> <p>15 SUBSTITUTE DECISIONMAKER DAWSON: I have no</p> <p>16 further questions.</p> <p>17 CLINT FELAND: Thank you.</p> <p>18 ALJ HOGAN: By a show of hands, can I get an</p> <p>19 idea of how many more people want to testify this</p> <p>20 afternoon?</p> <p>21 Four. Okay. We're going to take a short</p> <p>22 ten-minute break and then we will come back and take the</p> <p>23 testimony of those last four people.</p> <p>24 (Recess)</p> <p>25 ALJ HOGAN: All right. Can people make their</p> <p>PAGE 208</p>

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<p>1 way back to their seats so we can get started again?</p> <p>2 All right. Can I get your name, sir? Can you turn that</p> <p>3 microphone on?</p> <p>4 GAYLYNN BECKER: It's on, it is a green light.</p> <p>5 ALJ HOGAN: Perfect. That sounds better.</p> <p>6 GAYLYNN BECKER: The name is Gaylynn Becker.</p> <p>7 Becker is spelled B-E-C-K-E-R.</p> <p>8 ALJ HOGAN: And, Mr. Becker, were you in the</p> <p>9 room earlier when I went through the penalties for</p> <p>10 perjury?</p> <p>11 GAYLYNN BECKER: Yes.</p> <p>12 ALJ HOGAN: And do you understand what perjury</p> <p>13 is?</p> <p>14 GAYLYNN BECKER: Yes.</p> <p>15 ALJ HOGAN: And being advised of the potential</p> <p>16 penalties for perjury, do you promise to tell the truth</p> <p>17 in this case today?</p> <p>18 GAYLYNN BECKER: Yes.</p> <p>19 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>20 <u>GAYLYNN BECKER.</u></p> <p>21 being first duly sworn, testified as follows:</p> <p>22 GAYLYNN BECKER: Okay. Public Service</p> <p>23 Commission, you're faced with a decision of utmost</p> <p>24 importance as you probably already know.</p> <p>25 Late last night, in preparing for today, I read</p> <p>PAGE 209</p>	<p>1 travel from the surface of the planet to high in the</p> <p>2 atmosphere to contribute to global warming or global</p> <p>3 change. The CO2 from these ethanol plants instead would</p> <p>4 flow outward along the ground and enhance plant growth.</p> <p>5 Taking this CO2 and storing it underground will</p> <p>6 contribute to less plant growth and consequently less</p> <p>7 food for human and animal use.</p> <p>8 At best, I hope you don't approve this</p> <p>9 potentially disastrous project of making North Dakota a</p> <p>10 national garbage dump of the nation, or worse, once the</p> <p>11 CO2 is underground, it works its way upward, either</p> <p>12 along cemented oil wells, plugged or operating, and as</p> <p>13 it makes its way to underground water aquifers and the</p> <p>14 CO2 mixing with water to make carbonic acid, thus,</p> <p>15 destroying freshwater sources for us at or near the</p> <p>16 surface, and, at worst, we experience a pipeline break</p> <p>17 that could potentially be four times as bad as the</p> <p>18 Satartia, Mississippi, CO2 pipeline break and</p> <p>19 potentially kill thousands of people here in Bismarck,</p> <p>20 Mandan, and surrounding area.</p> <p>21 I know that Summit Carbon Solutions</p> <p>22 representatives have said it's a safe pipeline. If they</p> <p>23 really believe that it -- if they really believe that</p> <p>24 and if you the Public Service Commission also believe</p> <p>25 that, then please put in the agreement that Summit</p> <p>PAGE 211</p>
<p>1 through the 19 questions I asked you a year ago to</p> <p>2 consider in making your decision regarding Summit Carbon</p> <p>3 Solutions pipeline request. I'm sure you don't want me</p> <p>4 to reread them, but I trust you either already answered</p> <p>5 them sufficiently or are still in the process of</p> <p>6 considering those questions. I would like to think that</p> <p>7 perhaps the answer to those questions helped you say no</p> <p>8 to last year's decision to reject the CO2 pipeline</p> <p>9 request.</p> <p>10 Last night I read an article from Duke Nicholas</p> <p>11 School of the Environment titled "Leaks From CO2 Stored</p> <p>12 Deep Underground Could Contaminate Drinking Water,"</p> <p>13 dated November 8, 2010. Here is what some of it found.</p> <p>14 And the website is on the copy that I've given you.</p> <p>15 "Leaks from carbon dioxide injected deep</p> <p>16 underground to help fight climate change could bubble up</p> <p>17 into drinking water aquifers near the surface, driving</p> <p>18 up levels of contaminants in water tenfold or more in</p> <p>19 some places, according to a study by Duke University</p> <p>20 scientists."</p> <p>21 Then I got the website where it's located at. I</p> <p>22 couldn't get access to the entire site because it wanted</p> <p>23 money for me to see all of it.</p> <p>24 My second point is I'd like to know how CO2,</p> <p>25 which has a specific gravity of approximately 1.53, can</p> <p>PAGE 210</p>	<p>1 Carbon Solutions and each of the executives of Summit</p> <p>2 Carbon Solutions will be responsible for any and all</p> <p>3 expenses for a CO2 leak for a hundred years. If Summit</p> <p>4 Carbon Solutions doesn't want to agree to this, then</p> <p>5 that tells me that they are not so sure of the leak or</p> <p>6 accidental -- accident potential as they've stated.</p> <p>7 I was asked today -- it isn't in my written</p> <p>8 today, but the person would like to know how many</p> <p>9 legislators, if the governor and any state-elected</p> <p>10 officials or federal delegation, how many have ownership</p> <p>11 in Summit or coal plants or any other of these projects</p> <p>12 who stand to benefit from this Summit pipeline and the</p> <p>13 federal money. I believe if the federal money wouldn't</p> <p>14 be tied to it we wouldn't be sitting here. None of us</p> <p>15 would have wasted all this time or have to deal with</p> <p>16 this, including you as a commission.</p> <p>17 Please keep in mind the safety of the citizens</p> <p>18 of North Dakota and, once again, as you did last year,</p> <p>19 turn down this CO2 pipeline reconsideration request.</p> <p>20 You made the right decision last year. Thank you for</p> <p>21 your time. And God guide you in your decision-making</p> <p>22 process and bless each of you.</p> <p>23 I'm here to answer any questions you might have.</p> <p>24 ALJ HOGAN: Thank you.</p> <p>25 Mr. Bender, any questions?</p> <p>PAGE 212</p>

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<p>1 MR. BENDER: No questions.</p> <p>2 ALJ HOGAN: Mr. Pelham.</p> <p>3 MR. PELHAM: Thank you, Mr. Becker. You</p> <p>4 provided some information about the permitting process.</p> <p>5 And you understand -- and I've said it a couple of times</p> <p>6 here today, but you understand the North Dakota</p> <p>7 Industrial Commission is the state agency that permits</p> <p>8 the injection wells and the storage sites of</p> <p>9 sequestration of the carbon; right?</p> <p>10 GAYLYNN BECKER: Yes.</p> <p>11 MR. PELHAM: Okay. So the Commission here is</p> <p>12 just permitting the proposed line.</p> <p>13 GAYLYNN BECKER: Yes. But if the line is not</p> <p>14 permitted, there won't be any injection sites.</p> <p>15 MR. PELHAM: Sure. And I understand that logic,</p> <p>16 but you understand that the Commission is bound by the</p> <p>17 statute, the Century --</p> <p>18 GAYLYNN BECKER: Absolutely.</p> <p>19 MR. PELHAM: -- follow the Century Code --</p> <p>20 GAYLYNN BECKER: Absolutely.</p> <p>21 MR. PELHAM: -- to provide the procedure in</p> <p>22 place for permitting a pipeline and that's irregardless</p> <p>23 of what another agency may or may not do.</p> <p>24 GAYLYNN BECKER: Yes.</p> <p>25 MR. PELHAM: Do you understand?</p> <p>PAGE 213</p>	<p>1 COMMISSIONER HAUGEN-HOFFART: Wow.</p> <p>2 Congratulations.</p> <p>3 GAYLYNN BECKER: Thank you.</p> <p>4 COMMISSIONER HAUGEN-HOFFART: All but</p> <p>5 dissertation done in educational leadership so...</p> <p>6 GAYLYNN BECKER: Oh.</p> <p>7 COMMISSIONER HAUGEN-HOFFART: Mine is more of a</p> <p>8 curiosity question. And I know this has to do with</p> <p>9 sequestration and we didn't do it. So are you familiar</p> <p>10 with Red Trail Energy and Blue Flint Ethanol?</p> <p>11 GAYLYNN BECKER: Just slightly.</p> <p>12 COMMISSIONER HAUGEN-HOFFART: Okay. And I've</p> <p>13 had the privilege of being out there to go and do a site</p> <p>14 tour on both of them and just really seeking to</p> <p>15 understand. And so I guess I was just wondering what</p> <p>16 your opinion is and if you've had a chance to go out</p> <p>17 there and look at the facility and what they do and all</p> <p>18 the makeup of it. Have you had a chance to tour that?</p> <p>19 GAYLYNN BECKER: No, I've never toured it. I've</p> <p>20 just driven by on the interstate.</p> <p>21 COMMISSIONER HAUGEN-HOFFART: Okay. Okay. So</p> <p>22 I'm not going to ask you any further questions, but</p> <p>23 thank you for your time and your testimony. And I</p> <p>24 appreciate the written.</p> <p>25 GAYLYNN BECKER: Thank you.</p> <p>PAGE 215</p>
<p>1 GAYLYNN BECKER: And I didn't talk about the</p> <p>2 State Industrial Commission either but --</p> <p>3 MR. PELHAM: Right. And I apologize if I said</p> <p>4 that. I didn't mean that. I know you didn't. But I</p> <p>5 just wanted to clarify that. I don't have any other</p> <p>6 questions for you.</p> <p>7 GAYLYNN BECKER: Thank you.</p> <p>8 MR. PELHAM: Thank you.</p> <p>9 ALJ HOGAN: Mr. Schock, any questions?</p> <p>10 Mr. Braaten?</p> <p>11 MR. BRAATEN: No, Your Honor.</p> <p>12 ALJ HOGAN: Mr. Pranis?</p> <p>13 MR. PRANIS: No, Your Honor.</p> <p>14 ALJ HOGAN: Commissioner Christmann.</p> <p>15 COMMISSIONER CHRISTMANN: I do not, but thanks</p> <p>16 for being here again.</p> <p>17 GAYLYNN BECKER: You're welcome. Thank you.</p> <p>18 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>19 COMMISSIONER HAUGEN-HOFFART: Yeah, I do.</p> <p>20 Gaylynn, I'm curious, what's your Ph.D. in?</p> <p>21 GAYLYNN BECKER: Teaching and learning higher</p> <p>22 education. And that's kind of a nebulous term, but it's</p> <p>23 for teaching in the graduate school of education in the</p> <p>24 areas of research, statistics, curriculum, and education</p> <p>25 foundations.</p> <p>PAGE 214</p>	<p>1 ALJ HOGAN: Mr. Dawson, any questions?</p> <p>2 SUBSTITUTE DECISIONMAKER DAWSON: No questions.</p> <p>3 Thank you.</p> <p>4 ALJ HOGAN: All right. Thank you.</p> <p>5 GAYLYNN BECKER: Thank you.</p> <p>6 ALJ HOGAN: Who would like to go next?</p> <p>7 Can I get your name and will you spell your last</p> <p>8 name please?</p> <p>9 BAILEY ELKINS: Bailey Elkins, E-L-K-I-N-S.</p> <p>10 ALJ HOGAN: And, Ms. Elkins, were you in the</p> <p>11 room earlier when I went through the penalties for</p> <p>12 perjury?</p> <p>13 BAILEY ELKINS: I was.</p> <p>14 ALJ HOGAN: And do you understand what perjury</p> <p>15 is?</p> <p>16 BAILEY ELKINS: I do.</p> <p>17 ALJ HOGAN: And being advised of the potential</p> <p>18 penalties for perjury, do you promise to tell the truth</p> <p>19 in this case today?</p> <p>20 BAILEY ELKINS: I do.</p> <p>21 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>22 <u>BAILEY ELKINS.</u></p> <p>23 being first duly sworn, testified as follows:</p> <p>24 BAILEY ELKINS: Commissioner Christmann, I</p> <p>25 reside at the southeast corner of -- in 41-78 section</p> <p>PAGE 216</p>

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<p>1 30.</p> <p>2 COMMISSIONER CHRISTMANN: 78 what?</p> <p>3 BAILEY ELKINS: Section 30. Cromwell Township.</p> <p>4 This is south of where the proposed reroute turns from</p> <p>5 the north to the west. I live there with my husband and</p> <p>6 my twin four-year-old boys. I come to you as a</p> <p>7 concerned resident of Cromwell Township and our great</p> <p>8 state.</p> <p>9 I have a bachelor's of science in geology and</p> <p>10 graduate work in geophysics. I chose a career with an</p> <p>11 environmental engineering firm to allow me to return to</p> <p>12 North Dakota rather than accepting a higher salary in</p> <p>13 oil and gas. I worked in pipeline spill remediation,</p> <p>14 permitting, and maintenance permitting. I took a</p> <p>15 position shortly after in the drinking water industry</p> <p>16 and utilized my knowledge of the subsurface to help the</p> <p>17 communities of North Dakota develop pragmatic plans to</p> <p>18 protect their drinking water and develop emergency</p> <p>19 response plans for their drinking water systems.</p> <p>20 In my career I've witnessed many different ways</p> <p>21 that pipes can fail. I have serious concerns regarding</p> <p>22 the safety of this pipeline. I've read the information</p> <p>23 provided on Summit's website and that they've shared</p> <p>24 through their LinkedIn as well as many documents that</p> <p>25 have been provided over the course of this hearing.</p> <p>PAGE 217</p>	<p>1 example, along the Missouri River, at Double Ditch,</p> <p>2 University of Mary, even along river road. And even</p> <p>3 places with more data and engineering have experienced</p> <p>4 slope stability issues. For example, the dragline that</p> <p>5 fell into the pit when their bench failed at one of our</p> <p>6 state's mines.</p> <p>7 As a geologist, I was trained that the present</p> <p>8 is the key to the past. However, I also believe that</p> <p>9 the past can be a clue to the present. PHMSA's released</p> <p>10 guidance document that highlights how the subsurface</p> <p>11 movement can impact pipelines, they called out multiple</p> <p>12 instances nationwide between 2016 and 2022, including</p> <p>13 the 12,000-plus barrel Ash Coulee Creek spill here in</p> <p>14 North Dakota caused by land movement.</p> <p>15 Unexpected weather events can and do happen.</p> <p>16 And the earth moves in manners that are unexpected even</p> <p>17 for us who are trained in earth science. Even</p> <p>18 geoscientists with oil and gas companies with</p> <p>19 significant amounts of data can drill dry holes that</p> <p>20 don't produce as expected. Dams fail to unknown faults</p> <p>21 or even unexpected rainfall. Unexpected erosion can</p> <p>22 cause pipelines to rupture. For example, the Poplar</p> <p>23 spill on the Yellowstone in Montana caused by scouring.</p> <p>24 We're seeing more and more of these events.</p> <p>25 Here in Burleigh County a family friend was</p> <p>PAGE 219</p>
<p>1 I've tried to approach this pipeline with an open mind;</p> <p>2 however, I cannot convince myself that this pipeline is</p> <p>3 safe. There are too many ambiguities, omissions, and</p> <p>4 unknowns in the information that has been provided to</p> <p>5 us, the public.</p> <p>6 One of my largest concerns is the ground</p> <p>7 movement. I will recognize that Summit has submitted</p> <p>8 additional information that I have not had a chance to</p> <p>9 review. However, many of the studies that have been</p> <p>10 done are on slides that have already occurred. This</p> <p>11 pipeline will be crossing unstable areas. Any of the</p> <p>12 residents in my neighborhood will be able to tell you</p> <p>13 that the ground is slumping. The ground moves. There's</p> <p>14 many frost heaves. Even our roadbeds aren't stable.</p> <p>15 Yet we're going to be permitting a 24-inch supercritical</p> <p>16 CO2 pipeline to be moving through.</p> <p>17 The reroute slope stability previously had only</p> <p>18 received cursory desktop studies that highlighted areas</p> <p>19 where landslides have occurred. For safety, more</p> <p>20 substantial data should be collected. I have not</p> <p>21 reviewed those most recent studies, as I said, but I</p> <p>22 believe this should be added to the surveys that have</p> <p>23 been described today.</p> <p>24 Those of us in Burleigh and Morton County have</p> <p>25 seen many different ways that slopes have failed. For</p> <p>PAGE 218</p>	<p>1 impacted by a significant rainstorm, over four and a</p> <p>2 half inches in 45 minutes. That storm caused scouring</p> <p>3 on ephemeral streams in the order of feet. Ice jams</p> <p>4 continue to scour the Missouri River and its</p> <p>5 tributaries.</p> <p>6 The past is the key to the present in this case.</p> <p>7 We can't dismiss these instances as extreme occurrences</p> <p>8 or one-off events.</p> <p>9 In addition, carbon dioxide, as many have said,</p> <p>10 is highly corrosive and Summit has not proposed to run</p> <p>11 regular smart pigs for corrosion. The best information</p> <p>12 that I have been able to glean is that they plan to run</p> <p>13 these smart pigs every five years. This does not seem</p> <p>14 adequate, Commissioners, for a highly corrosive</p> <p>15 hazardous supercritical fluid.</p> <p>16 I've reviewed some of the proposed safety plans</p> <p>17 and they appear to be little more than a staffing plan.</p> <p>18 In my time assisting communities with emergency</p> <p>19 planning, I've witnessed such plans regularly become</p> <p>20 lost in filing cabinets. Ultimately, they're forgotten</p> <p>21 due to staff turnover or even complacency. I've</p> <p>22 witnessed a large North Dakota municipality not even be</p> <p>23 able to provide their emergency plans to regulators on</p> <p>24 inspection.</p> <p>25 Emergency response plans with little more than</p> <p>PAGE 220</p>

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<p>1 staffing information and no plans for regular updates 2 are not the living documents that they're intended to 3 be. They don't facilitate a response as intended. The 4 past is the key to the present. 5 More recently, our legislative assemblies have 6 passed legislation that now makes you, our Public 7 Service Commission, the only say on this siting. I 8 implore you to vote "no" on the siting permit. Local 9 townships have indicated their opposition along with 10 many counties along the main line. 11 Given the past history of pipeline integrity, I 12 have serious doubts and anxiety regarding the safety of 13 this proposed pipeline. A rupture of supercritical CO2 14 heavier than air has immediate impacts on human health 15 and safety, displacing oxygen. Oil pipeline ruptures 16 have impacts on environmental health, potential impacts 17 on animal health, and secondary impacts on human health. 18 My -- as I said earlier, my property is situated 19 inside the proposed northeast corner of the reroute. 20 When my husband and I purchased our property, part of 21 our criteria was to be away from some of our state's 22 larger industrial facilities. There was strong coherent 23 zoning ordinances in Cromwell Township and we felt that 24 the hearing processes outlined would help to adequately 25 protect our interest in maintaining residence in an</p> <p>PAGE 221</p>	<p>1 density areas, according to information provided on 2 Summit's LinkedIn page, but there's no definition on 3 "high density." Are the four rural residences on our 4 street considered dense enough to merit additional 5 safety measures? There were also no mentions of the 6 models used, assumptions within those models, or the 7 results of those models. How can the citizens of North 8 Dakota feel safe with this project as a neighbor when we 9 can't even determine the quality of science that's being 10 done for ourselves? 11 As I've said, there are significant ambiguities, 12 omissions, and unknowns. I've asked myself, if the past 13 is the key to the present, will Summit's operations be 14 straightforward with safety concerns in the future? 15 How will we know if there's a leak? Summit's 16 information stated that people would see a white mist. 17 The past is the key to the present. Those in Sartaria, 18 Missouri (sic), saw impacts to human health over a mile 19 away from the rupture. The victims indicated that they 20 were unaware of the hazard. 21 This past week a valve leaked on another CO2 22 pipeline in Louisiana. The operator was alerted to 911. 23 Their fire department were the first on scene and 24 repairs took over two hours. Assuming that there is a 25 white mist as Summit has indicated, how are we citizens</p> <p>PAGE 223</p>
<p>1 agricultural pastoral situation. In fact, Cromwell's 2 zoning ordinances specifically promote agriculture use. 3 We were sure that the special hearing processes would 4 help facilitate our interests and that our neighbors, 5 the township officers, would be in agreement with us. 6 Again, now you are the only ones standing there. 7 There aren't additional layers of government to help 8 protect me and my family. 9 The proposed reroute will be across the street 10 from me. East, northeast, and north. The prevailing 11 winds are north and northeast. The potential impacts of 12 a rupture would provide little warning, if any, in a 13 catastrophic failure. 14 My family enjoys our rural lifestyle. My 15 four-year-old sons love playing all over our property. 16 They love going on adventures, riding their ponies, 17 searching for rocks, and giving themselves dirt showers, 18 rolling down our hillsides. All of that's to say we're 19 frequently outdoors. How would we find shelter? How 20 would we know that there's a release? 21 I've searched for peace of mind in the 22 information that Summit's provided through the Public 23 Service Commission and through their own public 24 information campaign. I came away with more questions 25 and anxiety. Models have only been conducted in high</p> <p>PAGE 222</p>	<p>1 of North Dakota to differentiate between the CO2 and 2 low-lying fog that's frequently in this area? 3 Being the mother of young boys, I frequently 4 tell them "My job is to keep you safe." I want my sons 5 to be confident in this matter and that the past is the 6 key to the present. I will keep them safe. I've run 7 through the scenarios of this failure in my head in this 8 particular pipeline. I'm familiar with the prevailing 9 winds in my area. In the event of a rupture in my area, 10 I can't think of a way that my family would be able to 11 evacuate. Our only option would be to have supplied 12 breathing air. 13 I believe Mr. Warford had submitted evidence on 14 the price of that and others have also indicated the 15 price of that. It would be very expensive for a family 16 of four to have enough air for all of us. Not -- how 17 many places on our property should we have that 18 equipment stashed to adequately mitigate this risk? 19 Should it be in our vehicles as well since we'll be 20 driving past this pipeline route? 21 My husband's worked in industrial safety. We're 22 aware of the technicalities that go into being -- or 23 utilizing supplied breathing air and requiring fit 24 tests. Can you imagine the expenses of fit-testing 25 young children as they're constantly growing like weeds?</p> <p>PAGE 224</p>

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<p>1 Or keeping a mask on a child that has sensory aversions.</p> <p>2 Would our vehicles run? The past, Sartaria, indicates</p> <p>3 no.</p> <p>4 How long would it take for first responders to</p> <p>5 get to us? I came upon a single-vehicle accident</p> <p>6 several years ago in my area on my way home. An</p> <p>7 individual had been ejected from her car. The first</p> <p>8 responders arrived over 45 minutes later on summer roads</p> <p>9 in North Dakota.</p> <p>10 This reroute crosses multiple jurisdictions for</p> <p>11 volunteer fire departments, especially in my area. The</p> <p>12 potential that the wrong agencies could be paged out is</p> <p>13 strong, further delaying care, or weather significantly</p> <p>14 impacting the ability for first responders to reach us.</p> <p>15 Even if it were 45 minutes, that's a long time to be</p> <p>16 without oxygen.</p> <p>17 The prospect of this pipeline is anxiety</p> <p>18 inducing. There's no pragmatic means to mitigate that</p> <p>19 risk in the event of a rupture. My children have even</p> <p>20 picked up on this anxiety. Saying "yes" to this permit</p> <p>21 will impact my ability to feel safe in my own home.</p> <p>22 Approval of this permit will likely open my</p> <p>23 neighborhood and others neighborhoods -- other</p> <p>24 neighborhoods along this pipeline to additional</p> <p>25 hazardous materials pipelines. They've said that they</p> <p>PAGE 225</p>	<p>1 across the street?</p> <p>2 BAILEY ELKINS: It is across the street and</p> <p>3 north of my property, on the lot adjacent to the north.</p> <p>4 MR. PELHAM: Approximately how far?</p> <p>5 BAILEY ELKINS: As others have said, that is</p> <p>6 very difficult to discern given the odd scales of the</p> <p>7 maps that have been provided. And the shapefiles have</p> <p>8 not been released for us to measure.</p> <p>9 MR. PELHAM: And as far as -- and I think you</p> <p>10 testified that you reviewed some of the application</p> <p>11 material on the PSC's website; is that right?</p> <p>12 BAILEY ELKINS: That's correct. And with over</p> <p>13 500 exhibits and being the mother of twins in a rural</p> <p>14 property with a full-time job, it's very difficult to</p> <p>15 review everything.</p> <p>16 MR. PELHAM: And you got a degree in geology?</p> <p>17 BAILEY ELKINS: Correct.</p> <p>18 MR. PELHAM: So do you know the state geologist?</p> <p>19 BAILEY ELKINS: I do. I interned at the North</p> <p>20 Dakota Geological Survey.</p> <p>21 MR. PELHAM: And do you understand that there is</p> <p>22 a -- there's a letter from the geologist --</p> <p>23 BAILEY ELKINS: I do understand that there's a</p> <p>24 letter from them. And I also understand the constraints</p> <p>25 that some government agencies are under and -- they've</p> <p>PAGE 227</p>
<p>1 prefer to continue siting within existing corridors.</p> <p>2 Now my neighborhood has become a corridor. Summit has</p> <p>3 indicated that they're the frontrunner to this, that</p> <p>4 success in this permit will likely bring more permits</p> <p>5 and more pipelines.</p> <p>6 They've not proven their project to be safe to</p> <p>7 those of us in the public and I urge you not to</p> <p>8 jeopardize my family's safety or that of any other North</p> <p>9 Dakotans purely for economic gain. Many of my neighbors</p> <p>10 feel this permit is a foregone conclusion and that these</p> <p>11 hearings are merely a formality. It's been expressed to</p> <p>12 me time and time again.</p> <p>13 Commissioners, I urge you to vote "no" on this</p> <p>14 permit. Protect the safety of the citizens of North</p> <p>15 Dakota and show our citizens that our government</p> <p>16 processes remain effective in protecting our health and</p> <p>17 safety. Please reject this permit.</p> <p>18 ALJ HOGAN: Thank you.</p> <p>19 Mr. Bender, any questions?</p> <p>20 MR. BENDER: No questions.</p> <p>21 ALJ HOGAN: Mr. Pelham.</p> <p>22 MR. PELHAM: Thank you.</p> <p>23 Ms. Elkins, I'm just wondering, and I think you</p> <p>24 testified to this, but does the line occupy -- proposed</p> <p>25 line occupy any of your property that you own or it's</p> <p>PAGE 226</p>	<p>1 detailed that it was a desktop study.</p> <p>2 MR. PELHAM: Okay. And as far as the specifics</p> <p>3 as to that particular opinion of the geologist</p> <p>4 indicating that there aren't any concerns with the</p> <p>5 landslide aspects, have you reviewed any of that?</p> <p>6 BAILEY ELKINS: I have reviewed the state's</p> <p>7 landslide maps that have been published and they're</p> <p>8 publishing where the existing slides have been. They're</p> <p>9 working off of old aerials. And as I said, it's a</p> <p>10 cursory desktop study. The information provided on</p> <p>11 their maps have indicated that it was not out in the</p> <p>12 field.</p> <p>13 MR. PELHAM: Okay. So as far as your particular</p> <p>14 concern as far as a non-desktop, what is it that you</p> <p>15 propose that the company should actually do?</p> <p>16 BAILEY ELKINS: I would like to see them have</p> <p>17 field geologists in the field looking for these</p> <p>18 particular slopes along their lines as part of their</p> <p>19 surface.</p> <p>20 MR. PELHAM: Are there particular areas that you</p> <p>21 are familiar with that you believe should be focused on</p> <p>22 for that?</p> <p>23 BAILEY ELKINS: I think any area of extreme</p> <p>24 terrain along the entire survey. It's hard to review</p> <p>25 their map books to see everything. And as I said, I</p> <p>PAGE 228</p>

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<p>1 have a very limited amount of time.</p> <p>2 MR. PELHAM: No. And I'm not questioning that</p> <p>3 at all. I'm just -- you're a -- I'm not a geologist so</p> <p>4 I'm just trying -- I'm more or less just curious as to</p> <p>5 that.</p> <p>6 And you said the specific type -- is there a</p> <p>7 specific type of terrain that you believe should be</p> <p>8 focused in on for potential landslides?</p> <p>9 BAILEY ELKINS: I think along the entire route</p> <p>10 unless there is incredibly limited relief.</p> <p>11 MR. PELHAM: Thanks for being here. I don't</p> <p>12 have any other questions. Thank you.</p> <p>13 BAILEY ELKINS: Thank you.</p> <p>14 ALJ HOGAN: Mr. Schock, any questions?</p> <p>15 MR. SCHOCK: Just to clarify.</p> <p>16 I think I found your parcel of property. So are</p> <p>17 you in the far southeast quarter of section 30?</p> <p>18 BAILEY ELKINS: The southeast quarter, yes.</p> <p>19 It's an L-shaped lot.</p> <p>20 MR. SCHOCK: I guess I can't tell the shape of</p> <p>21 the lot from the image that I have here, but I think I</p> <p>22 know where your parcel is. So your driveway faces to</p> <p>23 the east?</p> <p>24 BAILEY ELKINS: Correct.</p> <p>25 MR. SCHOCK: Okay. I think I have you. Thank</p> <p>PAGE 229</p>	<p>1 I'll have you start by stating your full name</p> <p>2 for the record and if you want to spell your last name.</p> <p>3 MIKE BRANDENBURG: My name is Mike Brandenburg,</p> <p>4 B-R-A-N-D-E-N-B-U-R-G.</p> <p>5 ALJ HOGAN: Mr. Brandenburg, were you in the</p> <p>6 room earlier when I went through the penalties for</p> <p>7 perjury?</p> <p>8 MIKE BRANDENBURG: Yes, I was.</p> <p>9 ALJ HOGAN: And do you understand what perjury</p> <p>10 is?</p> <p>11 MIKE BRANDENBURG: Yes, I do.</p> <p>12 ALJ HOGAN: And being advised of the potential</p> <p>13 penalties for perjury, do you promise to tell the truth</p> <p>14 in this case today?</p> <p>15 MIKE BRANDENBURG: I do.</p> <p>16 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>17 <u>MIKE BRANDENBURG,</u></p> <p>18 being first duly sworn, testified as follows:</p> <p>19 MIKE BRANDENBURG: All right. Thank you. And</p> <p>20 members of the Public Service Commission, my name is</p> <p>21 Mike Brandenburg. I'm a corn farmer from Edgeley, North</p> <p>22 Dakota, and I serve District 28 in the North Dakota</p> <p>23 House of Representatives.</p> <p>24 This statement that I'm reading is also from</p> <p>25 State Senator Terry Wanzek of District 29 of Jamestown.</p> <p>PAGE 231</p>
<p>1 you. I have no other questions.</p> <p>2 ALJ HOGAN: Mr. Braaten, any questions?</p> <p>3 MR. BRAATEN: No, Your Honor.</p> <p>4 ALJ HOGAN: Mr. Pranis?</p> <p>5 MR. PRANIS: No, Your Honor.</p> <p>6 ALJ HOGAN: Commissioner Christmann.</p> <p>7 COMMISSIONER CHRISTMANN: I do not. Thank you.</p> <p>8 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>9 COMMISSIONER HAUGEN-HOFFART: Thank you for your</p> <p>10 in-depth testimony. Zach talked about your suggestion</p> <p>11 on doing a field study, that only a desktop was done.</p> <p>12 Do you have any other suggestions based on -- not all</p> <p>13 your review of the application, based on your expertise.</p> <p>14 BAILEY ELKINS: At this moment, no. As I said,</p> <p>15 I have not had a substantial amount of time to review</p> <p>16 it. And most of my review has centered on the area</p> <p>17 surrounding my property.</p> <p>18 COMMISSIONER HAUGEN-HOFFART: Okay. Well, I</p> <p>19 appreciate that. Thank you so much for your testimony.</p> <p>20 ALJ HOGAN: Mr. Dawson, any questions?</p> <p>21 SUBSTITUTE DECISIONMAKER DAWSON: Thank you for</p> <p>22 your testimony today. I have no further questions.</p> <p>23 BAILEY ELKINS: Thank you all for your time and</p> <p>24 consideration.</p> <p>25 ALJ HOGAN: Thank you.</p> <p>PAGE 230</p>	<p>1 Senator Wanzek is also a corn producer and he's not back</p> <p>2 from Arizona yet. And I do have in my -- when I turn in</p> <p>3 my testimony, I have an email from him quantifying that</p> <p>4 I am speaking for him and we have agreed to this</p> <p>5 testimony that I'm presenting today.</p> <p>6 We are farmers who come from a multigenerational</p> <p>7 family farm -- farm families. The Brandenburg family</p> <p>8 goes back to the early 1900s; in fact, 1902. The Wanzek</p> <p>9 family goes back to 1885. With this rich agricultural</p> <p>10 history in our backgrounds, we understand the need to</p> <p>11 adapt and grow to meet the market demands. Senator</p> <p>12 Wanzek and I are presenting this testimony because we</p> <p>13 are very concerned about the future of North Dakota corn</p> <p>14 producers and the plants that use corn to produce</p> <p>15 ethanol.</p> <p>16 Two things will happen quickly if the Summit</p> <p>17 pipeline is not built in the near future.</p> <p>18 Corn prices paid to farmers will drop and slip</p> <p>19 below a break-even price. That means that our state</p> <p>20 will lose farmers. Two --</p> <p>21 (Multiple responses from audience.)</p> <p>22 ALJ HOGAN: Again, I would ask no comments from</p> <p>23 the audience today or from the public that's attending</p> <p>24 our hearing. We need to maintain decorum at this</p> <p>25 hearing.</p> <p>PAGE 232</p>

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<p>1 MIKE BRANDENBURG: Thank you.</p> <p>2 Just, for example, two years ago we were getting</p> <p>3 close to seven bucks a bushel for corn. Today it's four</p> <p>4 bucks. And I'll go into further testimony and I can</p> <p>5 explain further.</p> <p>6 Ethanol sales will drastically decrease because</p> <p>7 ethanol produced to the industry standards will be</p> <p>8 purchased from other ethanol-producing countries such as</p> <p>9 Brazil. That means our largest customer, Canada, will</p> <p>10 have to go elsewhere for the quantity of ethanol they</p> <p>11 require. The result will be the loss of ethanol plants</p> <p>12 in North Dakota and other ethanol-producing states.</p> <p>13 Please consider these statistics:</p> <p>14 The ethanol industry's impact in our state is</p> <p>15 estimated at 1.78 billion, according to North Dakota</p> <p>16 State University.</p> <p>17 North Dakota farmers will sell 210 million</p> <p>18 bushels of corn annually to ethanol plants in the state</p> <p>19 of North Dakota and we produce about 400 million bushels</p> <p>20 of corn. Of that, 550 million gallons of ethanol is</p> <p>21 produced in North Dakota.</p> <p>22 But I would quantify that too. It's not just</p> <p>23 about the ethanol plants. Because I heard earlier talk</p> <p>24 about it's only gotten Casselton with Tharaldson's.</p> <p>25 We've got Dakota Spirit in Spiritwood. They're looking</p> <p>PAGE 233</p>	<p>1 that away, the ethanol plants disappear, what is that</p> <p>2 going to do to the price of corn?</p> <p>3 90 percent of the ethanol is also dried as, you</p> <p>4 know, feed, for corn oil produced. You got distillers</p> <p>5 grain, which wet ones usually go to the feedlots</p> <p>6 locally, the dry distillers grain ends up being sold</p> <p>7 nationwide. It goes, in fact, worldwide.</p> <p>8 National and international buyers want the</p> <p>9 carbon intensity of ethanol lowered which means reducing</p> <p>10 carbon emissions. That is exactly what Summit pipeline</p> <p>11 would enable the plants to do.</p> <p>12 This last summer the Canadian fuel standards</p> <p>13 went into effect July 1, 2023. It requires the U.S.</p> <p>14 plants to continue to reduce the carbon intensity of</p> <p>15 ethanol sold into Canada. Canada is our country's</p> <p>16 single biggest export market. They buy 400 to 500</p> <p>17 million gallons of ethanol. We cannot afford to lose</p> <p>18 that market.</p> <p>19 Looking into the future, the single biggest</p> <p>20 market opportunity for low-carbon ethanol is sustainable</p> <p>21 aviation fuel for airplanes. The best opportunity for</p> <p>22 North Dakota ethanol plants is to produce lower carbon</p> <p>23 intensity ethanol and capture and storage, namely the</p> <p>24 Summit pipeline.</p> <p>25 Aviation fuel, right now in the United States we</p> <p>PAGE 235</p>
<p>1 for an outtake. They got to do something. We know down</p> <p>2 in Hankinson they've got to do something. There's five</p> <p>3 ethanol plants right across the border in South Dakota.</p> <p>4 And if you go down to those South Dakota plants in Mina</p> <p>5 and Aberdeen and Groton, you're going to see half the</p> <p>6 trucks are North Dakota trucks. So North Dakota corn is</p> <p>7 going to those ethanol plants. And that same pipeline</p> <p>8 is going to carbon capture those ethanol plants in the</p> <p>9 northern part of South Dakota. So this is not just</p> <p>10 about one ethanol plant.</p> <p>11 It's estimated that the ethanol production in</p> <p>12 North Dakota has increased pay to the farmers -- and</p> <p>13 this is -- this is one of the reasons that Senator</p> <p>14 Wanzek and myself got involved in this, because this is</p> <p>15 so important. Because we worked so hard in this state</p> <p>16 to get ethanol production in this state and we have now</p> <p>17 five ethanol plants, and there could be more in the</p> <p>18 future, but you got to have a place to sell your</p> <p>19 product. And so if you don't have a carbon score, you</p> <p>20 can't sell your product. And so it's estimated that</p> <p>21 ethanol production in North Dakota has increased pay to</p> <p>22 the farmers for their corn by 50 cents. And I can</p> <p>23 guarantee you that's an absolute solid number. And</p> <p>24 sometimes, depending on the basis and during the year,</p> <p>25 you can get up to a buck more a bushel. And if you take</p> <p>PAGE 234</p>	<p>1 produce about 15 billion gallons of ethanol in the</p> <p>2 United States. And with what's coming up, you know,</p> <p>3 with more electric cars, there's going to be less and</p> <p>4 less use of ethanol as well as gasoline. And so the</p> <p>5 aviation fuel market, they've got to also meet the</p> <p>6 carbon score. And these ethanol plants are somewhere</p> <p>7 around a score of 70 -- you know, 70 to 75. They got to</p> <p>8 get down below 50 with that carbon score to be able to</p> <p>9 sell into the -- we've already lost the California</p> <p>10 market to Brazil.</p> <p>11 The Europeans are not -- we've lost 20 percent</p> <p>12 of our exports because when these buyers from other</p> <p>13 countries come and buy products, they just don't buy</p> <p>14 corn. They buy soybeans, they buy wheat, they buy other</p> <p>15 products that -- because the buyers, they do a package</p> <p>16 deal. And we're losing those export markets. And</p> <p>17 that's why we've dropped from -- \$7 was probably an</p> <p>18 abnormal price, but six bucks was probably -- five and a</p> <p>19 half, six bucks is a good price. We're sitting right at</p> <p>20 four bucks. And that's not -- not a good price.</p> <p>21 And I've been to many marketing meetings this</p> <p>22 winter and I've always asked them "How come we ain't</p> <p>23 talking about carbon capture?" Well, you know, it's a</p> <p>24 -- well, you can tell by the boos, it's a tough</p> <p>25 situation to step up here and start talking about what</p> <p>PAGE 236</p>

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<p>1 is important to agriculture. And that's why it's where 2 it is today, is we're losing our markets, we're losing 3 our place to sell our ethanol. 4 Red Trail and Blue Flint have carbon capture. 5 They have the formation underneath. So we could keep 6 two ethanol plants open in the state. Spiritwood 7 doesn't. Hankinson doesn't. Tharaldson doesn't. The 8 ones in South Dakota don't. So if we're not eating up 9 this corn, where is it going to go? 10 Where I was going with the sustainable aviation 11 fuel, which is a really good market, 15 billion, that 12 market is predicted to be somewhere around 50 billion. 13 Could be 75, but that might be out there. I mean, 14 you're talking two to three times more of a market for 15 the corn market, the ethanol market, as well as the oil 16 market too because you got to have gasoline. It blends 17 with ethanol. You know, that's what -- just how it 18 works. So it's a win-win for both. 19 If North Dakota ethanol plants cannot lower 20 their product's carbon intensity, Brazil is ready to 21 fill the demand. They already are. And Brazil is the 22 second largest ethanol producer in the country -- in the 23 world, second only to the U.S. Their ethanol meets the 24 carbon intensity growing standards, as well as Argentina 25 and Australia and other countries are moving on this. A</p> <p>PAGE 237</p>	<p>1 they said we can -- you know, are they completely happy? 2 No. But they realize the ramifications. If you're a 3 corn farmer or any farmer, you realize how this is going 4 to help agriculture too. And so... 5 And then also I would say too I've heard 6 comments, questions, as far as with the safety. And I 7 know that Summit has been out there and they met with 8 the Sargent County firefighters and the ambulance 9 service, and I heard comments back from those people and 10 they really enjoyed the -- you know, what this is all 11 about. As well as in Dickey County they met with 12 firefighters and ambulance people there. And so they 13 are out there trying to actively meet with them and 14 teach them and tell them what the carbon capture 15 pipeline is all about. 16 So with that, Madam Chair, I would answer any 17 questions. 18 ALJ HOGAN: Thank you. 19 Mr. Bender, any questions? 20 MR. BENDER: Thank you for your testimony, 21 Representative Brandenburg. I have no questions. 22 ALJ HOGAN: Mr. Pelham. 23 MR. PELHAM: Senator Brandenburg, you had given 24 some statistics. Did you have some provided material 25 that -- is that -- are you offering that as an exhibit</p> <p>PAGE 239</p>
<p>1 lot of things are happening with carbon intensity. It's 2 the world today. That's what we're dealing with. 3 Senator Wanzek and I respectfully request the 4 Commission to approve the Summit pipeline to benefit 5 North Dakota's farmers, ethanol plants, our state's 6 overall economy and the future. And thank you from both 7 of us. 8 Just something else, Commissioners and staff 9 here. Just so you know, I'm familiar with this 10 pipeline. In my district, I got 113.5 miles of this 11 pipeline in my district. Two years ago I wouldn't have 12 been up here defending and talking about this pipeline 13 because it -- it did have some problems in the 14 beginning. They had some bad landmen out there and 15 there are still some bad feelings from those first 16 landmen. They fired them and they hired some good 17 people that go out there and deal with the farmers, the 18 landowners. 19 The landowners out there are smart people. You 20 cannot -- you can't just think about -- if you got 21 80 percent of the landowners already signed up, that 22 means that they're doing something right. And so over 23 the last -- dealing down in my district, there was a 24 number of them that signed up and were with a law firm 25 and they came to a good agreement and they settled. And</p> <p>PAGE 238</p>	<p>1 and does that contain that -- those statistics, is that 2 contained in that material? 3 MIKE BRANDENBURG: Mr. Peller (phonetic) -- 4 MR. PELHAM: Pelham. 5 MIKE BRANDENBURG: Pelham, okay. Mr. Pelham, 6 I've got -- the statistics came from the ethanol 7 industry as well as the corn growers. I can provide 8 more information where I got all that data and that 9 information. It is listed in here, but I have -- I can 10 get that for you and I can get it to the Commission. 11 And it's -- the numbers are solid and real. 12 MR. PELHAM: Yeah, and I'm really asking because 13 you're testifying and I'm just wondering where it's 14 based on. But it sounds like you have -- 15 Judge Hogan, do you have that? 16 ALJ HOGAN: He's going to pass them out, I 17 think. 18 MR. PELHAM: You're going to pass -- are you 19 going to pass those out, sir? 20 MIKE BRANDENBURG: Well, sir, she asked me to 21 wait -- 22 MR. PELHAM: Oh, I see. 23 MIKE BRANDENBURG: -- until I hand them out 24 because -- 25 MR. PELHAM: Okay.</p> <p>PAGE 240</p>

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<p>1 MIKE BRANDENBURG: -- didn't want a bunch of</p> <p>2 papers on --</p> <p>3 MR. PELHAM: Understand.</p> <p>4 MIKE BRANDENBURG: -- mixed up, but I can walk</p> <p>5 around and hand them to you if you would like that.</p> <p>6 MR. PELHAM: I think to the point that they are</p> <p>7 -- been testified to, they should be part of the record.</p> <p>8 ALJ HOGAN: Yes, correct.</p> <p>9 MR. PELHAM: If they're not, then they should be</p> <p>10 made part of the record.</p> <p>11 ALJ HOGAN: At the other hearings, the handouts</p> <p>12 that have come with public testimony, I've been labeling</p> <p>13 them as one packet of exhibits.</p> <p>14 MR. PELHAM: Okay.</p> <p>15 ALJ HOGAN: So yes.</p> <p>16 MR. PELHAM: All right. I just wanted to make</p> <p>17 sure on that point.</p> <p>18 And, sir, you've heard me say it before, that</p> <p>19 you understand that the Commission is charged with</p> <p>20 following the siting code in the Century Code; correct?</p> <p>21 MIKE BRANDENBURG: Uh-huh. Yep.</p> <p>22 MR. PELHAM: Okay. I don't have any other</p> <p>23 questions for you. Thank you.</p> <p>24 MIKE BRANDENBURG: Thank you, sir.</p> <p>25 ALJ HOGAN: Mr. Schock, any questions?</p> <p>PAGE 241</p>	<p>1 COMMISSIONER CHRISTMANN: Is this close to --</p> <p>2 two questions. How close does this get to any of your</p> <p>3 property and how close to your residence?</p> <p>4 MIKE BRANDENBURG: Commissioner Christmann, I'm</p> <p>5 -- I'm 30 miles away from the pipeline so you don't need</p> <p>6 my range, but I have a lot of friends that are</p> <p>7 benefiting from the pipeline going through their land.</p> <p>8 And I can tell you, because they talk to me because, you</p> <p>9 know, I'm their legislator, and their concern was that</p> <p>10 they be treated fair, you know, because they're good --</p> <p>11 good businessmen.</p> <p>12 And I think these that haven't signed in my</p> <p>13 district, that at this point -- they're good businessmen</p> <p>14 and -- and farmers know what they're doing. And I keep</p> <p>15 telling them too, if you don't want the pipeline, you</p> <p>16 know, I tell the Summit people "Stay away from them. Go</p> <p>17 north, go south, go east, go west, go around them, find</p> <p>18 a way to build this pipeline with -- leave them alone.</p> <p>19 They don't want it. Let them be." That's what I tell</p> <p>20 them. And that's what I tell the people back home too.</p> <p>21 And at this point, that's why a lot of them are</p> <p>22 -- are going to another landowner and going around them</p> <p>23 and finding somebody that does want the -- you know, is</p> <p>24 okay with it and they'll take it.</p> <p>25 COMMISSIONER CHRISTMANN: Okay. So you're</p> <p>PAGE 243</p>
<p>1 Mr. Braaten?</p> <p>2 MR. BRAATEN: Thank you, Your Honor.</p> <p>3 You talked about a number of benefits that would</p> <p>4 flow to farmers and to the ethanol industry from this</p> <p>5 Summit project, but those benefits would flow from any</p> <p>6 kind of carbon sequestration focused on the ethanol</p> <p>7 plants; right?</p> <p>8 MIKE BRANDENBURG: So I guess I'm trying to</p> <p>9 understand the question.</p> <p>10 MR. BRAATEN: Are you familiar with the</p> <p>11 Navigator project?</p> <p>12 MIKE BRANDENBURG: Yeah. I've heard about that.</p> <p>13 There's other projects out there with carbon capture,</p> <p>14 but I'm not sure just where that one's at right now.</p> <p>15 MR. BRAATEN: And if another company were to</p> <p>16 capture carbon from ethanol plants, that would have the</p> <p>17 same beneficial impacts for agriculture as if Summit</p> <p>18 does it; right?</p> <p>19 MIKE BRANDENBURG: Correct, yep, yep.</p> <p>20 MR. BRAATEN: No further questions.</p> <p>21 MIKE BRANDENBURG: Okay.</p> <p>22 ALJ HOGAN: Mr. Pranis, any questions?</p> <p>23 MR. PRANIS: No. Thank you very much for your</p> <p>24 testimony.</p> <p>25 ALJ HOGAN: Commissioner Christmann.</p> <p>PAGE 242</p>	<p>1 further away, but I think you had said 113 miles of it</p> <p>2 is in your legislative district. So about a third of</p> <p>3 the whole project?</p> <p>4 MIKE BRANDENBURG: Yep. I've got right at a</p> <p>5 third. 33 percent of the project is in my district,</p> <p>6 113 miles.</p> <p>7 COMMISSIONER CHRISTMANN: So looking out for</p> <p>8 them, communicating with them, we have heard a lot of</p> <p>9 talk today and in previous hearings about the impact</p> <p>10 that people suspect this will have on property values.</p> <p>11 What are your thoughts on that? Or what are your</p> <p>12 constituents' thoughts that are closer to it?</p> <p>13 MIKE BRANDENBURG: Well, Commissioner</p> <p>14 Christmann, I can tell you, talking to some people and</p> <p>15 some of the payments that they've received, some people</p> <p>16 have been able to go out and buy some -- make a good</p> <p>17 down payment on some other land that they bought and the</p> <p>18 land prices have not went down in my area. You know,</p> <p>19 we're -- we're sitting at anywhere from 5 to 7,000 bucks</p> <p>20 an acre for farmland down in my district. You know,</p> <p>21 probably out in McIntosh County, it's probably more like</p> <p>22 three to five. You get over in Sargent County where you</p> <p>23 got a lot more drain tile, heavier ground, and you can</p> <p>24 even push a little higher.</p> <p>25 We're not seeing the softening of prices from --</p> <p>PAGE 244</p>

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<p>1 from a pipeline, to my -- from any of my people that are</p> <p>2 saying -- unless you've got -- and you've got some</p> <p>3 people, they hate it, they don't like it, and I tell</p> <p>4 them "Stay away from them, go somewhere else." And</p> <p>5 there's some people that want nothing to do with it and</p> <p>6 that's how -- that's their right.</p> <p>7 COMMISSIONER CHRISTMANN: You mentioned the Corn</p> <p>8 Growers Association. Have they taken an official</p> <p>9 position on that?</p> <p>10 MIKE BRANDENBURG: Yeah, thank you,</p> <p>11 Commissioner. Actually, the Corn Growers and the</p> <p>12 ethanol producers have had a number of meetings where ag</p> <p>13 -- you know, ag and energy are working together. In</p> <p>14 fact, they had one here in Bismarck which I attended</p> <p>15 when they had a panel of coal and oil and EERC, John</p> <p>16 Harju, an ethanol producer from Tharaldson, Ryan -- I</p> <p>17 can't think of his last name now but -- Ryan Carter, and</p> <p>18 then also a corn grower, they had Drew Courtney on it.</p> <p>19 And then also in Fargo here a week ago they had another</p> <p>20 friends of ag and energy meeting. You get the</p> <p>21 information and the knowledge out there.</p> <p>22 Because a lot of people are trying to figure out</p> <p>23 -- two years ago I didn't know this. And they had --</p> <p>24 and so, yeah, they're working together. Because this is</p> <p>25 really a win for ag and energy to be able to find a way</p> <p>PAGE 245</p>	<p>1 that are involved in our farm and the heritage that we</p> <p>2 carry, because this is so important. So what are you</p> <p>3 going to do?</p> <p>4 The carbon intensity score, it's here to stay.</p> <p>5 I mean, this is something that the people on the East</p> <p>6 Coast, the West Coast -- and people can say this is a</p> <p>7 boondoggle and it's a Green New Deal, whatever, but it's</p> <p>8 here. And we're going to have to deal with what the</p> <p>9 world puts in front of us. And that's what this --</p> <p>10 that's why I'm here today, because it's part of life.</p> <p>11 It's what we're dealing with today for the future if</p> <p>12 we're going to be a part of it.</p> <p>13 And I hope that answers your question.</p> <p>14 COMMISSIONER CHRISTMANN: It does. I thank you</p> <p>15 for being here.</p> <p>16 And no other questions, Your Honor.</p> <p>17 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>18 COMMISSIONER HAUGEN-HOFFART: Yes, I have some</p> <p>19 questions.</p> <p>20 MIKE BRANDENBURG: All right. You always do for</p> <p>21 me.</p> <p>22 COMMISSIONER HAUGEN-HOFFART: I do. I do.</p> <p>23 You talked about property values and that people</p> <p>24 were buying up property, but the pipeline hasn't been</p> <p>25 built. So it's kind of subjective to say that it has</p> <p>PAGE 247</p>
<p>1 to keep our energy -- if you believe in coal and you</p> <p>2 believe in oil and you believe in ethanol, this benefits</p> <p>3 all three.</p> <p>4 COMMISSIONER CHRISTMANN: Have any of the other</p> <p>5 ag groups taken positions on this?</p> <p>6 MIKE BRANDENBURG: Commissioner Christmann, you</p> <p>7 know, they're all being -- I would say that the corn</p> <p>8 growers have come out, the ethanol producers have come</p> <p>9 out, because they're the most affected by this pipeline.</p> <p>10 The other ag groups are sitting there going "When are we</p> <p>11 going to jump in? What are we going to do?" I think</p> <p>12 that's why they're having the meetings with ag and</p> <p>13 energy together, to get a commitment out. Because when</p> <p>14 we do come into -- into -- they're going to have to do</p> <p>15 something pretty soon because this is important to</p> <p>16 agriculture.</p> <p>17 And I wouldn't be sitting up here -- last night</p> <p>18 -- I'll just tell this. Last night I was sitting here</p> <p>19 because I had all this stuff I was putting together. I</p> <p>20 didn't get home from the field until about 10:30. So</p> <p>21 about midnight I was putting all my stuff together and</p> <p>22 I'm going "Why am I going to Bismarck when I could be</p> <p>23 home putting wheat in through the day?" The reason I'm</p> <p>24 here today is because my sons, my grandsons and</p> <p>25 granddaughters and my daughters-in-law and the people</p> <p>PAGE 246</p>	<p>1 any impact on values or not because there's no pipeline</p> <p>2 there.</p> <p>3 MIKE BRANDENBURG: Commissioner Haugen-Hoffart,</p> <p>4 I can't -- I agree with you, but I will tell you this:</p> <p>5 we do have other pipelines that are in the area and, you</p> <p>6 know, the pipeline's under the ground and people still</p> <p>7 pay a good price for the farmland.</p> <p>8 You know, time will tell what that does, but the</p> <p>9 reality is in the past with the past pipelines -- we</p> <p>10 have a number of them coming through there. The</p> <p>11 pipeline -- I'm trying to think. It's not the Northern,</p> <p>12 but it's the Alliance that's going through my district.</p> <p>13 That hasn't hurt the -- the property values at all. We</p> <p>14 got -- we got another pipeline coming through with the</p> <p>15 -- for propane and nobody knows it's there. It's been</p> <p>16 there 20, 30 years. Nobody seems to -- to matter.</p> <p>17 So I'm using a past experience with the other</p> <p>18 pipelines. In fact, some of it goes through -- one of</p> <p>19 the pipelines goes through land that we rent and farm</p> <p>20 and we have no problem with it.</p> <p>21 COMMISSIONER HAUGEN-HOFFART: Well, thanks for</p> <p>22 clarifying that -- saying time will tell.</p> <p>23 MIKE BRANDENBURG: Yeah.</p> <p>24 COMMISSIONER HAUGEN-HOFFART: You talked about</p> <p>25 people signing and then you used the word</p> <p>PAGE 248</p>

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<p>1 "ramifications." I'm uncertain why you used 2 ramifications on if they don't sign or sign. Can you 3 explain your statement? I don't know why you -- in what 4 context you used the word "ramifications." 5 MIKE BRANDENBURG: Commissioner Haugen-Hoffart, 6 I guess I'm going to have to think back what I said, 7 where I said "ramifications." So I'm trying to think 8 what that would be. 9 I guess, you know, when I think I was talking 10 about if people want it, that's their choice. If they 11 don't and it goes somewhere else, goes around them or 12 goes to a different person, you know, those are the 13 ramifications that they're going to have to live with. 14 Because some of these situations are that, you know, 15 these guys are paying pretty good money. 16 I always asked myself -- when they first came 17 out, I think there was a little cherry-picking with that 18 first bunch, I know there was, but they're paying good 19 money for this pipeline. I always asked myself, "If it 20 came through my land, would I be happy with the price 21 they're paying today?" And I can tell you that I would 22 sign and allow this pipeline to go through my land if it 23 came through my land. 24 And so other people that don't want it and then, 25 all of a sudden, their neighbor -- maybe they're holding</p> <p>PAGE 249</p>	<p>1 MIKE BRANDENBURG: There are some. 2 COMMISSIONER HAUGEN-HOFFART: That is 3 cherry-picking with the first bunch? 4 MIKE BRANDENBURG: That's cherry-picking. 5 COMMISSIONER HAUGEN-HOFFART: Okay. Thanks. 6 One more question, I think. You talked -- 7 MIKE BRANDENBURG: I might start -- I might give 8 you another one. 9 COMMISSIONER HAUGEN-HOFFART: You indicated that 10 in Sargent County, that -- you indicated that you met 11 with some first responders and that they had a meeting. 12 Was that meeting with Summit? 13 MIKE BRANDENBURG: Summit people met with the 14 ambulance people and also the firefighters. And they 15 did that in Dickey County too. And then some of the 16 members -- I wasn't there, but some of the members that 17 attended the meeting from the firefighters and the 18 ambulance service said it was a really good 19 informational meeting. 20 COMMISSIONER HAUGEN-HOFFART: With Summit 21 personnel? 22 MIKE BRANDENBURG: With the Summit personnel, 23 yes. 24 COMMISSIONER HAUGEN-HOFFART: Here's where I'm 25 confused. It's not on you. It's based on the</p> <p>PAGE 251</p>
<p>1 out for more money, maybe they -- they just don't want 2 it, that's fine. But then when the neighbor gets it 3 because they were holding out and they signed, the 4 deal's done. That's the ramifications that you've got 5 to live with. Because as a part -- as a part when 6 you're dealing, whether you're buying a tractor or 7 you're buying a pickup or you're buying a car, you know, 8 sometimes you got to pull the plug and make the deal. 9 COMMISSIONER HAUGEN-HOFFART: Makes sense. I'm 10 learning phrases from you, Mr. Brandenburg. 11 Cherry-picking with the first bunch. 12 MIKE BRANDENBURG: Cherry-picking is when they 13 -- that first bunch of landmen came out there, there was 14 some early people that -- that signed that talked to me 15 and they just -- now they're mad that they did sign. 16 And the worst part is that I sit in the seed store, I 17 meet these people, I know them, and they go, "See, I 18 told you, you shouldn't have signed so soon, you should 19 have waited because you're going to get more money if 20 you would have waited." And that's true. That's 21 reality. 22 COMMISSIONER HAUGEN-HOFFART: So they're mad 23 they signed too soon. What I hear you say, they're -- 24 landowners are disappointed because they signed too soon 25 because they could have got more money?</p> <p>PAGE 250</p>	<p>1 information we were provided and the testimony from 2 Mr. Powell. Again, going back to this table and it says 3 Sargent, dates, March 25th, 29th, 30th, 2022, 4 April 19th, 2022, August 15th, 2022, June 15th, 2022, 5 September 21st, 2023, to be scheduled. 6 MIKE BRANDENBURG: Well -- 7 COMMISSIONER HAUGEN-HOFFART: The only -- the 8 reason why I bring that up is, again, just looking for 9 facts of what has been communicated and with whom. 10 So, again, I'm going to ask you, is it your 11 understanding, Mr. Brandenburg, that in Sargent County 12 you met with first responders and ambulance and Summit 13 personnel was there? 14 MIKE BRANDENBURG: Commissioner Haugen-Hoffart, 15 I was at a steak fry in Gwinner with the firefighters, 16 with the ambulance people, and the Summit people, and 17 they had -- the conversation was that they really 18 learned a lot from the Summit people. They actually 19 gave them some money for some equipment that they would 20 need for that project. So, yeah, there's been a meeting 21 with the firemen. And I was there eating steak. And I 22 paid for it too so I didn't violate the ethics rule 23 so -- 24 COMMISSIONER HAUGEN-HOFFART: Okay. And I'm 25 just seeking facts. That's it.</p> <p>PAGE 252</p>

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<p>1 MIKE BRANDENBURG: Well, I think -- and, 2 Commissioner Haugen-Hoffart, in visiting with some of 3 the Summit people too, because I said, "You guys have 4 been doing this so why is this not in here?" And they 5 were saying, too, there's so much in the testimony 6 that's been provided and put in there that -- and they 7 probably would like a chance to talk more about it 8 because they have been working on meeting with fire 9 departments and ambulance services and giving them 10 training and telling them what it's all about. 11 And so I had the conversation with the fire -- 12 firemen and ambulance people in Gwinner, and that's 13 Sargent County. And then I had the conversation also 14 with some of the emergency management people in Dickey 15 County when they had the meeting in Dickey County and 16 they said that it was really good information. 17 So I don't think everything is caught up with 18 the paperwork here with -- with what they're doing. 19 COMMISSIONER HAUGEN-HOFFART: And that could be, 20 but Mr. Powell was before us and some of those questions 21 were asked. So we can seek clarification. 22 I guess I'm just going to ask you one more. 23 Steak, medium rare? 24 MIKE BRANDENBURG: I like mine well done. 25 COMMISSIONER HAUGEN-HOFFART: No more questions.</p> <p>PAGE 253</p>	<p>1 presented. So it doesn't mean that there's never been a 2 contact. It just means that we are also tracking when 3 certain information is being provided specifically. 4 That's, I believe, what the table represents, if 5 that's helpful. I hope it is. 6 COMMISSIONER HAUGEN-HOFFART: Well, I don't 7 believe that that's what I heard to be -- that there was 8 no contact. So I guess if there can be more 9 documentation that substantiates that when meetings have 10 been done and what was discussed. I understand the 11 confidentiality. But "to be scheduled" was there had 12 been no contact. So I would ask you guys to provide 13 some written document on that. 14 MR. DUBLINSKE: Happy to do that, Your Honor. 15 ALJ HOGAN: All right. Is there anybody else 16 that wants to provide public comments? 17 Good afternoon. I'll have you start by stating 18 your full name for the record and spelling your last 19 name. 20 CHAD MOLDENHAUER: My name is Chad Moldenhauer. 21 C-H-A-D. Moldenhauer, M-O-L-D-E-N-H-A-U-E-R. 22 ALJ HOGAN: Mr. Moldenhauer, were you in the 23 room earlier when I went through the penalties for 24 perjury? 25 CHAD MOLDENHAUER: I wasn't in the room, but I</p> <p>PAGE 255</p>
<p>1 ALJ HOGAN: Mr. Dawson, any questions? 2 SUBSTITUTE DECISIONMAKER DAWSON: Representative 3 Brandenburg, I have no questions after that "well done" 4 comment. 5 ALJ HOGAN: All right. Thank you. And if you 6 want to give me your handouts, I'll pass them out. 7 Do we have anybody else that wants to provide 8 public testimony this afternoon? 9 MR. DUBLINSKE: Your Honor, while we're between 10 speakers here, can I just point out, I think I have a 11 clarification that may be helpful to Commissioner 12 Haugen-Hoffart in terms of what that table says. And if 13 we need to put Mr. Powell back up to confirm it, I'm 14 happy -- we can make arrangements for that. 15 But if you look, for example, at the first line 16 of that table, and I'm not sure Mr. Powell had it in 17 front of him when he was answering the questions, but it 18 talks about emergency management contacts, has a date 19 column, two of those five dates then are also reflected 20 in the last column about the dispersion analysis 21 presented. What I believe this table is saying is there 22 were contacts made with emergency management directors 23 or emergency management staff on all of the dates in the 24 date column. "To be scheduled" is for a particular type 25 of meeting where a particular analysis is being</p> <p>PAGE 254</p>	<p>1 was watching it on the internet so I think -- 2 ALJ HOGAN: You heard me go through them? 3 CHAD MOLDENHAUER: Yes, I did. 4 ALJ HOGAN: All right. And do you understand 5 what perjury is? 6 CHAD MOLDENHAUER: Yes, I do. 7 ALJ HOGAN: And being advised of the potential 8 penalties for perjury, do you promise to tell the truth 9 in this case today? 10 CHAD MOLDENHAUER: Yes, I do. 11 ALJ HOGAN: All right. Thank you. Go ahead. 12 CHAD MOLDENHAUER: Thank you. 13 <u>CHAD MOLDENHAUER,</u> 14 being first duly sworn, testified as follows: 15 CHAD MOLDENHAUER: Commissioners, my name is 16 Chad Moldenhauer. I know that you're familiar with me 17 because I was an intervenor with the Bismarck 18 intervenors group here a few months back and I'm the 19 owner of K & L Homes, also the owner of Heritage 20 Development. We have a development called Heritage 21 Reserve that is about four miles at the closest point to 22 the current pipeline route. 23 And I was not planning on offering testimony 24 today, I was prepared to sit in my office and watch the 25 proceedings on the internet, but there were some things</p> <p>PAGE 256</p>

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<p>1 that were said about me and my participation in the</p> <p>2 reroute that -- that were untrue. And so what I would</p> <p>3 like to do today is offer some testimony and set the</p> <p>4 record straight with the conversations that have gone on</p> <p>5 with Summit and my participation in them.</p> <p>6 So I thought it would be helpful to just go</p> <p>7 through a really quick timeline of events. It helped me</p> <p>8 kind of piece together some of the conversations that</p> <p>9 have been had.</p> <p>10 The first event that I have on my timeline is</p> <p>11 back on May 13th of 2023. And there was some</p> <p>12 conversation at the last public hearing about that</p> <p>13 meeting. The meeting took place at Summit's office here</p> <p>14 in Bismarck and the attendees of that meeting were Lee</p> <p>15 Blank, Jim Powell, Wade Boeshans, myself, Chad Wachter,</p> <p>16 and John Warford. And I don't want to be too</p> <p>17 duplicitous and get into too much of what was said, but</p> <p>18 essentially the meeting prior to the PSC's decision and</p> <p>19 prior to the public hearing was to get our feedback and</p> <p>20 get some of that participation in the conversation.</p> <p>21 And during that meeting there was some comments</p> <p>22 that were made that I believe I shared at the last</p> <p>23 public hearing where Lee Blank said, you know, "We can't</p> <p>24 go south and we go too far north," and Jim Powell said,</p> <p>25 "And crossing the river at a different location is off</p> <p>PAGE 257</p>	<p>1 Mr. Boeshans left me a voicemail. He said he wanted a</p> <p>2 meeting with me. A couple days later I sent</p> <p>3 Mr. Boeshans a message and I said, "I don't think it</p> <p>4 would be proper for you to just meet with me so maybe</p> <p>5 we'll get together -- we'll get together with the other</p> <p>6 -- the other intervenors, Mr. Wachter and Mr. Warford."</p> <p>7 On that same day that we were having that</p> <p>8 conversation, Summit files a notice of route adjustment</p> <p>9 and request for a limited rehearing. And I didn't have</p> <p>10 immediate notification of that. So the conversation</p> <p>11 about this meeting was kind of ongoing. Then, you know,</p> <p>12 on that 23rd email we decided that we were going to have</p> <p>13 a meeting on September 7th.</p> <p>14 Shortly after that 23rd email I was informed</p> <p>15 that there was a new route that was posted. The route</p> <p>16 looked the same, at least as far as northern Bismarck</p> <p>17 was concerned, to the one that we had seen prior to the</p> <p>18 last public hearing.</p> <p>19 And so I messaged Mr. Boeshans back and I said,</p> <p>20 "I don't believe that a meeting to determine route</p> <p>21 feasibility would be appropriate now that Summit has</p> <p>22 already presented an alternative route in its petition</p> <p>23 for reconsideration. I will pass on a meeting at this</p> <p>24 time. So what's the purpose of a meeting to get our</p> <p>25 feedback on this route if you've already published it</p> <p>PAGE 259</p>
<p>1 the table." And so after that initial -- those</p> <p>2 boundaries were set, they put a route up on the board</p> <p>3 that looks very familiar to me. It looks a lot like the</p> <p>4 route that we're discussing here today. And it</p> <p>5 essentially had some movement of the route north of my</p> <p>6 development and north of John Warford's area, but</p> <p>7 essentially the route to the east was the same, the</p> <p>8 crossing on the river was the same.</p> <p>9 And I said in that meeting, you know, "What</p> <p>10 exactly are we here to discuss if you're only</p> <p>11 essentially pushing away the areas that you don't have</p> <p>12 easements anyway? It doesn't really seem like you're</p> <p>13 really solving the problems that have been presented by</p> <p>14 Burleigh County Commission or the city commission. And,</p> <p>15 you know, we're not really at a point where we can</p> <p>16 negotiate any route with you anyway." And so it wasn't</p> <p>17 a very productive meeting.</p> <p>18 And then that, as you recall, was the topic of</p> <p>19 quite a bit of conversation on my last testimony. So I</p> <p>20 want to just kind of run through some of the</p> <p>21 conversations that I had after that.</p> <p>22 On August 4th, as of course you know very well,</p> <p>23 the PSC denies the siting permit for Summit Carbon --</p> <p>24 Summit Carbon pipeline project.</p> <p>25 On August 16th, which was a couple days later,</p> <p>PAGE 258</p>	<p>1 and you have no intention of changing it?" So I don't</p> <p>2 think that was a good use of my time.</p> <p>3 That is the last communication that I've had</p> <p>4 with Mr. Boeshans, which is that -- like I said, that</p> <p>5 September 7th conversation. In no way have I</p> <p>6 collaborated with Summit Carbon Solutions to determine</p> <p>7 this new route. Any assertions made by Mr. Boeshans or</p> <p>8 Summit Carbon Solutions that I participated in their</p> <p>9 decision to place this route where it is right now is a</p> <p>10 lie and a complete fabrication.</p> <p>11 My reputation is very important to me and this</p> <p>12 community. I would never push my problems onto somebody</p> <p>13 else. I would never value my own property over somebody</p> <p>14 else's property. So to say that I was in cahoots with</p> <p>15 Summit in generating this new pipeline route is just --</p> <p>16 is just inaccurate.</p> <p>17 I was listening, like I said, in my office, I</p> <p>18 wasn't planning on being here, but I was making some</p> <p>19 notes. And one of the things that Commissioner</p> <p>20 Haugen-Hoffart asked Wade Boeshans about was after he</p> <p>21 met with the intervenors, you know, assuming that this</p> <p>22 meeting actually occurred, did you meet with other</p> <p>23 landowners? You know, who else did you take into</p> <p>24 account when you were having this conversation? And how</p> <p>25 did you determine that it will not impact any future</p> <p>PAGE 260</p>

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<p>1 development and did you determine that? And</p> <p>2 Mr. Boeshans said -- and I was trying to scribble notes</p> <p>3 while I'm at my desk so they might not be -- they might</p> <p>4 not be perfect, but he said that is correct.</p> <p>5 And then the conversation kind of continued and</p> <p>6 we started talking about meetings with firemen, and I</p> <p>7 think even Greg Zenker or Bismarck city commission was</p> <p>8 brought up, and the question was asked, "Did anyone</p> <p>9 offer any concerns about the new route?" And</p> <p>10 Mr. Boeshans says, "Well, not that I recall."</p> <p>11 And I don't know if it's just a problem with</p> <p>12 specifics or, you know, if everybody seemed okay with</p> <p>13 it, but I guess I would -- I would ask you this: it</p> <p>14 seems to me that at least around Bismarck only the</p> <p>15 northeast corner of the route changed. So it got moved</p> <p>16 about four to five miles to the north, east of</p> <p>17 Highway 83, which is further away from my development,</p> <p>18 but that route didn't change across the river. I</p> <p>19 believe it changed very little west of Highway 83.</p> <p>20 And, you know, I can tell you that I think some</p> <p>21 of the Bismarck intervenors would also like to be here</p> <p>22 today, but they were surprised by the statements by</p> <p>23 Summit about our participation in this new route. It</p> <p>24 certainly didn't help Chad Wachter at all. He's still</p> <p>25 got his development east of Bismarck. That's still the</p> <p>PAGE 261</p>	<p>1 they withdrew their intervenor status. And that's --</p> <p>2 that's not the case. My goal as an intervenor was to</p> <p>3 open the public eyes to the impact of the pipeline and</p> <p>4 how it may affect the growth of the community.</p> <p>5 When the City of Bismarck and Burleigh County</p> <p>6 got involved in the action as intervenors, I concluded</p> <p>7 that they could better represent the community's</p> <p>8 interest than I could and our interests are essentially</p> <p>9 aligned. That's why I withdrew as an intervenor. It's</p> <p>10 not because I explicitly or implicitly approve of this</p> <p>11 project or the reroute. And I just wanted to make sure</p> <p>12 that I made that clear to the Commission.</p> <p>13 ALJ HOGAN: All right. Thank you.</p> <p>14 Mr. Bender, any questions?</p> <p>15 MR. BENDER: Yes, thank you. Thank you.</p> <p>16 Mr. Moldenhauer, just a few questions, and I'm</p> <p>17 not going to try to quarrel with you, just want to</p> <p>18 understand what you're saying. I mean, you do admit</p> <p>19 when you were before the Commission on the initial</p> <p>20 route, you opposed the initial route because it was too</p> <p>21 close to your housing sub-development; is that correct?</p> <p>22 CHAD MOLDENHAUER: I opposed that route for many</p> <p>23 reasons, one of which being the proximity to my</p> <p>24 development, yes.</p> <p>25 MR. BENDER: And then after that Summit moved</p> <p>PAGE 263</p>
<p>1 fastest-growing development in the city of Bismarck.</p> <p>2 And I'm sure he would have liked to have seen that route</p> <p>3 further away.</p> <p>4 And I would proffer that if -- if Summit Carbon</p> <p>5 Solutions really thinks that the City of Bismarck is</p> <p>6 okay with the current route, why are they intervenors to</p> <p>7 this action? You know, why do we still have the City's</p> <p>8 resolution that asks it to be 25 miles away from the</p> <p>9 ETA? If Burleigh County -- and, you know, Wade said he</p> <p>10 had those meetings with the county officials, they're</p> <p>11 okay with this route, you know, why are they intervenors</p> <p>12 in this action and why have they asked it to be ten</p> <p>13 miles away from the ETA?</p> <p>14 And so it really bothers me because, like I</p> <p>15 said, I've worked hard to set this reputation, or at</p> <p>16 least the reputation I believe I have in the community,</p> <p>17 and so when I have Representative SuAnn Olson get up and</p> <p>18 say this route was modified to accommodate developers,</p> <p>19 that's -- you know, that's something that Summit is</p> <p>20 saying. It's not something that we have done. Because,</p> <p>21 once again, nobody's property, nobody's life is worth</p> <p>22 more than -- more than another.</p> <p>23 There's also been some statements kind of made</p> <p>24 even in the media that somehow these intervenors, they</p> <p>25 must be okay with the new route because they -- because</p> <p>PAGE 262</p>	<p>1 the pipeline or proposed to move the pipeline</p> <p>2 considerably further north of that initial location; is</p> <p>3 that correct?</p> <p>4 CHAD MOLDENHAUER: That is correct.</p> <p>5 MR. BENDER: And then shortly thereafter you</p> <p>6 withdrew your intervenor status; is that correct?</p> <p>7 CHAD MOLDENHAUER: I don't believe I would</p> <p>8 characterize it as "shortly thereafter," because I</p> <p>9 believe the route was presented in, like, September and</p> <p>10 we withdrew as intervenors, I believe, in February. So</p> <p>11 there's more of a process. It's not as immediate as --</p> <p>12 MR. BENDER: But you did ultimately withdraw; is</p> <p>13 that correct?</p> <p>14 CHAD MOLDENHAUER: That is correct.</p> <p>15 MR. BENDER: And did you withdraw because the</p> <p>16 pipeline proposal was further away from your housing</p> <p>17 development?</p> <p>18 CHAD MOLDENHAUER: As I said earlier in my</p> <p>19 testimony, I withdrew because our goal really from the</p> <p>20 start was to get the county involved, get the city</p> <p>21 involved, so they were aware of it. Once they became</p> <p>22 intervenors, we felt like having that counsel in place</p> <p>23 would be duplicious. And naturally every intervenor is</p> <p>24 going to have their own -- their own budget and their</p> <p>25 own funds, and so we felt like the city and the county</p> <p>PAGE 264</p>

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<p>1 were going to better -- better basically address those</p> <p>2 concerns than we were.</p> <p>3 MR. BENDER: No further questions.</p> <p>4 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>5 MR. PELHAM: Mr. Moldenhauer, as I understand</p> <p>6 your testimony summed up, essentially you're here to</p> <p>7 clarify that your input with Summit Carbon Solutions was</p> <p>8 there was no input because no meeting took place and the</p> <p>9 decision of Summit to modify its route after the denial</p> <p>10 in August of 2023 was not a result of anything that you</p> <p>11 had in terms of a meeting with Summit. Do I have that</p> <p>12 summed up?</p> <p>13 CHAD MOLDENHAUER: That's correct.</p> <p>14 MR. PELHAM: Okay. And your being here today is</p> <p>15 to clarify what you perceive at least prior testimony</p> <p>16 from today that you heard?</p> <p>17 CHAD MOLDENHAUER: Yes.</p> <p>18 MR. PELHAM: I understand. Well, I hope you can</p> <p>19 see some of Mason's baseball game after this.</p> <p>20 CHAD MOLDENHAUER: Yeah, he got a triple, from</p> <p>21 what I understand, a couple feet from the fence so...</p> <p>22 MR. PELHAM: Good deal.</p> <p>23 CHAD MOLDENHAUER: The little prices we pay to</p> <p>24 be a business owner and a community resident, I guess.</p> <p>25 ALJ HOGAN: Mr. Schock, any questions?</p> <p>PAGE 265</p>	<p>1 full name and --</p> <p>2 KEN HUBER: Well, I just --</p> <p>3 ALJ HOGAN: -- spelling your last name.</p> <p>4 KEN HUBER: -- want to thank you first before I</p> <p>5 forget to do that. My name is Ken Huber. I live</p> <p>6 northwest Bismarck, 8930 Blue Spruce Road.</p> <p>7 ALJ HOGAN: And, Mr. Huber, were you in the room</p> <p>8 earlier when I went through the penalties for perjury?</p> <p>9 KEN HUBER: I was.</p> <p>10 ALJ HOGAN: And do you understand what perjury</p> <p>11 is?</p> <p>12 KEN HUBER: Sure do.</p> <p>13 ALJ HOGAN: And being advised of the -- the</p> <p>14 possible penalties for perjury -- I've said it too many</p> <p>15 times today -- do you promise to tell the truth in this</p> <p>16 case today?</p> <p>17 KEN HUBER: I do.</p> <p>18 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>19 KEN HUBER: Thank you.</p> <p>20 <u>KEN HUBER.</u></p> <p>21 being first duly sworn, testified as follows:</p> <p>22 KEN HUBER: One comment I'm going to make from</p> <p>23 the start is, Mr. Brandenburg, we in Bismarck are not</p> <p>24 willing to give up our safety for the price of corn.</p> <p>25 How about the livestock producers who are affected by</p> <p>PAGE 267</p>
<p>1 Mr. Braaten?</p> <p>2 MR. BRAATEN: No, Your Honor.</p> <p>3 ALJ HOGAN: Mr. Pranis?</p> <p>4 MR. PRANIS: No, Your Honor.</p> <p>5 ALJ HOGAN: Commissioner Christmann.</p> <p>6 COMMISSIONER CHRISTMANN: I do not, but thank</p> <p>7 you for being here, Chad.</p> <p>8 CHAD MOLDENHAUER: Yes, sir.</p> <p>9 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>10 COMMISSIONER HAUGEN-HOFFART: Chad, thank you</p> <p>11 for your testimony and clarification that I did have</p> <p>12 some questions concerning that and your timeline was</p> <p>13 very well laid out. So thank you.</p> <p>14 CHAD MOLDENHAUER: Thank you, Commissioner. I</p> <p>15 appreciate it.</p> <p>16 ALJ HOGAN: Mr. Dawson.</p> <p>17 SUBSTITUTE DECISIONMAKER DAWSON: Thanks. No</p> <p>18 questions.</p> <p>19 CHAD MOLDENHAUER: Thank you, Commissioner.</p> <p>20 ALJ HOGAN: All right. Thank you.</p> <p>21 Anybody else that would like to provide public</p> <p>22 testimony?</p> <p>23 KEN HUBER: Thank you, members of the</p> <p>24 Commission.</p> <p>25 ALJ HOGAN: I'll have you start by stating your</p> <p>PAGE 266</p>	<p>1 the price of corn? I know firsthand as I operated and</p> <p>2 owned a feedlot for 28 years in south central North</p> <p>3 Dakota. How does this pipeline affect me? I have two</p> <p>4 separate parcels of land in Emmons County that now are</p> <p>5 within a half mile of this pipeline. Two different</p> <p>6 parcels of cropland.</p> <p>7 I live three miles, three and a quarter miles</p> <p>8 southeast of where the pipeline, which never got moved,</p> <p>9 crosses the Missouri River. Also, I noticed here there</p> <p>10 is a valve up there, but it's not right to the river.</p> <p>11 If you look at what happened in Missouri with that</p> <p>12 pipeline rupture, which is the same as this pipeline,</p> <p>13 where did it fail? Near water where it was crossing --</p> <p>14 where a creek was close by. Now we're talking about the</p> <p>15 Missouri River.</p> <p>16 So what I'm concerned about is our safety as far</p> <p>17 as being in Bismarck. We look at that. What is it?</p> <p>18 Ten miles from the heart of Bismarck. We've got</p> <p>19 several, several residents before we get to the heart of</p> <p>20 Bismarck. And that pipeline is northwest of there.</p> <p>21 Which way is the wind 30, 40 miles an hour the most</p> <p>22 from? Northwest, of course. We all know that. We've</p> <p>23 lived here long enough to know that.</p> <p>24 The other thing that concerns me is I know Mr.</p> <p>25 -- I'm sorry, I can't think of his first name now, but</p> <p>PAGE 268</p>

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<p>1 the gentleman that was a realtor also brought it up, but 2 there's a development right within 200 feet of where I 3 live that is proposed to build 600 homes. They already 4 moved a lot of dirt last year. If they get the 5 approval, if I'm correct, from the -- as far as the 6 water permit, they would be building this summer. So 7 where that land ends, we're looking at probably two 8 miles away from where it crosses the river. I think 9 that should be a concern also. 10 And I just look at the safety of our people. 11 We're talking thousands and thousands of people. And 12 yet we're willing to jeopardize the safety. I don't 13 think anybody understands what could happen, but I hope 14 everybody in this room understood what happened in 15 Missouri. Because they didn't either. They didn't 16 think that was going to happen. Nobody can be prepared 17 for something like that. And I think life is precious 18 no matter whose life it is. 19 And I have children that live in Bismarck. I 20 have grandchildren that live in Bismarck. And that's 21 very concerning to me. It probably won't happen in my 22 lifetime, but am I guaranteed it's not going to happen 23 in their lifetime? 24 The other thing is I know Summit had talked 25 about at one time in the previous hearing about the</p> <p>PAGE 269</p>	<p>1 ALJ HOGAN: Mr. Schock? Mr. Braaten? 2 MR. BRAATEN: No, Your Honor. 3 ALJ HOGAN: Mr. Pranis? 4 MR. PRANIS: No, Your Honor. 5 ALJ HOGAN: Commissioner Christmann. 6 COMMISSIONER CHRISTMANN: I do not. 7 ALJ HOGAN: Commissioner Haugen-Hoffart. 8 COMMISSIONER HAUGEN-HOFFART: Yes. Ken, I'm 9 sorry I didn't catch it. You were talking about a 10 development of 600 homes. Where is that? 11 KEN HUBER: Right north of Hawktree Golf Course 12 and northwest of Hawktree Golf Course. A development by 13 Cam and Ron Knutson. 1,100 acres. Some high-end homes, 14 some medium homes. 15 COMMISSIONER HAUGEN-HOFFART: Okay. Thank you. 16 I have no further questions. 17 KEN HUBER: Thank you. 18 ALJ HOGAN: Mr. Dawson. 19 SUBSTITUTE DECISIONMAKER DAWSON: No questions. 20 ALJ HOGAN: All right. Thank you. 21 Anybody else that wants to provide public 22 testimony? 23 Can I get your name? 24 RANDY OLSON: Randy Olson. 25 ALJ HOGAN: And do you want to spell your last</p> <p>PAGE 271</p>
<p>1 pipeline that goes from Beulah to Canada. I had a visit 2 with a gentleman that works there recently, within the 3 last two months. I asked him, is that pipeline -- how 4 big is that pipeline? I have no idea. I didn't 5 research it. He said it's 36 inches. I said so it's 6 not as large -- I mean, it's not under high pressure? 7 He said no. And he says they hardly use it anymore 8 because Canada doesn't even need the CO2 anymore, is the 9 understanding I have. Now, you can check the facts. 10 I'm just going by hearsay from a gentleman that works 11 there. I didn't do any more homework on it, I'm sorry. 12 But, Commissioners, what I'm asking you is to 13 really think about the safety. It's not about the price 14 of corn. It's about the safety of our residents. We're 15 talking hundreds and -- I mean, thousands of people. 16 And that is concerning. Because if that pipeline 17 ruptures, we probably won't be here today, but it's 18 still your decision. 19 Thank you for your time. 20 ALJ HOGAN: Thank you. 21 Mr. Bender, any questions? 22 MR. BENDER: No questions. 23 ALJ HOGAN: Mr. Pelham. 24 MR. PELHAM: I don't have any questions. Thank 25 you, sir.</p> <p>PAGE 270</p>	<p>1 name for me? 2 RANDY OLSON: O-L-S-O-N. 3 ALJ HOGAN: And, Mr. Olson, were you in the room 4 earlier when I went through the penalties for perjury? 5 RANDY OLSON: Yes, I was. 6 ALJ HOGAN: And do you understand what perjury 7 is? 8 RANDY OLSON: Yes, I do. 9 ALJ HOGAN: And being advised of the potential 10 penalties for perjury, do you promise to tell the truth 11 in this case today? 12 RANDY OLSON: Yes, I do. 13 ALJ HOGAN: All right. Thank you. Go ahead. 14 <u>RANDY OLSON,</u> 15 being first duly sworn, testified as follows: 16 RANDY OLSON: Yeah. I'm retired from Falkirk 17 coal mine. And I was affiliated with the power plant 18 maintenance on both ends of it at the power plant. They 19 would call us over and we would take and run the cranes 20 and help them out. Otherwise, we did the maintenance 21 over at Falkirk. 22 And the stories I hear about the benefits to 23 agriculture and oil and coal, I'm not seeing it. 24 Because if you take and get the CO2 collection out of 25 these ethanol plants, where is that benefiting the coal</p> <p>PAGE 272</p>

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<p>1 mines? That's not benefiting coal. And the same with</p> <p>2 the oil. If you can't use that CO2 for 12 years if it's</p> <p>3 got to be sequestered, then what's the point of this?</p> <p>4 I mean, I'm not into making North Dakota a</p> <p>5 dumping grounds or a hazardous waste site just for the</p> <p>6 sake of some money because, you know, there's people</p> <p>7 willing to take and sell their soul for another \$4 for a</p> <p>8 bushel of corn, but I'm not seeing it. I mean, we've</p> <p>9 got to take and keep our morals together. You know,</p> <p>10 this state is noted for beautiful scenery, you know,</p> <p>11 opportunities to go hunting and fishing.</p> <p>12 If we have a break there, you know, say in the</p> <p>13 sequestered area, who's been down there to inspect that</p> <p>14 area? Nobody. But yet if you take and put a tank out</p> <p>15 in the oil field, that tank is pressure tested or</p> <p>16 ultrasounded or X-rayed. But here we're going on</p> <p>17 geology opinion that it's going to take and hold. With</p> <p>18 all the fracking that's been going on in the western</p> <p>19 part of the state, who's to say that that isn't going to</p> <p>20 start leaching out after you start pumping how many</p> <p>21 millions of tons in on high pressure? I just don't see</p> <p>22 it. I -- I would rather not see it.</p> <p>23 That's my opinion.</p> <p>24 ALJ HOGAN: All right. Thank you.</p> <p>25 Mr. Bender, any questions?</p> <p>PAGE 273</p>	<p>1 ALJ HOGAN: Mr. Dawson.</p> <p>2 SUBSTITUTE DECISIONMAKER DAWSON: No, Your</p> <p>3 Honor.</p> <p>4 ALJ HOGAN: All right. Thank you.</p> <p>5 RANDY OLSON: Thank you.</p> <p>6 ALJ HOGAN: Anyone else want to provide public</p> <p>7 testimony?</p> <p>8 PAUL BROWN: Hello.</p> <p>9 ALJ HOGAN: All right. Can I get your name and</p> <p>10 if you can spell your last name for me.</p> <p>11 PAUL BROWN: Name is Paul Brown, B-R-O-W-N.</p> <p>12 ALJ HOGAN: And, Mr. Brown, were you in the room</p> <p>13 earlier when I went through the penalties for perjury?</p> <p>14 PAUL BROWN: I was.</p> <p>15 ALJ HOGAN: And do you understand what perjury</p> <p>16 is?</p> <p>17 PAUL BROWN: Yes.</p> <p>18 ALJ HOGAN: And being advised of the potential</p> <p>19 penalties for perjury, do you promise to tell the truth</p> <p>20 in this case today?</p> <p>21 PAUL BROWN: Yes.</p> <p>22 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>23 <u>PAUL BROWN.</u></p> <p>24 being first duly sworn, testified as follows:</p> <p>25 PAUL BROWN: Okay. I'm a third-generation</p> <p>PAGE 275</p>
<p>1 MR. BENDER: No questions.</p> <p>2 ALJ HOGAN: Mr. Pelham.</p> <p>3 MR. PELHAM: Thanks for being here and providing</p> <p>4 testimony, Mr. Olson. You do understand, I think I've</p> <p>5 said it, but I just want to make sure that you</p> <p>6 understand that the Public Service Commission permits</p> <p>7 the pipeline --</p> <p>8 RANDY OLSON: Right.</p> <p>9 MR. PELHAM: -- it doesn't permit the injection</p> <p>10 of the CO2 into the ground.</p> <p>11 RANDY OLSON: Right.</p> <p>12 MR. PELHAM: Do you understand?</p> <p>13 RANDY OLSON: Right.</p> <p>14 MR. PELHAM: Okay. Thank you.</p> <p>15 ALJ HOGAN: Mr. Schock, any questions?</p> <p>16 Mr. Braaten?</p> <p>17 MR. BRAATEN: No, Your Honor.</p> <p>18 ALJ HOGAN: Mr. Pranis?</p> <p>19 MR. PRANIS: No, Your Honor.</p> <p>20 ALJ HOGAN: Commissioner Christmann.</p> <p>21 COMMISSIONER CHRISTMANN: None, but thank you,</p> <p>22 Randy.</p> <p>23 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>24 COMMISSIONER HAUGEN-HOFFART: None, but thank</p> <p>25 you, Mr. Olson.</p> <p>PAGE 274</p>	<p>1 farmer and rancher just east of Bismarck. Live in Gibbs</p> <p>2 Township, section 22, and also own section 1.</p> <p>3 To my understanding now we're on the fifth</p> <p>4 reroute. Four of the other reroutes previously were</p> <p>5 supposed to go through our land, but now it's off of our</p> <p>6 land, thankfully. And to my understanding, the</p> <p>7 centerline of the pipeline is supposed to be 150 feet</p> <p>8 east of our section line. So due to state statute that</p> <p>9 there's a 500-foot setback, I'm very concerned that</p> <p>10 there's 350 feet on my personal property that is then</p> <p>11 affected because my neighbor signed on to that easement.</p> <p>12 So just one point I wanted to make is, you know,</p> <p>13 how do I get compensated for that? Not that I want to</p> <p>14 sell the land or intend to, but there is a lost value</p> <p>15 for sure that comes along with that. So that's the main</p> <p>16 point that I wanted to make that really hadn't been</p> <p>17 touched on too much. Some people have alluded to that.</p> <p>18 But I figure if there's 350 feet along a one-mile</p> <p>19 stretch of land, that's 42 acres. So what's that value</p> <p>20 worth? Land around us is probably going for around</p> <p>21 \$6,000 an acre. So even though statute says you can't</p> <p>22 -- or you can build within 500 feet of a pipeline, you</p> <p>23 know, who would want to?</p> <p>24 So that's the main point I wanted to make.</p> <p>25 ALJ HOGAN: All right. Thank you.</p> <p>PAGE 276</p>

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<p>1 Mr. Bender, any questions?</p> <p>2 MR. BENDER: No questions.</p> <p>3 ALJ HOGAN: Mr. Pelham.</p> <p>4 MR. PELHAM: No questions. Thank you.</p> <p>5 ALJ HOGAN: Mr. Schock?</p> <p>6 Mr. Braaten?</p> <p>7 MR. BRAATEN: No, Your Honor.</p> <p>8 ALJ HOGAN: Mr. Pranis?</p> <p>9 MR. PRANIS: No, Your Honor.</p> <p>10 ALJ HOGAN: Commissioner Christmann.</p> <p>11 COMMISSIONER CHRISTMANN: Our books don't have</p> <p>12 township names, just the township numbers and ranges. I</p> <p>13 got section 22, but do you have the township number and</p> <p>14 range?</p> <p>15 PAUL BROWN: Yeah. 32-139.</p> <p>16 COMMISSIONER CHRISTMANN: Thank you.</p> <p>17 PAUL BROWN: Yep.</p> <p>18 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>19 COMMISSIONER HAUGEN-HOFFART: Yeah. Thanks,</p> <p>20 Paul, for being here. I do have a question. You say</p> <p>21 you farm. Raise crop? Cattle? I mean, do you have</p> <p>22 cattle, livestock? Can you --</p> <p>23 PAUL BROWN: Yeah, I guess our business is</p> <p>24 direct to consumer. So we raise cattle, sheep, pigs,</p> <p>25 chickens, we have bees for honey, and we direct market</p> <p>PAGE 277</p>	<p>1 questions. Thank you.</p> <p>2 ALJ HOGAN: Mr. Dawson, any questions?</p> <p>3 SUBSTITUTE DECISIONMAKER DAWSON: Thanks for</p> <p>4 coming today. No questions.</p> <p>5 ALJ HOGAN: All right. Thank you.</p> <p>6 PAUL BROWN: Thank you.</p> <p>7 ALJ HOGAN: Any other individuals who would like</p> <p>8 to testify this afternoon or evening, I guess?</p> <p>9 All right. It's my understanding Summit has one</p> <p>10 more witness they want to present and perhaps Mr. Pranis</p> <p>11 wants to testify, and I think we're going to proceed</p> <p>12 with that rather than come back in the morning. Is</p> <p>13 everybody okay with that? Yes?</p> <p>14 All right. Then I'll ask --</p> <p>15 MR. BENDER: Summit would like to call Jon</p> <p>16 Schmidt.</p> <p>17 ALJ HOGAN: I'll have you start by stating your</p> <p>18 full name and spelling your last name for the record.</p> <p>19 JON SCHMIDT: Jon Schmidt. It's J-O-N. Last</p> <p>20 name Schmidt, S-C-H-M-I-D-T.</p> <p>21 ALJ HOGAN: Mr. Schmidt, were you in the room</p> <p>22 earlier when I went through the penalties for perjury?</p> <p>23 JON SCHMIDT: No, but I watched on the internet.</p> <p>24 ALJ HOGAN: So you heard me go through those?</p> <p>25 JON SCHMIDT: Yes.</p> <p>PAGE 279</p>
<p>1 right to people's doors.</p> <p>2 So it is concerning to me too that, you know, we</p> <p>3 got a lot of livestock that are -- that we make a living</p> <p>4 off of it. And it is concerning, if there was a break</p> <p>5 or rupture, what would happen to all of them let alone</p> <p>6 us that run the place?</p> <p>7 COMMISSIONER HAUGEN-HOFFART: And I have one</p> <p>8 more question. You said this was the fifth reroute.</p> <p>9 Initially was -- was it on your land?</p> <p>10 PAUL BROWN: First one was supposed to go</p> <p>11 through Silver Ranch. Then the second reroute went</p> <p>12 through some of our land and it keep -- it kept</p> <p>13 progressing east as time went on. And now, to my</p> <p>14 knowledge, it is east of us 150 feet.</p> <p>15 COMMISSIONER HAUGEN-HOFFART: So you were never</p> <p>16 in negotiations with Summit Carbon on --</p> <p>17 PAUL BROWN: No. I did have to ask the</p> <p>18 surveyors to kindly get off of our land.</p> <p>19 COMMISSIONER HAUGEN-HOFFART: Did they have</p> <p>20 permission to be on your land?</p> <p>21 PAUL BROWN: They did not.</p> <p>22 COMMISSIONER HAUGEN-HOFFART: Did they exit your</p> <p>23 land after you asked them to leave?</p> <p>24 PAUL BROWN: They did.</p> <p>25 COMMISSIONER HAUGEN-HOFFART: Okay. No more</p> <p>PAGE 278</p>	<p>1 ALJ HOGAN: All right. And do you understand</p> <p>2 what perjury is?</p> <p>3 JON SCHMIDT: Yes.</p> <p>4 ALJ HOGAN: And being advised of the potential</p> <p>5 penalties for perjury, do you promise to tell the truth</p> <p>6 in this case today?</p> <p>7 JON SCHMIDT: I do.</p> <p>8 ALJ HOGAN: All right. Thank you.</p> <p>9 Go ahead, Mr. Bender.</p> <p>10 <u>JON SCHMIDT.</u></p> <p>11 being first duly sworn, was examined and testified as</p> <p>12 follows:</p> <p>13 DIRECT EXAMINATION</p> <p>14 BY MR. BENDER:</p> <p>15 Q. Jon, what's your business address?</p> <p>16 A. It's 2510 Miccosukee Road, Suite 200,</p> <p>17 Tallahassee, Florida.</p> <p>18 Q. And by whom are you employed?</p> <p>19 A. EXP Energy Services.</p> <p>20 Q. In what capacity?</p> <p>21 A. Vice president of environmental and regulatory</p> <p>22 services.</p> <p>23 Q. And in this particular matter you've been</p> <p>24 retained by Summit; is that correct?</p> <p>25 A. Yes. Our company was hired to provide project</p> <p>PAGE 280</p>

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<p>1 management support to Summit for permitting and</p> <p>2 environmental surveys.</p> <p>3 Q. And in some of the previous hearings you offered</p> <p>4 oral testimony; is that correct?</p> <p>5 A. Correct.</p> <p>6 Q. But for today's hearing you prepared some</p> <p>7 written testimony; is that correct?</p> <p>8 A. Correct.</p> <p>9 Q. Was that testimony true and correct at the time</p> <p>10 that you prepared it?</p> <p>11 A. Yes.</p> <p>12 Q. And is it true and correct as you sit here</p> <p>13 today?</p> <p>14 A. Yes.</p> <p>15 Q. And now, Jon, what I've done with some of the</p> <p>16 other witnesses I'd like to do with you as well, and</p> <p>17 that's not have you go through every question that is in</p> <p>18 your written testimony or every answer that's in your</p> <p>19 written testimony, but let's just provide a summary for</p> <p>20 the Commission and the Commission staff. Do you</p> <p>21 understand that?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Let's start then about what the purpose</p> <p>24 of your testimony is.</p> <p>25 A. Provide an update of the environmental</p> <p>PAGE 281</p>	<p>1 A. Yes. So the original route across the Missouri</p> <p>2 River crosses a U.S. Fish and Wildlife designated</p> <p>3 critical habitat for the piping plover. That hasn't</p> <p>4 changed. That's a directional drill. And Fish and</p> <p>5 Wildlife and the Corps have agreed that we've avoided</p> <p>6 that habitat.</p> <p>7 There's several categories of avoidance areas.</p> <p>8 There's waterfowl production areas, the residences,</p> <p>9 which other witnesses have talked to, geologically</p> <p>10 unstable areas, which was discussed by another witness.</p> <p>11 We cross through service areas for rural water</p> <p>12 districts. And I believe that's it.</p> <p>13 Q. And the order that was issued denying Summit's</p> <p>14 application, it had some discussion about game</p> <p>15 management areas. Do you recall that?</p> <p>16 A. Yes.</p> <p>17 Q. And was there some confusion in your mind in how</p> <p>18 the Commission addressed the issue of game management</p> <p>19 areas?</p> <p>20 A. I don't know if there was confusion on the part</p> <p>21 of the commissioners, but I know it was characterized as</p> <p>22 a wildlife management area probably in the initial</p> <p>23 application. Fish and Wildlife considers those prairie</p> <p>24 pothole wetland easements. Waterfowl protection is a</p> <p>25 secondary benefit. Regardless, it's an avoidance area</p> <p>PAGE 283</p>
<p>1 information that was part of the PSC application to</p> <p>2 update for the current route as well as additional</p> <p>3 surveys that were completed after the initial hearing.</p> <p>4 Q. So you provided after -- or after the request</p> <p>5 for reconsideration, you prepared certain additional</p> <p>6 studies and reports; is that correct?</p> <p>7 A. Correct. We updated certain tables that were in</p> <p>8 the application to correspond with the current route as</p> <p>9 well as the additional surveys. There were some reports</p> <p>10 in the appendices and reports filed with the SHPO's</p> <p>11 office.</p> <p>12 Q. And let's go through each one of those and not</p> <p>13 in detail but just generally speaking what some of those</p> <p>14 reports concerned.</p> <p>15 A. In Appendix 7 there is a wetland delineation</p> <p>16 report which was updated to the current route and the</p> <p>17 reduced corridor width as well as additional surveys.</p> <p>18 Also in that appendix was an endangered species report</p> <p>19 which included, again, reduction of the corridor, the</p> <p>20 new route, and additional surveys. We updated the weed</p> <p>21 management plan for additional consultations we had with</p> <p>22 the weed boards in each county. The HDD plan was</p> <p>23 updated. I think that's it, if I remember correctly.</p> <p>24 Q. Does the route or corridor cross any avoidance</p> <p>25 or exclusion areas?</p> <p>PAGE 282</p>	<p>1 and we avoid all of them through HDD on the current</p> <p>2 route.</p> <p>3 Q. And talk to us a bit about the Class III</p> <p>4 cultural resources report that was filed with SHPO?</p> <p>5 A. So there was another firm that was involved in</p> <p>6 conducting the cultural resource surveys in 2021 to</p> <p>7 2022. They prepared an initial report, which the SHPO</p> <p>8 didn't accept. Even though they followed the protocol</p> <p>9 that the SHPO agreed with, there were some issues with</p> <p>10 the report itself. Since that time, that consulting</p> <p>11 firm has been released.</p> <p>12 Our firm was asked to pick up that report. We</p> <p>13 revised it for the SHPO. There was a lot of</p> <p>14 back-and-forth because they had us add additional work</p> <p>15 that was completed after the first firm was done. They</p> <p>16 had us reformat a lot of the appendices and so forth.</p> <p>17 Since then we've also filed a second volume</p> <p>18 which covers the surveys from 2023. So now the SHPO's</p> <p>19 reviewing both volumes, and correspondence as of this</p> <p>20 week is, you know, they're getting close to getting</p> <p>21 through those.</p> <p>22 Q. Jon, in my experience, many times the Commission</p> <p>23 will issue an order that's subject to SHPO concurrence.</p> <p>24 Are you familiar with that procedure?</p> <p>25 A. Yes.</p> <p>PAGE 284</p>

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<p>1 Q. And if that happens in this case, if the permit</p> <p>2 is issued and it's subject to SHPO concurrence, will</p> <p>3 Summit start construction on the pipeline before it gets</p> <p>4 SHPO concurrence?</p> <p>5 A. It won't start construction in any area until an</p> <p>6 agency has cleared that area. So if we have concurrence</p> <p>7 in Oliver County for all the archaeology sites in that</p> <p>8 county, we can start work there if we have all the other</p> <p>9 permits, but areas where they have not finished their</p> <p>10 review we can't start work.</p> <p>11 Q. Okay. And one of the requirements in the</p> <p>12 Commission statutes and rules has to do with notifying a</p> <p>13 number of agencies. And did you notify that list of</p> <p>14 agencies the first go-around?</p> <p>15 A. Yes. Summit did so and provided a table in</p> <p>16 January, I believe, of this year of all the updates.</p> <p>17 Q. And after the Commission granted the request for</p> <p>18 reconsideration and a rehearing, did Summit provide any</p> <p>19 additional notice to that same list of agencies?</p> <p>20 A. Yes. In January they sent out letters to all</p> <p>21 the agencies. And since then we've held meetings with</p> <p>22 DEQ, Game and Fish, Department of Water Resources, Corps</p> <p>23 of Engineers, and others.</p> <p>24 Q. Can you provide for the Commission and the</p> <p>25 Commission staff any noteworthy responses to that second</p> <p>PAGE 285</p>	<p>1 issues? What's going on? I mean, because we've got a</p> <p>2 firm that's been released and that's not common. And</p> <p>3 I'm not going to get into the specifics --</p> <p>4 A. Yeah.</p> <p>5 Q. -- release, but what is going on and what's the</p> <p>6 disconnect with SHPO and Summit?</p> <p>7 A. Well, you know, you have a new SHPO which was</p> <p>8 brought in about the time our first application was</p> <p>9 filed. So there's been changes in the staff and how</p> <p>10 they're reviewing these projects.</p> <p>11 I've been in this business for 38 years, worked</p> <p>12 with every state SHPO pretty much. This is not an exact</p> <p>13 science. The archaeologists will tell you you follow a</p> <p>14 set procedure in your surveys. Then you develop a</p> <p>15 recommendation. They review the data and your</p> <p>16 recommendation and they either concur or they don't</p> <p>17 concur. So there's a lot of back-and-forth. It's not a</p> <p>18 one-and-done where you write the report and you get the</p> <p>19 letter saying they concur. I've never seen that happen.</p> <p>20 It takes a lot of back-and-forth.</p> <p>21 We have hundreds of miles -- keep in mind, we've</p> <p>22 surveyed not only the route that's before you but every</p> <p>23 previous route. So they have to still review that and</p> <p>24 agree with that, because those records go into the</p> <p>25 SHPO's files. So even if it's no longer on the project,</p> <p>PAGE 287</p>
<p>1 round of notifications to the list of agencies?</p> <p>2 A. I think a few agencies responded, had no</p> <p>3 concerns, and our meetings have not indicated any</p> <p>4 concerns.</p> <p>5 MR. BENDER: Your Honor, that's all the</p> <p>6 questions I have.</p> <p>7 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>8 MR. PELHAM: Thank you.</p> <p>9 CROSS EXAMINATION</p> <p>10 BY MR. PELHAM:</p> <p>11 Q. Mr. Schmidt, if agencies indicate concerns, what</p> <p>12 is it that Summit is going to do?</p> <p>13 A. Depends on the concern, I guess. I mean, we</p> <p>14 received some additional correspondence in the first</p> <p>15 application about drilling some rivers which we have</p> <p>16 since incorporated, so if it's concerns like that.</p> <p>17 Q. If concerns are noted by agencies, will Summit</p> <p>18 notify the Commission of those concerns?</p> <p>19 A. I assume they'll send us something in writing</p> <p>20 and, yes, it would be filed.</p> <p>21 Q. Well, send you something in writing, but is</p> <p>22 Summit going to send that to the Commission --</p> <p>23 A. Yes.</p> <p>24 Q. -- then to notify the Commission? All right.</p> <p>25 The Class III survey, what is -- what are the</p> <p>PAGE 286</p>	<p>1 there's hundreds of sites that have to be reviewed.</p> <p>2 Q. Understand. It looks like the last</p> <p>3 correspondence that was sent, is the ball in SHPO's</p> <p>4 court as far as Summit is concerned?</p> <p>5 A. Yes. And we're in communication with them every</p> <p>6 week. As they get the review done, "Hey, can you</p> <p>7 provide us this," and we'll send them whatever they</p> <p>8 need.</p> <p>9 Q. And it appeared in your testimony that -- your</p> <p>10 prefiled testimony April 12th was the last documentation</p> <p>11 provided to SHPO; is that right?</p> <p>12 A. Correct, yes.</p> <p>13 Q. Have they given any indication as to when they</p> <p>14 will complete the review of that? I mean, I'm not going</p> <p>15 to quote you but it just --</p> <p>16 A. Well, they have 30 days usually, but they can</p> <p>17 take longer if they want so...</p> <p>18 Q. As far as the game management areas, and I know</p> <p>19 you provided testimony as to Mr. Bender's questions, but</p> <p>20 I just want to confirm, the game management areas that</p> <p>21 were identified were the Richland County Waterfowl</p> <p>22 Production Area, the Sargent County Waterfowl Production</p> <p>23 Area, the Dickey County Waterfowl Production Area, the</p> <p>24 McIntosh County Waterfowl Production Area, Emmons County</p> <p>25 Waterfowl Production Area, Burleigh County Waterfowl</p> <p>PAGE 288</p>

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<p>1 Production Area. Those are all going to be HDD drilled 2 and avoided; is that correct? 3 A. Correct. It's shown on the map books as well. 4 Q. Any consultation with the Army Corps of 5 Engineers for the river crossings in North Dakota? 6 A. Yes. We started working with them back in late 7 '21, early '22. We filed an initial nationwide permit 8 pre-construction notification package with them in '22. 9 It's since been put on hold because of the route changes 10 that are being undertaken in South Dakota and North 11 Dakota. But we meet with them every two weeks, have 12 phone calls with them. They've reviewed pretty much all 13 the data we have to date. No concerns identified with 14 the river crossings. 15 Q. When you say no concerns with river crossings, 16 is there a permit that's required? 17 A. So Nationwide Permit 58 is a general permit 18 that's for utilities such as this. And so this permit 19 would be issued after their review of all the water body 20 crossings, wetland crossings. 21 Q. So Summit is waiting on the approval from the 22 Corps on -- 23 A. We have to refile once the route is finalized. 24 And once they've reviewed that, it takes them several 25 months. Then they'll issue a nationwide permit.</p> <p>PAGE 289</p>	<p>1 projects I worked on. They use a lot of tools. Like 2 this -- geologic survey is using recent LiDAR data, 3 which is data collected from airplanes. It gets really 4 detailed topographic mapping. They -- they like that 5 data. They're very confident in it. And that's why 6 they did a separate review from the USGS which has its 7 own data set. So there's a lot of tools out there. 8 I did a massive project in Alaska where they 9 didn't walk every foot. They used these tools. They 10 did selected studies in certain areas. And that's what 11 the Geologic Survey recommended as well here. 12 Q. And if that was recommended here, do you know if 13 Summit is doing that? 14 A. Well, they did for the initial pass that the 15 Geologic Survey reviewed, yes. 16 Q. And as I understand it, and my understanding 17 could be incorrect so I'll admit that, but my 18 understanding is there was a desktop survey that was 19 done for areas that were prone to geologic instability; 20 correct? 21 A. Correct. 22 Q. Those are areas that was -- that the LiDAR was 23 done; correct? 24 A. That was the initial pass by the Geologic 25 Survey. They identified the areas. Then they hired a</p> <p>PAGE 291</p>
<p>1 Q. So even the route, as it were, as far as the 2 Missouri crossing as well as James River or Sheyenne, I 3 don't think those have changed, there's still a 4 requirement to resubmit even though those crossings 5 haven't changed; is that correct? 6 A. Correct. 7 Q. I heard some testimony from a landowner, 8 Ms. Elkins, as to the geologic instability and there was 9 mention of field studies for landslides. Are you 10 familiar with field studies for landslide or areas prone 11 for geologic instability? 12 A. It wasn't under our scope, but I think Jimmy 13 Powell mentioned when the North Dakota Geological Survey 14 identified areas of concern, Summit hired two different 15 firms. One investigated those areas in the field and 16 another firm actually looked at lateral stream migration 17 to make sure that the crossing lengths and burial depths 18 would be properly designed for any future lateral 19 migration. So both of those studies were handled by 20 Summit. We didn't manage those. 21 Q. And as far as -- I'm just wondering just in 22 terms of practicality, is it practical or is it 23 feasible, rather, to do a field survey for an entire 24 route for geologic instability, in your opinion? 25 A. I've not really seen it done in a lot of other</p> <p>PAGE 290</p>	<p>1 firm and went out in the field and looked at them and 2 studied them, gave the report to the Geological Survey 3 to review. 4 Q. So only those areas were -- 5 A. Field -- 6 Q. -- field tested, for lack of a better term, 7 non-scientific term. 8 Any other areas on the proposed route that would 9 merit the field studies, in your opinion? 10 A. I'm not a geologist and they handle that scope 11 of work. They hired two really good firms to do that 12 work. I would imagine if the State felt that it was 13 needed, they would have said "You need to survey, you 14 know, this part of the county" or -- but I've not seen 15 projects whole surveyed for geology for the whole 16 length. 17 Q. Thank you, sir. I don't have any other 18 questions for you. 19 ALJ HOGAN: Mr. Schock, any questions? 20 Mr. Braaten, any questions? 21 MR. BRAATEN: Yes. Thank you, Your Honor. 22 CROSS EXAMINATION 23 BY MR. BRAATEN: 24 Q. Does Summit need to conduct an on-the-ground 25 survey on each parcel of property in order to construct</p> <p>PAGE 292</p>

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<p>1 the pipeline on that property?</p> <p>2 A. Depends on the permit or review which species or</p> <p>3 -- what are you talking about? What aspect?</p> <p>4 Q. Can you build the pipeline on properties if you</p> <p>5 haven't been able to get out there to do survey?</p> <p>6 A. There's certain surveys that are required on the</p> <p>7 ground. Cultural resource requires you to be on the</p> <p>8 ground. You can't do that remotely, as much as we would</p> <p>9 like. It still requires digging shovel tests. There</p> <p>10 are some species that the Fish and Wildlife will require</p> <p>11 on-the-ground surveys for. But for, say the Corps of</p> <p>12 Engineers, you can do desktop for the Corps, but lately</p> <p>13 they've required you to get out and do as much as you</p> <p>14 can on the ground because desktop is desktop.</p> <p>15 Q. When you say "do as much as you can on the</p> <p>16 ground," would they allow you to move for -- are you</p> <p>17 talking about the Corps right now?</p> <p>18 A. Uh-huh. Yes.</p> <p>19 Q. Would they allow you to move forward if you</p> <p>20 hadn't been on the ground on each parcel?</p> <p>21 A. They would, but they would also require -- so</p> <p>22 their Nationwide Permit 58 review requires Section 106</p> <p>23 consultation, which is archaeology, and endangered</p> <p>24 species consultation, which is Fish and Wildlife. So</p> <p>25 whatever conditions they have for on-the-ground surveys,</p> <p>PAGE 293</p>	<p>1 A. I've not -- I've not heard any.</p> <p>2 Q. Do you actually mark on with like a shapefile,</p> <p>3 for example, the exact boundaries of the wetlands when</p> <p>4 you delineate them?</p> <p>5 A. Yes. We use a GPS receiver in the field to walk</p> <p>6 the boundary of the feature.</p> <p>7 Q. Did you make any attempt to match that up with</p> <p>8 the Fish and Wildlife easements the Federal Government</p> <p>9 might have on the property?</p> <p>10 A. Actually, we request -- that information is not</p> <p>11 publicly available so we have to -- we do a FOIA request</p> <p>12 every couple of months with the Farm Service Bureau, the</p> <p>13 U.S. Fish and Wildlife Service, all the agencies that</p> <p>14 hold these easements. We provide them with the route</p> <p>15 and they tell us where the protected areas are.</p> <p>16 Q. And do you provide them then with your</p> <p>17 information regarding the delineation of those wetlands?</p> <p>18 A. Yeah, they're a reviewer. Fish and Wildlife's a</p> <p>19 reviewer, yeah.</p> <p>20 Q. And when the staffers are going out looking for</p> <p>21 endangered species habitat and endangered species, can</p> <p>22 you describe a little bit about what they're actually</p> <p>23 doing on the ground?</p> <p>24 A. Well, it varies by species. So plant species,</p> <p>25 you're doing vegetative surveys, filling in data sheets.</p> <p>PAGE 295</p>
<p>1 the Corps would put into their nationwide permit.</p> <p>2 Q. When you go out onto a property to conduct</p> <p>3 activities in support of the wetland delineation report,</p> <p>4 can you describe what they're doing on the actual</p> <p>5 property?</p> <p>6 A. For wetlands, they are looking at the</p> <p>7 vegetation, filling in data sheets on the types of</p> <p>8 vegetation. They're taking soil probes to describe and</p> <p>9 characterize the soils. And they're also looking for</p> <p>10 benchmarks of hydrology. That would be used to identify</p> <p>11 the boundary of a water of the U.S. And then they GPS</p> <p>12 that with a GPS receiver and fill in their data sheets.</p> <p>13 Q. What do they do with that information?</p> <p>14 A. It's brought into a GIS system and then the</p> <p>15 footprint of the project is overlain on it and they --</p> <p>16 we use that to calculate the temporary and permanent</p> <p>17 impacts as part of the Nationwide 58 Permit application.</p> <p>18 Q. And so the information on the wetlands and</p> <p>19 specifically the delineation of boundaries done by your</p> <p>20 folks is something that then gets reported to the</p> <p>21 Federal Government?</p> <p>22 A. Yes.</p> <p>23 Q. Are you aware of times when the delineation of</p> <p>24 wetlands through one of your reports causes problems for</p> <p>25 farmers?</p> <p>PAGE 294</p>	<p>1 Animal species, you're looking for the habitat and</p> <p>2 you're qualifying the condition of that habitat. Fish</p> <p>3 and reptiles are -- we hire specialty surveyors, people</p> <p>4 that specialize just in that particular species and they</p> <p>5 do -- we don't do any trapping. The only trapping we've</p> <p>6 done is for the American burying beetle in Nebraska.</p> <p>7 But up here we haven't done any trapping. So it's</p> <p>8 primarily characterizing the habitat and then qualifying</p> <p>9 the condition of the habitat, whether it's high, medium,</p> <p>10 or low.</p> <p>11 Q. Do you also note the presence of endangered</p> <p>12 species if --</p> <p>13 A. If they're seen, yes.</p> <p>14 Q. And what do you do with that information after</p> <p>15 you've gathered it?</p> <p>16 A. It's provided to the Fish and Wildlife Service</p> <p>17 on a confidential basis.</p> <p>18 Q. And when you say "confidential basis," what do</p> <p>19 you mean by that?</p> <p>20 A. So the Fish and Wildlife Service likes us to</p> <p>21 provide the information as privileged and confidential</p> <p>22 to protect the location of species.</p> <p>23 Q. But you're still reporting to the Federal Fish</p> <p>24 and Wildlife Service the location of any potential</p> <p>25 endangered species habitat on specific parcels of</p> <p>PAGE 296</p>

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<p>1 property?</p> <p>2 A. Correct.</p> <p>3 MR. BRAATEN: No further questions.</p> <p>4 ALJ HOGAN: Mr. Pranis, any questions?</p> <p>5 MR. PRANIS: No, Your Honor.</p> <p>6 ALJ HOGAN: Commissioner Christmann.</p> <p>7 COMMISSIONER CHRISTMANN: I do.</p> <p>8 Do I understand your testimony right, on page 6,</p> <p>9 I'm reading this as that there are six structures that</p> <p>10 need -- within 500 feet so you would need waivers. And</p> <p>11 one of them was on the original route but five of them</p> <p>12 are on the new reroute.</p> <p>13 THE WITNESS: Correct.</p> <p>14 COMMISSIONER CHRISTMANN: And they've all been</p> <p>15 obtained?</p> <p>16 THE WITNESS: Correct.</p> <p>17 COMMISSIONER CHRISTMANN: And then Exhibit A is</p> <p>18 those six waivers?</p> <p>19 THE WITNESS: Correct.</p> <p>20 COMMISSIONER CHRISTMANN: Since we denied the</p> <p>21 project in August so the reroute would have been,</p> <p>22 presumably, developed after that, how is it that four</p> <p>23 out of these six are dated before August of 2023?</p> <p>24 THE WITNESS: I wasn't involved in negotiating</p> <p>25 with the landowners. I just put them as part of the</p> <p>PAGE 297</p>	<p>1 ALJ HOGAN: Any redirect, Mr. Bender?</p> <p>2 MR. BENDER: No redirect.</p> <p>3 ALJ HOGAN: Mr. Pelham, any other questions?</p> <p>4 MR. PELHAM: No. Thank you.</p> <p>5 ALJ HOGAN: Mr. Schock?</p> <p>6 Mr. Braaten?</p> <p>7 MR. BRAATEN: No, Your Honor.</p> <p>8 ALJ HOGAN: Mr. Pranis?</p> <p>9 MR. PRANIS: No, Your Honor.</p> <p>10 ALJ HOGAN: All right. Thank you, Mr. Schmidt.</p> <p>11 All right. And, Mr. Pranis, did you want to</p> <p>12 provide some testimony?</p> <p>13 MR. PRANIS: If I may briefly.</p> <p>14 ALJ HOGAN: Sure, yep.</p> <p>15 MR. PRANIS: Would you like me to go --</p> <p>16 ALJ HOGAN: I think so. That might be easier.</p> <p>17 We can all see you.</p> <p>18 Like our other witnesses, I'll have you state</p> <p>19 your full name and spell your last name for the record.</p> <p>20 MR. PRANIS: Kevin Pranis, P-R-A-N-I-S.</p> <p>21 ALJ HOGAN: And, Mr. Pranis, did you hear me go</p> <p>22 through the penalties for perjury earlier?</p> <p>23 MR. PRANIS: I did, Your Honor.</p> <p>24 ALJ HOGAN: And do you understand what perjury</p> <p>25 is?</p> <p>PAGE 299</p>
<p>1 application. So you'd have to ask Summit.</p> <p>2 COMMISSIONER CHRISTMANN: Okay. Then I'm going</p> <p>3 to ask one more of you since you're there on their</p> <p>4 behalf and they can figure out how to answer this, but</p> <p>5 would you turn to that Exhibit A?</p> <p>6 THE WITNESS: I don't have a copy in front of</p> <p>7 me.</p> <p>8 COMMISSIONER CHRISTMANN: It's probably not</p> <p>9 necessary. Let me read a sentence. "By signing the</p> <p>10 waiver agreement, you as owner of the inhabited</p> <p>11 residence on the property acknowledge that you do not</p> <p>12 object to the placement of one or both of Summit Carbon</p> <p>13 Solutions LLC's pipelines within 500 feet of said</p> <p>14 inhabited residence."</p> <p>15 What does "or both" mean?</p> <p>16 THE WITNESS: I can't answer that. I didn't</p> <p>17 draft those documents or negotiate with the landowners.</p> <p>18 COMMISSIONER CHRISTMANN: We have subsequent</p> <p>19 hearings coming so I'll look forward to an answer to</p> <p>20 those two questions. No others. Thank you.</p> <p>21 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>22 COMMISSIONER HAUGEN-HOFFART: Mr. Christmann</p> <p>23 asked my question so no.</p> <p>24 ALJ HOGAN: Mr. Dawson, any questions?</p> <p>25 SUBSTITUTE DECISIONMAKER DAWSON: No questions.</p> <p>PAGE 298</p>	<p>1 MR. PRANIS: I do.</p> <p>2 ALJ HOGAN: And being advised of the potential</p> <p>3 penalties for perjury, do you promise to tell the truth</p> <p>4 in this case today?</p> <p>5 MR. PRANIS: I do.</p> <p>6 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>7 <u>KEVIN PRANIS.</u></p> <p>8 being first duly sworn, testified as follows:</p> <p>9 MR. PRANIS: Thank you. So I'll keep this very</p> <p>10 brief. I just wanted an opportunity to update the</p> <p>11 testimony that we've provided previously in this record</p> <p>12 based on changes that Summit made to the project as well</p> <p>13 as work that we've done since the testimony was</p> <p>14 provided, including conversations with investors and</p> <p>15 carbon management experts.</p> <p>16 You have already in the record before you</p> <p>17 testimony from Lucas Franco on the short- and long-term</p> <p>18 economic impacts of jobs and career opportunities</p> <p>19 created by the project and you also have testimony from</p> <p>20 Mr. Evan Whiteford on the skills and experience of the</p> <p>21 pipeline construction workforce represented by LIUNA and</p> <p>22 fellow crafts as well as the experience and capacities</p> <p>23 of Precision Pipeline, the pipeline contractor selected</p> <p>24 to build portions of the project previously. And,</p> <p>25 finally, Mr. Franco and Mr. Whiteford both testified to</p> <p>PAGE 300</p>

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<p>1 the potential to recruit and develop additional skilled 2 local workforce from North Dakota and from the 3 communities surrounding the pipeline.</p> <p>4 As the Commission knows, Summit has made a 5 number of changes designed to strengthen the project and 6 address concerns raised by the Commission, landowners, 7 and other stakeholders including our organization. 8 These changes not only include changes to the route but 9 also to the contracting and workforce plans, 10 specifically selection of a contractor with extensive 11 experience building similar large pipeline projects in 12 North Dakota and the region. We believe these changes 13 will work to minimize risks and maximize the benefits 14 associated with the project.</p> <p>15 Specifically in terms of the economic impact, as 16 Mr. Franco's testimony indicated before, there is a net 17 nearly hundred million dollar economic impact associated 18 in benefits, including benefits associated with health 19 and retirement benefits and training that's associated 20 with use of a -- of a 50 percent local workforce, which 21 we can now reasonably expect. So, in other words, 22 that's almost -- it's \$95 million in additional benefits 23 on top of the benefits that we were anticipating based 24 on our prior testimony because of changes that Summit 25 has made to the project. That's not including some</p> <p>PAGE 301</p>	<p>1 North Dakotans working on this project who understand -- 2 that know the quality of the work they do affects them 3 and affects their neighbors. In particular, I point out 4 that our membership is, within North Dakota, 5 concentrated very much in this area. Our members have 6 worked for generations in the power plants as well as on 7 pipelines. It's those same members who live 8 particularly in Burleigh and Morton County and Oliver 9 County who will be working on this project, helping to 10 build it. These are members who not only have extensive 11 skills and experience and access to training. They're 12 also people who understand that this project, because 13 they live near the project and because they are 14 neighbors to the folks who are living near the project, 15 affects them and they have a direct interest in making 16 sure that it's built to the absolute top, best quality, 17 both in terms of what's underground and its safety as 18 well as the proper restoration of the land that's 19 impacted.</p> <p>20 Finally, I would say the project is important to 21 our Minnesota members as well. There's plans for 22 pipeline construction connecting ethanol plants in 23 Minnesota. Those plans depend entirely on approval of a 24 project that ultimately can bury carbon in North Dakota. 25 There was some discussion of the Navigator</p> <p>PAGE 303</p>
<p>1 additional mileage of pipeline which will obviously 2 require additional work and result in additional 3 economic investment or the impacts of inflation.</p> <p>4 Second, workforce and contractor capabilities. 5 We had raised some questions before in terms of 6 particularly the most sensitive portion of the route, 7 the main line portion that's going through Morton County 8 and Burleigh County. And I'm happy to report that we 9 have full confidence in the company's current proposal 10 in terms of the most capable, safest workforce and the 11 most capable contractor that you could possibly ask for, 12 a contractor that has experience building the largest 13 pipeline projects that have been built in the Upper 14 Midwest including both Dakota Access Pipeline as well as 15 the Line 3 pipeline.</p> <p>16 And, finally, in terms of development of skilled 17 local workforce, that the opportunities that will be 18 created for local workers on this job as a result of 19 changes that Summit has made to the project will be 20 increased substantially, meaning that we can improve the 21 impact of the project on development of skilled 22 construction workforce for future pipeline and other 23 energy projects.</p> <p>24 I think the other thing that's important for 25 everyone to know is that we're going to have skilled</p> <p>PAGE 302</p>	<p>1 pipeline project. And we were working closely with 2 Navigator and very excited about that project. 3 Unfortunately, the Navigator project is no more because 4 of the regulatory environment in Illinois where they had 5 planned to do the carbon sequestration. It's an 6 unfortunate problem, it's a political problem, but it 7 means that there isn't a second project with the 8 potential to do what Summit does. There's only one 9 project.</p> <p>10 And our concern is that if this pipeline is not 11 approved, there won't be any large pipeline projects 12 providing what Mr. Brandenburg described as the 13 important benefits for the agriculture industry, for 14 ethanol producers. There won't be any other options.</p> <p>15 I can certainly say our -- in addition to 16 representing members on the ground, we also manage 17 pension funds that invest in projects like Summit and 18 like Navigator. And I can say that the signal that has 19 been sent by, I think, first the failure of Navigator 20 and the concerns over Summit are very strongly heard in 21 the investment community as they look at these projects.</p> <p>22 And so we believe that this is not only the 23 first train leaving the station, we want to make sure 24 it's not the last train ever leaving the station in 25 terms of those opportunities, whether it's opportunities</p> <p>PAGE 304</p>

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<p>1 for our members to build safe pipelines and continue to</p> <p>2 put their skills to work, or whether it's the</p> <p>3 opportunity for the agriculture economy or, frankly, for</p> <p>4 many of the others that -- you know, for example, our</p> <p>5 energy industry that needs to figure out how to</p> <p>6 decarbonize to be able to continue to export</p> <p>7 successfully. So I appreciate that.</p> <p>8 And, last, I will say that I would absolutely --</p> <p>9 I served for the past several months as chair of a</p> <p>10 working group in the state of Minnesota that's looking</p> <p>11 at clean fuel standards and alternative lower-carbon</p> <p>12 fuels, and I can say that I endorse everything that</p> <p>13 Mr. Brandenburg said about where the industry is headed</p> <p>14 and the essential importance of carbon management as a</p> <p>15 tool to make sure that our agriculture industry can help</p> <p>16 meet energy needs.</p> <p>17 Thank you. And I'm available for any questions.</p> <p>18 ALJ HOGAN: Thank you.</p> <p>19 Mr. Bender, any questions?</p> <p>20 MR. BENDER: Mr. Pranis, thank you for your</p> <p>21 testimony and I don't have any questions.</p> <p>22 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>23 CROSS EXAMINATION</p> <p>24 BY MR. PELHAM:</p> <p>25 Q. Mr. Pranis, the last time you were here there</p> <p>PAGE 305</p>	<p>1 looking at a list of contractors that are all of sort of</p> <p>2 similar sort of capabilities and quality to Precision,</p> <p>3 but our current understanding is Precision is the</p> <p>4 contractor that's been tapped for North Dakota.</p> <p>5 Q. And I'm -- a bit imprecise but working on</p> <p>6 understandings, can you be more specific as to what --</p> <p>7 have they told you this? Have they written this to you?</p> <p>8 What's the understanding specifically?</p> <p>9 A. That has been our conversation with Mr. Powell</p> <p>10 and with the company. And our experience has been that,</p> <p>11 you know, they've been very straightforward, I'll say.</p> <p>12 When we had disagreements they were straightforward and</p> <p>13 when we have agreements they've been straightforward.</p> <p>14 Q. Thank you, sir. No further questions.</p> <p>15 ALJ HOGAN: Mr. Schock, any questions?</p> <p>16 Mr. Braaten?</p> <p>17 MR. BRAATEN: No, Your Honor.</p> <p>18 ALJ HOGAN: Commissioner Christmann.</p> <p>19 COMMISSIONER CHRISTMANN: I only want to say</p> <p>20 it's a little outside of the normal way we do things so</p> <p>21 I appreciate your patience in allowing the public</p> <p>22 comments to go so those people can get on with their</p> <p>23 day. Thank you for your patience.</p> <p>24 MR. PRANIS: Thank you.</p> <p>25 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>PAGE 307</p>
<p>1 was cause for concern of your organization and one of</p> <p>2 the contractors. What changed?</p> <p>3 A. Thank you, Mr. Pelham. The contractor changed.</p> <p>4 So we are now -- the company's current plan, as we</p> <p>5 understand it, is to rely on Precision Pipeline. And we</p> <p>6 have testimony already in the record from Mr. Whiteford</p> <p>7 who's worked with and for Precision Pipeline on the work</p> <p>8 that they've done.</p> <p>9 Our concern was primarily with the main line</p> <p>10 construction as we know there's a lot of concerns about</p> <p>11 safety that have been raised here and those are concerns</p> <p>12 that sound very similar to concerns we hear elsewhere</p> <p>13 about oil and gas pipelines. But we think that the --</p> <p>14 we're very familiar with Precision's practices and have</p> <p>15 absolute confidence in terms of the best quality</p> <p>16 construction of pipeline that will be applied to this</p> <p>17 project.</p> <p>18 Q. So your testimony, as I understand it, is that</p> <p>19 the company -- Summit is going to utilize Precision</p> <p>20 Pipeline solely for the construction of the proposed</p> <p>21 line; is that correct?</p> <p>22 A. It's our understanding that that's the plan for</p> <p>23 the state of North Dakota. I think there will be other</p> <p>24 companies used in other areas. And our understanding is</p> <p>25 that they're looking -- across the footprint they're</p> <p>PAGE 306</p>	<p>1 COMMISSIONER HAUGEN-HOFFART: No questions.</p> <p>2 ALJ HOGAN: Mr. Dawson.</p> <p>3 SUBSTITUTE DECISIONMAKER DAWSON: No questions.</p> <p>4 ALJ HOGAN: All right. Well, thank you,</p> <p>5 Mr. Pranis.</p> <p>6 That concludes the scheduled testimony for</p> <p>7 today. I'm just going to go around the room to see if</p> <p>8 there's anything else the parties want to put on the</p> <p>9 record before we conclude.</p> <p>10 Mr. Bender.</p> <p>11 MR. BENDER: Not at this time, Your Honor.</p> <p>12 ALJ HOGAN: Mr. Pelham.</p> <p>13 MR. PELHAM: Your Honor, I think there were some</p> <p>14 late-filed exhibits -- or I suppose they wouldn't be</p> <p>15 late-filed exhibits, but the commissioners and staff</p> <p>16 have requested. So my thinking would be is to</p> <p>17 coordinate with Mr. Bender as far as getting that</p> <p>18 information for the next scheduled hearing. But I don't</p> <p>19 have anything else. Thank you.</p> <p>20 ALJ HOGAN: All right. Is that agreeable,</p> <p>21 Mr. Bender?</p> <p>22 MR. BENDER: That's agreeable.</p> <p>23 ALJ HOGAN: Mr. Braaten, anything else?</p> <p>24 MR. BRAATEN: Nothing further, Your Honor.</p> <p>25 ALJ HOGAN: All right. And I'll just ask if the</p> <p>PAGE 308</p>

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<p>1 commissioners have any closing remarks before we</p> <p>2 conclude.</p> <p>3 Commissioner Christmann.</p> <p>4 COMMISSIONER CHRISTMANN: I will just say I</p> <p>5 didn't even take the time to make a note of the dates,</p> <p>6 but there are -- after this, what was potentially a</p> <p>7 multi-day hearing, there are future days scheduled for a</p> <p>8 hearing in Wahpeton, I believe is the next one, followed</p> <p>9 by Linton. And because a couple of the intervenors did</p> <p>10 not come to this, we had discussed previously a need for</p> <p>11 like a technical hearing that I expect will be virtual</p> <p>12 whereby those -- specifically those intervenors who are</p> <p>13 not here and that requested the opportunity would be</p> <p>14 required to present their witnesses and cross-examine</p> <p>15 the Summit witnesses. But those dates aren't set.</p> <p>16 Staff has been working with staff, but that's where</p> <p>17 we're at right now. But they will, of course, be made</p> <p>18 public.</p> <p>19 ALJ HOGAN: Just note that the date for the</p> <p>20 Wahpeton hearing is May 24th and the date for the Linton</p> <p>21 hearing is June 4th.</p> <p>22 Commissioner Haugen-Hoffart, any closing</p> <p>23 remarks?</p> <p>24 COMMISSIONER HAUGEN-HOFFART: I would just thank</p> <p>25 everyone for staying here and participating, and have a</p> <p>PAGE 309</p>	<p><u>CERTIFICATE OF TRANSCRIPTIONIST</u></p> <p>STATE OF NORTH DAKOTA) ss.</p> <p>I, Lisa A. Hulm, CET-783, a certified electronic transcriber, do hereby certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter, to the best of my professional skills and abilities. I further state that I was not present during these recorded proceedings, and I am only the transcriber of the recorded proceedings.</p> <p>I further certify that I am not a relative or employee or attorney or counsel of any of the parties hereto, nor a relative or employee of such attorney or counsel; nor do I have any interest in the outcome or events of the action.</p> <p>Dated this date of October 15, 2025.</p> <p>_____ LISA A. HULM, CET-783</p> <p>The foregoing certification of this transcript does not apply to the reproduction of the same by any means, unless under the direct control and/or direction of the certifying transcriber.</p> <p>PAGE 311</p>
<p>1 good evening.</p> <p>2 ALJ HOGAN: And Mr. Dawson, any closing remarks?</p> <p>3 SUBSTITUTE DECISIONMAKER DAWSON: Thank you for</p> <p>4 coming today. We had a lot of good information and I</p> <p>5 appreciate it.</p> <p>6 ALJ HOGAN: All right. Thank you. We will</p> <p>7 stand in recess in this case.</p> <p>8 -----</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>PAGE 310</p>	

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