

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**

**May 24, 2024**

**Wahpeton, North Dakota**

APPEARANCES

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Substitute Decisionmaker Timothy J. Dawson

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Intervenors/Landowners

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1           ALJ HOGAN: Good morning. My clock shows 9:00  
2     so I think we're going to get started. My name is Hope  
3     Hogan and I'm the administrative law judge that's been  
4     designated upon the request of the Public Service  
5     Commission to serve as a hearing officer for today's  
6     hearing. This is the time, date, and place, May 24th,  
7     2024, at 9 a.m. set by the notice of filing and notice  
8     of hearing issued by the North Dakota Public Service  
9     Commission on March 21st, 2024, for a hearing in Case  
10    No. PU-22-391. This hearing is being held today at the  
11    Harry Stern and Ella Stern Cultural Center on the campus  
12    of the North Dakota State College of Science in  
13    Wahpeton, North Dakota.

14           As we begin today, I'd ask that everybody please  
15    check your cell phones to make sure they're either  
16    silenced or turned off so that we don't have cell phone  
17    interruptions as we proceed today.

18           I know that most people in attendance for this  
19    hearing have strong feelings regarding this case and the  
20    subject matter of this case. I'd ask that everybody  
21    please refrain today from any clapping, cheering, or any  
22    verbal outburst during our hearing. This is an  
23    administrative hearing and we would like to maintain  
24    decorum. Please be respectful of others today even if  
25    you disagree with the content of their testimony or

1        comments.

2                We have several attendance sheets today. I  
3 believe there's one up on the witness table here, one  
4 over at the corner of the stage, and then there's one  
5 out in the lobby. I'd ask that you please sign the  
6 attendance sheet. The Commission would like to keep a  
7 record of everybody that attended today's hearing.  
8 Likewise, if you'd like to offer public comments or  
9 testimony today, I'd ask that you please mark that on  
10 the attendance sheet. That helps me know how many  
11 people plan to testify and to allocate time accordingly  
12 today.

13                We will take a lunch break today along with a  
14 15-minute morning and afternoon break. I do not know  
15 how long our hearing will last today, but we will take  
16 those breaks as we proceed today.

17                This hearing concerns the application of SCS  
18 Carbon Transport LLC for a certificate of corridor  
19 compatibility and route permit concerning approximately  
20 320 miles of carbon dioxide pipeline ranging from 4.5-  
21 to 24-inch diameter with associated facilities in the  
22 counties of Burleigh, Cass, Dickey, Emmons, Logan,  
23 McIntosh, Morton, Oliver, Richland, and Sargent.

24                On August 4th, 2023, the Commission issued  
25 findings of fact, conclusions of law and an order

1 denying the application.

2 On September 15th, 2023, the Commission issued  
3 an order granting the Applicant's petition for  
4 reconsideration.

5 This hearing has been scheduled to focus  
6 primarily on adjustments in Dickey, Sargent, Cass, and  
7 Richland counties. The Notice of Filing and Notice of  
8 Hearing specifies the issues to be considered in this  
9 hearing and will focus on proposed route adjustments and  
10 supplemental filings and deficiencies noted in the  
11 Commission's August 18th order and include the following  
12 questions:

13 First, will construction, operation, and  
14 maintenance of the facility at the proposed location  
15 produce minimal adverse effects on the environment and  
16 upon the welfare of the citizens of North Dakota?

17 Number two. Is the proposed facility compatible  
18 with environmental preservation and the efficient use of  
19 resources?

20 And number three. Will construction, operation,  
21 and maintenance of the facility at the proposed location  
22 minimize adverse human and environmental impact while  
23 ensuring continuing system reliability and integrity and  
24 ensuring that the energy needs are met and fulfilled in  
25 an orderly and timely fashion?

1           The Commission has re-opened this case, which  
2 means all the evidence that was previously accepted into  
3 the record at the previous hearings, including  
4 testimony, remains a part of the record. The purpose of  
5 this hearing is to address the deficiencies noted in the  
6 order and route adjustments and not to receive duplicate  
7 information or evidence that was previously received.

8           Likewise, the Commission's order outlines or has  
9 already determined the issues that the Commission  
10 believes it has jurisdiction over and the issues it does  
11 not have jurisdiction over and outlined the deficiencies  
12 in the application.

13           I'm now going to ask the parties to make their  
14 appearance for the record, and I'll start with you,  
15 Mr. Gludt.

16           MR. GLUDT: Thank you, Your Honor. Tyler Gludt,  
17 Fredrikson & Byron, PA, appearing today on behalf of the  
18 Applicant, SCS Carbon Transport LLC. Sitting to my  
19 right is Lawrence Bender, also of Fredrikson & Byron,  
20 PA.

21           ALJ HOGAN: Thank you.

22           Mr. Pelham.

23           MR. PELHAM: Good morning. Zachary Pelham,  
24 special assistant attorney general on behalf of the  
25 Public Service Commission. To my left is Victor Schock

1     who's the public utilities director. Mr. Schock may  
2     have questions today. Thank you.

3             ALJ HOGAN: All right. And do I direct  
4     questions to Mr. Jorde?

5             MR. JORDE: Yes, thank you.

6             Good morning, Your Honor and all. Brian Jorde  
7     and Steve Leibel on behalf of intervening targeted  
8     landowners.

9             ALJ HOGAN: All right. Thank you.

10            We will now take opening comments from the  
11     commissioners, and I'll start with you, Commissioner  
12     Christmann.

13            COMMISSIONER CHRISTMANN: Thank you, Your Honor.  
14     And you covered a lot of what I was going to talk about,  
15     about decorum, because it is really important. And so  
16     we appreciate the audience's respect that has been shown  
17     throughout this and other proceedings for decades at the  
18     PSC.

19            The other thing I want to point out is obviously  
20     it would be a lot simpler and more convenient for us to  
21     just do all this kind of stuff in Bismarck, but I think  
22     -- I know myself, but I think other commissioners that  
23     I've served with and those that preceded us have all  
24     felt it's really important to be out and hear from the  
25     people, especially on these kind of linear projects that



1 cover large areas. And recognizing that that can be  
2 inconvenient on a given day for people to get to  
3 Bismarck, that is why we have always been supportive of  
4 this concept of having at least some hearings out along  
5 the route.

6 I will tell you this is one of my favorite  
7 places we've ever been, such a nice facility, except for  
8 one thing, and this is my last comment. If you come up  
9 and testify, this stage edge behind that chair really  
10 makes me nervous. So don't just roll away from that  
11 table and roll too far. You might have a hard landing,  
12 I expect. So be a little cautious about that.

13 But we look forward to hearing from you all.

14 ALJ HOGAN: Thank you.

15 Commissioner Haugen-Hoffart.

16 COMMISSIONER HAUGEN-HOFFART: Good morning,  
17 everyone. It's so good to see people here and very  
18 interested in this project and I look forward to hearing  
19 from many of you today.

20 ALJ HOGAN: Thank you.

21 Mr. Dawson.

22 SUBSTITUTE DECISIONMAKER DAWSON: Thank you,  
23 Your Honor.

24 Good morning, everyone. I am Timothy Dawson and  
25 I am the substitute decisionmaker here today filling in

1 for, or the substitute for, Commissioner Fedorchak. I  
2 hope to have a good hearing.

3 ALJ HOGAN: All right. Thank you.

4 For our hearing today I will start with the  
5 intervenors' witnesses. And my intent is to go through  
6 all those witnesses before we go to public testimony.  
7 If that does get extremely long, if we go past noon, we  
8 might talk about doing some public testimony right after  
9 lunch, but we'll start with that plan and see how we go.

10 And just to confirm, Mr. Gludt, Summit's not  
11 offering any witnesses today; is that correct?

12 MR. GLUDT: That's correct, Your Honor.

13 ALJ HOGAN: Okay. And I'll just ask if there's  
14 any other preliminary matters we need to discuss.

15 Mr. Gludt.

16 MR. GLUDT: None from the Applicant.

17 ALJ HOGAN: Mr. Pelham.

18 MR. PELHAM: No, Your Honor.

19 ALJ HOGAN: Mr. Jorde.

20 MR. JORDE: I will have some things later, but I  
21 think we can get started, Your Honor.

22 ALJ HOGAN: Okay. Then I will turn to you,  
23 Mr. Jorde, if you want to call your first witness.

24 MR. JORDE: Yes, thank you. The landowners will  
25 call Karla Waloch to the stand.

1           ALJ HOGAN: Good morning, Ms. Waloch. I'll have  
2 you start by -- maybe if you want to spell your first  
3 and last name.

4           KARLA WALOCH: Okay. My first name is Karla,  
5 K-A-R-L-A, Waloch, W-A-L-O-C-H.

6           ALJ HOGAN: And, Ms. Waloch, before you testify  
7 this morning, I'm required by law to advise you on the  
8 penalties for perjury in the state of North Dakota.  
9 Perjury is a Class C felony, punishable by a maximum  
10 fine of \$10,000, a maximum five years' imprisonment, or  
11 both.

12           Do you understand what perjury is?

13           KARLA WALOCH: I do.

14           ALJ HOGAN: And being advised of the potential  
15 penalties for perjury, do you promise to tell the truth  
16 in this case today?

17           KARLA WALOCH: I do.

18           ALJ HOGAN: All right. Thank you.

19           Go ahead, Mr. Jorde.

20           MR. JORDE: Yes, thank you, Your Honor.

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**KARLA WALOCH,**

being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. JORDE:

Q. Can you please state your name?

A. Karla Waloch.

Q. And your land is located in Sargent County that's targeted for this proposed hazardous pipeline?

A. That is correct.

Q. All right. And I understand you have some statements that might be more efficient if you read those; is that right?

A. Yes, correct.

Q. Okay. Please go ahead.

A. Okay. So as Mr. Jorde said, my property is in Sargent County, in township 131 north, range 56 west, section 14 of the northeast quarter. I'm a landowner directly impacted by the proposed pipeline and a concerned community member who values the safety of our environment and residence. The proposed pipeline is alarmingly close to my property, within a hundred feet of my calving pasture and just a half a mile from my home. This proximity raises serious concerns about the safety of my land, livestock, and family. The potential

1 for explosions and leaks is a constant worry that I  
2 should not have to bear for corporate profit.

3 Summit claims they will provide emergency  
4 training for CO2 dispersion, but no amount of training  
5 resources will reassure me that help would arrive in  
6 time. Our first responders are volunteers with other  
7 jobs and we just don't know how quickly they could reach  
8 us. And they're also our friends and we would never  
9 want to put them in harm's way. Additionally, emergency  
10 vehicles might not function without oxygen.

11 I consulted my sisters who are healthcare  
12 professionals. I have a physician, a physician's  
13 assistant, and a respiratory therapist as sisters, and I  
14 asked them about the effects of CO2 poisoning from a  
15 pipeline rupture. They informed me that even with  
16 minimal exposure it can cause increased respiratory  
17 rate, tachycardia, cardiac arrhythmias, impaired  
18 consciousness, dyspnea, cough, dizziness, chest pain,  
19 and headache, and, of course, extreme exposures can lead  
20 to death by asphyxiation.

21 Given these risks, I've considered options such  
22 as scuba gear, an electric bicycle or an electric  
23 vehicle for my husband and me. However, frequent  
24 gatherings with family and friends, including children  
25 and grandchildren, add concerns about evacuation for a

1 crowd. I don't know what I would do. Like an electric  
2 bus maybe?

3           Given what a disaster it would be if the  
4 pipeline ruptured, prevention is key. But as a farmer,  
5 despite planning and maintenance, there's always a risk.  
6 The CO2 pipeline that ruptured in Mississippi caused  
7 people to collapse up to 16 miles away. And the  
8 proposed North Dakota pipeline could hold more than  
9 twice as much CO2. Add that to the North Dakota weather  
10 and it could be disastrous. Imagine a rupture at ten  
11 degrees below zero with strong winds. Who knows how far  
12 the deadly plume could extend.

13           And it's also frustrating to me that farmers are  
14 disproportionately affected by this pipeline. It  
15 disrupts our land and soil and raises safety concern due  
16 to the proximity of our pasture and home. We shouldn't  
17 bear the responsibility of the carbon fight alone.  
18 Well, that is, if we even believe carbon is a factor in  
19 global warming or maybe we're even skeptical about  
20 global warming. But I encourage everyone here to  
21 reflect on their personal responsibility in reducing  
22 their carbon footprint. Farmers already do their part.  
23 One acre of corn eliminates eight tons of CO2.

24           Eminent domain should only be used for projects  
25 that truly serve the public interest. I fail to see how

1 a carbon pipeline which primarily benefits a few meets  
2 that criteria.

3 We have invested hundreds of hours and thousands  
4 of dollars into our land. It's our home, our  
5 livelihood, and our legacy. We should not allow it to  
6 be jeopardized by a pipeline that prioritizes corporate  
7 interests. Every piece of land holds significance to  
8 someone, whether it's lakefront property or farmland,  
9 and it deserves to be protected and respected.

10 And as farmers, we truly understand what's best  
11 for our land and prefer not to have strangers surveying  
12 it, but despite that, we did have surveyors come. And  
13 they claim they don't drive over crops, but they drove  
14 across our alfalfa twice.

15 It's also embarrassing to have a lawsuit show up  
16 under my name on the North Dakota public court search.  
17 This type of legal action feels intrusive and unfair  
18 when it's my land.

19 This lawsuit and pipeline have been more than an  
20 inconvenience. They've been potentially distressing.  
21 It has stolen away time and money from us. Today is my  
22 birthday and I can think of hundreds of other things  
23 that I would rather be doing right now. It's my  
24 grandkids' first day of summer vacation, for example.  
25 And I think it seems like carbon activists initiated

1 this project without considering people's property and  
2 safety. This priority should have been collaborating  
3 with landowners to establish a suitable route.

4 Summit's poor business practices raise serious  
5 concerns about their integrity and reliability. They  
6 have a history of neglecting to pay bills and they're  
7 facing a \$15 million lawsuit over a canceled contract.  
8 Their business practices raise serious questions about  
9 their integrity and reliability. Landowners and  
10 communities should question why we would want to do  
11 business with a company that files lawsuits and fails to  
12 fulfill financial obligations.

13 And I just don't understand how the citizens of  
14 North Dakota will benefit from this pipeline. The North  
15 Dakotans' politicians' stance on climate change is  
16 confusing. They seem to support the carbon pipeline but  
17 their voting records on the Green New Deal seem  
18 contradictory. This raises questions about the  
19 motivations behind the pipeline. Who's going to benefit  
20 from this project? Maybe the Summit employees?  
21 Politicians? Foreign investors? I don't believe it  
22 will be the citizens of North Dakota.

23 I think some of our politicians are motivated by  
24 personal gain or self interest. I think Summit's  
25 lobbying efforts and political corrections are how it's



1     gotten this far. I know there's even been ethics  
2     commission complaints filed. And if the pipeline can't  
3     stand on its own merits and needs politicians being  
4     influenced by a special interest group, then it's  
5     probably not worth it.

6             I haven't seen any evidence from Summit that  
7     would prove that it's good for the citizens of North  
8     Dakota. Supposedly they feel this would support the  
9     price of corn, but ethanol has been in existence for  
10    several years and the price of corn has still gone up  
11    and down. As a farmer who's watched corn markets for  
12    40 years, I've noticed that the market is influenced by  
13    a multitude of factors, including weather and world  
14    supply and demand. Carbon capture is unlikely to be a  
15    direct or significant driver of corn prices on its own.

16            And the track record for failed carbon capture  
17    projects speaks for itself. Many have been canceled,  
18    failed, or underperformed. I think waiting for more  
19    safety regulations would be in the state's best  
20    interest.

21            And I hope that pressure from oil companies for  
22    enhanced oil recovery isn't the reason the project would  
23    get approved. I see other methods are showing promise  
24    for EOR using gas, not CO2, and that's even cheaper,  
25    from what I understand.

1           And I know the Public Service Commission is  
2 charged with the siting of energy conversion and  
3 transmission facilities under the North Dakota Siting  
4 Act. However, a carbon capture pipeline which aims to  
5 store CO2 does not even seem to fall under the PSC's  
6 jurisdiction since it's not energy, in my opinion.

7           I'm asking the Public Service commissioners to  
8 consider the serious risks and negative impacts of this  
9 pipeline. We must prioritize the safety of residents  
10 over corporate profits. Please safeguard our community  
11 from unnecessary harm.

12           And while the reroute isn't my first choice, it  
13 is the least bad option. And my lawyer has sent a  
14 proposed reroute letter to Summit's lawyers. Surveyors  
15 have already been on our land. And my adjacent  
16 landowners have signed easements that I'm -- that I  
17 believe they have. Considering that residents of  
18 Bismarck and four other owners -- landowners that I can  
19 think of have successfully secured reroutes for the  
20 pipeline, I believe it's time to address the possibility  
21 of a reroute for my property as well.

22           Additionally, construction near our pasture  
23 could spook our cows and they could become frightened  
24 and break down the fences and that wouldn't be good.

25           And, Commissioner Christmann, I do remember when

1 the Vculeks were testifying, they were talking about  
2 their potato warehouses. And I know it seemed you were  
3 surprised that they were worth like half a million in  
4 their warehouse. Well, I'm just going to say that our  
5 cattle are probably worth about 600,000 where they are  
6 in their pasture very close to the pipeline. So just --  
7 yeah.

8 Okay. And I know even Doug Burgum said, "Just  
9 say no and they'll move to your neighbor and your  
10 neighbor can get the big check. Because that's what's  
11 happening in North Dakota. It's been moved a thousand  
12 times." So as the words to quote our governor.

13 And I thank you for your time and consideration  
14 and for coming this far and not having to go to  
15 Bismarck. Appreciate that.

16 Q. Okay. I've got some questions right now.

17 A. Yes, sir.

18 Q. I appreciate that.

19 You had mentioned Summit individuals had been on  
20 your field driving through your alfalfa two different  
21 times; is that right?

22 A. Correct. The same day.

23 Q. Oh, the same day.

24 A. Uh-huh.

25 Q. Okay. Back and forth. And they didn't

1       compensate you for that?

2           A.   No.

3           Q.   Okay.  And then you mentioned eminent domain.  
4   You understand that if the PSC doesn't approve both of  
5   the pending applications, then there will be no eminent  
6   domain.  Do you understand that?

7           A.   Correct.  Yes.

8           Q.   Okay.  So you see the PSC as the trigger for  
9   eminent domain?

10          A.   Yes.

11          Q.   And then you mentioned energy as one of the  
12   hurdles Summit has to jump over here.  It's hurdle  
13   number -- well, it's a subpart of hurdle number three,  
14   and that is that in order for the PSC to approve this  
15   project -- or I should say this pipeline, not the  
16   project, the pipeline, it has to be ensuring that energy  
17   needs are met.  You understand this is not an ethanol  
18   pipeline?

19          A.   Correct.

20          Q.   Right.  And can you think of any energy need  
21   that storing CO2 -- or transmitting CO2 from an ethanol  
22   plant to underground storage, what energy that's  
23   creating?

24          A.   No.

25          Q.   And do you understand that Summit's repeatedly

1 said that they will permanently sequester, so this is  
2 never going to be used for any energy. Do you  
3 understand that?

4 A. Correct, yes.

5 Q. All right. So would you agree it's impossible  
6 for the PSC then to grant either the corridor  
7 certificate or the route permit because Summit cannot  
8 satisfy that energy prong?

9 A. Yes, I believe so.

10 Q. And you understand that Summit talks about the  
11 project but that the PSC is only looking at a pipeline.  
12 They're not looking at the carbon capture process and  
13 any good or bad that might have and they're not looking  
14 at the storage; correct?

15 A. Yes, correct.

16 Q. All right. So you mentioned about a reroute.  
17 And you've been a part of this since before Summit filed  
18 their 2022 application; is that right?

19 A. Yes, correct.

20 Q. And has Summit come to you at any time since  
21 then, since you've become an intervenor, since they were  
22 denied last year and said, "You know what? Here's some  
23 reroute proposals we'd like to share with you"?

24 A. They haven't come to me.

25 Q. Okay. Have they come to your husband?

1           A.   One person asked to survey one time and that was  
2 before the judge granted that. So he said no at that  
3 time.

4           Q.   Right. And so specifically since the permit was  
5 denied and the PSC order found that Summit didn't meet  
6 their burdens of landowner concerns, has Summit reached  
7 out to you to try to find a solution?

8           A.   No.

9           Q.   Okay. And you're aware they haven't sent me any  
10 solution or any reroutes for your property?

11          A.   Yes.

12          Q.   Now you've been -- tried to continue to try to  
13 enter into a dialogue here, and on March 28th, 2024, you  
14 -- I sent a letter that you and I and your family had  
15 helped create about potential reroutes; is that right?

16          A.   Yes, correct.

17          Q.   And there's a white binder in front of you  
18 there, ma'am, the big one, the three-ring binder right  
19 there. See the blue folder on top of it there?

20          A.   Oh, here.

21          Q.   Yep. Sorry.

22          A.   Uh-huh.

23          Q.   If you could turn to Tab No. 5. And I'll  
24 represent to you that that's a true and accurate copy of  
25 the March 28th, 2024, letter of which the content you

1 and your family predominantly prepared regarding  
2 reroutes; is that right?

3 A. Correct.

4 Q. And just to be clear, you and your husband owned  
5 land and then your husband's mother, Shirley, owns a  
6 separate parcel very nearby?

7 A. Correct, yes.

8 Q. And all the parcels are being targeted?

9 A. Yes.

10 Q. Now when you put this letter together, it looks  
11 like you took some time looking at the maps and  
12 identifying potential reroute locations of individuals  
13 who have already signed up with Summit; is that right?

14 A. Correct.

15 Q. All right. And since March 28th when this  
16 letter was transmitted to counsel for Summit, have they  
17 contacted you to talk about this?

18 A. No.

19 Q. And you understand on May 21st, almost two  
20 months later and just conveniently three days before  
21 this hearing, Summit sent a letter saying, well, they  
22 would need to survey and they're interested in working  
23 with you?

24 A. Yes, I did see that.

25 Q. So three days before you're set to testify, the

1 first time in two-plus years is when they send a letter  
2 like that; is that right?

3 A. Yes, correct.

4 Q. And they claim that they left 12 voicemails and  
5 visited your residence nine times. What do you think  
6 about that?

7 A. Absolutely not that I know of. I don't --  
8 possibly they were at my mother-in-law's or called her  
9 once, but they definitely were not --

10 Q. And you understand when Summit claims it makes a  
11 contact, if a third party or agent just dials a number  
12 and hangs up, they consider that an attempt to contact  
13 you?

14 A. Oh, okay.

15 Q. Okay. All right.

16 A. But I still don't know of anything like that  
17 either.

18 Q. All right. So from the date in August of 2023  
19 when the PSC denied the pipeline proposed route that  
20 targeted you, there hasn't been any resolution, any  
21 attempt to try to work with you, find solutions, or be  
22 open for dialogue, as Mr. Powell likes to talk about?

23 A. No.

24 Q. All right.

25 MR. JORDE: I would offer Landowner Exhibit



1 No. 5, the letter we've been speaking about.

2 ALJ HOGAN: Mr. Gludt, any objection?

3 MR. GLUDT: No objection.

4 ALJ HOGAN: Mr. Pelham.

5 MR. PELHAM: No objection.

6 ALJ HOGAN: All right. Exhibit LO-5 is  
7 received.

8 MR. JORDE: Thank you.

9 Q. (BY MR. JORDE) Now if you can turn to Tab  
10 No. 10 in that book, please, you had mentioned some  
11 concerns about safety and proximity. And you're no  
12 doubt aware that Mr. Powell, in his April 2024  
13 testimony, talks about safety and proximity and all  
14 these things. And so to address that, have you been  
15 made aware of the April 3rd CO2 leak in Louisiana?  
16 April 3rd, 2024.

17 A. Yes. I just saw this yesterday.

18 Q. Yes. And does that concern you, that this type  
19 of infrastructure, and here a major, well-financed,  
20 funded corporation, ExxonMobil, like Denbury before it  
21 in Satartia, continue to have these safety gaps and  
22 problems?

23 A. Yes, more than ever.

24 Q. And did you become aware that it took more than  
25 two hours to fix the leak and calls to the company went

1       unanswered and that there was no safety personnel on  
2       site for the company?

3           A.    Yes.

4           Q.    And did you become aware that there was a  
5       shelter in place order for a quarter mile or 1,320 feet  
6       just from this pump site and a radius?

7           A.    Yes.

8           Q.    You had mentioned that your home -- and that's  
9       your home where you live with your husband -- is  
10      approximately 2,640 feet from the proposed route;  
11      correct?

12          A.    Yes.    Yep.

13          Q.    Has Summit at any time shared with you any data  
14      of any kind to suggest that if there was a rupture or  
15      unintended release from their pipeline, if it's located  
16      near your home, that it would not be capable of reaching  
17      your home?

18          A.    No.

19          Q.    All right.   And have you heard of any such  
20      evidence like that to prove that the location is an  
21      intelligent one in relation to your home?

22          A.    Say that again.

23          Q.    Yes.    So Summit hasn't provided you any  
24      information to suggest that locating their proposed  
25      hazardous pipeline a half mile approximately from your

1 home is an intelligent location; correct?

2 A. Correct.

3 Q. All right. Now beyond Summit, has anyone else  
4 on Summit's behalf provided you such evidence to give  
5 faith to this Commission who is charged with locating --  
6 intelligently locating infrastructure if 2,640 feet is a  
7 safe distance? Have you seen any other information to  
8 suggest that?

9 A. No.

10 Q. Now there's been some talk that PHMSA -- and  
11 Mr. Powell gets into it here in his April 2024  
12 submission, that PHMSA, the federal agency that looks  
13 over construction and maintenance and operation  
14 standards, that somehow that prevents the PSC from  
15 considering safety in any regard. Are you familiar with  
16 those arguments generally?

17 A. No.

18 Q. Okay. All right. Would you agree that  
19 considering safety and risk and potential hazards to  
20 existing structures and potential future development is  
21 a critical factor to consider when either green-lighting  
22 or demanding reroutes of hazardous infrastructure?

23 A. Yes.

24 MR. JORDE: I would offer Exhibit No. 10.

25 ALJ HOGAN: Any objection to 10, Mr. Gludt?

1 MR. GLUDT: We're going to object. It's another  
2 article. Foundation, hearsay, relevance. We don't have  
3 the author of the article here to talk about the  
4 substance of the article.

5 ALJ HOGAN: Mr. Pelham.

6 MR. PELHAM: I don't have any objection to the  
7 article.

8 ALJ HOGAN: I'll note the objection. I am going  
9 to admit the article just because we've admitted into  
10 the record similar materials. But I will instruct the  
11 Commission to weigh what relevance, if anything, to give  
12 to this type of evidence in light of objections made.

13 Q. (BY MR. JORDE) Ma'am, related to that article  
14 and the reporting and the contents therein, are you  
15 aware of if Summit or any of its representatives have  
16 ever challenged the statements in that article or  
17 suggested they're untrue in any way?

18 A. No.

19 Q. You had mentioned North Dakota's governor. You  
20 understand he's been a very outspoken proponent to try  
21 to push this Commission to approve this project;  
22 correct?

23 A. Correct.

24 Q. And you had referenced statements he had made  
25 while he was campaigning for president of the United

1 States where, basically, if you're having issues with  
2 Summit, quote, "Just say no and they'll move it to your  
3 neighbor and your neighbor can get the big check,"  
4 quote, and then continuing, quote, "because that's  
5 what's happening in North Dakota. It's been moved a  
6 thousand times," end quote.

7 Now when you heard your governor make those  
8 statements, that "Good gosh, just tell them to move it  
9 and they'll move it, this isn't a big deal," does that  
10 fit with your experience?

11 A. No.

12 Q. Now would you agree that it's certainly  
13 reasonable, if they're asking for the extreme rights of  
14 locating over 350 miles of hazardous pipeline  
15 infrastructure to connect to exactly one North Dakota  
16 business, the Tharaldson Ethanol plant, that if you  
17 don't want it on your property, Summit should reroute  
18 around you like they claim they can?

19 A. Yes.

20 Q. And if this were to be approved, which I know  
21 you hope it is not, but if this were to be approved,  
22 would you agree it would be a reasonable condition that  
23 the approval would be conditioned upon Summit finding a  
24 reroute off of your property?

25 A. Yes.

1           MR. JORDE: I would offer Exhibit No. 15, the  
2 article where Governor Burgum has quoted the quote that  
3 I referenced, which is on page 3 of Exhibit 15.

4           ALJ HOGAN: Any objection to 15?

5           MR. GLUDT: Same objection, Your Honor.

6           ALJ HOGAN: Mr. Pelham.

7           MR. PELHAM: I don't think it's relevant at all,  
8 but I don't have an objection.

9           ALJ HOGAN: I agree, I have the same concerns  
10 about relevance and foundation for these exhibits. And  
11 I know we have several articles that are going to be  
12 offered today, and I'm going to allow them into the  
13 record for the simple fact that we've already allowed  
14 similar materials into the record and I'm just going to  
15 instruct the Commission to weigh what relevance, if any,  
16 to give this type of evidence given objections which I  
17 do have -- I think have some weight.

18           So with that said, I am going to admit LO-15.

19           Q. (BY MR. JORDE) Well, and you, ma'am, agree  
20 with the governor that if -- you should have the right,  
21 as he says, to say "no." And if you just tell these  
22 gentlemen "no," they'll move it and they can build their  
23 pipeline and move on; right?

24           A. Correct, yes.

25           Q. Seems reasonable, doesn't it?

1 A. Uh-huh.

2 Q. Is that a yes?

3 A. Yes.

4 Q. And then you also mentioned that you didn't  
5 believe this -- either the reroutes or the current  
6 routes and the targeting of your property and all these  
7 things, that it lacks support broadly in North Dakota.  
8 Is that a statement that you made?

9 A. Correct. I have seen -- or I didn't make -- but  
10 I've seen polls that just don't -- it lacks support in  
11 North Dakota.

12 Q. And you understand that one of Summit's many  
13 hurdles is whether this, the pipeline, not the idea of  
14 carbon capture, but the pipeline itself only, if that  
15 produces minimal adverse impacts to the welfare of the  
16 citizens at large. You understand that?

17 A. Uh-huh.

18 Q. Yes?

19 A. Yes.

20 Q. And so is your point that when there's polls and  
21 when the citizens are speaking at large that they don't  
22 support this, that that would weigh against that  
23 element?

24 A. Yes.

25 Q. And then I'll have you turn to the tab in front

1 of you, Tab 16, and I'll represent that's a true and  
2 accurate copy of a Bismarck Tribune article from  
3 February 28th of 2024. And is -- is that reporting and  
4 the poll data in there consistent with your  
5 understanding that the state at large doesn't support  
6 this?

7 A. Yes, yes.

8 MR. JORDE: I would offer Exhibit 16.

9 ALJ HOGAN: Mr. Gludt, any objections?

10 MR. GLUDT: Same objections.

11 ALJ HOGAN: Mr. Pelham.

12 MR. PELHAM: I'll join in the objection.

13 ALJ HOGAN: All right. And I will reiterate my  
14 comments that I made regarding LO-15, but I will admit  
15 16.

16 MR. JORDE: Thank you.

17 Q. (BY MR. JORDE) And then continuing on, ma'am,  
18 Exhibit 18 in front of you there talks about an  
19 investigation of secret meetings that Summit is  
20 summoning various elected officials to. Did you become  
21 aware of those actions?

22 A. Yes. I saw this probably right after it  
23 happened.

24 Q. And does that fit into your objections about the  
25 lack of transparency from plume modeling, safety, risk



1 analysis, you know, potential reroutes, now, you know,  
2 secret meetings with politicians, does that all fit into  
3 kind of the Summit MO, so to speak?

4 A. Yes.

5 Q. And does that concern you as a citizen that, if  
6 this pipeline were so wonderful, that they're having  
7 such a difficult time being transparent about the issues  
8 surrounding it?

9 A. Yes. Absolutely.

10 Q. All right.

11 MR. JORDE: I would offer Exhibit 18.

12 ALJ HOGAN: Same objections, Mr. Gludt?

13 MR. GLUDT: Yes, Your Honor.

14 ALJ HOGAN: Mr. Pelham.

15 MR. PELHAM: Yes.

16 ALJ HOGAN: All right. And I'm going to have  
17 similar comments regarding relevance and weight of the  
18 -- that I think the objections do have weight, but I  
19 will admit 18.

20 MR. JORDE: Thank you.

21 Q. (BY MR. JORDE) And then continuing on, the  
22 next exhibit, Exhibit 19, I think you had mentioned an  
23 ethics commission looking into complaints filed relative  
24 to those secret Summit meetings. Is that also  
25 concerning to you?

1           A.    Yes.    Yes, it is.

2           MR. JORDE:   I would offer Exhibit 19.

3           ALJ HOGAN:   Similar objections, Mr. Gludt?

4           MR. GLUDT:   Yes, Your Honor.

5           ALJ HOGAN:   Mr. Pelham.

6           MR. PELHAM:   Yes.

7           ALJ HOGAN:   All right.   And I will have similar  
8 findings regarding this exhibit, but I will admit 19.

9           Q.    (BY MR. JORDE)    So, ma'am, you've been -- you  
10 and your family and your husband and your mother-in-law  
11 have been dealing with this for a couple years.   Now has  
12 that taken a toll on you, dealing with this and not  
13 really getting answers and not having any progress here  
14 with Summit suggesting reroutes or alternatives?

15          A.    Yes.    I've had sleepless nights and I've missed  
16 time away from grandkids and things.   You know, when  
17 you're looking up things or -- you know, just taken a  
18 lot of time.

19          Q.    And has it taken more time to become informed of  
20 the issues, the negatives, the risks, the adverse  
21 potential impacts when Summit doesn't provide you  
22 information and you have to go find it all on your own?

23          A.    Yes.

24          Q.    Okay.   Well, happy birthday to you.

25          A.    Thank you.

1 Q. And I don't have any more questions. Thank you.

2 A. Okay. Thank you.

3 ALJ HOGAN: Mr. Gludt, any questions?

4 MR. GLUDT: Yes, Your Honor.

5 CROSS EXAMINATION

6 BY MR. GLUDT:

7 Q. Morning, Ms. Waloch.

8 A. Good morning.

9 Q. Do you know about what time you retained  
10 Mr. Jorde as your counsel?

11 A. Sometime in 2022.

12 Q. Okay. And do you -- would you be surprised that  
13 the first time Summit received a letter from Mr. Jorde  
14 concerning potential reroutes on your property was his  
15 March 28th letter --

16 A. I would not be surprised with that.

17 Q. Okay. Have you read the letter that Summit  
18 submitted in response?

19 A. Yes, I have.

20 Q. And you're aware that Summit's willing to -- has  
21 reviewed your reroute proposals and is willing to make  
22 accommodations?

23 A. Yes. I saw that just a couple days ago.

24 Q. Are you willing to engage with Summit on  
25 potential reroutes?

1           A. I would ask my legal counsel to be with me and  
2 my husband and my mother-in-law, yes.

3           Q. Okay. And then just one more regarding support  
4 for the project. Are you aware that Summit has acquired  
5 easements for approximately 81.55 percent of the route  
6 in Sargent County?

7           A. Yes. I would be aware of that. And I think a  
8 lot of the people don't live there and it would be  
9 easier to sign, I believe.

10           MR. GLUDT: That's all the questions I have.  
11 Thank you.

12           ALJ HOGAN: Mr. Pelham, any questions?

13           MR. PELHAM: Yes.

14                           CROSS EXAMINATION

15 BY MR. PELHAM:

16           Q. Good morning and happy birthday, Ms. Waloch.

17           A. Thank you.

18           Q. Exhibit 5 on the tab, if you wouldn't mind  
19 turning --

20           A. Yes.

21           Q. On the second page of that letter that your  
22 attorney sent to Mr. Bender --

23           A. Okay. Yep.

24           Q. So that second page, the first sentence there,  
25 "It is our understanding that the above landowners have

1 already signed an easement with Summit and have been  
2 willing to have the pipeline on their property."

3 So I guess I'm just having a little bit of a  
4 hard time understanding that, if you've signed an  
5 easement, now you're saying here today that you're  
6 opposed to the project. Can you explain that a little  
7 bit?

8 A. We have not signed. Our neighbors have.

9 Q. Oh, I see.

10 A. Yeah.

11 Q. Oh, I see, the above -- okay, my confusion.

12 A. Right. Yeah.

13 Q. Okay. Well, that helps me --

14 A. We've -- yeah, yeah. We've had --

15 Q. So you have not signed an easement, your family  
16 has not signed an easement with Summit?

17 A. Correct.

18 Q. You've been in --

19 A. Correct. It's our neighbors. I know some have  
20 come over and talked to us and --

21 Q. All right.

22 A. So yeah.

23 Q. And that -- you reference in your testimony,  
24 ma'am, ethics complaints. Did you file any ethics --

25 A. I did not.

1 Q. No. Okay.

2 And as far as the jurisdiction of the PSC, your  
3 attorney asked you a couple questions on that. You  
4 understand that the Century Code provides the  
5 jurisdiction that the Commission has on these  
6 proceedings; right?

7 A. Yes, yes.

8 Q. And as far as any policy decisions related to  
9 climate change, carbon capture, you understand that the  
10 Commission doesn't have any policy, rules as to those  
11 topics?

12 A. Yes. I understand that.

13 Q. And as far as eminent domain, which was also  
14 mentioned in your testimony, ma'am, you understand that  
15 the Commission does not make determinations related to  
16 eminent domain?

17 A. Right, correct. But like my attorney said  
18 there, the trigger.

19 Q. Well, how do you -- what information do you have  
20 on that? Just from what your attorney is telling you?

21 A. Well, maybe. But I also think that if the  
22 project wasn't approved, it would go away.

23 Q. Okay. Understood.

24 You don't have any formal legal training or  
25 anything, do you?

1           A.    No.

2           Q.    Okay.

3           A.    No.

4           Q.    And the Exhibit 10, which was the news article,  
5 looks like there's a big picture of Exxon. Do you know  
6 whether or not Summit -- Summit had any involvement with  
7 that Louisiana --

8           A.    I do not know if they did or not.

9           Q.    They didn't -- do you know if they own an  
10 interest or anything like that? That's my question.

11          A.    I do not.

12          Q.    Okay. Thank you, ma'am. I don't have any other  
13 questions for you.

14          A.    Okay.

15                ALJ HOGAN: Commissioner Christmann.

16                COMMISSIONER CHRISTMANN: Well, good morning and  
17 happy birthday.

18                THE WITNESS: Thank you.

19                COMMISSIONER CHRISTMANN: So kind of an apology  
20 at first. I really try to be diligent about going  
21 through things in advance, but I'm sorry, we never  
22 received this big binder nor some other filings that are  
23 in here until yesterday and we had two meetings  
24 yesterday.

25                THE WITNESS: Okay.

1           COMMISSIONER CHRISTMANN: And so help me  
2 understand something.

3           THE WITNESS: Okay.

4           COMMISSIONER CHRISTMANN: As I go back to a  
5 different filing that we've had all this time but I'm  
6 trying to correlate the two, the map, when you said that  
7 you're on the northeast quarter of section 14 --

8           THE WITNESS: Yeah.

9           COMMISSIONER CHRISTMANN: -- did you -- and so  
10 this proposal kind of just cuts through the very  
11 southeast corner of that quarter; right?

12          THE WITNESS: Correct.

13          COMMISSIONER CHRISTMANN: Were you citing that  
14 quarter specifically because that's the quarter upon  
15 which you live or do you own, like, the quarter to the  
16 east of it where it comes in from or the quarter to the  
17 south of it that it exits through?

18          THE WITNESS: It -- I live on this quarter and  
19 my calving pasture is on this quarter, but we have  
20 neighbors that would be on the east of it, and then my  
21 mother-in-law's would be across the road, that it all  
22 comes in --

23          COMMISSIONER CHRISTMANN: Okay.

24          THE WITNESS: -- and routes.

25          COMMISSIONER CHRISTMANN: So you don't own the



1 land to the east or the south of this quarter where --

2 THE WITNESS: East or -- not to the east, but my  
3 mother-in-law is to the south.

4 COMMISSIONER CHRISTMANN: Okay. And so it's the  
5 land -- because as I'm trying to read through your  
6 proposed reroute --

7 THE WITNESS: Uh-huh.

8 COMMISSIONER CHRISTMANN: -- it appears that it  
9 doesn't just get it off of that corner of your property,  
10 it appears to try and move it by, like, a half a mile  
11 away. Am I understanding that correctly?

12 THE WITNESS: Yeah, and I'm -- I think so. My  
13 husband could answer that better. I'm thinking that, to  
14 hook up with our neighbor's, that's kind of how he drew  
15 this map.

16 COMMISSIONER CHRISTMANN: Okay. I don't think  
17 -- oh, okay. I see there are some maps at the end of  
18 this filing too. So I'll have a chance to review that  
19 further. Okay.

20 So one other thing I wanted to touch on. I'm  
21 sure it's just a simple mistake, but on No. 18 --

22 THE WITNESS: Exhibit 18?

23 COMMISSIONER CHRISTMANN: Correct.

24 THE WITNESS: Yes. Okay.

25 COMMISSIONER CHRISTMANN: As I'm recalling it,

1     you kind of agreed with the statement from Mr. Jorde  
2     about this illegal lobbying effect, as he put it, by  
3     politicians.

4             THE WITNESS:   Yes.

5             COMMISSIONER CHRISTMANN:   Can I point you to the  
6     second page of that --

7             THE WITNESS:   Yes.

8             COMMISSIONER CHRISTMANN:   -- kind of about --  
9     just a little lower than the middle of that gray box.

10            THE WITNESS:   Uh-huh.   Yes.

11            COMMISSIONER CHRISTMANN:   Who was invited to  
12     that?

13            THE WITNESS:   Legislators only.

14            COMMISSIONER CHRISTMANN:   I just wanted to make  
15     that clear.   I don't know why the word "politicians" as  
16     opposed to "legislators" was used, but if it was  
17     supposed to cast suspicion on this agency, there's no  
18     evidence that we were invited to this; correct?

19            THE WITNESS:   Oh.   No.

20            COMMISSIONER CHRISTMANN:   Okay.   Thank you.

21            ALJ HOGAN:   Commissioner Haugen-Hoffart.

22            COMMISSIONER HAUGEN-HOFFART:   I want to clarify  
23     something based upon your testimony and how you answered  
24     Summit and all that.   So you hired Mr. Jorde in 2022.

25            THE WITNESS:   Uh-huh.   Correct.

1           COMMISSIONER HAUGEN-HOFFART: Prior to that you  
2 received communication from Summit regarding they want  
3 to route the pipeline on your land; correct?

4           THE WITNESS: Correct.

5           COMMISSIONER HAUGEN-HOFFART: Did you respond to  
6 that letter?

7           THE WITNESS: We went to a meeting in Oakes,  
8 North Dakota.

9           COMMISSIONER HAUGEN-HOFFART: Okay. But did  
10 you --

11          THE WITNESS: Oh, did we respond?

12          COMMISSIONER HAUGEN-HOFFART: Yeah, did you  
13 respond saying "not interested"? I mean, how did you  
14 respond to Summit's initial letter that you received?

15          THE WITNESS: Well, I don't think it was a  
16 question. It was just that this is what we're doing so  
17 I -- we didn't respond immediately.

18          COMMISSIONER HAUGEN-HOFFART: What do you mean  
19 by "what we're doing"?

20          THE WITNESS: I believe the -- Summit just said  
21 here's what we're doing, this pipeline is going here,  
22 this is the route, we have some maps and --

23          COMMISSIONER HAUGEN-HOFFART: Okay. So they  
24 laid out the proposal. Would you say the letter was a  
25 proposal on the route which impacted your land?

1           THE WITNESS: It wasn't a proposal in terms of  
2 "Do you agree or would you agree with this?" It just  
3 was information in --

4           COMMISSIONER HAUGEN-HOFFART: Okay. I guess  
5 what I'm trying to get at, Karla, is when you received  
6 that correspondence from Summit --

7           THE WITNESS: Uh-huh.

8           COMMISSIONER HAUGEN-HOFFART: -- did you respond  
9 back?

10          THE WITNESS: No.

11          COMMISSIONER HAUGEN-HOFFART: So what time  
12 period -- when did you receive that first letter?

13          THE WITNESS: I don't know for sure. It seemed  
14 like it was nice outside. Maybe summer of 2022. I  
15 don't remember for sure.

16          COMMISSIONER HAUGEN-HOFFART: Okay. I guess one  
17 of my questions for you is we go from you retained  
18 Mr. Jorde in 2022 and it isn't until 2024 that there's  
19 correspondence with Summit regarding a reroute. What  
20 happened during that time? I mean, why -- I hear your  
21 passion. Where's the communication saying "I don't want  
22 this and please reroute it"? Help me understand, as a  
23 landowner, why that time period lapses.

24          THE WITNESS: Well, I think we were waiting to  
25 see if the -- how the PSC decision-making was going.

1 And then when it was denied, we hoped it wasn't going to  
2 happen, I guess is my biggest thing. We kept hoping  
3 that it wouldn't happen.

4 COMMISSIONER HAUGEN-HOFFART: Okay. So I look  
5 at it as you just took no action, that there was no  
6 action taken on your behalf on proposing a reroute or  
7 working with Summit.

8 THE WITNESS: I guess we just hoped it went  
9 away. I mean, you know, hoped that it wasn't going to  
10 go through.

11 COMMISSIONER HAUGEN-HOFFART: Okay. Okay.

12 THE WITNESS: I guess I didn't feel like it was  
13 our job to -- you know, they said this is it and nobody  
14 -- we never had anybody in our residence again and --

15 COMMISSIONER HAUGEN-HOFFART: Okay. Thanks for  
16 the clarification. I appreciate that.

17 You said your calving -- well, I think my final  
18 question. Is it your understanding -- and I would say  
19 it's my understanding -- that you're willing to work  
20 with Summit right now on a proposed reroute?

21 THE WITNESS: If -- if we had to, that would be  
22 the least bad option, yes.

23 COMMISSIONER HAUGEN-HOFFART: Okay. Thank you.  
24 No further questions.

25 ALJ HOGAN: Mr. Dawson.

1           SUBSTITUTE DECISIONMAKER DAWSON: Thank you,  
2           Your Honor.

3           To go back to this section 14 in the southwest  
4           quarter, who owns that?

5           THE WITNESS: Southwest quarter?

6           SUBSTITUTE DECISIONMAKER DAWSON: Yeah.

7           THE WITNESS: Yeah, that's my mother-in-law.

8           SUBSTITUTE DECISIONMAKER DAWSON: Okay. Is  
9           there a residence there at the bottom in the southwest  
10          quarter? Is there a residence?

11          THE WITNESS: No.

12          SUBSTITUTE DECISIONMAKER DAWSON: Okay. I'm  
13          just trying to make --

14          THE WITNESS: Oh.

15          SUBSTITUTE DECISIONMAKER DAWSON: -- the maps.

16          THE WITNESS: That -- yeah. Yeah, that would be  
17          some non-relative.

18          SUBSTITUTE DECISIONMAKER DAWSON: Okay.

19          THE WITNESS: Yeah.

20          SUBSTITUTE DECISIONMAKER DAWSON: That's my only  
21          question. Happy birthday.

22          THE WITNESS: Thank you.

23          ALJ HOGAN: Mr. Jorde, any redirect?

24          MR. JORDE: Yes. Thank you.

25

REDIRECT EXAMINATION

BY MR. JORDE:

Q. At no time were you suggesting or are you aware we've ever suggested that any of the three commissioners of this body sitting up here have done anything illegal or -- or that they shouldn't have done; correct?

A. No. No. I've appreciated all of their hearings that they've let us speak and their time and consideration. So no.

Q. All right. So in terms of, you know, politicians or elected officials or people receiving money from Summit in campaigns and Summit allies, etcetera, we're not talking about the PSC at all?

A. No. Absolutely not.

Q. All right. Very good.

Now, you were just asked some questions about whether you retained legal assistance to help you with this legal quagmire that you're faced with here. And that was in 2022. But before that, when Summit presented this to you and then you took time out of your day and gas and you drive up to the meeting and you sit there, that presentation by Summit wasn't "Hey, you know, we're thinking about this, if you're interested, talk to us and maybe we would put it on you." It's "This is the route, this is what is happening, and this

1 is your land and it's coming on you"?

2 A. Yes.

3 Q. Okay. It wasn't -- I mean, Summit likes to put  
4 this "Oh, we want to engage with you and have this --"  
5 there was never any of that?

6 A. No.

7 Q. And then when Summit's counsel says are you  
8 willing to engage with Summit, what does that even mean  
9 and why haven't they tried to engage with you in the  
10 last two years?

11 A. I don't know. I guess they just --

12 Q. Okay. Has your address changed in the last two  
13 years?

14 A. No.

15 Q. Do you think my email or address has changed in  
16 the last two years?

17 A. No.

18 Q. Are you aware that for almost a year I've been  
19 trying to negotiate standard easement language with this  
20 company and they stopped talking to me about five months  
21 ago?

22 A. Yes.

23 Q. All right. And so we were making zero progress  
24 on getting any basic understanding done and we were  
25 trying, and then they switched to an option contract and



1 never sent me the option contract language and  
2 communication stopped --

3 MR. GLUDT: I'm going to object, Your Honor.  
4 Mr. Jorde's testifying.

5 ALJ HOGAN: Yep.

6 MR. JORDE: I'm asking her if she knows.

7 Q. (BY MR. JORDE) Do you know that?

8 A. No.

9 Q. I think you misunderstood --

10 A. I'm sorry.

11 Q. Okay.

12 ALJ HOGAN: Mr. Jorde, let's not talk about what  
13 you've done. I mean, if you want to put that in a legal  
14 filing, that's fine, but I don't think it's appropriate  
15 to ask this witness about it.

16 MR. JORDE: Okay.

17 Q. (BY MR. JORDE) Have I on your behalf, as the  
18 mouthpiece for a client, tried to have been working  
19 towards potential easement language related to this  
20 project?

21 A. Yes, you have.

22 Q. All right. Thank you.

23 MR. JORDE: And I'm happy to submit all those  
24 emails if anyone cares.

25 Q. (BY MR. JORDE) In terms of just a little

1 sample of that, Exhibit 13, can you return to Tab 13 in  
2 front of you there? And I don't want to get too deep  
3 into this, but in any event you can see -- and, again,  
4 all I do is on behalf of clients. You understand that;  
5 right?

6 A. Yes.

7 Q. All right. Without you, I can't do anything  
8 so --

9 A. Uh-huh. Yes.

10 Q. There's some recounting here of we haven't been  
11 making any progress, and on the top of page 2, on your  
12 and others' behalf, I asked them "Hey, let's -- let's  
13 have a conversation, send us some options, we can do a  
14 walkthrough on reroutes, etcetera." And they come back  
15 and say, "Unless we have a survey, there's nothing to  
16 talk about" basically; right?

17 A. Yes. I see that. But they have a survey so I  
18 don't know what -- where it is.

19 Q. Well, and better than that, when they drew the  
20 line across North Dakota, they didn't have the survey,  
21 did they?

22 A. Right.

23 Q. Okay. So they were able to do the route that  
24 they claim is the best route without a survey, but now  
25 as we get close to judgment day here, now they're "We're

1 not talking to you unless we have a survey." That's  
2 what's happening; right?

3 A. Right.

4 Q. Okay.

5 A. Yes.

6 MR. JORDE: I would offer Exhibit 13.

7 ALJ HOGAN: Any objection to 13?

8 MR. GLUDT: No objection, Your Honor.

9 ALJ HOGAN: Mr. Pelham.

10 MR. PELHAM: Well, I'm not sure that there's  
11 foundation, but no objection.

12 ALJ HOGAN: I agree on the foundation, but given  
13 there's no objection, I will admit 13.

14 Q. (BY MR. JORDE) All right. And then moving  
15 onto the -- you were asked some questions about  
16 jurisdiction and, you know, what the PSC's narrow focus  
17 is or isn't. Is it your simple belief that without a  
18 route there wouldn't be eminent domain? You're not  
19 going to condemn rights that you don't have and in a  
20 project you can't build?

21 A. Right. It's just my simple belief.

22 Q. All right. Thank you.

23 And if the PSC's jurisdiction is only the start  
24 of a pipeline that has to connect to other equipment and  
25 then the end of the pipeline before it gets into any

1 type of underground storage, and we're only looking at  
2 this linear pipe, you would agree that it's impossible,  
3 based on Summit's business model, for them to jump over  
4 the hurdles necessary to be granted a certificate of  
5 corridor and a route permit?

6 A. Yes.

7 MR. JORDE: All right. I don't have anything  
8 further. Thank you.

9 ALJ HOGAN: Mr. Gludt, any additional questions?

10 MR. GLUDT: Nothing further, Your Honor.

11 ALJ HOGAN: Mr. Pelham.

12 MR. PELHAM: I don't. Thank you.

13 ALJ HOGAN: Any further --

14 COMMISSIONER CHRISTMANN: Nor do I, Your Honor.

15 ALJ HOGAN: Commissioner Haugen-Hoffart?

16 COMMISSIONER HAUGEN-HOFFART: No.

17 ALJ HOGAN: Mr. Dawson.

18 SUBSTITUTE DECISIONMAKER DAWSON: None, Your  
19 Honor.

20 ALJ HOGAN: All right. Well, thank you,  
21 Ms. Waloch. And happy birthday.

22 THE WITNESS: Thank you.

23 ALJ HOGAN: Next witness.

24 MR. JORDE: Yes. Thank you, Your Honor. I will  
25 call Randall Waloch.

1 ALJ HOGAN: Good morning, Mr. Waloch. I'll have  
2 you start by stating your full name for the record and  
3 spelling your last name.

4 RANDALL WALOCH: My full name is Randall Waloch,  
5 W-A-L-O-C-H.

6 ALJ HOGAN: And, Mr. Waloch, were you in the  
7 room this morning when I went through the penalties for  
8 perjury?

9 RANDALL WALOCH: Yes, I was.

10 ALJ HOGAN: And do you understand what perjury  
11 is?

12 RANDALL WALOCH: Yes, I do.

13 ALJ HOGAN: And being advised of the potential  
14 penalties for perjury, do you promise to tell the truth  
15 in this case today?

16 RANDALL WALOCH: I do.

17 ALJ HOGAN: All right. Thank you.

18 Go ahead, Mr. Jorde.

19 MR. JORDE: Thank you, Your Honor.

20 **RANDALL WALOCH,**

21 being first duly sworn, was examined and testified as  
22 follows:

23 DIRECT EXAMINATION

24 BY MR. JORDE:

25 Q. Will you please state your name?

1           A.   Randy -- Randall Waloch.

2           Q.   And, Mr. Waloch, I don't want to go over all the  
3 ground we covered, obviously, with your wife there, but  
4 do you have anything specific that you'd like to discuss  
5 you feel that she left out or to help clarify anything  
6 that was discussed?

7           A.   The only thing I'd probably -- if you wanted to  
8 know some more about the land and where the pipeline is  
9 running, I could do that for you a little --

10          Q.   Thank you. I didn't want to presume that was  
11 where you were headed, but that's exactly what I'd like  
12 to do. And Exhibit 5, that binder in front of you,  
13 there's a Tab 5. Exhibit 5 is the letter and, frankly,  
14 the maps that you and your family put together showing  
15 potential reroutes.

16                Yeah, No. 5, I think you've got it there. And  
17 so -- is that it? Let me help you. Here we go.

18                Okay. So if we can maybe help the Commission  
19 understand a little bit better the lay of the land and  
20 your proposed reroutes -- and before you get into that,  
21 I just want to clarify that you took the time to  
22 consider potential reroutes where the land being  
23 impacted is land already owned by folks that already  
24 have signed and are participating in this project;  
25 correct?

1           A. That is correct.

2           Q. Okay. So you took quite a bit of time to really  
3 think and consider that and essentially take away those  
4 arguments about putting it on some unwilling landowner.

5           And then, with that, sir, if you want to just  
6 kind of explain what your thought process was and what  
7 you did.

8           A. Okay. What goes on, my mom has another quarter  
9 which would be up on the section 12, would be the  
10 southeast quarter of that. So by --

11          Q. Hold on. And just -- and just for the record,  
12 you're doing great, but you're on page 3 of Exhibit 5,  
13 is that correct, looks like, the first page of the maps?

14          A. Well, let's go to 5. That one is going to be a  
15 better look for you.

16          Q. Okay. Page 5. And then you're doing great. Is  
17 the map we're looking at orientated where the top of the  
18 page is north and the bottom is south?

19          A. That's correct.

20          Q. Okay. And so if you want to help the Commission  
21 understand, if you could just maybe use directions as  
22 opposed to, like, "there," words to just kind of help  
23 them as you describe it. Okay. Go ahead.

24          A. Okay. Back on section 12, if you change the  
25 angle in that quarter there and you cut across, you can

1 change this whole thing and -- we have a lot of sloughs  
2 and stuff out there too. So to go around them or find a  
3 spot that would be easier to go, my angles I've got here  
4 on this paper, it did that very well, I think, by just  
5 changing the angle on two quarters that are already  
6 signed up for it that it's going across anyway. Gets  
7 rid of the quarter that we have over there, my mom.

8 And it goes around my section 14 on that  
9 northeast and it goes around both -- half on section 14  
10 too. By going down the angle and cutting back, it ends  
11 up on the same spot and the pipeline come across on the  
12 top and it ends up going on the bottom, ends up in the  
13 same two spots. It just takes a different angle.  
14 There's only one elbow in it. And there's less elbows  
15 probably than what they go in the first place.

16 Q. Okay. So to recap there, I mean you've drawn  
17 what essentially are two straight lines that shows one  
18 bend in kind of the southern portion of that map, page 5  
19 of Exhibit 5. And then the land that it would cross  
20 potentially if this route were worked on is land where  
21 easements already -- or land owned by people who already  
22 have easements with Summit?

23 A. That's correct.

24 Q. All right. And your wife mentioned the least  
25 worst route. Obviously this would get off not only you



1 and your wife's property but also your mother's  
2 property. It's still in the area. But is this  
3 something you could -- could live with if you had to?

4 A. Yes.

5 Q. All right. Okay. Anything else about kind of  
6 the lay of the land or your thought process or  
7 methodology here that you think is important for the  
8 Commission to understand as they digest this?

9 A. Well, I think it just gets away from me, for one  
10 thing, from my cattle and all that stuff, if there was a  
11 rupture or anything like that. And the next thing is,  
12 by doing the line I've got, honestly, I feel it's a  
13 better route anyway just from the standpoint of any  
14 construction company that will want to go through there;  
15 you got less sloughs you're trying to work around or  
16 anything else. You got nice straight lines and one  
17 elbow. It's better than what they proposed in the first  
18 place, in my opinion.

19 Q. And how many years of your life have you been  
20 familiar with this ground?

21 A. 60 probably. I don't know.

22 Q. Okay. 60. And so you obviously know the  
23 difficulties of working the ground, the problems and the  
24 challenges that can come up, and you believe that what  
25 you're suggesting here routes around some of those

1 natural-existing challenges?

2 A. I do.

3 Q. Now, did your wife say that your cattle yard is  
4 approximately a hundred foot from the current proposed  
5 hazardous pipeline route?

6 A. Yes, that's correct.

7 Q. And do you have quite a bit of investment there?  
8 I suppose you think of that -- that cattle yard as a  
9 business, your cattle business; correct?

10 A. Exactly.

11 Q. And so when Summit was putting together their  
12 statistics of if they are within 500 feet of a business  
13 or residence, they didn't include you and they haven't  
14 requested a waiver, have they?

15 A. No.

16 Q. Okay. And that business, that cattle and the,  
17 roughly, 600,000 market value of cattle you have there,  
18 that's a significant portion of the livelihood that you  
19 and your family depend on; correct?

20 A. That's correct.

21 Q. Okay. All right, sir, is there anything else  
22 you want to share with the Commission before I let you  
23 go?

24 A. No. I was just going to read something else.

25 Q. Sure. Go ahead.

1           A.   Some of this will probably duplicate on this  
2   being what we just got done talking to so -- but I'll do  
3   it the same way.

4           Good morning. I'll start by saying that my  
5   number one concern is safety. I know many others who  
6   live close to the proposed pipeline route also share  
7   this concern. The proposed pipeline is taking toxic  
8   waste from four other states. Do we really want to risk  
9   safety for our people, our water, our food, and our  
10   lifestyle for just one ethanol plant in North Dakota?

11           In addition to safety, I have a few other  
12   concerns I would like to share with you. I'm a farmer,  
13   a cattle rancher. We raise crops, livestock. The  
14   proposed pipeline route's less than a half mile from my  
15   house and runs alongside my calving pasture. In the  
16   event of a rupture, my cattle would -- would either be  
17   starved of oxygen or they would not survive the blast.  
18   I have a verified copy from my insurance company that  
19   states it could not cover any losses incurred if this  
20   happens. How could I make up for the \$600,000 economic  
21   loss with no insurance coverage and 50 years' of  
22   breeding genetics experience?

23           As a farmer and rancher, I'm a good steward of  
24   the land and I have spent my entire life making land  
25   more productive by minimum tillage, no tillage, and

1     planting cover crops. With these practices, they will  
2     increase organic matter in the soil which will result in  
3     the soil being able to hold more water and air which  
4     will increase the yield. By putting in a pipeline, will  
5     destroy fertile topsoil and cause severe compaction  
6     which would decrease yields for years or forever. For  
7     an example, there's a pipeline approximately 15 miles  
8     west of where I live and you can still see where the  
9     line runs several years later. I'm positive that this  
10    will devalue my property by having a hazard pipeline  
11    on it.

12           Water is a precious resource which makes the  
13    amount of consumption needed for a pipeline a huge  
14    concern. With an ethanol plant in Casselton and Fargo's  
15    population growth, will there be enough water necessary  
16    for living?

17           Have we considered -- the outcome of this  
18    project is approved and then fails -- who is going to be  
19    financially and environmentally responsible?

20           Q. Okay. Thank you. I just have a couple  
21    follow-up on that.

22           The value piece. You know, others have talked  
23    about that. And in your neck of the woods out there,  
24    would you agree that there's probably a handful of  
25    families that tend to make the market if a parcel comes

1 up at auction or for sale?

2 A. Yes, that's correct.

3 Q. And I take it that you wouldn't be purchasing or  
4 bidding on any land that had Summit's hazardous CO2  
5 pipeline on it; is that correct?

6 A. Yes, that's correct.

7 Q. And so if you take just one person and then  
8 maybe others out of a small market, is it reasonable to  
9 conclude that that could negatively impact values?

10 A. Yes. That would happen.

11 For an example, if you go back in history in  
12 years, you've got land that was bought up by the  
13 government for sloughs and the wildlife thing. And  
14 nowadays, if there's land that comes up for sale, one of  
15 their first ads on there is that line "it has no  
16 wildlife easements."

17 Q. And that's because the easements or the  
18 prohibitions and the restrictions of what can and can't  
19 be done on land when there is an existing easement or  
20 some type of infrastructure creates a negative value, in  
21 your view; correct?

22 A. That's correct.

23 Q. You mentioned water briefly. And this hasn't  
24 come up much, but you're aware, if this project is  
25 approved, that Summit is going to be sucking up maybe a

1 billion gallons a year in water across the project at  
2 all the ethanol plants to cool the CO2. Did you know  
3 that?

4 A. Yes.

5 Q. And are you also aware that because CO2 is  
6 volatile, there has to be a constant pressure maintained  
7 at all times in the pipeline, they can't just shut it  
8 off or let the CO2 sit in the pipeline? Did you know  
9 that?

10 A. Yes.

11 MR. GLUDT: Your Honor, I'm going to put an  
12 objection again. Mr. Jorde is testifying and he's just  
13 asking his witness if he agrees. We can exponentially  
14 expedite these proceedings if we would move past those  
15 types of questions.

16 ALJ HOGAN: I agree. And I believe this is  
17 ground that's been previously testified to and provided  
18 to the Commission at previous hearings.

19 MR. JORDE: You know, and you're right, Your  
20 Honor, some of it has. It's just that Summit opened the  
21 door with Mr. Powell's filing where they go into safety  
22 and proximity and emergency and why carbon sequestration  
23 and they go into all these things and -- just last month  
24 so, you know. But we have to have an opportunity to at  
25 least touch on the claims they're making so...

1           But, anyway, I'm done with that line of  
2       questioning. I just have one more here.

3           Q. (BY MR. JORDE) On that insurance piece, is --  
4       what I've taken from your discussion there on insurance  
5       is that --

6           MR. GLUDT: Objection, Your Honor. The  
7       Commission's August 4th, 2024, order says the Commission  
8       does not have -- or found that the issue relating to  
9       insurance and Summit's indemnity has been satisfied.

10          ALJ HOGAN: I agree. I just looked at the order  
11       and the Commission made a specific finding regarding  
12       liability insurance requirements. So we don't need to  
13       cover that with any further testimony.

14          MR. JORDE: Well, Your Honor, with respect,  
15       unfortunately, in Mr. Powell's April 22nd testimony to  
16       this Commission he put it in at issue. Again, on page 4  
17       of his March 4th letter that he attached his prefiled  
18       testimony. And he has a specific section that he gets  
19       into related to insurance and liability insurance, and  
20       we need to be able to address that.

21          ALJ HOGAN: Well, I'm not going to allow further  
22       testimony because the Commission has already addressed  
23       it in their order. The purpose of these hearings are to  
24       address deficiencies the Commission found in its order  
25       and proposed reroute. So I would please ask that you

1 move on.

2 MR. JORDE: Then landowners move to strike the  
3 entirety of Mr. Powell's prefiled testimony given he  
4 violated the restrictions that you're putting on  
5 landowners right now and we would ask that exhibit be  
6 stricken from the record.

7 ALJ HOGAN: If you want me to consider that,  
8 you'll need to file a written motion for that  
9 consideration after this hearing.

10 MR. JORDE: Okay. We will do that. Thank you.

11 Q. (BY MR. JORDE) Sir, anything else that we  
12 should cover?

13 A. No.

14 Q. Okay. Thank you so much for coming. Appreciate  
15 it.

16 ALJ HOGAN: Mr. Gludt, any questions?

17 MR. GLUDT: None, Your Honor.

18 ALJ HOGAN: Mr. Pelham.

19 CROSS EXAMINATION

20 BY MR. PELHAM:

21 Q. Good morning, Mr. Waloch. I'm just wondering,  
22 your wife talked a little bit about this and was  
23 questioned on it, but I'm wondering what contact, if  
24 any, you had directly with Summit related to this  
25 proposed line.



1           A.    The only contact I had was a guy stopped in my  
2   yard one day and all he wanted me to do is sign a paper  
3   for -- to survey.

4           Q.    Do you recall about when that would have been?

5           A.    It would have probably been earlier in '22.

6           Q.    Okay. Just in terms of a timeline here, there's  
7   testimony from your wife that Mr. Jorde was retained in,  
8   she believed, maybe the summer of 2022. Would that have  
9   been -- the contact with the individual who stopped and  
10   wanted you to sign survey rights, was that before you  
11   retained Mr. Jorde or after?

12          A.    It was before that.

13          Q.    Okay. And aside from that contact, have you had  
14   any other contact with any Summit employees or  
15   representatives?

16          A.    No, I have not.

17          Q.    Thank you, sir. I don't have any other  
18   questions. Mr. Schock may.

19                ALJ HOGAN: Commissioner Christmann.

20                COMMISSIONER CHRISTMANN: Well, first of all,  
21   I'll say I never had much of a green thumb for the  
22   planting side, but before this job I raised cattle so  
23   I've got to ask, what kind of cattle do you raise? You  
24   mentioned your genetics.

25                THE WITNESS: Mostly Simmental.

1           COMMISSIONER CHRISTMANN: Okay. I want to talk  
2 -- make sure I'm understanding your reroute proposal.

3           THE WITNESS: Okay.

4           COMMISSIONER CHRISTMANN: So you pushed this a  
5 little further east where it's coming past you.

6           THE WITNESS: Correct.

7           COMMISSIONER CHRISTMANN: And that gets it over  
8 into that southwest quarter of section 13. And am I  
9 understanding you right, that you're saying that that  
10 landowner has already signed other easements?

11          THE WITNESS: Yes, that's correct.

12          COMMISSIONER CHRISTMANN: And then you go all  
13 the way across the north half of section 23. And the  
14 same thing there, that landowner or landowners have  
15 signed other easements?

16          THE WITNESS: Their -- their family has for  
17 sure. Whether it's totally this one exactly, but their  
18 family farms all that and this, I think -- I believe  
19 it's his sister who ends up with this stuff here. But,  
20 yes, they've already signed on the top side and over on  
21 this other section to the west of that 23 --

22          COMMISSIONER CHRISTMANN: There's no --

23          THE WITNESS: -- where it's going to hook up.

24          COMMISSIONER CHRISTMANN: Excuse me. Sorry to  
25 interrupt.

1           There's no buildings in that north half of  
2           section 23, are there?

3           THE WITNESS: No, there's not.

4           COMMISSIONER CHRISTMANN: Okay. And then as you  
5           exit that and get over into the northeast quarter of  
6           section 22, it does sure appear that there are some --  
7           there's a -- looks like a full farm there in the  
8           southwest corner of that northeast quarter. In your  
9           proposal, how far are you from that farm?

10          THE WITNESS: I'm guessing it's going to come  
11          out in that corner. You're only going to be a couple  
12          hundred feet in from that corner. But I'll tell you,  
13          where that's hooking back up, it already hooks in the  
14          pipeline that's already existing that they got going  
15          across there. That's why it goes back at that angle and  
16          hits that same one.

17          COMMISSIONER CHRISTMANN: Okay.

18          THE WITNESS: So it's just on the other side of  
19          the road, is where it hooks back up again.

20          COMMISSIONER CHRISTMANN: Okay. All right.  
21          Thank you. No other questions.

22          THE WITNESS: Okay.

23          ALJ HOGAN: Commissioner Haugen-Hoffart.

24          COMMISSIONER HAUGEN-HOFFART: Is it your  
25          understanding by Summit Carbon Solutions earlier, they

1     stated that they're willing to work with you guys  
2     regarding your reroute proposal?

3             THE WITNESS:   Yes.

4             COMMISSIONER HAUGEN-HOFFART:   Okay.   I just want  
5     to ask -- hopefully, that can happen, but you talked  
6     about your land use right now and I just want to make  
7     certain of it.   Crop and cattle; correct?

8             THE WITNESS:   Correct.

9             COMMISSIONER HAUGEN-HOFFART:   That's your  
10    current use.   Do you have any future use of your land?

11            THE WITNESS:   As of what?

12            COMMISSIONER HAUGEN-HOFFART:   Any plans to, say,  
13    we're going to try something different, you're  
14    researching for your future use of your land?

15            THE WITNESS:   Nope.   We're going to stick to the  
16    same what we've been the whole time.

17            COMMISSIONER HAUGEN-HOFFART:   Okay.

18            THE WITNESS:   It's been working.

19            COMMISSIONER HAUGEN-HOFFART:   Well, that's  
20    great.   Have you talked -- with your proposal, have you  
21    talked to the other people about your proposal and that  
22    you have submitted it?

23            THE WITNESS:   No, I have not.

24            COMMISSIONER HAUGEN-HOFFART:   Okay.   Okay.   Just  
25    one last comment.   It's your wife's birthday.   You

1       should take her out for dinner.

2               THE WITNESS:   Probably be a good idea.

3               COMMISSIONER HAUGEN-HOFFART:   I have no further  
4       questions.   Thank you.

5               ALJ HOGAN:   Mr. Dawson, any questions?

6               SUBSTITUTE DECISIONMAKER DAWSON:   No questions,  
7       Your Honor.   Thank you.

8               ALJ HOGAN:   Any redirect, Mr. Jorde?

9               MR. JORDE:   Just one or two questions.

10                               REDIRECT EXAMINATION

11       BY MR. JORDE:

12               Q.   So I appreciate the point that Mr. Pelham's  
13       making, and that's our point.   So, you know, whether you  
14       hired me or not, I mean I have an email, I have an  
15       address, I have a phone number.   Summit hasn't come to  
16       you with any type of options, any type of "Hey, we have  
17       all these easements signed up, we could maybe do this or  
18       this."   They haven't suggested solutions; is that  
19       correct?

20               A.   That's correct.

21               Q.   All right.   Thank you.   Nothing further.  
22       Appreciate it, sir.

23               ALJ HOGAN:   Mr. Gludt, any other questions?

24               MR. GLUDT:   Nothing, Your Honor.

25               ALJ HOGAN:   Mr. Pelham.

1           MR. PELHAM: I did. I missed one earlier. I  
2 apologize.

3                               RECROSS EXAMINATION

4 BY MR. PELHAM:

5           Q. Sir, you testified related to your business  
6 being close to the proposed line. Are there structures  
7 that are occupied that your business utilizes on this  
8 section 14 that you own?

9           A. Yes. We live there and all our farm buildings  
10 are there.

11          Q. Do you know the distance from the proposed line  
12 as far as any business -- business structures that are  
13 located on your property?

14          A. To my thinking, I'm guessing it's under a half  
15 mile.

16          Q. Okay. And specifically, can you tell us what  
17 structures you're talking about?

18          A. I got a shop and pole barns and machine sheds  
19 and a house and barn, another cattle barn, feedlot.

20          Q. Do you have an office in any of those  
21 structures?

22          A. We do a lot of work out of the shop. It's not  
23 really a good office, but, yes, it's -- we make a lot of  
24 calls there.

25          Q. Okay. So there's a phone line?

1           A.    We have cell phones now.

2           Q.    Cell phones, okay, yeah.  See, that dates me  
3   too.  But desk or anything set up in those shops?

4           A.    Yes.  There is one out there.

5           Q.    Okay.  And is it your testimony, sir, that that  
6   is an occupied business structure then?

7           A.    Yes.

8           Q.    All right.  Thank you.

9           ALJ HOGAN:  Any other questions from  
10   commissioners or Mr. Dawson?

11          All right.  Thank you, Mr. Waloch.

12          THE WITNESS:  Thank you.

13          MR. JORDE:  Your Honor, could I have one  
14   follow-up on Mr. Pelham's last question --

15          ALJ HOGAN:  If I allow you to ask a follow-up,  
16   then I've got to go around the room again so I prefer  
17   not.

18          MR. JORDE:  Okay.  I guess is the preference a  
19   hard no?

20          ALJ HOGAN:  Yes.

21          MR. JORDE:  Okay.  All right.  I'll ask someone  
22   else.

23          Thank you, sir.  I appreciate it.

24          ALJ HOGAN:  All right.  Next witness.

25          MR. JORDE:  Loren Staroba, please.

1           ALJ HOGAN: Good morning, Mr. Staroba. I'll  
2 have you start by stating your full name for the record  
3 and spelling your last name.

4           LOREN STAROBA: Yes. Good morning. My name is  
5 Loren Staroba. And my last name is S-T-A-R-O-B-A.

6           ALJ HOGAN: And, Mr. Staroba, were you in the  
7 room this morning when I went through the penalties for  
8 perjury?

9           LOREN STAROBA: I was.

10          ALJ HOGAN: And do you understand what perjury  
11 is?

12          LOREN STAROBA: I do.

13          ALJ HOGAN: And being advised of the potential  
14 penalties for perjury, do you promise to tell the truth  
15 in this case today?

16          LOREN STAROBA: Yes, I do.

17          ALJ HOGAN: All right. Thank you.

18          Go ahead, Mr. Jorde.

19          MR. JORDE: Thank you, Your Honor.

20                         LOREN STAROBA,

21 being first duly sworn, was examined and testified as  
22 follows:

23                                 DIRECT EXAMINATION

24 BY MR. JORDE:

25           Q. Sir, please state your name and tell us where



1 your targeted land is located.

2 A. My name is Loren Staroba and the properties that  
3 we have are in two different sections. One in section 2  
4 of the northwest quarter of section 130-151.

5 Q. And then just help us out, that's Richland  
6 County; correct?

7 A. That is Richland County, yes.

8 Q. Okay. And then another parcel?

9 A. It is in section 35, and that's part of the east  
10 half of section 132-51.

11 Q. All right. Very good.

12 Now, sir, you and your wife, Diane, are both  
13 formal intervenors in this --

14 A. Yes, we are.

15 Q. And I don't want to go over every single  
16 question that I asked the Walochs, which may be similar  
17 to you given that we're all working together, but, just  
18 generally, do you share the concerns that the Walochs  
19 presented in their testimony?

20 A. Yes, I do.

21 Q. And in terms of the back-and-forth we had about  
22 not being contacted by Summit, not having -- that  
23 Summit's not presenting solutions or potential reroutes  
24 or providing you with new options, is that all true for  
25 you as it was the Walochs?

1           A.   It's all true.   And it's one of the main reasons  
2 I'm here today.

3           Q.   And, sir, I believe you sat, maybe not in that  
4 chair but in that location almost approximately a year  
5 ago, didn't you?

6           A.   That's correct.

7           Q.   And in that year period there's been no efforts,  
8 at least that we're aware of, that Summit tried to  
9 address a single concern that you shared; is that  
10 correct?

11          A.   That's true.   There's been very minimal response  
12 unless we initiated it.

13          Q.   And you might be going to Exhibit No. 3, which  
14 is the April 23rd, 2024, letter with another reroute; is  
15 that correct?

16          A.   Yes, it is.

17          Q.   Okay.   And do you have a copy in front of you?

18          A.   I do.

19          Q.   Very good.   And, sir, you actually personally  
20 prepared the map which is page 3 and 4 of that letter;  
21 is that correct?

22          A.   That's correct.

23          Q.   And then you provided that map to me and then we  
24 worked together on this letter and then I sent it on  
25 your behalf to Summit; correct?

1           A.   That's correct.

2           Q.   All right.  And did you take these actions  
3 because you hadn't heard from them, there was nothing  
4 going on so -- from their side of finding solutions so  
5 you tried to make another attempt at it?

6           A.   There was nothing from Summit at all as far as a  
7 proposed route, reroute.  There was nothing.

8                   And I guess I've kind of made a list and a  
9 timeline of what has actually happened from Summit since  
10 the very beginning, and I'd like to go through that so  
11 you don't have to ask the questions when these things  
12 happened, you know.

13                   But our first contact with SCS with -- was by  
14 certified mail from Erik Schovanec in August of '21.  It  
15 was vague and showed a pipeline only on one section,  
16 section 35.

17                   In February of '22 an easement offer was --  
18 arrived by certified mail, and Bruce Johnson (phonetic),  
19 representing SCS, for a pipeline on section 35 and then  
20 only a temporary construction easement on section 2.  We  
21 responded to their land agent, Catherine Johnson  
22 (phonetic), that we were not interested in another  
23 pipeline on our property.

24                   Section 35, as I testified in the last hearing  
25 in Wahpeton, has two pipelines there already.  And we

1 have had many adversely affected crop production and --  
2 due to compaction, water drainage, and soil quality  
3 issues. And I -- I talked about that, that after 25, 45  
4 years later we still have problems. So we don't want  
5 another one. That was what my testimony was. And  
6 that's what we told them. That was already in basically  
7 February '22.

8 Then on July 22 and July 29 we received FedEx  
9 letters from the Fredrikson Law Firm stating we must  
10 give voluntary access for Summit to survey. The thing  
11 is, on those survey permission forms, they gave the  
12 wrong county name and all the contact numbers were  
13 incorrect. So basically, they wanted us to give  
14 permission in Dickey County. We live in Richland  
15 County. And I've got papers and it's in the records.  
16 So we felt we didn't -- we couldn't legitimately grant  
17 them survey permission.

18 And did we want to work with a company that  
19 can't even get the county correct? And then basically  
20 we thought, with the lack of professionalism and the  
21 obvious errors and the misrepresentations of our  
22 properties, was Summit trustworthy? And we didn't want  
23 to do business with them. And we told them that. We  
24 assumed we had some property rights in North Dakota.

25 And on August 2nd of '22 we got legal

1 representation from Brian Jorde of the Domina Law Group.  
2 And then on August 23rd Summit served us papers at our  
3 front door suing us for access to survey our property.

4 And, again, I'd like to reiterate this. All  
5 four copies of the survey access form, Exhibit A, called  
6 it Dickey County and had all the incorrect phone  
7 numbers. And those are all included in those lawsuit  
8 papers. So I guess we didn't have a real good feeling  
9 of professionalism at that point. And they --  
10 basically, there was in the actual lawsuit in these  
11 other forms, they give us the proper descriptions, but  
12 they still called it Dickey County.

13 And then after they sued us, September 13, '22,  
14 we received a second easement offer from Julie DiMeo,  
15 their North Dakota road manager, and basically they  
16 added an additional pipeline on section 2 after we had  
17 been sued for access. So -- and through all of this  
18 there wasn't any notice of a change from them to give us  
19 a heads-up. There was nothing.

20 Then eight months later, May of '23, with no  
21 contact at all from SCS through us and through our  
22 lawyer, we -- we did hire David Piper, a local West  
23 Fargo attorney through that firm, to initiate contact  
24 with Summit to move the pipeline in section 2 from our  
25 land. And that's because the pipeline came in at just

1 one corner and we thought, okay, let's go and get -- run  
2 it diagonally through the road. We'll at least get that  
3 from them, we thought. And we were not negotiating  
4 anything on section 35, but we thought if we can work  
5 with them to get it through section 2.

6 After considerable effort and conversations with  
7 neighbors and personal expense, we offered a solution to  
8 run it through diagonally crossing through the road.  
9 Our attorney, David Piper, had conversations with the  
10 rural manager, Julie DiMeo. And the current PSC map of  
11 section 2 shows that change, but we have nothing in  
12 writing. There's no easement offered. There was  
13 nothing.

14 So we have seen or heard nothing addressed in  
15 section 35 since Summit sued us. The only communication  
16 we had was to the lawsuit but nothing to changing  
17 anything.

18 There was a slight change in the angle of the  
19 pipeline that you see on the map now. It was higher up.  
20 And that happened after Terry Goerger, our neighbor,  
21 signed an easement. There was never any question from  
22 Summit saying, "Well, where do you think it might want  
23 to go? What can we do, you know, to help you out?" No.  
24 So there's been two, three changes that they made  
25 without any contact with us and asking us or even

1 telling us what they were doing.

2 Then in March 2024 our attorney, Steve Leibel,  
3 filed a letter from the -- filed with the PSC Document  
4 No. 463 and he asked that Summit -- and said that Summit  
5 had not contacted us to address our concerns on section  
6 35. He also filed Document 466, a list of interrogatory  
7 questions for them to identify the studies, the reports,  
8 the analysis, the reroutes that they proposed and any  
9 agreed on, negotiations, discussions with us, or other  
10 measures initiated or considered by Summit with respect  
11 to our property.

12 Then on March 22nd Summit answered with a  
13 boilerplate response. They said they had no obligation  
14 to reroute the pipeline which would require introducing  
15 new landowners to the project, amending other existing  
16 easements, and moving the route approximately .6 miles  
17 outside the existing corridor. They had no explanation  
18 to us and to you for any reroute they may have  
19 considered and come up with .6 miles. I just don't see  
20 it. And they've never said -- there's been nothing.

21 So they have -- they have rerouted much further  
22 than .6 miles many times. The Bernhards, 8.3 miles in  
23 Emmons County; Doolittles, 3.9 miles in Emmons County;  
24 the Vculeks, 4.3 miles in Dickey County and also 8 point  
25 miles in Richland County to get it completely off their

1 land, they did that; and Dotzenrods, 2.2 miles in  
2 Richland County. That's all in Document 411. They made  
3 huge efforts to address the concerns of these landowners  
4 only because the PSC has singled out -- the PSC singled  
5 them out.

6 In April of this year, '24, fairly recently, on  
7 the 23rd of April, our attorney, Brian Jorde, submitted  
8 a letter to Summit attorney Lawrence Bender stating our  
9 concerns on the pipeline. We did propose an alternate  
10 route on section 35 along the south edge of our  
11 property, requested a response from Summit, but have  
12 heard nothing. Our letters to Bender and the maps of  
13 our two tracts is included in the packet we have  
14 presented to you.

15 Actually, there's been a letter now from Bender  
16 -- excuse me, from Summit, from Lawrence Bender, that  
17 they have responded to that. Basically, we sent this  
18 letter hoping to get a response from them a month ago.  
19 We heard nothing. They just -- I don't know if they  
20 ignored or they just didn't think they needed to talk to  
21 us. We heard nothing until basically when we filed with  
22 the PSC this letter, then "Oh, I guess we better say  
23 something." So they -- whatever that's worth, that's  
24 what happened.

25 We feel that they really have made no efforts to



1 address our concerns in section 35. They have -- it  
2 appears they have no responsibility to consider our  
3 position to protect our property. And we're asking the  
4 PSC to recognize our voiced concerns as you have with  
5 other landowners along Summit proposed property. And I  
6 think it's just that, you know, in your -- in your PSC  
7 order, you had said that Summit has not taken the steps  
8 to address the outstanding legitimate impacts expressed  
9 by landowners during the public comment or demonstrated  
10 why a reroute is not feasible. We're asking that you  
11 would do that or that they would do that, because I  
12 would think that's their obligation.

13 I know on the -- on the -- when we suggested a  
14 route, they are -- they are -- I've done some research.  
15 I've been to the courthouse and I seen that the property  
16 owners on each side of us have signed agreements. So  
17 when they say that their route is .6 miles outside the  
18 existing corridor, whatever I've calculated, it's less  
19 than .4 miles. And they're saying that there are no --  
20 they'd have to have new property owners. They said  
21 that. I don't see that.

22 But what -- where did they get their  
23 information? They haven't showed us at all. They have  
24 not, through any of this, proposed a separate route, any  
25 kind of a reroute. There's been nothing. So it isn't

1 up to us, and it shouldn't have been up to us to propose  
2 that, because they had been given the order that they  
3 should -- they should deal with us. There's been  
4 nothing. So that's our main complaint here.

5 And I'd like to reiterate with what Governor  
6 Burgum said, "If you don't want it, give it to -- give  
7 the big check to your neighbor." And also State  
8 Representative Mike Brandenburg testified at the  
9 Burleigh County meeting in April '22, he said he's been  
10 telling Summit, if we don't -- if a -- excuse me -- if a  
11 landowner doesn't want the pipelines, that Summit should  
12 stay away from them. And he says there's nothing and we  
13 don't -- if we want nothing to do with it, that's our  
14 right. We may have to accept the ramifications, and I'm  
15 not sure what he meant by ramifications, but that's what  
16 we did. And nothing's happened.

17 Q. And, sir, the April 23rd, 2024, letter you've  
18 been discussing, that's a true and accurate copy of what  
19 we sent and of the alternatives you spent time  
20 proposing; is that correct?

21 A. Yes, it is.

22 MR. JORDE: We would offer Landowner Exhibit No.  
23 3, that letter.

24 ALJ HOGAN: Any objection to 3?

25 MR. GLUDT: I'm going to object, Your Honor. As

1     you know, Mr. Jorde filed the letter to Summit without  
2     including Summit's response letters. Those response  
3     letters were all filed with the Commission, I believe,  
4     yesterday. So I have no objection to this entering the  
5     evidence as long as the response letters also come in.

6             ALJ HOGAN: How did -- I didn't see that. Was  
7     it, like, one docket number or multiples?

8             MR. GLUDT: I didn't -- it was yesterday. I  
9     don't know which docket number --

10            ALJ HOGAN: Okay.

11            MR. GLUDT: -- it ended up at, Your Honor.

12            ALJ HOGAN: Okay.

13            MR. GLUDT: But it was -- and just to clarify  
14     the timing on this, our filing, Mr. Jorde had already  
15     prefiled his exhibits and we had seen his letters to his  
16     clients and so we felt it necessary to get our response  
17     letters on the record.

18            ALJ HOGAN: Maybe this is a better way to ask  
19     it. Did you file it with, like, a letter? Is it part  
20     of --

21            MR. JORDE: It's 576.

22            ALJ HOGAN: 576. Okay. And now I have it in my  
23     hand so -- okay.

24            Mr. Pelham, any objection to Landowner  
25     Exhibit 3?

1 MR. PELHAM: No objection.

2 ALJ HOGAN: All right. So I will admit 3.

3 Mr. Jorde, any objection to admitting as an  
4 exhibit the May 23rd letter from Mr. Bender with the  
5 response letters?

6 MR. JORDE: Well, number one, I don't know if  
7 the requisite amount of copies have been provided here.  
8 Number two, I didn't know if we just file something to  
9 the docket, then we can get it into evidence. So I  
10 guess I would object. I don't have an objection if they  
11 want to do it properly, but just referencing to a filing  
12 and I don't have a copy of the exhibit, apparently they  
13 didn't care to bring them here, so I would object on  
14 those -- on those grounds.

15 ALJ HOGAN: All right. Well, that objection is  
16 noted. I am going to admit as -- let's see. I have the  
17 last Summit exhibit labeled SCS R-14 so I would label  
18 this as R-15, if that's acceptable. Okay.

19 MR. GLUDET: Yes, Your Honor.

20 ALJ HOGAN: So I'm going to admit that as  
21 SCS R-15. And I have one copy here, Mr. Jorde, if you  
22 want to look at it over the break.

23 MR. JORDE: Well, yeah, I would need to -- I  
24 mean, we're going to have to go over it now since it  
25 just came into evidence during my client's testimony so

1 we can get into -- can I use that copy since Summit  
2 failed to provide one for us? Thank you.

3 All right. Let me find whatever letter they're  
4 referencing here. This might take me a few minutes.  
5 How far in is it?

6 UNIDENTIFIED SPEAKER: Not too far in.

7 (Pause)

8 MR. JORDE: All right. So -- oh, I'm sorry. Is  
9 it my -- am I still going? I got confused there.

10 Q. (BY MR. JORDE) Okay, sir, so we -- your  
11 letter, Exhibit 3, was admitted into evidence. And that  
12 was April 23rd. And I know on your letter, at the  
13 bottom of page 1, not only do you have capable Mr.  
14 Leibel here, myself, you then also hired yet another  
15 attorney, David Piper, to try to get this figured out.  
16 And Summit hasn't worked with any of us; is that  
17 correct?

18 A. David Piper has worked with Summit.

19 Q. I phrased that inartfully. Have they provided  
20 reroutes to you?

21 A. No.

22 Q. Okay. All right. And then, let's see, that was  
23 April 23rd. And then we filed these with the PSC so now  
24 the world knows about them. And then three days ago  
25 apparently we get a letter here from Mr. Bender that's

1     now -- I don't know if these are all in evidence, but I  
2     guess yours is in evidence. What does he say? Anything  
3     relevant here? Let's see.

4             Okay. Now so they -- they say they've reviewed  
5     the -- your reroute proposal and they believe that maybe  
6     accommodations can be made, but you've been trying this  
7     for over a year, haven't you?

8             A. Easily over a year.

9             Q. Okay. So when we let the PSC know what's going  
10    on, now three days ago Summit gets the letter. Do you  
11    feel that's a little disingenuous?

12            A. Yes.

13            Q. All right. And now, again, they are using the  
14    survey excuse to see if the reroutes are feasible, but  
15    the reroutes you're suggesting, where are they going?  
16    Are they going off of your property or where are they  
17    going?

18            A. No, not completely. As the least worst -- I  
19    guess that's one way to put it -- to move it to the  
20    bottom edge of our property so it doesn't angle across  
21    like it has with the other two pipelines. And we've  
22    seen it for years. And then basically our suggestion  
23    was to take it to the east.

24            Q. Okay. And same questions as I asked to the  
25    Walochs. When Summit drew this route years ago, they

1 didn't have a survey, did they, on your land?

2 A. No.

3 Q. Okay. And when they were here last year and  
4 were saying this is the route, we're confident in the  
5 route, they didn't have a survey on their land; correct?  
6 On your land; correct?

7 A. They didn't have a survey either when they moved  
8 it three times. There was no survey.

9 Q. Okay. And so this idea of, you know, three days  
10 ago we get the letter, "Oh, well, yeah, we'd love to  
11 talk to you, we need a survey," they haven't had a  
12 survey for all of the moving around they've done, but  
13 now they need it. Does that seem a little disingenuous?

14 A. I think it's disingenuous. And who's to say  
15 they haven't received a survey already? I'd like to ask  
16 that question. I don't suppose I can, but would they  
17 honestly say they haven't surveyed it?

18 Q. So have they provided you any survey that they  
19 may have done on your property?

20 A. No, they have not. They haven't even said it's  
21 surveyed.

22 Q. Okay. And they don't say what kind of survey  
23 they need, it's just a general survey so they're not  
24 specific.

25 Now, sir, their counsel is sitting right here,

1     their executives are all sitting. We got the CEO, the  
2     COO, general counsel right behind you. We're going to  
3     take a break here in a little bit. We could just hammer  
4     out a deal right then. We've got them all here.  
5     Wouldn't you agree?

6           A. I guess we could talk about it. I'd -- I just  
7     don't understand why they haven't given us a chance to  
8     at least give us a proposal or suggested anything. It's  
9     just been one of the things that this is where it's  
10    going to be and you have no choice.

11          Q. And we heard that concern from you a year ago,  
12    their project was denied on the basis that they hadn't  
13    listened to landowner concerns, and here we are a year  
14    later; right?

15          A. That's right.

16          Q. Okay. Sir, is there anything else related to  
17    your proposed reroute -- it's quite detailed and  
18    organized -- that you think the Commission should know  
19    so they could consider either denying this because  
20    Summit's failed for the last year to do anything for  
21    you, to work with you, and/or if they were to  
22    conditionally approve to require rerouting around or off  
23    your property? Is there anything else you'd like the  
24    Commission to know?

25          A. I guess I'd just like to say that it is not



1 going off our property completely. And the research I  
2 have done has -- the landowners on either side have  
3 signed easements so there's something that could be  
4 worked with possibly. And like I said before, I'm not  
5 sure why that would be my obligation to even do that or  
6 even propose a different route. That should be Summit's  
7 problem. That should be their -- if they want to work  
8 with us willingly. We've seen nothing.

9 Q. So in terms of that, let me get this straight.  
10 The reroute you're proposing in Exhibit 3 depicted  
11 there, that still leaves some of the hazardous pipeline,  
12 that proposed route, still on property you own. Despite  
13 all of your other concerns you've previously expressed,  
14 you have shown a willingness to work with them, haven't  
15 you?

16 A. I have. I first -- well, we would prefer it  
17 stay off our property, and we've said that all along,  
18 but we're willing to at least consider something like  
19 this.

20 Q. And in terms briefly just of the safety aspects,  
21 Mr. Powell in his April 24 testimony touches on it, in  
22 the last year Summit hasn't done anything to make you  
23 more aware or satisfy or put you at ease of any of your  
24 safety or risks, concerns, or any of those things, have  
25 they?

1           A.   No, they have not.

2           Q.   So the same concerns you had a year ago,  
3 including the lack of dialogue on a reroute, are still  
4 consistent and still true to this day?

5           A.   They're still true to this day, you know. And  
6 I've said before we have two pipelines going across our  
7 property already and the land is scarred. It's scarred.  
8 It is. And this would be a different area across our  
9 property.

10                   And another pipeline, a third pipeline, would  
11 also establish another corridor. And you as the PSC  
12 understand, I'm sure, once one pipeline is in, it's  
13 usually easier to get another one or two. It's just --  
14 and we've heard that many times. So we're establishing  
15 another corridor.

16                   And this -- this easement is for 99 years. And  
17 I think of what -- excuse me. I think of what we're  
18 leaving in legacy to our grandchildren. And my wife  
19 said this. You know, we got a two-year-old  
20 granddaughter, and at 99 years, you know, she's going to  
21 be what, 102. And she's going to be burdened with this  
22 pipeline, the safety of it and whatever, and the scars  
23 across the land. So that's one of the things that  
24 really is kind of bugging us.

25                   And we think of, okay, for the public good,

1     whether it is for the public good or not. We figured  
2     we've got two pipelines. We've given -- given ourselves  
3     or given something up for the team twice. And is it  
4     right to do it another time?

5           Q. Sir, just a little housekeeping. You mentioned  
6     the -- Summit reroutes around, I believe, the Doolittles  
7     and the Bernhardts. In that binder in front of you, or  
8     you might have a copy, but in the binder, at Tab 21, I  
9     just have a couple maps I want to touch on briefly. Tab  
10    21. And I'll represent to you and the Commission that  
11    those are true and accurate copies taken from the Summit  
12    filing and compiled in this Landowner Exhibit 21.

13           Do you recognize those generally, sir?

14           A. I do.

15           Q. Yes. And you had referenced actually the exact  
16    number of miles and the reroutes in your testimony  
17    relative to the Doolittle property and the Bernhardt  
18    property; is that correct?

19           A. Yes. They came from these actual documents.

20           Q. Very good.

21           MR. JORDE: I would offer Exhibit LO-21.

22           ALJ HOGAN: I'm going to ask first, are these  
23    already in the record?

24           UNIDENTIFIED SPEAKER: I believe they are, Your  
25    Honor. I can't say with a hundred percent certainty,

1 but I believe these were at least part, at some point,  
2 of the petition for reconsideration.

3 MR. JORDE: Well, and I guess that begs a good  
4 question. So they may have been filed to the docket,  
5 but I don't think anyone -- they've been received as  
6 evidence. And I'm just trying to button that up.

7 ALJ HOGAN: I think they were part of the map  
8 book that was previously filed by Summit, if I'm not  
9 mistaken, and Summit can correct me.

10 I guess for ease of reference today, is there  
11 any objection to admitting them as part of this -- as  
12 labeled as this exhibit?

13 MR. GLUDT: No objection, Your Honor.

14 ALJ HOGAN: Mr. Pelham.

15 MR. PELHAM: No objection.

16 ALJ HOGAN: All right. And, let's see, what  
17 number was this? 21? 21 is received.

18 MR. JORDE: Thank you, Your Honor.

19 Q. (BY MR. JORDE) And the point being here, sir,  
20 just visually so we don't have to search through some  
21 other filing, is that the PSC called out -- and I don't  
22 mean that negatively, but they noted Mr. Doolittle and  
23 the Bernhardts, I think, by name in the August 4th,  
24 2023, denial order. And are you showing these as  
25 evidence that some common sense rerouting can obviously

1 be done?

2 A. Yes. I believe it can be done if Summit wants  
3 to do it.

4 Q. And Mr. Powell, in his new direct testimony, was  
5 asked -- in his written testimony was asked a question  
6 about, you know, can you reroute around all landowners,  
7 and he said no, they cannot. Do you take that to be  
8 they will not? They may not want to do it, but  
9 obviously if the PSC said, "We're not giving you a  
10 permit unless you accommodate Mr. Staroba --"

11 MR. GLUDT: Objection, Your Honor. Here we are,  
12 it's the same testimony coming from Mr. Jorde and asking  
13 his client if he agrees.

14 ALJ HOGAN: Well, and again, I don't think this  
15 witness can testify about what Mr. Powell's motivations  
16 were or the substance of the statements he made so I  
17 don't think that's a proper question for this witness.

18 MR. JORDE: Okay.

19 Q. (BY MR. JORDE) Sir, do you believe that Summit  
20 cannot accommodate you?

21 A. No.

22 Q. And the evidence before us proves that, when  
23 pushed by someone and a body more powerful than,  
24 unfortunately, we are, they do accommodate, don't they?

25 A. They do and they have.

1           Q. Mr. Staroba, was there anything else that you  
2 may have left out that you want to add before I let you  
3 -- before I turn you over for cross?

4           A. I guess I'd just like to make a point on the PSC  
5 has to consider the adverse effects of our environment  
6 among the welfare of our citizens. That's part of the  
7 -- what you told us that you need to consider. And I'd  
8 just like to say that I -- I think this pipeline is far  
9 more than an inconvenience for us and for a lot of  
10 people in the state for whatever reasons, like I stated,  
11 the crop loss, the corridor establishment and such.

12           And another thing is one of the questions that  
13 has to be considered is if it's efficient use of  
14 resources and for environmental preservation and if  
15 there's -- it will ensure the energy needs are met and  
16 fulfilled. I have safety concerns. I think a lot of us  
17 do.

18           And as far as efficient use of resources, I look  
19 at the 40 -- the 45Q, the billions of dollars that are  
20 going into this project and the ten-year tax exemptions  
21 that the State gives. So basically we're paying for it  
22 individually and everyone three ways. You know, we're  
23 paying income tax for the 45Q tax credits. And the  
24 ten-year exemption, basically that's coming out of our  
25 pocket, you know, as far as taxpayers. Summit doesn't

1 have to pay that, but somebody does to the counties.  
2 And I've been told it's going to have to come out of the  
3 general fund in North Dakota. Well, who funds the  
4 general fund? We taxpayers. So we're paying for it  
5 that way. And we're paying for it having it across our  
6 land. So I -- I don't feel that's right.

7 And to ensure the energy needs, this pipeline is  
8 a pipeline that is not an ethanol pipeline. It's a CO2  
9 pipeline. CO2 hasn't anything with energy. It's going  
10 to be sequestered. And you're to route a pipeline. And  
11 all this other things about all the -- all the money  
12 that's going to be made and for the State and it's going  
13 to be passed on and it's going to help corn prices and  
14 all that, you know, that's not something that you should  
15 even -- or have to even be concerned about.

16 I mean, that's what they're selling this thing  
17 as. It's a project, not a pipeline. They're  
18 transferring a hazardous waste product for sequestration  
19 underground. And I guess that's my feeling. I just  
20 think Summit has to prove all these things, and I'm not  
21 sure they have.

22 Q. Thank you, sir. I don't have anything further.

23 ALJ HOGAN: Mr. Gludt, any questions?

24 MR. GLUDT: Yes, Your Honor.  
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CROSS EXAMINATION

BY MR. GLUDT:

Q. Mr. Staroba, are you aware Summit has made hundreds, if not thousands, of reroutes for landowners that are not mentioned in the PSC's August 4th, 2024, order?

A. I'm aware they've made reroutes. I'm not aware if they proposed any reroutes to someone like me.

Q. And as far as the picking a route without surveys, are you aware that Summit has adjusted its route hundreds, if not thousands, of times based on cultural resource and other surveys that it has done?

A. Yes. And they're saying they have to have a survey before they're even considering doing something on our land.

Q. Is that something you'd be agreeable to, to --

A. Would I be? I'd have to speak with my -- my attorney, but I don't feel they need it. They don't need a survey. They've already done everything. And you can't even tell me if they've done a survey on our land already with the lawsuit that -- that is still happening. They were given by the judge the -- the right to go out and survey. And they've been in the area. We don't live there. So I'd just like someone to tell me if they've surveyed it or not.



1 Q. All right. So your testimony today is that you  
2 will not allow Summit to survey your property?

3 A. I don't think they need to.

4 Q. Okay. Thank you. No further questions.

5 ALJ HOGAN: Mr. Pelham, any questions?

6 MR. PELHAM: Thank you for your testimony, sir.  
7 I don't have any questions for you. Victor Schock may.

8 CROSS EXAMINATION

9 BY MR. SCHOCK:

10 Q. Just a couple here real quick. So I can see on  
11 the map here, so section 35-132-51, kind of going from  
12 northwest to southeast, I can see a scar going diagonal  
13 across the property there. I'm assuming that's one of  
14 the pipelines you're referring to?

15 A. They're both there side-by-side in the corridor.

16 Q. Okay. When were those put in? Do you know?

17 A. Okay. The one pipeline is the Dome pipeline.  
18 It's an LP pipeline. It was put in 1975. The other  
19 one's an Alliance natural gas pipeline in 1984. So what  
20 you're seeing there is the issues that still exist 25  
21 and 45 years later.

22 Q. Sure. And I guess I don't know those -- those  
23 projects kind of predate my time with the Commission so  
24 I don't know with certainty. So the Dome line, you're  
25 saying that's an LP line?

1           A.    What I understand, it's an LP.

2           Q.    You could be right.  I don't have knowledge of  
3   those -- those two lines specifically, but I'm assuming  
4   that one likely wasn't permitted by this Commission.  
5   Alliance likely was in that time frame, but I'm not  
6   familiar with that one.

7           A.    I can't tell you that.

8           Q.    Sure.  I just know we have pretty significant  
9   reclamation standards and segregation to prevent that  
10  kind of a situation from occurring long term.

11                  My other question is so your proposed reroute in  
12  that section looks like it takes it pretty -- closer  
13  than what it already is to a farmstead --

14          A.    Okay.

15          Q.    -- that's there.  Do you -- have you spoke to  
16  that landowner about your proposed reroute?

17          A.    I have not.  It -- I do know that the landowners  
18  have an easement already for the other parts of it.

19          Q.    Okay.

20          A.    And that pipeline, if you do the measuring, it's  
21  over 700 feet away from the farmstead.

22          Q.    Sure.  And then I forget which page your reroute  
23  was on, but it looked to me like you were proposing to  
24  stay on your property for -- you know, right now it goes  
25  diagonal from southwest to northeast, and you're

1 proposing to kind of keep it along the property line,  
2 along your south property line, but then move onto the  
3 neighbor's parcel to make the connection to go north is  
4 what -- that's what it looked like to me. Is that what  
5 you're suggesting?

6 A. That's correct. That's what this map is  
7 showing.

8 Q. Okay. No further questions. Thank you.

9 ALJ HOGAN: Commissioner Christmann.

10 COMMISSIONER CHRISTMANN: I'm looking at our map  
11 book that was filed in -- I don't know when was this, in  
12 January, the new map book. I think that might be laying  
13 on your table there. And it doesn't hardly appear that  
14 this even is in section 2 except for the very west end  
15 like maybe just across the ditch. Or am I --

16 THE WITNESS: You'd have to go back probably to  
17 an -- a different map, an earlier map. Because it  
18 basically came down into our property and that angled on  
19 -- right angle on the very northwest corner, right  
20 angle, and then went off into the -- into the west  
21 across the county road. That was the second easement we  
22 were offered. And that was that -- that was shown on  
23 maps earlier, on the PSC maps that they submitted.

24 COMMISSIONER CHRISTMANN: Okay. Just the other  
25 thing, not really a question but I just want to say land

1 gets disrupted, it's, you know, arguable whether it ever  
2 gets back to perfect or -- but I will tell you this. In  
3 the last 11 years we have significantly enhanced the  
4 requirements for separation of topsoil from subsoil,  
5 things like that, and lessening compaction compared to  
6 what used to happen even two decades ago much less three  
7 or four decades ago. So I am hopeful that pipelines  
8 that are being built in North Dakota and -- and I mean,  
9 I've seen evidence of this in many cases, typically have  
10 better productivity than what you saw on old pipeline  
11 easements from the '70s and '80s.

12 THE WITNESS: I -- I believe that probably is  
13 the intention and might have been the intention when  
14 they put the other pipelines in --

15 COMMISSIONER CHRISTMANN: We are trying --

16 THE WITNESS: -- but does that happen?

17 COMMISSIONER CHRISTMANN: We are trying to get  
18 that better and better so...

19 Okay. No other questions. Thank you for being  
20 here.

21 THE WITNESS: Thank you.

22 ALJ HOGAN: Commissioner Haugen-Hoffart.

23 COMMISSIONER HAUGEN-HOFFART: Thank you.

24 Thank you, Loren. You testified at the first  
25 hearing in Wahpeton; correct?

1 THE WITNESS: I did.

2 COMMISSIONER HAUGEN-HOFFART: And your testimony  
3 had to do with the same issues; correct?

4 THE WITNESS: That's correct.

5 COMMISSIONER HAUGEN-HOFFART: Did you propose a  
6 reroute at the first hearing?

7 THE WITNESS: No. At the first hearing we  
8 basically said we -- we would take it off our land.

9 COMMISSIONER HAUGEN-HOFFART: Okay. And --  
10 okay. So I'm going to go through this kind of timeline  
11 to clarify something. So we denied the -- we issue an  
12 order of denial. It's re-opened. Okay.

13 I want to address a supplemental filing. The  
14 PSC Request for Supplemental Filing and Data Request 3,  
15 it's Docket 409, and I'm going to read what we requested  
16 of Summit Carbon Solutions. 3.1 -- it's actually 3.1.3,  
17 and it states "Measures taken to address all landowners  
18 who testified regarding concerns during the hearings."

19 So you testified that we mentioned certain  
20 landowners and there was reroutes.

21 THE WITNESS: Uh-huh.

22 COMMISSIONER HAUGEN-HOFFART: And I just wanted  
23 to say that as this Commission in our responsibility,  
24 that we're looking at measures taken to address all  
25 landowners who testify regarding concerns during the

1       hearings.

2               THE WITNESS:   Yes.

3               COMMISSIONER HAUGEN-HOFFART:   So I just want to  
4       -- I wanted to assure you and landowners that we do our  
5       due diligence, we just don't identify certain landowners  
6       and --

7               THE WITNESS:   Okay.

8               COMMISSIONER HAUGEN-HOFFART:   You know, so...

9               THE WITNESS:   And I just wanted to point out --  
10       can I answer?

11              COMMISSIONER HAUGEN-HOFFART:   Yes.

12              ALJ HOGAN:    Yep.

13              THE WITNESS:   Oh.   I just wanted to point out  
14       that we haven't been -- we haven't been addressed.

15              COMMISSIONER HAUGEN-HOFFART:   Okay.   But is it  
16       now your -- I mean, the understanding that you have sent  
17       through your attorney, Jorde, a letter with proposed  
18       reroutes; correct?

19              THE WITNESS:   We did that a month ago.

20              COMMISSIONER HAUGEN-HOFFART:   Okay.   And now  
21       that was just allowed into exhibit, a response from  
22       Summit that they welcome the opportunity to engage with  
23       you regarding proposed reroutes.   That's your  
24       understanding here?

25              THE WITNESS:   My understanding is that finally.

1 COMMISSIONER HAUGEN-HOFFART: Okay. Okay. I  
2 have no further questions. Thank you for your time.

3 ALJ HOGAN: Mr. Dawson, any questions?

4 SUBSTITUTE DECISIONMAKER DAWSON: No, Your  
5 Honor.

6 Thank you for testifying today and I have no  
7 questions.

8 ALJ HOGAN: Mr. Jorde, any redirect?

9 MR. JORDE: Yes. Thank you.

10 REDIRECT EXAMINATION

11 BY MR. JORDE:

12 Q. Following up on some of those questions, so a  
13 year ago when you were here you wanted -- you expressed  
14 interest in having the pipeline proposed route moved off  
15 of your land completely; correct?

16 A. That's correct.

17 Q. All right. And now -- so everyone knew that.  
18 And now in the reroute letter that you took your time  
19 and no one's compensating you to do that, you put it  
20 together, and it -- the vast majority of your reroute  
21 proposal is off of your property; correct?

22 A. Yes.

23 Q. Okay. So that's been the same for a year;  
24 right?

25 A. Yes.

1 Q. Okay. There's been no mystery that if they  
2 wanted to work with you to move all or as much as  
3 humanly possible off of your property; right?

4 A. That's correct.

5 Q. Okay. And they didn't contact you to -- and  
6 send you any maps or reroutes in the last year trying to  
7 do that, did they?

8 A. They did not.

9 Q. Okay. Now, this -- this survey issue, you  
10 understand the Supreme Court -- well, certainly you do.  
11 The Supreme Court right now, on a case that you're a  
12 part of it, is looking at the legalities of this very  
13 survey issue. So you understand there's other  
14 complications in your situation; correct?

15 A. Yes, there are.

16 Q. And so would you agree that using the survey now  
17 as of May 21st, 2024, and this letter that was just  
18 admitted by Summit's counsel, kind of convenient way in  
19 that you're handcuffed by that existing appeal; right?

20 A. That's correct.

21 Q. Okay. Nothing further. Thank you.

22 ALJ HOGAN: Mr. Gludt, any other questions?

23 RECROSS EXAMINATION

24 BY MR. GLUDT:

25 Q. Just a quick follow-up, Mr. Staroba, on David



1 Piper. Can you explain why you hired separate counsel?

2 MR. JORDE: Well, hold on. I'm going to object.  
3 I don't know the answer, but I'm going to object it's  
4 not relevant and that it could invade the  
5 attorney-client privilege.

6 MR. GLUDT: Just why, Your Honor. I'm not  
7 asking for any privileged information.

8 MR. JORDE: That's fine. And then I withdraw.  
9 I withdraw the objection.

10 A. I won't give you privileged information, but it  
11 actually happened because Attorney Bender, at the Linton  
12 meeting, was visiting -- Vculeks were giving their --  
13 their presentation, and they had been working with a  
14 lawyer, and Mr. Bender asked them who their lawyer was  
15 and they said Piper. So we felt, okay, here's someone's  
16 local that actually Summit was going to contact and  
17 would possibly work with so that's why we hired him.

18 Q. And you had mentioned, it seemed like you were  
19 alluding to that some changes were made as a result of  
20 Mr. Piper's engagement, right, to the route?

21 A. In section 2, with him visiting back and forth  
22 with Julie DiMeo, that we were able to actually,  
23 hopefully, route it through the intersection at an angle  
24 and -- but we have yet to hear anything as far as an  
25 easement or -- or any approval or so what -- so much of

1     that.  You know, we just have nothing in writing.

2           Q.  Okay.  But you're aware that the route that's  
3     currently before the Commission on reconsideration,  
4     there is no pipe in section 2?

5           A.  I'm aware of that, yes.  And I said that.

6           Q.  Is it fair to say that Mr. Piper was  
7     successfully engaged with Summit to do that for you?

8           A.  I believe it's fair, yes.

9           MR. GLUDT:  Okay.  No further questions.

10          ALJ HOGAN:  Mr. Pelham, any other questions?

11          MR. PELHAM:  No questions.

12          ALJ HOGAN:  Mr. Schock?

13          Any other Commissioner questions or Mr. Dawson?

14          No.  All right.

15          Thank you, Mr. Staroba.

16          THE WITNESS:  You're welcome.  Thank you.

17          MR. JORDE:  And, Loren, does Diane want to  
18     testify or no?  No.

19          ALJ HOGAN:  We're going to take our -- a short  
20     break.  Since it's almost 11:15, let's try to shoot for  
21     a ten -- well, we'll convene at 11:25.

22                                 (Recess)

23          ALJ HOGAN:  And just so everybody knows, I'm  
24     going to try to aim for 12:30 for a lunch break.  And I  
25     think we'll do about a half an hour for lunch, just so

1 people can plan accordingly.

2 And, again, I'll just remind all the --  
3 everybody in attendance, if you haven't signed the  
4 sign-in sheet, I would ask that you please do that,  
5 particularly if you want to testify today so that I have  
6 a better idea of how many people wish to provide public  
7 testimony today.

8 All right. Mr. Jorde, you want to call your  
9 next witness?

10 MR. JORDE: Yes, Your Honor. Thank you.  
11 Landowners call Jeanne Lugert.

12 ALJ HOGAN: Good morning, Ms. Lugert. Can you  
13 state your full name for the record and spell your last  
14 name?

15 JEANNE LUGERT: Jeanne Lugert, L-U-G-E-R-T.

16 ALJ HOGAN: And, Ms. Lugert, were you in the  
17 room this morning when I went through the penalties for  
18 perjury?

19 JEANNE LUGERT: Yes.

20 ALJ HOGAN: And do you understand what perjury  
21 is?

22 JEANNE LUGERT: Yes.

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?

1           JEANNE LUGERT: Yes.

2           ALJ HOGAN: Thank you.

3           Go ahead, Mr. Jorde.

4                               JEANNE LUGERT,

5       being first duly sworn, was examined and testified as  
6       follows:

7                               DIRECT EXAMINATION

8       BY MR. JORDE:

9           Q. Good morning. Please state your name.

10          A. Jeanne Lugert.

11          Q. And Marvin is your husband; is that right?

12          A. Correct.

13          Q. And Marvin testified approximately a year ago in  
14       this building?

15          A. Correct.

16          Q. All right. And, ma'am, your land is located in  
17       Richland County; correct?

18          A. Correct.

19          Q. All right. So we did some heavy lifting with  
20       the first couple witnesses and I don't want to cut you  
21       short by any means, but do you agree with the concerns,  
22       the reservations, and the issues expressed by your prior  
23       fellow landowners?

24          A. Correct.

25          Q. All right. And in terms of potential rerouting,

1 some type of solution, something to try to make this  
2 easier or more palpable for you and your family, has  
3 Summit taken any actions to suggest any type of reroutes  
4 or any modifications over the last year?

5 A. No.

6 Q. All right. And, ma'am, you recently -- at least  
7 it looks like here on April 23rd -- in working with  
8 myself and Mr. Leibel, prepared some reroute proposals  
9 since you hadn't heard from Summit; is that correct?

10 A. Correct.

11 Q. And, ma'am, if you can turn, in that white  
12 binder in front of you there, to Tab 4, I'll represent  
13 that's a true and accurate copy of the April 23, 2024,  
14 letter; is that correct?

15 A. Yes.

16 MR. JORDE: All right. I will offer Landowner  
17 Exhibit No. 4.

18 ALJ HOGAN: Any objection to 4, Mr. Gludt?

19 MR. GLUDT: No objection, Your Honor.

20 ALJ HOGAN: Mr. Pelham.

21 MR. PELHAM: No, Your Honor.

22 ALJ HOGAN: All right. Landowner 4 is accepted.

23 MR. JORDE: Thank you, Your Honor.

24 And as a point of clarification, when Mr. Gludt  
25 offered this stack of response letters, was the offer

1 just to Staroba since we were talking Staroba, or was  
2 this entire pack received in evidence?

3 ALJ HOGAN: The entire pack.

4 MR. JORDE: Okay. Very good. So then we'll get  
5 to Summit's letter in a second.

6 Q. (BY MR. JORDE) All right. So, ma'am, if  
7 you're looking at letter -- pardon me, Exhibit No. 4 in  
8 front of you, can you talk a little bit about the  
9 proposed reroute you and your husband have come up with?

10 A. Okay. The reroute actually doesn't reroute  
11 technically on our piece of land. What it reroutes is  
12 the neighboring piece of land to move it further away  
13 from a farmstead, from neighbors of ours. It was not  
14 much more than the 500 feet and it really wasn't a good  
15 spot. The blue line that I drew on the map would put it  
16 further between the two inhabited farmsteads so it was  
17 more centered.

18 My understanding is that neighbor has signed an  
19 easement, but they are an absentee landowner, they do  
20 not live there. And I felt, in order to look after the  
21 welfare of our neighbors, which is one of the things  
22 you're supposed to do, is to move that location a little  
23 bit so that it moved it further away.

24 If there is a leak or a rupture anywhere near  
25 there, there are quite a few inhabited farmsteads within

1 a thousand feet. That's not a very far distance and  
2 there's going to be a problem. There's people there.  
3 There's older people. How are they going to get away if  
4 there's a problem? There's a couple there with three  
5 small kids. How are they going to get away? Fossil  
6 fuel vehicles will not work in a carbon -- a CO2  
7 environment. They won't work. You are not going to be  
8 able to leave.

9 In the Mississippi issue there were people that  
10 ended up -- a lot of people that ended up in a hospital  
11 and have continuing issues to this day because of that  
12 leak from that carbon pipeline. And we're worried about  
13 our neighbors and where things should go.

14 And so this route -- reroute I gave to the agent  
15 from Summit that was talking to us. It would have been  
16 the end of '21, beginning of '22 when Summit first  
17 started talking to us about getting an easement to put  
18 this pipeline across two pieces of our land. It was  
19 that long ago. And they really -- didn't really want to  
20 listen to us about anything. There was no  
21 back-and-forth response from them on this at all.

22 And then it got to the point where, in '22, we  
23 decided that we were done talking to Summit because they  
24 weren't listening to us, not on the reroute issue but  
25 also not on our concerns that we had as far as land

1 damage and depth of installation and so forth. All of  
2 those were issues we were talking about with Summit and  
3 they weren't listening to us.

4 So we decided to sign with Mr. Jorde's firm.  
5 That was in '22. And at that time Summit stopped  
6 talking to us. They -- we have had -- we have heard  
7 nothing from Summit personally and it's my understanding  
8 that our lawyer has not heard anything from Summit in  
9 that amount of time, up until April when we sent the  
10 letter with this reroute suggestion in it and -- and  
11 that was the last -- that's all I know of since in '22.

12 Q. So, ma'am, a year ago or so, Marvin, your  
13 husband, testified and obviously made it clear and  
14 before that via your formal intervention that you didn't  
15 want any portion of this route on your property;  
16 correct?

17 A. That is correct. We would prefer that it not be  
18 built at all. If it is -- ends up being approved that  
19 it can be built, we would prefer it not be on any of our  
20 land, but if it ends up that we have to, we have  
21 concerns that we wish would be met.

22 Q. And are those concerns generally are -- are  
23 discussed in this letter, Exhibit 4, in trying to be  
24 neighborly and trying to move it away from this disabled  
25 gentleman's property?



1           A.    Correct.

2           Q.    Okay.  But to be clear, because there's -- I  
3   don't know if it's a misunderstanding or what, but to be  
4   clear, Summit's known for over a year that basically any  
5   other of the infinite possible routes around you would  
6   have been suitable for you; correct?

7           A.    Correct.

8           Q.    Okay.  All right.  But you didn't hear from  
9   them.  Then you took your time, money, and frustration  
10   and put this letter together in April.  And it looks  
11   like they responded three days ago; is that right?

12          A.    Yes.  I received a copy of Summit's letter by  
13   email last night at a quarter to 5.

14          Q.    Okay.  And the letter's dated May 21st, which is  
15   three days ago.  And in that letter, did they suggest  
16   any reroutes?  Did they say, you know, "Good news.  For  
17   the last year plus we've actually been talking to the  
18   people around you and we've been making progress"?

19          A.    No.  I don't see that in here.

20          Q.    Okay.  Are you aware if there's anyone  
21   preventing Summit from trying to find a reroute over the  
22   last year?

23          A.    Not to my knowledge.

24          Q.    All right.  So your concerns and those shared by  
25   your husband a year ago, those are still in place, but

1 kind of like the previous testifiers, if this Commission  
2 is going to approve, the basis of this reroute is  
3 important to you?

4 A. Correct.

5 Q. Okay. All right. Now, you had mentioned and  
6 referenced some concerns also about the location, the  
7 proximity, the safety, and you referenced folks from the  
8 Satartia incident that had been experiencing issues.  
9 Are you referring to some of the individuals that  
10 provided affidavit testimony in the Iowa Utility Board's  
11 hearing?

12 A. Yes.

13 Q. Can I have you turn to Exhibit 9, Tab 9, in  
14 front of you, please? And is this sworn affidavit of  
15 Mr. Burns, a Satartia, Mississippi, victim, the evidence  
16 that you were speaking of -- referencing?

17 A. Correct.

18 Q. Okay.

19 MR. JORDE: I would offer Exhibit No. 9.

20 ALJ HOGAN: Mr. Gludt, any objection?

21 MR. GLUDT: Yes, Your Honor. I'm going to  
22 object on the same basis. No foundation. This was  
23 admitted in the Iowa hearings. Mr. -- I don't even know  
24 who this is -- DeEmerris is not here to authenticate  
25 this testimony, and we would object on those bases.

1 ALJ HOGAN: Mr. Pelham.

2 MR. PELHAM: I would agree with Mr. Gludt. I  
3 would object. Also, the -- there's been no -- there's  
4 no opportunity for any cross-examination of this witness  
5 in North Dakota.

6 ALJ HOGAN: I agree. I am not going to admit  
7 Exhibit Landowner 9.

8 Q. (BY MR. JORDE) Is it concerning to you, ma'am,  
9 that Mr. Burns suffered symptoms over 3,000 feet away  
10 from the rupture site?

11 A. Yes.

12 MR. GLUDT: Objection, Your Honor. He's now  
13 getting his testimony in by questioning.

14 THE WITNESS: May I answer?

15 ALJ HOGAN: Not yet.

16 THE WITNESS: Okay.

17 ALJ HOGAN: Repeat your objection, please.

18 MR. GLUDT: Mr. Jorde's attempting to get  
19 Mr. Burns' testimony into evidence by repeating it out  
20 loud and questioning the witness about it. It's  
21 improper.

22 ALJ HOGAN: Correct. I think you can ask  
23 general questions about safety, but I don't think you --  
24 I'm not going to allow you to reference this prefiled  
25 testimony directly.

1 MR. JORDE: Okay.

2 Q. (BY MR. JORDE) Have you become aware of  
3 reports from Satartia, in your research based on  
4 Summit's refusal to provide any safety dispersion or  
5 other modeling data to you, that individuals there  
6 suffered adverse symptoms of CO2 from 3,000 feet and  
7 further away from the rupture site?

8 A. Yes, I'm aware.

9 Q. Okay. And that concerns you, does it not?

10 A. Yes. I was a first responder on an ambulance  
11 crew so I've had some medical training. And CO2 is one  
12 of the things you learn about and the difficulties of  
13 what it does to you and how it affects you. And I would  
14 not want to be anywhere near a pipeline that had the  
15 potential to rupture 500 -- one of the reasons I wanted  
16 the reroute is because 500 feet isn't far enough.

17 And we don't know because they won't tell us  
18 what their plume model is. And I'm not asking because I  
19 have people who are chemistry majors and have  
20 backgrounds in physics and they can give me a plume  
21 model any time I ask, make it based on the size of the  
22 pipeline, the amount of gas and the pressure it's under,  
23 and how far it is from the shut-off valves. They can  
24 tell me how many gallons or square meters, or whatever  
25 you want it, of gas that's going to come out.

1           And I know what carbon dioxide does. It sits on  
2 the ground. It's not going to blow away. It's going to  
3 run into the low areas. And it's not a good thing.  
4 Vehicles will not run.

5           There was a meeting in Mantador in early 2022  
6 and there were representatives of Summit there. And  
7 some of these concerns were brought up. And they really  
8 didn't answer the questions as to how much training  
9 local first responders and fire departments and so on  
10 were going to get. It seemed like the safety of the  
11 people around the pipeline really wasn't their concern.  
12 That's not what was given to us at that meeting.

13           And I have not -- well, I haven't checked with  
14 my local fire department lately to see if they have  
15 heard anything more, but the last time I checked, and  
16 that was over six months ago, the local fire department  
17 has not yet heard anything as far as additional training  
18 or additional safety equipment and so forth that was  
19 going to be provided.

20           Q. Ma'am, you mentioned 500 feet. Are you  
21 referencing the statute that if a hazardous pipeline  
22 such as this was to be located less than 500 feet or  
23 within 500 feet of a residence or a business, that a  
24 waiver would have to be obtained? Is that the 500 feet  
25 you're referencing?

1           A.   Yes.   That's my understanding, it should be at  
2   least 500 feet away.

3           Q.   Okay.   Now do you think that if Summit obtained  
4   waivers from those landowners, that then now there's no  
5   problem, nothing to be worried about because they  
6   complied with that law?

7           A.   A waiver isn't going to save you if there's gas  
8   in your house.

9           Q.   And is a waiver going to reduce the tax and the  
10   cost on the first responders and budgetary constraints  
11   of communities now confronted with the new risks of  
12   these pipelines?

13          A.   No.

14          Q.   Okay.   So you would agree the 500 feet is simply  
15   an arbitrary number in a statute, but it does nothing to  
16   alleviate the real world concerns if there's an  
17   unintended release; right?

18          A.   That's correct.

19          Q.   I think your husband mentioned this last year,  
20   but I just want to be sure.   From your standpoint, is it  
21   your concern that the value of your land and land with a  
22   CO2 pipeline operated by Summit would go down if this  
23   project were to be approved?

24          A.   Yes.

25          Q.   All right.   Are there any cattle near you?

1           A. We have cattle but not on our two particular  
2 pieces of land, no.

3           Q. So there was some questions earlier about  
4 business, you know, you need waivers for 500 feet from a  
5 -- of a business. Would you agree with the prior  
6 Ms. Waloch's testimony and Mr. Waloch, that their cattle  
7 and the cattle operation is a business?

8           A. Yes.

9           Q. And you understand that type of business  
10 requires you to be outside and not confined within a  
11 building; correct?

12          A. Yes.

13          Q. So the idea that we only look at buildings  
14 within 500 feet and not businesses and not other living  
15 things, do you have a problem with that?

16          A. Well, I guess yes, I believe that -- and a  
17 farmer's place of business is in his tractor. That's  
18 not going to be 500 feet or more if he happens to be  
19 tilling across that piece of ground or running his  
20 combine across that piece of ground. He's not going to  
21 be even 500 feet away. That's -- that's a farmer's  
22 place of business, is the cab in his tractor or his  
23 combine. Yeah.

24          Q. Have you come to understand that it's Summit's  
25 claim that sheltering in place, i.e., shelter in a

1 structure in place, is the safety guidance that is being  
2 given if there were an unintended release?

3 A. I understand that it has been in the past, yes.

4 Q. And so would you conclude from that that  
5 sheltering in place, from their view, seems to be safer  
6 than someone working out in the yard in the cattle  
7 business and being exposed without the protection of a  
8 structure?

9 A. Yes.

10 Q. Related to your proposed reroute, is there  
11 anything else that the Commission should know about that  
12 -- that reroute? And I guess to reiterate, you're  
13 still, in your proposed reroute, leaving a portion of  
14 the proposed route on your land even though you're  
15 opposed for all the reasons we've discussed?

16 A. Correct.

17 Q. Okay. And that, again, would be the least worst  
18 option, you're not wanting this project to go through,  
19 but, again, if it was going to, despite your efforts,  
20 you'd like the Commission to consider that reroute?

21 A. That's correct.

22 Q. All right. Is there anything else that you want  
23 to share?

24 A. Well, one of the points of discussion you had  
25 listed was the environment of North Dakota. And I



1 wanted to speak to that a little bit. The environment  
2 of our particular farmland, which is the environment of  
3 all farmland, which most of North Dakota, their business  
4 is farming, I have several maps that I did that show --  
5 from Google Earth historical maps that show the damage  
6 that was done to land by the two particular pipelines  
7 that were put in previously, which was the Dome pipeline  
8 and the Alliance Pipeline. As Mr. Staroba testified,  
9 they are side-by-side. They're about a hundred feet  
10 apart. You can see the scar. It's been 45 years since  
11 that pipeline was put in.

12 And, yes, I understand Mr. Christmann said that  
13 you guys are trying to do a better job of requiring  
14 pipelines to do a more diligent job of reclaiming that  
15 land so that there is less damage going forward. We  
16 have a wetland or a pothole on our piece of land that  
17 wasn't there before the pipeline was put in. It's up  
18 next to where they bored underneath train tracks.  
19 Alliance came in and put in approximately 25 large dump  
20 truck loads of dirt into that pothole. It is still  
21 there to this day and it still holds water. It still  
22 causes trouble. The scar on the land is still there.  
23 It's not going away very soon.

24 Several things I looked up information, and it  
25 takes a hundred years to rebuild one inch of topsoil.

1 When you disturb this ground and get it mixed up, it's  
2 not going to be as good.

3 I did a little bit of figuring the other day and  
4 the amount of land that would be taken out of production  
5 just during construction is about 15 and a half acres on  
6 the two pieces of land that we have. It's not a great  
7 deal, but it is 15 acres. And this year we plan to put  
8 soybeans on those two pieces of ground. Based on an  
9 average yield of 50 to 60 bushels of soybeans, based on  
10 the price the other day of \$11 and I forget how many  
11 cents, the amount that we would lose during construction  
12 is \$10,000 on that 15 acres. That's \$10,000 we don't  
13 have to spend at the grocery store or the hardware  
14 store. That affects those store owners' bottom lines  
15 every bit as much as it affects us farmers. This  
16 project is going to affect everyone in North Dakota, not  
17 just those who have land that it's being routed on.  
18 Sorry.

19 Q. To pick up on that, I think Mr. Staroba talked  
20 about the ten-year property tax abatement and then the  
21 45Q tax credits and then obviously sacrificing your land  
22 and your legacy. Does that concern you that you're  
23 being asked to subsidize this potential pipeline  
24 in three different ways?

25 A. Yes. That's money out of everybody's pocket,

1 including mine.

2 Q. All right. And if Summit -- if the tax dollars  
3 collected by the counties are going to offset money that  
4 Summit would pay, would you agree that the taxpayers are  
5 losing, are going in the negative?

6 A. Yes.

7 Q. And same for the 45Q tax credits?

8 A. Yes.

9 Q. I don't think I have any more questions of you.

10 ALJ HOGAN: Mr. Gludt, any questions?

11 MR. GLUDT: Yes, Your Honor.

12 CROSS EXAMINATION

13 BY MR. GLUDT:

14 Q. Thank you, Ms. Lugert for being here. Regarding  
15 the crop damage issue that you just spoke of, are you  
16 aware that Summit's easement will compensate every  
17 landowner for that -- for the crops lost during that  
18 construction and beyond for several years?

19 A. Sir, the money that Summit offered us when they  
20 were talking to us didn't come close to what would  
21 compensate us for that crop loss and for the annual rent  
22 on a 99-acre (sic) lease of those acreages. It wasn't  
23 anything. And since I haven't heard a single thing from  
24 Summit since, I have no idea what you're going to do.

25 Q. You've seen a copy of the May 21st, 2024,

1 response to Mr. Jorde's letter? I believe he said he's  
2 read a copy of that; right?

3 A. Yes.

4 Q. Are you willing to grant Summit survey access so  
5 they can determine if that reroute -- your suggested  
6 reroute is possible?

7 A. Sir, if you look at this map, you will note that  
8 the reroute isn't even on our property. Why do you need  
9 to survey my property in order to look at this reroute?

10 Q. I apologize. My understanding was that at least  
11 a portion of the pipe was still on your property.

12 A. Oh, the portion of the pipeline is still across  
13 our property. What I was asking for is a reroute of the  
14 -- where the pipeline runs on neighboring property to  
15 pull it further away from an inhabited farmstead.  
16 Actually, three different farmsteads.

17 Q. Okay.

18 MR. GLUDT: I have nothing further, Your Honor.  
19 Thank you.

20 ALJ HOGAN: Mr. Pelham, any questions?

21 MR. PELHAM: I don't. Thank you.

22 ALJ HOGAN: Mr. Schock?

23 CROSS EXAMINATION

24 BY MR. SCHOCK:

25 Q. Can you identify the parcels that you do own --

1 A. Sure.

2 Q. -- that you have been referencing?

3 A. Yes. We own the middle 53 acres of the  
4 northwest quarter, section 3-131-51 in Richland County.  
5 We also own the west half of the northwest quarter of  
6 section 5-131-51.

7 Q. Okay. So I just want to get a little bit  
8 narrower on the -- so the middle of --

9 A. Section 3.

10 Q. -- the middle 50 acres?

11 A. Yep.

12 Q. It's tough to identify specifically so if you  
13 could help me a little bit.

14 A. Okay. That map was which one?

15 ALJ HOGAN: Exhibit 4.

16 A. 4. Okay. The "R" and the "C" in Richland  
17 County --

18 Q. Yes.

19 A. -- okay, it's inside a slightly darker rectangle  
20 of green.

21 Q. Okay. Where it says --

22 A. That darker green rectangle --

23 Q. There's an "MP --"

24 A. Yep.

25 Q. Where it says "MP 3," is that --

1           A.    Yes.

2           Q.    That's your parcel of --

3           A.    Yes.

4           Q.    Okay.

5           A.    Yes.

6           Q.    That helps significantly.  Okay.  So you own  
7   that parcel -- in this image at least you own that  
8   parcel, but the rest of where the blue line is, that's  
9   someone else's property?

10          A.    Correct.

11          Q.    Okay.  That's all I have.  Thank you.

12                ALJ HOGAN:  Commissioner Christmann.

13                COMMISSIONER CHRISTMANN:  That pretty much  
14   answered my questions so I'm good.  Thank you for being  
15   here, though.

16                ALJ HOGAN:  Commissioner --

17                COMMISSIONER HAUGEN-HOFFART:  Haugen-Hoffart.  
18   That's fine.

19                ALJ HOGAN:  Thank you.

20                COMMISSIONER HAUGEN-HOFFART:  You can call me  
21   "Sheri."

22                ALJ HOGAN:  No, I won't do that.

23                COMMISSIONER HAUGEN-HOFFART:  I want to talk  
24   about the timeline.

25                THE WITNESS:  Yep.

1           COMMISSIONER HAUGEN-HOFFART: We have a year  
2           lapse where there's no communication from you as a  
3           property landowner to Summit or Summit to you.

4           THE WITNESS: Correct.

5           COMMISSIONER HAUGEN-HOFFART: You can't answer  
6           for Summit and I'm not asking you to, but why the delay?

7           THE WITNESS: I have no idea.

8           COMMISSIONER HAUGEN-HOFFART: No. Why didn't  
9           you reach out within that year saying, you know, this  
10          case is re-opened, nothing's been resolved, you know,  
11          it's outstanding. So why no communication within that  
12          year on your behalf? I mean --

13          THE WITNESS: Partly because we really wanted it  
14          to just go away. We didn't really want to deal with it  
15          because we don't want the pipeline at all. We feel that  
16          it is unnecessary. It is no real value to the public.  
17          We will pay if something happens, but we're not going to  
18          make any money off it. It's not going to make energy,  
19          whether it's natural gas or LP or oil, none of that is  
20          going to benefit us because it doesn't carry any of  
21          those things. All it carries is carbon, which is a  
22          byproduct or basically a trash product of ethanol  
23          production to someplace, to the dump where it's going to  
24          be.

25          There are other ways. Cover crops. There are

1 wetlands and various different other ways to absorb and  
2 use the carbon that is emitted by these ethanol plants.  
3 It doesn't have to be transported from four, five states  
4 anyway. There are ways to get around doing it that are  
5 actually probably better for the environment than to  
6 have a pipeline.

7 COMMISSIONER HAUGEN-HOFFART: Thank you for your  
8 answer. I appreciate it. I have no further questions.

9 ALJ HOGAN: Mr. Dawson.

10 SUBSTITUTE DECISIONMAKER DAWSON: Thank you for  
11 your testimony today.

12 THE WITNESS: Okay.

13 SUBSTITUTE DECISIONMAKER DAWSON: I have no  
14 questions.

15 ALJ HOGAN: Mr. Jorde, any redirect?

16 MR. JORDE: Yes. Thank you.

17 REDIRECT EXAMINATION

18 BY MR. JORDE:

19 Q. So over more than a year ago Summit knew of your  
20 concerns; right?

21 A. Uh-huh.

22 Q. All right. Is that a yes?

23 A. Yes.

24 Q. And then the PSC order specifically finds that  
25 Summit failed to show that the project will produce



1 minimal adverse impacts on the welfare of the citizens,  
2 which is you; right? Is that a yes?

3 A. Yes.

4 Q. And in that whole time since then Summit hasn't  
5 contacted you and they're the one with the burden of  
6 proof; right?

7 A. Correct.

8 Q. Okay. Now do you think it's your job to chase  
9 them around and spend your time "Well, what about this?"  
10 and then we don't get a response, "And what about this?"  
11 and we don't get a response? Don't you think it's their  
12 job as the applicant to present something to you based  
13 on the concerns that they've known for over a year?

14 A. Correct. Because I gave them that information  
15 more than a year ago, basically about two years ago.

16 Q. Okay. And now over a month ago you sent them a  
17 very detailed letter consistent with concerns they have  
18 known for over a year, and then three days ago they send  
19 a vague letter that "Gosh, golly, we'd sure love to work  
20 with you"; right?

21 A. Yes.

22 Q. Okay. How does that feel? Does that -- "Oh, my  
23 gosh, yay, finally they're working with us"? Does it  
24 feel a bit disingenuous to you?

25 A. Well, yes. It's like a day late and a dollar

1 short.

2 Q. Now, about this survey nonsense. They put the  
3 original line across your property without a survey of  
4 your property; right?

5 A. Correct.

6 Q. Okay. But now they need a survey as of three  
7 days ago; right?

8 A. So they say.

9 Q. Okay. All right. So I addressed earlier, we've  
10 got the executives, counsel, they're right here. We've  
11 got lawyers right here. I mean, ready to cut a deal on  
12 this. I mean, all they have to do is agree to this  
13 reroute, the majority of which is on other folks',  
14 right, or agree to look at it.

15 Do you think they need a survey on your land to  
16 see if a reroute would work on land you don't own?

17 A. No.

18 Q. Okay. All right. Do you have anything else  
19 you'd like to add?

20 A. No. I pretty much touched on what I had --

21 Q. All right.

22 A. -- I guess.

23 Q. Thank you, ma'am. I don't have anything  
24 further.

25 A. All right. Thank you.

1 ALJ HOGAN: Mr. Gludt, any additional questions?

2 MR. GLUDT: No, Your Honor.

3 ALJ HOGAN: Mr. Pelham.

4 MR. PELHAM: No, Your Honor.

5 ALJ HOGAN: All right. Thank you, Ms. Lugert.

6 It's about noon. We'll try to do one more  
7 witness.

8 MR. JORDE: We'll call Diane Zajac. And Mr.  
9 Leibel will be handling this questioning.

10 ALJ HOGAN: Good morning, Ms. Zajac. I'll have  
11 you state your full name for the record and --

12 DIANE ZAJAC: It is Diane, Diane Louise Zajac.

13 ALJ HOGAN: Can you spell your last name?

14 DIANE ZAJAC: Z-A-J-A-C.

15 ALJ HOGAN: Is your first name spelled  
16 D-I-A-N-N?

17 DIANE ZAJAC: No.

18 ALJ HOGAN: Okay. Tell me how it's spelled.

19 DIANE ZAJAC: That's how I spelled it since I  
20 was 16. My mother didn't like it, but she did it  
21 traditionally. And I was in a car accident with my  
22 brother and I had plastic surgery and they put the  
23 French spelling down and I'm, like -- and I liked it.  
24 It's an E.

25 ALJ HOGAN: Okay. And one N?

1 DIANE ZAJAC: Yes, one N.

2 ALJ HOGAN: Okay. Ms. Zajac, were you in the  
3 room --

4 DIANE ZAJAC: No, I was not. I was stuck in the  
5 rain.

6 ALJ HOGAN: All right. Well, then I'm required  
7 by law to advise you on the penalties for perjury.

8 Perjury is a Class C felony punishable by a  
9 maximum fine of \$10,000, a maximum five years'  
10 imprisonment, or both.

11 Do you understand what perjury is?

12 DIANE ZAJAC: Yes, I do.

13 ALJ HOGAN: And being advised of the potential  
14 penalties for perjury, do you promise to tell the truth  
15 in this case today?

16 DIANE ZAJAC: Yes, I do.

17 ALJ HOGAN: All right. Thank you.

18 Go ahead, Mr. Leibel.

19 **DIANE ZAJAC,**

20 being first duly sworn, was examined and testified as  
21 follows:

22 DIRECT EXAMINATION

23 BY MR. LEIBEL:

24 Q. Hi, Diane. In preparation for your testimony  
25 today, you prepared some written statements --

1           A.   Yes.   I cut it down.   I had done a lot of  
2 research and I cut it down.

3           Q.   Okay.   I'm going to pass --

4           A.   But that's fine.

5           Q.   -- a copy of this.

6           A.   And forgive the misspelling with some words that  
7 went together.   At Mantador reception is very poor so --  
8 and this will be very quickly.

9           Q.   And, Diane, would you -- would you like -- would  
10 you be okay if I asked you some questions instead of the  
11 -- we're handing it out --

12          A.   Yes.

13          Q.   -- so the commissioners will be able --

14          A.   No problem.

15          Q.   -- to read your exact stuff and I'll just ask  
16 you some questions?

17          A.   Okay.

18          Q.   So your property is in Richland County; is that  
19 correct?

20          A.   Richland County, Liberty Grove.

21          Q.   Okay.   Do you have a more specific township or  
22 section?

23          A.   Liberty Grove is the township.   And -- oh,  
24 shoot, I should have brought the description.   Oh, I --  
25 no, I didn't (indiscernible) map.   When I was at the

1 courthouse yesterday, I wanted to know if -- because I  
2 was told Tuesday by Brian that I wasn't on the -- it  
3 wasn't on my land. Well, the map I got a week -- not  
4 even a week ago said it was. So I went in to check and  
5 I found out -- I followed it all back and found out that  
6 it's my sister that they negotiated with.

7 Q. Okay. Well, and let me ask you first, do you  
8 oppose this Summit Carbon pipeline?

9 A. Yes, I do. I promised my father on his deathbed  
10 and -- he died in 2004. And he said -- he fought --  
11 they wanted to put the pipeline on nice, rich Richland,  
12 Red River Valley soil, because 26 miles out is where the  
13 river went beyond. And he said, "Why would you put a  
14 gas line pipe there?" And he said, "You get the land,  
15 you see that there's no pipeline on it. All it will do  
16 is destroy it."

17 Q. Okay. Can you tell us, I guess, the specific  
18 reasons why you believe this pipeline will provide an  
19 adverse effect? And let's first start with the  
20 property.

21 A. Well, first of all, I was brought up -- I'll  
22 sort of just go lightly over this. I can memorize it.  
23 We were taught that everything exists on this planet,  
24 has a genesis in land. Cannot do anything without land.  
25 You cannot sustain yourself without land. We were

1 taught to respect the land and to respect others. I  
2 grew up in the generation where a handshake did the job,  
3 your contract was made. And I'm a daughter of Victor  
4 and Frances Zajac and I'm here to keep my promise to  
5 both of them.

6 This land -- this pipeline is not good at all.  
7 And I've got other things to say about it. The land --  
8 the farmland that we were on was -- created the farm by  
9 the knowledge that -- my father was a -- had a  
10 fifth-grade education. My mother had an eighth-grade  
11 education. I am the third generation; inherited the  
12 land in August of '22 when she died on my birthday. And  
13 she reminded me every time I went down to Florida to  
14 take care of her when my sister and brother would go on  
15 vacation, "Don't you ever forget the promise that you  
16 promised dad on his deathbed and on my -- that I'm  
17 telling you the same thing now." And so I'm here to  
18 keep it. No amount of money would ever -- would I ever  
19 let a pipeline go on the land.

20 I want to tell you first about some of the  
21 experiences I've had with Summit if that's okay. I  
22 inherited the land, it was already transferred when I  
23 got the first -- I went to the first meeting in August  
24 of '21 that they had at the Mantador Fire Department.  
25 The renter of mom's land, Darrel Wahler (phonetic),

1 called me and said that they had called a meeting so I  
2 went to it. And I went home and I discussed it and  
3 everything at our annual meeting.

4 They -- the first papers I got about the map --  
5 my father died, as I said, in 2004. The papers came  
6 under his trust. No reason why. Because my mother and  
7 I -- I was -- after dad died, we had the funeral on  
8 Monday, and Tuesday, 8:00, we were in Kragness's  
9 transferring everything because I was going to only be  
10 home for three days and go back and mom wanted all the  
11 paperwork done before I left. Well, came in his name.  
12 Then when they -- when my brother got served, okay, same  
13 thing. It came on my dad's name.

14 Q. And when you're saying it came on your dad's  
15 name, you're saying the court papers you were served  
16 with --

17 A. Yes. The court papers came on my dad's, Victor  
18 Zajac irrevocable trust. And died in 2004. It was  
19 done. And all the land was transferred to my mother's  
20 irrevocable trust.

21 And it's interesting. Because if you got an  
22 irrevocable trust and you want to check something  
23 legally, you go to the county seat or you go to the  
24 courthouse and you ask for the title, and they'll tell  
25 you whose all the land's under, what they paid in taxes



1 and everything else. That was obviously not done.

2 Not only did -- the day my brother was served  
3 with my dad's papers, the server, the court server, had  
4 his secretary, because he wasn't in the office at the  
5 time, sign for a paper, for a family, a couple that were  
6 fighting also the Summit CO2 in the western part of the  
7 state. And I didn't know that. Okay. I, to this day,  
8 was never served, only my brother was served.

9 Q. And I'm going to --

10 A. You can tell I'm getting emotional.

11 Q. No, that's okay. And that's why I'm going to  
12 ask some questions to help you with this a little bit.

13 Do you feel like you've -- Summit has heard your  
14 concerns and taken --

15 A. Absolutely not. When I first started getting  
16 the paperwork -- I've had almost -- I bet you I've had  
17 13 calls from them. I had letters, three letters, and I  
18 wrote them back, "Don't you ever put that on my  
19 pipeline -- don't you ever step on my parents' property  
20 without consulting me first."

21 Okay. As soon as -- and then they even had the  
22 nerve to negotiate with my sister back in '23 after the  
23 -- after the land was already transferred into our  
24 irrevocable trust which was acquired from my parents'  
25 irrevocable trust.

1           MR. PELHAM: Your Honor, I would just object  
2 here because I'm not sure who owns the land, where the  
3 land is. Perhaps Mr. Leibel can --

4           A. The land is --

5           MR. PELHAM: -- ask the witness to give a  
6 description of where the land is, where the line is  
7 proposed to come through so that we have a clear  
8 understanding of exactly who's the owner of the land and  
9 where it is -- where the line is proposed to go through.

10          A. Brian, do you have a map, one of the maps? Mine  
11 I left at home with the paperwork. Or is it in here?  
12 It's in Liberty County (sic) --

13          Q. Okay.

14          A. -- right at the --

15          Q. Just wait. Brian is going to see if he can --

16          A. Okay.

17          Q. -- find that map.

18          A. To the south of --

19               MR. LEIBEL: And I guess to generally respond to  
20 Mr. Pelham's objection --

21          A. -- county road.

22               MR. LEIBEL: -- I think that she -- we'll try to  
23 find the map.

24          A. Okay.

25               MR. LEIBEL: But I believe she has the --

1           A.    Okay.  But they --

2                   MR. LEIBEL:  -- right to testify --

3           A.    Yeah.

4                   MR. LEIBEL:  -- generally about the pipeline  
5  also.

6           A.    Yeah.

7           Q.    (BY MR. LEIBEL)    And so let me ask that  
8  question while we're looking for the map.  Can you  
9  explain your objection to -- or the adverse effect that  
10 you believe this pipeline will have more generally on  
11 the state?

12          A.    Well, I -- first of all, let me tell you, I  
13 worked my way through college.  And you think  
14 differently if you got a bachelor's degree and you think  
15 differently outside -- more outside the box if you got a  
16 master's degree or a doctor's degree.  Okay.

17                   And I've done a lot of research.  And before  
18 starting a project or starting a meeting or wanting to  
19 get a new project going, you consult the people -- or  
20 gather the people where you want something to happen.  
21 The farmers were never notified.  They were told -- I  
22 got a map.  That's it.

23                   I went to the meeting.  The guy said that's  
24 where it's going.  And I said I don't want it on my  
25 land.  I said, number one, we freshly tiled it, and I

1     said -- I asked my renter, Darrel Wahler, about how far  
2     the frost line went down this year. He said it went  
3     down almost four -- over -- a little bit over four feet  
4     down. Well, what happens if the frost brings up rocks?  
5     It brings up the pipeline. And I've talked to  
6     (indiscernible) with the pipeline and said they have the  
7     problem every spring, that it's coming up and they have  
8     to push it down.

9             Safety is another concern. I'm glad you asked  
10    that question because I had that all down here that I  
11    was going to talk about. If a pipeline ruptures and an  
12    explosion occurs, a gas -- CO2 gas emerges. It's  
13    odorless, it's colorless, and it's asphyxiating  
14    intensity. And it -- you can suffocate from it. And I  
15    don't want a farmer on my father's and my mother's land,  
16    a farmer who's a renter, die because farmers are  
17    concentrated. They're focused on getting the crop in.  
18    Do you plant it quick? Do you combine before the rain  
19    comes in? Because you look out there now on Highway 3,  
20    there's water on -- swimming on both sides of Highway 3.

21            Q. Diane, do you have a concern that flooding or  
22    variations in the soil could cause strain on the  
23    pipeline in certain areas?

24            A. Well, it can reduce my income on rent. Okay.  
25    All right.

1           Q.   So you've addressed the safety.  Do you have any  
2   experience -- and you mentioned rent where a pipeline  
3   will cause damage to topsoil --

4           A.   Okay.

5           Q.   -- or to yield?

6           A.   Yes.  If it ruptures -- even putting it in, all  
7   right, damage to topsoil.  When they put in the  
8   pipeline, the gas pipeline in '84, North Dakota has a  
9   law that obviously they didn't enforce because of the  
10  fact that the clay was mixed with the topsoil and thrown  
11  back in.  All right.  I've heard several of my friends  
12  talk about it.  So that reduces your -- you destroy the  
13  soil.  It takes a good -- you can't farm it.

14                  And if -- if a CO2 pipeline would rupture, CO2  
15  mixed with moisture is carbonic acid.  What does  
16  carbonic acid do?  You can't grow it anymore.  You can't  
17  grow anything on it, on the land, because it's  
18  worthless.  Won't grow anything.  And there's -- I've  
19  got articles that I wrote off the -- everything's in it  
20  that I've presented here.

21           Q.   Now, in one of the issues -- so I think it's --  
22  and the Commission, if they look at their -- your  
23  testimony, I feel pretty confident they're going to  
24  understand that you oppose the pipeline generally.

25           A.   Okay.  But I wanted to tell you generally about

1 the profit. Crop loss. Iowa University did a study and  
2 found the following: crop yield right of way were  
3 reduced by an average of 20 percent for soybeans and  
4 15 percent for corn during the first, second season crop  
5 and they're compared to non-disturbed land.

6 If you think about you're going to have this  
7 heavy equipment digging up and all this heavy equipment  
8 -- and most of those farmers around here have tiles and  
9 they want to cut through all these tiles. That's  
10 ridiculous. It costs \$65,000 to just put in 80 acres'  
11 worth of tiles.

12 Q. And, Diane, so -- and I know that's all in your  
13 statement. If the PSC decides to approve the pipeline,  
14 would you request them to ensure that it's off your  
15 property?

16 A. Well, my -- all right. My nephew and I went out  
17 and checked it because my sister -- it was moved off my  
18 land from the south where the tiling was and it was  
19 moved right on the survey line where my property line is  
20 over this way. And I'm saying I want it at least 500 to  
21 1,200 yards off my boundary, my line, because of how it  
22 would affect and absorb if a tube leaked.

23 If you remember Mississippi, that tube where the  
24 CO2 ruptured was 23 miles from this town and it affected  
25 the town and it affected the soil. And they had to

1 evacuate people that lived in that little farming town  
2 and they had to take to the hospital 200 people. And in  
3 the article, it -- I have an article that tells you  
4 exactly when they got the call and how long it took for  
5 it to be responded. The EMT and the sheriff didn't even  
6 know the pipeline existed. Not at all.

7 Q. Okay. So to clarify, we want to ensure, you  
8 want this pipeline at least 500 yards from your  
9 property?

10 A. Or better.

11 Q. Okay.

12 A. Now, the way the trees are there, my nephew said  
13 that that's -- my little dip in there is mine. If it  
14 is, you're not allowed on it.

15 Q. Okay. Do you have -- and we'll have to keep it  
16 pretty brief, but do you have any -- you know, any final  
17 comments you'd like to make to the Commission?

18 A. Yes. I'll just go to the back page. It was  
19 like maybe about 12 minutes to do this.

20 Okay. I do not support Summit CO2. As of the  
21 early '70s when margarine hit the market, some of us can  
22 remember Chiffon margarine. Okay? They said it tasted  
23 just like butter. Okay?

24 They're going to tell us that this is energy.  
25 This is not energy. This is pure CO2 capture. And the

1     only ones that are going to profit from this is them,  
2     large gas, fossil fuel, and oil (indiscernible) things.  
3     Because it's not going to be used for anything else.  
4     It's not energy. It's not taking care of our  
5     environment. They're going to use it to pump out gas.

6             And then they're going to use extra water. And  
7     the last three years we've had droughts in this area,  
8     because I know I signed the CRP papers to allow the  
9     farmers to farm the land up in north -- in Towner County  
10    and Devils Lake area and also down 80 acres that my  
11    brother owns that we had (indiscernible).

12            And if you remember, the National Dairy  
13    Association came out with the best commercial I ever  
14    saw. They said it's not nice to fool Mother Nature.  
15    You want to screw around with the CO2 and ruin our  
16    ecosystem? That's exactly what you guys are going to  
17    do. And I told my older brother last night some things  
18    that I predict that was going to happen if they get that  
19    -- if they get it.

20            Now what I want -- what do I want the PSC to do?  
21    I want them -- since you're in charge of all the  
22    pipelines, I looked it up, of telling the size of them  
23    and the strength of them and everything else, I want you  
24    -- North Dakota people, residents, do not need minimum  
25    safety when we got a dangerous product coming into our



1 state. We want the maximum safety so there's never a  
2 pipe rupture or anything. And I know that the PSC votes  
3 on that and designs it. Okay? So that's what I want.

4 The other thing is I -- when I became a nurse, I  
5 took the Nightingale Pledge. And the end of the pledge  
6 said, just like the MD pledges, to do no harm to any  
7 patient or anybody you treat.

8 You guys are elected officials. And I just  
9 found out a couple weeks ago -- because there's a big  
10 case going on where the EMT guy stole over \$3.1 million  
11 out of the EMT funds and taking -- doing all this stuff  
12 with his family and everything. And they said -- he  
13 said, "Well, I didn't take an oath." And the judge  
14 said, "Doesn't make any difference. You abide by what's  
15 innate." It's innate that you do not harm your  
16 constituents or do harm to anyone. So it is just like  
17 me.

18 So I'm going to tell you, one farmer dies if --  
19 because you didn't vote -- or didn't see the things that  
20 the farmers see, that's one too many. I remember when I  
21 lost my first patient. I can still see it. And it was  
22 only because she had a massive heart attack. And I  
23 still couldn't bring her back. But it's still on my  
24 shoulders. And it's not a burden you want to carry, I'm  
25 telling you, it's not a burden.

1           You want to be -- so I'm asking you to please do  
2     the right thing. We don't need -- you know, one -- I  
3     don't understand this. One company, one -- we have one  
4     in Casselton, ethanol plant, that's invested in Summit,  
5     number one, and then we've got 56 others coming in here  
6     that you want to fill our beautiful state with this  
7     poisonous gas? I don't understand what's going on.

8           And if you look at Summit -- can I go into this,  
9     what I showed you, just briefly?

10          Q. I think we've got -- you've put it in your  
11     summary.

12          A. Summit deals with companies that have committed  
13     fraud against the United States, number one. Like  
14     NextGen --

15           ALJ HOGAN: Ms. Zajac, I'm going to stop you  
16     right there. If it's in here, I'm not going to have  
17     you --

18           THE WITNESS: Yeah.

19           ALJ HOGAN: -- about it.

20           THE WITNESS: No, no. It's -- it's authentic.  
21     It's authentic.

22           ALJ HOGAN: Mr. Leibel, was this labeled as an  
23     exhibit?

24           MR. LEIBEL: No. I was going to offer --

25           ALJ HOGAN: Okay.

1 MR. LEIBEL: -- at the --

2 THE WITNESS: Because I just got into town  
3 yesterday so...

4 MR. LEIBEL: And what's our last number, Brian?

5 ALJ HOGAN: I see 28. Does that sound right?

6 MR. JORDE: This would be 29.

7 MR. LEIBEL: Okay. I would like to designate  
8 that as Landowner Exhibit 29 and move the admission.

9 ALJ HOGAN: Any objection?

10 MR. GLUDT: No objection, Your Honor.

11 ALJ HOGAN: Mr. Pelham.

12 MR. PELHAM: No objection.

13 ALJ HOGAN: All right. LO-29 is received. And  
14 were you able to identify a township --

15 THE WITNESS: Liberty township.

16 ALJ HOGAN: -- range, section?

17 THE WITNESS: Liberty Grove Township.

18 MR. JORDE: Unfortunately, there's no names, of  
19 course, on here but --

20 THE WITNESS: It's Liberty Grove.

21 MR. JORDE: No, that's not on here either. Of  
22 course, I think this might be you.

23 THE WITNESS: Okay. Richland County.  
24 Waxweilers (phonetic) put the thing down here on the  
25 Marti (phonetic) side of the road. Because this

1 separates Barney from Richland -- from Liberty Grove  
2 down that way.

3 MR. LEIBEL: Judge, maybe we could, at the  
4 conclusion of the hearing tomorrow, I can supplement  
5 with -- send the Court a letter with --

6 THE WITNESS: Okay.

7 MR. LEIBEL: -- the specific townships, if  
8 that's acceptable.

9 ALJ HOGAN: Is that acceptable for  
10 commissioners? Commission?

11 UNIDENTIFIED SPEAKER: Yes.

12 ALJ HOGAN: Okay.

13 THE WITNESS: There's --

14 COMMISSIONER CHRISTMANN: I guess it will have  
15 to be, but it doesn't allow us to cross-examine --

16 ALJ HOGAN: Yeah, right.

17 COMMISSIONER CHRISTMANN: -- based on the map.

18 THE WITNESS: There's one other thing I'd like  
19 the PSC to think about. I would like you to join with  
20 Senator Jeff Magrum and 31 other legislators that, on  
21 Tuesday, stood on the Bismarck pallet and they all  
22 signed a letter, and I think we need to support our  
23 legislators, to investigate -- they're asking the North  
24 Dakota attorney general to investigate Summit's  
25 investors because now there's a law on the books in

1 North Dakota that says you cannot have a foreign entity  
2 that's an adversary to the United States or any state.  
3 And that would include China, South Korea, Saudi Arabia.  
4 And they had sent it to them on Tuesday of this week.

5 ALJ HOGAN: All right. Mr. Leibel, if you want  
6 to follow up on location and ownership, I think that's  
7 maybe the best way forward.

8 MR. LEIBEL: Judge, I just remembered, I believe  
9 that she was a party to -- yeah, here's the legal  
10 description -- was a party to the litigation involving  
11 survey, which means I would have a cross-reference of a  
12 legal description. I'm just waiting for it to load up.

13 COMMISSIONER CHRISTMANN: Your Honor, if it  
14 moves things, I don't really need any -- I just have one  
15 question and it really doesn't matter where the land is.

16 ALJ HOGAN: Okay.

17 COMMISSIONER CHRISTMANN: So I don't know about  
18 others. Maybe we don't really need it right now.

19 MR. LEIBEL: I could -- I could tell it. I  
20 found it. So it's township 131 north, range 51 west,  
21 section 4, northwest quarter and the west 70 rods of the  
22 northeast quarter. And the other piece of property is  
23 township 132 north, range 50 west, section 33, the  
24 northwest quarter.

25 ALJ HOGAN: Thank you.

1 MR. LEIBEL: Sorry I didn't have that.

2 ALJ HOGAN: Mr. Leibel, do you have any other  
3 questions?

4 MR. LEIBEL: I have no further questions.

5 ALJ HOGAN: All right. Mr. Gludt, any  
6 questions?

7 MR. GLUDT: No questions, Your Honor.

8 ALJ HOGAN: Mr. Pelham.

9 MR. PELHAM: Yes.

10 CROSS EXAMINATION

11 BY MR. PELHAM:

12 Q. Ms. Zajac, thanks for being here today. There  
13 was some mention in your testimony of an irrevocable  
14 trust and a trust from your parents. And you testified  
15 that your parents had passed on. Are you the current  
16 legal owner of the property --

17 A. Yes.

18 Q. -- or of the trust? You are? Okay.

19 A. They served my brother, yes.

20 Q. Okay. And you gave the description so I don't  
21 have any other questions. Thank you.

22 ALJ HOGAN: Mr. Schock?

23 Commissioner Christmann.

24 COMMISSIONER CHRISTMANN: So I was really  
25 confused with the part about your sister and they dealt

1 with her. Is the pipeline -- and I know you want it to  
2 be at least 500 yards from your property.

3 THE WITNESS: I actually don't want it to be on  
4 any of our property --

5 COMMISSIONER CHRISTMANN: Right, but at a  
6 minimum you said something about at least 500 -- but  
7 right now is it on your property or is it on your  
8 sister's?

9 THE WITNESS: Well, it's hard -- if you look at  
10 that map, it's very hard because it's very vague. Even  
11 at the courthouse they said they couldn't even read the  
12 print and that. It looks like, when we took a  
13 magnifying glass out, that it was on land -- where I had  
14 land surveyed, it's on the property line and it goes  
15 over to the north. But I do not want it anyplace close  
16 to my land.

17 COMMISSIONER CHRISTMANN: I haven't been able to  
18 find what Mr. Leibel said, but 131-51, section 4 --

19 THE WITNESS: 31, isn't it? I thought he said  
20 31.

21 COMMISSIONER CHRISTMANN: No.

22 THE WITNESS: 131? No?

23 MR. LEIBEL: And, Commissioner, I --

24 COMMISSIONER CHRISTMANN: It goes through  
25 131-51-2 going north and south. I don't see how it

1 would go -- it would be like two --

2 THE WITNESS: No. It's going east and west.

3 COMMISSIONER CHRISTMANN: Well, whatever, we  
4 don't have a map of it so...

5 THE WITNESS: It crosses the road --

6 COMMISSIONER CHRISTMANN: I have no more  
7 questions, Your Honor.

8 THE WITNESS: -- comes over.

9 ALJ HOGAN: Mr. Leibel, did you have any --

10 MR. LEIBEL: No. I was just going to respond to  
11 the commissioner, but that's okay if he has no  
12 questions.

13 ALJ HOGAN: Okay. Commissioner Haugen-Hoffart.

14 COMMISSIONER HAUGEN-HOFFART: No questions.

15 ALJ HOGAN: Mr. Dawson.

16 SUBSTITUTE DECISIONMAKER DAWSON: No questions.

17 ALJ HOGAN: All right. Any redirect,  
18 Mr. Leibel?

19 MR. LEIBEL: No.

20 ALJ HOGAN: All right. Well, thank you.

21 THE WITNESS: Okay. I do have copies of the  
22 articles that I've got this from --

23 ALJ HOGAN: Okay.

24 THE WITNESS: -- that I've researched and  
25 everything. I could have brought about 200 of them but



1       couldn't carry them all.

2               ALJ HOGAN: All right. Thank you for your  
3 testimony.

4               THE WITNESS: Okay. Thank you.

5               ALJ HOGAN: And it's 12:26 so we're going to  
6 take our lunch break. Let's break until 1:00.

7               (Recess)

8               ALJ HOGAN: All right. If everybody wants to  
9 make their way back to their seats, we're going to get  
10 started again. And as I mentioned this morning, we are  
11 going to start our afternoon with public testimony.

12              And before we start with public testimony, I  
13 just have a few instructions regarding giving public  
14 testimony at today's hearing. The Commission very much  
15 would like to hear from impacted landowners. If you do  
16 choose to testify, I'll have you come up to the witness  
17 table here. You will be sworn in like the other  
18 witnesses that we had this morning. All parties along  
19 with the commissioners will be allowed to ask you  
20 questions regarding your testimony.

21              If you are a landowner, if you could have the  
22 property description for your land available and provide  
23 that at the beginning of your testimony, that would be  
24 helpful. Likewise, if you represent an entity or a  
25 group, please identify who you are representing.

1           This is an evidentiary hearing. This is not an  
2           opportunity to ask questions to other witnesses or to  
3           the Commission. Public testimony is your opportunity to  
4           provide information to the commissioners.

5           And as I stated this morning, the Commission  
6           re-opened this case. So if you previously testified,  
7           you do not need to come and repeat that testimony. Your  
8           prior testimony is still part of the record for this  
9           case. Likewise, if your prior testimony or somebody  
10          else that's testified in this hearing has already stated  
11          your concerns or similar concerns, I would ask that you  
12          please do not repeat those concerns and just let the  
13          Commission know that you agree or have similar concerns.

14          And I would ask that you please limit your  
15          testimony to ten minutes. If you are going longer than  
16          ten minutes, I will ask that you wrap up your testimony.

17          Okay. I've got to find my witness sheet here  
18          real quick. There it is, got it. All right.

19          Good afternoon. Can I have you state your full  
20          name for the record?

21                LIANNE ROCKSTAD: Lianne Rockstad. And that's  
22                L-I-A-N-N-E. Rockstad, R-O-C-K-S-T-A-D.

23                ALJ HOGAN: And, Ms. Rockstad, were you in the  
24                room this morning when I went through the penalties for  
25                perjury?

1 LIANNE ROCKSTAD: Yes, I -- I was.

2 ALJ HOGAN: And do you understand what perjury  
3 is?

4 LIANNE ROCKSTAD: I do.

5 ALJ HOGAN: And being advised of the potential  
6 penalties for perjury, do you promise to tell the truth  
7 in this case today?

8 LIANNE ROCKSTAD: Correct.

9 ALJ HOGAN: All right. Thank you. Go ahead.

10 **LIANNE ROCKSTAD,**  
11 being first duly sworn, testified as follows:

12 LIANNE ROCKSTAD: First of all, given what you  
13 just said, I took quite a bit out about safety and  
14 everything. There's no need to duplicate that.

15 I'm talking about Richland County, Viking  
16 Township, and it is Viking Township, legal description  
17 section 3, T135N, R51W. And the other quarter of land  
18 is section 14, T135N, R51W.

19 First, thank you to the Commission. I'll make  
20 this as brief as I can. And I discovered last year when  
21 I testified in Bismarck, and I did not know that until  
22 that time, that my brother, who is a 50 percent owner,  
23 has an attorney and I do not. So I just want to remind  
24 the Commission of that right now. I'm telling my story.

25 On October 7th, 2021, at 2 p.m., I was driving

1 past my home quarter, which was planted with corn, when  
2 a surveyor with a rod walked out of the center of my  
3 field. I approached him and I asked him what he was  
4 doing on my heavily-posted land. He refused to say. We  
5 stood there uncomfortably. I told him I was going to  
6 call the Richland County sheriff and that he could tell  
7 both of us at the same time what he was doing on my  
8 land. He said he worked for Carbon Express pipeline. I  
9 asked him where his vehicle was. He said he would get  
10 dropped off, do his work, and when he was completed he  
11 was to call for a pickup. This was a totally covert  
12 operation.

13 I called the NDSU Ag Department within the hour  
14 and I asked them if they had heard about this company or  
15 knew anything about them. They reported back to me that  
16 a Tom Bray with TRC said that they were only on land  
17 that they were given permission. This is completely  
18 false. I did not provide Carbon Express permission to  
19 be on my land. They were trespassing. It is by sheer  
20 coincidence that I observed what happened.

21 Little did I know back in October of 2021 that a  
22 company I've never heard of or its investors along with  
23 ethanol plant owners and the State of North Dakota were  
24 making plans to lay a hazmat pipeline across my land.

25 Nearly a year ago I testified in Bismarck. My

1 priority was and remains to not have a hazmat pipeline  
2 on my land. I stated at that time that my family has  
3 farmed and improved this land for almost a hundred  
4 years. My grandfather emigrated from Norway 149 years  
5 ago. He came to North Dakota to farm and provide for  
6 his family. His youngest child, my mother, farmed with  
7 horses and milked cows. Each generation has been an  
8 excellent steward of the land, ensuring it would provide  
9 well for the succeeding generation of heirs.

10 I'm 71 years old and I currently live in my farm  
11 home on this very same land. I do not want to live  
12 1,800 feet from the pipeline. Carbon Solutions says it  
13 is completely safe until it isn't. I'm here today  
14 because I'm trying to protect myself and my family for  
15 the next 99 years or the next four generations as my  
16 grandfather and my mother did for me.

17 You know, we've talked a lot about Summit  
18 Carbon. They're entrepreneurs, they're investors,  
19 they're looking for the largest return on their  
20 investment. My family has been invested in this very  
21 same land for almost a hundred years. My family will  
22 keep -- we will keep this investment while Summit Carbon  
23 will sell their investment as soon as their federal tax  
24 credits are to expire. How many times will the pipeline  
25 be sold in the next 99 years?

1 I am here to defend my property rights and  
2 protect my investment from entrepreneurs who have  
3 nothing, absolutely nothing, other than object at the  
4 profit from an unwilling seller.

5 Summit wants a half-a-mile easement through the  
6 center of my best-producing quarter of land; the  
7 best-producing quarter, they're coming down right in the  
8 middle. And two miles further north they do a road  
9 crossing and capture the quarter of land for another  
10 half-mile easement, a quarter of land that I stated a  
11 year ago is perfectly poised for development within the  
12 next four to seven years. It's on a hardtop road, the  
13 rural water is already in place across the entire  
14 breadth of it, and it's in one of the two  
15 fastest-growing school districts southwest of Horace.

16 After my presentation last year in Bismarck,  
17 Mr. Powell had a representative come ask to meet me in  
18 the hallway afterwards. I took that meeting with a  
19 witness. He asked me if I was ready to sign the  
20 easement and I said "no" for all the previous reasons  
21 stated in my talk. I reiterated that the entire quarter  
22 would be completely impacted from development from the  
23 pipeline within its boundary. I reiterated that I could  
24 not have a pipeline come through the best-producing  
25 quarter that I owned. Mr. Powell said, and he said this

1 with a witness, that they would look into my request of  
2 moving the pipeline. As of May 16th of this year, they  
3 did not have an alternate route for either parcel nor  
4 had they looked for one.

5 Lastly, in that conversation -- and I couldn't  
6 decide if I should say this or not, but I am. Lastly,  
7 in that conversation, he asked me if I even knew what  
8 the unit of measure of a rod was, knowing that I had  
9 just testified as a farmer. I always wonder if he would  
10 have asked a male farmer that same question.

11 This proposed \$8 billion project with investors  
12 receiving millions upon millions of dollars in federal  
13 tax credits -- please hold on to this thought just for a  
14 second, hold on to the \$8 billion. In the 1950s my  
15 mother milked cows. She got 10 gallons of milk a day  
16 from those cows. Ten gallons. The second offer and the  
17 most current that Summit Carbon Solutions offered me for  
18 a 99-year easement on my land is the exact equivalent to  
19 10 gallons of milk a week. That is what they think my  
20 family and my heirs born and unborn are entitled to.  
21 Ten gallons of milk a week in today's dollars. I don't  
22 know anybody -- I don't know anybody here that would  
23 accept that offer. I know this doesn't even sound  
24 believable, but I have it in writing.

25 When Summit says they have signed 80 percent of

1 North Dakotans, 80 percent of North Dakotans, I really  
2 wonder how many senior citizens took what was my initial  
3 offer of three gallons of milk a week because they  
4 trusted Summit to be fair.

5 I did not talk about compensation last year. I  
6 did not talk about it. I talked about my first  
7 priority, which was not having the pipeline on my land.  
8 This is still my priority.

9 In The Forum in June of '23, like other parties  
10 have stated, Burgum was interviewed about that pipeline  
11 and he stated, and this is the quote, "The important  
12 thing is that they have an opportunity in that process  
13 to be heard and fairly compensated." Burgum added that  
14 hundreds and hundreds of changes to the route in North  
15 Dakota have been done. "If people didn't want the big  
16 check, they had the opportunity to let their neighbor  
17 get the big check."

18 That is not a big check. That is not even close  
19 to a big check.

20 So, Public Service Commission, I do want my  
21 voice heard. I do not want the pipeline on my land.  
22 And I do not want the equivalent of 10 gallons of milk a  
23 week for a 99-year easement.

24 That's it.

25 ALJ HOGAN: All right. Thank you.



1           Mr. Gludt, any questions?

2           MR. GLUDT:   Yes, Your Honor.

3           Ms. Rockstad, is your brother James Rockstad?

4           LIANNE ROCKSTAD:   He is.

5           MR. GLUDT:   And are you aware that Mr. -- your  
6 brother, James Rockstad, through Mr. Jorde, his counsel,  
7 has proposed reroutes on your property?

8           LIANNE ROCKSTAD:   Nobody's talked to me about  
9 any route, different routes.  I talked to -- I called on  
10 May 17th and talked to Charlie Adams.  He said he did  
11 not see a route change.  He got ahold on May 20th of  
12 Justin Studsrud.  Mr. Studsrud called me and  
13 Mr. Studsrud told me that day that the route was the  
14 same.  That's what he told me.

15          MR. GLUDT:   If --

16          LIANNE ROCKSTAD:   And just to backtrack for a  
17 moment, Mr. Powell told me he would look into the  
18 alternate routes and I never heard another word.  I  
19 never heard one word.

20                 And the reason I didn't go contact and go  
21 searching for these people this last year is because the  
22 closest -- the closest family member I have is  
23 undergoing cancer this last year and I go back and forth  
24 to Rochester all the time.  But nobody came to talk to  
25 me, nobody left me a note, and nobody visited my

1 farmstead.

2 MR. GLUDT: Okay. If -- as you're aware,  
3 there's been some correspondence. Your brother has  
4 through your attorney offered --

5 LIANNE ROCKSTAD: Okay. I have not received --

6 MR. GLUDT: I understand that.

7 LIANNE ROCKSTAD: -- any correspondence.

8 MR. GLUDT: I understand that, ma'am. I'm not  
9 trying to argue with what you do or do not know. I just  
10 want you to be aware that he has submitted reroute  
11 proposals and Summit has responded that it may be  
12 willing to accommodate that and would need survey access  
13 for your property to survey potential reroute areas. Is  
14 that something you would agree to?

15 LIANNE ROCKSTAD: I, apparently, without my  
16 knowledge accommodated that October 7th of 2021 when the  
17 surveyor walked out of the center of my cornfield.

18 MR. GLUDT: I have no further questions. Thank  
19 you.

20 ALJ HOGAN: Mr. Jorde or Mr. Leibel, any  
21 questions?

22 MR. JORDE: Yes. Thank you.

23 Ma'am, did I get it right that you live in a  
24 residence 1,800 feet from the proposed hazardous  
25 pipeline route?

1           LIANNE ROCKSTAD: Correct.

2           MR. JORDE: And that you've lived there for many  
3 years?

4           LIANNE ROCKSTAD: Correct.

5           MR. JORDE: Okay. Have you seen any data  
6 supplied to you by Summit or anyone working on Summit's  
7 behalf to lead you to believe that 1,800 feet from their  
8 proposed pipeline is a safe distance if there were to be  
9 a rupture or release?

10          LIANNE ROCKSTAD: Could you repeat that?

11          MR. JORDE: Yes. Do you have any information  
12 provided to you by Summit or anyone working on their  
13 behalf that has given you comfort or led you to conclude  
14 that it's safe for you to have a home within 1,800 feet  
15 of a high-pressurized CO2 pipeline?

16          LIANNE ROCKSTAD: Well, I don't feel it would be  
17 safe, but I promised the judge I wasn't going to go into  
18 the safety here.

19          MR. JORDE: Okay. So is the answer "no," they  
20 provided you no information in that regard?

21          LIANNE ROCKSTAD: To the best of my knowledge,  
22 but I can't swear to it that they haven't provided me.

23          MR. JORDE: Okay. You mentioned that your land  
24 is development land. Is that the entire property or is  
25 it portions of the property you believe are --

1           LIANNE ROCKSTAD: Is it okay if he talks to me  
2 when he's not my attorney?

3           ALJ HOGAN: Yep. He's representing parties that  
4 are -- individuals who are party to the case so they  
5 have the opportunity to ask you questions.

6           LIANNE ROCKSTAD: Okay. I apologize. Okay.

7           MR. JORDE: You had mentioned -- yeah, I'm  
8 trying to help you, by the way, just to clear the air  
9 here.

10           You mentioned your land is development land.  
11 And I just want to --

12           LIANNE ROCKSTAD: One of the quarters is  
13 development land.

14           MR. JORDE: That's why I wanted to be specific.  
15 So one of the -- is it one of the potentially affected  
16 corridors -- or pardon me -- quarters or is it adjacent  
17 to an affected quarter? I'm just trying to --

18           LIANNE ROCKSTAD: Okay. It is on quarter --  
19 we're talking about section 3, T135N, R51W, the north  
20 quarter. That is the developmental quarter. And I have  
21 documentation from a real estate company from over a  
22 year ago stating that the development -- the financials  
23 for that quarter, that it would be worth \$30,000 an acre  
24 for the quarter for development.

25           And I stated that to Mr. Powell in front of a

1 witness in Bismarck. I told him the value of the land  
2 and that I had the paperwork with me. And exactly what  
3 he said was "We've paid way more than that." That's  
4 what he said. That was his answer.

5 MR. JORDE: Okay. But his -- have you received  
6 any documentation where Summit has agreed to route away  
7 from that so as not to take away your development  
8 opportunity?

9 LIANNE ROCKSTAD: No. No, I have not.

10 MR. JORDE: Okay. And how long ago was that  
11 conversation where you made it clear face-to-face to  
12 Mr. Powell that you had the --

13 LIANNE ROCKSTAD: It was the June meeting, the  
14 first part of June last year.

15 MR. JORDE: Okay.

16 LIANNE ROCKSTAD: In Bismarck. It was in  
17 Bismarck.

18 MR. JORDE: So for almost a year Summit's known  
19 directly from you of those concerns and they haven't  
20 sent you any type of proposed reroutes or solutions?

21 LIANNE ROCKSTAD: Nothing to myself. Nothing.

22 MR. JORDE: Okay. Have you talked to your  
23 brother, James? Do you know if he's received anything?  
24 I haven't seen anything.

25 LIANNE ROCKSTAD: Well, I'm positive you've

1       talked to him since 2012, and that's the last time I've  
2       talked to him.

3               MR. JORDE:   Oh, okay.   All right.   Very good.

4               And so from no source have you seen any  
5       potential reroutes that Summit would be willing to do?

6               LIANNE ROCKSTAD:   I have seen no reroutes.   And  
7       Mr. Powell and I talked about that.   We talked about the  
8       best-producing quarter of land and we talked about the  
9       developmental quarter.

10              MR. JORDE:   And so I think it's probably stating  
11      the obvious, but do you believe that if a hazardous CO2  
12      pipeline was located on your land, that that would  
13      significantly reduce the value of not only the easement  
14      where it's located but the adjacent and surrounding --

15              LIANNE ROCKSTAD:   It would destroy it.   It would  
16      destroy it.   And that's why I went through the trouble  
17      of getting that to bring it to Bismarck to show, was  
18      that the value of that land, it would totally destroy  
19      the development.

20              MR. JORDE:   I don't have anything further.  
21      Thank you.

22              ALJ HOGAN:   Mr. Pelham, any questions?

23              MR. PELHAM:   Yes, thank you.

24              Ms. Rockstad, did you say the last time you  
25      talked to your brother was in 2012?

1           LIANNE ROCKSTAD: That's correct.

2           MR. PELHAM: Okay. So you and your brother, the  
3 property that you gave the description for you own as  
4 tenants in common equally?

5           LIANNE ROCKSTAD: Equally.

6           MR. PELHAM: All right. And any other family  
7 members own any interest in that property?

8           LIANNE ROCKSTAD: No.

9           MR. PELHAM: Just you and your brother?

10          LIANNE ROCKSTAD: Just the -- just the two of  
11 us.

12          MR. PELHAM: I see. What is it -- what is the  
13 reroute that you're requesting?

14          LIANNE ROCKSTAD: Number one, I'm requesting it  
15 off my land. I'm requesting it off my land.

16          MR. PELHAM: Okay.

17          LIANNE ROCKSTAD: The future of that -- what I  
18 referred to as that north quarter is -- the future of  
19 that land, it's four to seven years away from being  
20 developed. You know, like I stated, the water has gone  
21 through it. It's in the fastest-growing school district  
22 in southwest --

23          MR. PELHAM: Is it --

24          LIANNE ROCKSTAD: -- North Dakota.

25          MR. PELHAM: Is it -- is it in the diversion

1 area?

2 LIANNE ROCKSTAD: No.

3 MR. PELHAM: No.

4 LIANNE ROCKSTAD: No, no. It's past the  
5 diversion. I'm 20 minutes from Horace.

6 MR. PELHAM: Fair enough.

7 And as far as the development, you mentioned the  
8 real estate. I don't need to know the intricate  
9 details, but have you had a conversation with anyone  
10 telling you that if this pipeline is -- is installed in  
11 this land, that it cannot be developed?

12 LIANNE ROCKSTAD: I told Mr. Powell that.

13 MR. PELHAM: I understand you told him that, but  
14 has anyone told you that?

15 LIANNE ROCKSTAD: Say that again.

16 MR. PELHAM: Has anyone told you -- when you're  
17 talking about the development of the property for future  
18 development in the next four to seven years, you  
19 testified to that --

20 LIANNE ROCKSTAD: Yes.

21 MR. PELHAM: -- I'm just wondering -- and you've  
22 said you had some conversations with real estate  
23 developers. Has anyone told you that in the event that  
24 the pipeline is built, that it will not be able to be  
25 developed?



1           LIANNE ROCKSTAD: It won't be able to be  
2 developed in the manner that it was projected.

3           MR. PELHAM: And who's told you that?

4           LIANNE ROCKSTAD: The real estate company.

5           MR. PELHAM: And you said primarily you don't  
6 want the pipeline. Is it no way, no how, you're  
7 completely opposed to the pipeline and you would not be  
8 agreeable to any reroutes at all if proposed by the  
9 company?

10          LIANNE ROCKSTAD: I am not agreeable to any  
11 reroute on the north quarter, the developing quarter.  
12 That is the greatest inheritance for my heirs. That  
13 piece of land is the greatest inheritance.

14          On the south quarter, which is section 14, okay,  
15 that comes down the center -- nearly the center of the  
16 best-producing quarter. If -- if I was absolutely,  
17 positively forced, it probably could be moved to the  
18 west along County 29.

19          MR. PELHAM: You testified you haven't had any  
20 contact with your brother. Have you had any contact  
21 with your brother's attorney related to the proposed  
22 reroute?

23          LIANNE ROCKSTAD: I'm not even sure what his  
24 name is.

25          MR. PELHAM: Okay. So I'll take that as a "no."

1 Fair enough. I don't have any other questions for you.  
2 Thank you.

3 LIANNE ROCKSTAD: Thank you.

4 ALJ HOGAN: Mr. Schock, any questions?  
5 Commissioner Christmann.

6 COMMISSIONER CHRISTMANN: You mentioned the  
7 sections where you have property. Do you own those  
8 whole sections or a quarter in each?

9 LIANNE ROCKSTAD: The quarters in each section.

10 COMMISSIONER CHRISTMANN: So on --

11 LIANNE ROCKSTAD: We're talking two quarters and  
12 one quarter in each section.

13 COMMISSIONER CHRISTMANN: Well, in section 3  
14 it's the northeast quarter.

15 LIANNE ROCKSTAD: In section 3, that is the  
16 north quarter, the quarter that's poised for  
17 development.

18 COMMISSIONER CHRISTMANN: And in section 14,  
19 it's the north --

20 LIANNE ROCKSTAD: That's the best-producing  
21 farmland.

22 COMMISSIONER CHRISTMANN: But is it the  
23 northwest quarter or the southwest quarter of 14?

24 LIANNE ROCKSTAD: Section 14 is the south  
25 quarter. It's two miles further north -- I mean, two

1 miles further south than the developing quarter. It's  
2 two miles further south.

3 COMMISSIONER CHRISTMANN: I've got them on my  
4 map.

5 LIANNE ROCKSTAD: Yeah.

6 COMMISSIONER CHRISTMANN: Thank you.

7 LIANNE ROCKSTAD: And when it comes on the  
8 south, it's on the east side of County 29. And then  
9 when they're north of me, they do a road crossing and  
10 come on the west side of me on County 29.

11 COMMISSIONER CHRISTMANN: I'm glad you added  
12 that because I forgot to ask my question. You said your  
13 home is 1,800 feet --

14 LIANNE ROCKSTAD: Correct. And I'm on the north  
15 quarter.

16 COMMISSIONER CHRISTMANN: You live on the north  
17 quarter?

18 LIANNE ROCKSTAD: Correct. Section 3.

19 COMMISSIONER CHRISTMANN: Okay. Thank you.

20 ALJ HOGAN: Commissioner Haugen-Hoffart.

21 COMMISSIONER HAUGEN-HOFFART: I just have a  
22 question regarding the development land that you talked  
23 about in working with a real estate agency. Are there  
24 any plans for that land?

25 LIANNE ROCKSTAD: Yeah, there are plans. We

1       were waiting for the township zoning. And there are  
2       plans for the land.

3               COMMISSIONER HAUGEN-HOFFART: Okay. And you've  
4       been told by this real estate agent that if --

5               LIANNE ROCKSTAD: I've got the paperwork here,  
6       yeah.

7               COMMISSIONER HAUGEN-HOFFART: Okay. And you've  
8       been told that if the pipeline goes through, those  
9       development plans will be no longer --

10              LIANNE ROCKSTAD: Exactly.

11              COMMISSIONER HAUGEN-HOFFART: -- executed?

12              LIANNE ROCKSTAD: Exactly.

13              COMMISSIONER HAUGEN-HOFFART: Okay.

14              LIANNE ROCKSTAD: It totally diminishes the  
15       project.

16              COMMISSIONER HAUGEN-HOFFART: Okay.

17              LIANNE ROCKSTAD: Thank you.

18              COMMISSIONER HAUGEN-HOFFART: Thank you.

19              ALJ HOGAN: Mr. Dawson.

20              SUBSTITUTE DECISIONMAKER DAWSON: No questions.

21              ALJ HOGAN: All right. Thank you, Ms. Rockstad.

22              LIANNE ROCKSTAD: Thank you for your time.

23              ALJ HOGAN: Do we have other parties that wish  
24       to provide public comments or public testimony?

25              Good afternoon. Can I get your name and if you

1 want to spell your last name for the record, please.

2 JOSH GESSELE: Name is Josh Gessele,  
3 G-E-S-S-E-L-E.

4 ALJ HOGAN: Mr. Gessele, were you in the room  
5 earlier when I went through the penalties for perjury?

6 JOSH GESSELE: Yes, I was.

7 ALJ HOGAN: And do you understand what perjury  
8 is?

9 JOSH GESSELE: Yes, I do.

10 ALJ HOGAN: And being advised of the potential  
11 penalties for perjury, do you promise to tell the truth  
12 in this case today?

13 JOSH GESSELE: I do.

14 ALJ HOGAN: All right. Thank you. Go ahead.

15 **JOSH GESSELE,**

16 being first duly sworn, testified as follows:

17 JOSH GESSELE: Good afternoon, Commissioners.  
18 My name is Josh Gessele, as I have stated. I live at  
19 647 188th Avenue Northeast, near the town of Baldwin, in  
20 Glenview Township of Burleigh County. The legal  
21 description is section 26, 141 north, 80 west. And my  
22 property is the east half of the west half of the  
23 northeast quarter. It can be found on page 52 of the  
24 map book. The proposed pipeline route runs on the north  
25 side of 180th Avenue Northeast, less than 2,000 feet

1 from my house, which is on the south side of 180th  
2 Avenue.

3 At the April 22nd hearing in Mandan you heard  
4 testimony from my two neighbors, Lynette Dunbar and  
5 State Representative SuAnn Olson. I agree with both of  
6 their testimonies and, along with them, I also do not  
7 want to see this pipeline siting permit approved.

8 I only started taking notice of this proposed  
9 pipeline when I ran across teams of surveyors on 180th  
10 Avenue during the summer of 2023. After learning that  
11 they were there surveying a route for the Summit  
12 pipeline, I started to research the project so I could  
13 form a proper opinion.

14 But I want to start off by sharing with you an  
15 experience that has drastically affected my opinion of  
16 this project. I make electricity as a control room  
17 operator at Rainbow Energy Center, Coal Creek Station,  
18 which applies steam to and is across the fence from Blue  
19 Flint Ethanol. I've been a plant operator at Coal Creek  
20 since 2005. Blue Flint was built in 2007 and Blue  
21 Flint's CO2 capturer and injection system came online in  
22 November of 2023. Us at Coal Creek were told that it  
23 was pure CO2 that was being collected and injected from  
24 ethanol plants like Blue Flint. It turns out that is  
25 misleading.

1           On April 14th, 2024, there was a system upset at  
2   Blue Flint that caused the need for them to vent off  
3   their CO2 collection and compression system. That day  
4   the wind was blowing mildly from the east which blew the  
5   plume of venting gas straight towards Coal Creek.  
6   Employees at Coal Creek started to smell strong odors  
7   that were described as smelling like burning rubber and  
8   electrical fire mixed with other smells. At first  
9   people were looking for fires because pure CO2 is  
10   supposed to be colorless and odorless. After no fires  
11   were found, it was realized that the smell was coming  
12   from the venting gas at Blue Flint.

13           The ethanol plant has been in operation  
14   since 2007. And April 14th, 2024, is the first time  
15   this type of strong odor had ever been observed at Coal  
16   Creek coming from Blue Flint.

17           The venting lasted, roughly, eight hours.  
18   During the event, employees in the power plant started  
19   to experience headaches, feel nauseous, and have dizzy  
20   spells, along with burning sensations in their eyes and  
21   airways. Multiple employees had to go home because of  
22   the severity of their symptoms. A couple employees  
23   missed a multiple days of work recovering. One employee  
24   ended up going to the hospital days later because his  
25   symptoms were not improving. At the hospital he was

1 told they did not know what to treat him for because of  
2 the uncertainty of what gas he was hit with. We had no  
3 idea what was in that gas.

4 I personally was not at the power plant on  
5 April 14th as it was my day off, but I was at the power  
6 plant on May 8th, 2024, when another Blue Flint CO2  
7 compression system venting occurred with an east wind.  
8 What happened on April 14th was repeated with the same  
9 effect of making Coal Creek employees sick, the only  
10 difference being this time it was not a system upset at  
11 Blue Flint that caused the need for venting, but it was  
12 a controlled shutdown of their CO2 system for scheduled  
13 maintenance.

14 What did I learn from this experience? I  
15 learned that even though the gas stream may be  
16 99 percent CO2 exiting the ethanol plants, the other  
17 1 percent is composed of gases that are much more toxic  
18 than CO2. According to the National Institute for  
19 Occupational Safety and Health, the immediately  
20 dangerous to life and health, or IDLH, concentration of  
21 CO2 is 40,000 parts per million. Gases included in the  
22 1 percent are gases such as hydrogen sulfide with an  
23 IDLH of 100 parts per million; dimethyl sulfate which is  
24 a carcinogen and has an IDLH of 7 parts per million;  
25 ethyl acetate with an IDLH of 2,000 parts per million;



1     acetaldehyde, a carcinogen with a  
2     2,000-parts-per-million IDLH; and ethyl and methyl  
3     alcohols with IDLHs of 3,300 and 6,000 parts per million  
4     respectively. This is just to name a few. There are  
5     more.

6             During normal operation, in order to clean their  
7     discharge gas, I learned that ethanol plants are  
8     required to either scrub or flare off their discharge  
9     gas depending on the design of the plant. I also  
10    learned, though, that ethanol plants are not required to  
11    clean their discharge gas in any way if it is being  
12    compressed and injected underground. This information  
13    has been verified to me by the North Dakota Department  
14    of Environmental Quality.

15            So that would mean in the Summit pipeline 58  
16    ethanol plants' worth of unfiltered gases or more, if  
17    Summit's dreams come true, would be pumped past my house  
18    and the houses of my neighbors and the houses of  
19    everyone else that is near this pipeline in North  
20    Dakota. After seeing and experiencing the effects of  
21    being gassed by one ethanol plant, the idea of having  
22    the exhaust of 58 plants in one pipeline seems crazy.

23            The January 2002 Minot anhydrous ammonia spill  
24    was five railcars' worth of gas. That gas cloud  
25    traveled five miles and extended 300 feet into the air.

1 If this pipeline gets built with the flow Summit plans  
2 to put through it, there will be 167 railcars' worth of  
3 gas running past my house every minute.

4 Why does Summit want to run all the gas up to  
5 North Dakota anyway? Besides North Dakota, there are  
6 also saline formations in Illinois, Nebraska, and  
7 Kansas, and unmineable coal seams in Iowa that could  
8 possibly be used to store this -- to store these gases.

9 Besides the threat to people, there are other  
10 reasons why I think this pipeline is a bad idea. My  
11 wife raises chickens, ducks, and geese. Some of the  
12 birds she raises are rare like Ancona ducks and Cotton  
13 Patch geese which are both considered threatened by The  
14 Livestock Conservancy. There are less than a thousand  
15 breeding birds of these species in the U.S. with an  
16 estimated global population of less than 5,000 birds.  
17 And she also has very specific breeding programs for  
18 some of her chickens that sometimes require many years  
19 of work to achieve certain genetic traits that are  
20 desirable for certain breeds of chickens. A loss of  
21 these birds could be an unrecoverable situation.

22 The pipeline is proposed to be on the north side  
23 of 188th Avenue Northeast with a main line valve near  
24 the junction of 188th and U.S. Highway 83. The east  
25 outlet of 188th Avenue, the road crosses Burnt Creek at

1 a low-water crossing. This crossing is closed by the  
2 county nearly every year during the snowmelt runoff or  
3 even during heavy rain events when Burnt Creek swells  
4 and runs across 188th Avenue. With all 11 homes on  
5 188th Avenue being located on the west side of the  
6 crossing and their only access out of their homes is  
7 188th Avenue, any pipeline leak near Highway 83 could  
8 leave people trapped with no route of escape during  
9 certain times of the year.

10 I agree with Bailey Elkins' testimony from  
11 April 22nd when she said that having the pipeline so  
12 close would impact one's ability to feel safe in their  
13 own home. Ideally, an accident wouldn't happen, but it  
14 also could happen at any time. This would always be on  
15 my mind, and with being located so close to the pipeline  
16 and so far away from emergency services, it would be  
17 necessary for my family to have a plan to survive,  
18 expecting no help to arrive soon.

19 Like Bailey, I would also worry about that  
20 pipeline route becoming a corridor within which more  
21 pipelines would be built. During the April 22nd hearing  
22 in Mandan, Commissioner Christmann asked the question of  
23 Jon Schmidt what was meant by the words "one or both  
24 pipelines on the setback waivers signed by landowners."  
25 Could this be a clue to Summit's long-term plans?

1 Marvin and Wyonne are a couple in their 90s that live  
2 about a half mile to the northeast of my house on 188th  
3 Avenue Northeast. They signed a setback waiver with  
4 Summit and now the Summit pipeline is proposed to run  
5 less than 400 feet from their house. One such pipeline  
6 that close is bad enough. I couldn't imagine two.

7 I think we should use caution before falling for  
8 the carbon intensity score which is created by the  
9 Department of Energy-owned Argonne National Labs and the  
10 California Air Resources Board. This will make energy  
11 costs rise, and I don't think we want to adopt anything  
12 that would make energy costs higher for everybody.

13 Most ethanol plants nowadays are owned by  
14 profit-sharing companies, corporations, not farmers.  
15 The ethanol plants will still go where they can get the  
16 cheapest corn, which might be out of state. So more  
17 expensive ethanol does not automatically translate into  
18 more money for North Dakota corn farmers. It could be  
19 that the state's corn farmers just end up paying higher  
20 energy and input costs while corn prices fluctuate  
21 within the same range they always have.

22 It is my estimate the economic benefits to North  
23 Dakota that are projected from this project will go  
24 mostly to big business and big state government, leaving  
25 the state's corn farmers disappointed. Nowadays it

1 seems like big business just uses the state government  
2 as its personal ATM which makes more money for big  
3 business and state government. The North Dakota State  
4 Government is the state's biggest receiver of oil  
5 royalties and would stand to be the biggest receiver of  
6 CO2 royalties being paid per ton of gas injected. And  
7 the state government does not like to share money with  
8 those that are supposed to be its owners, the citizens.

9 Do Summit's economic estimates take into account  
10 the cost to the taxpayers who will be footing the bill  
11 for Summit's state property taxes and 45Q payments?

12 The lust for money can make otherwise good  
13 people do evil things. The pursuit of money should  
14 never be at the expense of knowingly putting an innocent  
15 person's well-being at risk. This is a situation we  
16 find ourselves in with the Summit Carbon Solutions  
17 pipeline.

18 As of May 2023 Summit had initiated more than 80  
19 eminent domain lawsuits in South Dakota. Those  
20 landowners could be forced to put this pipeline on their  
21 land and accept the risk to their health and safety so  
22 Summit investors can get richer off the landowners'  
23 hand-earned tax dollars. Everything in our lives is in  
24 the landscape of good and evil, whether we realize it or  
25 not, usually to varying degrees. Forcing someone to put

1 a pipeline filled with toxic gas on their land or  
2 locating such a pipeline close to people who have no  
3 choice but to accept the risks or maybe don't know the  
4 risks is working on the side of evil, is not taking care  
5 of our fellow human beings.

6 In conclusion, I would like to see the denial of  
7 this permit for the Summit Carbon Solutions pipeline.  
8 Innocent people's safety should not be sacrificed for  
9 financial gain. But if for some reason you find  
10 yourself feeling like you want to approve it, I ask  
11 that, in the spirit of safety for your fellow North  
12 Dakota citizens, that you hold off making a decision  
13 until after PHMSA releases their new standards and after  
14 the 2025 North Dakota legislative session has convened  
15 so that lessons learned from Satartia can be applied to  
16 this project as well as any new rules from the  
17 legislature.

18 Thank you for holding this hearing. I know  
19 holding as many hearings as you have on this topic is  
20 not something that you are required to do so I  
21 appreciate you for giving everybody a chance to speak.  
22 I will now accept any questions.

23 ALJ HOGAN: Mr. Gludt, any questions?

24 MR. GLUDT: No, Your Honor.

25 ALJ HOGAN: Mr. Jorde, any questions?

1 MR. JORDE: Yes. Thank you.

2 Sir, you said you live less than 2,000 feet from  
3 where this proposed hazardous pipeline would be routed;  
4 correct?

5 JOSH GESSELE: That's correct.

6 MR. JORDE: And without revealing too many  
7 details, do you live there with your family?

8 JOSH GESSELE: Yeah. My wife and three kids.

9 MR. JORDE: And at any point in this process has  
10 Summit reached out to you or sent a mailing and shared  
11 with you, you know, "Mr. Gessele, don't worry, here's  
12 the evidence that you will be safe and your little kids  
13 will be safe in case our pipeline fails"?

14 JOSH GESSELE: No.

15 MR. JORDE: Do you think, sir, it would be an  
16 important -- well, would it be important for you to have  
17 that type of information, at least be able to vet it,  
18 consider it, review it, to make you -- help you sleep  
19 better at night?

20 JOSH GESSELE: Yeah. I would like to see an  
21 emergency management plan from Summit. I was able to  
22 locate emergency management plans for the Dakota Gas CO2  
23 pipeline and the former Navigator pipeline projects  
24 online, but I couldn't find anything for Summit.

25 MR. JORDE: So related to that Navigator data

1     that's been online, some in South Dakota, some in  
2     Illinois, are you aware that their research and reports  
3     show that an 8-inch diameter CO2 pipeline --

4             MR. GLUDT: Your Honor, I'm going to object.  
5     We're talking about the Navigator pipeline now.

6             ALJ HOGAN: Yes. Let's move on, please.

7             MR. JORDE: How is this -- how is this not  
8     relevant? It's going to the proximity of his home and  
9     the intelligence of this body locates it and these are  
10    publicly-available facts that show that anything within  
11    even 2,000 feet of a residence is an unintelligent place  
12    to locate it?

13            ALJ HOGAN: I have asked you to move on. I  
14    believe all the ground that we've talked about has  
15    already been presented to the Commission so please move  
16    on.

17            MR. JORDE: Sir, are you talking about the --  
18    you're talking about the reroute portion. Are you  
19    concerned also about the reroute portion around  
20    Bismarck, not just your area?

21            JOSH GESSELE: Well, the reroute portion runs  
22    past my house.

23            MR. JORDE: Okay. So then I want to talk about  
24    the reroute which is what these hearings were designated  
25    to talk about. And in terms of the reroute, are you



1       aware that an 8-inch diameter pipeline --

2               MR. GLUDT:   Same objection.

3               ALJ HOGAN:   Mr. Jorde, I have asked you to move  
4       on.  I'm not going to allow further questions about the  
5       Navigator pipeline.

6               MR. JORDE:   I'm not asking about Navigator.

7               ALJ HOGAN:   Well, you're asking a question  
8       that's going right around what I've asked you to move on  
9       from.

10              MR. JORDE:   Okay.  I just want to be clear for  
11       the record then that we are not allowed in these  
12       hearings to talk about the Summit reroute and concerns  
13       about safety relative to the reroute.

14              ALJ HOGAN:   Mr. Gessele has expressed his  
15       concerns about safety and I don't believe this is a  
16       productive use of our time to keep going over the same  
17       information again and again.

18              MR. JORDE:   Sir, do you think that it's in the  
19       best interest of the citizens and the welfare of North  
20       Dakotans that none of the citizens know the risk profile  
21       of this pipeline?

22              JOSH GESSELE:  I don't know if I understood the  
23       question.  Could you repeat it?

24              MR. JORDE:   Okay.  Well, are you aware that only  
25       the PSC has Summit's secret information and no one else,

1 not even the parties affected, the people involved, have  
2 been allowed to see the dispersion modeling to vet if  
3 they're good, if they're bad, what model inputs, if  
4 they're good or bad, the potential release scenarios, we  
5 haven't been allowed to see any of that? Are you aware  
6 of that?

7 JOSH GESSELE: I don't know who has the  
8 information.

9 MR. JORDE: All right. And have you been  
10 allowed to see any of that?

11 JOSH GESSELE: No.

12 MR. JORDE: Okay. Now you talked about economic  
13 benefits. Would you agree with me that the tax credits,  
14 the upwards of \$18 billion in tax credits, should be  
15 considered a cost to this project and not a benefit?

16 MR. GLUDT: Your Honor, I'm going to object  
17 again. I believe this was mentioned in the Commission's  
18 August 4th, 2023, order, that they don't have  
19 jurisdiction over high-level policy matters like the 45Q  
20 taxes. It's also been covered multiple times and I  
21 think we can move on.

22 ALJ HOGAN: I agree. Can we please move on?

23 MR. JORDE: Okay. Then I'm going to move to  
24 strike all of Dan Pickering's testimony and his prefiled  
25 testimony where he gets into the economics and the

1 benefits if we can't talk about the costs. So --

2 ALJ HOGAN: Again, Mr. Jorde, I said if you're  
3 making a request to strike testimony, you're going to  
4 have to file a motion after this hearing. But my bigger  
5 concern is that this -- we've had several witnesses this  
6 morning that have addressed these concerns and we don't  
7 need to continue to go over the same concerns, as I've  
8 mentioned several times already.

9 MR. JORDE: So for purposes of appeal, I have  
10 the duty to create a record and attempt to create a  
11 record on these points, and I'm making an offer of proof  
12 as to these findings and I believe the rules entitle me  
13 to make an offer of proof.

14 ALJ HOGAN: I think for appeal purposes it's  
15 going to be sufficient if you point to the fact that I  
16 have specifically asked the parties and the public not  
17 to repeat the same concerns over and over again.

18 MR. JORDE: Okay. All right. Well, then my  
19 last question on that is, sir, have you heard anyone  
20 testify today specifically about concerns relative to  
21 safety of the Bismarck reroute?

22 JOSH GESSELE: Not of the Bismarck reroute, no.

23 MR. JORDE: Okay. Well, I can't talk about it,  
24 but, anyway, I would have if I would have been allowed  
25 to do that.

1           ALJ HOGAN: And I would just like to note that  
2 the purpose of this particular hearing was designated to  
3 not address the Bismarck portion of this pipeline but  
4 the portion that's down in this area of the state.

5           MR. JORDE: And I understand that, but the  
6 testimony came in and I believe I have the right to  
7 examine the witness on what's now in the record so --

8           ALJ HOGAN: Do you have any other questions?

9           MR. JORDE: I'm thinking.

10           Now you mentioned about sequestration space.  
11 Were you saying that you believed in Iowa there's a  
12 sequestration space such that this pipeline wouldn't  
13 need to be sited in North Dakota? Is that what you're  
14 saying?

15           JOSH GESSELE: I believe it's being researched  
16 to use unmineable coal seams as a sequestration space  
17 for CO2.

18           MR. JORDE: Thank you.

19           In front of you there's a binder right there.  
20 If you could grab that white binder and I'm going to  
21 have you look at Tab No. 28, please. I think you might  
22 -- I think you -- yeah, Tab 28, the first page should  
23 look something like this.

24           Let me help you out. Let's see.

25           All right. I'm showing you, sir, what's been

1 marked as Landowner Exhibit 28. I'll represent to you  
2 that these are maps, Summit maps, directly off their  
3 website. Have you had an occasion to see any of these  
4 maps or familiarize yourself with Summit's route  
5 generally?

6 JOSH GESSELE: I've seen -- I've seen maps like  
7 this for the route, yes.

8 MR. JORDE: Okay. I'd offer Exhibit LO-28.

9 ALJ HOGAN: Any objection to 28?

10 MR. GLUDT: No objection, Your Honor.

11 ALJ HOGAN: Mr. Pelham.

12 MR. PELHAM: No objection.

13 ALJ HOGAN: 28 is received.

14 MR. JORDE: Thank you.

15 And I want to just make sure we bring some  
16 illustration to, I believe, the points you were making.  
17 You can see on page 1 where the proposed route dips down  
18 into South Dakota and then Vs back up into North Dakota  
19 headed towards that box which is the proposed  
20 sequestration area. Is that your understanding?

21 JOSH GESSELE: Yeah. Yep, that's my  
22 understanding.

23 MR. JORDE: Okay. And then just to conclude  
24 this line of questioning, if the sequestration was done  
25 elsewhere, anywhere else other than that -- in North

1 Dakota, would you agree with me there would be no need  
2 for that entire left-hand V of the route heading up  
3 towards the sequestration area?

4 JOSH GESSELE: Say that again.

5 MR. JORDE: Yes. If the sequestration was done  
6 in Iowa, for instance, we could save about half of all  
7 the miles of the Summit hazardous pipeline route as it  
8 enters back into North Dakota from South Dakota and  
9 heads towards the sequestration area?

10 JOSH GESSELE: Yeah, it would less --

11 MR. GLUDT: Objection, Your Honor. Calls for  
12 speculation.

13 ALJ HOGAN: I agree. I don't think -- and I  
14 don't think he has the foundation to offer an opinion on  
15 that.

16 MR. JORDE: Okay. So if the sequestration area  
17 didn't need to exist, do you think there would be a need  
18 for a pipeline to it?

19 JOSH GESSELE: I don't understand the question,  
20 I guess.

21 MR. JORDE: Okay. I think it's obvious. That's  
22 okay.

23 And then the proposed diameter that's going by  
24 your home with your young kids there is 24 inches in  
25 diameter. Are you aware of that?

1 JOSH GESSELE: Yeah. Yes.

2 MR. JORDE: Are you aware of the capacity of a  
3 24-inch diameter pipeline in terms of the CO2 that would  
4 travel near your house every day?

5 JOSH GESSELE: I've seen the projected flow  
6 numbers.

7 MR. JORDE: Okay. Very good. Are you aware  
8 that the volume that a 24-inch diameter pipeline can  
9 transport is 15 times greater --

10 MR. GLUDT: Objection, Your Honor.

11 MR. JORDE: -- than a --

12 MR. GLUDT: Mr. Jorde's testifying again and  
13 asking the witness to agree with him or to at least  
14 acknowledge his testimony.

15 MR. JORDE: What's the problem with that?

16 ALJ HOGAN: I agree with that.

17 MR. JORDE: How is that an improper question?  
18 This is cross. This is not my witness.

19 ALJ HOGAN: Can we just move on, Mr. Jorde?  
20 You're asking him all this information that's already in  
21 the record.

22 MR. JORDE: Okay. I'm just curious if he knew  
23 that. He expressed his concerns. It's a yes or no  
24 answer.

25 ALJ HOGAN: I've asked you to move on.

1 MR. JORDE: Okay. So I just want the record to  
2 be clear, are you sustaining the objection?

3 ALJ HOGAN: Yes.

4 MR. JORDE: Okay. All right. Thank you.

5 I don't have anything further, sir. Thank you  
6 for your time.

7 ALJ HOGAN: Mr. Pelham, any questions?

8 MR. PELHAM: Sir, you testified as to the event  
9 at the Blue Flint Ethanol plant. Did you participate in  
10 the investigation as to what happened? Were you told  
11 what happened? How do you know what was released?

12 JOSH GESSELE: We were able to see in the air  
13 sample --

14 MR. PELHAM: Who's "we"?

15 JOSH GESSELE: Us at Coal Creek.

16 MR. PELHAM: Okay.

17 JOSH GESSELE: Blue Flint presented us with an  
18 air sample --

19 MR. PELHAM: What was the air sample?

20 JOSH GESSELE: -- of the different gases that  
21 were --

22 MR. PELHAM: Right, I know, but what were the  
23 gas samples? What was released? Was it CO2? Was it --

24 JOSH GESSELE: It was 99 percent CO2.

25 MR. PELHAM: Okay.



1 JOSH GESSELE: There are many other --

2 MR. PELHAM: Do you know if that was a planned  
3 release or was it maintenance or what was going on there  
4 with that?

5 JOSH GESSELE: The April -- the April event was  
6 a system upset where they had some kind of problem with  
7 their system where it required them to vent it.

8 MR. PELHAM: Was that released from the pipe or  
9 was it released from their facility?

10 JOSH GESSELE: Near their compression building  
11 which is on the east side of Coal Creek.

12 MR. PELHAM: I don't have any other questions  
13 for you. Thank you, sir.

14 ALJ HOGAN: Mr. Schock, any questions?  
15 Commissioner Christmann.

16 COMMISSIONER CHRISTMANN: I think just one. I  
17 couldn't keep up with the land description. I  
18 appreciate you having it, but I couldn't write fast  
19 enough. I think you said section 26 of 141-80, the east  
20 half of the west half of what quarter?

21 JOSH GESSELE: Let's see here. It's the fifth  
22 house from Highway 83, I guess. Find my sheet. East  
23 half of the west half of the northeast quarter.

24 COMMISSIONER CHRISTMANN: So you have 40 acres  
25 there?

1 JOSH GESSELE: That's correct.

2 COMMISSIONER CHRISTMANN: And you're on the  
3 south side of the road and the pipeline -- the pipeline  
4 is not on your property; correct?

5 JOSH GESSELE: Correct.

6 COMMISSIONER CHRISTMANN: And then you're  
7 about -- if I'm figuring these out right, you're about a  
8 half mile west and across the road from the person that  
9 you referenced that signed the waiver?

10 JOSH GESSELE: That's correct, yeah.

11 COMMISSIONER CHRISTMANN: Okay. Got it. Thank  
12 you for being here.

13 ALJ HOGAN: Commissioner Haugen-Hoffart.

14 COMMISSIONER HAUGEN-HOFFART: Thank you.

15 Josh, thank you for your public testimony. This  
16 is -- all the public is welcome. So were you at the  
17 Bismarck hearing on April 22nd?

18 JOSH GESSELE: No. I was not able to attend  
19 that day. I was at work.

20 COMMISSIONER HAUGEN-HOFFART: Okay. And because  
21 of that, is that why you chose to come here and testify?

22 JOSH GESSELE: That's correct. Yeah.

23 COMMISSIONER HAUGEN-HOFFART: Okay. I have no  
24 further questions.

25 ALJ HOGAN: Mr. Dawson, any questions?

1           SUBSTITUTE DECISIONMAKER DAWSON: No questions.  
2           Thanks for coming today.

3           ALJ HOGAN: All right. Thank you.  
4           Do we have others that wish to testify?  
5           Come on up. You're next.

6           CHAD PETERSON: I do have testimony.

7           ALJ HOGAN: Sure. Thank you.

8           CHAD PETERSON: Got your protocol.

9           ALJ HOGAN: Yep. You just want to start it  
10          there? We'll pass it around.

11          CHAD PETERSON: I gave 10 copies. That should  
12          be enough to make the rounds. If not, I can provide it  
13          electronically as well.

14          ALJ HOGAN: Sure. Can I get your name for the  
15          record?

16          CHAD PETERSON: Yes. My name is Chad Peterson.

17          ALJ HOGAN: And do you want to spell your last  
18          name?

19          CHAD PETERSON: P-E-T-E-R-S-O-N.

20          ALJ HOGAN: And, Mr. Peterson, were you in the  
21          room when I went through the penalties for perjury?

22          CHAD PETERSON: Not the initial one, but I heard  
23          the second one, Judge.

24          ALJ HOGAN: Perfect. And do you understand what  
25          perjury is?

1 CHAD PETERSON: I certainly do.

2 ALJ HOGAN: And being advised of the potential  
3 penalties for perjury, do you promise to tell the truth  
4 in this case today?

5 CHAD PETERSON: Absolutely.

6 ALJ HOGAN: All right. Thank you. Go ahead.

7 **CHAD PETERSON,**

8 being first duly sworn, testified as follows:

9 CHAD PETERSON: Okay. Thank you, Commissioners,  
10 for taking time today. My name is Chad Peterson. I'm  
11 currently the chair of the Cass County Commission just  
12 north of here.

13 I've got three items I want to touch on. I'm  
14 not going to read my testimony because I think it's --  
15 between timeliness. Please do read it. I always say my  
16 testimony is pretty darn awesome so take your time if  
17 you have a chance to read through it and you'll be  
18 utterly impressed.

19 So I have three basic points: Safety, planning,  
20 and then value-added ag. And the first two are fairly  
21 tied together.

22 So, again, Chad Peterson, Cass County  
23 Commission. The Cass County Commission has not -- or  
24 has in the past dealt with pipelines. This is not  
25 our first experience with someone coming in. We've

1     dealt with Cenex NuStar. And I'll touch on why that's  
2     important in the second portion but first and foremost,  
3     safety.

4             We have been kept abreast of everything  
5     happening within this pipeline and the potential of this  
6     pipeline since its infancy. So we've actually had  
7     people attending our county commission meetings, make  
8     themselves available to the county commission for any  
9     questions but, most importantly and coincidentally, just  
10    less than a month ago we actually had a briefing from  
11    them in Casselton. Inclusive of that was our law  
12    enforcement community, our first responders, and our  
13    emergency operations team. So that basically -- not  
14    basically. That was a briefing on what would happen  
15    should something bad transpire.

16            And there's two important points to make there.  
17    First and foremost, you'll see the second page which  
18    I'll touch on in a moment. My testimony should have two  
19    pages.

20            First was on a promise of ongoing education.  
21    Obviously, we all have workforce issues. Or not  
22    obviously, but we do have workforce issues. We will  
23    have a constant turnover of those people that are  
24    working within our law enforcement community, our first  
25    responders, as well as emergency. So they have -- they

1 have given us the promise to keep our friends educated  
2 and in a timely fashion.

3 Item two, they've actually offered to invest  
4 resources in our county emergency services, and that's  
5 that second page. It's a \$50,000 investment plus a  
6 thousand dollars a mile, which I think is 22 miles. I'm  
7 going to memory, though. So there's a substantive  
8 tens-of-thousand-dollar investment in our emergency  
9 services to be able to respond in a timely fashion.

10 So, again, safety being paramount, that's the  
11 first most -- first and most important item I want to  
12 address.

13 Item two, planning. Back to the Cenex and  
14 NuStar pipeline. I've been in office now 12 -- this is  
15 going in my twelfth year. This is my first pipeline --  
16 the Cenex NuStar was my first pipeline interaction. We  
17 have more that's gone through Cass in the past. But  
18 when Cenex NuStar approached us -- and this is to sort  
19 of show you that we don't just sign off on everything  
20 carte blanche if someone would show up with what is a  
21 needful thing and a good idea. Cenex NuStar approached  
22 us with a siting solution for a terminal. So that's  
23 where all the oil would come and be temporarily stored  
24 should something bad transpire there too.

25 The county commission rejected their permit on

1     their initial application, the reason being the location  
2     didn't work for either -- well, state, to be honest with  
3     you, but then state, county, and our townships. They  
4     were going to place this terminal in a very rural area,  
5     hard to access, and knowing full well there would be  
6     little or no maintenance on an ongoing basis. During  
7     the construction there would be heavy amounts of trucks,  
8     heavy amounts of people there. We'd be ripping up  
9     county roads and township roads. And our friends that  
10    talk to us do not have the resources to maintain those  
11    roads so we asked them to move -- again, rejected, asked  
12    them to move their terminal, which they willingly did.

13             So, again, the important part in there is we  
14    don't just sign off on things just because someone shows  
15    up. We have been working very well, both our Cass  
16    County Highway Department and our water resource  
17    districts, with Carbon Summit to make sure everything  
18    they were doing didn't impact our county, didn't impact  
19    our water resource district. So we've been -- they've  
20    been a very, very cooperative partner in this project.

21             Item three, I've been in North Dakota my whole  
22    life. I've watched us grow and produce widgets and  
23    export them to other states for other states to make  
24    money on them. We all know the term "value-added ag."  
25    We just created an investment --

1           MR. JORDE: I'm going to object as relevance of  
2 any value-added ag to whether or not this Commission  
3 should site a pipeline.

4           ALJ HOGAN: I've allowed similar testimony. So  
5 as long as you can do it briefly, Mr. Peterson --

6           CHAD PETERSON: Very briefly.

7           ALJ HOGAN: -- go ahead.

8           CHAD PETERSON: It's more of just a quick bounce  
9 of where the site's located.

10           So value-added ag, I've watched it my whole  
11 life. We have incentivized the creation of a \$400  
12 million Casselton -- in Casselton, just inside  
13 Casselton, a \$400 million soybean processing plant to  
14 help our farmers grow. I'm paralleling that to our  
15 friends literally right across the street from the  
16 soybean plant is Tharaldson Ethanol. This is one of the  
17 reasons why this pipeline is being built, support  
18 value-added ag.

19           We can all agree or disagree what's happening on  
20 a national level. It is what it is. We need to support  
21 our ag producers. How do we do that? With value-added  
22 ag and things that allow them to perpetuate their  
23 successes into perpetuity.

24           Please read my testimony. Again, I'd advocate  
25 for the creation of this pipeline, allow the permitting



1 to transpire.

2 If you have any questions, please contact me.  
3 Second page has all my contact info. I'm open for any  
4 questions at any given time and I'm open for questions  
5 now.

6 ALJ HOGAN: Mr. Gludt, any questions?

7 MR. GLUDT: No questions.

8 Thank you, Commissioner.

9 ALJ HOGAN: Mr. Jorde, any questions?

10 MR. JORDE: Yeah, I've got several questions.

11 Number one, did the Cass County Commission pass  
12 a resolution or take a vote allowing you to come here  
13 and speak on their behalf?

14 CHAD PETERSON: No. I actually have freedom of  
15 speech under the First Amendment and I'm here on my own,  
16 not testifying on behalf of the county commission, just  
17 the experiences of the county commission on things I  
18 witnessed.

19 MR. JORDE: Okay. Because you introduced  
20 yourself as the chair of the Cass County Commission, but  
21 to be clear, you are not speaking on behalf of the  
22 commission whatsoever, are you?

23 CHAD PETERSON: Very fair question. That is  
24 correct, sir.

25 MR. JORDE: Now you said, in terms of safety,

1     that, quote, "They've kept us abreast of all things  
2     safety." Is that your statement?

3             CHAD PETERSON: Correct.

4             MR. JORDE: Okay. What were the results of the  
5     dispersion modeling?

6             MR. GLUDT: Objection, Your Honor. Mr. Jorde's  
7     attempting to gain or elicit testimony that is  
8     information that is currently subject to our protective  
9     order and I believe Mr. -- or Commissioner Peterson can  
10    testify that the information shared at those meetings  
11    was confidential.

12            ALJ HOGAN: I'll just ask you, Mr. Peterson, was  
13    it confidential in nature these -- what the question is  
14    asking you about?

15            CHAD PETERSON: Judge, I can speak to that.

16            What I do -- so the governance model in Cass  
17    County is very different than other counties. We trust  
18    our department heads to lead us, our sheriff and our --  
19    our emergency services managers to lead us. So they  
20    were at these meetings, attended them personally. I  
21    actually spoke to my sheriff, coincidentally, on the way  
22    down here, and they were satisfied with whatever you  
23    distributed to them. This is just the last meeting.  
24    I'm talking about other meetings prior to this as well  
25    too, if that helps, sir.

1 MR. JORDE: Yeah. No, it helps a lot.

2 So anything you know was -- is complete hearsay  
3 because you weren't personally there; correct?

4 CHAD PETERSON: You could say that. I guess I  
5 would -- my response to that would be I also trust my  
6 department heads, communicate with my department heads.  
7 They assured me things are adequate and they are not at  
8 all worried.

9 MR. JORDE: Sure. So the people that saw the  
10 data that have concluded or think it's adequate aren't  
11 here, can't be cross-examined, and we have no idea what  
12 they even looked at, do we?

13 CHAD PETERSON: I think if they -- fair  
14 question. I think if they had a concern, they would  
15 have shared that with me.

16 MR. JORDE: Okay. But you don't know that.

17 CHAD PETERSON: They would have shared it with  
18 me, sir.

19 MR. JORDE: Okay. All right. And what is the  
20 level of experience of your first responders with CO2  
21 leaks and containment?

22 CHAD PETERSON: I think that speaks to the  
23 education of the -- well, the ongoing education that the  
24 Carbon Summit folks would be producing.

25 MR. JORDE: Okay. And what have they provided

1       them?

2               CHAD PETERSON: To your last question, I would  
3 ask -- if you're looking for specificity, I would look  
4 to them directly.

5               MR. JORDE: Okay. So you're here saying you  
6 personally -- because you're not here by the county --  
7 feel great about everything, but you can't tell me what  
8 these people that give you the confidence have actually  
9 seen; correct?

10              CHAD PETERSON: Not correct.

11              MR. JORDE: Okay. What have they seen?

12              CHAD PETERSON: They have seen -- what they have  
13 seen has not made them worried enough to tell me, as a  
14 commissioner, "Do not support this." And they would.  
15 Much like the front example of Cenex NuStar. We don't  
16 just arbitrarily sign off on things.

17              MR. JORDE: Okay. And then I'll go back to my  
18 prior question. Is it true that they have zero  
19 experience containing a CO2 release or spill or rupture?

20              CHAD PETERSON: I think that would be fair.

21              MR. JORDE: Okay. So they're looking at  
22 something in Chinese saying, "It looks good to us";  
23 correct?

24              CHAD PETERSON: It's a bit of embellishment.  
25 Yes.

1 MR. JORDE: Okay. All right.

2 CHAD PETERSON: It wasn't a yes, sir. That was  
3 you embellishing, me agreeing with you embellishing.

4 MR. JORDE: Okay. Is that helpful, do you  
5 think?

6 CHAD PETERSON: I think so.

7 MR. JORDE: Okay. All right. And so you  
8 weren't at any of these meetings, but you feel good  
9 about the safety.

10 And then you talked about, what was it,  
11 value-added ag. And I'm just curious, sir, the  
12 pipeline, from where the pipeline starts and a CO2  
13 molecule gets in it and then it's going to travel to the  
14 end of the pipeline before it gets out of the pipeline,  
15 what's the value-added ag in that sequence?

16 CHAD PETERSON: If it can allow Tharaldson  
17 Ethanol plant to maintain operations into perpetuity,  
18 that is the value-added ag.

19 MR. JORDE: Okay. And you understand that for  
20 it to get from the Tharaldson Ethanol plant, it has to  
21 go to encapture equipment and do all sorts of things  
22 that is not in the jurisdiction and has nothing to do  
23 with these proceedings.

24 So I want to go back to the pipeline itself.  
25 How does the pipeline standing alone do anything with

1 value-added ag?

2 CHAD PETERSON: It allows Tharaldson Ethanol to  
3 maintain operations into perpetuity.

4 MR. JORDE: Okay. All right. I don't think you  
5 understand there's a missing carbon capture piece in the  
6 middle there, but that's okay.

7 CHAD PETERSON: I think we can agree to  
8 disagree.

9 MR. JORDE: All right. Tell me everything you  
10 know about carbon capture.

11 MR. GLUDT: I'm going to object, Your Honor.

12 ALJ HOGAN: Yeah, I agree.

13 MR. PELHAM: That's broad.

14 MR. JORDE: Okay. All right.

15 ALJ HOGAN: The objection is sustained.

16 MR. JORDE: All right. Good. I didn't want to  
17 hear it anyway.

18 Okay. So in terms of -- are any of the other  
19 board members or commission members going to come here  
20 to speak?

21 CHAD PETERSON: Not that I'm aware of, sir, no.

22 MR. JORDE: Not that you're aware of. Okay.  
23 And then have you ever spoke at a PSC proceeding in  
24 favor of this before today?

25 CHAD PETERSON: No, sir.

1           MR. JORDE: Did it help that on May 17th Summit  
2 said they'd give you 50,000 bucks?

3           CHAD PETERSON: That would have been awesome. I  
4 have to report anything given to me by public report.  
5 I've never been given a penny by anyone.

6           MR. JORDE: No. In your exhibit now on May 17th  
7 they've said they'll give \$50,000 to the commission, the  
8 county.

9           CHAD PETERSON: They're not giving it to the  
10 commission. They're giving it to our emergency  
11 responders.

12          MR. JORDE: Okay.

13          CHAD PETERSON: Which, if you want to give  
14 \$50,000, sir, I would take it, sir. Please. And I will  
15 allocate it appropriately as well.

16          MR. JORDE: Okay. I'm sure you will.

17          CHAD PETERSON: Public record. I will, sir.

18          MR. JORDE: All right. So bottom line is you  
19 didn't testify before, May 17th letter, 50 grand, and  
20 here you are testifying. Is that the timeline?

21          CHAD PETERSON: If I may, Judge? Interestingly  
22 enough --

23          MR. JORDE: No. Is that the timeline, yes or  
24 no?

25          CHAD PETERSON: No.

1 MR. JORDE: Okay.

2 CHAD PETERSON: Interestingly enough --

3 MR. JORDE: Okay. I don't have anything further  
4 then. Thank you.

5 CHAD PETERSON: Can I answer the question,  
6 Judge?

7 ALJ HOGAN: Yeah, you can.

8 CHAD PETERSON: So I was actually scheduled to  
9 testify a year ago here, but the hearings drew on  
10 because of, I think, your belaboring points over and  
11 over to the degree where I didn't have the time to show  
12 up. So I was supposed to be here a year ago, but I was  
13 not able to attend.

14 Does that help?

15 MR. JORDE: Yeah. How about did you send  
16 anything in writing in the meantime or were you unable  
17 to do that too?

18 CHAD PETERSON: I did not. My hope was to  
19 testify in person, sir, be available to you for  
20 questioning.

21 MR. JORDE: Got it. Okay. Appreciate you.  
22 Thanks.

23 ALJ HOGAN: Mr. Pelham, any questions?

24 MR. PELHAM: I don't have any questions for you,  
25 sir. Thank you.



1 ALJ HOGAN: Mr. Schock.

2 Commissioner Christmann.

3 COMMISSIONER CHRISTMANN: Well, we -- as I said  
4 from the very beginning, we try and get around. We  
5 never did have one in Cass County. I do appreciate you  
6 coming down to Wahpeton.

7 CHAD PETERSON: Thank you for the time, sir.

8 ALJ HOGAN: Commissioner Haugen-Hoffart.

9 COMMISSIONER HAUGEN-HOFFART: No questions.

10 CHAD PETERSON: Commissioner, thank you.

11 ALJ HOGAN: Mr. Dawson.

12 SUBSTITUTE DECISIONMAKER DAWSON: No questions.

13 Thank you.

14 ALJ HOGAN: Thank you, Mr. Peterson.

15 CHAD PETERSON: Thank you, Judge.

16 ALJ HOGAN: Good afternoon. Could I get your  
17 name?

18 TRACEY WILKIE: Tracey L. Wilkie,  
19 sixth-generation Wilkie of Scottish settlers.

20 ALJ HOGAN: Can you spell your last name for me?

21 TRACEY WILKIE: W-I-L-K-I-E.

22 ALJ HOGAN: And, Ms. Wilkie, did you previously  
23 testify?

24 TRACEY WILKIE: I have not.

25 ALJ HOGAN: Okay. And did you hear me go

1 through the penalties for perjury earlier?

2 TRACEY WILKIE: The second time I did.

3 ALJ HOGAN: All right. And do you understand  
4 what perjury is?

5 TRACEY WILKIE: Yes, I do.

6 ALJ HOGAN: And being advised of the potential  
7 penalties for perjury, do you promise to tell the truth  
8 in this case today?

9 TRACEY WILKIE: Yes, I do.

10 ALJ HOGAN: All right. Thank you. Go ahead.

11 **TRACEY WILKIE,**

12 being first duly sworn, testified as follows:

13 TRACEY WILKIE: First of all, I'm a 100th  
14 generation North Dakotan and I'd like to honor my  
15 ancestors and my relatives that were brought here to  
16 Wahpeton, North Dakota, for the U.S. boarding schools  
17 after forced assimilation. It is my duty and  
18 responsibility as an Anishinaabe woman to take a stand  
19 against further destruction of our homelands. And when  
20 I say "our homelands," I mean all our homelands. It's a  
21 responsibility of mine to be a good neighbor to one  
22 another and not take away private landowners' rights and  
23 be threatened with eminent domain.

24 I heard -- I've been at several different  
25 meetings this week and I hear any -- I hear the land and

1 acre, like \$30,000 an acre, \$32,000 an acre. I'd just  
2 like to remind you there's one treaty that we were  
3 offered 10 cents and that still hasn't been paid.

4 So there's a lot of things that aren't being  
5 addressed, I'll say, but that isn't really the Public  
6 Service Commissioners' job, but, for me, it is. You  
7 know, when we're talking about storing carbon underneath  
8 the best farmland in the world -- we always say, you  
9 know, we're the breadbasket of the world. Why would we  
10 risk that? Why would we risk new technology and put the  
11 water further at risk, the land, the winged ones, the  
12 four-legged, the swimmers, the crawlers, all of us, we  
13 live here together. And it's time we work around  
14 partisan lines and make sure everybody's voices are  
15 being heard.

16 I read Carbon Summit Solutions, in their  
17 contract -- contacts into -- looking into sacred sites  
18 and burial sites and our treaties that have yet to be  
19 honored and yes, you know, whether those are being taken  
20 into consideration, and if they are, who -- like -- I'd  
21 like to see listening sessions instead of going to one  
22 person and getting a blanket statement from everybody.

23 I don't know how many of you have seen  
24 destruction that happens along these pipelines, but it's  
25 very traumatic to the land. And I don't know if

1 anybody's ever heard a tree being tripped from the  
2 ground by a big machine, but it sounds like a scream.  
3 It's horrible.

4 I'd like to find alternative ways for us to work  
5 together. And I hope north -- I guess I don't want to  
6 repeat anything anybody said earlier because everybody  
7 gave really good testimony. And I enjoyed particularly  
8 the two people that are looking out for future  
9 generations because, as Anishinaabe people, it's our  
10 responsibility to look -- look for -- look out for the  
11 next seven generations. So they're looking out for, you  
12 know, their people and, yeah, we're all in it together  
13 and I'd just like to see other options.

14 And the last gentleman that spoke from Cass  
15 County, I was a first responder for 20 years. I worked  
16 in the criminal justice system but -- and I did some  
17 reading about first responders. And that's very, very  
18 dangerous. I don't want to see the pipeline to -- what  
19 accidents could happen and the dangers.

20 And I hope North Dakotans use their voices this  
21 election season. And I'll ask any questions -- or  
22 answer any questions.

23 ALJ HOGAN: Mr. Gludt, any questions?

24 MR. GLUDT: No questions.

25 ALJ HOGAN: Mr. Jorde, any questions?

1 MR. JORDE: No. Thank you very much.

2 ALJ HOGAN: Mr. Pelham, any questions?

3 MR. PELHAM: Good afternoon, Ms. Wilkie. I'm  
4 just wondering -- and I understand you're opposed to the  
5 pipeline. Do you own property along or near any of the  
6 proposed route?

7 TRACEY WILKIE: I don't own property along the  
8 proposed route.

9 MR. PELHAM: Okay. And are you a resident of  
10 Richland County?

11 TRACEY WILKIE: I'm a resident of Cass County.

12 MR. PELHAM: Cass County. Okay.

13 TRACEY WILKIE: Yes.

14 MR. PELHAM: Thank you for being here. I don't  
15 have any other questions.

16 ALJ HOGAN: Mr. Schock.  
17 Commissioner Christmann.

18 COMMISSIONER CHRISTMANN: That's two in a row.  
19 Thank you also as well as your commission chairman,  
20 thank you for coming down from Cass County.

21 ALJ HOGAN: Commissioner Haugen-Hoffart.

22 COMMISSIONER HAUGEN-HOFFART: Tracey, thank you  
23 so much for your time and your input and I have no  
24 questions.

25 ALJ HOGAN: Mr. Dawson.

1           SUBSTITUTE DECISIONMAKER DAWSON: No questions.  
2           Thank you.

3           ALJ HOGAN: All right. Thank you, Ms. Wilkie.

4           TRACEY WILKIE: Thank you.

5           ALJ HOGAN: Can I get a show of hands of the  
6           amount of -- the other individuals that want to provide?

7           Okay.

8           Good afternoon. Could I get your name?

9           TROY MAHLER: My name is Troy Mahler,  
10          M-A-H-L-E-R.

11          ALJ HOGAN: Mr. Mahler, were you in the room  
12          earlier when I went through the penalties for perjury?

13          TROY MAHLER: I was.

14          ALJ HOGAN: And do you understand what perjury  
15          is?

16          TROY MAHLER: I do.

17          ALJ HOGAN: And being advised of the potential  
18          penalties for perjury, do you promise to tell the truth  
19          in this case today?

20          TROY MAHLER: I do.

21          ALJ HOGAN: All right. Thank you. Go ahead.

22                               **TROY MAHLER,**

23          being first duly sworn, testified as follows:

24          TROY MAHLER: So like I said, my name is Troy  
25          Mahler. I actually live in Fargo. I'm speaking on

1     behalf of my parents. They live in Sargent County,  
2     Shuman Township, section 12, township 131, range 54.

3             I was here last year and I spoke, and we talked  
4     about how no one from Summit had contacted us about the  
5     pipeline coming by. After that meeting we did receive  
6     documentation dated 4/28 of '23 that showed a map of the  
7     pipeline. The pipeline runs perpendicular to our  
8     homestead. It's on the north side of the road. Both  
9     landowners have signed the agreement with Summit. But  
10    the situation was, is the pipeline was 519 feet from my  
11    parents' bedroom. And so they included verbiage stating  
12    that since it was past 500 feet, they didn't need to be  
13    contacted. So --

14            I'm sorry, I wrote down --

15            The pipe comes across to the north of my  
16    parents' place at an angle. And last year, on the map,  
17    the proposed right of way crossed the road onto my --  
18    onto mom and dad's ground. And as of this morning after  
19    my sister and I spoke with Charlie Adams from Summit, it  
20    appears that they have moved that right of way to the  
21    north.

22            Part of what my parents do is -- is the  
23    farmstead -- they live on the farmstead, but they rent  
24    out the livestock operation to a gentleman who raises  
25    registered Quarter Horses. Some of them -- the value of

1 those horses are over 200,000. So it was -- it was our  
2 intention that -- that none of the areas that the horses  
3 would be in would be within the 500 feet, and it appears  
4 that it's closer to that.

5 The other thing that was new this year is  
6 there's a -- there's a main line valve that is adjacent  
7 to -- it's -- I guess you would call it, it's the  
8 furthest-east valve in Sargent County. And that's at  
9 the half-mile line, which is the eastern border of -- of  
10 mom and dad's ground. It's a pasture now but the horses  
11 do go out there. And that's about 180 feet, is what I  
12 thought they showed me this morning.

13 And we were just wondering if that valve could  
14 be moved -- if they moved that valve a quarter mile to  
15 the east, it would put it right along a blacktop road  
16 which would benefit Summit and it would benefit us both,  
17 so that's part of it.

18 I lay awake at night thinking about this every  
19 day. I mean, this is where I grew up. I'm concerned  
20 for my parents and -- and just wondering "Am I going to  
21 come over the hill and is there going to be an  
22 exposure?" I won't know. So I'm real apprehensive  
23 about that. So that's kind of what I'm talking about.

24 I just appreciate your time and everyone's  
25 concern. So thank you.



1 ALJ HOGAN: Thank you.

2 Mr. Gludt, any questions?

3 MR. GLUDT: No questions, Your Honor.

4 ALJ HOGAN: Mr. Jorde.

5 MR. JORDE: Yes. Thank you.

6 What was the distance you said from the  
7 residence to the proposed route?

8 TROY MAHLER: It's 519 feet.

9 MR. JORDE: Okay. But then to be fair, did you  
10 say that Summit then has given you some guarantee that  
11 it's moved or --

12 TROY MAHLER: The pipeline from my -- from the  
13 house -- because the house sits, I would -- you would  
14 call it like in the middle of the property. The  
15 backside of the -- because the pipe comes across at an  
16 angle. The backside is what was crossing onto our  
17 ground. But it appears that that has been moved. They  
18 showed us a picture this morning of where it was moved.  
19 So they evidently have moved it.

20 MR. JORDE: Okay. If we can accept that as true  
21 and as what isn't going to change, have you been able to  
22 figure out the distance now from the moved proposed  
23 route?

24 TROY MAHLER: It's about 250 feet, but the  
25 livestock still goes up to the edge of the road. So

1     it's -- technically, it's still within the 500 feet on  
2     the backside of the property. Where the house is, it  
3     appears to be okay but it's on -- it's where the  
4     easement comes down at an angle on the west side of the  
5     property.

6             MR. JORDE: Okay. So you think maybe it's moved  
7     now substantially away from the home or did you get a  
8     number?

9             TROY MAHLER: I did not get a number.

10            MR. JORDE: Okay. Is it more than a mile away?

11            TROY MAHLER: No. It's hundreds of feet.

12            MR. JORDE: Oh, shoot. So it's still within  
13     hundreds of feet --

14            TROY MAHLER: Yes.

15            MR. JORDE: -- of the residence.

16            TROY MAHLER: Yeah. The proposed -- last year's  
17     proposed route came onto ground. The right of way would  
18     cross over the pasture where the horses are. Now it's  
19     -- it's -- I think it was a hundred and some feet to the  
20     north of that.

21            MR. JORDE: Okay. And I take it you haven't  
22     been provided any dispersion modeling or risk assessment  
23     or any of that kind of data to help with your sleepless  
24     nights?

25            TROY MAHLER: I have not. The only thing I did

1 receive from Summit, and it was -- I believe it was a  
2 blanket five-page letter from the testimony that I got  
3 -- that we did last year, was just generalities about  
4 safe transport and property -- it was nothing specific  
5 to us. It was sent to, I'm guessing, everyone that was  
6 here.

7 MR. JORDE: Okay. And I should be a little more  
8 specific. It's your parents you're here and worried  
9 about. Did they receive any dispersion modeling or  
10 analysis or risk assessment to make them feel any  
11 better?

12 TROY MAHLER: They have not received anything.

13 MR. JORDE: Okay. All right. I don't have  
14 anything further. Thank you.

15 ALJ HOGAN: Mr. Pelham, any questions?

16 MR. PELHAM: I don't. Thank you.

17 ALJ HOGAN: Mr. Schock.

18 MR. SCHOCK: Just real briefly.

19 So the proposed route is not on your folks'  
20 property; is that correct?

21 TROY MAHLER: It is -- that is correct. It is  
22 not.

23 MR. SCHOCK: And their -- the parcel that they  
24 own, from what I see on the map here, I think it's the  
25 northwest quarter of section 12-131 --

1 TROY MAHLER: That's correct.

2 MR. SCHOCK: -- 54?

3 Okay. No further questions. Thank you.

4 ALJ HOGAN: Commissioner Christmann.

5 COMMISSIONER CHRISTMANN: I'm pretty sure I'm on  
6 the right spot on the map, but I thought you said  
7 Richland County --

8 TROY MAHLER: No. It's Sargent County.

9 COMMISSIONER CHRISTMANN: Okay. Then I -- then  
10 I know I'm right.

11 If I understood your testimony right, you talked  
12 to Mr. Adams who showed you that route-wise there was a  
13 change. And then was this the first time you brought up  
14 moving that valve further east?

15 TROY MAHLER: This is the first time we knew  
16 about it.

17 COMMISSIONER CHRISTMANN: Okay. And so you --

18 TROY MAHLER: The valve wasn't on the plans that  
19 we saw last year.

20 COMMISSIONER CHRISTMANN: Okay. I didn't catch  
21 that before. So you made him aware of that request  
22 if --

23 TROY MAHLER: Yes. He -- he took down my name  
24 and number and he's going to check into it to see if it  
25 could be moved. I mean, it's -- it's -- it would be

1 better for them. It's more access. It's on a county  
2 blacktop road versus coming up a township road and then  
3 having to create access in the middle of the dividing  
4 line between two parties. It would be in their best  
5 interest to move it to the east.

6 COMMISSIONER CHRISTMANN: Got it. Thank you for  
7 being down here. We have a good Cass County delegation  
8 here today.

9 ALJ HOGAN: Commissioner Haugen-Hoffart.

10 COMMISSIONER HAUGEN-HOFFART: Troy, I have no  
11 questions, but I want to say thank you for looking out  
12 for your mom and dad.

13 ALJ HOGAN: Mr. Dawson.

14 SUBSTITUTE DECISIONMAKER DAWSON: Thank you. No  
15 questions.

16 ALJ HOGAN: Thank you, Mr. Mahler.

17 TROY MAHLER: Thank you.

18 ALJ HOGAN: All right. Who would like to go  
19 next?

20 Come on up.

21 ANDREW MAUCH: I also have copies --

22 ALJ HOGAN: Perfect. Thank you. All right.  
23 Can I get your name?

24 ANDREW MAUCH: Andrew Mauch. My last name is  
25 spelled M-A-U-C-H.

1           ALJ HOGAN: Mr. Mauch, were you in the room  
2 earlier when I went through the penalties for perjury?

3           ANDREW MAUCH: I was.

4           ALJ HOGAN: Do you understand what perjury is?

5           ANDREW MAUCH: Yes.

6           ALJ HOGAN: And being advised of the potential  
7 penalties for perjury, do you promise to tell the truth  
8 in this case today?

9           ANDREW MAUCH: I do.

10          ALJ HOGAN: All right. Thank you. Go ahead.

11                               **ANDREW MAUCH,**

12 being first duly sworn, testified as follows:

13           ANDREW MAUCH: Thank you, guys, for being here  
14 and allowing us this opportunity. My name is Andrew  
15 Mauch. I'm a farmer, corn grower, and landowner near  
16 Mooreton in Richland County here. I have a signed  
17 agreement and I also rent two other quarters from other  
18 tenants that have signed agreements. I'm also the  
19 president of the North Dakota Corn Growers Association.

20           The North Dakota Corn Growers Association is a  
21 state-based organization driven by corn producers across  
22 the state representing the interests of corn farmers in  
23 North Dakota by engaging with both state and federal  
24 public officials on key issues that affect our growers.  
25 Our mission is to create a healthy and profitable

1 climate for northern corn.

2 Our organization and state leaders have spent  
3 much time and effort on the issue of this particular  
4 project. That being said, our comments here today are  
5 on the general issue of carbon capture and sequestration  
6 of carbon dioxide generated at the state's ethanol  
7 plants here at the state. Our board is comprised of 14  
8 corn growers from seven districts across the state, 3  
9 at-large growers, and 3 industry representatives. We  
10 are in constant communication with our fellow corn  
11 producers all over North Dakota which helps us keep --  
12 keeps us -- our finger on the pulse of what our growers  
13 need.

14 When talking about CCS, we have always tried to  
15 stay grounded by considering what will best support not  
16 only our current market demand but also going into the  
17 future. Initially, discussions centered around climate  
18 change, specifically what should be done with carbon  
19 dioxide from agricultural and industrial processes, what  
20 constitutes excessive carbon, and who is responsible for  
21 addressing it. During this time, two of our state's  
22 five ethanol plants have developed their own CCS  
23 projects thanks to their location to suitable rock  
24 formations for subsurface sequestration. The other  
25 three are evaluating their options with at least one

1 joining the five-state effort.

2 As more markets adopt low-carbon fuel  
3 standards --

4 MR. JORDE: I'm going to have to just interpose  
5 for the record an objection to relevance to the entirety  
6 of this testimony and where we're headed. Thank you.

7 ALJ HOGAN: Your objection is noted, but I'm  
8 going to overrule the objection.

9 But I will note that since we have a copy of it,  
10 you don't need to read it for us. If you'd prefer to  
11 just, you know, highlight a couple points, that would be  
12 sufficient as well.

13 ANDREW MAUCH: Okay. I'll just continue a  
14 little bit here.

15 With the low-carbon fuel standards, ethanol  
16 plants must lower their carbon intensity scores to  
17 remain competitive. Canada, California, and Oregon have  
18 enacted such policies and other states and countries  
19 have as well. For us as farmers, this is -- this is an  
20 opportunity that, to me, is a once-in-a-lifetime  
21 opportunity to be able to -- I'll back up.

22 The sustainable aviation fuel process that is  
23 coming on, that is going to create a once-in-a-lifetime  
24 opportunity for corn farmers to be able to play -- or to  
25 be able to provide corn for that market. We won't see



1 another market demand development in my lifetime, I  
2 don't believe. We have groups -- groups that we work  
3 with all over the world and locally too that are saying  
4 this -- this is where the future is going.

5 And as a farmer myself, I mean, I look into the  
6 future for myself, the rest of my career, my kids'  
7 career, and I believe that this -- if we don't -- be  
8 able to play in this market, our price of corn is  
9 dramatically going to just be decreased.

10 There's such an impact with agriculture in the  
11 state of North Dakota. I have some stats in my  
12 testimony, the creating jobs and money, and one out of  
13 every five jobs in the state of North Dakota is  
14 supported by agriculture. So this doesn't necessarily  
15 affect just rural communities and landowners, it affects  
16 everybody here in North Dakota.

17 And without this, being able to lower our CI  
18 scores, we will not be able to have -- be able to go  
19 into that sustainable aviation fuel market. As of right  
20 now, there's one sustainable aviation fuel plant in  
21 Georgia who is importing their ethanol from Brazil  
22 because our corn-based ethanol does not meet the  
23 standards for that, which, to me, is a great injustice  
24 to our American corn farmer, that we are good at  
25 producing corn, we're good at producing ethanol, let's

1 be a part of the solution and move forward here  
2 domestically.

3 As a college graduate 20 years ago, I was able  
4 to come back to the farm kind of because of the ethanol  
5 boom and what that created for us here in North Dakota.  
6 I believe the sustainable aviation fuel market is the  
7 next opportunity for, say, my kids to come back to the  
8 farm. So looking at the future, to me, that's -- that's  
9 amazing.

10 I will say as president of the North Dakota Corn  
11 Growers Association, our top -- one of our top values in  
12 our organization is to protect private property rights.  
13 And without getting into the details of this project, we  
14 are pleased that eminent domain has not been in North  
15 Dakota thus far.

16 In closing, I'm going to read just a little  
17 statement that our -- we had a board meeting last week  
18 and I'd like to say what we agreed to in the statement:

19 North Dakota Corn Growers Association  
20 supports opportunities for current and  
21 future market development of North Dakota  
22 value-added corn products. Because it is  
23 becoming increasingly evident that to be  
24 able to market to existing and growing  
25 markets, our state ethanol plants must

1 significantly reduce our carbon intensity of  
2 the ethanol produced to sell into low-carbon  
3 fuel markets. We support the state's  
4 ethanol plants' business decisions to  
5 develop their own carbon pipelines when  
6 feasible and their ability to partner on a  
7 joint carbon pipeline to lower their carbon  
8 intensity score. It is also imperative that  
9 the process used to complete these projects  
10 show respect for landowners' property  
11 rights, including land infrastructure  
12 reclamation and continued stewardship. We  
13 believe eminent domain, while sometimes  
14 necessary, should be used as the law allows  
15 as a tool of last resort. Therefore, we  
16 support carbon capture, transportation  
17 technology, and sequestration that increases  
18 the profitability and financial  
19 sustainability of North Dakota corn  
20 procedures.  
21 And this was voted on unanimously by our board.  
22 And I guess, with that, I will open it up to  
23 questions.  
24 ALJ HOGAN: All right. Thank you.  
25 Mr. Gludt, any questions?

1 MR. GLUDT: No questions. Thank you.

2 ALJ HOGAN: Mr. Jorde, any questions?

3 MR. JORDE: Yes. Thank you.

4 Sir, it looks like you've got North Dakota --  
5 well, you do have the letterhead here. And I just want  
6 to be clear so there's not confusion. You were  
7 authorized to come and speak on the Corn Growers'  
8 behalf; is that correct?

9 ANDREW MAUCH: Correct.

10 MR. JORDE: Thank you.

11 Now you had stated -- and, again, I don't know  
12 if this is your personal belief or the Corn Growers'  
13 belief, but you can specify that, or maybe both, that  
14 carbon intensity scores, you believe, must go lower.  
15 That was your statement?

16 ANDREW MAUCH: Correct.

17 MR. JORDE: And would you then therefore --  
18 would you therefore state that if the carbon intensity  
19 scores of ethanol plants don't go lower, then what?  
20 They go out of business? Or what do you think would  
21 happen?

22 ANDREW MAUCH: I believe that if they don't go  
23 lower, they will not have markets so our price of corn  
24 will drop significantly because the demand for the corn  
25 is not there.

1 MR. JORDE: Okay.

2 ANDREW MAUCH: They will not be able to sell to  
3 other countries, other states that have these low-fuel  
4 standards.

5 MR. JORDE: Okay. But do you think that ethanol  
6 plants would go out of business, go bankrupt, if this  
7 350 miles of pipeline from one ethanol plant in North  
8 Dakota is not built?

9 ANDREW MAUCH: I guess I wouldn't speculate on  
10 that. I guess I don't know what the future holds as far  
11 as, you know, government policies or things that come  
12 out one way or the other.

13 MR. JORDE: Okay. And you would agree there's  
14 maybe infinite number of factors that can affect the  
15 price of corn?

16 ANDREW MAUCH: Correct.

17 MR. JORDE: Okay. And you would agree that the  
18 price of corn has fluctuated from, you know, \$1 back in  
19 the 1960s up to touching \$8 a bushel without this carbon  
20 capture pipeline; correct?

21 ANDREW MAUCH: That is correct. But I also, I  
22 guess, I'll say too, as my job as a -- as a fellow corn  
23 grower and part of the North Dakota Corn Growers, I mean  
24 our job is to kind of try to be able to create more  
25 demand any way we possibly can. And I feel like this is

1 an opportunity to create more demand.

2 MR. JORDE: Do you know -- are you expecting  
3 that other crops will be taken out of production so that  
4 corn -- more corn can be grown, do you have any  
5 statistics on that, if this project was to go through?

6 ANDREW MAUCH: I don't have any statistics on  
7 that, I guess.

8 MR. JORDE: Okay. Would you agree right now  
9 there's kind of a rotation and there's only so much land  
10 to grow so much corn? Would you agree with that?

11 ANDREW MAUCH: Yep, I would agree with that.  
12 And typically as the price of corn will -- say, goes up,  
13 that a lot of time brings other crops with it, goes up  
14 also.

15 MR. JORDE: Right. Inflation; right?  
16 Inflation, rising prices can affect other rising prices?  
17 Okay. And so higher corn prices are bad for the  
18 consumer; right? Inflation is bad for the consumer.  
19 Haven't we learned that?

20 ANDREW MAUCH: Sure.

21 MR. JORDE: Okay. Now, you had mentioned  
22 sustainable fuel down in Georgia and they're bringing up  
23 corn, I think -- did you say corn ethanol -- or, no,  
24 that would be sugarcane --

25 ANDREW MAUCH: Correct.

1 MR. JORDE: -- ethanol from Brazil?

2 ANDREW MAUCH: Correct.

3 MR. JORDE: And is that one of the projects that  
4 Mr. Rastetter is involved with down there in Brazil?

5 ANDREW MAUCH: I'm not aware of -- I guess I  
6 don't know that.

7 MR. JORDE: Okay. Do you know if his Brazilian  
8 operations are directly competing with North American,  
9 specifically United States, corn growers, farmers?

10 ANDREW MAUCH: I guess I don't know his  
11 involvement, I guess, one way or the other.

12 MR. JORDE: Okay. Okay. I think that's all.  
13 Thank you. Appreciate it.

14 ALJ HOGAN: Mr. Pelham, any questions?

15 MR. PELHAM: Just briefly.

16 Sir, I'm just wondering, you're here testifying  
17 on behalf of your association. I'm wondering, does the  
18 proposed line impact any property that you own in  
19 Richland County?

20 ANDREW MAUCH: Yes, it does.

21 MR. PELHAM: And is the line located -- how  
22 close is the proposed line located to property you own?

23 ANDREW MAUCH: Well, it's on property I own.  
24 And my farm where I live is three-quarters of a mile  
25 away or so, roughly.

1           MR. PELHAM:   Okay.   So you signed an easement  
2   with Summit already?

3           ANDREW MAUCH:   Yes, I have.

4           MR. PELHAM:   Okay.   All right.   Any concerns,  
5   any issues that you had with Summit during the process?

6           ANDREW MAUCH:   Yeah, there was a lot of concerns  
7   we had, but I guess I feel like our negotiations, if you  
8   will, or talks with them went really well.   I mean, two  
9   out of the three fields that impacted me as -- one I  
10   own, the other two I rent, two of them have drain tile  
11   on them so we had a lot of concerns about that.   And I  
12   feel that all of my concerns have been ratified.

13          MR. PELHAM:   Any relation to Cody?

14          ANDREW MAUCH:   He is my nephew.

15          MR. PELHAM:   Okay.   Cool.   Thank you.

16          ALJ HOGAN:   Mr. Schock, any questions?

17          Commissioner Christmann.

18          COMMISSIONER CHRISTMANN:   Go Bison.

19          ANDREW MAUCH:   Absolutely.

20          COMMISSIONER CHRISTMANN:   Could you give me the  
21   legal description of the property that you own that has  
22   the easement?

23          ANDREW MAUCH:   Yes.   132-50, Barney Township,  
24   section 32.   It would be the southwest quarter.

25          COMMISSIONER CHRISTMANN:   And I think the Corn



1 Growers board, did you say it's 13 members?

2 ANDREW MAUCH: 14 members. And then we have  
3 three at large and three industry reps as well.

4 COMMISSIONER CHRISTMANN: Okay. And did you say  
5 that your statement was unanimously approved?

6 ANDREW MAUCH: Unanimously adopted, the  
7 statement I read. That's in the testimony. Yep.

8 COMMISSIONER CHRISTMANN: Thank you for being  
9 here.

10 ANDREW MAUCH: Yep. And the 14 is made up of  
11 seven different districts all around the state.

12 ALJ HOGAN: Commissioner Haugen-Hoffart.

13 COMMISSIONER HAUGEN-HOFFART: Thank you.

14 Chairman Christmann knows I'm going to say this,  
15 "Go UND." Andrew, thank you for your testimony. I have  
16 no questions.

17 ANDREW MAUCH: Thank you.

18 ALJ HOGAN: Mr. Dawson.

19 SUBSTITUTE DECISIONMAKER DAWSON: Thank you for  
20 your testimony. No questions.

21 ALJ HOGAN: All right. Thank you so much.

22 ANDREW MAUCH: Thank you.

23 ALJ HOGAN: Who would like to go next?

24 Come on up. Can I get your name?

25 RYAN CARTER: Ryan Carter.

1 ALJ HOGAN: Normal spelling, C-A-R-T-E-R?

2 RYAN CARTER: T-E-R.

3 ALJ HOGAN: All right. And, Mr. Carter, were  
4 you in the room earlier when I went through the  
5 penalties for perjury?

6 RYAN CARTER: Yes.

7 ALJ HOGAN: And do you understand what perjury  
8 is?

9 RYAN CARTER: Yes.

10 ALJ HOGAN: Being advised of the potential  
11 penalties for perjury, do you promise to tell the truth  
12 in this case today?

13 RYAN CARTER: Yes.

14 ALJ HOGAN: All right. Thank you. Go ahead.

15 **RYAN CARTER,**

16 being first duly sworn, testified as follows:

17 RYAN CARTER: So I'll keep this short.  
18 Mr. Mauch and Mr. Peterson obviously had quite a bit of  
19 what I would have.

20 So my name is Ryan Carter and I serve as the COO  
21 of Tharaldson Ethanol. Today I'm here to talk about how  
22 important the Summit project is to North Dakota ethanol  
23 and ag industries.

24 As our industry continues to get challenged to  
25 decarbonize our facilities, we have to figure out ways

1 to accomplish this. The CO2 project will allow us to  
2 decrease our CI score by 30 points, roughly. With that  
3 drop, it will allow us to participate in the 45Z as part  
4 of the IRA. We also have other projects that will  
5 decrease our score by --

6 MR. JORDE: I'm sorry. For purposes of the  
7 record again, I'm going to need to object to relevance  
8 on all of this testimony. Thank you.

9 ALJ HOGAN: All right. The objection is noted.  
10 You can continue.

11 RYAN CARTER: We also have other projects that  
12 will decrease our score by 15-plus points that will  
13 allow us to participate in the 40B SAF markets. Today  
14 we have a growing SAF market but not a low enough score  
15 to sell into it. But without the Summit project, these  
16 are -- these other projects won't get done as they won't  
17 financially make sense as we need to have the CO2  
18 facility to set the stage as it will substantially lower  
19 our CI score. Without this project, we potentially face  
20 -- potentially face negative impacts on our company  
21 which could also impact our economic growth in our  
22 communities and schools.

23 Thank you.

24 ALJ HOGAN: All right. Thank you.

25 Mr. Gludt, any questions?

1 MR. GLUDT: No questions, Your Honor.

2 ALJ HOGAN: Mr. Jorde, any questions?

3 MR. JORDE: Yes. Thank you.

4 Sir, I appreciate you stressing the word  
5 "potentially face." And you didn't come here to testify  
6 that Tharaldson is going to go out of business if this  
7 pipeline isn't built. Is that fair?

8 RYAN CARTER: Yes.

9 MR. JORDE: Okay. All right. And you said  
10 you're looking into right now other types of things that  
11 can reduce your CI score?

12 RYAN CARTER: Correct.

13 MR. JORDE: And those would be kind of on-site  
14 types of projects that wouldn't require any linear  
15 infrastructure; correct?

16 RYAN CARTER: There would be infrastructure,  
17 yes.

18 MR. JORDE: Okay. But they wouldn't require a  
19 hazardous pipeline?

20 RYAN CARTER: Technically, natural gas.

21 MR. JORDE: Okay. So why -- you tell me, what  
22 are you -- you mentioned a 15 point reduction that  
23 you're working on right now. What are those projects  
24 you're working on?

25 RYAN CARTER: Okay. So let me kind of start

1 from the top. When we built Tharaldson Ethanol, that  
2 plant was going to be a coal-fired facility. We ended  
3 up changing that to a natural gas facility.

4 Technically, then we had a default at a 98.6 CI score.

5 Over the last -- I've been there since 2011.  
6 Over those -- that period of time we have decreased our  
7 CI score down to a 69. We are basically stuck at this  
8 69 except for maybe some little ones, like a 15 or a 2  
9 point or a 5 point that won't get us down to the 50  
10 point CI score that gets us into the 45Z, which  
11 incentivizes us but also gives us economic growth and  
12 capital to keep moving and improving the efficiencies of  
13 our facility.

14 So the 15 point would get us down to that 39 --  
15 or, excuse me, the 30 point Summit line would get us  
16 down to 39. The 15 would get us down to 24. You got to  
17 be at a 25 CI score to qualify into the SAF market.

18 We have other projects that we're looking at,  
19 that potentially doing post-combustion carbon capture,  
20 that would get us sub five with a goal at Tharaldson to  
21 be net zero in the near future.

22 MR. JORDE: Okay. So to -- and as the COO, did  
23 you say the chief operating officer?

24 RYAN CARTER: Correct.

25 MR. JORDE: Okay. So you know one of the

1 leading, I guess, negatives on CI score can be the use  
2 or intensive use of natural gas. You're aware of that?

3 RYAN CARTER: Correct.

4 MR. JORDE: Okay. Are you doing any projects  
5 that would reduce the natural gas utilization or deal  
6 with the natural gas in a way that that could reduce  
7 your CI score?

8 RYAN CARTER: Yeah. So recently here we just  
9 started up a high protein facility which took down two  
10 of our rotary dryers down at the plant so we reduce  
11 natural gas at that standpoint.

12 We also have been looking at CHP, so it's  
13 combined heat and power. Electricity is the highest  
14 factor when it comes to a CI score so we are going to  
15 start producing our own -- potentially producing our own  
16 electricity if we can get this Summit line in to allow  
17 us to then move on with another \$90 million capital  
18 investment so...

19 MR. JORDE: And when you reference the SAF, the  
20 sustainable aviation fuel market, do you have somewhere  
21 in mind that you would be selling to? Do you have any,  
22 like, partnerships in place or --

23 RYAN CARTER: Hopefully, eventually, with what  
24 they're looking at on the growth over the next ten years  
25 on the SAF market, I hope there's a lot of

1 opportunities.

2 MR. JORDE: Okay.

3 RYAN CARTER: Right now there's one opportunity.  
4 And we don't -- actually, most of the ethanol industry  
5 does not qualify for that today.

6 MR. JORDE: And 45Z market, what's your  
7 understanding of how many years the 45Z market is  
8 available to you?

9 RYAN CARTER: Right now 45Z is the law for '25,  
10 '26, '27. Hopefully, it gets extended with this next  
11 administration coming in, but there's no promises.

12 MR. JORDE: Right. And so it's for three years.  
13 Summit's projected -- even if approved by all the  
14 various states, they wouldn't be in service until 2026,  
15 so that's not giving you a very long runway on the 45Z,  
16 is it?

17 RYAN CARTER: I don't know exactly what the --  
18 the timeline will be with this delay.

19 MR. JORDE: Okay. All right. And Tharaldson,  
20 your owner or -- or some affiliate is also the  
21 wealthiest man in North Dakota. Is that your  
22 understanding?

23 RYAN CARTER: Absolutely.

24 MR. JORDE: All right. And would you agree that  
25 for your project to benefit in the way you've talked

1 about it, potentially benefit from a carbon capture  
2 storage, that Summit wouldn't have to necessarily store  
3 in South Dakota; correct? Would you agree with that?

4 RYAN CARTER: Repeat that question.

5 MR. JORDE: Okay. If we assume that there's --  
6 if we assume, A, it's relevant and, B, there are some  
7 potential benefits, and then, C, that weighs in favor of  
8 granting this project, it doesn't -- the benefits that  
9 you might receive don't depend on where the carbon is  
10 sequestered; correct?

11 RYAN CARTER: Correct.

12 MR. JORDE: Okay. All right. And so the  
13 benefits you might receive given that you're on the far  
14 eastern part of the state doesn't depend on 350 miles of  
15 pipeline in North Dakota. The pipeline could  
16 potentially go -- drop down to Minnesota and then into  
17 Iowa; correct?

18 RYAN CARTER: As long as we're hooked up to it.

19 MR. JORDE: Right. Okay. All right. And you  
20 understand here today, in this whole proceeding, we're  
21 only talking about the pipeline as the facility? Do you  
22 know that?

23 RYAN CARTER: Sure.

24 MR. JORDE: Okay. All right. Do you think it's  
25 justifiable for 350-plus miles of hazardous pipeline to



1 be introduced in this state to hook up to your plant and  
2 your plant only in North Dakota?

3 RYAN CARTER: Others had opportunities.

4 MR. JORDE: Okay. And you're the only one  
5 that --

6 RYAN CARTER: I'm only worried about Tharaldson  
7 Ethanol.

8 MR. JORDE: Right. Got it. Okay. All right.  
9 Thanks. I appreciate it.

10 ALJ HOGAN: Mr. Pelham, any questions?

11 MR. PELHAM: Sir, do you own any property along  
12 the proposed line?

13 RYAN CARTER: I do not.

14 MR. PELHAM: Okay. No further questions. Thank  
15 you.

16 ALJ HOGAN: Mr. Schock.  
17 Commissioner Christmann.

18 COMMISSIONER CHRISTMANN: Tell me -- I don't  
19 want to hear about, like, some standout that hauls corn  
20 500 miles or something to you, but what's kind of the  
21 circle where you get the vast majority of your corn?

22 RYAN CARTER: So at Tharaldson, we bring in  
23 about 60 million bushels of corn a year. We've got the  
24 best basis -- best basis around the area with multiple  
25 commercial facilities. So we bring in about -- from

1     about 125 miles of radius of the ethanol plant. We  
2     bring in a lot of shuttles off the RVW. So, I mean,  
3     it's -- it's a substantial amount of corn.

4             COMMISSIONER CHRISTMANN: I see on the map  
5     there's an ethanol plant that looks kind of east of here  
6     about in Minnesota. So I presume a fair amount of the  
7     Minnesota corn goes there? Or do you get a lot from  
8     Minnesota too?

9             RYAN CARTER: You know, we do get -- there's one  
10    particular farmer that hauls to Fergus Falls and also  
11    hauls to us. And it all comes down to basis. I mean,  
12    if a farmer can -- can justify the cost of hauling it an  
13    extra 50 miles to get an extra 15 cents per bushel for  
14    his corn, they're going to do it.

15            COMMISSIONER CHRISTMANN: And so 150-mile  
16    radius, did you say?

17            RYAN CARTER: Yep.

18            COMMISSIONER CHRISTMANN: So you're way up north  
19    of Grand Forks, pretty much to Canada --

20            RYAN CARTER: We get some customers down from  
21    even the Devils Lake area.

22            COMMISSIONER CHRISTMANN: Okay. And have you  
23    ever thought, in that circle then, you know, would that  
24    be just a small percentage of the corn that's grown? Or  
25    about what percentage of the corn do you think in that

1 radius you buy?

2 RYAN CARTER: I'd have to look at those numbers.  
3 I don't want to --

4 COMMISSIONER CHRISTMANN: It's not really  
5 important for us anyway but --

6 RYAN CARTER: It's a lot.

7 COMMISSIONER CHRISTMANN: -- I guess the ag side  
8 comes out of things.

9 RYAN CARTER: So -- and kind of how our -- how  
10 our system works is we're partnered with Clifford  
11 elevators so they procure all of our corn. We buy all  
12 that corn. So they own multiple facilities within  
13 probably a 75-mile radius of the plant as well. So, I  
14 mean, they're -- it's kind of a -- you know, a  
15 partnership that we have that -- a contract with them, I  
16 guess.

17 COMMISSIONER CHRISTMANN: Okay. No other  
18 questions. Thanks.

19 RYAN CARTER: Thanks.

20 ALJ HOGAN: Commissioner Haugen-Hoffart.

21 COMMISSIONER HAUGEN-HOFFART: I have no  
22 questions.

23 ALJ HOGAN: Mr. Dawson.

24 SUBSTITUTE DECISIONMAKER DAWSON: No questions.

25 ALJ HOGAN: All right. Thank you.

1 RYAN CARTER: All right. Thanks. Have a good  
2 weekend.

3 ALJ HOGAN: Who would like to go next?

4 Good afternoon. Can I get your name?

5 SHANNON NEUMAYER: My name is Shannon Neumayer,  
6 N-E-U-M-A-Y-E-R. I don't live in North Dakota. I live  
7 in Minnesota. I live in Grand Rapids.

8 ALJ HOGAN: Hang on, I've got to swear you in.  
9 Were you in the room earlier when I went through the  
10 penalties for perjury?

11 SHANNON NEUMAYER: Yes, ma'am.

12 ALJ HOGAN: And do you understand what perjury  
13 is?

14 SHANNON NEUMAYER: Yes, ma'am.

15 ALJ HOGAN: And being advised of the potential  
16 penalties for perjury, do you promise to tell the truth  
17 in this case today?

18 SHANNON NEUMAYER: Yes, ma'am.

19 ALJ HOGAN: All right. Thank you. Go ahead.

20 **SHANNON NEUMAYER,**  
21 being first duly sworn, testified as follows:

22 SHANNON NEUMAYER: I live in Grand Rapids,  
23 Minnesota. I'm here on behalf of the International  
24 Union of Operating Engineers Local 49 and its nearly  
25 15,000 members. We're a construction labor union

1 representing heavy equipment operators here in North  
2 Dakota as well as Minnesota and South Dakota.

3 Our union has extensive experience building and  
4 maintaining pipeline infrastructure. We support  
5 pipelines because they're the most efficient and safest  
6 way to transport liquids and gases, but we believe  
7 pipelines should be built by experienced contractors  
8 with well-trained and paid workers.

9 In this case we have confidence that Summit will  
10 utilize contractors and workers that are ready to build  
11 this pipeline in a way that is protective of the public  
12 and the environment. We also believe this project will  
13 benefit local workers and the local economy. We believe  
14 the project as proposed meets criteria under state law,  
15 and we would encourage the Commission to approve the  
16 project which will benefit workers, the environment, and  
17 the economy.

18 ALJ HOGAN: All right. Thank you.

19 Mr. Gludt, any questions?

20 MR. GLUDT: No questions. Thank you.

21 ALJ HOGAN: Mr. Jorde.

22 MR. JORDE: Yes.

23 Sir, was your -- does your group have a contract  
24 with Summit?

25 SHANNON NEUMAYER: So we don't -- Summit hires a

1 contractor that we provide labor to.

2 MR. JORDE: Okay.

3 SHANNON NEUMAYER: We do have agreements with  
4 Summit that it will be done with union labor.

5 MR. JORDE: Okay. And you're aware -- or I  
6 should ask it in the form of a question. When Summit  
7 first filed its proposal here, do you know if they were  
8 intending to use union labor, any of your members?

9 SHANNON NEUMAYER: Yes, they -- they were. It's  
10 always been that they are going to use part of us. That  
11 portion has grown exponentially since this has come  
12 along.

13 MR. JORDE: Okay. Are you familiar with a  
14 company called, is it Pumpco?

15 SHANNON NEUMAYER: Yep.

16 MR. JORDE: Okay. And are you aware that  
17 another entity, LIUNA, had intervened in this matter  
18 advocating for union workers who were not a part of it,  
19 and then, I guess, apparently now they've struck a deal?  
20 You're aware of that?

21 SHANNON NEUMAYER: Yes.

22 MR. JORDE: Okay. And so do you now have more  
23 potential jobs going to union and your members than  
24 would have been in the beginning?

25 SHANNON NEUMAYER: Yes.

1           MR. JORDE:   Okay.   What do you attribute that  
2   to?

3           SHANNON NEUMAYER:   Just relationships we built  
4   with Summit between the trades and -- and ourselves  
5   so....

6           MR. JORDE:   Okay.   All right.   And I'm sorry,  
7   did you say you were pipefitters or what's -- what was  
8   your group?

9           SHANNON NEUMAYER:   Operating engineers.

10          MR. JORDE:   Operating engineers.   Very good.  
11   All right.

12          And how many North Dakota residents in your  
13   group would, you believe, be working on this project?

14          SHANNON NEUMAYER:   I don't have that -- I don't  
15   have that number.   I -- I do know that we represent  
16   15,000 members in the tri-state area.

17          MR. JORDE:   Okay.

18          SHANNON NEUMAYER:   I don't have the number of --  
19   of residents in any of the states.

20          MR. JORDE:   Okay.   So in terms of, you know,  
21   North Dakota tax-paying citizens that might also be  
22   members that then might also have the ability to work on  
23   this project, we don't -- we don't have those numbers?

24          SHANNON NEUMAYER:   No.

25          MR. JORDE:   Okay.   Thank you.   I don't have

1 anything further.

2 ALJ HOGAN: Mr. Pelham.

3 MR. PELHAM: I don't have any questions for you,  
4 sir. Thank you.

5 ALJ HOGAN: Mr. Schock.

6 Commissioner Christmann.

7 COMMISSIONER CHRISTMANN: I do not, but thank  
8 you for being here, Shannon.

9 ALJ HOGAN: Commissioner Haugen-Hoffart.

10 COMMISSIONER HAUGEN-HOFFART: No questions, but  
11 thank you, Shannon.

12 ALJ HOGAN: Mr. Dawson.

13 SUBSTITUTE DECISIONMAKER DAWSON: Thanks for  
14 coming today. No questions.

15 ALJ HOGAN: Thank you.

16 Good afternoon. Could I get your name?

17 JARED HAGERT: Good afternoon. My name is Jared  
18 Hagert, H-A-G-E-R-T.

19 ALJ HOGAN: And, Mr. Hagert, were you in the  
20 room when I went through the penalties for perjury?

21 JARED HAGERT: I was.

22 ALJ HOGAN: And do you understand what perjury  
23 is?

24 JARED HAGERT: I do.

25 ALJ HOGAN: And being advised of the potential



1 penalties for perjury, do you promise to tell the truth  
2 in this case today?

3 JARED HAGERT: Yes.

4 ALJ HOGAN: All right. Thank you. Go ahead.

5 **JARED HAGERT,**

6 being first duly sworn, testified as follows:

7 JARED HAGERT: All right. Since I have  
8 submitted written testimony, I'll do my best to  
9 summarize it. It's rather short to begin with, but  
10 thank you for this opportunity.

11 My name is Jared Hagert. I do serve citizens of  
12 District 20 in North Dakota in the House of  
13 Representatives. In addition to that, I am a farmer, a  
14 fourth-generation farmer by Emerado, North Dakota.  
15 That's in Grand Forks County. I also run a certified  
16 seed conditioning business that processes most of our  
17 commodities that we grow on the farm like wheat and  
18 soybeans for resale to retailers and other farmers.

19 Prior -- prior to my service in the legislature,  
20 I did spend nearly 20 years representing North Dakota  
21 soybean farmers on state and national boards with a  
22 focus on international -- building international and  
23 domestic demand for soybeans and soy products. And one  
24 of the things that -- that we focused on in my tenure  
25 with the United Soybean Board, an organization that

1 represents 500,000 U.S. soybean farmers, is  
2 sustainability. And this pipeline is core to the  
3 sustainability issue, I believe.

4 So as a farmer, ag business owner, and industry  
5 advocate, I know that, in order to survive and thrive,  
6 we do need to provide products that our customers  
7 demand. And right now those products that are demanded  
8 are sustainable fuels and low-emission energy.

9 We have -- agriculture and energy in -- in the  
10 state of North Dakota are the number one and two  
11 industries. And this pipeline would provide a lifeline  
12 to the energy and ag markets.

13 MR. JORDE: I just have to insert my objection,  
14 Your Honor, relevance, to this testimony.

15 ALJ HOGAN: All right. The objection is noted.  
16 You can continue.

17 JARED HAGERT: All right. Thank you.

18 Being that the markets are focused on  
19 decarbonization and to gain access to those lower-carbon  
20 markets like sustainable aviation fuel, this pipeline  
21 represents an opportunity to lower carbon scores for --  
22 for those providers while also adding value to the  
23 bottom line of agricultural producers.

24 On the energy side, although not utilized  
25 currently, it opens the window to be able to pursue

1 enhanced oil recovery through the utilization of carbon.

2 And I know in my testimony I referenced coal,  
3 and I referenced coal because of the capturing and  
4 sequestration portion, you know, with the emissions  
5 helps them stay in business. And any decision by this  
6 body does impact the ability, you know, with carbon  
7 pipelines going forward in that industry.

8 But beyond that, in my service in the North  
9 Dakota House of Representatives I serve as chair of the  
10 Interim Tax Committee and am the current vice chair of  
11 the House Finance and Taxation Committee. And in those  
12 duties we do -- we have studied how large scale  
13 infrastructure projects like this do benefit communities  
14 and the citizens of those communities. Albeit, you  
15 know, the tax collections that are generated from the  
16 infrastructure do occur at the local level and are kept  
17 almost entirely by those respective political  
18 subdivisions and because the project footprint does  
19 touch nine counties in North Dakota, residents  
20 throughout North Dakota will directly benefit from this  
21 project.

22 So as such, I respectfully request that the  
23 Public Service Commission approve Summit's project as it  
24 is a critical step in unlocking the Bakken and the  
25 future of North Dakota.

1           And I'll stand for any questions.

2           ALJ HOGAN:   Thank you.

3           Mr. Gludt, any questions?

4           MR. GLUDT:   No questions.   Thank you.

5           ALJ HOGAN:   Mr. Jorde, any questions?

6           MR. JORDE:   Yes.   Thank you.

7           Sir, I just want to be clear, you're here just  
8 speaking on your own personal behalf; is that right?

9           JARED HAGERT:   Correct.

10          MR. JORDE:   Okay.   I think one of the last  
11 things you just said was unlocking the Bakken.   And what  
12 did you mean by that, sir?

13          JARED HAGERT:   Well, you know, as we're talking  
14 about the pipeline in this hearing, that represents an  
15 ability to move the amounts of carbon into sequestration  
16 right now for the current regulatory regime, but as that  
17 changes and as time moves on, there is a window most --  
18 most likely a window to add enhanced oil recovery into  
19 -- into the process.

20          MR. JORDE:   Okay.   Because certainly, obviously,  
21 you can't use CO2 that's permanently sequestered for  
22 enhanced oil recovery, so you're looking a little longer  
23 in the horizon; is that right?

24          JARED HAGERT:   Correct.   Correct.   I think at  
25 last week's Williston Basin Petroleum Conference Lynn

1 Helms had referenced that, in order for Bakken output to  
2 maintain where it's at, it -- you know, the -- the  
3 carbon pipelines will be what are needed to keep the  
4 Bakken strong into the late 2030s when projected output  
5 is in decline.

6 MR. JORDE: And just for the record, who is Lynn  
7 Helms? What office?

8 JARED HAGERT: Lynn Helms is the head of -- I am  
9 blanking on it right now off the top of my head, but he  
10 is head of the mineral -- Department of Mineral  
11 Resources. There it is.

12 MR. JORDE: Okay. That's right. I think that's  
13 right.

14 And then, sir, do you personally have any land  
15 where this proposed pipeline would cross?

16 JARED HAGERT: I don't.

17 MR. JORDE: Okay. How far, if you know, do you  
18 reside from the nearest point to this proposed route?

19 JARED HAGERT: Probably about 80 miles.

20 MR. JORDE: Okay. And then you've got a  
21 background in farming. Do you or have you ever sold  
22 corn to any of the North Dakota ethanol plants?

23 JARED HAGERT: I have, yes.

24 MR. JORDE: Okay. Have you ever sold to the  
25 Tharaldson plant?

1           JARED HAGERT: I -- I have indirectly through --  
2 through the --

3           MR. JORDE: Elevator?

4           JARED HAGERT: -- elevators, yes.

5           MR. JORDE: Okay. All right. Do you know if  
6 Tharaldson has made any promise to share part of any of  
7 the profits they would get by reducing their CI score  
8 directly with the farmers? Are they going to be paying  
9 more for grain? Do you know anything like that?

10          MR. GLUDT: I'm going to object, Your Honor. I  
11 think Mr. Jorde is trying to get into agreements between  
12 Summit and Tharaldson and this is not the appropriate  
13 witness to answer.

14          MR. JORDE: He can just say "I don't know," I  
15 mean.

16          ALJ HOGAN: I'll allow him to answer if he  
17 knows.

18          JARED HAGERT: You know, as far as any specific  
19 agreements, rising demand usually increases corn price.  
20 So, you know, through -- through that, through the  
21 function of the market, would be one way. Also, if you  
22 owned any shares in any of the co-op, you would benefit  
23 from -- from that.

24          MR. JORDE: If prices go up is what you're  
25 saying.

1 JARED HAGERT: Well, through -- through, you  
2 know, dividend payments.

3 MR. JORDE: Okay. And then your testimony here,  
4 to access low-carbon fuel markets, do you understand  
5 that there's very few low-carbon fuel markets in the  
6 U.S., United States?

7 JARED HAGERT: There are currently.

8 MR. JORDE: Have you kind of thought through  
9 what would happen if this were to be approved and  
10 there's a rush of access from the current ethanol plants  
11 hooked up to this pipeline to the low-carbon fuel  
12 markets, what that would do to ethanol prices elsewhere?

13 JARED HAGERT: Elsewhere? What do you mean  
14 elsewhere?

15 MR. JORDE: Well, for the plants that aren't a  
16 part of any carbon capture, storage, and weren't selling  
17 into low-carbon fuel markets, have you done any analysis  
18 on the effect on the consumer, of prices, if that were  
19 to occur?

20 JARED HAGERT: So you're asking about -- just so  
21 I'm clear, you're asking about ethanol plants that would  
22 not be selling into -- into the sustainable aviation  
23 fuel market and what their prices would be or what  
24 impact it would have?

25 MR. JORDE: So what I'm getting at -- I'm just

1     trying to see if you've done any thinking on the  
2     opposite side, the flip side. So your claim is that  
3     this -- I'm just reading here, "This pipeline will  
4     enable our ethanol --"

5             I'm assuming you mean North Dakota -- do you  
6     mean North Dakota ethanol?

7             JARED HAGERT: North Dakota ethanol.

8             MR. JORDE: "-- North Dakota ethanol to be  
9     decarbonized to access greater low-carbon fuel markets."

10            What about everybody else? Have you looked at  
11     if there's actually negative adverse effects on those  
12     other plants that wouldn't participate in this project?

13            JARED HAGERT: I think in -- in the operation of  
14     the market, you know, each plant has its own decisions  
15     to make that way. You know, Tharaldson has made the  
16     decision to hook up to it. Others haven't, and they  
17     each have their own reasons and I couldn't speculate on  
18     -- on why.

19            MR. JORDE: Okay. Fair enough. Thank you. I  
20     don't have anything further.

21            ALJ HOGAN: Mr. Pelham, any questions?

22            MR. PELHAM: No questions. Thank you.

23            ALJ HOGAN: Mr. Schock.  
24     Commissioner Christmann.

25            COMMISSIONER CHRISTMANN: I'm just curious,



1 Representative Hagert, is Emerado up in that area way in  
2 northeast North Dakota that has been showing up as  
3 pretty dry this spring?

4 JARED HAGERT: Not as dry as -- as we were last  
5 summer. So Emerado is directly south of the Grand Forks  
6 Air Force Base.

7 COMMISSIONER CHRISTMANN: Okay. Because my  
8 NDAWN shows 1.69 inches of rain last night and today  
9 so...

10 JARED HAGERT: Yeah. We -- we've been blessed  
11 with an abundance of moisture these last few days.

12 COMMISSIONER CHRISTMANN: Good for you. Thanks  
13 for coming down, Representative Hagert, and I have no  
14 other questions.

15 ALJ HOGAN: Commissioner Haugen-Hoffart.

16 COMMISSIONER HAUGEN-HOFFART: Thanks for your  
17 testimony. I have no questions.

18 ALJ HOGAN: Mr. Dawson.

19 SUBSTITUTE DECISIONMAKER DAWSON: Thank you. No  
20 questions.

21 JARED HAGERT: All right. Thank you for your  
22 time.

23 ALJ HOGAN: Thank you.

24 We're going to take our afternoon break, but  
25 before we do that, can I just get a show of hands of

1 anybody else that wishes to testify?

2 Four, five. Okay. Thank you.

3 Let's see. Let's reconvene --

4 MR. JORDE: Your Honor, I just wanted to  
5 clarify. I had three clients show their hands in case  
6 you were just asking about the public testimony.

7 ALJ HOGAN: Yes. Thank you for that  
8 clarification.

9 So just public testifiers. Let's see, three,  
10 four. Okay. All right. That's helpful.

11 We will -- when we come back, we're going to  
12 finish with the public testimony and then we'll return  
13 to landowner intervenors. And I will, again, note that  
14 we need to be out of here by 7:30 so as speedily as we  
15 can go through that --

16 MR. JORDE: We will get that done.

17 ALJ HOGAN: -- we appreciate it.

18 MR. JORDE: Yes.

19 ALJ HOGAN: We'll reconvene at 3:25.

20 (Recess)

21 ALJ HOGAN: All right. If people want to start  
22 making their way back to their chairs. It's 3:25 so  
23 we're going to get going again.

24 All right. As I mentioned, we are going to  
25 continue with public testimony. So I will have you

1 start by stating your full name for the record.

2 MIKE BRANDENBURG: My name is Michael  
3 Brandenburg.

4 MR. JORDE: And I'm going to object to this  
5 testimony. I believe this gentleman testified recently,  
6 maybe on April 22nd.

7 MIKE BRANDENBURG: Yeah, I have new information.

8 ALJ HOGAN: All right.

9 MIKE BRANDENBURG: I will not repeat myself.

10 ALJ HOGAN: Okay. I appreciate that.

11 MIKE BRANDENBURG: Promise.

12 ALJ HOGAN: And, Mr. Brandenburg, were you in  
13 the room when I went through the penalties for perjury?

14 MIKE BRANDENBURG: Yes.

15 ALJ HOGAN: And do you understand what perjury  
16 is?

17 MIKE BRANDENBURG: Yes.

18 ALJ HOGAN: And being advised of the potential  
19 penalties for perjury, do you promise to tell the truth  
20 in this case today?

21 MIKE BRANDENBURG: Yes, I do.

22 ALJ HOGAN: All right. Thank you. Go ahead.

23 **MIKE BRANDENBURG,**  
24 being first duly sworn, testified as follows:

25 MIKE BRANDENBURG: Yeah, thank you. And thank

1     you, Commissioners, as well as the people attending.

2             The point that I would like to make and point  
3     I'd like to point out is, first of all, I am a  
4     fourth-generation farmer and my grandfather, great  
5     grandfather homesteaded in 1902. So I have a long  
6     history of agriculture in my blood and -- and it goes  
7     back to what's made everything work.

8             But the one point that's been talked about today  
9     that has not really been pointed out is, in those  
10    352 miles of pipeline, it's not for one ethanol plant.  
11    We know that the Wahpeton fructose plant needs corn.  
12    They got a problem. They got to do something. We know  
13    that Hankinson isn't onboard yet, but they got a  
14    problem; they got to get their score down too. Also,  
15    Spiritwood is another one. So there's three plants that  
16    do not have a solution to their problem that do have to  
17    get that carbon score down and, with this pipeline, they  
18    can do it. And they're not -- they're right beside it.  
19    Other than Spiritwood and (indiscernible), they're about  
20    50 miles away from it.

21            The other thing is, too -- is down -- that  
22    pipeline goes down into South Dakota for a reason.  
23    There's five ethanol plants going all the way from  
24    Groton to Mina. So when you start looking at just in  
25    our trade area, you're looking at somewhere around nine

1 ethanol plants that are going to be benefitted by this  
2 pipeline to take it out and to western North Dakota and  
3 into the future too for possible oil recovery too. And  
4 so I think that's important to be pointed out as  
5 testimony today because it's not just for one ethanol  
6 plant.

7 And, also, Summit Solutions is a lifeline for  
8 ethanol in this state. I've lived through that  
9 dollar-bushel corn. I've enjoyed \$7.78 corn too. But I  
10 can tell you, as 50 years in farming, those ethanol  
11 plants that brought a guaranteed 50 cents a bushel to my  
12 bottom line. There are times, when the basis is right,  
13 it can hit a buck a bushel.

14 And so I would -- what would happen without the  
15 ethanol plants in this state as well as in northern  
16 South Dakota? We would definitely have a setback. And  
17 so the Summit Solutions pipeline is important to ethanol  
18 as Tundra to the coal plants. It's a lifeline project.  
19 Tundra is a lifeline to the coal plants and Summit  
20 Solutions is a lifeline to the ethanol plants and to the  
21 future of this state.

22 This state runs on three things: Agriculture,  
23 energy, and all the rest. And you pretty much can break  
24 it down to a third energy, a third agriculture, and a  
25 third everything else. And that's how North Dakota

1 runs. And I -- I sit on the -- I'm a representative  
2 from District 28 and I sit on the Appropriations  
3 Committee so I know the numbers pretty good.

4 And so I just wanted to share that for the  
5 record because I think it's -- has not been really  
6 clarified today.

7 So, with that, I would answer any questions.

8 ALJ HOGAN: Mr. Gludt, any questions?

9 MR. GLUDT: No questions. Thank you.

10 ALJ HOGAN: Mr. Jorde, any questions?

11 MR. JORDE: Yes. Thank you.

12 Sir, do you -- do you sit on the boards of any  
13 ethanol plants?

14 MIKE BRANDENBURG: No, I do not.

15 MR. JORDE: All right. Because you made the  
16 statement that nine ethanol plants will benefit from  
17 this pipeline, but you don't have any information that  
18 any of the other plants are contracted with this  
19 particular project, do you?

20 MIKE BRANDENBURG: Well, I can -- what I see  
21 with that, Mr. Jorde, is that there's nine ethanol  
22 plants along the pipeline and some have joined in, some  
23 have not.

24 But the question I was asked earlier about, you  
25 know, ethanol plants, they're good businessmen. They

1 see that they can hit that aviation fuel market and  
2 they're looking at the aviation fuel market -- I'm glad  
3 you asked that question, because currently, right now,  
4 we produce 15 billion gallons of ethanol in the United  
5 States. With the aviation fuel market, just nationally,  
6 it's 20 billion gallons potential. A hundred billion  
7 gallons internationally. So if you're dealing now with  
8 15 billion gallons of ethanol and you can expand that  
9 more than double when aviation fuel -- and you got to  
10 get down to -- as Ryan Carter explained from the ethanol  
11 industry, if you're going to have that market, you're  
12 going to have to get down there.

13 And Brazil is taking our market away right now.  
14 I mean, we have ethanol coming from Brazil going to  
15 California because we don't have the carbon score. And  
16 so this carbon score, this pipeline, taking -- dealing  
17 with the CO2 emissions is going to enable us to have  
18 those markets that we don't have right now.

19 MR. JORDE: Okay. So then is the answer that --  
20 I mean, to my question, you don't have any information  
21 about some new contracts of these other eight ethanol  
22 plants with Summit; correct?

23 MIKE BRANDENBURG: Well, Mr. Jorde, what I can  
24 tell you is that our family hauls a lot of bushels of  
25 corn to the ethanol plant in Spiritwood as well as the

1 local co-ops. We haul them there and, during harvest  
2 time, to our current Edgeley co-op as well as Verona,  
3 because you can't sit in line for more than two hours  
4 when you're harvesting. And then, in the offseason, we  
5 haul the rest of it to the ethanol plant. And that  
6 ethanol plant is the profitability on our farm.

7 MR. JORDE: All right. So you have no knowledge  
8 of any other plants being contracted with Summit;  
9 correct? Yes or no.

10 MIKE BRANDENBURG: No.

11 MR. JORDE: Okay. All right. So the statement  
12 nine ethanol plants will benefit from this pipeline,  
13 that's just pure speculation on your part; correct?

14 MIKE BRANDENBURG: Well, Mr. Jorde, you could  
15 speculate it, but if anybody is -- can make money doing  
16 it, they're going to sign on.

17 MR. JORDE: Well, sir, they've had three years  
18 and it hasn't happened; right?

19 MIKE BRANDENBURG: Well, you know, Mr. Jorde,  
20 you look at the market and you can look at the world and  
21 you can look at whether you agree with what's going on  
22 in the East Coast or the West Coast, but that's where  
23 the population is and that's where the -- they're asking  
24 for this to happen and so the votes -- to where it  
25 matters.



1           Do I agree with everything that's going on here?  
2       No. But do I agree with what those people want? The  
3       customer is who you have to please, and that's what they  
4       want.

5           MR. JORDE: So when corn was \$1 a bushel, was  
6       that because there wasn't a Summit Carbon pipeline?

7           MIKE BRANDENBURG: Oh, Mr. Jorde, when I was  
8       younger and it was 40 years ago, I was -- I was in the  
9       National Guard, keeping food on the table, and that's  
10      all the price was. And when we had Jimmy Carter and  
11      embargo and -- and when corn went from 5 bucks -- I can  
12      remember, in '75, corn was around 4 and a half bucks and  
13      hitting five bucks and we -- I told my dad, I said,  
14      "We're in a new era, things are going to change, the  
15      farms are going to grow, we're never going to go back,"  
16      and then came the embargo and corn was down to a buck  
17      within a year. It was less than two bucks. And we  
18      almost went broke.

19           And -- so I've lived through these markets, I've  
20      lived through these political confrontations, and it's  
21      all about living through it and surviving those times.  
22      And you got to have some equity when that happens,  
23      because if you lose the equity, you've got nothing left.  
24      That's why a lot of people did go broke.

25           MR. JORDE: And then in 2012 when corn spiked to

1 over \$7, was that because there wasn't a carbon pipeline  
2 in this state?

3 MIKE BRANDENBURG: Oh, Mr. Jorde, it didn't  
4 spike in 2012. It spiked in 2019 when Covid hit and  
5 everybody was scared and everybody was buying. I don't  
6 know. The markets went wild. We had a war over in the  
7 Ukraine and Russia and then they had the Black Sea issue  
8 and -- and if I could have rubbed a crystal ball, I  
9 would have contracted three years out because it would  
10 have been smarter, but I didn't do that because I wasn't  
11 smart enough.

12 MR. JORDE: So you agree that -- I mean, you  
13 keep talking about all these global and world events and  
14 massive macro events, and that's really what affects  
15 corn price; right?

16 MIKE BRANDENBURG: Absolutely, Mr. Jorde. It's  
17 world events that -- I mean, Europe has been doing  
18 carbon capture, other countries are doing carbon  
19 capture. The world is -- I mean, we're -- we're doing  
20 carbon capture because that's what -- today is what is  
21 on the menu. That's where the money is going. And, you  
22 know, whether you agree with it or not, that's where  
23 it's at.

24 MR. JORDE: And were you here for the testimony  
25 of the COO of the Tharaldson plant and then the

1 president of the North Dakota Corn Growers?

2 MIKE BRANDENBURG: Yes, I was.

3 MR. JORDE: And so you heard them, when asked by  
4 me "If this project doesn't go through, are you going to  
5 go bankrupt or are you going to go out of business," and  
6 they -- they didn't give me an affirmative answer to  
7 that; correct?

8 MIKE BRANDENBURG: Yeah, I -- and that's  
9 probably one of the reasons why I'm up here. Because I  
10 can tell you right now, if we lose those ethanol  
11 plants -- I can tell you 20 years ago when we had a  
12 little ethanol plant up in Grafton that Harold Newman  
13 had and we tried to get -- you know, that was our ribbon  
14 we hung on the wall saying, "Yeah, we got an ethanol  
15 plant." Now we've got six ethanol plants in the state  
16 grinding over half of our corn and it's taken -- it's  
17 been a blessing.

18 It's taken the -- if you look at the agriculture  
19 and how it has improved, corn prices have brought  
20 wheat up, corn prices have brought soybeans up.  
21 You've got the corn-soybean rotation. It's a world  
22 market. It's not just North Dakota with walls around  
23 it. It's the United States. It's the world. It's  
24 everybody that we have to answer to in this day and age.

25 Because you can Google anybody. I mean, there's

1 people -- we can find out what's going on in Russia. We  
2 can find out what's going on in China. We can find out  
3 what's going in other countries and all around the  
4 world. All you got to do is Google it. It's there.  
5 And then what we're doing.

6 And that's one of the reasons we've lost a lot  
7 of our markets. You know, we've lost over 20 percent of  
8 our export markets in the last couple of years, and one  
9 of the reasons is because Brazil is embracing carbon  
10 capture. Because when these buyers and traders go out  
11 and buy their products, they don't just buy corn. They  
12 buy wheat, they buy soybeans, they buy barley, they buy  
13 all kinds of products.

14 And you keep listening to the reports. We went  
15 from \$7 corn a couple years ago, three years ago, down  
16 to now \$4 corn. Beans have dropped four bucks. Wheat  
17 has went from nine bucks to six bucks. There's a -- and  
18 that just puts a tight -- yeah, it hurts. And if the  
19 farm economy is not good in North Dakota, it's not going  
20 to be good for North Dakota.

21 MR. JORDE: And corn price, commodity prices,  
22 ebb and flow. That's just something that --

23 MIKE BRANDENBURG: Absolutely.

24 MR. JORDE: -- expect; right? You don't expect  
25 that to change?

1           MIKE BRANDENBURG: It's going to go up and down,  
2 up and down. But if you have a better -- one thing  
3 we're losing which I think is important to point out is  
4 that with the electronic vehicles, the EVs that are  
5 happening -- and you go into the bigger cities, yeah,  
6 you know, they're -- it's a good thing because they have  
7 -- I've been in California when I was a kid and, you  
8 know, the pollution, the smog, I understand those  
9 people. Out here we don't have that problem.

10           I mean, we -- it's a partnership. When you can  
11 find a new market -- and we need to have that new market  
12 with aviation fuel. Because if we can't -- you got a  
13 whole bunch of rich people flying planes around,  
14 polluting the earth, and here we are trying to bring  
15 things together and do the right thing and be -- be good  
16 stewards of the land as well as for the air. And so  
17 they need to get their carbon score down on these  
18 high-intensity planes that use jet fuel. And all we're  
19 doing is -- really is putting blends of ethanol in that  
20 we did 30 years ago with gasohol.

21           And so if we can hit that market and expand the  
22 corn market -- because we're -- we're going to lose some  
23 on the -- on the gasoline and diesel fuel. And if we  
24 can replace that with the aviation fuel market, it's a  
25 win-win for everybody.

1           MR. JORDE: When did you first become aware of  
2 this application, this Summit application, that was  
3 filed back in 2022?

4           MIKE BRANDENBURG: Mr. Jorde, I suppose it was a  
5 couple years ago before our last session.

6           MR. JORDE: Okay.

7           MIKE BRANDENBURG: And, see, I've got 113 miles  
8 of this in my district.

9           MR. JORDE: Uh-huh.

10          MIKE BRANDENBURG: And so I've dealt with a lot  
11 of people that -- you know, that had a lot of concerns.  
12 And that first group that came out, landmen, yeah, the  
13 stories that you're hearing, they were bad. But Summit  
14 fired them all and they hired new people.

15                 And they're trying to negotiate with these  
16 people. But if you won't talk to them, you can't  
17 negotiate with them. So somebody's got to talk. I mean  
18 80 -- over 80 percent of them signed up. Had a group in  
19 Dickey County that was with an attorney and -- about 30  
20 farmers. And they -- they came to an agreement. And  
21 that's my concern, is that those people -- that the  
22 landowners are treated fair and paid a good price. And  
23 that's my concern of the people I represent.

24                 Also, I'm concerned about farmers that live  
25 (indiscernible) -- because I'm in corn country. We

1 raise corn. We have ethanol -- all the ethanol plants  
2 are in my district or just outside of it, and they all  
3 are saying the same thing. Without the ethanol plants,  
4 I don't want to go back to \$2 corn or \$3 corn. Because  
5 all we'll have then to feed a bunch of cattle. And  
6 there's not enough cattle to get rid of all the corn  
7 because we didn't produce the amount -- we probably  
8 produced 150 million bushels of corn 20 years ago. Now  
9 we're producing 400 million bushels, 350 to 400. If you  
10 have a good year, maybe more. And with the yields and  
11 the technology, we might be hitting 450, maybe 500  
12 million bushels some day. We got to have a place for  
13 that corn to go. And -- and the ethanol plants are that  
14 -- that place.

15 MR. JORDE: And so then do you agree with  
16 Governor Burgum that if a landowner doesn't want to be a  
17 part of this project, they just say "no" and Summit will  
18 go around you?

19 MIKE BRANDENBURG: I've actually said that last  
20 time when I testified. I said that if the farmer  
21 doesn't want it, the landowner doesn't want it, go  
22 somewhere else. Go around them. Go -- there's always a  
23 place around them.

24 I mean, you're down to basically 15, 20 percent  
25 left. And a lot of them are just waiting to see what

1 happens here. And there's some that are saying "no" and  
2 "never-never" but -- and some of them are good  
3 negotiators. You know, us farmers are good businessmen.  
4 We know how to run a business. We've done it all our  
5 life. And they just want to be treated right.

6 MR. JORDE: And you had said that Summit is the  
7 future of North Dakota. And for you, sir, to make that  
8 statement, if this project didn't happen, would South  
9 Dakota take over North Dakota? Or, I mean, what?  
10 There's no future anymore?

11 MIKE BRANDENBURG: No, no. Mr. Jorde, if Summit  
12 doesn't happen, the ethanol plants up here probably  
13 won't have a market to sell their ethanol in the future  
14 years. And the ethanol plants down south, if they get  
15 something going down there -- we have Red Trail and we  
16 have Blue Flint that do have formations so they -- but I  
17 don't want to haul my corn 150 miles. I mean, I can  
18 haul it to Spiritwood for 50 miles.

19 If you put a truck on the road and you start  
20 making a bunch of trips -- when we started hauling to  
21 the ethanol plant in Spiritwood -- we got five trucks  
22 and we can make four trips a day. That's if you get up  
23 early and get rolling and get right away and you start  
24 hauling bushels. And, you know, you get wore out after  
25 the day. So why do I want to go 150?



1           MR. JORDE: Have you ever considered a future  
2 where you're growing crops other than corn or  
3 significantly reducing corn, or do you think you're  
4 married to corn?

5           MIKE BRANDENBURG: In my lifetime, I think -- I  
6 used to raise all wheat and barley and sunflowers. And  
7 then the birds came and took away the flowers. You  
8 know, black birds, you know, they're pretty tough on  
9 flowers, especially in the Prairie Pothole Region. And  
10 then the corn came and then the rock roller came with  
11 the soybeans and the new technology, and it's taken our  
12 farm to a whole different level. It really has. The  
13 corn and soybean rotation is a good rotation too for  
14 both the weeds and for diseases.

15           MR. JORDE: And you've run a good operation and  
16 been profitable without this pipeline, haven't you?

17           MIKE BRANDENBURG: At this point we have, but,  
18 Mr. Jorde, the new rules that have come in with the  
19 carbon score, which affects both the ethanol plants, the  
20 agriculture, it also affects the coal plants dealing  
21 with the carbon capture and also affects the future of  
22 this state. And it's because of federal regulations  
23 that have happened that we're sitting here today.

24           I mean, I wish -- if I could rub a crystal ball,  
25 I wish we could go back and just say, "Hey, leave us

1 alone and we'll keep doing what we're doing," but it's  
2 not -- didn't happen and the people -- the people on the  
3 East Coast and the West Coast where the votes are said  
4 this is what we're going to do.

5 MR. JORDE: I don't have anything further.  
6 Thank you.

7 ALJ HOGAN: Mr. Pelham, any questions?

8 MR. PELHAM: I don't have any questions. Thank  
9 you.

10 ALJ HOGAN: Mr. Schock.  
11 Commissioner Christmann.

12 COMMISSIONER CHRISTMANN: Representative  
13 Brandenburg, you said something early on and then you  
14 might have answered my question here toward the end. A  
15 little basis of what I'm trying to get at. So I come  
16 from western North Dakota. I'll tell you I get down to  
17 a place like Wahpeton and I look at this flat, fertile,  
18 wet ground and I feel like I've traveled 1,300 miles  
19 instead of 300. But you farm at Ellendale; right?

20 MIKE BRANDENBURG: Edgeley.

21 COMMISSIONER CHRISTMANN: At Edgeley.

22 MIKE BRANDENBURG: Yep.

23 COMMISSIONER CHRISTMANN: Kind of in between.

24 MIKE BRANDENBURG: Same thing.

25 COMMISSIONER CHRISTMANN: Not like Red River

1 Valley but not like southwest North Dakota; right?

2 MIKE BRANDENBURG: We're right at the edge of  
3 the Coteau Hills. We're on corn country, but we're  
4 right on the edge of corn country. But we can raise  
5 some really good corn, and that's if the rain gets over  
6 the hills sometimes.

7 COMMISSIONER CHRISTMANN: So you mentioned early  
8 on when you were reflecting back 40-plus years, you  
9 mentioned wheat.

10 MIKE BRANDENBURG: Yeah.

11 COMMISSIONER CHRISTMANN: Now here at the end  
12 you were talking about raising a lot of corn. And so  
13 maybe you sort of covered it, but how -- as a -- as a  
14 percentage of what you grow on your farm -- I'm  
15 imagining your farm has probably grown like most have,  
16 but as a percentage for you and to the extent you know  
17 on your neighbors, how has it evolved? Like what  
18 percentage wheat versus corn would you say on those --

19 MIKE BRANDENBURG: 40 years ago, maybe even 30,  
20 we were -- I would say 40 years ago we were all wheat  
21 and barley and sunflowers. And now we're 50 percent  
22 corn and 50 percent soybeans. And once in a while, if  
23 we have, you know, a rotation issue with some weeds,  
24 we'll put in a few hundred acres of wheat, just to take  
25 care of that. So our corn -- and my neighbors are the

1 same way. The wheat crop is kind of a -- it's  
2 non-existent in our part of the country because it's  
3 more corn and soybeans in our area.

4 COMMISSIONER CHRISTMANN: And so is that because  
5 corn and soybeans are just so much easier or more fun or  
6 is it because the market has called for that change?

7 MIKE BRANDENBURG: Corn and soybeans are not  
8 easier than wheat. I can tell you that, Commissioner.  
9 It used to be pretty nice. We'd be done, you know, and  
10 we can -- you know, we could go deer hunting. You know,  
11 we used to deer hunt. You know, I don't even get the  
12 gun out anymore because we're all sitting in the  
13 combine. But we let our neighbors hunt. It's -- it's  
14 intensive.

15 COMMISSIONER CHRISTMANN: Evolution has become  
16 because of the -- what the market demanded; right?

17 MIKE BRANDENBURG: The market is demanding and  
18 -- and so we -- we -- and I farm with three of my sons.  
19 I've got three other brothers that are farming. I got  
20 nephews that are farming. You know, we -- you know, our  
21 farm has -- has evolved into a good -- good-sized farm,  
22 and it's because of corn and beans that has allowed it  
23 to happen.

24 COMMISSIONER CHRISTMANN: No other questions.  
25 Thanks for being here and sorry about mixing up the E

1 towns.

2 ALJ HOGAN: Commissioner Haugen-Hoffart.

3 COMMISSIONER HAUGEN-HOFFART: Hello,  
4 Representative.

5 MIKE BRANDENBURG: Hi.

6 COMMISSIONER HAUGEN-HOFFART: You don't have to  
7 be afraid.

8 MIKE BRANDENBURG: I'm not afraid. I just  
9 wonder what you're going to ask.

10 COMMISSIONER HAUGEN-HOFFART: No. You know,  
11 you've touched on -- you've testified before and I'm not  
12 going to ask you a question based on your prior  
13 testimony to move things along so I have no further  
14 questions.

15 MIKE BRANDENBURG: Oh, thank you.

16 ALJ HOGAN: Mr. Dawson, any questions?

17 SUBSTITUTE DECISIONMAKER DAWSON: No questions.

18 ALJ HOGAN: Thank you, Representative.

19 MIKE BRANDENBURG: I hope I didn't repeat myself  
20 but I probably touched on some areas that --

21 ALJ HOGAN: Thank you.

22 All right. Who would like to go next?

23 Good afternoon. Can I get your name?

24 TERESA BAUER: Teresa Bauer, B-A-U-E-R.

25 ALJ HOGAN: And, Ms. Bauer, were you in the room

1 earlier when I went through the penalties for perjury?

2 TERESA BAUER: Yes, I was.

3 ALJ HOGAN: And do you understand what perjury  
4 is?

5 TERESA BAUER: Yes, I do.

6 ALJ HOGAN: And being advised of the potential  
7 penalties for perjury, do you promise to tell the truth  
8 in this case today?

9 TERESA BAUER: Yes, I do.

10 ALJ HOGAN: All right. Thank you. Go ahead.

11 **TERESA BAUER,**

12 being first duly sworn, testified as follows:

13 TERESA BAUER: I will be brief. I have seven  
14 paragraphs, and some of it might seem repetitive. Bear  
15 with me.

16 Thank you for your time today and for allowing  
17 me to give my personal testimony. I attended the public  
18 hearing held in Mandan and I noticed the press was there  
19 so I looked forward to reading the newspaper article  
20 that I thought would recap the meeting. Granted, there  
21 was a lot of material to cover, but I remember being  
22 disappointed that the writer failed to mention what I  
23 thought was the most glaring safety concern voiced at  
24 the hearing; namely, why won't Summit release their  
25 confidential information regarding the plume dispersion

1 model of the CO2 in the event of a pipeline breach?  
2 What are they hiding? Don't emergency responders need  
3 this information to know what they're facing when a  
4 breach occurs?

5 When the CO2 pipeline in Mississippi breached,  
6 the plume traveled 16 miles. That was a 24-inch  
7 pipeline at 1,400 PSI, which I believe are the same  
8 specifications proposed by Summit for this project, but  
9 that pipeline at the time of the event was only half  
10 filled. How far would that plume travel from a full  
11 pipeline? How would a release notice be given? If the  
12 plume traveled 16 miles, every citizen in every city and  
13 town along the pipeline is in immediate danger of  
14 possible death by asphyxiation since CO2 displaces  
15 oxygen.

16 Emergency response teams have not been trained  
17 to respond to a breach and, to my knowledge, they do not  
18 have the necessary equipment. So who pays for the  
19 equipment, the additional training, and the additional  
20 personnel if there aren't enough volunteers in rural  
21 communities? Does our medical community have the  
22 capacity to provide the necessary treatment in the event  
23 of a breach?

24 The newspaper article also failed to mention the  
25 potential for CO2 to contaminate our water sources. It

1 is unknown how CO2 will impact rivers, reservoirs,  
2 lakes, and aquifers.

3 Will the CO2 remain sequestered? The article  
4 also did not mention how unstable geophysical topography  
5 will be addressed during construction and, more  
6 importantly, over the life of the project. We know how  
7 frost and torrential rain can cause land to shift,  
8 erode, and slide. We bury people deeper than this  
9 pipeline project proposes to lay their pipe. Will this  
10 pipeline turn towns and cities into a North Dakota Maui  
11 disaster?

12 Currently, this proposed pipeline project will  
13 lay pipe within four miles of a populated area of  
14 Bismarck, Mandan, Lincoln, and Wahpeton. It is much  
15 closer to other inhabited structures along the remainder  
16 of the pipeline. What is the cost to ranchers if there  
17 is a breach and hundreds of cattle die? How do  
18 landowners recover their lost property value when the  
19 pipeline doesn't cross their land but they are literally  
20 across the road from it? If even one rural family loses  
21 their lives because they didn't know a breach occurred  
22 or emergency responders couldn't reach them in time, is  
23 that an acceptable incidental cost of doing business?

24 It seems to me that Summit stands to make a lot  
25 of money at the expense of North Dakota taxpayers -- and



1 I know this paragraph is repetitive so I will not repeat  
2 it.

3 We know electrical grid reliability is an issue.  
4 This project will add load to North Dakota's system. Is  
5 it correct to say that Summit and all electrical system  
6 users will share the cost of the additional load put on  
7 the system by Summit's proposed pipeline project? Is  
8 this fair? Will it result in higher electrical rates?  
9 If the electrical system is compromised by winter storms  
10 or an overload, who loses power first? Is it the  
11 ranchers' tank water heaters? Is it the electricity  
12 going to rural homes? Is it our community schools? Our  
13 hospitals?

14 Have landowners who signed easement agreements  
15 with Summit sold their land for the price of an  
16 easement? Let me repeat that. Have landowners who  
17 signed easement agreements with Summit sold their land  
18 for the price of an easement?

19 I encourage you to listen to the recording of  
20 the May 20th Burleigh County Commission meeting.  
21 Commissioner Bitner does a detailed explanation of how  
22 the pore space storage facility is transferred to the  
23 State and how this also transfers the surface land area  
24 too. This land transfer will move ownership of the land  
25 to the State and allow Summit to walk away from the

1 project and leave all decommissioning costs with the  
2 State. Does this mean all North Dakota taxpayers will  
3 pay for decommissioning this project?

4 As a sidenote, if I remember correctly, Summit  
5 transfers the land to the State about the time that the  
6 federal money for this project ends.

7 The debate here seems to be between big money  
8 interests and North Dakota citizens who want assurance  
9 their safety will not be compromised. Why the rush?  
10 Why not wait for the new federal regulations regarding  
11 CO2 pipelines? If the new federal regulations increase  
12 safety requirements to the point that it negates  
13 building this pipeline because of increased  
14 expenditures, then maybe it shouldn't be built now. Is  
15 this pipeline project being rushed through before new  
16 federal regulations for projects of this size and scope  
17 are put in place in the hope that this pipeline project  
18 will be grandfathered in?

19 I encourage those of you who want more  
20 information about the pipeline project to visit Burleigh  
21 County Opposing Carbon Capture on Facebook. It was  
22 intriguing to read about Governor Burgum's involvement  
23 in the project, about the politics behind the scenes,  
24 whose family members are employed by which companies,  
25 and about the Century Code changes made years ago that

1     seemingly forced landowners to accept unwanted easements  
2     and strip their rights away from them. I have only  
3     scratched the surface of the material gathered in this  
4     group's posts, but I can tell you it is fascinating  
5     reading.

6             In summary, the experiment of sequestering this  
7     massive amount of CO2 should not be done using North  
8     Dakota citizens. The PSC Commission is tasked with  
9     protecting community safety. And I know you do not take  
10    that lightly. I encourage you to remember your  
11    commitment and responsibility to the citizens of North  
12    Dakota. I believe this project is a money grab by  
13    climate change activists. I encourage you to choose  
14    wisely.

15            Thank you.

16            ALJ HOGAN: Mr. Gludt, any questions?

17            MR. GLUDT: Briefly, Your Honor.

18            Ms. Bauer, are you familiar with Chapter 38-22  
19    of the North Dakota Century Code?

20            TERESA BAUER: That actually was one of the  
21    chapters referenced by Commissioner Bitner during the  
22    May 20th meeting.

23            MR. GLUDT: Are you aware that within that  
24    provision of the Century Code, that it's only title to  
25    the carbon dioxide that transfers to the State and that

1 no other property rights are transferred to the State?

2 TERESA BAUER: Well, it's my understanding,  
3 according to Mr. Bitner, if his testimony is correct at  
4 the meeting, that due to a 2009 change to the Century  
5 Code, that the land surface cannot be separated from the  
6 pore space.

7 MR. GLUDT: I have no further questions. Thank  
8 you.

9 ALJ HOGAN: Mr. Jorde, any questions?

10 MR. JORDE: Are you aware that PHMSA doesn't  
11 have any rules that require the dispersion modeling be  
12 confidential?

13 TERESA BAUER: I was not aware of that and --

14 MR. GLUDT: Your Honor, I'm going to object. We  
15 got a pretty good recap of a lot of prior testimony and  
16 we let it come in as we believe it should, it's public  
17 testimony, but to now to go through a lengthy  
18 cross-examination on a lot of repetitive testimony I  
19 think is -- we could use our time better.

20 ALJ HOGAN: I agree. And that's one of the  
21 specific areas the Commission has already determined it  
22 does not have jurisdiction over so I would ask that you  
23 refrain from any more questions or testimony regarding  
24 PHMSA requirements.

25 MR. JORDE: Okay.

1           So what was your answer? You didn't know? You  
2       said you didn't know?

3           ALJ HOGAN: No. I asked you -- I'm sustaining  
4       the objection.

5           MR. JORDE: Oh, you sustained the objection.  
6       Okay. All right. So just as an offer of proof then,  
7       I'm making that as an offer of proof because it's the  
8       State that oversees that and the Feds have no role in  
9       determining what's confidential and Summit could provide  
10      these to all of us if it wanted to. So --

11          MR. PELHAM: This witness would have testified  
12      to that? That's your offer of proof?

13          MR. JORDE: I can do it with other witnesses.

14          MR. PELHAM: Okay.

15          MR. JORDE: Yeah.

16          MR. PELHAM: This witness can't testify to that,  
17      Mr. Jorde. An offer of proof properly made is a witness  
18      who would testify to something that is overruled as an  
19      objection. That's the proper way to do it.

20          MR. JORDE: Yep. I'll bring several then during  
21      our technical hearings.

22          Thank you, ma'am. I appreciate it.

23          ALJ HOGAN: Mr. Pelham, any questions?

24          MR. PELHAM: Yes.

25          Ms. Bauer, where do you live in Burleigh County?

1           TERESA BAUER: I live north of 1804 and west of  
2           83, within the north Bismarck ETA, approximately less  
3           than four miles south of the pipeline, the proposed  
4           pipeline.

5           MR. PELHAM: Okay. And do you own any property,  
6           ma'am, that is proposed to be crossed by the pipeline?

7           TERESA BAUER: I do not.

8           MR. PELHAM: Okay. Thank you, ma'am. I don't  
9           have any other questions for you.

10          ALJ HOGAN: Mr. Schock, any questions?

11          Commissioner Christmann.

12          COMMISSIONER CHRISTMANN: I caught most of that.  
13          Did you say about four miles south of the newest  
14          reroute?

15          TERESA BAUER: Yes.

16          COMMISSIONER CHRISTMANN: Okay. No other --

17          TERESA BAUER: That's as near as I can determine  
18          with the Summit maps based on their scale.

19          COMMISSIONER CHRISTMANN: Okay. No other  
20          questions, but thanks for coming all the way over here.

21          TERESA BAUER: Thank you.

22          ALJ HOGAN: Commissioner Haugen-Hoffart.

23          COMMISSIONER HAUGEN-HOFFART: Hi, Teresa. I  
24          have no questions for you, but thank you for your  
25          testimony.

1 ALJ HOGAN: Mr. Dawson.

2 SUBSTITUTE DECISIONMAKER DAWSON: No questions.

3 Thank you.

4 ALJ HOGAN: All right. Thank you, Ms. Bauer.

5 TERESA BAUER: Thank you.

6 ALJ HOGAN: Do we have anybody else that wishes  
7 to provide public testimony?

8 Yep, come on up.

9 Oh, we've got two. Come up, sir.

10 Sir, if you want to start making your way up  
11 too, I saw you stand up over there. Yep, if you want to  
12 make your way up, start making your way up.

13 All right. Good afternoon. Could I have your  
14 name?

15 LA VERNE KOENIG: La Verne Koenig.

16 ALJ HOGAN: Can you spell your last name for me?

17 LA VERNE KOENIG: K-O-E-N-I-G.

18 ALJ HOGAN: And were you in the room earlier  
19 when I went through the penalties for perjury?

20 LA VERNE KOENIG: Yes.

21 ALJ HOGAN: And do you understand what perjury  
22 is?

23 LA VERNE KOENIG: Yep.

24 ALJ HOGAN: And being advised of the potential  
25 penalties for perjury, do you promise to tell the truth

1 in this case today?

2 LA VERNE KOENIG: Yes.

3 ALJ HOGAN: All right. Thank you. Go ahead.

4 LA VERNE KOENIG,

5 being first duly sworn, testified as follows:

6 LA VERNE KOENIG: I'm La Verne Koenig. I'm a  
7 spokesperson for a petition that we're circulating. One  
8 of the issues is to repeal and replace the eminent  
9 domain provision of our Constitution that's basically  
10 unconstitutional because they allowed these companies to  
11 go on your property in violation of the Fourth  
12 Amendment.

13 And then it says in there that the compensation  
14 shall be determined or ascertained by a jury, but all  
15 the people that have experienced eminent domain have  
16 never been given a jury trial. And it doesn't matter if  
17 it's for the pipeline or the water boards, these utility  
18 lines and all that stuff. Nobody's been given a jury  
19 trial like the Constitution mandates.

20 We're also expanding that, that -- I'm not for  
21 or against this pipeline. I'm neutral. But I'm saying  
22 before they can use eminent domain or any of that type  
23 of seizure, it has to be put to a vote of the people  
24 statewide, that the people agree that it's a good deal,  
25 then they can proceed. They can't go on the people's



1 property until there's been a jury trial had to give  
2 them that permission. But any landowner that's against  
3 that doesn't have to let them go on even if they do  
4 until all appeals processes have been utilized.

5 The second thing is we own the land. It's my  
6 land. Why are they telling me how much you're going to  
7 give me for my land? We go to the gas pump. We have to  
8 pay what the gas pump says. We buy electricity, we have  
9 to pay what they say. Why do -- why are the people  
10 being treated like they're inferior, that these  
11 multi-million dollar projects are only about bringing  
12 income revenue in?

13 And our state legislature's taken rights of the  
14 people away from them so -- and many of them are  
15 attorneys. So we got a consequence for that is we're  
16 going to take away all your law licenses. It's going to  
17 be invalidated and voided until you can recite the North  
18 Dakota Constitution in total and taking the bar exam  
19 again. And then, because we know that you're not  
20 honest, we're going to make you recite that. That  
21 recitation has to be audio and video recorded, time and  
22 date stamped.

23 We're also -- I don't know how many people of  
24 you are appointed or how many are elected, but we're  
25 going to expand that term limit thing to everybody.

1 Appointed two terms and you're history. You know, it's  
2 going to be applied retroactively so that --

3 You know, people get -- there's too much money  
4 going under the table about these special interest  
5 projects. In our eminent domain process, we're saying  
6 that when they cross my land or your land or whoever's  
7 land, they pay you 1 percent of their gross revenue  
8 annually.

9 There won't be no taking that with -- I heard  
10 some people say 99-year leases. That won't be  
11 happening. We're going to change that so it's got to be  
12 a term limit. Like this one lady said that sometime in  
13 maybe the next hundred years this pipeline company could  
14 sell it to others -- other companies. We're going to  
15 put a provision in there that once that -- if they sell  
16 that pipeline to somebody else, that that terminates all  
17 -- any easements they may have.

18 But we're also -- like in our wind generation  
19 plants and all that, 20 percent of that revenue has to  
20 stay in the state to lower our price. There's no reason  
21 that we're paying three and a half dollars a gallon for  
22 gas when, you know, we can make more money selling it on  
23 the world market. So we could be paying a dollar a  
24 gallon for gas instead of three and a half.

25 And I -- since February 25th, I've probably put

1 13,000 miles on my car going throughout the state,  
2 because this is all statewide issues. Stop the  
3 diversion, stop this -- because it's our tax dollars.  
4 It's just a gift to these people that we have to  
5 continue paying more and more taxes because everything  
6 is going to go up in time.

7 You know, they -- there's a Drain 11. When they  
8 said -- started that, that was a \$4 billion -- \$4  
9 million project. Now before --

10 MR. PELHAM: Your Honor, I'm going to object.  
11 We're outside the scope of this hearing at this point.  
12 I'd ask that you ask the witness to testify specifically  
13 as to the pipeline application and the permit that's  
14 applied before the Commission. Thank you.

15 ALJ HOGAN: Yeah, if you could limit your  
16 comments to just this pipeline, I'd appreciate that.

17 LA VERNE KOENIG: Well, like I'm saying, it  
18 should be -- eminent domain is unconstitutional. They  
19 should have to put it to a vote of the people before any  
20 pipeline can be even thought about. If we put this on  
21 the ballot, I'm sure that the people are going to vote  
22 eminent domain down and we're going to have a new set of  
23 rules for that. And so whatever you guys decide, you  
24 know, maybe wait until November, December, and see what  
25 the outcome of the general election is.

1 ALJ HOGAN: All right. Thank you.

2 Mr. Gludt, any questions?

3 MR. GLUDT: No, Your Honor.

4 ALJ HOGAN: Mr. Jorde.

5 MR. JORDE: No. Thank you very much.

6 ALJ HOGAN: Mr. Pelham.

7 MR. PELHAM: No questions. Thank you.

8 ALJ HOGAN: Mr. Schock.

9 Commissioner Christmann.

10 COMMISSIONER CHRISTMANN: You said wait until  
11 November to see what the result of the election is. Is  
12 your petition -- do you have the signatures and it's  
13 turned in that it's going to be on the ballot this year?  
14 Because --

15 LA VERNE KOENIG: Not yet. We haven't got --  
16 well, we had almost 45 people on there, but then the  
17 petition was 40-some pages long. And so when we started  
18 shortening it up, some of them didn't like that. And  
19 then I also found out we had to have affidavits and some  
20 people said, "No, we don't want to do that." But -- but  
21 we had too many -- like Fargo against the diversion. I  
22 said no, this has got to be a statewide issue. So I've  
23 been driving all over the state trying to find people  
24 throughout the state. But when we turn it in, you know,  
25 we'll -- well, depends when I turn it in.

1 COMMISSIONER CHRISTMANN: Okay.

2 LA VERNE KOENIG: Then the Secretary of State  
3 has five to seven days to approve it or -- the form, and  
4 then if he approves it, then we got -- we got the other  
5 approximately 35,000 signatures to get it on the -- by  
6 July 8th to get it on the ballot.

7 COMMISSIONER CHRISTMANN: Okay. Thank you.

8 LA VERNE KOENIG: We're hoping to get a hundred  
9 thousand.

10 COMMISSIONER CHRISTMANN: I forgot too. Where  
11 are you from?

12 LA VERNE KOENIG: My mother. She's in Heaven.

13 COMMISSIONER CHRISTMANN: Where do you live?

14 LA VERNE KOENIG: Blanchard, North Dakota.

15 COMMISSIONER CHRISTMANN: All right.

16 LA VERNE KOENIG: Up in Traill County.  
17 Blanchard, North Dakota.

18 ALJ HOGAN: Commissioner Haugen-Hoffart.

19 COMMISSIONER HAUGEN-HOFFART: I have no  
20 questions, but thank you for your testimony.

21 ALJ HOGAN: Mr. Dawson, any questions.

22 SUBSTITUTE DECISIONMAKER DAWSON: Nothing.  
23 Thank you.

24 ALJ HOGAN: And, sir, I didn't see your name on  
25 the sign-in sheet. There's one right there if you

1 wouldn't mind signing in.

2 LA VERNE KOENIG: (Indiscernible) do that.

3 ALJ HOGAN: Thank you.

4 And, sir, if you want to come up. Good  
5 afternoon. Can I have you state your name for the  
6 record?

7 PAUL KUZEL: Paul Kuzel.

8 ALJ HOGAN: Can you spell your last name?

9 PAUL KUZEL: K-U-Z-E-L.

10 ALJ HOGAN: And, Mr. Kuzel, were you in the room  
11 earlier when I went through the penalties for perjury?

12 PAUL KUZEL: Yes.

13 ALJ HOGAN: And do you know what perjury is?

14 PAUL KUZEL: Yes.

15 ALJ HOGAN: And being advised of the potential  
16 penalties for perjury, do you promise to tell the truth  
17 in this case today?

18 PAUL KUZEL: Yes, ma'am.

19 ALJ HOGAN: All right. Thank you. Go ahead.

20 **PAUL KUZEL,**

21 being first duly sworn, testified as follows:

22 PAUL KUZEL: Well, I guess I never planned on  
23 coming up here today, we just kind of came to check it  
24 out and stuff, but I visited with my neighbors over here  
25 and they said, "This could be your last chance to say

1 anything, kind of explain your cause." And that's why  
2 I'm up here.

3 And I don't really have a lot, just mainly my  
4 unique situation. I live in Richland County, by  
5 Wyndmere, just south there with my wife and two boys.

6 And, you know, we heard about the pipeline here  
7 back when it started and kind of learned a little bit  
8 about it. A lot of visits from people and stuff like  
9 that. And we never were much for it. Still aren't and  
10 that.

11 And we got approached with different reroutes  
12 and stuff, and said I'm not really interested in that  
13 because it -- where we live and where our shop, it was  
14 within hundreds of feet. And I never went and measured  
15 it, but that's -- it was in the hundreds of feet. And  
16 then every day I travel to our farm and we would cross  
17 -- then I would cross the pipeline every day going to  
18 work. And that's where -- on the north side where we  
19 live and south side where I work. So it's kind of right  
20 in between there, which a different location is too.

21 And then I said, well, the neighbors have  
22 visited. They really want it and stuff, they can sure  
23 have it. But they weren't interested in that, moving it  
24 that far or whatever.

25 So the unique situation with us is, you know,

1 through the years we bought property from -- this runs  
2 east and west, and our property is north and south and  
3 it runs, like, nearly four miles. And then on the north  
4 end is the river, which I don't -- I don't know if you  
5 can -- they can put their pipe in the river area, but  
6 our property starts at the end of the river and runs  
7 south for approximately four miles.

8 So how do you reroute is the -- my question with  
9 that. So, I mean, I don't want to be smart, but I'd  
10 like to say 500 feet from these guys' residence, that's  
11 where I would like to see it. But I don't think the  
12 pipeline is needed.

13 And this is our best land that would be damaged.  
14 On the way up here we saw a pipeline area, water the  
15 whole way; where the pipe was, it's all water, just sits  
16 there.

17 I don't know what's -- in the future, I was  
18 planning to build a building towards where this pipeline  
19 is proposed so I'm guessing, if that was there, that  
20 building probably couldn't be put up, I would guess.

21 And from the beginning, like others said, bully  
22 approach. "How much money would it take" type of talk.  
23 And I said there's no -- there's no money worth a life.

24 So it's basically what I have. And we don't  
25 want eminent domain. So that's about all I have. And I



1 -- I don't know if I can answer questions or not, but  
2 that's about all I got.

3 ALJ HOGAN: All right. Thank you.

4 Mr. Gludt, any questions?

5 MR. GLUDT: No, Your Honor.

6 ALJ HOGAN: Mr. Jorde.

7 MR. JORDE: So you are a directly affected,  
8 targeted landowner; is that right?

9 PAUL KUZEL: Yes.

10 MR. JORDE: And what's your best estimation for  
11 how far the proposed centerline of the route would be  
12 from your home?

13 PAUL KUZEL: From our house, we could see it out  
14 our bedroom. I'd say maybe 700 feet from the house and  
15 probably 500 from the shop area.

16 MR. JORDE: And I take it you spend quite a bit  
17 of time in and around the shop area?

18 PAUL KUZEL: Yeah, every day. Yes.

19 MR. JORDE: Okay. And your kids are probably in  
20 and outside in the nicer months and around your home?

21 PAUL KUZEL: Yes. Yeah.

22 MR. JORDE: And has Summit asked you to sign a  
23 waiver? A waiver. In other words, that they believe  
24 you might be 500 feet or closer to the pipeline?

25 PAUL KUZEL: There's been so many things asked

1 and I was -- just have said no.

2 MR. JORDE: Okay.

3 PAUL KUZEL: I don't know what it's all even  
4 been.

5 MR. JORDE: And then you said you had future  
6 plans to maybe build and expand and develop economically  
7 your own property, but you -- you wouldn't do that if  
8 the pipeline was located where they propose?

9 PAUL KUZEL: Correct. I'd have to go somewhere  
10 else because it wouldn't be safe there.

11 MR. JORDE: And going somewhere else would be an  
12 inconvenience and increase your cost?

13 PAUL KUZEL: More than likely, yeah, because it  
14 was a convenient location. Like, you know, you'd have  
15 to build up the property, accommodate it, to make it  
16 work.

17 MR. JORDE: Has anyone from Summit approached  
18 you with a workaround, a solution, any type of solution  
19 that would alleviate --

20 PAUL KUZEL: There was a reroute a few hundred  
21 feet and that -- that didn't cut it for me. I said no,  
22 it's -- it's still close.

23 MR. JORDE: And have they explained why they  
24 refused to move it to accommodate you?

25 PAUL KUZEL: Well, not necessarily, no.

1           MR. JORDE:   Okay.   And then there's been some  
2   discussion about value of land.   Would you purchase farm  
3   ground or any ground if you knew it had the Summit  
4   Carbon pipeline on it?

5           PAUL KUZEL:   Have to be quite low.

6           MR. JORDE:   Okay.   Maybe a considerable  
7   discount?

8           PAUL KUZEL:   Right.

9           MR. JORDE:   But in any event, you wouldn't  
10   locate your home or your -- any buildings on the  
11   property?

12          PAUL KUZEL:   No, sir.

13          MR. JORDE:   And to be clear, are you asking the  
14   Commission to deny this or are you asking them, if they  
15   don't do that, to at least reroute around you, or what's  
16   your specific request?

17          PAUL KUZEL:   Well, I'm asking for a denial.   We  
18   don't want to see it at all.   But like I said, how do  
19   you reroute?   Either you have to cross a river, and the  
20   river bottom is about a quarter mile wide, or you have  
21   to go, like, seven miles south so -- to get away.

22          MR. JORDE:   So -- and I'm sorry, I'm not  
23   familiar with your property, but can't they just go  
24   maybe a few thousand feet south?   Why do you say they  
25   have to go seven miles south?

1           PAUL KUZEL: Because that's all -- we own all  
2           that property, that long, a four-mile stretch. So it  
3           wouldn't be seven but maybe five or six to get past  
4           that.

5           MR. JORDE: Okay.

6           PAUL KUZEL: So then from our farmstead and  
7           shop, that's my -- then the next one is my dad's, which  
8           our son is moving to eventually. The next one is my  
9           brother. The next one's his son. So we have farms and  
10          yards right down the line there.

11          MR. JORDE: Okay. So along the whole area it's  
12          not just your residence --

13          PAUL KUZEL: Right.

14          MR. JORDE: -- you have your entire family.

15          PAUL KUZEL: Many multiple yards that we run out  
16          of.

17          MR. JORDE: Are you here also speaking on their  
18          behalf, their opposition?

19          PAUL KUZEL: Yeah, I guess I am. Yeah.

20          MR. JORDE: Okay. All right. I guess I would  
21          just suggest, if you have a reroute, you may want to  
22          submit it to the PSC here, but I don't have any more  
23          questions. Thank you.

24          ALJ HOGAN: Mr. Pelham, any questions?

25          MR. PELHAM: Yeah.

1           Mr. Kuzel, thanks for being here. I'm just  
2 wondering if you can provide the legal description of  
3 your property where the proposed line is proposed to be  
4 crossing?

5           PAUL KUZEL: I have -- so I have the name of the  
6 townships. One is Dexter Township number 1, northeast  
7 quarter, and the other is Liberty Grove, section 6, the  
8 northeast quarter.

9           MR. PELHAM: And I think you said "bully  
10 tactics." I'm wondering if you can elaborate on that.  
11 What do you mean by the "bully approach"?

12           PAUL KUZEL: Well, like -- like a lot of the  
13 people have said, "This is where it's going, we're  
14 coming through, get ready for it," you know.

15           MR. PELHAM: Did you have conversations with  
16 representatives of Summit?

17           PAUL KUZEL: Yes.

18           MR. PELHAM: And approximately when would the  
19 first conversation that you recall --

20           PAUL KUZEL: I'm guessing it was in '21  
21 sometime.

22           MR. PELHAM: And when they first came to you,  
23 what was their request or what did they tell you?

24           PAUL KUZEL: Well, wanting to get signed up, you  
25 know, get --

1           MR. PELHAM:   So they provided you a copy of an  
2           easement.

3           PAUL KUZEL:   Yeah, there's like a stack like  
4           this.

5           MR. PELHAM:   All right.   And haven't signed it.  
6           Were there follow-up conversations with Summit?

7           PAUL KUZEL:   Many different people came and  
8           called and harassed some and --

9           MR. PELHAM:   Okay.   When you say "harassed," can  
10          you be more specific as to what you mean by that?

11          PAUL KUZEL:   Just -- just the steady calling and  
12          wanting to get -- you know, get it done.   And I -- to  
13          this day I just don't want it there.   You know, you live  
14          somewhere your whole life and your parents,  
15          grandparents, all them have lived there, and it's been  
16          safe, we've never had an issue.   Well, now this is an  
17          issue.   And it's not going to be the same old place it  
18          used to be.

19          MR. PELHAM:   And I know that you already  
20          testified that you don't really see how a reroute can  
21          work because of the amount of property you own and the  
22          proximity to the river.   In your mind, is there any  
23          reroute that -- that could be proposed to Summit, in  
24          your mind?

25          PAUL KUZEL:   Like I said, way south or north

1 across the river, which would be -- I don't know how  
2 that works when you're crossing rivers and stuff, but  
3 that's the only thing I see feasible for us.

4 MR. PELHAM: When you had these conversations  
5 with Summit, did they -- were they in person or were  
6 they on the phone, mostly?

7 PAUL KUZEL: First right off the bat it was in  
8 person. They'd come over. And then it was phone after  
9 that.

10 MR. PELHAM: All right. Sir, I don't have any  
11 other questions for you. Thank you.

12 ALJ HOGAN: Mr. Schock, any questions?

13 MR. SCHOCK: So you don't have the township,  
14 range --

15 PAUL KUZEL: Like I said, I didn't plan on  
16 coming up here today. This is by memory.

17 MR. SCHOCK: And that's fine. I can look it up.  
18 I was trying to kind of pull it up on the map as we were  
19 talking here, but those names will help. I'll be able  
20 to figure it out. I just -- it may not be while you're  
21 still on the stand, but thank you for coming.

22 ALJ HOGAN: Commissioner Christmann.

23 COMMISSIONER CHRISTMANN: No. I also was going  
24 to look at the maps, but we don't have township names on  
25 our maps so I don't have any questions, but I do

1 appreciate you coming up from -- all the way from  
2 Wyndmere. Good to have you here.

3 ALJ HOGAN: Commissioner Haugen-Hoffart.

4 COMMISSIONER HAUGEN-HOFFART: Yes. Paul, thank  
5 you for testifying. I do have a question or maybe a  
6 follow-up. When was the last communication you had with  
7 Summit?

8 PAUL KUZEL: Well, has to be -- it would be  
9 quite a ways back. I had gotten in with a group at the  
10 Strege Law Firm in town here that was concerning all the  
11 pipeline stuff. And it was over our head so I just had  
12 them help.

13 And then there was a last-ditch effort by Summit  
14 to buy us out and it was, you know, very, you know,  
15 generous, but still the money wasn't worth it to us.  
16 And that would probably be the last connection we've had  
17 with them. It's got to be over a year ago. Over a  
18 year.

19 COMMISSIONER HAUGEN-HOFFART: Okay.

20 PAUL KUZEL: I don't know that for certain, but  
21 it's been a while back.

22 COMMISSIONER HAUGEN-HOFFART: So we'll just say  
23 -- would you -- approximately a year ago?

24 PAUL KUZEL: Right, yeah.

25 COMMISSIONER HAUGEN-HOFFART: Did you retain the



1 attorney or --

2 PAUL KUZEL: No.

3 COMMISSIONER HAUGEN-HOFFART: No?

4 PAUL KUZEL: Haven't -- no.

5 COMMISSIONER HAUGEN-HOFFART: Okay. Okay. No  
6 further questions. Thank you.

7 ALJ HOGAN: Mr. Dawson, any questions?

8 SUBSTITUTE DECISIONMAKER DAWSON: I have no  
9 questions. Thank you for coming.

10 PAUL KUZEL: Thank you.

11 ALJ HOGAN: Thank you, Mr. Kuzel. And I don't  
12 know, I didn't see your name on the sign-in sheet either  
13 so if you wouldn't mind signing in, I'd appreciate it.

14 Is there anybody else that would like to provide  
15 public testimony?

16 All right. I'll turn back to you, Mr. Jorde.

17 MR. JORDE: Yes, thank you, Your Honor. We will  
18 call Valera Hayen.

19 ALJ HOGAN: Good afternoon. I'll have you start  
20 by stating your full name for the record and spelling  
21 your last name.

22 VALERA HAYEN: Valera Hayen, H-A-Y-E-N.

23 ALJ HOGAN: And were you in the room earlier  
24 when I went through the penalties for perjury?

25 VALERA HAYEN: Yes.

1 ALJ HOGAN: And do you understand what perjury  
2 is?

3 VALERA HAYEN: Yes.

4 ALJ HOGAN: And being advised of the potential  
5 penalties for perjury, do you promise to tell the truth  
6 in this case today?

7 VALERA HAYEN: Yes.

8 ALJ HOGAN: All right. Thank you.

9 Go ahead, Mr. Jorde.

10 **VALERA HAYEN,**

11 being first duly sworn, was examined and testified as  
12 follows:

13 DIRECT EXAMINATION

14 BY MR. JORDE:

15 Q. Ma'am, your targeted land is in Sargent County,  
16 township 130 north, range 58 west, and in sections 11,  
17 14, and 15; is that correct?

18 A. Yes.

19 COMMISSIONER CHRISTMANN: Your Honor --

20 Q. Okay. And, ma'am --

21 ALJ HOGAN: Hang on.

22 MR. JORDE: Oh, I'm sorry.

23 COMMISSIONER CHRISTMANN: I'm sorry. I was  
24 making another note and I didn't write fast enough, but  
25 I'd like to be looking it up while --

1 MR. JORDE: Absolutely.

2 COMMISSIONER CHRISTMANN: Could you repeat the  
3 land description?

4 MR. JORDE: So we're in Sargent County and it's  
5 sections 11, 14, and 15 in township 130 north, range 58  
6 west.

7 COMMISSIONER CHRISTMANN: I'm good. Thank you.

8 Q. (BY MR. JORDE) So, ma'am, now you testified, I  
9 believe, in this very room approximately a year ago  
10 about your concerns; is that correct?

11 A. Yes, I did.

12 Q. And from that time up until today, has Summit  
13 provided you any options, any reroutes, any type of  
14 feedback based on the worries and concerns you shared a  
15 year ago?

16 A. I think the only thing they did is they sent  
17 another offer.

18 Q. Okay. But not -- not -- if they did send an  
19 offer -- and I'm not familiar with that, but maybe they  
20 did -- did it address your concerns?

21 A. No.

22 Q. Okay. And then recently, in April 16th or  
23 thereabouts, you along with Mr. Leibel and my assistants  
24 prepared a letter, a potential modification of their  
25 proposed route, and then we sent that to their counsel.

1 Do you recall that?

2 A. Yes.

3 Q. And do you happen to have a copy? If not, it's  
4 in that big book and I'd have you turn to Tab No. 6,  
5 please.

6 All right. Do you see that there, Tab No. 6  
7 with some colored maps attached?

8 A. Yes.

9 Q. All right.

10 MR. JORDE: I will offer Exhibit Landowner 6.

11 ALJ HOGAN: Any objection to 6?

12 MR. GLUDT: No objection, Your Honor.

13 A. This is the one that --

14 ALJ HOGAN: Hang on.

15 MR. JORDE: One moment. Just one second.

16 ALJ HOGAN: Mr. Pelham, any objection?

17 MR. PELHAM: No objection.

18 ALJ HOGAN: All right. Landowner 6 is received.

19 Q. (BY MR. JORDE) And there's another one that  
20 we're going to talk about in just a second.

21 So there was the April 16th, 2024, letter that  
22 we sent out. And then we didn't get a response from  
23 that; is that correct?

24 A. That's correct.

25 Q. And then you said, "Let's try again." And then

1 on May 17th, 2024, which starts on page 4 of this  
2 exhibit, you had us send yet another letter; correct?

3 A. Yeah.

4 Q. You got it there?

5 A. May 17th?

6 Q. Yes, ma'am.

7 A. Uh-huh.

8 Q. And then three days before this hearing we got  
9 what's kind of a template response letter from  
10 Mr. Bender of Summit about your property saying  
11 basically that they are open for dialogue. Do you  
12 recall that?

13 A. No, I don't.

14 Q. Okay. And that's fine. That's okay.

15 All right, ma'am, so maybe you could put in your  
16 words what you were trying to attempt here with engaging  
17 in some dialogue with Summit related to rerouting just  
18 to kind of make it clear what you are asking for or  
19 suggesting.

20 A. First of all, pasture is a crop just like any --  
21 like any other. And my land is environmentally  
22 sensitive. This project will completely destroy virgin  
23 prairie and it's gone forever. Truckloads of rocks will  
24 have to be hauled out, causing more damage, taking years  
25 and years to get it back -- to get any grass back. They

1 diagonally cut across leaving me no access to the field  
2 and no access to water for the cattle, unable to rent  
3 probably for two or three years.

4 No one has talked to me or my neighbor, Paul  
5 Mathews, in about two years. You say 41 attempts. I --  
6 I got one text message asking me to bring my neighbor  
7 Paul over to talk. And some calls were made to my kids.  
8 I told you "no" on the first day the land agent came.  
9 And I texted "find another route" on July 13th, 2022.  
10 That message is still on my phone. "No" means "no." I  
11 don't think you even tried to find another route. You  
12 could have contacted me through my lawyer and he's tried  
13 to discuss easement language, but you have shut him off  
14 also.

15 I tried to come up with another route through my  
16 land, but it does not work. Route A would get you  
17 through our township with the least impact on residents  
18 and, by following the quarter lines, minimize grief for  
19 farmers. No steep hills or large rocks. More closely  
20 following our Jackson township zoning.

21 Q. Okay. Thank you.

22 And I appreciate the verbal kind of -- you  
23 mentioned a route A, but I just want to be clear, if you  
24 can look at the maps right in front of you there, is the  
25 very last page, page 6, where you have what appears to

1 be kind of a black line running east-west and then  
2 north-south, is that your proposed reroute?

3 A. Yes, it is.

4 Q. And then your property relative to that reroute,  
5 where is it located?

6 A. Mine is up in the hills. It would not touch my  
7 property.

8 Q. Okay. Very good.

9 And you, I remember, testified last year about  
10 the virgin prairie and pasture and that that was very  
11 important to you, you know, it can't be replaced. You  
12 had heard nothing about going around or at least  
13 preserving that area?

14 A. No. No.

15 Q. And so if -- you know, on May 21st, I'll tell  
16 you if you didn't see it yet, we got a letter from  
17 Summit and now they want to talk to us. Is there  
18 anything new you can share with them that you didn't  
19 already tell them a year ago?

20 A. For one thing, there's no -- no roads up there.  
21 If they put the pipeline through there, there's no  
22 access. And in the wintertime it's -- it's full of  
23 snow. It would be very difficult.

24 Q. And so when you say there's no access, they'd  
25 have to be driving and tromping across your property to

1 get to the pipeline?

2 A. It would be very difficult.

3 Q. Is that because of the topography?

4 A. Yes.

5 Q. Okay. And in the meantime since a year ago, did  
6 Summit provide you with any of the dispersion modeling  
7 or any of the risk analysis information?

8 A. No, they haven't.

9 Q. All right.

10 A. My -- my house is about 500 feet from the line,  
11 from the route, and I wouldn't have time to get out,  
12 especially with a northwest wind. The county road  
13 heaves over winter, shifting rocks and -- and --  
14 shifting rocks have cut underground power lines. We  
15 would -- we would be forced to take the risk but not  
16 allowed to see the dispersion or see a safety plan or  
17 learn what to do. What are you hiding?

18 Q. Now, you said about 500 feet. Has Summit  
19 presented you a waiver or kind of a form to try to get  
20 you to agree to have it located 500 or fewer feet from  
21 your home?

22 A. No.

23 Q. Do you know how Summit went about measuring from  
24 the pipeline to a residence in order to determine if it  
25 was or wasn't within 500 feet?



1           A.   No, I don't.

2           Q.   All right.  And do you have any other buildings  
3           that anyone occupies that are closer than your home is  
4           to the proposed route?

5           A.   No.

6           Q.   Okay.  Do you live there alone, ma'am?

7           A.   Yes.

8           Q.   Okay.  And you have concerns being that close,  
9           approximately 500 feet, of what -- what would happen out  
10          there by yourself?

11          A.   Yes.

12               And another thing is they -- they'll need more  
13          electricity.  We already have brownouts occasionally.  
14          And we don't need more problems with that.

15          Q.   And are you referencing Mr. Pickering, one of  
16          their witnesses, that said it's actually a benefit that  
17          this pipeline would consumer more energy and be more of  
18          a draw on the grid?

19          A.   Yes.

20          Q.   And you don't agree with that?

21          A.   No.

22          Q.   Do you depend on electricity in your area?

23          A.   Yes, we do.

24          Q.   Are there any other comments or information  
25          you'd like to share?

1           A. Well, with that Louisiana leak, they talked  
2 about animals being affected at 1 percent and --  
3 1 percent concentration. So what about my renter's  
4 cattle up in the hills and everything? They maybe even  
5 won't want to rent it anymore. All of this is affecting  
6 my livelihood.

7           Q. And then the cattle, how close is the cattle or  
8 the pasture or the yard to where the proposed pipeline  
9 is?

10          A. There's cattle right across the road from me.

11          Q. Okay. So --

12          A. Which isn't my land, but there's -- there's  
13 cattle there too.

14          Q. Okay. So within a few hundred feet --

15          A. Yeah.

16          Q. -- 500 feet or so?

17          A. Mine -- mine is a little farther away but --

18          Q. Okay.

19          A. A half a mile.

20          Q. Okay. All right. What else, ma'am?

21          A. What about liability for -- for these cattle?  
22 Something happens there, who's -- who's going to pay for  
23 that? And this is for -- for one ethanol plant. And I  
24 can't see doing all this damage in our -- in our state  
25 for one plant. Why didn't they keep it up by Casselton

1 where they wanted it instead of come down here?

2 So I guess that's it.

3 Q. Is that all you have there, Valera?

4 Okay. So to be clear, the request is, if this  
5 isn't denied outright, that you would like the  
6 Commission to direct Summit to reroute around you  
7 substantially similar to how you've proposed in your  
8 Exhibit 6?

9 A. Yes.

10 Q. Yes?

11 A. And we've talked about this over with our  
12 township and this is what we --

13 Q. What was that about the township? Did they --

14 A. It's our zoning.

15 Q. Okay. And the zoning was what?

16 A. Stay a half a mile away from any residence.

17 Q. Okay. All right.

18 A. And there's conditions about boring under the  
19 road and -- and a conditional use permit.

20 Q. Okay. And you would like that to be respected?

21 A. Yes.

22 Q. All right. Thank you very much. I appreciate  
23 it. I don't have anything further.

24 ALJ HOGAN: Mr. Gludt, any questions?

25 MR. GLUDT: Yes, Your Honor.

1 CROSS EXAMINATION

2 BY MR. GLUDT:

3 Q. Ms. Hayen, would you allow Summit or its  
4 representatives on your property to do surveys on the  
5 areas of -- of your proposed reroutes?

6 A. That's not on my property. The reroute is not  
7 on my property.

8 Q. Your proposed reroutes is off your property?

9 A. Yes.

10 Q. Okay. Thank you.

11 ALJ HOGAN: Mr. Pelham, any questions?

12 MR. PELHAM: I don't have any questions for you,  
13 ma'am. Thank you.

14 ALJ HOGAN: Mr. Schock.

15 CROSS EXAMINATION

16 BY MR. SCHOCK:

17 Q. I'd just like to clarify where your house is  
18 that you -- or your residence. Sorry.

19 A. I'm in section 12 and it's right by the county  
20 road. And that road heaves every winter.

21 Q. Okay. So you're in section 12. And it looks  
22 like you are in the south -- I'm assuming the southwest  
23 quarter of section 12?

24 A. Yes.

25 Q. And towards the top of that --

1           A.    Uh-huh.

2           Q.    -- quarter section?   Okay.   I see.   Okay.   Just  
3 wanted to be sure.

4                   Thank you very much.   I don't have any other  
5 questions.

6           ALJ HOGAN:   Commissioner Christmann.

7           COMMISSIONER CHRISTMANN:   That was my only  
8 question.   Thank you for being here, though.

9           ALJ HOGAN:   Commissioner Haugen-Hoffart.

10          COMMISSIONER HAUGEN-HOFFART:   No questions, but  
11 thank you for your testimony.

12          ALJ HOGAN:   Mr. Dawson.

13          SUBSTITUTE DECISIONMAKER DAWSON:   No questions.  
14 Thank you.

15          ALJ HOGAN:   Any redirect?

16          MR. JORDE:   No, thank you.

17          ALJ HOGAN:   Thank you, ma'am.

18                   Next witness.

19          MR. JORDE:   We will call Ben Dotzenrod.

20          ALJ HOGAN:   All right.   I'll have you start by  
21 stating your full name for the record.

22                   BENJAMIN DOTZENROD:   Ben Dotzenrod,  
23 D-O-T-Z-E-N-R-O-D.

24          ALJ HOGAN:   And, Mr. Dotzenrod, were you in the  
25 room earlier when I went through the penalties for

1 perjury?

2 BENJAMIN DOTZENROD: Yes.

3 ALJ HOGAN: And do you understand what perjury  
4 is?

5 BENJAMIN DOTZENROD: Yes.

6 ALJ HOGAN: And being advised of the potential  
7 penalties for perjury, do you promise to tell the truth  
8 in this case today?

9 BENJAMIN DOTZENROD: Yes.

10 ALJ HOGAN: All right. Thank you.

11 And, Mr. Jorde, I'll just note that  
12 Mr. Dotzenrod testified twice in our prior set of  
13 hearings so I'd ask that you please do not go over  
14 ground we've already covered.

15 MR. JORDE: That's my hope, that's my intent,  
16 Your Honor.

17 ALJ HOGAN: Thank you.

18 **BEN DOTZENROD,**

19 being first duly sworn, was examined and testified as  
20 follows:

21 DIRECT EXAMINATION

22 BY MR. JORDE:

23 Q. Sir, just to start off, you handed us, all of  
24 us, a color aerial map, a two-page document. Do you  
25 wish that this be marked as Landowner 30 and offered and

1 received into evidence?

2 A. Landowner 30?

3 Q. Well, would you like the Commission to have this  
4 document?

5 A. Yes, yes.

6 MR. JORDE: Your Honor, I would request that  
7 what we've just handed out from Mr. Dotzenrod be noted  
8 as Landowner 30 and be offered into evidence.

9 ALJ HOGAN: Any objection to Landowner 30,  
10 Mr. Gludt?

11 MR. GLUDT: No, Your Honor.

12 ALJ HOGAN: Mr. Pelham.

13 MR. PELHAM: No objection.

14 ALJ HOGAN: All right. 30 is received.

15 Q. (BY MR. JORDE) Now, sir, I noticed you've got  
16 a lot of things going on up there and I just hope that  
17 we can focus maybe on some new concerns or issues.

18 Let me start with Landowner 30. You have a red  
19 line kind of in marker or Sharpie notated on the bottom  
20 of the first page. What does that depict?

21 A. So that is a drainage easement that Rose  
22 Dotzenrod holds on this property.

23 Q. Okay. And that's your mother?

24 A. Correct.

25 Q. All right. And is the point to depict that this

1 Summit pipeline route still crosses this drainage  
2 easement?

3 A. Correct.

4 Q. Okay. Very good.

5 Where to start with you. Okay. So you're aware  
6 that since a year ago -- and I think the Dotzenrods, you  
7 were specifically mentioned, I believe, in the PSC  
8 denial order -- that Summit has slightly jogged around  
9 your legal property boundary; correct?

10 A. Correct. And they -- they were aware that this  
11 drainage easement was held. They were informed multiple  
12 times.

13 Q. Okay. And so then today are we able to kind of  
14 confine your concern to how you're still being affected  
15 in relation to the drainage easement? Is that what  
16 we're going to do here?

17 A. Yes.

18 Q. Okay. Go ahead.

19 A. Okay. So -- so I -- there is a signed easement  
20 on -- it's the Ulven family. I don't remember the name  
21 but --

22 Q. In relation to Landowner 30, which parcel is  
23 that?

24 A. So it would be the what? The northeast quarter  
25 where they have it routed currently.



1           Q.    Okay.    So north of the drainage easement.    Is it  
2 north of the drainage easement?    I just want to make  
3 sure the Commission understands.

4           A.    So the proposed route now intersects the  
5 drainage easement --

6           Q.    Okay.    Go ahead.

7           A.    -- at a 90-degree angle.    And so in -- in that  
8 easement, you know, there's some restrictions placed on  
9 the Ulvens.    You know, they're not able to drill wells  
10 and, you know, dig holes and stuff.    But I guess my big  
11 concern is third-party strikes.    Because Rose doesn't  
12 have those restrictions on her.    You know, she's --  
13 she's going to have to dig holes and drill wells to  
14 repair these tile lines.

15                   And there's all kinds of evidence out there  
16 that's already been submitted that the subsoils in  
17 northwest Richland County are just really unstable; they  
18 don't -- they don't have structure.    We're outside of  
19 the Red River Valley.    We're --

20           MR. GLUDT:   Your Honor, I'm going to go ahead  
21 and object.    The Commission's August 4th, 2023, order  
22 found that the impacts associated with drain tile are an  
23 acceptable minimum.    It appears that Mr. Dotzenrod is  
24 going to dive into that issue.

25           ALJ HOGAN:   And I agree.

1           Mr. Dotzenrod, the Commission has already  
2 addressed the drainage tile issues. So if you have  
3 concerns outside of that, we can hear those, but they do  
4 not intend to take further testimony on that.

5           THE WITNESS: Well, these are about third-party  
6 strikes related to repairs to this drainage easement  
7 so --

8           MR. PELHAM: Your Honor, it's proper for the  
9 attorney to respond to an objection, not the witness.

10          MR. JORDE: Well, yes.

11          Q. (BY MR. JORDE) So rather than talking about --  
12 I mean, we've had a lot of testimony about tiles  
13 themselves, but the -- is the drainage easement, is that  
14 something you're -- is it one and the same in your mind  
15 or is it something different, the easement versus  
16 tiling?

17          A. It's -- I guess it's -- they're the same thing.  
18 I mean, the drainage easement is to repair drain tile.

19          Q. Okay. I'm just trying to help you here. Is the  
20 concern that you won't have an agreement with Summit,  
21 not that you want one, but that you're not covered in  
22 the same way related to this third-party strike issue?

23          A. Right. So in your document, I think --

24          MR. GLUDT: Your Honor, I'm going to go ahead  
25 and object. I think the witness just admitted that it's

1 one and the same issue and we're continuing to talk  
2 about it.

3 MR. JORDE: Well --

4 ALJ HOGAN: Maybe if you could have him  
5 summarize the ongoing issues in relation to the drainage  
6 tile without going into the specifics. Because we  
7 received a lot of testimony on that particular issue,  
8 and the Commission has already made a finding or  
9 conclusion that Summit has adequately addressed that  
10 issue.

11 Q. (BY MR. JORDE) So, again, if I could just have  
12 you turn to Tab 7 in that book, that white three-ring  
13 binder.

14 Yes, if you could just turn to the next tab, I  
15 think. And why don't you just tell us what -- what is  
16 Landowner 7 and why do you think that's important for  
17 the Commission?

18 A. This is across the road from Rose Dotzenrod's  
19 property. It was taken in February of this year. And  
20 that's -- that's a collapsing -- it's a place that needs  
21 drain tile repair. These pictures are not uncommon.

22 MR. GLUDT: Your Honor, I'm just going to object  
23 again and I'm going to also object to the inclusion or  
24 admission of this photo into evidence.

25 ALJ HOGAN: Again, I think the Commission's

1 already ruled on this so this is outside of why this  
2 case was re-opened.

3 MR. JORDE: Okay. So I guess my response would  
4 be that I don't disagree that the Commission's addressed  
5 it. And Ellingson is the contractor and it appears --

6 Q. (BY MR. JORDE) Is the intent to show this,  
7 that there's still problems with Ellingson?

8 A. Yes. So it -- you know, Ellingson --

9 MR. GLUDT: Your Honor, we've addressed this.  
10 Can we get an affirmative sustainment of the objection  
11 so we can move on?

12 ALJ HOGAN: Yeah, I'm going to --

13 MR. PELHAM: I'd also object as to foundation.  
14 I don't know that we know what is even going on here, if  
15 this witness is -- that hasn't been established either.

16 ALJ HOGAN: I agree. I'm going to sustain the  
17 objections. So we need to move on.

18 Q. (BY MR. JORDE) Okay. Who took this  
19 photograph?

20 A. I did.

21 Q. Okay. And then now as an offer of proof, sir,  
22 are you offering the photo that you took related to  
23 Ellingson and related to, obviously, drainage repairs  
24 and soil issues to show that Ellingson's promises and  
25 claims they made should not be relied upon in the

1 future?

2 A. Correct.

3 Q. All right.

4 MR. JORDE: Well, for that limited purpose, then  
5 I would offer Exhibit 7, Landowner Exhibit 7.

6 MR. GLUDT: Same objection, Your Honor. It  
7 should not come into evidence.

8 ALJ HOGAN: Mr. Pelham.

9 MR. PELHAM: I would join in the objection. I  
10 think that this -- this issue has been determined by the  
11 Commission already and this witness has not offered any  
12 background testimony establishing what this photograph  
13 is other than he's taken the photograph.

14 THE WITNESS: I would like to.

15 MR. PELHAM: We don't have -- we don't have  
16 testimony from anyone at Ellingson. We don't know what  
17 this is. And this witness has not -- has not indicated  
18 what this is specifically.

19 THE WITNESS: I would like to.

20 MR. PELHAM: I don't think that it's -- the  
21 foundation has been established either. Thank you.

22 ALJ HOGAN: I am not going to receive this  
23 photo. I agree with the objections that have been made.

24 MR. JORDE: As to the foundational objection, I  
25 can cure that.

1           ALJ HOGAN: Well, I think the problem is the  
2 Commission has already made this finding on this issue.  
3 We don't have somebody from Ellingson to address this  
4 issue. And that's -- we're going to move on.

5           MR. JORDE: Okay.

6           Q. (BY MR. JORDE) Relative to the drainage  
7 easement, is there anything else that doesn't have to do  
8 with concerns about tiling that hasn't been addressed  
9 before that you'd like to share?

10          A. Just that it does seem contradictory that, you  
11 know -- my biggest fear is third-party strikes. So, you  
12 know, in normal repair, we're going to be digging next  
13 to this thing.

14          MR. GLUDT: Objection, Your Honor. Same  
15 objection.

16          A. It's in --

17          ALJ HOGAN: I already sustained the objection.  
18 We need to move on.

19          THE WITNESS: I'm not talking about tiling. I'm  
20 talking about digging.

21          MR. JORDE: Yeah, I thought he changed --

22          MR. GLUDT: Tile.

23          THE WITNESS: I didn't say that. You did.

24          MR. JORDE: Yeah, he's talking about third-party  
25 strikes to the pipeline regardless.

1 THE WITNESS: I'm trying to help.

2 ALJ HOGAN: Are you talking about tile or pipe?

3 A strike on the pipe or --

4 THE WITNESS: I'm talking about --

5 ALJ HOGAN: -- damage to the tile?

6 THE WITNESS: I'm talking about digging a hole.

7 Q. (BY MR. JORDE) But in relation to damaging the  
8 pipe, the proposed pipeline?

9 A. Concerned the pipeline will be damaged.

10 Q. Okay.

11 MR. GLUDT: Mr. Dotzenrod has already testified  
12 to his concerns about third-party strikes.

13 MR. PELHAM: I would concur. We all remember  
14 the demonstration that he had for us in Gwinner.

15 THE WITNESS: That was completely different.  
16 That doesn't have anything to do with --

17 MR. PELHAM: Third-party strikes?

18 THE WITNESS: The demonstration has nothing to  
19 do with what I'm talking about. I'm talking about  
20 digging a hole.

21 MR. JORDE: I mean, I feel like he can testify  
22 about that.

23 ALJ HOGAN: I will allow you very limited  
24 testimony. I mean, I'm not trying -- if you have  
25 something new to say, Mr. Dotzenrod, I'm going to allow

1     you to do that, but I feel like we're getting really  
2     close into what you spent time testifying about at the  
3     last hearing -- two hearings.

4             MR. JORDE:  So basically she's giving you a very  
5     small amount of leeway so if you can maybe succinctly  
6     express the concern and we can --

7             ALJ HOGAN:  As long as it's something we haven't  
8     already received into evidence.

9             THE WITNESS:  Sure.  So how about the liability  
10    on third-party strikes?  That's not something I think  
11    I've talked about.

12            MR. GLUDT:  We've addressed that, Your Honor.  
13    The Commission has addressed it in its order.

14            THE WITNESS:  Not -- no, no, no.

15            MR. JORDE:  That's not true.

16            THE WITNESS:  Not in this area.

17            MR. JORDE:  Yeah, it's the --

18            THE WITNESS:  On page --

19            MR. JORDE:  The third-party strikes are  
20    specifically not addressed.

21            MR. GLUDT:  Mr. Dotzenrod said liability for  
22    third-party strikes.

23            ALJ HOGAN:  Did you say "liability" or  
24    "viability"?  I heard "viability."

25            THE WITNESS:  L.



1 ALJ HOGAN: Liability?

2 THE WITNESS: Liability for third-party strikes.

3 MR. GLUDT: My objection stands.

4 MR. JORDE: Well, just to try to clear up the  
5 confusion, the order related -- the August 2023 order  
6 related to liability and insurance was Mr. Rorie's  
7 comments that Summit would have -- would provide  
8 indemnification for issues other than third-party  
9 strikes. And I think he's talking about third-party  
10 strikes. So that hasn't been addressed.

11 ALJ HOGAN: Well, if you can briefly address it,  
12 Mr. Dotzenrod, I'll allow you to do that.

13 THE WITNESS: Okay. Sure.

14 A. So, you know, Rose has no agreement with Summit.  
15 Therefore, she has no liability coverage with Summit.  
16 And we also -- she was not able to obtain coverage for a  
17 third-party strike in this easement area because that's  
18 what our agent informed us, that we wouldn't have any  
19 coverage for that. And we also wouldn't be covered  
20 under Summit. So that would be -- you know, I think you  
21 guys use the term "minimal -- minimal adverse effects."  
22 And I can tell you that, if that were to occur, it would  
23 be a big deal.

24 Warren Buffett likes to talk about you don't  
25 want to multiply by zero; right? That would be me

1 multiplying by zero. And I wouldn't be farming anymore.  
2 So, yeah.

3 Q. (BY MR. JORDE) And I think you did a nice job  
4 to summarize that up. Was there any different topic?

5 A. Yes. So I guess generally I'm -- I just want to  
6 thank -- I didn't appreciate it the first time but I'm  
7 -- you guys have a tough job and you're supposed to  
8 somehow protect the rights of a lot of different  
9 parties, you know, like myself and other citizens and  
10 also big business. And I just -- I want to recognize  
11 that that's difficult.

12 And I didn't appreciate the chance to testify  
13 the first time, but I just want to say I'm really --  
14 really thankful to live in this -- in this country, in  
15 this state, where -- where we have the rule of law.

16 Q. Ben, we appreciate that. And your testimony and  
17 everything you've shared, that's maybe a good stopping  
18 point. Is that okay?

19 A. No, I'm good.

20 Q. Okay.

21 A. So, yes, I wanted to thank you, and just the  
22 communication's been horrendous. I don't think I need  
23 to go into that too much more. It's been like a lot of  
24 people have said, the -- this is where it's going, deal  
25 with it. And, yeah, that's not fun. There's that.

1           And there has been some discussion here today  
2   about alternatives to this, you know, the whole "Can  
3   this be done more efficiently?" And in Decatur,  
4   Illinois, they've been injecting carbon dioxide in the  
5   ground for years now and they're -- they're drilling new  
6   wells there. So I -- I think that's an important piece  
7   of information.

8 And, yes, I think -- I think I'm good.

9 Q. Okay. Well, I appreciate your testimony and all  
10 the working hours you've spent on this. And I don't  
11 have any further questions, Ben.

12 COMMISSIONER HAUGEN-HOFFART: I'm going to make  
13 a -- can I just have one minute? Can we recess one  
14 minute? I want to consult.

15 ALJ HOGAN: Sure.

16 (Pause)

17 COMMISSIONER HAUGEN-HOFFART: Thank you.

18 ALJ HOGAN: Yep. All right. Mr. Gludt, any  
19 questions for Mr. Dotzenrod?

20 MR. GLUDT: No, Your Honor.

21 ALJ HOGAN: Mr. Pelham.

22 MR. PELHAM: Yeah.

23 CROSS EXAMINATION

24 BY MR. PELHAM:

25 Q. Mr. Dotzenrod, thanks for being here again. And

1 as to your exhibit which has been marked as Exhibit 30,  
2 the red line indicates a drainage easement that your  
3 mother has on property owned by, and I'm going to  
4 butcher the pronunciation, it starts with a U. Maybe  
5 you can help me out with that.

6 A. Ulven.

7 Q. Ulven, okay.

8 A. Yeah.

9 Q. So the Ulvens own the land where the red marking  
10 is at on Exhibit 30; correct?

11 A. You know, I should have kept a copy. Is there  
12 an extra one just to be sure?

13 Q. Oh, sorry. I thought you had it up there. I  
14 apologize.

15 ALJ HOGAN: There's some extras here too.

16 A. Okay. Okay. So I think we used orange  
17 highlighter but, yeah, kind of a reddish --

18 Q. Reddish-orange?

19 A. -- thick --

20 Q. Yeah.

21 A. -- very thick --

22 Q. Uh-huh.

23 A. Correct. That's the drainage easement.

24 Q. And it's true, though, sir, that your mother  
25 does not own the fee simple estate to that property;

1 correct? She just owns an interest in it. She owns an  
2 easement to drain water or have water drained onto that  
3 property owned by the Ulvens; right?

4 A. To drain. And I hope I don't get into trouble  
5 for this --

6 Q. No, no.

7 A. I'm going to say the "D" word. Drain tile.

8 Q. Drain tile. Okay.

9 A. It's a buried drain tile line.

10 Q. Right. Okay. But -- and as I understood your  
11 testimony was, is not -- this line doesn't cross and  
12 doesn't -- isn't contained on any property that is owned  
13 by your mother any longer, the reroute; correct?

14 A. That's my understanding, that it's all on the  
15 northeast quarter, whereas Rose owns the northwest  
16 quarter.

17 Q. Okay.

18 A. Yeah.

19 Q. And so I just wanted to be clear that the  
20 reddish-orange or orangish-red marking where it's shown  
21 -- where the line is shown to be crossing, that is not  
22 property that your mother owns; she has an easement in  
23 it, but she does not own the property. Correct?

24 A. Correct. But property ownership is just a  
25 bundle of sticks; right? If you -- if you give a bundle

1 a stick, then you are an owner.

2 Q. Well, I mean, it depends on what the easement  
3 says and we don't have the easement --

4 A. Right. Well, I do.

5 Q. You do?

6 A. Yeah, of course.

7 Q. Can we see a copy of it?

8 (Pause)

9 A. I guess I only have three so...

10 (Pause)

11 UNIDENTIFIED SPEAKER: It's already an exhibit  
12 in this docket, 480, Exhibit B.

13 ALJ HOGAN: You said it's already on the docket?

14 UNIDENTIFIED SPEAKER: Yes.

15 UNIDENTIFIED SPEAKER: Which docket did you say  
16 it was in?

17 MR. PELHAM: 480. And it's already admitted as  
18 an exhibit as well.

19 Q. (BY MR. PELHAM) So the easement, as you  
20 understand it, sir -- and certainly the document speaks  
21 for itself and we're not going to go through every  
22 portion of it. Do you know if the easement prevents or  
23 precludes placement of a pipeline across the easement?

24 A. Not specifically. Let's see, under No. 4 -- it  
25 depends, I guess is the answer.

1 Q. Well, it either does or it doesn't.

2 A. Well, you're a lawyer, aren't you?

3 Q. It either allows it or it doesn't.

4 A. Okay. Well, No. 4 on page 2, restriction on the  
5 use of the easement. "Grantor shall not construct or  
6 locate any permanent improvement within the easement  
7 area at any time which will interfere with the  
8 maintenance or repair of the tiling --" again, tiling  
9 "-- system or outlet pipes by the Grantee."

10 So I mean if it -- if this interfered with  
11 Rose's drainage, then yes.

12 Q. Let me ask you this. How is --

13 A. There would be --

14 Q. How is a buried pipeline going to interfere with  
15 a drainage easement?

16 A. How would it not? The -- you know, we have very  
17 -- northwest Richland County, the soils are very  
18 unstable. That's been pretty well documented. And, you  
19 know, there's -- this is not uncommon. This happens all  
20 the time in my -- my world. Okay? So I mean --

21 Q. All right, sir. I don't have any other  
22 questions for you. Thank you.

23 ALJ HOGAN: Mr. Schock, any questions?

24 MR. SCHOCK: Just briefly.

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CROSS EXAMINATION

BY MR. SCHOCK:

Q. I just want to understand your concern about the third-party line strikes. You're concerned about somebody other than Summit or yourself striking the pipeline or the tile line?

A. I'm -- I'm concerned about the pipeline being struck.

Q. By a third party?

A. By myself or anyone else.

When you're working in these soils, you know -- again, I already submitted information like a year ago from the Natural Resource Conservation Service where they -- they don't recommend shallow excavations in this area. They don't recommend deep excavations in this area. Water infiltration rates are really slow. Corrosion of steel is high. They don't recommend digging in this area and -- but we're going to have to do that at some point.

And it's common to have more than one backhoe operating in the same hole because the soil keeps collapsing. You know, as you -- you know, excavator will dig down and the hole collapses and gets bigger so these chunks of soil are falling down, which, you know, it's a real mess, if you've ever seen it happen, where



1     you have one person digging down and then another person  
2     pulling the stuff that's falling down out and they kind  
3     of have a rhythm going. It's impressive, but it's  
4     terrifying. It's a dangerous environment. And -- so it  
5     doesn't -- it wouldn't take much. You know, in these  
6     repairs, a lot of times holes are left open for a month  
7     unless you can actually get them fixed. So it doesn't  
8     -- I mean, it's very easy to make a mistake in these  
9     soils.

10           And, yeah, that -- a mistake will be made next  
11     to this pipeline with drainage repairs. It's going to  
12     happen. And I -- I think the State should know about  
13     that because there's a reason there aren't many  
14     pipelines in this area, and I think it's because of the  
15     unstable subsoils.

16           Q. I don't think I would disagree that it's likely  
17     a very challenging soil to work in. We do have a lot of  
18     rules in the state, actually, quite honestly, laws.

19           So are you familiar with North Dakota Century  
20     Code 49, Chapter 23?

21           A. Not specifically.

22           Q. So --

23           A. Is that like a one-call, I'm assuming?

24           Q. Yes.

25           A. Something like that.

1           Q.   It's the one-call law. And it's pretty  
2   extensive. Not terribly long, but it covers a lot of  
3   things. And one thing, I think just in relation to this  
4   easement that you have here, do you know if your mother  
5   participates in the one-call system? And by  
6   "participates," I don't mean call one-call before she  
7   digs a hole, but does she have this drain tile line  
8   registered with the one-call system?

9           A.   I don't know.

10          Q.   Because it sounds like, technically, it might be  
11   required to be registered, and just for that very  
12   reason, so that if someone is going to dig in the area,  
13   you can ensure that someone is notified so you can say,  
14   "Hey, there's a thing here, you need to be careful."

15                That's all I have. Thank you.

16          A.   Okay.

17                ALJ HOGAN: Commissioner Christmann.

18                COMMISSIONER CHRISTMANN: My question was about  
19   the "I" word, insurance, that you got into a little bit.  
20   I liked your line, "D" words.

21                So with the insurance, I'm sorry but I didn't  
22   really understand your concern. What I heard was that  
23   you're believing that Rose can't get liability insurance  
24   that would cover damages caused by a leak from this  
25   pipeline and that Summit's insurance that would cover

1 damages to someone caused by a leak from this pipeline  
2 won't cover you somehow because you're not a -- you're  
3 not a participant. Is that right?

4 THE WITNESS: Correct. We have no insurance.

5 COMMISSIONER CHRISTMANN: Okay. So if it's not  
6 on your land, what would you need insurance from? Where  
7 would it -- where would you have liability?

8 THE WITNESS: Because we have the right to dig  
9 holes next to the pipeline in this drainage easement.

10 COMMISSIONER CHRISTMANN: Okay. Now I  
11 understand your concern. So thank you.

12 ALJ HOGAN: Commissioner Haugen-Hoffart.

13 COMMISSIONER HAUGEN-HOFFART: Thank you for your  
14 testimony. And I also want to thank you for the  
15 compliment to us as commissioners on making this  
16 decision. Thank you for recognizing that.

17 THE WITNESS: Yeah. Yeah, it -- I didn't --  
18 took a while to sink in, took me a year, but it's got to  
19 be -- it's got to be a difficult job, that's for sure.  
20 Yeah.

21 ALJ HOGAN: Mr. Dawson, any questions?

22 SUBSTITUTE DECISIONMAKER DAWSON: No questions.  
23 Thank you.

24 ALJ HOGAN: Any redirect, Mr. Jorde?

25 MR. JORDE: I'd just like to get the easement

1 agreement, if we can, marked as LO-31 so it's officially  
2 an exhibit, and I would also offer that, please.

3 MR. GLUDT: Your Honor, I'm going to object to  
4 the offering of the exhibit into evidence. I believe --  
5 one, on relevance. I don't think it's relevant at all.  
6 Second, I believe Mr. Dotzenrod indicated this is  
7 already in the record, on the docket. I have no problem  
8 with that. And the Commission can give it the weight it  
9 deserves.

10 ALJ HOGAN: I don't have the docket in front of  
11 me. Anybody know what docket? 480 --

12 UNIDENTIFIED SPEAKER: Your Honor, it's --

13 ALJ HOGAN: I know, but do we know what it is?  
14 Was it an exhibit or something in response to discovery?

15 UNIDENTIFIED SPEAKER: I'm sorry. It was -- a  
16 discovery request was submitted to Summit that said  
17 "Please explain why you can't reroute around," and then  
18 this was an exhibit to that discovery. So it's part of  
19 the docket but --

20 ALJ HOGAN: It wasn't previously admitted or  
21 anything; right?

22 And, Mr. Pelham, any objection to admitting this  
23 as an exhibit?

24 MR. PELHAM: I don't have any objection to  
25 admitting it as an exhibit. We talked about it.

1 ALJ HOGAN: I am going to note the objection,  
2 but since we referred to it and Mr. Dotzenrod read from  
3 it, I am going to admit it as LO-31.

4 And, I'm sorry, did you have any other  
5 questions, Mr. Jorde?

6 MR. JORDE: No. No. Sorry. Thank you. I just  
7 wanted to make sure we closed the loop on that exhibit.

8 ALJ HOGAN: All right. Any other questions,  
9 Mr. Gludt?

10 MR. GLUDT: No, Your Honor.

11 ALJ HOGAN: Mr. Pelham.

12 MR. PELHAM: No, Your Honor. Thank you.

13 ALJ HOGAN: Anything else from commissioners or  
14 Mr. Dawson? No? All right.

15 Thank you, Mr. Dotzenrod.

16 Next witness.

17 MR. LEIBEL: We would call Rose Dotzenrod.

18 ALJ HOGAN: Good afternoon. I'll have you state  
19 your full name for the record.

20 ROSE DOTZENROD: Rose Dotzenrod.

21 ALJ HOGAN: And, Ms. Dotzenrod, were you in the  
22 room earlier when I went through the penalties for  
23 perjury?

24 ROSE DOTZENROD: Yes.

25 ALJ HOGAN: And do you understand what perjury

1 is?

2 ROSE DOTZENROD: Yes.

3 ALJ HOGAN: And being advised of the potential  
4 penalties for perjury, do you promise to tell the truth  
5 in this case today?

6 ROSE DOTZENROD: Yes.

7 ALJ HOGAN: All right. Thank you.

8 Go ahead, Mr. Leibel.

9 **ROSE DOTZENROD,**

10 being first duly sworn, was examined and testified as  
11 follows:

12 DIRECT EXAMINATION

13 BY MR. LEIBEL:

14 Q. The first question is, Rose, we're talking about  
15 the same piece of property, the same easement that your  
16 son, Ben, had addressed. Is that accurate?

17 A. Yes, that is correct.

18 And I want to begin by expressing our  
19 appreciation to you, the PSC. After the PSC's decision  
20 last August, the pipeline company moved the proposed  
21 route off our quarter; however, not off our drain tile  
22 that is our only exit for water from our schoolhouse  
23 quarter.

24 Early on, beginning in August 2021, we  
25 communicated the entirety of our drain tile system with

1 the pipeline company and also provided in testimony. We  
2 proposed alternate routes that would minimize negative  
3 environmental and economic impacts to no avail. That is  
4 why we are here again today.

5 The history of the schoolhouse quarter drain  
6 tile system, the northwest quarter of 26, is the most  
7 productive quarter of land that our family owns. We  
8 bought the schoolhouse quarter about 20 years ago. We  
9 paid market value. We borrowed money. We've paid  
10 interest on loans. For our family farm, this purchase  
11 was a big deal.

12 In addition to purchasing the land, we invested  
13 in a drain tile system. It's been working great.  
14 Establishing an outlet for the water to drain and exit  
15 this quarter was not easy. It took steadfast  
16 perseverance, a lot of work, to find an outlet for the  
17 water from the schoolhouse quarter to flow to the legal  
18 drain. Through several drain tile applications to the  
19 local water resource district, we learned that the  
20 landowner to the southwest of our quarter did not want  
21 the water from our quarter to flow in the township ditch  
22 adjacent to their property. Through another tile  
23 application we learned the landowner to the northeast  
24 did not want the water from our quarter to flow to the  
25 legal drain in the township ditch adjacent to their

1 property. Finally, the landowner, the adjacent  
2 landowner, directly to the east signed an easement to  
3 place a solid tile main line under their property for  
4 one-half mile at the northern edge of their quarter,  
5 which was marked on that map, putting all the water from  
6 the schoolhouse quarter directly into the legal drain.

7 Beginning in 2014, our family has held a  
8 courthouse recorded easement on the northeast of 26.  
9 And that exists for our schoolhouse quarter solid tile  
10 main line to reach an outlet into the legal drain. We  
11 pay taxes for the assessed legal drain tax district for  
12 our quarter.

13 This additional one-half mile of buried solid  
14 tile main line was expensive. It added a considerable  
15 expense to our entire drain tile system project. This  
16 easement exists solely to bring all the water from the  
17 schoolhouse quarter one-half mile underground to the  
18 legal drain. The drain tile system works only if the  
19 outlet, which we worked tirelessly to establish, works.

20 MR. GLUDT: Your Honor, I'm just going to note  
21 my objection stands on discussing drain tile.

22 ALJ HOGAN: I agree. We've heard lots of  
23 testimony on drain tile and so, again, I just ask that  
24 you limit your testimony to anything that's new. I  
25 mean, we took probably hours' worth of testimony on



1 drain tile issues last year and the Commission has  
2 already made a finding regarding drain tile repair.

3 MR. PELHAM: Your Honor, if I just may briefly  
4 respond to the objection. I do -- I don't disagree that  
5 we've talked a lot about drain tiles and the Commission  
6 has made an order, but I do think that what  
7 Ms. Dotzenrod is testifying to is -- is new and would be  
8 proper so long as it's specific as to this red line here  
9 as it pertains to the reroute. Because it is a reroute  
10 issue so I do think that there is some relevance to it.

11 So I -- that's my position on the objection.  
12 Thank you.

13 Q. (BY MR. LEIBEL) And maybe, Rose, if you could  
14 answer, do you know how deep that outlet pipe is buried?

15 A. I sincerely wish I could give you an answer on  
16 that. I reached out to the tile company that did the  
17 install and I got no reply. And as I understand the  
18 installation of drain tile, and I am no expert by any  
19 means, but there is a design in place and sometimes you  
20 end up mucking stuff in, for lack of a better word, and  
21 what the plan was may be adjusted and become a new plan.

22 So I -- I wish I could give you an answer on  
23 that, but I can't. I'm sorry.

24 Q. And under your easement agreement, you agreed to  
25 bury it deep enough that you won't interfere at all with

1 his farming operation; is that correct?

2 A. That is correct.

3 Q. So you -- as you're sitting here, you can't say  
4 whether Summit's line is going to be above your tile or  
5 below your tile?

6 A. I cannot state that. That's why we are here  
7 today. So I appreciate you listening.

8 Q. And your concern is that at any time you would  
9 -- if you were having to repair this line, you're either  
10 going to have to dig below Summit's line or somehow dig  
11 around it enough that you can fix that without  
12 disturbing Summit's pipeline?

13 A. That is absolutely correct. That is a major  
14 fear, a third-party strike. Nobody wants a third-party  
15 strike.

16 Q. And I was just going to ask when -- when Ben was  
17 talking about a third-party strike, that's the specific  
18 concern within your easement that he was talking about?

19 A. That is exactly correct. We do not own that  
20 quarter of land, yet we hold an easement on it for the  
21 right to drain that tile -- that drain tile to drain the  
22 water. That's our only outlet.

23 And what about the liability? We don't own that  
24 property. Summit has not reached out to us. They were  
25 made aware of it.

1           May I continue?

2           Q.    Sure.

3           A.    Anyway, our drain tile system works great with  
4   environmental preservation, conservation, and economic  
5   benefits. It does not require an electrical lift pump.  
6   It operates by gravity. It does not have electrical  
7   needs to operate the system. It has no year-round  
8   electrical consumption or expenses and no monthly fees,  
9   no meter fees required to be paid even when the tile  
10  pump is not being used. It requires no financial  
11  expense to bring an electrical line to the lift pump,  
12  which would roughly be about a half mile, I'm guessing,  
13  and the cost of that is \$15,000 alone to bring  
14  electrical power to a lift pump.

15               Our gravity system lowers the carbon  
16  requirements of our entire quarter substantially. All  
17  these factors give us a low-carbon intensity.

18               And our concerns regarding the proposed route  
19  and the adverse effects, they've not given us notice,  
20  but it appears they are going to cross our easement that  
21  they were aware of. The pipeline company contacted us  
22  in August '21. We worked tirelessly to minimize those  
23  -- those negative impacts. Our alternative routes and  
24  ideas were rejected.

25               Mr. Ellingson stated that they never had problem

1 spots, yet we're personally aware that they do have  
2 problem spots in these high, sandy, unstable soils. And  
3 human error occurs. And that is a major concern of  
4 ours. Mr. Ellingson discussed at length the header  
5 systems in crossing a high-pressure carbon dioxide --

6 MR. GLUDT: Your Honor, I think we've moved  
7 beyond the drainage easement. Now we're talking about  
8 Mr. Ellingson's testimony.

9 ALJ HOGAN: Yep. This is the stuff that was --  
10 this is the testimony or the topics we previously  
11 discussed at the last hearing and the Commission has  
12 already made a determination on so I'm going to have you  
13 move forward. If you have testimony that's specific to  
14 this piece, we can receive that, but the general  
15 comments about general -- drain tile being damaged or  
16 repaired, those would not be allowed at today's hearing.

17 THE WITNESS: In my opinion, this is specific.  
18 May I speak?

19 Q. (BY MR. LEIBEL) Okay. So do you have some  
20 testimony you're going to share that is specific to your  
21 drainage easement and the intersection between your  
22 easement and Summit's line?

23 A. Yes. And that is why I brought up  
24 Mr. Ellingson's testimony, because he himself spoke at  
25 great length about header systems. And if -- and also

1 Mr. Vculek spoke to the need of a lift pump. Right now  
2 our system operates by gravity. And so we have all  
3 these environmental benefits and economic benefits to  
4 having a gravity system.

5 Now, if, based on Mr. Ellingson's testimony,  
6 we're going to use a lift pump, those are all expenses  
7 that will be incurred -- well, they may pay for them,  
8 but it's 99 years of electricity and you have to pay a  
9 meter fee every month even when you're not using it.

10 Q. And, Rose, just so we're clear, your concern is  
11 that, by disrupting or putting in this 24-inch  
12 pressurized line, you're going -- that would somehow  
13 disrupt the gravity system you've set up?

14 A. Correct. Our gravity system is very  
15 environmentally -- it has a low-environmental impact  
16 and, you know, it gives us a lower carbon intensity  
17 score on our personal property. If we have to add a  
18 lift pump, that -- that changes a lot of things. It's a  
19 negative to us.

20 Continue?

21 ALJ HOGAN: Again, I'm not going to accept  
22 testimony about general --

23 THE WITNESS: And it's specific --

24 ALJ HOGAN: -- damage to drain tiles.

25 THE WITNESS: Right. And it's specific --

1 MR. PELHAM: I'm not sure there's a question.  
2 There's not a question.

3 ALJ HOGAN: Yes.

4 And, Mr. Leibel, maybe you could facilitate  
5 getting through the rest of this testimony with  
6 questions.

7 MR. LEIBEL: Sure, sure.

8 Q. (BY MR. LEIBEL) Rose, do you have any other  
9 specific concerns as to how this pipeline will affect  
10 your easement?

11 A. Yes. Mr. Vculek spoke in his testimony to the  
12 quality issues of raising potatoes in low-level areas  
13 with poor drainage even in a small area of the field.  
14 He related that drainage in the field is critically  
15 important or it will lead to high-end crop losses.

16 I don't like sharing my personal goals in this  
17 setting; however, I've been in contact with potato  
18 producers in our area. Growing potatoes on this quarter  
19 is in its future.

20 Q. And are you -- and so the concern is that with  
21 the -- any disruption of your drainage is going to  
22 disrupt your ability to grow potatoes?

23 A. Yes. Should drainage problems be created,  
24 problems that do not exist at the present time, that  
25 would stop that opportunity from happening. That would

1 be a serious economic loss. The carbon pipeline company  
2 has not acknowledged the existence of our tile line  
3 easement.

4 Q. Rose, have you tried to express to Summit the  
5 issue with crossing your tile drainage and the easement  
6 where it lays within?

7 A. As I had stated earlier, that was communicated  
8 many times with them in communicating the entirety of  
9 our system. We understood -- we understood the  
10 importance of trying to mitigate those negative impacts.

11 Q. And when the route was rerouted upon  
12 reconsideration, when they did their application for  
13 reconsideration, did Summit consult with you at all  
14 around the reroute around your property?

15 A. They did not at all. That's why we owe a huge  
16 debt of gratitude to the Public Service Commission. If  
17 it hadn't been for them, we would still probably have  
18 the same quandary. But, however, we need an outlet for  
19 our water, and we need a guaranteed outlet for our  
20 water, as you -- you know I just testified, we gave --  
21 we went through a lot of work to get that drainage  
22 outlet.

23 Q. Do you have -- and just kind of in conclusion,  
24 how would you -- what would you request from the  
25 Commission today? What would -- what would alleviate

1 your concerns?

2 A. Well, alleviating the concerns would be to move  
3 it off of that main tile line easement. And I -- I'm  
4 concerned about recourse for our family from the  
5 potential losses. If pursued, it's likely going to be  
6 expensive for us. This carbon dioxide pipeline, if it  
7 crosses, will place a risk upon us that we did not  
8 create. It is critical that any pipeline route  
9 minimizes negative effects and it's installed and  
10 maintained in the safest possible way. We believe the  
11 protection and substantial and ongoing investment of our  
12 property is vital.

13 Q. And, Rose, I want to follow up before you  
14 conclude, one follow-up on the Chairman's question to  
15 Ben. Have you signed an easement with Summit?

16 A. No.

17 Q. Have you signed any other agreement or contract  
18 with Summit?

19 A. No.

20 Q. So if Summit has indemnity language in its  
21 standard easements, that doesn't apply to you?

22 A. It does not.

23 Q. Okay. Do you have any kind of -- what would you  
24 ask the Commission to rule? And you had said you want  
25 it not to cross your easement?



1           A.    Correct.

2           Q.    Do you have any proposals as to where that line  
3 north to south would go to avoid your easement?

4           A.    Going on what is almost three years now, we  
5 provided alternate routes in the past and they seem to  
6 be disregarded.  So I guess that leaves me at kind of a  
7 loss for thinking that my input has anything meaningful  
8 at this point in time.

9           Q.    Well, and I -- I understand your -- kind of your  
10 cynicism, but I mean, in fairness, the PSC did hear your  
11 concerns before.

12          A.    For which we are very grateful, yes.

13          Q.    And what would -- what would your request be?  
14 What's your --

15          A.    Our request would be to move the pipeline --  
16 carbon dioxide pipeline route to the east.

17          Q.    Do you think there's a certain depth that you  
18 could request if -- you know, you moved it farther down  
19 the line but a certain depth below if it had to cross  
20 your easement?

21          A.    Ben would probably be better off with that but I  
22 -- again, I cannot say.  When I said "east," I meant  
23 east one-half mile --

24          Q.    Okay.

25          A.    -- to the ditch.

1 Q. Okay. Do you have any kind of concluding  
2 statements?

3 A. Yeah. Our family farm has worked diligently to  
4 be good stewards of the land. Our family spent a lot of  
5 sweat, time, borrowed money, and interest payments to  
6 develop the entirety of our drain tile system. For  
7 some, our investment may not be significant. For us,  
8 it's a step to a brighter economic future.

9 Should you choose to grant a permit to the  
10 carbon pipeline company, I'm humbly asking your  
11 thoughtful consideration of its route placement and of  
12 the negative personal, environmental, and economic  
13 consequences to my family's future and my family's  
14 economic success.

15 I appreciate and I am grateful for the  
16 opportunity to be here today, as fun as it was.

17 Q. Thank you, Rose.

18 MR. LEIBEL: We have no further questions.

19 ALJ HOGAN: Mr. Gludt, any questions?

20 MR. GLUDT: No, Your Honor.

21 ALJ HOGAN: Mr. Pelham.

22 CROSS EXAMINATION

23 BY MR. PELHAM:

24 Q. Thank you, Ms. Dotzenrod. And I have a  
25 confession to make. When you're --

1           A.    What?

2           Q.    I have a confession to make.  When your son  
3 testified, I didn't fully understand the easement  
4 agreement until having a chance to take a look at it.  
5 Now that I have --

6           A.    Thank you.

7           Q.    -- I understand a little bit more of what it is  
8 that he was saying, and I wasn't following initially,  
9 but I am following a little more in some respects.

10                  So the easement agreement, it appears that  
11 there's a 33 -- is it about a 33-foot strip for a  
12 hundred feet and width?  Does that sound right?  Do you  
13 have a copy of the easement agreement?

14           A.    I'm sorry, I do not, but whatever it says,  
15 that's what it is.

16           Q.    Okay.  So -- and your drain tile system that  
17 exists, it's presently installed and operating as --

18           A.    Since 2014.

19           Q.    Okay.

20           A.    We secured the easement before we put in the  
21 drain tile system because we needed an outlet for our  
22 water.

23           Q.    Right.

24           A.    And it's recorded at the courthouse.

25           Q.    I'm not -- I'm just making sure I understand it.

1 You're right, it is recorded and I've got a recorded  
2 document number here.

3 So the actual -- and forgive my ignorance here  
4 and help me understand a little bit better, but the --  
5 the outlet, does it run the entire width of that  
6 easement or is it just portions of that easement?

7 A. So our schoolhouse quarter is the northwest  
8 quarter of that section.

9 Q. Okay.

10 A. We have an easement for the entirety of the  
11 northeast quarter. So where you see that orange line,  
12 our buried solid tile main line runs from our quarter,  
13 it shoots straight across, and it exits out into the  
14 legal drain.

15 Q. Okay.

16 A. And all the neighbors are happy because they're  
17 not dealing with our water.

18 Q. Right. Okay.

19 A. As they -- as they termed it.

20 Q. And Mr. Leibel, your attorney, was asking you a  
21 little bit about the depth of the line in that potential  
22 area, and I won't reask those questions, but I'm just  
23 wondering, ma'am, have -- have there been any  
24 discussions at all related to this easement between your  
25 family, Dotzenrod family, and Summit in --

1 A. None.

2 Q. -- addressing --

3 A. Zero.

4 Q. When is the last time that -- and best you can  
5 recall, ma'am, because I know a lot's been going on.  
6 When is the last time you recall a proposal was  
7 presented to Summit concerning specifically this  
8 easement agreement?

9 A. Could you state that again, please?

10 Q. Yes. I'm just wondering when is the last time  
11 someone from your family or your attorney, I guess, if  
12 you know, communicated with Summit as to the easement  
13 agreement concerns specific as to the outlet?

14 A. I'm not aware of any -- any interaction, there  
15 has been communicating, that -- that -- the entirety of  
16 our system since Ben and I had been communicating.

17 Q. Fair enough. Fair enough.

18 And the concern of damage to the drain tile  
19 system that you have in place, there's no agreement  
20 between Summit and -- and your family --

21 A. Nothing.

22 Q. -- if there's any damage?

23 A. That's --

24 Q. And that's --

25 A. That's the risk.

1 Q. -- your primary concern?

2 A. Yes.

3 Q. Okay. And we're talking over a little bit --  
4 we're talking over each other a little bit and that  
5 makes it hard. If you could just --

6 A. Oh, I'm sorry.

7 Q. Attorneys ask long-winded questions, if you  
8 couldn't tell by the end of today, that we tend to ask  
9 long-winded questions that sometimes don't completely  
10 make sense. So just wait until I'm done speaking. That  
11 way, we don't talk over each other.

12 So your primary concern, just to clean that up,  
13 your primary concern is, is because there is no  
14 agreement directly between the Dotzenrod family and  
15 Summit Carbon Solutions specific as to the drain tile  
16 system that exists and goes onto the Ulvens' property  
17 which you have an easement for, if something happens,  
18 there's no contractual agreement that exists. Is that  
19 fair to say?

20 A. That is correct.

21 Q. As you sit here today, ma'am, is your family  
22 willing to talk to Summit to try to find some solution  
23 as to this issue?

24 A. I would need to talk to my son, Ben. I would  
25 need to talk to my attorneys. At this point in time,

1     you know, we did our best effort and they just really  
2     seemed to disregard anything we offered.

3             Q.   Fair enough.  Thank you, ma'am.  I don't have  
4     any other questions.

5             ALJ HOGAN:  Mr. Schock, any questions?  
6     Commissioner Christmann.

7             COMMISSIONER CHRISTMANN:  I know you have a  
8     number of concerns.  I'm going to ask about one of them  
9     specifically and that is the fairly unique capability of  
10    your system to drain based on gravity without  
11    electricity.  If there's some type of assurance, because  
12    we -- as I'm understanding right now, you, and thus us,  
13    aren't really sure how deep your pipeline is, right,  
14    where they want to cross?

15            THE WITNESS:  I would love to have that  
16    information, but no, I do not.

17            COMMISSIONER CHRISTMANN:  But we don't.  And so  
18    as long as there's assurance that, if yours is real  
19    deep, theirs will be up high enough that it doesn't  
20    change the level of yours or that theirs is far enough  
21    below so that your level doesn't change, that's -- that  
22    would solve that problem; correct?

23            THE WITNESS:  Yeah.  But I would want to consult  
24    Ben, he's the operator of the property, and I would want  
25    to consult my attorney to make sure that we are

1     protected.

2             COMMISSIONER CHRISTMANN:   And so your concern  
3     about losing that gravity flow capability is that, if  
4     yours happens to be at, say, six feet, they're going to  
5     come along and go in at six feet and then yours has to  
6     either go up or down and now you need a pump?

7             THE WITNESS:   That is the -- a concern, but also  
8     with, you know, human error occurs --

9             COMMISSIONER CHRISTMANN:   Yeah.

10            THE WITNESS:   -- when -- if and when there's a  
11     break in our tile line, you know, there's liability risk  
12     there that we do not want that risk.

13            COMMISSIONER CHRISTMANN:   Sure.   And how often  
14     on the drain part of it, how -- like you've had it about  
15     a decade now --

16            THE WITNESS:   Yes.

17            COMMISSIONER CHRISTMANN:   -- I think you said.  
18     How often does that require maintenance?

19            THE WITNESS:   It has required none that -- well,  
20     there's been some breaks in the field, but on that  
21     easement there have been none.

22            COMMISSIONER CHRISTMANN:   Okay.   All right.  
23     Thanks again for coming back and talking to us again,  
24     Rose.

25            THE WITNESS:   Thank you.



1 ALJ HOGAN: Commissioner Haugen-Hoffart.

2 COMMISSIONER HAUGEN-HOFFART: Thanks, Rose. At  
3 the beginning of your testimony, and you've alluded to  
4 it several times, that you have proposed alternative  
5 routes to Summit Carbon Solutions; correct?

6 THE WITNESS: Yes. Between Ben and I, we have,  
7 yes.

8 COMMISSIONER HAUGEN-HOFFART: So we've re-opened  
9 this case, and earlier I said, in one of our  
10 supplemental filings, that Summit Carbon work with  
11 landowners on what's been done to work through any  
12 disputed things. So would you say a good starting point  
13 for communication between you and Summit Carbon is to  
14 look at those proposed alternative routes? Would you be  
15 willing to -- I mean, is that a good starting point?

16 THE WITNESS: Again, without Ben here, because  
17 Ben has been intensely involved in it, I mean -- I mean,  
18 obviously, yes. However, we communicated early on  
19 before anybody had signed easements and it -- that's one  
20 of the reasons it was so frustrating is they chose to  
21 disregard any suggestions that we made.

22 COMMISSIONER HAUGEN-HOFFART: Okay.

23 THE WITNESS: Does that answer your question?

24 COMMISSIONER HAUGEN-HOFFART: It does. I just  
25 really hope it's the intent that disputes can be

1 resolved --

2 THE WITNESS: And that's --

3 COMMISSIONER HAUGEN-HOFFART: -- and it's a  
4 win-win.

5 THE WITNESS: And that's why we attempted to  
6 communicate early on with them.

7 COMMISSIONER HAUGEN-HOFFART: Okay. Thank you  
8 for your testimony. I have no further questions.

9 THE WITNESS: Thank you.

10 ALJ HOGAN: Mr. Dawson.

11 SUBSTITUTE DECISIONMAKER DAWSON: Thank you for  
12 your testimony. I have no questions.

13 THE WITNESS: Thank you.

14 ALJ HOGAN: Any redirect, Mr. Leibel?

15 MR. LEIBEL: No, Your Honor.

16 ALJ HOGAN: All right. Thank you,  
17 Ms. Dotzenrod.

18 One more witness?

19 MR. JORDE: Yes, Your Honor. Unless something  
20 crazy happens, this is our last witness.

21 ALJ HOGAN: All right.

22 MR. JORDE: The landowners would call James  
23 Tiegs to the stand, please.

24 ALJ HOGAN: I'll have you start by stating your  
25 full name for the record and spelling your last name.

1 JAMES TIEGS: James Tiegs, T-I-E-G-S.

2 ALJ HOGAN: And, Mr. Tiegs, were you in the room  
3 earlier when I went through the penalties for perjury?

4 JAMES TIEGS: Yes, I was.

5 ALJ HOGAN: And do you understand what perjury  
6 is?

7 JAMES TIEGS: Yes, I do.

8 ALJ HOGAN: Being advised of the potential  
9 penalties for perjury, do you promise to tell the truth  
10 in this case today?

11 JAMES TIEGS: Yes.

12 ALJ HOGAN: And again, Mr. Jorde, I believe  
13 Mr. Tiegs previously testified so I would ask you not to  
14 repeat any former testimony that we've already gone  
15 through.

16 MR. JORDE: I'll try my best at this late in the  
17 day.

18 **JAMES TIEGS,**

19 being first duly sworn, was examined and testified as  
20 follows:

21 DIRECT EXAMINATION

22 BY MR. JORDE:

23 Q. And, sir, I see you've got some materials in  
24 front of you. Do you think that would be faster than me  
25 kind of guessing what you had --

1           A.   Yeah.   So I might repeat a little bit.   I  
2   promise not to -- I kind of tell the story or give you a  
3   timeline so you don't have to ask me at the end.

4           First of all, the land involved is section 17,  
5   township 129 north, 61W, the whole section, with the  
6   exception of there's some wildlife land in the middle of  
7   that.   And the other owned parcel is the south half of  
8   27, township 129 north, 63W, in Dickey -- they're both  
9   -- all this land is in Dickey County.   The third parcel  
10   is a quarter that I sharecrop.   And the owner has not  
11   signed and he said he has not heard from Summit for  
12   probably a year.   And that's section 30, 129 north, 62W.

13           First of all, I'd like to thank you for giving  
14   me the opportunity to voice my concerns here today.   I  
15   provided testimony last year here in Wahpeton and I  
16   figured I better take time to speak at this  
17   reconsideration hearing.   I'll admit I'm a bit  
18   disappointed we're here again because my family and  
19   friends were very relieved last year when Summit's  
20   permit was denied, but obviously it's no surprise that  
21   Summit keeps pushing as we know the Green New Deal and  
22   Inflation Reduction Act has included billions of dollars  
23   in tax credits to support corporate climate-related  
24   projects.

25           My wife and I were first contacted by SCS about

1 two and a half years ago. The initial phone call was to  
2 my wife's phone from a California number. If I had  
3 known back then what I know now, we would have kept a  
4 more detailed journal of all communications and  
5 recordings of the meetings.

6 We did some research and made an easy decision  
7 that we absolutely did not want a high-pressure CO2  
8 pipeline near us. The agent, Albert, was told multiple  
9 times the answer is "no," but he kept pressuring,  
10 wanting surveys, wanted -- us to the point that we  
11 considered harassment so we called our lawyer, and he  
12 referred us to Heidepriem Law Firm in Sioux Falls, South  
13 Dakota. So we turned all communications over to  
14 Heidepriem with the instructions that the answer is "no"  
15 and they need to get us off the route.

16 To this day, we have never seen or heard an  
17 attempt to reroute it away from us. And I spoke with  
18 Heidepriem this morning just to double-check there  
19 wasn't any last-minute communication. There was none.  
20 They've not heard anything.

21 So in the meantime I signed up with Heidepriem  
22 and I decided I wanted to do some intervening and come  
23 testifying and I signed up with Brian Jorde also so I  
24 have two -- two -- two lawyers. Heidepriem  
25 (indiscernible) is still involved.

1           Last summer Summit requested permission from  
2       Heidepriem to -- multiple times to survey. The answer  
3       was always "no." On the 26th of June, 2023, my  
4       neighbors called to tell me there were trespassers on my  
5       land west of the golf course. Sure enough, there were  
6       surveyors hired by Summit and were conducting a survey  
7       without permission on land they were specifically told  
8       to stay off of.

9           I contacted my lawyer. It was late -- it was in  
10      the evening already. They contacted Summit immediately  
11      and, of course, Summit said it was an accident. I have  
12      a hard time believing that because they had parked their  
13      pickup and trailer two miles from the pipeline corridor  
14      and drove their UTV to the fields to survey. The pickup  
15      had Ohio plates.

16           We spoke with a lady on the UTV. She indicated  
17      they were surveying for Summit. She was very reluctant  
18      to speak or give any information, and I did not push the  
19      issue. I was cordial. I did not want a confrontation  
20      like what happened to a fellow down in South Dakota.

21           It's important that you all understand that I'm  
22      not anti-pipeline, I'm not anti-progress, if the project  
23      is sensible and actually for the public good. A few  
24      years ago we signed off on new power lines coming  
25      through our South Dakota fields.

1           I think it was well established at last year's  
2   hearings that supercritical CO2 is a completely  
3   different substance than oil or natural gas. Expecting  
4   my family and hired man and my friends, neighbors to  
5   live and work nearby this safety hazard seems  
6   unthinkable and completely unnecessary.

7           One of the key questions you all want answered  
8   is "Will construction, operation, and maintenance of the  
9   facility at the proposed location produce minimal  
10  adverse effects on the environment and upon the welfare  
11  of the citizens of North Dakota?"

12          My next couple of statements are rhetorical  
13  questions. There's no need to answer out loud. I would  
14  like you to know -- I would like to know what you all  
15  consider "minimal adverse effects." Is the devalue of  
16  my farmland considered minimal when compared to Valley  
17  and development land near Bismarck? When a breach  
18  occurs, is the loss of ten lives south of Ellendale  
19  minimal compared to the loss of a hundred lives near  
20  Bismarck?

21          Summit representatives have openly acknowledged  
22  that an effort is being made to keep significant  
23  distance from highly populated areas. I'm very offended  
24  by the insinuation that lives of the land south of  
25  Ellendale are somehow less important than those near

1 Bismarck. We've built our lives on the state line, a  
2 house, a shop, bin setup, and now my wife wants to rent  
3 out the land and leave the community if this CO2  
4 pipeline goes through.

5 In the last hearing I noticed Summit was eager  
6 to tell you that they have met with most of the county  
7 emergency managers. I want to tell you this gives me no  
8 comfort whatsoever. People who work in healthcare and  
9 emergency preparedness know that first responders are  
10 always trained to make sure that the scene is safe  
11 before entering because they do not become more victims.  
12 If there's a CO2 pipeline breach like Satartia,  
13 Mississippi, it's unlikely there would be any heroes to  
14 come save us. Local responders would make a perimeter  
15 around the hot zone and wait for proper reinforcements  
16 or wait for the scene to be safe before entering. I did  
17 speak with a Dickey County emergency manager and he  
18 agreed this is likely the case if the event of this  
19 would occur.

20 My wife and I have also discussed that we need  
21 to get our own air monitors and breathing tanks for a  
22 chance of survival, but you would need such a big tank  
23 that I just don't really think it's feasible. And I'm  
24 not crazy about having a high-pressure tank in the cab  
25 with me of a tractor or combine.



1           Now I'd like to briefly talk about this project  
2 result -- results in such a huge waste of resources.  
3 The excess use of water at each of these ethanol plants  
4 to cool the CO2 for recovery is a huge concern. I know  
5 that was addressed earlier. Talk of extra power in the  
6 power grid consumption is -- is another concern.

7           It was addressed earlier, that eight tons of  
8 carbon is sequestered -- an acre of corn sequestered  
9 eight tons of CO2 per year. If you believe there's  
10 actually a climate crisis, then you can see I'm already  
11 doing my part. It's very much out of the line to steal  
12 my land to implant a dangerous pipeline.

13           I listened to the last hearing in Mandan, the  
14 whole hearing, and when my local representative talked  
15 about all the extra money farmers receive from the  
16 ethanol plants -- and he spoke again earlier today. I  
17 know he's at Spiritwood, but I work with Mina and Groton  
18 and I check Hankinson. And he's talking about 50 cents  
19 a bushel and at one point a dollar, and he said that  
20 twice now. I watched the basis awful close and I can  
21 never find a basis that good but whatever. It is what  
22 it is.

23           I just -- a lot of big numbers get thrown around  
24 here and I won't deny that 5, 6, \$7 corn is really good.  
25 Am I going to sell my soul to -- based on a tax credit

1     that we don't even know how long it's going to last? I  
2     mean, it's tough for me to do to make a deal with the  
3     devil.

4             I guess, in conclusion, I'd like you all to  
5     please deny Summit's permit application. No amount of  
6     money is worth compromising the lives and safety of any  
7     community. Five years ago I would have never dreamed  
8     we'd be in this situation. It's not right. We are  
9     entitled to safe and peaceable living in this country.

10            And thank you for considering my comments here  
11     today. Thank you.

12            Q. Mr. Tiegs, you had mentioned the basis and corn  
13     price and there's been some testimony today on that and  
14     also Mr. Pickering went into -- went into some  
15     projections on that. Can I have you turn in that binder  
16     to the very first page, Tab 1. And what I've got here  
17     is just from 1960 to present time, a demonstrative of  
18     the corn prices.

19            And my question to you is how long have you been  
20     marketing or watching the corn prices?

21            A. I've been -- I can remember back in '99 and 2000  
22     selling \$2 corn. You know, prior to then I was pretty  
23     much just helping my dad with everything and I seen all  
24     the effects. And then actively I've been at this for  
25     the last 20 years or 25 years. Markets are cyclical,

1     like was said earlier, supply and demand, drought. You  
2     name it.

3           Q.    So my question is do you put any stock in this  
4     kind of vague promise that if -- gosh darn it, if we  
5     just had this pipeline in North Dakota, corn prices are  
6     going up and everything is going to be great?

7           A.    No. No, I don't. I just -- I -- there's too  
8     much -- there's a lot of speculation and there's just  
9     too much -- I guarantee you if there was no 45Q, Z,  
10    whatever they're gathering up, we would not be sitting  
11    here today. I would bet my farm on it. Because there  
12    would be no money to grab. The investors wouldn't --  
13    and I know Mr. Brandenburg said it's -- this is what's  
14    on the menu now, is because the East and West want.  
15    Well, we're -- we're in the heartland of this country.  
16    It's where the people -- I don't know -- care.

17               Does anybody care about anything anymore besides  
18    money? Is that what it's all about anymore? There's no  
19    -- you know, he talked about -- I heard legacy mentioned  
20    earlier and stewardship and -- oh, let's just put a  
21    bunch of pipelines in. CO2, our plants use CO2 and  
22    we're going to put it in the ground? It doesn't -- it  
23    doesn't make any sense.

24           Q.    Sir, do you -- and being familiar with this  
25    process and being intimately involved in it, are you

1     aware if the PSC has any mandate, that it's the PSC's  
2     job to approve or deny projects based on market demand  
3     or what the Federal Government wants or cares about?

4           A.   We're just here to site a pipeline, but we  
5     always end in the -- we always end out in the weeds  
6     because we keep talking about it as a project where we  
7     should -- and I was told we're here for the pipeline  
8     siting.

9           Q.   Right. Okay. And the burdens of proof and the  
10    elements, nothing in there says the PSC should give nod  
11    or, you know, if the tie goes to the company as long as  
12    the market forces or the market demand wants carbon  
13    capture. You haven't seen anything like that, have you?

14          A.   No.

15          Q.   Okay. And so in terms of the actual elements  
16    that the PSC is constrained by, I think you've developed  
17    your evidence pretty clearly here that you believe the  
18    construction, operation, and maintenance of this  
19    particular pipeline operated by this particular company  
20    would produce more than minimal adverse impacts on your  
21    welfare and the environment; right?

22          A.   Yes. Yes, it would. And I won't -- I won't say  
23    the "T" word. I don't have any. I'd like to do some  
24    some day, but it will affect me. I don't really care  
25    what Ellingson says. It's going to be extra expense and

1     that's all I'm going to say about that. I listened to  
2     that testimony a year ago. Well, I was here, obviously.

3           Q. And then in terms of ensuring continuing system  
4     reliability, are you aware of any CO2 system reliability  
5     that this pipeline is tapping into?

6           A. No.

7           Q. And then what about that this pipeline has to  
8     ensure energy needs are being met? Does this pipeline  
9     alone, in your view, ensure that any energy needs that  
10    aren't being met are going to somehow be met now?

11          A. No. We're putting CO2 in the ground. I mean,  
12    and then we're going to -- say we have a CI score so  
13    then people can still fly their planes around. They're  
14    going to buy credits back and it's all just -- I don't  
15    know. It's frustrating, in my mind.

16          Q. Did you hear some of the earlier witnesses talk  
17    about that, hopefully, this can be used for EOR some  
18    day --

19          A. Yes.

20          Q. -- enhanced oil recovery?

21          A. Yes. That's -- and I felt that way from the  
22    beginning, that that was the plan. I mean once -- once  
23    the credits are gone, they've got bigger plans for this.

24          Q. And would you agree if that is the plan and that  
25    is the motivation, then that completely destroys the

1 idea of this being good for the environment on the front  
2 end?

3 A. Right.

4 Q. You were here for Representative Brandenburg's  
5 testimony. And I think he said something to the effect,  
6 you know, farmers just want to be left alone. Would you  
7 agree with that?

8 A. I would agree. I just -- you know, if this  
9 pipeline goes in, I dread the fact -- we had a rural  
10 waterline put in probably 35 years ago or so and that  
11 thing kept caving in for five, six years or longer.  
12 They keep adding dirt to it. And now I'm going to have  
13 to go along, I imagine, and keep filling it in.

14 I don't -- you know, on a half section of land,  
15 how many times do I have to cross it with a combine  
16 every day to harvest it? It's, like, "Here we go. I  
17 hope she doesn't fall in on it." It's only four feet  
18 deep. Frost -- like somebody said earlier, we bury  
19 people deeper than this pipeline. Frost goes to four  
20 feet easily if it's an open winter.

21 Q. And then would you agree with Governor Burgum  
22 that if you, James, don't want this pipeline, just tell  
23 Summit and they'll go around you?

24 A. Yeah. Give the neighbor the big check. But  
25 I'll tell you this much. I don't care how big the check

1 is if my kids are dead or whoever so -- it doesn't  
2 matter.

3 Q. And since you've learned about this, Summit  
4 hasn't proposed any reroutes of any kind, not even one  
5 inch or one mile on your --

6 A. No. Heidepriem asked them, because I was -- I  
7 told them, well, they're thinking about rerouting  
8 Bismarck, I guess. Maybe they want to reroute the  
9 Tiegs. And they said "no," is what they told  
10 Heidepriem.

11 Q. Okay. And so are you requesting that this  
12 Commission, if they don't deny it, then second would be  
13 to have any type of approval conditioned on rerouting  
14 around your property?

15 A. Yes. I would like it rerouted.

16 Q. All right. Do you have anything further that  
17 you'd like to add today?

18 A. I want to thank all of you for giving us the  
19 opportunity to speak. I -- I could ramble on for a long  
20 time, but I think we're good.

21 MR. JORDE: So then I would offer Exhibit 1, the  
22 historic corn price chart.

23 ALJ HOGAN: Any objection to 1?

24 MR. GLUDT: I'll object on foundation.

25 MR. PELHAM: No objection.

1 ALJ HOGAN: All right. The objection is noted,  
2 but I'm going to admit Landowner Exhibit 1.

3 MR. JORDE: And then, Your Honor, I don't need  
4 any foundation on this. I'm requesting admission of  
5 LO-22. Those are Summit's discovery responses, or some  
6 of them, to us, to landowners.

7 ALJ HOGAN: Any objection?

8 UNIDENTIFIED SPEAKER: (Inaudible.)

9 ALJ HOGAN: 22. It's response to Set 3. I  
10 think the response was dated April 18th.

11 MR. GLUDT: No objection, Your Honor.

12 ALJ HOGAN: All right. Landowner 22 is  
13 admitted.

14 MR. JORDE: Great. Thank you, Your Honor.

15 James, I don't have any more questions at this  
16 time. Thank you.

17 ALJ HOGAN: Mr. Gludt, any questions?

18 MR. GLUDT: No, Your Honor.

19 ALJ HOGAN: Mr. Pelham.

20 MR. PELHAM: No questions, thank you.

21 ALJ HOGAN: Mr. Schock.

22 Commissioner Christmann.

23 COMMISSIONER CHRISTMANN: Yeah. Did you say --  
24 do you live on -- you mentioned --

25 THE WITNESS: No.



1           COMMISSIONER CHRISTMANN:  -- you mentioned three  
2 sections but one you don't own.

3           THE WITNESS:  Yeah.  The one I sharecrop.  The  
4 other two bigger parcels we own, owned for many years.

5           COMMISSIONER CHRISTMANN:  But you don't live on  
6 those?

7           THE WITNESS:  We do not, fortunately.

8           COMMISSIONER CHRISTMANN:  Okay.  Thank you.

9           ALJ HOGAN:  Commissioner Haugen-Hoffart.

10          COMMISSIONER HAUGEN-HOFFART:  Yes.  I wrote down  
11 that you asked Summit Carbon Solutions for a reroute and  
12 they replied "no."

13          THE WITNESS:  That's right.  Yep.

14          COMMISSIONER HAUGEN-HOFFART:  How did they  
15 respond to you?  Verbally?  In writing?

16          THE WITNESS:  To my lawyer, Heidepriem.  I have  
17 two lawyers.  I have one hired out of Sioux Falls.

18          COMMISSIONER HAUGEN-HOFFART:  So they have --

19          THE WITNESS:  They're the ones in contact with  
20 Summit.  I've hired Brian Jorde just to do intervening  
21 and just -- I don't know, figured I might as well --

22          COMMISSIONER HAUGEN-HOFFART:  That attorney  
23 would have the correspondence that they said no to a  
24 reroute?

25          THE WITNESS:  Yeah.  I'm sure I could get ahold

1 of it if I needed to.

2 COMMISSIONER HAUGEN-HOFFART: Okay.

3 THE WITNESS: It was just verbal over the phone  
4 when I talked to him.

5 COMMISSIONER HAUGEN-HOFFART: Okay. Have you  
6 guys -- have you proposed a reroute to them?

7 THE WITNESS: I have not. I've been -- I've  
8 been so busy and overloaded and I just -- you know,  
9 quite frankly, this probably sounds bad, but when I want  
10 to get something done, I have to do the work to -- I  
11 mean, why do I have to try to figure out a route for  
12 Summit? They're going to get billions of dollars.  
13 They've got a plat book. They can talk to my neighbors.  
14 I did talk to a couple for fun and they didn't want it.  
15 They kind of laughed at me.

16 COMMISSIONER HAUGEN-HOFFART: Okay.

17 THE WITNESS: I feel kind of foolish going  
18 around and saying, "Hey, you want to take this  
19 pipeline?" I mean, because I don't want it, you know.  
20 I mean, I don't know. It's -- some people like it, I  
21 guess, and they want it, but I personally don't. I  
22 guess if you really do truly own your land, you should  
23 be able to say you don't want something.

24 COMMISSIONER HAUGEN-HOFFART: And that's  
25 understandable.

1 THE WITNESS: I'm just explaining. I'm not  
2 yelling at you or anything.

3 COMMISSIONER HAUGEN-HOFFART: Nope. I didn't  
4 think you were. You know, some people have proposed a  
5 reroute.

6 THE WITNESS: No, I realize that.

7 COMMISSIONER HAUGEN-HOFFART: And I was just  
8 clarifying for the record --

9 THE WITNESS: I did not, I guess.

10 COMMISSIONER HAUGEN-HOFFART: Okay. Well, I  
11 appreciate your time and your testimony. Thanks, James.

12 THE WITNESS: Thank you.

13 ALJ HOGAN: Mr. Dawson, any questions?

14 SUBSTITUTE DECISIONMAKER DAWSON: No questions.

15 THE WITNESS: All right.

16 ALJ HOGAN: Any redirect?

17 MR. JORDE: Just briefly.

18 REDIRECT EXAMINATION

19 BY MR. JORDE:

20 Q. You don't have homes now on those other parcels,  
21 and if this project were to go through, there would  
22 never be homes --

23 A. No. No way.

24 Q. -- on those parcels?

25 A. No. I've -- I mean, we -- we've even thought

1 about, if it would go through and we get stuck with it,  
2 to sell the land, but I know the value would be less,  
3 and try to find some different land. I don't know.  
4 It's just hard. I just -- I know if I have to watch  
5 them dig it in there, it's going to be tough but --

6 Q. And then on the ground that you sharecrop and  
7 obviously have an economic and legal interest in, the  
8 same for that parcel, Summit hasn't proposed any  
9 reroutes?

10 A. No. He said he hasn't heard from them for a  
11 year. And I don't know, but I think they surveyed him  
12 and he -- he actually had been sued and didn't even  
13 realize it, I guess, is what he told me, for survey.

14 Q. Can you tell us who --

15 A. Tom. Tom Pettibone from Ellendale.

16 Q. Okay. So according to at least your best  
17 information, he hasn't heard from them in over a year  
18 and no reroutes for that property that --

19 A. Right, right.

20 Q. -- Summit has proposed?

21 A. Right.

22 Q. Okay. All right, sir. Thanks a lot.

23 A. The only thing I might add in closing, and I'm  
24 not lecturing anybody, but it's kind of like when you  
25 build a building and you get a bad contractor and they

1 do a bad job. The contractor gets to leave, but the  
2 homeowner gets to live with the problem the rest of his  
3 life.

4 And it's kind of like with this pipeline. I  
5 mean, Summit's hired all these lawyers and you guys do  
6 your job and I'll get the pipeline if I get stuck with  
7 it. Everybody else goes on with their life, but we  
8 still -- as a farmer, we live with that pipeline  
9 forever, as long as I own the home. It's just something  
10 to ponder, think about.

11 Q. Thank you, sir. Nothing further.

12 A. All right. Thank you.

13 ALJ HOGAN: Hang on, hang on.

14 Mr. Gludt, any other questions?

15 MR. GLUDT: No, Your Honor.

16 ALJ HOGAN: Mr. Pelham?

17 Mr. Schock.

18 Any other commissioner? Mr. Dawson?

19 All right.

20 THE WITNESS: All right.

21 ALJ HOGAN: Now you can go. Thank you.

22 All right. Any further witnesses?

23 MR. JORDE: Well, I'd call the Summit guys if I  
24 could, but no, we don't -- we don't have any other  
25 witnesses. We rest for today.

1 ALJ HOGAN: All right. Well, that brings us to  
2 the end of our testimony for the day. I'll just ask if  
3 there's any other matters we need to address before we  
4 conclude.

5 Mr. Gludt, do you have anything?

6 MR. GLUDT: No, Your Honor. Thank you.

7 ALJ HOGAN: Mr. Jorde.

8 MR. JORDE: I don't. No, Your Honor. Thank  
9 you.

10 ALJ HOGAN: Mr. Pelham.

11 MR. PELHAM: No, Your Honor.

12 ALJ HOGAN: And do the commissioners want to  
13 make any closing remarks?

14 Commissioner Christmann.

15 COMMISSIONER CHRISTMANN: I do not except for  
16 we'll see at least the people at this table on Tuesday.

17 ALJ HOGAN: All right.

18 COMMISSIONER CHRISTMANN: Happy Memorial Day.

19 ALJ HOGAN: Commissioner Haugen-Hoffart.

20 COMMISSIONER HAUGEN-HOFFART: You know, holding  
21 these hearings is informative; we get a lot of  
22 information. But I just really want to thank everyone  
23 for their testimony. I know there's a lot of passion  
24 regarding this and we do take a lot of information in.  
25 We hear you. And I just want to thank everyone for

1       their time.  It's valuable.

2               ALJ HOGAN:  Mr. Dawson.

3               SUBSTITUTE DECISIONMAKER DAWSON:  Thank you all  
4       for coming today.  I do want to reiterate that time is  
5       so valuable and I'm just impressed at the time that  
6       people put into this and that they come here and they  
7       seek redress and I appreciate that.

8               ALJ HOGAN:  All right.  Well, I will note for  
9       the record that it's 6:05 p.m. and we will stand in  
10      recess in this case.

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Dated this date of October 20, 2025.

[Lisa A. Hulm](#)

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