

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

May 24, 2024, Formal hearing

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| 1 | STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION SCS Carbon Transport LLC Midwest Carbon Express CO2 Pipeline Project Siting Application Case No. PU-22-391 TRANSCRIPT OF FORMAL HEARING May 24, 2024 Wahpeton, North Dakota APPEARANCES Commissioners Randy Christmann, Sheri Haugen-Hoffart, and Substitute Decisionmaker Timothy J. Dawson LAWRENCE BENDER and TYLER GLUDT, Fredrikson & Byron, PA, on behalf of Applicant SCS Carbon Transport LLC BRIAN E. JORDE, Domina Law Group, on behalf of Intervenors/Landowners STEVE J. LEIBEL, Knoll Leibel LLP, on behalf of Intervenors/Landowners ZACHARY PELHAM, Special Assistant Attorney General Advisory Counsel to the Public Service Commission | 3 INTERVENOR/LANDOWNER WITNESSES BEN DOTZENROD Direct Examination by MR. JORDE 318 Cross Examination by MR. PELHAM 331 Cross Examination by MR. SCHOCK 336 Questions by COMMISSION 338 ROSE DOTZENROD Direct Examination by MR. LEIBEL 342 Cross Examination by MR. PELHAM 354 Questions by COMMISSION 359 JAMES TIEGS Direct Examination by MR. JORDE 363 Questions by COMMISSION 376 Redirect Examination by MR. JORDE 379 PUBLIC TESTIMONY LIANNE ROCKSTAD 155 JOSH GESSELE 173 CHAD PETERSON 196 TRACEY WILKIE 210 TROY MAHLER 214 ANDREW MAUCH 222 RYAN CARTER 234 SHANNON NEUMAYER 244 JARED HAGERT 249 MIKE BRANDENBURG 259 TERESA BAUER 278 LA VERNE KOENIG 288 PAUL KUZEL 294 ----- |
| 2 | C O N T E N T S INTERVENOR/LANDOWNER WITNESSES KARLA WALOCH Direct Examination by MR. JORDE 12 Cross Examination by MR. GLUDT 35 Cross Examination by MR. PELHAM 36 Questions by COMMISSION 39 Redirect Examination by MR. JORDE 47 RANDALL WALOCH Direct Examination by MR. JORDE 53 Cross Examination by MR. PELHAM 64 Questions by COMMISSION 65 Redirect Examination by MR. JORDE 69 Recross Examination by MR. PELHAM 70 LOREN STAROBA Direct Examination by MR. JORDE 72 Cross Examination by MR. GLUDT 96 Cross Examination by MR. SCHOCK 97 Questions by COMMISSION 99 Redirect Examination by MR. JORDE 103 Recross Examination by MR. GLUDT 104 JEANNE LUGERT Direct Examination by MR. JORDE 108 Cross Examination by MR. GLUDT 123 Cross Examination by MR. SCHOCK 124 Questions by COMMISSION 126 Redirect Examination by MR. JORDE 128 DIANE ZAJAC Direct Examination by MR. LEIBEL 132 Cross Examination by MR. PELHAM 150 Questions by COMMISSION 150 VALERA HAYEN Direct Examination by MR. JORDE 306 Cross Examination by MR. GLUDT 316 Cross Examination by MR. SCHOCK 316 | 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 |

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| <p>1 comments.</p> <p>2 We have several attendance sheets today. I</p> <p>3 believe there's one up on the witness table here, one</p> <p>4 over at the corner of the stage, and then there's one</p> <p>5 out in the lobby. I'd ask that you please sign the</p> <p>6 attendance sheet. The Commission would like to keep a</p> <p>7 record of everybody that attended today's hearing.</p> <p>8 Likewise, if you'd like to offer public comments or</p> <p>9 testimony today, I'd ask that you please mark that on</p> <p>10 the attendance sheet. That helps me know how many</p> <p>11 people plan to testify and to allocate time accordingly</p> <p>12 today.</p> <p>13 We will take a lunch break today along with a</p> <p>14 15-minute morning and afternoon break. I do not know</p> <p>15 how long our hearing will last today, but we will take</p> <p>16 those breaks as we proceed today.</p> <p>17 This hearing concerns the application of SCS</p> <p>18 Carbon Transport LLC for a certificate of corridor</p> <p>19 compatibility and route permit concerning approximately</p> <p>20 320 miles of carbon dioxide pipeline ranging from 4.5-</p> <p>21 to 24-inch diameter with associated facilities in the</p> <p>22 counties of Burleigh, Cass, Dickey, Emmons, Logan,</p> <p>23 McIntosh, Morton, Oliver, Richland, and Sargent.</p> <p>24 On August 4th, 2023, the Commission issued</p> <p>25 findings of fact, conclusions of law and an order</p> <p>PAGE 5</p> | <p>1 The Commission has re-opened this case, which</p> <p>2 means all the evidence that was previously accepted into</p> <p>3 the record at the previous hearings, including</p> <p>4 testimony, remains a part of the record. The purpose of</p> <p>5 this hearing is to address the deficiencies noted in the</p> <p>6 order and route adjustments and not to receive duplicate</p> <p>7 information or evidence that was previously received.</p> <p>8 Likewise, the Commission's order outlines or has</p> <p>9 already determined the issues that the Commission</p> <p>10 believes it has jurisdiction over and the issues it does</p> <p>11 not have jurisdiction over and outlined the deficiencies</p> <p>12 in the application.</p> <p>13 I'm now going to ask the parties to make their</p> <p>14 appearance for the record, and I'll start with you,</p> <p>15 Mr. Gludt.</p> <p>16 MR. GLUDT: Thank you, Your Honor. Tyler Gludt,</p> <p>17 Fredrikson & Byron, PA, appearing today on behalf of the</p> <p>18 Applicant, SCS Carbon Transport LLC. Sitting to my</p> <p>19 right is Lawrence Bender, also of Fredrikson & Byron,</p> <p>20 PA.</p> <p>21 ALJ HOGAN: Thank you.</p> <p>22 Mr. Pelham.</p> <p>23 MR. PELHAM: Good morning. Zachary Pelham,</p> <p>24 special assistant attorney general on behalf of the</p> <p>25 Public Service Commission. To my left is Victor Schock</p> <p>PAGE 7</p> |
| <p>1 denying the application.</p> <p>2 On September 15th, 2023, the Commission issued</p> <p>3 an order granting the Applicant's petition for</p> <p>4 reconsideration.</p> <p>5 This hearing has been scheduled to focus</p> <p>6 primarily on adjustments in Dickey, Sargent, Cass, and</p> <p>7 Richland counties. The Notice of Filing and Notice of</p> <p>8 Hearing specifies the issues to be considered in this</p> <p>9 hearing and will focus on proposed route adjustments and</p> <p>10 supplemental filings and deficiencies noted in the</p> <p>11 Commission's August 18th order and include the following</p> <p>12 questions:</p> <p>13 First, will construction, operation, and</p> <p>14 maintenance of the facility at the proposed location</p> <p>15 produce minimal adverse effects on the environment and</p> <p>16 upon the welfare of the citizens of North Dakota?</p> <p>17 Number two. Is the proposed facility compatible</p> <p>18 with environmental preservation and the efficient use of</p> <p>19 resources?</p> <p>20 And number three. Will construction, operation,</p> <p>21 and maintenance of the facility at the proposed location</p> <p>22 minimize adverse human and environmental impact while</p> <p>23 ensuring continuing system reliability and integrity and</p> <p>24 ensuring that the energy needs are met and fulfilled in</p> <p>25 an orderly and timely fashion?</p> <p>PAGE 6</p> | <p>1 who's the public utilities director. Mr. Schock may</p> <p>2 have questions today. Thank you.</p> <p>3 ALJ HOGAN: All right. And do I direct</p> <p>4 questions to Mr. Jorde?</p> <p>5 MR. JORDE: Yes, thank you.</p> <p>6 Good morning, Your Honor and all. Brian Jorde</p> <p>7 and Steve Leibel on behalf of intervening targeted</p> <p>8 landowners.</p> <p>9 ALJ HOGAN: All right. Thank you.</p> <p>10 We will now take opening comments from the</p> <p>11 commissioners, and I'll start with you, Commissioner</p> <p>12 Christmann.</p> <p>13 COMMISSIONER CHRISTMANN: Thank you, Your Honor.</p> <p>14 And you covered a lot of what I was going to talk about,</p> <p>15 about decorum, because it is really important. And so</p> <p>16 we appreciate the audience's respect that has been shown</p> <p>17 throughout this and other proceedings for decades at the</p> <p>18 PSC.</p> <p>19 The other thing I want to point out is obviously</p> <p>20 it would be a lot simpler and more convenient for us to</p> <p>21 just do all this kind of stuff in Bismarck, but I think</p> <p>22 -- I know myself, but I think other commissioners that</p> <p>23 I've served with and those that preceded us have all</p> <p>24 felt it's really important to be out and hear from the</p> <p>25 people, especially on these kind of linear projects that</p> <p>PAGE 8</p> |

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| <p>1 cover large areas. And recognizing that that can be</p> <p>2 inconvenient on a given day for people to get to</p> <p>3 Bismarck, that is why we have always been supportive of</p> <p>4 this concept of having at least some hearings out along</p> <p>5 the route.</p> <p>6 I will tell you this is one of my favorite</p> <p>7 places we've ever been, such a nice facility, except for</p> <p>8 one thing, and this is my last comment. If you come up</p> <p>9 and testify, this stage edge behind that chair really</p> <p>10 makes me nervous. So don't just roll away from that</p> <p>11 table and roll too far. You might have a hard landing,</p> <p>12 I expect. So be a little cautious about that.</p> <p>13 But we look forward to hearing from you all.</p> <p>14 ALJ HOGAN: Thank you.</p> <p>15 Commissioner Haugen-Hoffart.</p> <p>16 COMMISSIONER HAUGEN-HOFFART: Good morning,</p> <p>17 everyone. It's so good to see people here and very</p> <p>18 interested in this project and I look forward to hearing</p> <p>19 from many of you today.</p> <p>20 ALJ HOGAN: Thank you.</p> <p>21 Mr. Dawson.</p> <p>22 SUBSTITUTE DECISIONMAKER DAWSON: Thank you,</p> <p>23 Your Honor.</p> <p>24 Good morning, everyone. I am Timothy Dawson and</p> <p>25 I am the substitute decisionmaker here today filling in</p> <p>PAGE 9</p> | <p>1 ALJ HOGAN: Good morning, Ms. Waloch. I'll have</p> <p>2 you start by -- maybe if you want to spell your first</p> <p>3 and last name.</p> <p>4 KARLA WALOCH: Okay. My first name is Karla,</p> <p>5 K-A-R-L-A, Waloch, W-A-L-O-C-H.</p> <p>6 ALJ HOGAN: And, Ms. Waloch, before you testify</p> <p>7 this morning, I'm required by law to advise you on the</p> <p>8 penalties for perjury in the state of North Dakota.</p> <p>9 Perjury is a Class C felony, punishable by a maximum</p> <p>10 fine of \$10,000, a maximum five years' imprisonment, or</p> <p>11 both.</p> <p>12 Do you understand what perjury is?</p> <p>13 KARLA WALOCH: I do.</p> <p>14 ALJ HOGAN: And being advised of the potential</p> <p>15 penalties for perjury, do you promise to tell the truth</p> <p>16 in this case today?</p> <p>17 KARLA WALOCH: I do.</p> <p>18 ALJ HOGAN: All right. Thank you.</p> <p>19 Go ahead, Mr. Jorde.</p> <p>20 MR. JORDE: Yes, thank you, Your Honor.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>PAGE 11</p> |
| <p>1 for, or the substitute for, Commissioner Fedorchak. I</p> <p>2 hope to have a good hearing.</p> <p>3 ALJ HOGAN: All right. Thank you.</p> <p>4 For our hearing today I will start with the</p> <p>5 intervenors' witnesses. And my intent is to go through</p> <p>6 all those witnesses before we go to public testimony.</p> <p>7 If that does get extremely long, if we go past noon, we</p> <p>8 might talk about doing some public testimony right after</p> <p>9 lunch, but we'll start with that plan and see how we go.</p> <p>10 And just to confirm, Mr. Gludt, Summit's not</p> <p>11 offering any witnesses today; is that correct?</p> <p>12 MR. GLUDT: That's correct, Your Honor.</p> <p>13 ALJ HOGAN: Okay. And I'll just ask if there's</p> <p>14 any other preliminary matters we need to discuss.</p> <p>15 Mr. Gludt.</p> <p>16 MR. GLUDT: None from the Applicant.</p> <p>17 ALJ HOGAN: Mr. Pelham.</p> <p>18 MR. PELHAM: No, Your Honor.</p> <p>19 ALJ HOGAN: Mr. Jorde.</p> <p>20 MR. JORDE: I will have some things later, but I</p> <p>21 think we can get started, Your Honor.</p> <p>22 ALJ HOGAN: Okay. Then I will turn to you,</p> <p>23 Mr. Jorde, if you want to call your first witness.</p> <p>24 MR. JORDE: Yes, thank you. The landowners will</p> <p>25 call Karla Waloch to the stand.</p> <p>PAGE 10</p> | <p>1 <u>KARLA WALOCH,</u></p> <p>2 being first duly sworn, was examined and testified as</p> <p>3 follows:</p> <p>4 DIRECT EXAMINATION</p> <p>5 BY MR. JORDE:</p> <p>6 Q. Can you please state your name?</p> <p>7 A. Karla Waloch.</p> <p>8 Q. And your land is located in Sargent County</p> <p>9 that's targeted for this proposed hazardous pipeline?</p> <p>10 A. That is correct.</p> <p>11 Q. All right. And I understand you have some</p> <p>12 statements that might be more efficient if you read</p> <p>13 those; is that right?</p> <p>14 A. Yes, correct.</p> <p>15 Q. Okay. Please go ahead.</p> <p>16 A. Okay. So as Mr. Jorde said, my property is in</p> <p>17 Sargent County, in township 131 north, range 56 west,</p> <p>18 section 14 of the northeast quarter. I'm a landowner</p> <p>19 directly impacted by the proposed pipeline and a</p> <p>20 concerned community member who values the safety of our</p> <p>21 environment and residence. The proposed pipeline is</p> <p>22 alarmingly close to my property, within a hundred feet</p> <p>23 of my calving pasture and just a half a mile from my</p> <p>24 home. This proximity raises serious concerns about the</p> <p>25 safety of my land, livestock, and family. The potential</p> <p>PAGE 12</p> |

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| <p>1 for explosions and leaks is a constant worry that I</p> <p>2 should not have to bear for corporate profit.</p> <p>3 Summit claims they will provide emergency</p> <p>4 training for CO2 dispersion, but no amount of training</p> <p>5 resources will reassure me that help would arrive in</p> <p>6 time. Our first responders are volunteers with other</p> <p>7 jobs and we just don't know how quickly they could reach</p> <p>8 us. And they're also our friends and we would never</p> <p>9 want to put them in harm's way. Additionally, emergency</p> <p>10 vehicles might not function without oxygen.</p> <p>11 I consulted my sisters who are healthcare</p> <p>12 professionals. I have a physician, a physician's</p> <p>13 assistant, and a respiratory therapist as sisters, and I</p> <p>14 asked them about the effects of CO2 poisoning from a</p> <p>15 pipeline rupture. They informed me that even with</p> <p>16 minimal exposure it can cause increased respiratory</p> <p>17 rate, tachycardia, cardiac arrhythmias, impaired</p> <p>18 consciousness, dyspnea, cough, dizziness, chest pain,</p> <p>19 and headache, and, of course, extreme exposures can lead</p> <p>20 to death by asphyxiation.</p> <p>21 Given these risks, I've considered options such</p> <p>22 as scuba gear, an electric bicycle or an electric</p> <p>23 vehicle for my husband and me. However, frequent</p> <p>24 gatherings with family and friends, including children</p> <p>25 and grandchildren, add concerns about evacuation for a</p> <p>PAGE 13</p> | <p>1 a carbon pipeline which primarily benefits a few meets</p> <p>2 that criteria.</p> <p>3 We have invested hundreds of hours and thousands</p> <p>4 of dollars into our land. It's our home, our</p> <p>5 livelihood, and our legacy. We should not allow it to</p> <p>6 be jeopardized by a pipeline that prioritizes corporate</p> <p>7 interests. Every piece of land holds significance to</p> <p>8 someone, whether it's lakefront property or farmland,</p> <p>9 and it deserves to be protected and respected.</p> <p>10 And as farmers, we truly understand what's best</p> <p>11 for our land and prefer not to have strangers surveying</p> <p>12 it, but despite that, we did have surveyors come. And</p> <p>13 they claim they don't drive over crops, but they drove</p> <p>14 across our alfalfa twice.</p> <p>15 It's also embarrassing to have a lawsuit show up</p> <p>16 under my name on the North Dakota public court search.</p> <p>17 This type of legal action feels intrusive and unfair</p> <p>18 when it's my land.</p> <p>19 This lawsuit and pipeline have been more than an</p> <p>20 inconvenience. They've been potentially distressing.</p> <p>21 It has stolen away time and money from us. Today is my</p> <p>22 birthday and I can think of hundreds of other things</p> <p>23 that I would rather be doing right now. It's my</p> <p>24 grandkids' first day of summer vacation, for example.</p> <p>25 And I think it seems like carbon activists initiated</p> <p>PAGE 15</p> |
| <p>1 crowd. I don't know what I would do. Like an electric</p> <p>2 bus maybe?</p> <p>3 Given what a disaster it would be if the</p> <p>4 pipeline ruptured, prevention is key. But as a farmer,</p> <p>5 despite planning and maintenance, there's always a risk.</p> <p>6 The CO2 pipeline that ruptured in Mississippi caused</p> <p>7 people to collapse up to 16 miles away. And the</p> <p>8 proposed North Dakota pipeline could hold more than</p> <p>9 twice as much CO2. Add that to the North Dakota weather</p> <p>10 and it could be disastrous. Imagine a rupture at ten</p> <p>11 degrees below zero with strong winds. Who knows how far</p> <p>12 the deadly plume could extend.</p> <p>13 And it's also frustrating to me that farmers are</p> <p>14 disproportionately affected by this pipeline. It</p> <p>15 disrupts our land and soil and raises safety concern due</p> <p>16 to the proximity of our pasture and home. We shouldn't</p> <p>17 bear the responsibility of the carbon fight alone.</p> <p>18 Well, that is, if we even believe carbon is a factor in</p> <p>19 global warming or maybe we're even skeptical about</p> <p>20 global warming. But I encourage everyone here to</p> <p>21 reflect on their personal responsibility in reducing</p> <p>22 their carbon footprint. Farmers already do their part.</p> <p>23 One acre of corn eliminates eight tons of CO2.</p> <p>24 Eminent domain should only be used for projects</p> <p>25 that truly serve the public interest. I fail to see how</p> <p>PAGE 14</p> | <p>1 this project without considering people's property and</p> <p>2 safety. This priority should have been collaborating</p> <p>3 with landowners to establish a suitable route.</p> <p>4 Summit's poor business practices raise serious</p> <p>5 concerns about their integrity and reliability. They</p> <p>6 have a history of neglecting to pay bills and they're</p> <p>7 facing a \$15 million lawsuit over a canceled contract.</p> <p>8 Their business practices raise serious questions about</p> <p>9 their integrity and reliability. Landowners and</p> <p>10 communities should question why we would want to do</p> <p>11 business with a company that files lawsuits and fails to</p> <p>12 fulfill financial obligations.</p> <p>13 And I just don't understand how the citizens of</p> <p>14 North Dakota will benefit from this pipeline. The North</p> <p>15 Dakotans' politicians' stance on climate change is</p> <p>16 confusing. They seem to support the carbon pipeline but</p> <p>17 their voting records on the Green New Deal seem</p> <p>18 contradictory. This raises questions about the</p> <p>19 motivations behind the pipeline. Who's going to benefit</p> <p>20 from this project? Maybe the Summit employees?</p> <p>21 Politicians? Foreign investors? I don't believe it</p> <p>22 will be the citizens of North Dakota.</p> <p>23 I think some of our politicians are motivated by</p> <p>24 personal gain or self interest. I think Summit's</p> <p>25 lobbying efforts and political corrections are how it's</p> <p>PAGE 16</p> |

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| <p>1 gotten this far. I know there's even been ethics</p> <p>2 commission complaints filed. And if the pipeline can't</p> <p>3 stand on its own merits and needs politicians being</p> <p>4 influenced by a special interest group, then it's</p> <p>5 probably not worth it.</p> <p>6 I haven't seen any evidence from Summit that</p> <p>7 would prove that it's good for the citizens of North</p> <p>8 Dakota. Supposedly they feel this would support the</p> <p>9 price of corn, but ethanol has been in existence for</p> <p>10 several years and the price of corn has still gone up</p> <p>11 and down. As a farmer who's watched corn markets for</p> <p>12 40 years, I've noticed that the market is influenced by</p> <p>13 a multitude of factors, including weather and world</p> <p>14 supply and demand. Carbon capture is unlikely to be a</p> <p>15 direct or significant driver of corn prices on its own.</p> <p>16 And the track record for failed carbon capture</p> <p>17 projects speaks for itself. Many have been canceled,</p> <p>18 failed, or underperformed. I think waiting for more</p> <p>19 safety regulations would be in the state's best</p> <p>20 interest.</p> <p>21 And I hope that pressure from oil companies for</p> <p>22 enhanced oil recovery isn't the reason the project would</p> <p>23 get approved. I see other methods are showing promise</p> <p>24 for EOR using gas, not CO2, and that's even cheaper,</p> <p>25 from what I understand.</p> <p>PAGE 17</p> | <p>1 the Vculeks were testifying, they were talking about</p> <p>2 their potato warehouses. And I know it seemed you were</p> <p>3 surprised that they were worth like half a million in</p> <p>4 their warehouse. Well, I'm just going to say that our</p> <p>5 cattle are probably worth about 600,000 where they are</p> <p>6 in their pasture very close to the pipeline. So just --</p> <p>7 yeah.</p> <p>8 Okay. And I know even Doug Burgum said, "Just</p> <p>9 say no and they'll move to your neighbor and your</p> <p>10 neighbor can get the big check. Because that's what's</p> <p>11 happening in North Dakota. It's been moved a thousand</p> <p>12 times." So as the words to quote our governor.</p> <p>13 And I thank you for your time and consideration</p> <p>14 and for coming this far and not having to go to</p> <p>15 Bismarck. Appreciate that.</p> <p>16 Q. Okay. I've got some questions right now.</p> <p>17 A. Yes, sir.</p> <p>18 Q. I appreciate that.</p> <p>19 You had mentioned Summit individuals had been on</p> <p>20 your field driving through your alfalfa two different</p> <p>21 times; is that right?</p> <p>22 A. Correct. The same day.</p> <p>23 Q. Oh, the same day.</p> <p>24 A. Uh-huh.</p> <p>25 Q. Okay. Back and forth. And they didn't</p> <p>PAGE 19</p> |
| <p>1 And I know the Public Service Commission is</p> <p>2 charged with the siting of energy conversion and</p> <p>3 transmission facilities under the North Dakota Siting</p> <p>4 Act. However, a carbon capture pipeline which aims to</p> <p>5 store CO2 does not even seem to fall under the PSC's</p> <p>6 jurisdiction since it's not energy, in my opinion.</p> <p>7 I'm asking the Public Service commissioners to</p> <p>8 consider the serious risks and negative impacts of this</p> <p>9 pipeline. We must prioritize the safety of residents</p> <p>10 over corporate profits. Please safeguard our community</p> <p>11 from unnecessary harm.</p> <p>12 And while the reroute isn't my first choice, it</p> <p>13 is the least bad option. And my lawyer has sent a</p> <p>14 proposed reroute letter to Summit's lawyers. Surveyors</p> <p>15 have already been on our land. And my adjacent</p> <p>16 landowners have signed easements that I'm -- that I</p> <p>17 believe they have. Considering that residents of</p> <p>18 Bismarck and four other owners -- landowners that I can</p> <p>19 think of have successfully secured reroutes for the</p> <p>20 pipeline, I believe it's time to address the possibility</p> <p>21 of a reroute for my property as well.</p> <p>22 Additionally, construction near our pasture</p> <p>23 could spook our cows and they could become frightened</p> <p>24 and break down the fences and that wouldn't be good.</p> <p>25 And, Commissioner Christmann, I do remember when</p> <p>PAGE 18</p> | <p>1 compensate you for that?</p> <p>2 A. No.</p> <p>3 Q. Okay. And then you mentioned eminent domain.</p> <p>4 You understand that if the PSC doesn't approve both of</p> <p>5 the pending applications, then there will be no eminent</p> <p>6 domain. Do you understand that?</p> <p>7 A. Correct. Yes.</p> <p>8 Q. Okay. So you see the PSC as the trigger for</p> <p>9 eminent domain?</p> <p>10 A. Yes.</p> <p>11 Q. And then you mentioned energy as one of the</p> <p>12 hurdles Summit has to jump over here. It's hurdle</p> <p>13 number -- well, it's a subpart of hurdle number three,</p> <p>14 and that is that in order for the PSC to approve this</p> <p>15 project -- or I should say this pipeline, not the</p> <p>16 project, the pipeline, it has to be ensuring that energy</p> <p>17 needs are met. You understand this is not an ethanol</p> <p>18 pipeline?</p> <p>19 A. Correct.</p> <p>20 Q. Right. And can you think of any energy need</p> <p>21 that storing CO2 -- or transmitting CO2 from an ethanol</p> <p>22 plant to underground storage, what energy that's</p> <p>23 creating?</p> <p>24 A. No.</p> <p>25 Q. And do you understand that Summit's repeatedly</p> <p>PAGE 20</p> |

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| <p>1 said that they will permanently sequester, so this is</p> <p>2 never going to be used for any energy. Do you</p> <p>3 understand that?</p> <p>4 A. Correct, yes.</p> <p>5 Q. All right. So would you agree it's impossible</p> <p>6 for the PSC then to grant either the corridor</p> <p>7 certificate or the route permit because Summit cannot</p> <p>8 satisfy that energy prong?</p> <p>9 A. Yes, I believe so.</p> <p>10 Q. And you understand that Summit talks about the</p> <p>11 project but that the PSC is only looking at a pipeline.</p> <p>12 They're not looking at the carbon capture process and</p> <p>13 any good or bad that might have and they're not looking</p> <p>14 at the storage; correct?</p> <p>15 A. Yes, correct.</p> <p>16 Q. All right. So you mentioned about a reroute.</p> <p>17 And you've been a part of this since before Summit filed</p> <p>18 their 2022 application; is that right?</p> <p>19 A. Yes, correct.</p> <p>20 Q. And has Summit come to you at any time since</p> <p>21 then, since you've become an intervenor, since they were</p> <p>22 denied last year and said, "You know what? Here's some</p> <p>23 reroute proposals we'd like to share with you"?</p> <p>24 A. They haven't come to me.</p> <p>25 Q. Okay. Have they come to your husband?</p> <p>PAGE 21</p> | <p>1 and your family predominantly prepared regarding</p> <p>2 reroutes; is that right?</p> <p>3 A. Correct.</p> <p>4 Q. And just to be clear, you and your husband owned</p> <p>5 land and then your husband's mother, Shirley, owns a</p> <p>6 separate parcel very nearby?</p> <p>7 A. Correct, yes.</p> <p>8 Q. And all the parcels are being targeted?</p> <p>9 A. Yes.</p> <p>10 Q. Now when you put this letter together, it looks</p> <p>11 like you took some time looking at the maps and</p> <p>12 identifying potential reroute locations of individuals</p> <p>13 who have already signed up with Summit; is that right?</p> <p>14 A. Correct.</p> <p>15 Q. All right. And since March 28th when this</p> <p>16 letter was transmitted to counsel for Summit, have they</p> <p>17 contacted you to talk about this?</p> <p>18 A. No.</p> <p>19 Q. And you understand on May 21st, almost two</p> <p>20 months later and just conveniently three days before</p> <p>21 this hearing, Summit sent a letter saying, well, they</p> <p>22 would need to survey and they're interested in working</p> <p>23 with you?</p> <p>24 A. Yes, I did see that.</p> <p>25 Q. So three days before you're set to testify, the</p> <p>PAGE 23</p> |
| <p>1 A. One person asked to survey one time and that was</p> <p>2 before the judge granted that. So he said no at that</p> <p>3 time.</p> <p>4 Q. Right. And so specifically since the permit was</p> <p>5 denied and the PSC order found that Summit didn't meet</p> <p>6 their burdens of landowner concerns, has Summit reached</p> <p>7 out to you to try to find a solution?</p> <p>8 A. No.</p> <p>9 Q. Okay. And you're aware they haven't sent me any</p> <p>10 solution or any reroutes for your property?</p> <p>11 A. Yes.</p> <p>12 Q. Now you've been -- tried to continue to try to</p> <p>13 enter into a dialogue here, and on March 28th, 2024, you</p> <p>14 -- I sent a letter that you and I and your family had</p> <p>15 helped create about potential reroutes; is that right?</p> <p>16 A. Yes, correct.</p> <p>17 Q. And there's a white binder in front of you</p> <p>18 there, ma'am, the big one, the three-ring binder right</p> <p>19 there. See the blue folder on top of it there?</p> <p>20 A. Oh, here.</p> <p>21 Q. Yep. Sorry.</p> <p>22 A. Uh-huh.</p> <p>23 Q. If you could turn to Tab No. 5. And I'll</p> <p>24 represent to you that that's a true and accurate copy of</p> <p>25 the March 28th, 2024, letter of which the content you</p> <p>PAGE 22</p> | <p>1 first time in two-plus years is when they send a letter</p> <p>2 like that; is that right?</p> <p>3 A. Yes, correct.</p> <p>4 Q. And they claim that they left 12 voicemails and</p> <p>5 visited your residence nine times. What do you think</p> <p>6 about that?</p> <p>7 A. Absolutely not that I know of. I don't --</p> <p>8 possibly they were at my mother-in-law's or called her</p> <p>9 once, but they definitely were not --</p> <p>10 Q. And you understand when Summit claims it makes a</p> <p>11 contact, if a third party or agent just dials a number</p> <p>12 and hangs up, they consider that an attempt to contact</p> <p>13 you?</p> <p>14 A. Oh, okay.</p> <p>15 Q. Okay. All right.</p> <p>16 A. But I still don't know of anything like that</p> <p>17 either.</p> <p>18 Q. All right. So from the date in August of 2023</p> <p>19 when the PSC denied the pipeline proposed route that</p> <p>20 targeted you, there hasn't been any resolution, any</p> <p>21 attempt to try to work with you, find solutions, or be</p> <p>22 open for dialogue, as Mr. Powell likes to talk about?</p> <p>23 A. No.</p> <p>24 Q. All right.</p> <p>25 MR. JORDE: I would offer Landowner Exhibit</p> <p>PAGE 24</p> |

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| <p>1 No. 5, the letter we've been speaking about.</p> <p>2 ALJ HOGAN: Mr. Gludt, any objection?</p> <p>3 MR. GLUDT: No objection.</p> <p>4 ALJ HOGAN: Mr. Pelham.</p> <p>5 MR. PELHAM: No objection.</p> <p>6 ALJ HOGAN: All right. Exhibit LO-5 is</p> <p>7 received.</p> <p>8 MR. JORDE: Thank you.</p> <p>9 Q. (BY MR. JORDE) Now if you can turn to Tab</p> <p>10 No. 10 in that book, please, you had mentioned some</p> <p>11 concerns about safety and proximity. And you're no</p> <p>12 doubt aware that Mr. Powell, in his April 2024</p> <p>13 testimony, talks about safety and proximity and all</p> <p>14 these things. And so to address that, have you been</p> <p>15 made aware of the April 3rd CO2 leak in Louisiana?</p> <p>16 April 3rd, 2024.</p> <p>17 A. Yes. I just saw this yesterday.</p> <p>18 Q. Yes. And does that concern you, that this type</p> <p>19 of infrastructure, and here a major, well-financed,</p> <p>20 funded corporation, ExxonMobil, like Denbury before it</p> <p>21 in Satartia, continue to have these safety gaps and</p> <p>22 problems?</p> <p>23 A. Yes, more than ever.</p> <p>24 Q. And did you become aware that it took more than</p> <p>25 two hours to fix the leak and calls to the company went</p> <p>PAGE 25</p> | <p>1 home is an intelligent location; correct?</p> <p>2 A. Correct.</p> <p>3 Q. All right. Now beyond Summit, has anyone else</p> <p>4 on Summit's behalf provided you such evidence to give</p> <p>5 faith to this Commission who is charged with locating --</p> <p>6 intelligently locating infrastructure if 2,640 feet is a</p> <p>7 safe distance? Have you seen any other information to</p> <p>8 suggest that?</p> <p>9 A. No.</p> <p>10 Q. Now there's been some talk that PHMSA -- and</p> <p>11 Mr. Powell gets into it here in his April 2024</p> <p>12 submission, that PHMSA, the federal agency that looks</p> <p>13 over construction and maintenance and operation</p> <p>14 standards, that somehow that prevents the PSC from</p> <p>15 considering safety in any regard. Are you familiar with</p> <p>16 those arguments generally?</p> <p>17 A. No.</p> <p>18 Q. Okay. All right. Would you agree that</p> <p>19 considering safety and risk and potential hazards to</p> <p>20 existing structures and potential future development is</p> <p>21 a critical factor to consider when either green-lighting</p> <p>22 or demanding reroutes of hazardous infrastructure?</p> <p>23 A. Yes.</p> <p>24 MR. JORDE: I would offer Exhibit No. 10.</p> <p>25 ALJ HOGAN: Any objection to 10, Mr. Gludt?</p> <p>PAGE 27</p> |
| <p>1 unanswered and that there was no safety personnel on</p> <p>2 site for the company?</p> <p>3 A. Yes.</p> <p>4 Q. And did you become aware that there was a</p> <p>5 shelter in place order for a quarter mile or 1,320 feet</p> <p>6 just from this pump site and a radius?</p> <p>7 A. Yes.</p> <p>8 Q. You had mentioned that your home -- and that's</p> <p>9 your home where you live with your husband -- is</p> <p>10 approximately 2,640 feet from the proposed route;</p> <p>11 correct?</p> <p>12 A. Yes. Yep.</p> <p>13 Q. Has Summit at any time shared with you any data</p> <p>14 of any kind to suggest that if there was a rupture or</p> <p>15 unintended release from their pipeline, if it's located</p> <p>16 near your home, that it would not be capable of reaching</p> <p>17 your home?</p> <p>18 A. No.</p> <p>19 Q. All right. And have you heard of any such</p> <p>20 evidence like that to prove that the location is an</p> <p>21 intelligent one in relation to your home?</p> <p>22 A. Say that again.</p> <p>23 Q. Yes. So Summit hasn't provided you any</p> <p>24 information to suggest that locating their proposed</p> <p>25 hazardous pipeline a half mile approximately from your</p> <p>PAGE 26</p> | <p>1 MR. GLUDT: We're going to object. It's another</p> <p>2 article. Foundation, hearsay, relevance. We don't have</p> <p>3 the author of the article here to talk about the</p> <p>4 substance of the article.</p> <p>5 ALJ HOGAN: Mr. Pelham.</p> <p>6 MR. PELHAM: I don't have any objection to the</p> <p>7 article.</p> <p>8 ALJ HOGAN: I'll note the objection. I am going</p> <p>9 to admit the article just because we've admitted into</p> <p>10 the record similar materials. But I will instruct the</p> <p>11 Commission to weigh what relevance, if anything, to give</p> <p>12 to this type of evidence in light of objections made.</p> <p>13 Q. (BY MR. JORDE) Ma'am, related to that article</p> <p>14 and the reporting and the contents therein, are you</p> <p>15 aware of if Summit or any of its representatives have</p> <p>16 ever challenged the statements in that article or</p> <p>17 suggested they're untrue in any way?</p> <p>18 A. No.</p> <p>19 Q. You had mentioned North Dakota's governor. You</p> <p>20 understand he's been a very outspoken proponent to try</p> <p>21 to push this Commission to approve this project;</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. And you had referenced statements he had made</p> <p>25 while he was campaigning for president of the United</p> <p>PAGE 28</p> |

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| <p>1 States where, basically, if you're having issues with</p> <p>2 Summit, quote, "Just say no and they'll move it to your</p> <p>3 neighbor and your neighbor can get the big check,"</p> <p>4 quote, and then continuing, quote, "because that's</p> <p>5 what's happening in North Dakota. It's been moved a</p> <p>6 thousand times," end quote.</p> <p>7 Now when you heard your governor make those</p> <p>8 statements, that "Good gosh, just tell them to move it</p> <p>9 and they'll move it, this isn't a big deal," does that</p> <p>10 fit with your experience?</p> <p>11 A. No.</p> <p>12 Q. Now would you agree that it's certainly</p> <p>13 reasonable, if they're asking for the extreme rights of</p> <p>14 locating over 350 miles of hazardous pipeline</p> <p>15 infrastructure to connect to exactly one North Dakota</p> <p>16 business, the Tharaldson Ethanol plant, that if you</p> <p>17 don't want it on your property, Summit should reroute</p> <p>18 around you like they claim they can?</p> <p>19 A. Yes.</p> <p>20 Q. And if this were to be approved, which I know</p> <p>21 you hope it is not, but if this were to be approved,</p> <p>22 would you agree it would be a reasonable condition that</p> <p>23 the approval would be conditioned upon Summit finding a</p> <p>24 reroute off of your property?</p> <p>25 A. Yes.</p> <p>PAGE 29</p> | <p>1 A. Uh-huh.</p> <p>2 Q. Is that a yes?</p> <p>3 A. Yes.</p> <p>4 Q. And then you also mentioned that you didn't</p> <p>5 believe this -- either the reroutes or the current</p> <p>6 routes and the targeting of your property and all these</p> <p>7 things, that it lacks support broadly in North Dakota.</p> <p>8 Is that a statement that you made?</p> <p>9 A. Correct. I have seen -- or I didn't make -- but</p> <p>10 I've seen polls that just don't -- it lacks support in</p> <p>11 North Dakota.</p> <p>12 Q. And you understand that one of Summit's many</p> <p>13 hurdles is whether this, the pipeline, not the idea of</p> <p>14 carbon capture, but the pipeline itself only, if that</p> <p>15 produces minimal adverse impacts to the welfare of the</p> <p>16 citizens at large. You understand that?</p> <p>17 A. Uh-huh.</p> <p>18 Q. Yes?</p> <p>19 A. Yes.</p> <p>20 Q. And so is your point that when there's polls and</p> <p>21 when the citizens are speaking at large that they don't</p> <p>22 support this, that that would weigh against that</p> <p>23 element?</p> <p>24 A. Yes.</p> <p>25 Q. And then I'll have you turn to the tab in front</p> <p>PAGE 31</p> |
| <p>1 MR. JORDE: I would offer Exhibit No. 15, the</p> <p>2 article where Governor Burgum has quoted the quote that</p> <p>3 I referenced, which is on page 3 of Exhibit 15.</p> <p>4 ALJ HOGAN: Any objection to 15?</p> <p>5 MR. GLUDT: Same objection, Your Honor.</p> <p>6 ALJ HOGAN: Mr. Pelham.</p> <p>7 MR. PELHAM: I don't think it's relevant at all,</p> <p>8 but I don't have an objection.</p> <p>9 ALJ HOGAN: I agree, I have the same concerns</p> <p>10 about relevance and foundation for these exhibits. And</p> <p>11 I know we have several articles that are going to be</p> <p>12 offered today, and I'm going to allow them into the</p> <p>13 record for the simple fact that we've already allowed</p> <p>14 similar materials into the record and I'm just going to</p> <p>15 instruct the Commission to weigh what relevance, if any,</p> <p>16 to give this type of evidence given objections which I</p> <p>17 do have -- I think have some weight.</p> <p>18 So with that said, I am going to admit LO-15.</p> <p>19 Q. (BY MR. JORDE) Well, and you, ma'am, agree</p> <p>20 with the governor that if -- you should have the right,</p> <p>21 as he says, to say "no." And if you just tell these</p> <p>22 gentlemen "no," they'll move it and they can build their</p> <p>23 pipeline and move on; right?</p> <p>24 A. Correct, yes.</p> <p>25 Q. Seems reasonable, doesn't it?</p> <p>PAGE 30</p> | <p>1 of you, Tab 16, and I'll represent that's a true and</p> <p>2 accurate copy of a Bismarck Tribune article from</p> <p>3 February 28th of 2024. And is -- is that reporting and</p> <p>4 the poll data in there consistent with your</p> <p>5 understanding that the state at large doesn't support</p> <p>6 this?</p> <p>7 A. Yes, yes.</p> <p>8 MR. JORDE: I would offer Exhibit 16.</p> <p>9 ALJ HOGAN: Mr. Gludt, any objections?</p> <p>10 MR. GLUDT: Same objections.</p> <p>11 ALJ HOGAN: Mr. Pelham.</p> <p>12 MR. PELHAM: I'll join in the objection.</p> <p>13 ALJ HOGAN: All right. And I will reiterate my</p> <p>14 comments that I made regarding LO-15, but I will admit</p> <p>15 16.</p> <p>16 MR. JORDE: Thank you.</p> <p>17 Q. (BY MR. JORDE) And then continuing on, ma'am,</p> <p>18 Exhibit 18 in front of you there talks about an</p> <p>19 investigation of secret meetings that Summit is</p> <p>20 summoning various elected officials to. Did you become</p> <p>21 aware of those actions?</p> <p>22 A. Yes. I saw this probably right after it</p> <p>23 happened.</p> <p>24 Q. And does that fit into your objections about the</p> <p>25 lack of transparency from plume modeling, safety, risk</p> <p>PAGE 32</p> |

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| <p>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?</p> <p>PAGE 33</p> | <p>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?</p> <p>PAGE 35</p> |
| <p>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.</p> <p>PAGE 34</p> | <p>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</p> <p>PAGE 36</p> |

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| <p>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.</p> <p>PAGE 37</p> | <p>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.</p> <p>PAGE 39</p> |
| <p>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?</p> <p>PAGE 38</p> | <p>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</p> <p>PAGE 40</p> |

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| <p>1 land to the east or the south of this quarter where --</p> <p>2 THE WITNESS: East or -- not to the east, but my</p> <p>3 mother-in-law is to the south.</p> <p>4 COMMISSIONER CHRISTMANN: Okay. And so it's the</p> <p>5 land -- because as I'm trying to read through your</p> <p>6 proposed reroute --</p> <p>7 THE WITNESS: Uh-huh.</p> <p>8 COMMISSIONER CHRISTMANN: -- it appears that it</p> <p>9 doesn't just get it off of that corner of your property,</p> <p>10 it appears to try and move it by, like, a half a mile</p> <p>11 away. Am I understanding that correctly?</p> <p>12 THE WITNESS: Yeah, and I'm -- I think so. My</p> <p>13 husband could answer that better. I'm thinking that, to</p> <p>14 hook up with our neighbor's, that's kind of how he drew</p> <p>15 this map.</p> <p>16 COMMISSIONER CHRISTMANN: Okay. I don't think</p> <p>17 -- oh, okay. I see there are some maps at the end of</p> <p>18 this filing too. So I'll have a chance to review that</p> <p>19 further. Okay.</p> <p>20 So one other thing I wanted to touch on. I'm</p> <p>21 sure it's just a simple mistake, but on No. 18 --</p> <p>22 THE WITNESS: Exhibit 18?</p> <p>23 COMMISSIONER CHRISTMANN: Correct.</p> <p>24 THE WITNESS: Yes. Okay.</p> <p>25 COMMISSIONER CHRISTMANN: As I'm recalling it,</p> <p>PAGE 41</p> | <p>1 COMMISSIONER HAUGEN-HOFFART: Prior to that you</p> <p>2 received communication from Summit regarding they want</p> <p>3 to route the pipeline on your land; correct?</p> <p>4 THE WITNESS: Correct.</p> <p>5 COMMISSIONER HAUGEN-HOFFART: Did you respond to</p> <p>6 that letter?</p> <p>7 THE WITNESS: We went to a meeting in Oakes,</p> <p>8 North Dakota.</p> <p>9 COMMISSIONER HAUGEN-HOFFART: Okay. But did</p> <p>10 you --</p> <p>11 THE WITNESS: Oh, did we respond?</p> <p>12 COMMISSIONER HAUGEN-HOFFART: Yeah, did you</p> <p>13 respond saying "not interested"? I mean, how did you</p> <p>14 respond to Summit's initial letter that you received?</p> <p>15 THE WITNESS: Well, I don't think it was a</p> <p>16 question. It was just that this is what we're doing so</p> <p>17 I -- we didn't respond immediately.</p> <p>18 COMMISSIONER HAUGEN-HOFFART: What do you mean</p> <p>19 by "what we're doing"?</p> <p>20 THE WITNESS: I believe the -- Summit just said</p> <p>21 here's what we're doing, this pipeline is going here,</p> <p>22 this is the route, we have some maps and --</p> <p>23 COMMISSIONER HAUGEN-HOFFART: Okay. So they</p> <p>24 laid out the proposal. Would you say the letter was a</p> <p>25 proposal on the route which impacted your land?</p> <p>PAGE 43</p> |
| <p>1 you kind of agreed with the statement from Mr. Jorde</p> <p>2 about this illegal lobbying effect, as he put it, by</p> <p>3 politicians.</p> <p>4 THE WITNESS: Yes.</p> <p>5 COMMISSIONER CHRISTMANN: Can I point you to the</p> <p>6 second page of that --</p> <p>7 THE WITNESS: Yes.</p> <p>8 COMMISSIONER CHRISTMANN: -- kind of about --</p> <p>9 just a little lower than the middle of that gray box.</p> <p>10 THE WITNESS: Uh-huh. Yes.</p> <p>11 COMMISSIONER CHRISTMANN: Who was invited to</p> <p>12 that?</p> <p>13 THE WITNESS: Legislators only.</p> <p>14 COMMISSIONER CHRISTMANN: I just wanted to make</p> <p>15 that clear. I don't know why the word "politicians" as</p> <p>16 opposed to "legislators" was used, but if it was</p> <p>17 supposed to cast suspicion on this agency, there's no</p> <p>18 evidence that we were invited to this; correct?</p> <p>19 THE WITNESS: Oh. No.</p> <p>20 COMMISSIONER CHRISTMANN: Okay. Thank you.</p> <p>21 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>22 COMMISSIONER HAUGEN-HOFFART: I want to clarify</p> <p>23 something based upon your testimony and how you answered</p> <p>24 Summit and all that. So you hired Mr. Jorde in 2022.</p> <p>25 THE WITNESS: Uh-huh. Correct.</p> <p>PAGE 42</p> | <p>1 THE WITNESS: It wasn't a proposal in terms of</p> <p>2 "Do you agree or would you agree with this?" It just</p> <p>3 was information in --</p> <p>4 COMMISSIONER HAUGEN-HOFFART: Okay. I guess</p> <p>5 what I'm trying to get at, Karla, is when you received</p> <p>6 that correspondence from Summit --</p> <p>7 THE WITNESS: Uh-huh.</p> <p>8 COMMISSIONER HAUGEN-HOFFART: -- did you respond</p> <p>9 back?</p> <p>10 THE WITNESS: No.</p> <p>11 COMMISSIONER HAUGEN-HOFFART: So what time</p> <p>12 period -- when did you receive that first letter?</p> <p>13 THE WITNESS: I don't know for sure. It seemed</p> <p>14 like it was nice outside. Maybe summer of 2022. I</p> <p>15 don't remember for sure.</p> <p>16 COMMISSIONER HAUGEN-HOFFART: Okay. I guess one</p> <p>17 of my questions for you is we go from you retained</p> <p>18 Mr. Jorde in 2022 and it isn't until 2024 that there's</p> <p>19 correspondence with Summit regarding a reroute. What</p> <p>20 happened during that time? I mean, why -- I hear your</p> <p>21 passion. Where's the communication saying "I don't want</p> <p>22 this and please reroute it"? Help me understand, as a</p> <p>23 landowner, why that time period lapses.</p> <p>24 THE WITNESS: Well, I think we were waiting to</p> <p>25 see if the -- how the PSC decision-making was going.</p> <p>PAGE 44</p> |

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| <p>1 And then when it was denied, we hoped it wasn't going to</p> <p>2 happen, I guess is my biggest thing. We kept hoping</p> <p>3 that it wouldn't happen.</p> <p>4 COMMISSIONER HAUGEN-HOFFART: Okay. So I look</p> <p>5 at it as you just took no action, that there was no</p> <p>6 action taken on your behalf on proposing a reroute or</p> <p>7 working with Summit.</p> <p>8 THE WITNESS: I guess we just hoped it went</p> <p>9 away. I mean, you know, hoped that it wasn't going to</p> <p>10 go through.</p> <p>11 COMMISSIONER HAUGEN-HOFFART: Okay. Okay.</p> <p>12 THE WITNESS: I guess I didn't feel like it was</p> <p>13 our job to -- you know, they said this is it and nobody</p> <p>14 -- we never had anybody in our residence again and --</p> <p>15 COMMISSIONER HAUGEN-HOFFART: Okay. Thanks for</p> <p>16 the clarification. I appreciate that.</p> <p>17 You said your calving -- well, I think my final</p> <p>18 question. Is it your understanding -- and I would say</p> <p>19 it's my understanding -- that you're willing to work</p> <p>20 with Summit right now on a proposed reroute?</p> <p>21 THE WITNESS: If -- if we had to, that would be</p> <p>22 the least bad option, yes.</p> <p>23 COMMISSIONER HAUGEN-HOFFART: Okay. Thank you.</p> <p>24 No further questions.</p> <p>25 ALJ HOGAN: Mr. Dawson.</p> <p>PAGE 45</p> | <p>1 REDIRECT EXAMINATION</p> <p>2 BY MR. JORDE:</p> <p>3 Q. At no time were you suggesting or are you aware</p> <p>4 we've ever suggested that any of the three commissioners</p> <p>5 of this body sitting up here have done anything illegal</p> <p>6 or -- or that they shouldn't have done; correct?</p> <p>7 A. No. No. I've appreciated all of their hearings</p> <p>8 that they've let us speak and their time and</p> <p>9 consideration. So no.</p> <p>10 Q. All right. So in terms of, you know,</p> <p>11 politicians or elected officials or people receiving</p> <p>12 money from Summit in campaigns and Summit allies,</p> <p>13 etcetera, we're not talking about the PSC at all?</p> <p>14 A. No. Absolutely not.</p> <p>15 Q. All right. Very good.</p> <p>16 Now, you were just asked some questions about</p> <p>17 whether you retained legal assistance to help you with</p> <p>18 this legal quagmire that you're faced with here. And</p> <p>19 that was in 2022. But before that, when Summit</p> <p>20 presented this to you and then you took time out of your</p> <p>21 day and gas and you drive up to the meeting and you sit</p> <p>22 there, that presentation by Summit wasn't "Hey, you</p> <p>23 know, we're thinking about this, if you're interested,</p> <p>24 talk to us and maybe we would put it on you." It's</p> <p>25 "This is the route, this is what is happening, and this</p> <p>PAGE 47</p> |
| <p>1 SUBSTITUTE DECISIONMAKER DAWSON: Thank you,</p> <p>2 Your Honor.</p> <p>3 To go back to this section 14 in the southwest</p> <p>4 quarter, who owns that?</p> <p>5 THE WITNESS: Southwest quarter?</p> <p>6 SUBSTITUTE DECISIONMAKER DAWSON: Yeah.</p> <p>7 THE WITNESS: Yeah, that's my mother-in-law.</p> <p>8 SUBSTITUTE DECISIONMAKER DAWSON: Okay. Is</p> <p>9 there a residence there at the bottom in the southwest</p> <p>10 quarter? Is there a residence?</p> <p>11 THE WITNESS: No.</p> <p>12 SUBSTITUTE DECISIONMAKER DAWSON: Okay. I'm</p> <p>13 just trying to make --</p> <p>14 THE WITNESS: Oh.</p> <p>15 SUBSTITUTE DECISIONMAKER DAWSON: -- the maps.</p> <p>16 THE WITNESS: That -- yeah. Yeah, that would be</p> <p>17 some non-relative.</p> <p>18 SUBSTITUTE DECISIONMAKER DAWSON: Okay.</p> <p>19 THE WITNESS: Yeah.</p> <p>20 SUBSTITUTE DECISIONMAKER DAWSON: That's my only</p> <p>21 question. Happy birthday.</p> <p>22 THE WITNESS: Thank you.</p> <p>23 ALJ HOGAN: Mr. Jorde, any redirect?</p> <p>24 MR. JORDE: Yes. Thank you.</p> <p>25</p> <p>PAGE 46</p> | <p>1 is your land and it's coming on you"?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. It wasn't -- I mean, Summit likes to put</p> <p>4 this "Oh, we want to engage with you and have this --"</p> <p>5 there was never any of that?</p> <p>6 A. No.</p> <p>7 Q. And then when Summit's counsel says are you</p> <p>8 willing to engage with Summit, what does that even mean</p> <p>9 and why haven't they tried to engage with you in the</p> <p>10 last two years?</p> <p>11 A. I don't know. I guess they just --</p> <p>12 Q. Okay. Has your address changed in the last two</p> <p>13 years?</p> <p>14 A. No.</p> <p>15 Q. Do you think my email or address has changed in</p> <p>16 the last two years?</p> <p>17 A. No.</p> <p>18 Q. Are you aware that for almost a year I've been</p> <p>19 trying to negotiate standard easement language with this</p> <p>20 company and they stopped talking to me about five months</p> <p>21 ago?</p> <p>22 A. Yes.</p> <p>23 Q. All right. And so we were making zero progress</p> <p>24 on getting any basic understanding done and we were</p> <p>25 trying, and then they switched to an option contract and</p> <p>PAGE 48</p> |

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| <p>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</p> <p>PAGE 49</p> | <p>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</p> <p>PAGE 51</p> |
| <p>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</p> <p>PAGE 50</p> | <p>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.</p> <p>PAGE 52</p> |

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| <p>1 ALJ HOGAN: Good morning, Mr. Waloch. I'll have</p> <p>2 you start by stating your full name for the record and</p> <p>3 spelling your last name.</p> <p>4 RANDALL WALOCH: My full name is Randall Waloch,</p> <p>5 W-A-L-O-C-H.</p> <p>6 ALJ HOGAN: And, Mr. Waloch, were you in the</p> <p>7 room this morning when I went through the penalties for</p> <p>8 perjury?</p> <p>9 RANDALL WALOCH: Yes, I was.</p> <p>10 ALJ HOGAN: And do you understand what perjury</p> <p>11 is?</p> <p>12 RANDALL WALOCH: Yes, I do.</p> <p>13 ALJ HOGAN: And being advised of the potential</p> <p>14 penalties for perjury, do you promise to tell the truth</p> <p>15 in this case today?</p> <p>16 RANDALL WALOCH: I do.</p> <p>17 ALJ HOGAN: All right. Thank you.</p> <p>18 Go ahead, Mr. Jorde.</p> <p>19 MR. JORDE: Thank you, Your Honor.</p> <p>20 <u>RANDALL WALOCH.</u></p> <p>21 being first duly sworn, was examined and testified as</p> <p>22 follows:</p> <p>23 DIRECT EXAMINATION</p> <p>24 BY MR. JORDE:</p> <p>25 Q. Will you please state your name?</p> <p>PAGE 53</p> | <p>1 A. That is correct.</p> <p>2 Q. Okay. So you took quite a bit of time to really</p> <p>3 think and consider that and essentially take away those</p> <p>4 arguments about putting it on some unwilling landowner.</p> <p>5 And then, with that, sir, if you want to just</p> <p>6 kind of explain what your thought process was and what</p> <p>7 you did.</p> <p>8 A. Okay. What goes on, my mom has another quarter</p> <p>9 which would be up on the section 12, would be the</p> <p>10 southeast quarter of that. So by --</p> <p>11 Q. Hold on. And just -- and just for the record,</p> <p>12 you're doing great, but you're on page 3 of Exhibit 5,</p> <p>13 is that correct, looks like, the first page of the maps?</p> <p>14 A. Well, let's go to 5. That one is going to be a</p> <p>15 better look for you.</p> <p>16 Q. Okay. Page 5. And then you're doing great. Is</p> <p>17 the map we're looking at orientated where the top of the</p> <p>18 page is north and the bottom is south?</p> <p>19 A. That's correct.</p> <p>20 Q. Okay. And so if you want to help the Commission</p> <p>21 understand, if you could just maybe use directions as</p> <p>22 opposed to, like, "there," words to just kind of help</p> <p>23 them as you describe it. Okay. Go ahead.</p> <p>24 A. Okay. Back on section 12, if you change the</p> <p>25 angle in that quarter there and you cut across, you can</p> <p>PAGE 55</p> |
| <p>1 A. Randy -- Randall Waloch.</p> <p>2 Q. And, Mr. Waloch, I don't want to go over all the</p> <p>3 ground we covered, obviously, with your wife there, but</p> <p>4 do you have anything specific that you'd like to discuss</p> <p>5 you feel that she left out or to help clarify anything</p> <p>6 that was discussed?</p> <p>7 A. The only thing I'd probably -- if you wanted to</p> <p>8 know some more about the land and where the pipeline is</p> <p>9 running, I could do that for you a little --</p> <p>10 Q. Thank you. I didn't want to presume that was</p> <p>11 where you were headed, but that's exactly what I'd like</p> <p>12 to do. And Exhibit 5, that binder in front of you,</p> <p>13 there's a Tab 5. Exhibit 5 is the letter and, frankly,</p> <p>14 the maps that you and your family put together showing</p> <p>15 potential reroutes.</p> <p>16 Yeah, No. 5, I think you've got it there. And</p> <p>17 so -- is that it? Let me help you. Here we go.</p> <p>18 Okay. So if we can maybe help the Commission</p> <p>19 understand a little bit better the lay of the land and</p> <p>20 your proposed reroutes -- and before you get into that,</p> <p>21 I just want to clarify that you took the time to</p> <p>22 consider potential reroutes where the land being</p> <p>23 impacted is land already owned by folks that already</p> <p>24 have signed and are participating in this project;</p> <p>25 correct?</p> <p>PAGE 54</p> | <p>1 change this whole thing and -- we have a lot of sloughs</p> <p>2 and stuff out there too. So to go around them or find a</p> <p>3 spot that would be easier to go, my angles I've got here</p> <p>4 on this paper, it did that very well, I think, by just</p> <p>5 changing the angle on two quarters that are already</p> <p>6 signed up for it that it's going across anyway. Gets</p> <p>7 rid of the quarter that we have over there, my mom.</p> <p>8 And it goes around my section 14 on that</p> <p>9 northeast and it goes around both -- half on section 14</p> <p>10 too. By going down the angle and cutting back, it ends</p> <p>11 up on the same spot and the pipeline come across on the</p> <p>12 top and it ends up going on the bottom, ends up in the</p> <p>13 same two spots. It just takes a different angle.</p> <p>14 There's only one elbow in it. And there's less elbows</p> <p>15 probably than what they go in the first place.</p> <p>16 Q. Okay. So to recap there, I mean you've drawn</p> <p>17 what essentially are two straight lines that shows one</p> <p>18 bend in kind of the southern portion of that map, page 5</p> <p>19 of Exhibit 5. And then the land that it would cross</p> <p>20 potentially if this route were worked on is land where</p> <p>21 easements already -- or land owned by people who already</p> <p>22 have easements with Summit?</p> <p>23 A. That's correct.</p> <p>24 Q. All right. And your wife mentioned the least</p> <p>25 worst route. Obviously this would get off not only you</p> <p>PAGE 56</p> |

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| <p>1 and your wife's property but also your mother's</p> <p>2 property. It's still in the area. But is this</p> <p>3 something you could -- could live with if you had to?</p> <p>4 A. Yes.</p> <p>5 Q. All right. Okay. Anything else about kind of</p> <p>6 the lay of the land or your thought process or</p> <p>7 methodology here that you think is important for the</p> <p>8 Commission to understand as they digest this?</p> <p>9 A. Well, I think it just gets away from me, for one</p> <p>10 thing, from my cattle and all that stuff, if there was a</p> <p>11 rupture or anything like that. And the next thing is,</p> <p>12 by doing the line I've got, honestly, I feel it's a</p> <p>13 better route anyway just from the standpoint of any</p> <p>14 construction company that will want to go through there;</p> <p>15 you got less sloughs you're trying to work around or</p> <p>16 anything else. You got nice straight lines and one</p> <p>17 elbow. It's better than what they proposed in the first</p> <p>18 place, in my opinion.</p> <p>19 Q. And how many years of your life have you been</p> <p>20 familiar with this ground?</p> <p>21 A. 60 probably. I don't know.</p> <p>22 Q. Okay. 60. And so you obviously know the</p> <p>23 difficulties of working the ground, the problems and the</p> <p>24 challenges that can come up, and you believe that what</p> <p>25 you're suggesting here routes around some of those</p> <p>PAGE 57</p> | <p>1 A. Some of this will probably duplicate on this</p> <p>2 being what we just got done talking to so -- but I'll do</p> <p>3 it the same way.</p> <p>4 Good morning. I'll start by saying that my</p> <p>5 number one concern is safety. I know many others who</p> <p>6 live close to the proposed pipeline route also share</p> <p>7 this concern. The proposed pipeline is taking toxic</p> <p>8 waste from four other states. Do we really want to risk</p> <p>9 safety for our people, our water, our food, and our</p> <p>10 lifestyle for just one ethanol plant in North Dakota?</p> <p>11 In addition to safety, I have a few other</p> <p>12 concerns I would like to share with you. I'm a farmer,</p> <p>13 a cattle rancher. We raise crops, livestock. The</p> <p>14 proposed pipeline route's less than a half mile from my</p> <p>15 house and runs alongside my calving pasture. In the</p> <p>16 event of a rupture, my cattle would -- would either be</p> <p>17 starved of oxygen or they would not survive the blast.</p> <p>18 I have a verified copy from my insurance company that</p> <p>19 states it could not cover any losses incurred if this</p> <p>20 happens. How could I make up for the \$600,000 economic</p> <p>21 loss with no insurance coverage and 50 years' of</p> <p>22 breeding genetics experience?</p> <p>23 As a farmer and rancher, I'm a good steward of</p> <p>24 the land and I have spent my entire life making land</p> <p>25 more productive by minimum tillage, no tillage, and</p> <p>PAGE 59</p> |
| <p>1 natural-existing challenges?</p> <p>2 A. I do.</p> <p>3 Q. Now, did your wife say that your cattle yard is</p> <p>4 approximately a hundred foot from the current proposed</p> <p>5 hazardous pipeline route?</p> <p>6 A. Yes, that's correct.</p> <p>7 Q. And do you have quite a bit of investment there?</p> <p>8 I suppose you think of that -- that cattle yard as a</p> <p>9 business, your cattle business; correct?</p> <p>10 A. Exactly.</p> <p>11 Q. And so when Summit was putting together their</p> <p>12 statistics of if they are within 500 feet of a business</p> <p>13 or residence, they didn't include you and they haven't</p> <p>14 requested a waiver, have they?</p> <p>15 A. No.</p> <p>16 Q. Okay. And that business, that cattle and the,</p> <p>17 roughly, 600,000 market value of cattle you have there,</p> <p>18 that's a significant portion of the livelihood that you</p> <p>19 and your family depend on; correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Okay. All right, sir, is there anything else</p> <p>22 you want to share with the Commission before I let you</p> <p>23 go?</p> <p>24 A. No. I was just going to read something else.</p> <p>25 Q. Sure. Go ahead.</p> <p>PAGE 58</p> | <p>1 planting cover crops. With these practices, they will</p> <p>2 increase organic matter in the soil which will result in</p> <p>3 the soil being able to hold more water and air which</p> <p>4 will increase the yield. By putting in a pipeline, will</p> <p>5 destroy fertile topsoil and cause severe compaction</p> <p>6 which would decrease yields for years or forever. For</p> <p>7 an example, there's a pipeline approximately 15 miles</p> <p>8 west of where I live and you can still see where the</p> <p>9 line runs several years later. I'm positive that this</p> <p>10 will devalue my property by having a hazard pipeline</p> <p>11 on it.</p> <p>12 Water is a precious resource which makes the</p> <p>13 amount of consumption needed for a pipeline a huge</p> <p>14 concern. With an ethanol plant in Casselton and Fargo's</p> <p>15 population growth, will there be enough water necessary</p> <p>16 for living?</p> <p>17 Have we considered -- the outcome of this</p> <p>18 project is approved and then fails -- who is going to be</p> <p>19 financially and environmentally responsible?</p> <p>20 Q. Okay. Thank you. I just have a couple</p> <p>21 follow-up on that.</p> <p>22 The value piece. You know, others have talked</p> <p>23 about that. And in your neck of the woods out there,</p> <p>24 would you agree that there's probably a handful of</p> <p>25 families that tend to make the market if a parcel comes</p> <p>PAGE 60</p> |

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| <p>1 up at auction or for sale?</p> <p>2 A. Yes, that's correct.</p> <p>3 Q. And I take it that you wouldn't be purchasing or</p> <p>4 bidding on any land that had Summit's hazardous CO2</p> <p>5 pipeline on it; is that correct?</p> <p>6 A. Yes, that's correct.</p> <p>7 Q. And so if you take just one person and then</p> <p>8 maybe others out of a small market, is it reasonable to</p> <p>9 conclude that that could negatively impact values?</p> <p>10 A. Yes. That would happen.</p> <p>11 For an example, if you go back in history in</p> <p>12 years, you've got land that was bought up by the</p> <p>13 government for sloughs and the wildlife thing. And</p> <p>14 nowadays, if there's land that comes up for sale, one of</p> <p>15 their first ads on there is that line "it has no</p> <p>16 wildlife easements."</p> <p>17 Q. And that's because the easements or the</p> <p>18 prohibitions and the restrictions of what can and can't</p> <p>19 be done on land when there is an existing easement or</p> <p>20 some type of infrastructure creates a negative value, in</p> <p>21 your view; correct?</p> <p>22 A. That's correct.</p> <p>23 Q. You mentioned water briefly. And this hasn't</p> <p>24 come up much, but you're aware, if this project is</p> <p>25 approved, that Summit is going to be sucking up maybe a</p> <p>PAGE 61</p> | <p>1 But, anyway, I'm done with that line of</p> <p>2 questioning. I just have one more here.</p> <p>3 Q. (BY MR. JORDE) On that insurance piece, is --</p> <p>4 what I've taken from your discussion there on insurance</p> <p>5 is that --</p> <p>6 MR. GLUDT: Objection, Your Honor. The</p> <p>7 Commission's August 4th, 2024, order says the Commission</p> <p>8 does not have -- or found that the issue relating to</p> <p>9 insurance and Summit's indemnity has been satisfied.</p> <p>10 ALJ HOGAN: I agree. I just looked at the order</p> <p>11 and the Commission made a specific finding regarding</p> <p>12 liability insurance requirements. So we don't need to</p> <p>13 cover that with any further testimony.</p> <p>14 MR. JORDE: Well, Your Honor, with respect,</p> <p>15 unfortunately, in Mr. Powell's April 22nd testimony to</p> <p>16 this Commission he put it in at issue. Again, on page 4</p> <p>17 of his March 4th letter that he attached his prefiled</p> <p>18 testimony. And he has a specific section that he gets</p> <p>19 into related to insurance and liability insurance, and</p> <p>20 we need to be able to address that.</p> <p>21 ALJ HOGAN: Well, I'm not going to allow further</p> <p>22 testimony because the Commission has already addressed</p> <p>23 it in their order. The purpose of these hearings are to</p> <p>24 address deficiencies the Commission found in its order</p> <p>25 and proposed reroute. So I would please ask that you</p> <p>PAGE 63</p> |
| <p>1 billion gallons a year in water across the project at</p> <p>2 all the ethanol plants to cool the CO2. Did you know</p> <p>3 that?</p> <p>4 A. Yes.</p> <p>5 Q. And are you also aware that because CO2 is</p> <p>6 volatile, there has to be a constant pressure maintained</p> <p>7 at all times in the pipeline, they can't just shut it</p> <p>8 off or let the CO2 sit in the pipeline? Did you know</p> <p>9 that?</p> <p>10 A. Yes.</p> <p>11 MR. GLUDT: Your Honor, I'm going to put an</p> <p>12 objection again. Mr. Jorde is testifying and he's just</p> <p>13 asking his witness if he agrees. We can exponentially</p> <p>14 expedite these proceedings if we would move past those</p> <p>15 types of questions.</p> <p>16 ALJ HOGAN: I agree. And I believe this is</p> <p>17 ground that's been previously testified to and provided</p> <p>18 to the Commission at previous hearings.</p> <p>19 MR. JORDE: You know, and you're right, Your</p> <p>20 Honor, some of it has. It's just that Summit opened the</p> <p>21 door with Mr. Powell's filing where they go into safety</p> <p>22 and proximity and emergency and why carbon sequestration</p> <p>23 and they go into all these things and -- just last month</p> <p>24 so, you know. But we have to have an opportunity to at</p> <p>25 least touch on the claims they're making so...</p> <p>PAGE 62</p> | <p>1 move on.</p> <p>2 MR. JORDE: Then landowners move to strike the</p> <p>3 entirety of Mr. Powell's prefiled testimony given he</p> <p>4 violated the restrictions that you're putting on</p> <p>5 landowners right now and we would ask that exhibit be</p> <p>6 stricken from the record.</p> <p>7 ALJ HOGAN: If you want me to consider that,</p> <p>8 you'll need to file a written motion for that</p> <p>9 consideration after this hearing.</p> <p>10 MR. JORDE: Okay. We will do that. Thank you.</p> <p>11 Q. (BY MR. JORDE) Sir, anything else that we</p> <p>12 should cover?</p> <p>13 A. No.</p> <p>14 Q. Okay. Thank you so much for coming. Appreciate</p> <p>15 it.</p> <p>16 ALJ HOGAN: Mr. Gludt, any questions?</p> <p>17 MR. GLUDT: None, Your Honor.</p> <p>18 ALJ HOGAN: Mr. Pelham.</p> <p>19 CROSS EXAMINATION</p> <p>20 BY MR. PELHAM:</p> <p>21 Q. Good morning, Mr. Waloch. I'm just wondering,</p> <p>22 your wife talked a little bit about this and was</p> <p>23 questioned on it, but I'm wondering what contact, if</p> <p>24 any, you had directly with Summit related to this</p> <p>25 proposed line.</p> <p>PAGE 64</p> |

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| <p>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.</p> <p>PAGE 65</p> | <p>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</p> <p>PAGE 67</p> |
| <p>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.</p> <p>PAGE 66</p> | <p>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</p> <p>PAGE 68</p> |

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| <p>1 should take her out for dinner.</p> <p>2 THE WITNESS: Probably be a good idea.</p> <p>3 COMMISSIONER HAUGEN-HOFFART: I have no further</p> <p>4 questions. Thank you.</p> <p>5 ALJ HOGAN: Mr. Dawson, any questions?</p> <p>6 SUBSTITUTE DECISIONMAKER DAWSON: No questions,</p> <p>7 Your Honor. Thank you.</p> <p>8 ALJ HOGAN: Any redirect, Mr. Jorde?</p> <p>9 MR. JORDE: Just one or two questions.</p> <p>10 REDIRECT EXAMINATION</p> <p>11 BY MR. JORDE:</p> <p>12 Q. So I appreciate the point that Mr. Pelham's</p> <p>13 making, and that's our point. So, you know, whether you</p> <p>14 hired me or not, I mean I have an email, I have an</p> <p>15 address, I have a phone number. Summit hasn't come to</p> <p>16 you with any type of options, any type of "Hey, we have</p> <p>17 all these easements signed up, we could maybe do this or</p> <p>18 this." They haven't suggested solutions; is that</p> <p>19 correct?</p> <p>20 A. That's correct.</p> <p>21 Q. All right. Thank you. Nothing further.</p> <p>22 Appreciate it, sir.</p> <p>23 ALJ HOGAN: Mr. Gludt, any other questions?</p> <p>24 MR. GLUDT: Nothing, Your Honor.</p> <p>25 ALJ HOGAN: Mr. Pelham.</p> <p>PAGE 69</p> | <p>1 A. We have cell phones now.</p> <p>2 Q. Cell phones, okay, yeah. See, that dates me</p> <p>3 too. But desk or anything set up in those shops?</p> <p>4 A. Yes. There is one out there.</p> <p>5 Q. Okay. And is it your testimony, sir, that that</p> <p>6 is an occupied business structure then?</p> <p>7 A. Yes.</p> <p>8 Q. All right. Thank you.</p> <p>9 ALJ HOGAN: Any other questions from</p> <p>10 commissioners or Mr. Dawson?</p> <p>11 All right. Thank you, Mr. Waloch.</p> <p>12 THE WITNESS: Thank you.</p> <p>13 MR. JORDE: Your Honor, could I have one</p> <p>14 follow-up on Mr. Pelham's last question --</p> <p>15 ALJ HOGAN: If I allow you to ask a follow-up,</p> <p>16 then I've got to go around the room again so I prefer</p> <p>17 not.</p> <p>18 MR. JORDE: Okay. I guess is the preference a</p> <p>19 hard no?</p> <p>20 ALJ HOGAN: Yes.</p> <p>21 MR. JORDE: Okay. All right. I'll ask someone</p> <p>22 else.</p> <p>23 Thank you, sir. I appreciate it.</p> <p>24 ALJ HOGAN: All right. Next witness.</p> <p>25 MR. JORDE: Loren Staroba, please.</p> <p>PAGE 71</p> |
| <p>1 MR. PELHAM: I did. I missed one earlier. I</p> <p>2 apologize.</p> <p>3 RECROSS EXAMINATION</p> <p>4 BY MR. PELHAM:</p> <p>5 Q. Sir, you testified related to your business</p> <p>6 being close to the proposed line. Are there structures</p> <p>7 that are occupied that your business utilizes on this</p> <p>8 section 14 that you own?</p> <p>9 A. Yes. We live there and all our farm buildings</p> <p>10 are there.</p> <p>11 Q. Do you know the distance from the proposed line</p> <p>12 as far as any business -- business structures that are</p> <p>13 located on your property?</p> <p>14 A. To my thinking, I'm guessing it's under a half</p> <p>15 mile.</p> <p>16 Q. Okay. And specifically, can you tell us what</p> <p>17 structures you're talking about?</p> <p>18 A. I got a shop and pole barns and machine sheds</p> <p>19 and a house and barn, another cattle barn, feedlot.</p> <p>20 Q. Do you have an office in any of those</p> <p>21 structures?</p> <p>22 A. We do a lot of work out of the shop. It's not</p> <p>23 really a good office, but, yes, it's -- we make a lot of</p> <p>24 calls there.</p> <p>25 Q. Okay. So there's a phone line?</p> <p>PAGE 70</p> | <p>1 ALJ HOGAN: Good morning, Mr. Staroba. I'll</p> <p>2 have you start by stating your full name for the record</p> <p>3 and spelling your last name.</p> <p>4 LOREN STAROBA: Yes. Good morning. My name is</p> <p>5 Loren Staroba. And my last name is S-T-A-R-O-B-A.</p> <p>6 ALJ HOGAN: And, Mr. Staroba, were you in the</p> <p>7 room this morning when I went through the penalties for</p> <p>8 perjury?</p> <p>9 LOREN STAROBA: I was.</p> <p>10 ALJ HOGAN: And do you understand what perjury</p> <p>11 is?</p> <p>12 LOREN STAROBA: I do.</p> <p>13 ALJ HOGAN: And being advised of the potential</p> <p>14 penalties for perjury, do you promise to tell the truth</p> <p>15 in this case today?</p> <p>16 LOREN STAROBA: Yes, I do.</p> <p>17 ALJ HOGAN: All right. Thank you.</p> <p>18 Go ahead, Mr. Jorde.</p> <p>19 MR. JORDE: Thank you, Your Honor.</p> <p>20 <u>LOREN STAROBA,</u></p> <p>21 being first duly sworn, was examined and testified as</p> <p>22 follows:</p> <p>23 DIRECT EXAMINATION</p> <p>24 BY MR. JORDE:</p> <p>25 Q. Sir, please state your name and tell us where</p> <p>PAGE 72</p> |

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| <p>1 your targeted land is located.</p> <p>2 A. My name is Loren Staroba and the properties that</p> <p>3 we have are in two different sections. One in section 2</p> <p>4 of the northwest quarter of section 130-151.</p> <p>5 Q. And then just help us out, that's Richland</p> <p>6 County; correct?</p> <p>7 A. That is Richland County, yes.</p> <p>8 Q. Okay. And then another parcel?</p> <p>9 A. It is in section 35, and that's part of the east</p> <p>10 half of section 132-51.</p> <p>11 Q. All right. Very good.</p> <p>12 Now, sir, you and your wife, Diane, are both</p> <p>13 formal intervenors in this --</p> <p>14 A. Yes, we are.</p> <p>15 Q. And I don't want to go over every single</p> <p>16 question that I asked the Walochs, which may be similar</p> <p>17 to you given that we're all working together, but, just</p> <p>18 generally, do you share the concerns that the Walochs</p> <p>19 presented in their testimony?</p> <p>20 A. Yes, I do.</p> <p>21 Q. And in terms of the back-and-forth we had about</p> <p>22 not being contacted by Summit, not having -- that</p> <p>23 Summit's not presenting solutions or potential reroutes</p> <p>24 or providing you with new options, is that all true for</p> <p>25 you as it was the Walochs?</p> <p>PAGE 73</p> | <p>1 A. That's correct.</p> <p>2 Q. All right. And did you take these actions</p> <p>3 because you hadn't heard from them, there was nothing</p> <p>4 going on so -- from their side of finding solutions so</p> <p>5 you tried to make another attempt at it?</p> <p>6 A. There was nothing from Summit at all as far as a</p> <p>7 proposed route, reroute. There was nothing.</p> <p>8 And I guess I've kind of made a list and a</p> <p>9 timeline of what has actually happened from Summit since</p> <p>10 the very beginning, and I'd like to go through that so</p> <p>11 you don't have to ask the questions when these things</p> <p>12 happened, you know.</p> <p>13 But our first contact with SCS with -- was by</p> <p>14 certified mail from Erik Schovanec in August of '21. It</p> <p>15 was vague and showed a pipeline only on one section,</p> <p>16 section 35.</p> <p>17 In February of '22 an easement offer was --</p> <p>18 arrived by certified mail, and Bruce Johnson (phonetic),</p> <p>19 representing SCS, for a pipeline on section 35 and then</p> <p>20 only a temporary construction easement on section 2. We</p> <p>21 responded to their land agent, Catherine Johnson</p> <p>22 (phonetic), that we were not interested in another</p> <p>23 pipeline on our property.</p> <p>24 Section 35, as I testified in the last hearing</p> <p>25 in Wahpeton, has two pipelines there already. And we</p> <p>PAGE 75</p> |
| <p>1 A. It's all true. And it's one of the main reasons</p> <p>2 I'm here today.</p> <p>3 Q. And, sir, I believe you sat, maybe not in that</p> <p>4 chair but in that location almost approximately a year</p> <p>5 ago, didn't you?</p> <p>6 A. That's correct.</p> <p>7 Q. And in that year period there's been no efforts,</p> <p>8 at least that we're aware of, that Summit tried to</p> <p>9 address a single concern that you shared; is that</p> <p>10 correct?</p> <p>11 A. That's true. There's been very minimal response</p> <p>12 unless we initiated it.</p> <p>13 Q. And you might be going to Exhibit No. 3, which</p> <p>14 is the April 23rd, 2024, letter with another reroute; is</p> <p>15 that correct?</p> <p>16 A. Yes, it is.</p> <p>17 Q. Okay. And do you have a copy in front of you?</p> <p>18 A. I do.</p> <p>19 Q. Very good. And, sir, you actually personally</p> <p>20 prepared the map which is page 3 and 4 of that letter;</p> <p>21 is that correct?</p> <p>22 A. That's correct.</p> <p>23 Q. And then you provided that map to me and then we</p> <p>24 worked together on this letter and then I sent it on</p> <p>25 your behalf to Summit; correct?</p> <p>PAGE 74</p> | <p>1 have had many adversely affected crop production and --</p> <p>2 due to compaction, water drainage, and soil quality</p> <p>3 issues. And I -- I talked about that, that after 25, 45</p> <p>4 years later we still have problems. So we don't want</p> <p>5 another one. That was what my testimony was. And</p> <p>6 that's what we told them. That was already in basically</p> <p>7 February '22.</p> <p>8 Then on July 22 and July 29 we received FedEx</p> <p>9 letters from the Fredrikson Law Firm stating we must</p> <p>10 give voluntary access for Summit to survey. The thing</p> <p>11 is, on those survey permission forms, they gave the</p> <p>12 wrong county name and all the contact numbers were</p> <p>13 incorrect. So basically, they wanted us to give</p> <p>14 permission in Dickey County. We live in Richland</p> <p>15 County. And I've got papers and it's in the records.</p> <p>16 So we felt we didn't -- we couldn't legitimately grant</p> <p>17 them survey permission.</p> <p>18 And did we want to work with a company that</p> <p>19 can't even get the county correct? And then basically</p> <p>20 we thought, with the lack of professionalism and the</p> <p>21 obvious errors and the misrepresentations of our</p> <p>22 properties, was Summit trustworthy? And we didn't want</p> <p>23 to do business with them. And we told them that. We</p> <p>24 assumed we had some property rights in North Dakota.</p> <p>25 And on August 2nd of '22 we got legal</p> <p>PAGE 76</p> |

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| <p>1 representation from Brian Jorde of the Domina Law Group.</p> <p>2 And then on August 23rd Summit served us papers at our</p> <p>3 front door suing us for access to survey our property.</p> <p>4 And, again, I'd like to reiterate this. All</p> <p>5 four copies of the survey access form, Exhibit A, called</p> <p>6 it Dickey County and had all the incorrect phone</p> <p>7 numbers. And those are all included in those lawsuit</p> <p>8 papers. So I guess we didn't have a real good feeling</p> <p>9 of professionalism at that point. And they --</p> <p>10 basically, there was in the actual lawsuit in these</p> <p>11 other forms, they give us the proper descriptions, but</p> <p>12 they still called it Dickey County.</p> <p>13 And then after they sued us, September 13, '22,</p> <p>14 we received a second easement offer from Julie DiMeo,</p> <p>15 their North Dakota road manager, and basically they</p> <p>16 added an additional pipeline on section 2 after we had</p> <p>17 been sued for access. So -- and through all of this</p> <p>18 there wasn't any notice of a change from them to give us</p> <p>19 a heads-up. There was nothing.</p> <p>20 Then eight months later, May of '23, with no</p> <p>21 contact at all from SCS through us and through our</p> <p>22 lawyer, we -- we did hire David Piper, a local West</p> <p>23 Fargo attorney through that firm, to initiate contact</p> <p>24 with Summit to move the pipeline in section 2 from our</p> <p>25 land. And that's because the pipeline came in at just</p> <p>PAGE 77</p> | <p>1 telling us what they were doing.</p> <p>2 Then in March 2024 our attorney, Steve Leibel,</p> <p>3 filed a letter from the -- filed with the PSC Document</p> <p>4 No. 463 and he asked that Summit -- and said that Summit</p> <p>5 had not contacted us to address our concerns on section</p> <p>6 35. He also filed Document 466, a list of interrogatory</p> <p>7 questions for them to identify the studies, the reports,</p> <p>8 the analysis, the reroutes that they proposed and any</p> <p>9 agreed on, negotiations, discussions with us, or other</p> <p>10 measures initiated or considered by Summit with respect</p> <p>11 to our property.</p> <p>12 Then on March 22nd Summit answered with a</p> <p>13 boilerplate response. They said they had no obligation</p> <p>14 to reroute the pipeline which would require introducing</p> <p>15 new landowners to the project, amending other existing</p> <p>16 easements, and moving the route approximately .6 miles</p> <p>17 outside the existing corridor. They had no explanation</p> <p>18 to us and to you for any reroute they may have</p> <p>19 considered and come up with .6 miles. I just don't see</p> <p>20 it. And they've never said -- there's been nothing.</p> <p>21 So they have -- they have rerouted much further</p> <p>22 than .6 miles many times. The Bernhardtts, 8.3 miles in</p> <p>23 Emmons County; Doolittles, 3.9 miles in Emmons County;</p> <p>24 the Vculeks, 4.3 miles in Dickey County and also 8 point</p> <p>25 miles in Richland County to get it completely off their</p> <p>PAGE 79</p> |
| <p>1 one corner and we thought, okay, let's go and get -- run</p> <p>2 it diagonally through the road. We'll at least get that</p> <p>3 from them, we thought. And we were not negotiating</p> <p>4 anything on section 35, but we thought if we can work</p> <p>5 with them to get it through section 2.</p> <p>6 After considerable effort and conversations with</p> <p>7 neighbors and personal expense, we offered a solution to</p> <p>8 run it through diagonally crossing through the road.</p> <p>9 Our attorney, David Piper, had conversations with the</p> <p>10 rural manager, Julie DiMeo. And the current PSC map of</p> <p>11 section 2 shows that change, but we have nothing in</p> <p>12 writing. There's no easement offered. There was</p> <p>13 nothing.</p> <p>14 So we have seen or heard nothing addressed in</p> <p>15 section 35 since Summit sued us. The only communication</p> <p>16 we had was to the lawsuit but nothing to changing</p> <p>17 anything.</p> <p>18 There was a slight change in the angle of the</p> <p>19 pipeline that you see on the map now. It was higher up.</p> <p>20 And that happened after Terry Goerger, our neighbor,</p> <p>21 signed an easement. There was never any question from</p> <p>22 Summit saying, "Well, where do you think it might want</p> <p>23 to go? What can we do, you know, to help you out?" No.</p> <p>24 So there's been two, three changes that they made</p> <p>25 without any contact with us and asking us or even</p> <p>PAGE 78</p> | <p>1 land, they did that; and Dotzenrods, 2.2 miles in</p> <p>2 Richland County. That's all in Document 411. They made</p> <p>3 huge efforts to address the concerns of these landowners</p> <p>4 only because the PSC has singled out -- the PSC singled</p> <p>5 them out.</p> <p>6 In April of this year, '24, fairly recently, on</p> <p>7 the 23rd of April, our attorney, Brian Jorde, submitted</p> <p>8 a letter to Summit attorney Lawrence Bender stating our</p> <p>9 concerns on the pipeline. We did propose an alternate</p> <p>10 route on section 35 along the south edge of our</p> <p>11 property, requested a response from Summit, but have</p> <p>12 heard nothing. Our letters to Bender and the maps of</p> <p>13 our two tracts is included in the packet we have</p> <p>14 presented to you.</p> <p>15 Actually, there's been a letter now from Bender</p> <p>16 -- excuse me, from Summit, from Lawrence Bender, that</p> <p>17 they have responded to that. Basically, we sent this</p> <p>18 letter hoping to get a response from them a month ago.</p> <p>19 We heard nothing. They just -- I don't know if they</p> <p>20 ignored or they just didn't think they needed to talk to</p> <p>21 us. We heard nothing until basically when we filed with</p> <p>22 the PSC this letter, then "Oh, I guess we better say</p> <p>23 something." So they -- whatever that's worth, that's</p> <p>24 what happened.</p> <p>25 We feel that they really have made no efforts to</p> <p>PAGE 80</p> |

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| <p>1 address our concerns in section 35. They have -- it</p> <p>2 appears they have no responsibility to consider our</p> <p>3 position to protect our property. And we're asking the</p> <p>4 PSC to recognize our voiced concerns as you have with</p> <p>5 other landowners along Summit proposed property. And I</p> <p>6 think it's just that, you know, in your -- in your PSC</p> <p>7 order, you had said that Summit has not taken the steps</p> <p>8 to address the outstanding legitimate impacts expressed</p> <p>9 by landowners during the public comment or demonstrated</p> <p>10 why a reroute is not feasible. We're asking that you</p> <p>11 would do that or that they would do that, because I</p> <p>12 would think that's their obligation.</p> <p>13 I know on the -- on the -- when we suggested a</p> <p>14 route, they are -- they are -- I've done some research.</p> <p>15 I've been to the courthouse and I seen that the property</p> <p>16 owners on each side of us have signed agreements. So</p> <p>17 when they say that their route is .6 miles outside the</p> <p>18 existing corridor, whatever I've calculated, it's less</p> <p>19 than .4 miles. And they're saying that there are no --</p> <p>20 they'd have to have new property owners. They said</p> <p>21 that. I don't see that.</p> <p>22 But what -- where did they get their</p> <p>23 information? They haven't showed us at all. They have</p> <p>24 not, through any of this, proposed a separate route, any</p> <p>25 kind of a reroute. There's been nothing. So it isn't</p> <p>PAGE 81</p> | <p>1 you know, Mr. Jorde filed the letter to Summit without</p> <p>2 including Summit's response letters. Those response</p> <p>3 letters were all filed with the Commission, I believe,</p> <p>4 yesterday. So I have no objection to this entering the</p> <p>5 evidence as long as the response letters also come in.</p> <p>6 ALJ HOGAN: How did -- I didn't see that. Was</p> <p>7 it, like, one docket number or multiples?</p> <p>8 MR. GLUDT: I didn't -- it was yesterday. I</p> <p>9 don't know which docket number --</p> <p>10 ALJ HOGAN: Okay.</p> <p>11 MR. GLUDT: -- it ended up at, Your Honor.</p> <p>12 ALJ HOGAN: Okay.</p> <p>13 MR. GLUDT: But it was -- and just to clarify</p> <p>14 the timing on this, our filing, Mr. Jorde had already</p> <p>15 prefled his exhibits and we had seen his letters to his</p> <p>16 clients and so we felt it necessary to get our response</p> <p>17 letters on the record.</p> <p>18 ALJ HOGAN: Maybe this is a better way to ask</p> <p>19 it. Did you file it with, like, a letter? Is it part</p> <p>20 of --</p> <p>21 MR. JORDE: It's 576.</p> <p>22 ALJ HOGAN: 576. Okay. And now I have it in my</p> <p>23 hand so -- okay.</p> <p>24 Mr. Pelham, any objection to Landowner</p> <p>25 Exhibit 3?</p> <p>PAGE 83</p> |
| <p>1 up to us, and it shouldn't have been up to us to propose</p> <p>2 that, because they had been given the order that they</p> <p>3 should -- they should deal with us. There's been</p> <p>4 nothing. So that's our main complaint here.</p> <p>5 And I'd like to reiterate with what Governor</p> <p>6 Burgum said, "If you don't want it, give it to -- give</p> <p>7 the big check to your neighbor." And also State</p> <p>8 Representative Mike Brandenburg testified at the</p> <p>9 Burleigh County meeting in April '22, he said he's been</p> <p>10 telling Summit, if we don't -- if a -- excuse me -- if a</p> <p>11 landowner doesn't want the pipelines, that Summit should</p> <p>12 stay away from them. And he says there's nothing and we</p> <p>13 don't -- if we want nothing to do with it, that's our</p> <p>14 right. We may have to accept the ramifications, and I'm</p> <p>15 not sure what he meant by ramifications, but that's what</p> <p>16 we did. And nothing's happened.</p> <p>17 Q. And, sir, the April 23rd, 2024, letter you've</p> <p>18 been discussing, that's a true and accurate copy of what</p> <p>19 we sent and of the alternatives you spent time</p> <p>20 proposing; is that correct?</p> <p>21 A. Yes, it is.</p> <p>22 MR. JORDE: We would offer Landowner Exhibit No.</p> <p>23 3, that letter.</p> <p>24 ALJ HOGAN: Any objection to 3?</p> <p>25 MR. GLUDT: I'm going to object, Your Honor. As</p> <p>PAGE 82</p> | <p>1 MR. PELHAM: No objection.</p> <p>2 ALJ HOGAN: All right. So I will admit 3.</p> <p>3 Mr. Jorde, any objection to admitting as an</p> <p>4 exhibit the May 23rd letter from Mr. Bender with the</p> <p>5 response letters?</p> <p>6 MR. JORDE: Well, number one, I don't know if</p> <p>7 the requisite amount of copies have been provided here.</p> <p>8 Number two, I didn't know if we just file something to</p> <p>9 the docket, then we can get it into evidence. So I</p> <p>10 guess I would object. I don't have an objection if they</p> <p>11 want to do it properly, but just referencing to a filing</p> <p>12 and I don't have a copy of the exhibit, apparently they</p> <p>13 didn't care to bring them here, so I would object on</p> <p>14 those -- on those grounds.</p> <p>15 ALJ HOGAN: All right. Well, that objection is</p> <p>16 noted. I am going to admit as -- let's see. I have the</p> <p>17 last Summit exhibit labeled SCS R-14 so I would label</p> <p>18 this as R-15, if that's acceptable. Okay.</p> <p>19 MR. GLUDT: Yes, Your Honor.</p> <p>20 ALJ HOGAN: So I'm going to admit that as</p> <p>21 SCS R-15. And I have one copy here, Mr. Jorde, if you</p> <p>22 want to look at it over the break.</p> <p>23 MR. JORDE: Well, yeah, I would need to -- I</p> <p>24 mean, we're going to have to go over it now since it</p> <p>25 just came into evidence during my client's testimony so</p> <p>PAGE 84</p> |

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| <p>1 we can get into -- can I use that copy since Summit</p> <p>2 failed to provide one for us? Thank you.</p> <p>3 All right. Let me find whatever letter they're</p> <p>4 referencing here. This might take me a few minutes.</p> <p>5 How far in is it?</p> <p>6 UNIDENTIFIED SPEAKER: Not too far in.</p> <p>7 (Pause)</p> <p>8 MR. JORDE: All right. So -- oh, I'm sorry. Is</p> <p>9 it my -- am I still going? I got confused there.</p> <p>10 Q. (BY MR. JORDE) Okay, sir, so we -- your</p> <p>11 letter, Exhibit 3, was admitted into evidence. And that</p> <p>12 was April 23rd. And I know on your letter, at the</p> <p>13 bottom of page 1, not only do you have capable Mr.</p> <p>14 Leibel here, myself, you then also hired yet another</p> <p>15 attorney, David Piper, to try to get this figured out.</p> <p>16 And Summit hasn't worked with any of us; is that</p> <p>17 correct?</p> <p>18 A. David Piper has worked with Summit.</p> <p>19 Q. I phrased that inartfully. Have they provided</p> <p>20 reroutes to you?</p> <p>21 A. No.</p> <p>22 Q. Okay. All right. And then, let's see, that was</p> <p>23 April 23rd. And then we filed these with the PSC so now</p> <p>24 the world knows about them. And then three days ago</p> <p>25 apparently we get a letter here from Mr. Bender that's</p> <p>PAGE 85</p> | <p>1 didn't have a survey, did they, on your land?</p> <p>2 A. No.</p> <p>3 Q. Okay. And when they were here last year and</p> <p>4 were saying this is the route, we're confident in the</p> <p>5 route, they didn't have a survey on their land; correct?</p> <p>6 On your land; correct?</p> <p>7 A. They didn't have a survey either when they moved</p> <p>8 it three times. There was no survey.</p> <p>9 Q. Okay. And so this idea of, you know, three days</p> <p>10 ago we get the letter, "Oh, well, yeah, we'd love to</p> <p>11 talk to you, we need a survey," they haven't had a</p> <p>12 survey for all of the moving around they've done, but</p> <p>13 now they need it. Does that seem a little disingenuous?</p> <p>14 A. I think it's disingenuous. And who's to say</p> <p>15 they haven't received a survey already? I'd like to ask</p> <p>16 that question. I don't suppose I can, but would they</p> <p>17 honestly say they haven't surveyed it?</p> <p>18 Q. So have they provided you any survey that they</p> <p>19 may have done on your property?</p> <p>20 A. No, they have not. They haven't even said it's</p> <p>21 surveyed.</p> <p>22 Q. Okay. And they don't say what kind of survey</p> <p>23 they need, it's just a general survey so they're not</p> <p>24 specific.</p> <p>25 Now, sir, their counsel is sitting right here,</p> <p>PAGE 87</p> |
| <p>1 now -- I don't know if these are all in evidence, but I</p> <p>2 guess yours is in evidence. What does he say? Anything</p> <p>3 relevant here? Let's see.</p> <p>4 Okay. Now so they -- they say they've reviewed</p> <p>5 the -- your reroute proposal and they believe that maybe</p> <p>6 accommodations can be made, but you've been trying this</p> <p>7 for over a year, haven't you?</p> <p>8 A. Easily over a year.</p> <p>9 Q. Okay. So when we let the PSC know what's going</p> <p>10 on, now three days ago Summit gets the letter. Do you</p> <p>11 feel that's a little disingenuous?</p> <p>12 A. Yes.</p> <p>13 Q. All right. And now, again, they are using the</p> <p>14 survey excuse to see if the reroutes are feasible, but</p> <p>15 the reroutes you're suggesting, where are they going?</p> <p>16 Are they going off of your property or where are they</p> <p>17 going?</p> <p>18 A. No, not completely. As the least worst -- I</p> <p>19 guess that's one way to put it -- to move it to the</p> <p>20 bottom edge of our property so it doesn't angle across</p> <p>21 like it has with the other two pipelines. And we've</p> <p>22 seen it for years. And then basically our suggestion</p> <p>23 was to take it to the east.</p> <p>24 Q. Okay. And same questions as I asked to the</p> <p>25 Walochs. When Summit drew this route years ago, they</p> <p>PAGE 86</p> | <p>1 their executives are all sitting. We got the CEO, the</p> <p>2 COO, general counsel right behind you. We're going to</p> <p>3 take a break here in a little bit. We could just hammer</p> <p>4 out a deal right then. We've got them all here.</p> <p>5 Wouldn't you agree?</p> <p>6 A. I guess we could talk about it. I'd -- I just</p> <p>7 don't understand why they haven't given us a chance to</p> <p>8 at least give us a proposal or suggested anything. It's</p> <p>9 just been one of the things that this is where it's</p> <p>10 going to be and you have no choice.</p> <p>11 Q. And we heard that concern from you a year ago,</p> <p>12 their project was denied on the basis that they hadn't</p> <p>13 listened to landowner concerns, and here we are a year</p> <p>14 later; right?</p> <p>15 A. That's right.</p> <p>16 Q. Okay. Sir, is there anything else related to</p> <p>17 your proposed reroute -- it's quite detailed and</p> <p>18 organized -- that you think the Commission should know</p> <p>19 so they could consider either denying this because</p> <p>20 Summit's failed for the last year to do anything for</p> <p>21 you, to work with you, and/or if they were to</p> <p>22 conditionally approve to require rerouting around or off</p> <p>23 your property? Is there anything else you'd like the</p> <p>24 Commission to know?</p> <p>25 A. I guess I'd just like to say that it is not</p> <p>PAGE 88</p> |

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| <p>1 going off our property completely. And the research I</p> <p>2 have done has -- the landowners on either side have</p> <p>3 signed easements so there's something that could be</p> <p>4 worked with possibly. And like I said before, I'm not</p> <p>5 sure why that would be my obligation to even do that or</p> <p>6 even propose a different route. That should be Summit's</p> <p>7 problem. That should be their -- if they want to work</p> <p>8 with us willingly. We've seen nothing.</p> <p>9 Q. So in terms of that, let me get this straight.</p> <p>10 The reroute you're proposing in Exhibit 3 depicted</p> <p>11 there, that still leaves some of the hazardous pipeline,</p> <p>12 that proposed route, still on property you own. Despite</p> <p>13 all of your other concerns you've previously expressed,</p> <p>14 you have shown a willingness to work with them, haven't</p> <p>15 you?</p> <p>16 A. I have. I first -- well, we would prefer it</p> <p>17 stay off our property, and we've said that all along,</p> <p>18 but we're willing to at least consider something like</p> <p>19 this.</p> <p>20 Q. And in terms briefly just of the safety aspects,</p> <p>21 Mr. Powell in his April 24 testimony touches on it, in</p> <p>22 the last year Summit hasn't done anything to make you</p> <p>23 more aware or satisfy or put you at ease of any of your</p> <p>24 safety or risks, concerns, or any of those things, have</p> <p>25 they?</p> <p>PAGE 89</p> | <p>1 whether it is for the public good or not. We figured</p> <p>2 we've got two pipelines. We've given -- given ourselves</p> <p>3 or given something up for the team twice. And is it</p> <p>4 right to do it another time?</p> <p>5 Q. Sir, just a little housekeeping. You mentioned</p> <p>6 the -- Summit reroutes around, I believe, the Doolittles</p> <p>7 and the Bernhards. In that binder in front of you, or</p> <p>8 you might have a copy, but in the binder, at Tab 21, I</p> <p>9 just have a couple maps I want to touch on briefly. Tab</p> <p>10 21. And I'll represent to you and the Commission that</p> <p>11 those are true and accurate copies taken from the Summit</p> <p>12 filing and compiled in this Landowner Exhibit 21.</p> <p>13 Do you recognize those generally, sir?</p> <p>14 A. I do.</p> <p>15 Q. Yes. And you had referenced actually the exact</p> <p>16 number of miles and the reroutes in your testimony</p> <p>17 relative to the Doolittle property and the Bernhardt</p> <p>18 property; is that correct?</p> <p>19 A. Yes. They came from these actual documents.</p> <p>20 Q. Very good.</p> <p>21 MR. JORDE: I would offer Exhibit LO-21.</p> <p>22 ALJ HOGAN: I'm going to ask first, are these</p> <p>23 already in the record?</p> <p>24 UNIDENTIFIED SPEAKER: I believe they are, Your</p> <p>25 Honor. I can't say with a hundred percent certainty,</p> <p>PAGE 91</p> |
| <p>1 A. No, they have not.</p> <p>2 Q. So the same concerns you had a year ago,</p> <p>3 including the lack of dialogue on a reroute, are still</p> <p>4 consistent and still true to this day?</p> <p>5 A. They're still true to this day, you know. And</p> <p>6 I've said before we have two pipelines going across our</p> <p>7 property already and the land is scarred. It's scarred.</p> <p>8 It is. And this would be a different area across our</p> <p>9 property.</p> <p>10 And another pipeline, a third pipeline, would</p> <p>11 also establish another corridor. And you as the PSC</p> <p>12 understand, I'm sure, once one pipeline is in, it's</p> <p>13 usually easier to get another one or two. It's just --</p> <p>14 and we've heard that many times. So we're establishing</p> <p>15 another corridor.</p> <p>16 And this -- this easement is for 99 years. And</p> <p>17 I think of what -- excuse me. I think of what we're</p> <p>18 leaving in legacy to our grandchildren. And my wife</p> <p>19 said this. You know, we got a two-year-old</p> <p>20 granddaughter, and at 99 years, you know, she's going to</p> <p>21 be what, 102. And she's going to be burdened with this</p> <p>22 pipeline, the safety of it and whatever, and the scars</p> <p>23 across the land. So that's one of the things that</p> <p>24 really is kind of bugging us.</p> <p>25 And we think of, okay, for the public good,</p> <p>PAGE 90</p> | <p>1 but I believe these were at least part, at some point,</p> <p>2 of the petition for reconsideration.</p> <p>3 MR. JORDE: Well, and I guess that begs a good</p> <p>4 question. So they may have been filed to the docket,</p> <p>5 but I don't think anyone -- they've been received as</p> <p>6 evidence. And I'm just trying to button that up.</p> <p>7 ALJ HOGAN: I think they were part of the map</p> <p>8 book that was previously filed by Summit, if I'm not</p> <p>9 mistaken, and Summit can correct me.</p> <p>10 I guess for ease of reference today, is there</p> <p>11 any objection to admitting them as part of this -- as</p> <p>12 labeled as this exhibit?</p> <p>13 MR. GLUDT: No objection, Your Honor.</p> <p>14 ALJ HOGAN: Mr. Pelham.</p> <p>15 MR. PELHAM: No objection.</p> <p>16 ALJ HOGAN: All right. And, let's see, what</p> <p>17 number was this? 21? 21 is received.</p> <p>18 MR. JORDE: Thank you, Your Honor.</p> <p>19 Q. (BY MR. JORDE) And the point being here, sir,</p> <p>20 just visually so we don't have to search through some</p> <p>21 other filing, is that the PSC called out -- and I don't</p> <p>22 mean that negatively, but they noted Mr. Doolittle and</p> <p>23 the Bernhards, I think, by name in the August 4th,</p> <p>24 2023, denial order. And are you showing these as</p> <p>25 evidence that some common sense rerouting can obviously</p> <p>PAGE 92</p> |

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| <p>1 be done?</p> <p>2 A. Yes. I believe it can be done if Summit wants</p> <p>3 to do it.</p> <p>4 Q. And Mr. Powell, in his new direct testimony, was</p> <p>5 asked -- in his written testimony was asked a question</p> <p>6 about, you know, can you reroute around all landowners,</p> <p>7 and he said no, they cannot. Do you take that to be</p> <p>8 they will not? They may not want to do it, but</p> <p>9 obviously if the PSC said, "We're not giving you a</p> <p>10 permit unless you accommodate Mr. Staroba --"</p> <p>11 MR. GLUDT: Objection, Your Honor. Here we are,</p> <p>12 it's the same testimony coming from Mr. Jorde and asking</p> <p>13 his client if he agrees.</p> <p>14 ALJ HOGAN: Well, and again, I don't think this</p> <p>15 witness can testify about what Mr. Powell's motivations</p> <p>16 were or the substance of the statements he made so I</p> <p>17 don't think that's a proper question for this witness.</p> <p>18 MR. JORDE: Okay.</p> <p>19 Q. (BY MR. JORDE) Sir, do you believe that Summit</p> <p>20 cannot accommodate you?</p> <p>21 A. No.</p> <p>22 Q. And the evidence before us proves that, when</p> <p>23 pushed by someone and a body more powerful than,</p> <p>24 unfortunately, we are, they do accommodate, don't they?</p> <p>25 A. They do and they have.</p> <p>PAGE 93</p> | <p>1 have to pay that, but somebody does to the counties.</p> <p>2 And I've been told it's going to have to come out of the</p> <p>3 general fund in North Dakota. Well, who funds the</p> <p>4 general fund? We taxpayers. So we're paying for it</p> <p>5 that way. And we're paying for it having it across our</p> <p>6 land. So I -- I don't feel that's right.</p> <p>7 And to ensure the energy needs, this pipeline is</p> <p>8 a pipeline that is not an ethanol pipeline. It's a CO2</p> <p>9 pipeline. CO2 hasn't anything with energy. It's going</p> <p>10 to be sequestered. And you're to route a pipeline. And</p> <p>11 all this other things about all the -- all the money</p> <p>12 that's going to be made and for the State and it's going</p> <p>13 to be passed on and it's going to help corn prices and</p> <p>14 all that, you know, that's not something that you should</p> <p>15 even -- or have to even be concerned about.</p> <p>16 I mean, that's what they're selling this thing</p> <p>17 as. It's a project, not a pipeline. They're</p> <p>18 transferring a hazardous waste product for sequestration</p> <p>19 underground. And I guess that's my feeling. I just</p> <p>20 think Summit has to prove all these things, and I'm not</p> <p>21 sure they have.</p> <p>22 Q. Thank you, sir. I don't have anything further.</p> <p>23 ALJ HOGAN: Mr. Gludt, any questions?</p> <p>24 MR. GLUDT: Yes, Your Honor.</p> <p>25</p> <p>PAGE 95</p> |
| <p>1 Q. Mr. Staroba, was there anything else that you</p> <p>2 may have left out that you want to add before I let you</p> <p>3 -- before I turn you over for cross?</p> <p>4 A. I guess I'd just like to make a point on the PSC</p> <p>5 has to consider the adverse effects of our environment</p> <p>6 among the welfare of our citizens. That's part of the</p> <p>7 -- what you told us that you need to consider. And I'd</p> <p>8 just like to say that I -- I think this pipeline is far</p> <p>9 more than an inconvenience for us and for a lot of</p> <p>10 people in the state for whatever reasons, like I stated,</p> <p>11 the crop loss, the corridor establishment and such.</p> <p>12 And another thing is one of the questions that</p> <p>13 has to be considered is if it's efficient use of</p> <p>14 resources and for environmental preservation and if</p> <p>15 there's -- it will ensure the energy needs are met and</p> <p>16 fulfilled. I have safety concerns. I think a lot of us</p> <p>17 do.</p> <p>18 And as far as efficient use of resources, I look</p> <p>19 at the 40 -- the 45Q, the billions of dollars that are</p> <p>20 going into this project and the ten-year tax exemptions</p> <p>21 that the State gives. So basically we're paying for it</p> <p>22 individually and everyone three ways. You know, we're</p> <p>23 paying income tax for the 45Q tax credits. And the</p> <p>24 ten-year exemption, basically that's coming out of our</p> <p>25 pocket, you know, as far as taxpayers. Summit doesn't</p> <p>PAGE 94</p> | <p>1 CROSS EXAMINATION</p> <p>2 BY MR. GLUDT:</p> <p>3 Q. Mr. Staroba, are you aware Summit has made</p> <p>4 hundreds, if not thousands, of reroutes for landowners</p> <p>5 that are not mentioned in the PSC's August 4th, 2024,</p> <p>6 order?</p> <p>7 A. I'm aware they've made reroutes. I'm not aware</p> <p>8 if they proposed any reroutes to someone like me.</p> <p>9 Q. And as far as the picking a route without</p> <p>10 surveys, are you aware that Summit has adjusted its</p> <p>11 route hundreds, if not thousands, of times based on</p> <p>12 cultural resource and other surveys that it has done?</p> <p>13 A. Yes. And they're saying they have to have a</p> <p>14 survey before they're even considering doing something</p> <p>15 on our land.</p> <p>16 Q. Is that something you'd be agreeable to, to --</p> <p>17 A. Would I be? I'd have to speak with my -- my</p> <p>18 attorney, but I don't feel they need it. They don't</p> <p>19 need a survey. They've already done everything. And</p> <p>20 you can't even tell me if they've done a survey on our</p> <p>21 land already with the lawsuit that -- that is still</p> <p>22 happening. They were given by the judge the -- the</p> <p>23 right to go out and survey. And they've been in the</p> <p>24 area. We don't live there. So I'd just like someone to</p> <p>25 tell me if they've surveyed it or not.</p> <p>PAGE 96</p> |

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| <p>1 Q. All right. So your testimony today is that you</p> <p>2 will not allow Summit to survey your property?</p> <p>3 A. I don't think they need to.</p> <p>4 Q. Okay. Thank you. No further questions.</p> <p>5 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>6 MR. PELHAM: Thank you for your testimony, sir.</p> <p>7 I don't have any questions for you. Victor Schock may.</p> <p>8 CROSS EXAMINATION</p> <p>9 BY MR. SCHOCK:</p> <p>10 Q. Just a couple here real quick. So I can see on</p> <p>11 the map here, so section 35-132-51, kind of going from</p> <p>12 northwest to southeast, I can see a scar going diagonal</p> <p>13 across the property there. I'm assuming that's one of</p> <p>14 the pipelines you're referring to?</p> <p>15 A. They're both there side-by-side in the corridor.</p> <p>16 Q. Okay. When were those put in? Do you know?</p> <p>17 A. Okay. The one pipeline is the Dome pipeline.</p> <p>18 It's an LP pipeline. It was put in 1975. The other</p> <p>19 one's an Alliance natural gas pipeline in 1984. So what</p> <p>20 you're seeing there is the issues that still exist 25</p> <p>21 and 45 years later.</p> <p>22 Q. Sure. And I guess I don't know those -- those</p> <p>23 projects kind of predate my time with the Commission so</p> <p>24 I don't know with certainty. So the Dome line, you're</p> <p>25 saying that's an LP line?</p> <p>PAGE 97</p> | <p>1 proposing to kind of keep it along the property line,</p> <p>2 along your south property line, but then move onto the</p> <p>3 neighbor's parcel to make the connection to go north is</p> <p>4 what -- that's what it looked like to me. Is that what</p> <p>5 you're suggesting?</p> <p>6 A. That's correct. That's what this map is</p> <p>7 showing.</p> <p>8 Q. Okay. No further questions. Thank you.</p> <p>9 ALJ HOGAN: Commissioner Christmann.</p> <p>10 COMMISSIONER CHRISTMANN: I'm looking at our map</p> <p>11 book that was filed in -- I don't know when was this, in</p> <p>12 January, the new map book. I think that might be laying</p> <p>13 on your table there. And it doesn't hardly appear that</p> <p>14 this even is in section 2 except for the very west end</p> <p>15 like maybe just across the ditch. Or am I --</p> <p>16 THE WITNESS: You'd have to go back probably to</p> <p>17 an -- a different map, an earlier map. Because it</p> <p>18 basically came down into our property and that angled on</p> <p>19 -- right angle on the very northwest corner, right</p> <p>20 angle, and then went off into the -- into the west</p> <p>21 across the county road. That was the second easement we</p> <p>22 were offered. And that was that -- that was shown on</p> <p>23 maps earlier, on the PSC maps that they submitted.</p> <p>24 COMMISSIONER CHRISTMANN: Okay. Just the other</p> <p>25 thing, not really a question but I just want to say land</p> <p>PAGE 99</p> |
| <p>1 A. What I understand, it's an LP.</p> <p>2 Q. You could be right. I don't have knowledge of</p> <p>3 those -- those two lines specifically, but I'm assuming</p> <p>4 that one likely wasn't permitted by this Commission.</p> <p>5 Alliance likely was in that time frame, but I'm not</p> <p>6 familiar with that one.</p> <p>7 A. I can't tell you that.</p> <p>8 Q. Sure. I just know we have pretty significant</p> <p>9 reclamation standards and segregation to prevent that</p> <p>10 kind of a situation from occurring long term.</p> <p>11 My other question is so your proposed reroute in</p> <p>12 that section looks like it takes it pretty -- closer</p> <p>13 than what it already is to a farmstead --</p> <p>14 A. Okay.</p> <p>15 Q. -- that's there. Do you -- have you spoke to</p> <p>16 that landowner about your proposed reroute?</p> <p>17 A. I have not. It -- I do know that the landowners</p> <p>18 have an easement already for the other parts of it.</p> <p>19 Q. Okay.</p> <p>20 A. And that pipeline, if you do the measuring, it's</p> <p>21 over 700 feet away from the farmstead.</p> <p>22 Q. Sure. And then I forget which page your reroute</p> <p>23 was on, but it looked to me like you were proposing to</p> <p>24 stay on your property for -- you know, right now it goes</p> <p>25 diagonal from southwest to northeast, and you're</p> <p>PAGE 98</p> | <p>1 gets disrupted, it's, you know, arguable whether it ever</p> <p>2 gets back to perfect or -- but I will tell you this. In</p> <p>3 the last 11 years we have significantly enhanced the</p> <p>4 requirements for separation of topsoil from subsoil,</p> <p>5 things like that, and lessening compaction compared to</p> <p>6 what used to happen even two decades ago much less three</p> <p>7 or four decades ago. So I am hopeful that pipelines</p> <p>8 that are being built in North Dakota and -- and I mean,</p> <p>9 I've seen evidence of this in many cases, typically have</p> <p>10 better productivity than what you saw on old pipeline</p> <p>11 easements from the '70s and '80s.</p> <p>12 THE WITNESS: I -- I believe that probably is</p> <p>13 the intention and might have been the intention when</p> <p>14 they put the other pipelines in --</p> <p>15 COMMISSIONER CHRISTMANN: We are trying --</p> <p>16 THE WITNESS: -- but does that happen?</p> <p>17 COMMISSIONER CHRISTMANN: We are trying to get</p> <p>18 that better and better so...</p> <p>19 Okay. No other questions. Thank you for being</p> <p>20 here.</p> <p>21 THE WITNESS: Thank you.</p> <p>22 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>23 COMMISSIONER HAUGEN-HOFFART: Thank you.</p> <p>24 Thank you, Loren. You testified at the first</p> <p>25 hearing in Wahpeton; correct?</p> <p>PAGE 100</p> |

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| <p>1 THE WITNESS: I did.</p> <p>2 COMMISSIONER HAUGEN-HOFFART: And your testimony</p> <p>3 had to do with the same issues; correct?</p> <p>4 THE WITNESS: That's correct.</p> <p>5 COMMISSIONER HAUGEN-HOFFART: Did you propose a</p> <p>6 reroute at the first hearing?</p> <p>7 THE WITNESS: No. At the first hearing we</p> <p>8 basically said we -- we would take it off our land.</p> <p>9 COMMISSIONER HAUGEN-HOFFART: Okay. And --</p> <p>10 okay. So I'm going to go through this kind of timeline</p> <p>11 to clarify something. So we denied the -- we issue an</p> <p>12 order of denial. It's re-opened. Okay.</p> <p>13 I want to address a supplemental filing. The</p> <p>14 PSC Request for Supplemental Filing and Data Request 3,</p> <p>15 it's Docket 409, and I'm going to read what we requested</p> <p>16 of Summit Carbon Solutions. 3.1 -- it's actually 3.1.3,</p> <p>17 and it states "Measures taken to address all landowners</p> <p>18 who testified regarding concerns during the hearings."</p> <p>19 So you testified that we mentioned certain</p> <p>20 landowners and there was reroutes.</p> <p>21 THE WITNESS: Uh-huh.</p> <p>22 COMMISSIONER HAUGEN-HOFFART: And I just wanted</p> <p>23 to say that as this Commission in our responsibility,</p> <p>24 that we're looking at measures taken to address all</p> <p>25 landowners who testify regarding concerns during the</p> <p>PAGE 101</p> | <p>1 COMMISSIONER HAUGEN-HOFFART: Okay. Okay. I</p> <p>2 have no further questions. Thank you for your time.</p> <p>3 ALJ HOGAN: Mr. Dawson, any questions?</p> <p>4 SUBSTITUTE DECISIONMAKER DAWSON: No, Your</p> <p>5 Honor.</p> <p>6 Thank you for testifying today and I have no</p> <p>7 questions.</p> <p>8 ALJ HOGAN: Mr. Jorde, any redirect?</p> <p>9 MR. JORDE: Yes. Thank you.</p> <p>10 REDIRECT EXAMINATION</p> <p>11 BY MR. JORDE:</p> <p>12 Q. Following up on some of those questions, so a</p> <p>13 year ago when you were here you wanted -- you expressed</p> <p>14 interest in having the pipeline proposed route moved off</p> <p>15 of your land completely; correct?</p> <p>16 A. That's correct.</p> <p>17 Q. All right. And now -- so everyone knew that.</p> <p>18 And now in the reroute letter that you took your time</p> <p>19 and no one's compensating you to do that, you put it</p> <p>20 together, and it -- the vast majority of your reroute</p> <p>21 proposal is off of your property; correct?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. So that's been the same for a year;</p> <p>24 right?</p> <p>25 A. Yes.</p> <p>PAGE 103</p> |
| <p>1 hearings.</p> <p>2 THE WITNESS: Yes.</p> <p>3 COMMISSIONER HAUGEN-HOFFART: So I just want to</p> <p>4 -- I wanted to assure you and landowners that we do our</p> <p>5 due diligence, we just don't identify certain landowners</p> <p>6 and --</p> <p>7 THE WITNESS: Okay.</p> <p>8 COMMISSIONER HAUGEN-HOFFART: You know, so...</p> <p>9 THE WITNESS: And I just wanted to point out --</p> <p>10 can I answer?</p> <p>11 COMMISSIONER HAUGEN-HOFFART: Yes.</p> <p>12 ALJ HOGAN: Yep.</p> <p>13 THE WITNESS: Oh. I just wanted to point out</p> <p>14 that we haven't been -- we haven't been addressed.</p> <p>15 COMMISSIONER HAUGEN-HOFFART: Okay. But is it</p> <p>16 now your -- I mean, the understanding that you have sent</p> <p>17 through your attorney, Jorde, a letter with proposed</p> <p>18 reroutes; correct?</p> <p>19 THE WITNESS: We did that a month ago.</p> <p>20 COMMISSIONER HAUGEN-HOFFART: Okay. And now</p> <p>21 that was just allowed into exhibit, a response from</p> <p>22 Summit that they welcome the opportunity to engage with</p> <p>23 you regarding proposed reroutes. That's your</p> <p>24 understanding here?</p> <p>25 THE WITNESS: My understanding is that finally.</p> <p>PAGE 102</p> | <p>1 Q. Okay. There's been no mystery that if they</p> <p>2 wanted to work with you to move all or as much as</p> <p>3 humanly possible off of your property; right?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. And they didn't contact you to -- and</p> <p>6 send you any maps or reroutes in the last year trying to</p> <p>7 do that, did they?</p> <p>8 A. They did not.</p> <p>9 Q. Okay. Now, this -- this survey issue, you</p> <p>10 understand the Supreme Court -- well, certainly you do.</p> <p>11 The Supreme Court right now, on a case that you're a</p> <p>12 part of it, is looking at the legalities of this very</p> <p>13 survey issue. So you understand there's other</p> <p>14 complications in your situation; correct?</p> <p>15 A. Yes, there are.</p> <p>16 Q. And so would you agree that using the survey now</p> <p>17 as of May 21st, 2024, and this letter that was just</p> <p>18 admitted by Summit's counsel, kind of convenient way in</p> <p>19 that you're handcuffed by that existing appeal; right?</p> <p>20 A. That's correct.</p> <p>21 Q. Okay. Nothing further. Thank you.</p> <p>22 ALJ HOGAN: Mr. Gludt, any other questions?</p> <p>23 RECROSS EXAMINATION</p> <p>24 BY MR. GLUDT:</p> <p>25 Q. Just a quick follow-up, Mr. Staroba, on David</p> <p>PAGE 104</p> |

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| <p>1 Piper. Can you explain why you hired separate counsel?</p> <p>2 MR. JORDE: Well, hold on. I'm going to object.</p> <p>3 I don't know the answer, but I'm going to object it's</p> <p>4 not relevant and that it could invade the</p> <p>5 attorney-client privilege.</p> <p>6 MR. GLUDT: Just why, Your Honor. I'm not</p> <p>7 asking for any privileged information.</p> <p>8 MR. JORDE: That's fine. And then I withdraw.</p> <p>9 I withdraw the objection.</p> <p>10 A. I won't give you privileged information, but it</p> <p>11 actually happened because Attorney Bender, at the Linton</p> <p>12 meeting, was visiting -- Vculeks were giving their --</p> <p>13 their presentation, and they had been working with a</p> <p>14 lawyer, and Mr. Bender asked them who their lawyer was</p> <p>15 and they said Piper. So we felt, okay, here's someone's</p> <p>16 local that actually Summit was going to contact and</p> <p>17 would possibly work with so that's why we hired him.</p> <p>18 Q. And you had mentioned, it seemed like you were</p> <p>19 alluding to that some changes were made as a result of</p> <p>20 Mr. Piper's engagement, right, to the route?</p> <p>21 A. In section 2, with him visiting back and forth</p> <p>22 with Julie DiMeo, that we were able to actually,</p> <p>23 hopefully, route it through the intersection at an angle</p> <p>24 and -- but we have yet to hear anything as far as an</p> <p>25 easement or -- or any approval or so what -- so much of</p> <p>PAGE 105</p> | <p>1 people can plan accordingly.</p> <p>2 And, again, I'll just remind all the --</p> <p>3 everybody in attendance, if you haven't signed the</p> <p>4 sign-in sheet, I would ask that you please do that,</p> <p>5 particularly if you want to testify today so that I have</p> <p>6 a better idea of how many people wish to provide public</p> <p>7 testimony today.</p> <p>8 All right. Mr. Jorde, you want to call your</p> <p>9 next witness?</p> <p>10 MR. JORDE: Yes, Your Honor. Thank you.</p> <p>11 Landowners call Jeanne Lugert.</p> <p>12 ALJ HOGAN: Good morning, Ms. Lugert. Can you</p> <p>13 state your full name for the record and spell your last</p> <p>14 name?</p> <p>15 JEANNE LUGERT: Jeanne Lugert, L-U-G-E-R-T.</p> <p>16 ALJ HOGAN: And, Ms. Lugert, were you in the</p> <p>17 room this morning when I went through the penalties for</p> <p>18 perjury?</p> <p>19 JEANNE LUGERT: Yes.</p> <p>20 ALJ HOGAN: And do you understand what perjury</p> <p>21 is?</p> <p>22 JEANNE LUGERT: Yes.</p> <p>23 ALJ HOGAN: And being advised of the potential</p> <p>24 penalties for perjury, do you promise to tell the truth</p> <p>25 in this case today?</p> <p>PAGE 107</p> |
| <p>1 that. You know, we just have nothing in writing.</p> <p>2 Q. Okay. But you're aware that the route that's</p> <p>3 currently before the Commission on reconsideration,</p> <p>4 there is no pipe in section 2?</p> <p>5 A. I'm aware of that, yes. And I said that.</p> <p>6 Q. Is it fair to say that Mr. Piper was</p> <p>7 successfully engaged with Summit to do that for you?</p> <p>8 A. I believe it's fair, yes.</p> <p>9 MR. GLUDT: Okay. No further questions.</p> <p>10 ALJ HOGAN: Mr. Pelham, any other questions?</p> <p>11 MR. PELHAM: No questions.</p> <p>12 ALJ HOGAN: Mr. Schock?</p> <p>13 Any other Commissioner questions or Mr. Dawson?</p> <p>14 No. All right.</p> <p>15 Thank you, Mr. Staroba.</p> <p>16 THE WITNESS: You're welcome. Thank you.</p> <p>17 MR. JORDE: And, Loren, does Diane want to</p> <p>18 testify or no? No.</p> <p>19 ALJ HOGAN: We're going to take our -- a short</p> <p>20 break. Since it's almost 11:15, let's try to shoot for</p> <p>21 a ten -- well, we'll convene at 11:25.</p> <p>22 (Recess)</p> <p>23 ALJ HOGAN: And just so everybody knows, I'm</p> <p>24 going to try to aim for 12:30 for a lunch break. And I</p> <p>25 think we'll do about a half an hour for lunch, just so</p> <p>PAGE 106</p> | <p>1 JEANNE LUGERT: Yes.</p> <p>2 ALJ HOGAN: Thank you.</p> <p>3 Go ahead, Mr. Jorde.</p> <p>4 <u>JEANNE LUGERT,</u></p> <p>5 being first duly sworn, was examined and testified as</p> <p>6 follows:</p> <p>7 DIRECT EXAMINATION</p> <p>8 BY MR. JORDE:</p> <p>9 Q. Good morning. Please state your name.</p> <p>10 A. Jeanne Lugert.</p> <p>11 Q. And Marvin is your husband; is that right?</p> <p>12 A. Correct.</p> <p>13 Q. And Marvin testified approximately a year ago in</p> <p>14 this building?</p> <p>15 A. Correct.</p> <p>16 Q. All right. And, ma'am, your land is located in</p> <p>17 Richland County; correct?</p> <p>18 A. Correct.</p> <p>19 Q. All right. So we did some heavy lifting with</p> <p>20 the first couple witnesses and I don't want to cut you</p> <p>21 short by any means, but do you agree with the concerns,</p> <p>22 the reservations, and the issues expressed by your prior</p> <p>23 fellow landowners?</p> <p>24 A. Correct.</p> <p>25 Q. All right. And in terms of potential rerouting,</p> <p>PAGE 108</p> |

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| <p>1 some type of solution, something to try to make this</p> <p>2 easier or more palpable for you and your family, has</p> <p>3 Summit taken any actions to suggest any type of reroutes</p> <p>4 or any modifications over the last year?</p> <p>5 A. No.</p> <p>6 Q. All right. And, ma'am, you recently -- at least</p> <p>7 it looks like here on April 23rd -- in working with</p> <p>8 myself and Mr. Leibel, prepared some reroute proposals</p> <p>9 since you hadn't heard from Summit; is that correct?</p> <p>10 A. Correct.</p> <p>11 Q. And, ma'am, if you can turn, in that white</p> <p>12 binder in front of you there, to Tab 4, I'll represent</p> <p>13 that's a true and accurate copy of the April 23, 2024,</p> <p>14 letter; is that correct?</p> <p>15 A. Yes.</p> <p>16 MR. JORDE: All right. I will offer Landowner</p> <p>17 Exhibit No. 4.</p> <p>18 ALJ HOGAN: Any objection to 4, Mr. Gludt?</p> <p>19 MR. GLUDT: No objection, Your Honor.</p> <p>20 ALJ HOGAN: Mr. Pelham.</p> <p>21 MR. PELHAM: No, Your Honor.</p> <p>22 ALJ HOGAN: All right. Landowner 4 is accepted.</p> <p>23 MR. JORDE: Thank you, Your Honor.</p> <p>24 And as a point of clarification, when Mr. Gludt</p> <p>25 offered this stack of response letters, was the offer</p> <p>PAGE 109</p> | <p>1 a thousand feet. That's not a very far distance and</p> <p>2 there's going to be a problem. There's people there.</p> <p>3 There's older people. How are they going to get away if</p> <p>4 there's a problem? There's a couple there with three</p> <p>5 small kids. How are they going to get away? Fossil</p> <p>6 fuel vehicles will not work in a carbon -- a CO2</p> <p>7 environment. They won't work. You are not going to be</p> <p>8 able to leave.</p> <p>9 In the Mississippi issue there were people that</p> <p>10 ended up -- a lot of people that ended up in a hospital</p> <p>11 and have continuing issues to this day because of that</p> <p>12 leak from that carbon pipeline. And we're worried about</p> <p>13 our neighbors and where things should go.</p> <p>14 And so this route -- reroute I gave to the agent</p> <p>15 from Summit that was talking to us. It would have been</p> <p>16 the end of '21, beginning of '22 when Summit first</p> <p>17 started talking to us about getting an easement to put</p> <p>18 this pipeline across two pieces of our land. It was</p> <p>19 that long ago. And they really -- didn't really want to</p> <p>20 listen to us about anything. There was no</p> <p>21 back-and-forth response from them on this at all.</p> <p>22 And then it got to the point where, in '22, we</p> <p>23 decided that we were done talking to Summit because they</p> <p>24 weren't listening to us, not on the reroute issue but</p> <p>25 also not on our concerns that we had as far as land</p> <p>PAGE 111</p> |
| <p>1 just to Staroba since we were talking Staroba, or was</p> <p>2 this entire pack received in evidence?</p> <p>3 ALJ HOGAN: The entire pack.</p> <p>4 MR. JORDE: Okay. Very good. So then we'll get</p> <p>5 to Summit's letter in a second.</p> <p>6 Q. (BY MR. JORDE) All right. So, ma'am, if</p> <p>7 you're looking at letter -- pardon me, Exhibit No. 4 in</p> <p>8 front of you, can you talk a little bit about the</p> <p>9 proposed reroute you and your husband have come up with?</p> <p>10 A. Okay. The reroute actually doesn't reroute</p> <p>11 technically on our piece of land. What it reroutes is</p> <p>12 the neighboring piece of land to move it further away</p> <p>13 from a farmstead, from neighbors of ours. It was not</p> <p>14 much more than the 500 feet and it really wasn't a good</p> <p>15 spot. The blue line that I drew on the map would put it</p> <p>16 further between the two inhabited farmsteads so it was</p> <p>17 more centered.</p> <p>18 My understanding is that neighbor has signed an</p> <p>19 easement, but they are an absentee landowner, they do</p> <p>20 not live there. And I felt, in order to look after the</p> <p>21 welfare of our neighbors, which is one of the things</p> <p>22 you're supposed to do, is to move that location a little</p> <p>23 bit so that it moved it further away.</p> <p>24 If there is a leak or a rupture anywhere near</p> <p>25 there, there are quite a few inhabited farmsteads within</p> <p>PAGE 110</p> | <p>1 damage and depth of installation and so forth. All of</p> <p>2 those were issues we were talking about with Summit and</p> <p>3 they weren't listening to us.</p> <p>4 So we decided to sign with Mr. Jorde's firm.</p> <p>5 That was in '22. And at that time Summit stopped</p> <p>6 talking to us. They -- we have had -- we have heard</p> <p>7 nothing from Summit personally and it's my understanding</p> <p>8 that our lawyer has not heard anything from Summit in</p> <p>9 that amount of time, up until April when we sent the</p> <p>10 letter with this reroute suggestion in it and -- and</p> <p>11 that was the last -- that's all I know of since in '22.</p> <p>12 Q. So, ma'am, a year ago or so, Marvin, your</p> <p>13 husband, testified and obviously made it clear and</p> <p>14 before that via your formal intervention that you didn't</p> <p>15 want any portion of this route on your property;</p> <p>16 correct?</p> <p>17 A. That is correct. We would prefer that it not be</p> <p>18 built at all. If it is -- ends up being approved that</p> <p>19 it can be built, we would prefer it not be on any of our</p> <p>20 land, but if it ends up that we have to, we have</p> <p>21 concerns that we wish would be met.</p> <p>22 Q. And are those concerns generally are -- are</p> <p>23 discussed in this letter, Exhibit 4, in trying to be</p> <p>24 neighborly and trying to move it away from this disabled</p> <p>25 gentleman's property?</p> <p>PAGE 112</p> |

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| <p>1 A. Correct.</p> <p>2 Q. Okay. But to be clear, because there's -- I</p> <p>3 don't know if it's a misunderstanding or what, but to be</p> <p>4 clear, Summit's known for over a year that basically any</p> <p>5 other of the infinite possible routes around you would</p> <p>6 have been suitable for you; correct?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. All right. But you didn't hear from</p> <p>9 them. Then you took your time, money, and frustration</p> <p>10 and put this letter together in April. And it looks</p> <p>11 like they responded three days ago; is that right?</p> <p>12 A. Yes. I received a copy of Summit's letter by</p> <p>13 email last night at a quarter to 5.</p> <p>14 Q. Okay. And the letter's dated May 21st, which is</p> <p>15 three days ago. And in that letter, did they suggest</p> <p>16 any reroutes? Did they say, you know, "Good news. For</p> <p>17 the last year plus we've actually been talking to the</p> <p>18 people around you and we've been making progress"?</p> <p>19 A. No. I don't see that in here.</p> <p>20 Q. Okay. Are you aware if there's anyone</p> <p>21 preventing Summit from trying to find a reroute over the</p> <p>22 last year?</p> <p>23 A. Not to my knowledge.</p> <p>24 Q. All right. So your concerns and those shared by</p> <p>25 your husband a year ago, those are still in place, but</p> <p>PAGE 113</p> | <p>1 ALJ HOGAN: Mr. Pelham.</p> <p>2 MR. PELHAM: I would agree with Mr. Gludt. I</p> <p>3 would object. Also, the -- there's been no -- there's</p> <p>4 no opportunity for any cross-examination of this witness</p> <p>5 in North Dakota.</p> <p>6 ALJ HOGAN: I agree. I am not going to admit</p> <p>7 Exhibit Landowner 9.</p> <p>8 Q. (BY MR. JORDE) Is it concerning to you, ma'am,</p> <p>9 that Mr. Burns suffered symptoms over 3,000 feet away</p> <p>10 from the rupture site?</p> <p>11 A. Yes.</p> <p>12 MR. GLUDT: Objection, Your Honor. He's now</p> <p>13 getting his testimony in by questioning.</p> <p>14 THE WITNESS: May I answer?</p> <p>15 ALJ HOGAN: Not yet.</p> <p>16 THE WITNESS: Okay.</p> <p>17 ALJ HOGAN: Repeat your objection, please.</p> <p>18 MR. GLUDT: Mr. Jorde's attempting to get</p> <p>19 Mr. Burns' testimony into evidence by repeating it out</p> <p>20 loud and questioning the witness about it. It's</p> <p>21 improper.</p> <p>22 ALJ HOGAN: Correct. I think you can ask</p> <p>23 general questions about safety, but I don't think you --</p> <p>24 I'm not going to allow you to reference this prefiled</p> <p>25 testimony directly.</p> <p>PAGE 115</p> |
| <p>1 kind of like the previous testifiers, if this Commission</p> <p>2 is going to approve, the basis of this reroute is</p> <p>3 important to you?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. All right. Now, you had mentioned and</p> <p>6 referenced some concerns also about the location, the</p> <p>7 proximity, the safety, and you referenced folks from the</p> <p>8 Satartia incident that had been experiencing issues.</p> <p>9 Are you referring to some of the individuals that</p> <p>10 provided affidavit testimony in the Iowa Utility Board's</p> <p>11 hearing?</p> <p>12 A. Yes.</p> <p>13 Q. Can I have you turn to Exhibit 9, Tab 9, in</p> <p>14 front of you, please? And is this sworn affidavit of</p> <p>15 Mr. Burns, a Satartia, Mississippi, victim, the evidence</p> <p>16 that you were speaking of -- referencing?</p> <p>17 A. Correct.</p> <p>18 Q. Okay.</p> <p>19 MR. JORDE: I would offer Exhibit No. 9.</p> <p>20 ALJ HOGAN: Mr. Gludt, any objection?</p> <p>21 MR. GLUDT: Yes, Your Honor. I'm going to</p> <p>22 object on the same basis. No foundation. This was</p> <p>23 admitted in the Iowa hearings. Mr. -- I don't even know</p> <p>24 who this is -- DeEmerris is not here to authenticate</p> <p>25 this testimony, and we would object on those bases.</p> <p>PAGE 114</p> | <p>1 MR. JORDE: Okay.</p> <p>2 Q. (BY MR. JORDE) Have you become aware of</p> <p>3 reports from Satartia, in your research based on</p> <p>4 Summit's refusal to provide any safety dispersion or</p> <p>5 other modeling data to you, that individuals there</p> <p>6 suffered adverse symptoms of CO2 from 3,000 feet and</p> <p>7 further away from the rupture site?</p> <p>8 A. Yes, I'm aware.</p> <p>9 Q. Okay. And that concerns you, does it not?</p> <p>10 A. Yes. I was a first responder on an ambulance</p> <p>11 crew so I've had some medical training. And CO2 is one</p> <p>12 of the things you learn about and the difficulties of</p> <p>13 what it does to you and how it affects you. And I would</p> <p>14 not want to be anywhere near a pipeline that had the</p> <p>15 potential to rupture 500 -- one of the reasons I wanted</p> <p>16 the reroute is because 500 feet isn't far enough.</p> <p>17 And we don't know because they won't tell us</p> <p>18 what their plume model is. And I'm not asking because I</p> <p>19 have people who are chemistry majors and have</p> <p>20 backgrounds in physics and they can give me a plume</p> <p>21 model any time I ask, make it based on the size of the</p> <p>22 pipeline, the amount of gas and the pressure it's under,</p> <p>23 and how far it is from the shut-off valves. They can</p> <p>24 tell me how many gallons or square meters, or whatever</p> <p>25 you want it, of gas that's going to come out.</p> <p>PAGE 116</p> |

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| <p>1 And I know what carbon dioxide does. It sits on</p> <p>2 the ground. It's not going to blow away. It's going to</p> <p>3 run into the low areas. And it's not a good thing.</p> <p>4 Vehicles will not run.</p> <p>5 There was a meeting in Mantador in early 2022</p> <p>6 and there were representatives of Summit there. And</p> <p>7 some of these concerns were brought up. And they really</p> <p>8 didn't answer the questions as to how much training</p> <p>9 local first responders and fire departments and so on</p> <p>10 were going to get. It seemed like the safety of the</p> <p>11 people around the pipeline really wasn't their concern.</p> <p>12 That's not what was given to us at that meeting.</p> <p>13 And I have not -- well, I haven't checked with</p> <p>14 my local fire department lately to see if they have</p> <p>15 heard anything more, but the last time I checked, and</p> <p>16 that was over six months ago, the local fire department</p> <p>17 has not yet heard anything as far as additional training</p> <p>18 or additional safety equipment and so forth that was</p> <p>19 going to be provided.</p> <p>20 Q. Ma'am, you mentioned 500 feet. Are you</p> <p>21 referencing the statute that if a hazardous pipeline</p> <p>22 such as this was to be located less than 500 feet or</p> <p>23 within 500 feet of a residence or a business, that a</p> <p>24 waiver would have to be obtained? Is that the 500 feet</p> <p>25 you're referencing?</p> <p>PAGE 117</p> | <p>1 A. We have cattle but not on our two particular</p> <p>2 pieces of land, no.</p> <p>3 Q. So there was some questions earlier about</p> <p>4 business, you know, you need waivers for 500 feet from a</p> <p>5 -- of a business. Would you agree with the prior</p> <p>6 Ms. Waloch's testimony and Mr. Waloch, that their cattle</p> <p>7 and the cattle operation is a business?</p> <p>8 A. Yes.</p> <p>9 Q. And you understand that type of business</p> <p>10 requires you to be outside and not confined within a</p> <p>11 building; correct?</p> <p>12 A. Yes.</p> <p>13 Q. So the idea that we only look at buildings</p> <p>14 within 500 feet and not businesses and not other living</p> <p>15 things, do you have a problem with that?</p> <p>16 A. Well, I guess yes, I believe that -- and a</p> <p>17 farmer's place of business is in his tractor. That's</p> <p>18 not going to be 500 feet or more if he happens to be</p> <p>19 tilling across that piece of ground or running his</p> <p>20 combine across that piece of ground. He's not going to</p> <p>21 be even 500 feet away. That's -- that's a farmer's</p> <p>22 place of business, is the cab in his tractor or his</p> <p>23 combine. Yeah.</p> <p>24 Q. Have you come to understand that it's Summit's</p> <p>25 claim that sheltering in place, i.e., shelter in a</p> <p>PAGE 119</p> |
| <p>1 A. Yes. That's my understanding, it should be at</p> <p>2 least 500 feet away.</p> <p>3 Q. Okay. Now do you think that if Summit obtained</p> <p>4 waivers from those landowners, that then now there's no</p> <p>5 problem, nothing to be worried about because they</p> <p>6 complied with that law?</p> <p>7 A. A waiver isn't going to save you if there's gas</p> <p>8 in your house.</p> <p>9 Q. And is a waiver going to reduce the tax and the</p> <p>10 cost on the first responders and budgetary constraints</p> <p>11 of communities now confronted with the new risks of</p> <p>12 these pipelines?</p> <p>13 A. No.</p> <p>14 Q. Okay. So you would agree the 500 feet is simply</p> <p>15 an arbitrary number in a statute, but it does nothing to</p> <p>16 alleviate the real world concerns if there's an</p> <p>17 unintended release; right?</p> <p>18 A. That's correct.</p> <p>19 Q. I think your husband mentioned this last year,</p> <p>20 but I just want to be sure. From your standpoint, is it</p> <p>21 your concern that the value of your land and land with a</p> <p>22 CO2 pipeline operated by Summit would go down if this</p> <p>23 project were to be approved?</p> <p>24 A. Yes.</p> <p>25 Q. All right. Are there any cattle near you?</p> <p>PAGE 118</p> | <p>1 structure in place, is the safety guidance that is being</p> <p>2 given if there were an unintended release?</p> <p>3 A. I understand that it has been in the past, yes.</p> <p>4 Q. And so would you conclude from that that</p> <p>5 sheltering in place, from their view, seems to be safer</p> <p>6 than someone working out in the yard in the cattle</p> <p>7 business and being exposed without the protection of a</p> <p>8 structure?</p> <p>9 A. Yes.</p> <p>10 Q. Related to your proposed reroute, is there</p> <p>11 anything else that the Commission should know about that</p> <p>12 -- that reroute? And I guess to reiterate, you're</p> <p>13 still, in your proposed reroute, leaving a portion of</p> <p>14 the proposed route on your land even though you're</p> <p>15 opposed for all the reasons we've discussed?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And that, again, would be the least worst</p> <p>18 option, you're not wanting this project to go through,</p> <p>19 but, again, if it was going to, despite your efforts,</p> <p>20 you'd like the Commission to consider that reroute?</p> <p>21 A. That's correct.</p> <p>22 Q. All right. Is there anything else that you want</p> <p>23 to share?</p> <p>24 A. Well, one of the points of discussion you had</p> <p>25 listed was the environment of North Dakota. And I</p> <p>PAGE 120</p> |

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| <p>1 wanted to speak to that a little bit. The environment</p> <p>2 of our particular farmland, which is the environment of</p> <p>3 all farmland, which most of North Dakota, their business</p> <p>4 is farming, I have several maps that I did that show --</p> <p>5 from Google Earth historical maps that show the damage</p> <p>6 that was done to land by the two particular pipelines</p> <p>7 that were put in previously, which was the Dome pipeline</p> <p>8 and the Alliance Pipeline. As Mr. Staroba testified,</p> <p>9 they are side-by-side. They're about a hundred feet</p> <p>10 apart. You can see the scar. It's been 45 years since</p> <p>11 that pipeline was put in.</p> <p>12 And, yes, I understand Mr. Christmann said that</p> <p>13 you guys are trying to do a better job of requiring</p> <p>14 pipelines to do a more diligent job of reclaiming that</p> <p>15 land so that there is less damage going forward. We</p> <p>16 have a wetland or a pothole on our piece of land that</p> <p>17 wasn't there before the pipeline was put in. It's up</p> <p>18 next to where they bored underneath train tracks.</p> <p>19 Alliance came in and put in approximately 25 large dump</p> <p>20 truck loads of dirt into that pothole. It is still</p> <p>21 there to this day and it still holds water. It still</p> <p>22 causes trouble. The scar on the land is still there.</p> <p>23 It's not going away very soon.</p> <p>24 Several things I looked up information, and it</p> <p>25 takes a hundred years to rebuild one inch of topsoil.</p> <p>PAGE 121</p> | <p>1 including mine.</p> <p>2 Q. All right. And if Summit -- if the tax dollars</p> <p>3 collected by the counties are going to offset money that</p> <p>4 Summit would pay, would you agree that the taxpayers are</p> <p>5 losing, are going in the negative?</p> <p>6 A. Yes.</p> <p>7 Q. And same for the 45Q tax credits?</p> <p>8 A. Yes.</p> <p>9 Q. I don't think I have any more questions of you.</p> <p>10 ALJ HOGAN: Mr. Gludt, any questions?</p> <p>11 MR. GLUDT: Yes, Your Honor.</p> <p>12 CROSS EXAMINATION</p> <p>13 BY MR. GLUDT:</p> <p>14 Q. Thank you, Ms. Lugert for being here. Regarding</p> <p>15 the crop damage issue that you just spoke of, are you</p> <p>16 aware that Summit's easement will compensate every</p> <p>17 landowner for that -- for the crops lost during that</p> <p>18 construction and beyond for several years?</p> <p>19 A. Sir, the money that Summit offered us when they</p> <p>20 were talking to us didn't come close to what would</p> <p>21 compensate us for that crop loss and for the annual rent</p> <p>22 on a 99-acre (sic) lease of those acreages. It wasn't</p> <p>23 anything. And since I haven't heard a single thing from</p> <p>24 Summit since, I have no idea what you're going to do.</p> <p>25 Q. You've seen a copy of the May 21st, 2024,</p> <p>PAGE 123</p> |
| <p>1 When you disturb this ground and get it mixed up, it's</p> <p>2 not going to be as good.</p> <p>3 I did a little bit of figuring the other day and</p> <p>4 the amount of land that would be taken out of production</p> <p>5 just during construction is about 15 and a half acres on</p> <p>6 the two pieces of land that we have. It's not a great</p> <p>7 deal, but it is 15 acres. And this year we plan to put</p> <p>8 soybeans on those two pieces of ground. Based on an</p> <p>9 average yield of 50 to 60 bushels of soybeans, based on</p> <p>10 the price the other day of \$11 and I forget how many</p> <p>11 cents, the amount that we would lose during construction</p> <p>12 is \$10,000 on that 15 acres. That's \$10,000 we don't</p> <p>13 have to spend at the grocery store or the hardware</p> <p>14 store. That affects those store owners' bottom lines</p> <p>15 every bit as much as it affects us farmers. This</p> <p>16 project is going to affect everyone in North Dakota, not</p> <p>17 just those who have land that it's being routed on.</p> <p>18 Sorry.</p> <p>19 Q. To pick up on that, I think Mr. Staroba talked</p> <p>20 about the ten-year property tax abatement and then the</p> <p>21 45Q tax credits and then obviously sacrificing your land</p> <p>22 and your legacy. Does that concern you that you're</p> <p>23 being asked to subsidize this potential pipeline</p> <p>24 in three different ways?</p> <p>25 A. Yes. That's money out of everybody's pocket,</p> <p>PAGE 122</p> | <p>1 response to Mr. Jorde's letter? I believe he said he's</p> <p>2 read a copy of that; right?</p> <p>3 A. Yes.</p> <p>4 Q. Are you willing to grant Summit survey access so</p> <p>5 they can determine if that reroute -- your suggested</p> <p>6 reroute is possible?</p> <p>7 A. Sir, if you look at this map, you will note that</p> <p>8 the reroute isn't even on our property. Why do you need</p> <p>9 to survey my property in order to look at this reroute?</p> <p>10 Q. I apologize. My understanding was that at least</p> <p>11 a portion of the pipe was still on your property.</p> <p>12 A. Oh, the portion of the pipeline is still across</p> <p>13 our property. What I was asking for is a reroute of the</p> <p>14 -- where the pipeline runs on neighboring property to</p> <p>15 pull it further away from an inhabited farmstead.</p> <p>16 Actually, three different farmsteads.</p> <p>17 Q. Okay.</p> <p>18 MR. GLUDT: I have nothing further, Your Honor.</p> <p>19 Thank you.</p> <p>20 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>21 MR. PELHAM: I don't. Thank you.</p> <p>22 ALJ HOGAN: Mr. Schock?</p> <p>23 CROSS EXAMINATION</p> <p>24 BY MR. SCHOCK:</p> <p>25 Q. Can you identify the parcels that you do own --</p> <p>PAGE 124</p> |

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| <p>1 A. Sure.</p> <p>2 Q. -- that you have been referencing?</p> <p>3 A. Yes. We own the middle 53 acres of the</p> <p>4 northwest quarter, section 3-131-51 in Richland County.</p> <p>5 We also own the west half of the northwest quarter of</p> <p>6 section 5-131-51.</p> <p>7 Q. Okay. So I just want to get a little bit</p> <p>8 narrower on the -- so the middle of --</p> <p>9 A. Section 3.</p> <p>10 Q. -- the middle 50 acres?</p> <p>11 A. Yep.</p> <p>12 Q. It's tough to identify specifically so if you</p> <p>13 could help me a little bit.</p> <p>14 A. Okay. That map was which one?</p> <p>15 ALJ HOGAN: Exhibit 4.</p> <p>16 A. 4. Okay. The "R" and the "C" in Richland</p> <p>17 County --</p> <p>18 Q. Yes.</p> <p>19 A. -- okay, it's inside a slightly darker rectangle</p> <p>20 of green.</p> <p>21 Q. Okay. Where it says --</p> <p>22 A. That darker green rectangle --</p> <p>23 Q. There's an "MP --"</p> <p>24 A. Yep.</p> <p>25 Q. Where it says "MP 3," is that --</p> <p>PAGE 125</p> | <p>1 COMMISSIONER HAUGEN-HOFFART: We have a year</p> <p>2 lapse where there's no communication from you as a</p> <p>3 property landowner to Summit or Summit to you.</p> <p>4 THE WITNESS: Correct.</p> <p>5 COMMISSIONER HAUGEN-HOFFART: You can't answer</p> <p>6 for Summit and I'm not asking you to, but why the delay?</p> <p>7 THE WITNESS: I have no idea.</p> <p>8 COMMISSIONER HAUGEN-HOFFART: No. Why didn't</p> <p>9 you reach out within that year saying, you know, this</p> <p>10 case is re-opened, nothing's been resolved, you know,</p> <p>11 it's outstanding. So why no communication within that</p> <p>12 year on your behalf? I mean --</p> <p>13 THE WITNESS: Partly because we really wanted it</p> <p>14 to just go away. We didn't really want to deal with it</p> <p>15 because we don't want the pipeline at all. We feel that</p> <p>16 it is unnecessary. It is no real value to the public.</p> <p>17 We will pay if something happens, but we're not going to</p> <p>18 make any money off it. It's not going to make energy,</p> <p>19 whether it's natural gas or LP or oil, none of that is</p> <p>20 going to benefit us because it doesn't carry any of</p> <p>21 those things. All it carries is carbon, which is a</p> <p>22 byproduct or basically a trash product of ethanol</p> <p>23 production to someplace, to the dump where it's going to</p> <p>24 be.</p> <p>25 There are other ways. Cover crops. There are</p> <p>PAGE 127</p> |
| <p>1 A. Yes.</p> <p>2 Q. That's your parcel of --</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 A. Yes.</p> <p>6 Q. That helps significantly. Okay. So you own</p> <p>7 that parcel -- in this image at least you own that</p> <p>8 parcel, but the rest of where the blue line is, that's</p> <p>9 someone else's property?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. That's all I have. Thank you.</p> <p>12 ALJ HOGAN: Commissioner Christmann.</p> <p>13 COMMISSIONER CHRISTMANN: That pretty much</p> <p>14 answered my questions so I'm good. Thank you for being</p> <p>15 here, though.</p> <p>16 ALJ HOGAN: Commissioner --</p> <p>17 COMMISSIONER HAUGEN-HOFFART: Haugen-Hoffart.</p> <p>18 That's fine.</p> <p>19 ALJ HOGAN: Thank you.</p> <p>20 COMMISSIONER HAUGEN-HOFFART: You can call me</p> <p>21 "Sheri."</p> <p>22 ALJ HOGAN: No, I won't do that.</p> <p>23 COMMISSIONER HAUGEN-HOFFART: I want to talk</p> <p>24 about the timeline.</p> <p>25 THE WITNESS: Yep.</p> <p>PAGE 126</p> | <p>1 wetlands and various different other ways to absorb and</p> <p>2 use the carbon that is emitted by these ethanol plants.</p> <p>3 It doesn't have to be transported from four, five states</p> <p>4 anyway. There are ways to get around doing it that are</p> <p>5 actually probably better for the environment than to</p> <p>6 have a pipeline.</p> <p>7 COMMISSIONER HAUGEN-HOFFART: Thank you for your</p> <p>8 answer. I appreciate it. I have no further questions.</p> <p>9 ALJ HOGAN: Mr. Dawson.</p> <p>10 SUBSTITUTE DECISIONMAKER DAWSON: Thank you for</p> <p>11 your testimony today.</p> <p>12 THE WITNESS: Okay.</p> <p>13 SUBSTITUTE DECISIONMAKER DAWSON: I have no</p> <p>14 questions.</p> <p>15 ALJ HOGAN: Mr. Jorde, any redirect?</p> <p>16 MR. JORDE: Yes. Thank you.</p> <p>17 REDIRECT EXAMINATION</p> <p>18 BY MR. JORDE:</p> <p>19 Q. So over more than a year ago Summit knew of your</p> <p>20 concerns; right?</p> <p>21 A. Uh-huh.</p> <p>22 Q. All right. Is that a yes?</p> <p>23 A. Yes.</p> <p>24 Q. And then the PSC order specifically finds that</p> <p>25 Summit failed to show that the project will produce</p> <p>PAGE 128</p> |

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| <p>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</p> <p>PAGE 129</p> | <p>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?</p> <p>PAGE 131</p> |
| <p>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.</p> <p>PAGE 130</p> | <p>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 <u>DIANE ZAJAC.</u> 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 --</p> <p>PAGE 132</p> |

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| <p>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</p> <p>PAGE 133</p> | <p>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),</p> <p>PAGE 135</p> |
| <p>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</p> <p>PAGE 134</p> | <p>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</p> <p>PAGE 136</p> |

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| <p>1 and everything else. That was obviously not done.</p> <p>2 Not only did -- the day my brother was served</p> <p>3 with my dad's papers, the server, the court server, had</p> <p>4 his secretary, because he wasn't in the office at the</p> <p>5 time, sign for a paper, for a family, a couple that were</p> <p>6 fighting also the Summit CO2 in the western part of the</p> <p>7 state. And I didn't know that. Okay. I, to this day,</p> <p>8 was never served, only my brother was served.</p> <p>9 Q. And I'm going to --</p> <p>10 A. You can tell I'm getting emotional.</p> <p>11 Q. No, that's okay. And that's why I'm going to</p> <p>12 ask some questions to help you with this a little bit.</p> <p>13 Do you feel like you've -- Summit has heard your</p> <p>14 concerns and taken --</p> <p>15 A. Absolutely not. When I first started getting</p> <p>16 the paperwork -- I've had almost -- I bet you I've had</p> <p>17 13 calls from them. I had letters, three letters, and I</p> <p>18 wrote them back, "Don't you ever put that on my</p> <p>19 pipeline -- don't you ever step on my parents' property</p> <p>20 without consulting me first."</p> <p>21 Okay. As soon as -- and then they even had the</p> <p>22 nerve to negotiate with my sister back in '23 after the</p> <p>23 -- after the land was already transferred into our</p> <p>24 irrevocable trust which was acquired from my parents'</p> <p>25 irrevocable trust.</p> <p>PAGE 137</p> | <p>1 A. Okay. But they --</p> <p>2 MR. LEIBEL: -- right to testify --</p> <p>3 A. Yeah.</p> <p>4 MR. LEIBEL: -- generally about the pipeline</p> <p>5 also.</p> <p>6 A. Yeah.</p> <p>7 Q. (BY MR. LEIBEL) And so let me ask that</p> <p>8 question while we're looking for the map. Can you</p> <p>9 explain your objection to -- or the adverse effect that</p> <p>10 you believe this pipeline will have more generally on</p> <p>11 the state?</p> <p>12 A. Well, I -- first of all, let me tell you, I</p> <p>13 worked my way through college. And you think</p> <p>14 differently if you got a bachelor's degree and you think</p> <p>15 differently outside -- more outside the box if you got a</p> <p>16 master's degree or a doctor's degree. Okay.</p> <p>17 And I've done a lot of research. And before</p> <p>18 starting a project or starting a meeting or wanting to</p> <p>19 get a new project going, you consult the people -- or</p> <p>20 gather the people where you want something to happen.</p> <p>21 The farmers were never notified. They were told -- I</p> <p>22 got a map. That's it.</p> <p>23 I went to the meeting. The guy said that's</p> <p>24 where it's going. And I said I don't want it on my</p> <p>25 land. I said, number one, we freshly tiled it, and I</p> <p>PAGE 139</p> |
| <p>1 MR. PELHAM: Your Honor, I would just object</p> <p>2 here because I'm not sure who owns the land, where the</p> <p>3 land is. Perhaps Mr. Leibel can --</p> <p>4 A. The land is --</p> <p>5 MR. PELHAM: -- ask the witness to give a</p> <p>6 description of where the land is, where the line is</p> <p>7 proposed to come through so that we have a clear</p> <p>8 understanding of exactly who's the owner of the land and</p> <p>9 where it is -- where the line is proposed to go through.</p> <p>10 A. Brian, do you have a map, one of the maps? Mine</p> <p>11 I left at home with the paperwork. Or is it in here?</p> <p>12 It's in Liberty County (sic) --</p> <p>13 Q. Okay.</p> <p>14 A. -- right at the --</p> <p>15 Q. Just wait. Brian is going to see if he can --</p> <p>16 A. Okay.</p> <p>17 Q. -- find that map.</p> <p>18 A. To the south of --</p> <p>19 MR. LEIBEL: And I guess to generally respond to</p> <p>20 Mr. Pelham's objection --</p> <p>21 A. -- county road.</p> <p>22 MR. LEIBEL: -- I think that she -- we'll try to</p> <p>23 find the map.</p> <p>24 A. Okay.</p> <p>25 MR. LEIBEL: But I believe she has the --</p> <p>PAGE 138</p> | <p>1 said -- I asked my renter, Darrel Wahler, about how far</p> <p>2 the frost line went down this year. He said it went</p> <p>3 down almost four -- over -- a little bit over four feet</p> <p>4 down. Well, what happens if the frost brings up rocks?</p> <p>5 It brings up the pipeline. And I've talked to</p> <p>6 (indiscernible) with the pipeline and said they have the</p> <p>7 problem every spring, that it's coming up and they have</p> <p>8 to push it down.</p> <p>9 Safety is another concern. I'm glad you asked</p> <p>10 that question because I had that all down here that I</p> <p>11 was going to talk about. If a pipeline ruptures and an</p> <p>12 explosion occurs, a gas -- CO2 gas emerges. It's</p> <p>13 odorless, it's colorless, and it's asphyxiating</p> <p>14 intensity. And it -- you can suffocate from it. And I</p> <p>15 don't want a farmer on my father's and my mother's land,</p> <p>16 a farmer who's a renter, die because farmers are</p> <p>17 concentrated. They're focused on getting the crop in.</p> <p>18 Do you plant it quick? Do you combine before the rain</p> <p>19 comes in? Because you look out there now on Highway 3,</p> <p>20 there's water on -- swimming on both sides of Highway 3.</p> <p>21 Q. Diane, do you have a concern that flooding or</p> <p>22 variations in the soil could cause strain on the</p> <p>23 pipeline in certain areas?</p> <p>24 A. Well, it can reduce my income on rent. Okay.</p> <p>25 All right.</p> <p>PAGE 140</p> |

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| <p>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</p> <p>PAGE 141</p> | <p>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</p> <p>PAGE 143</p> |
| <p>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</p> <p>PAGE 142</p> | <p>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</p> <p>PAGE 144</p> |

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| <p>1 state. We want the maximum safety so there's never a</p> <p>2 pipe rupture or anything. And I know that the PSC votes</p> <p>3 on that and designs it. Okay? So that's what I want.</p> <p>4 The other thing is I -- when I became a nurse, I</p> <p>5 took the Nightingale Pledge. And the end of the pledge</p> <p>6 said, just like the MD pledges, to do no harm to any</p> <p>7 patient or anybody you treat.</p> <p>8 You guys are elected officials. And I just</p> <p>9 found out a couple weeks ago -- because there's a big</p> <p>10 case going on where the EMT guy stole over \$3.1 million</p> <p>11 out of the EMT funds and taking -- doing all this stuff</p> <p>12 with his family and everything. And they said -- he</p> <p>13 said, "Well, I didn't take an oath." And the judge</p> <p>14 said, "Doesn't make any difference. You abide by what's</p> <p>15 innate." It's innate that you do not harm your</p> <p>16 constituents or do harm to anyone. So it is just like</p> <p>17 me.</p> <p>18 So I'm going to tell you, one farmer dies if --</p> <p>19 because you didn't vote -- or didn't see the things that</p> <p>20 the farmers see, that's one too many. I remember when I</p> <p>21 lost my first patient. I can still see it. And it was</p> <p>22 only because she had a massive heart attack. And I</p> <p>23 still couldn't bring her back. But it's still on my</p> <p>24 shoulders. And it's not a burden you want to carry, I'm</p> <p>25 telling you, it's not a burden.</p> <p>PAGE 145</p> | <p>1 MR. LEIBEL: -- at the --</p> <p>2 THE WITNESS: Because I just got into town</p> <p>3 yesterday so...</p> <p>4 MR. LEIBEL: And what's our last number, Brian?</p> <p>5 ALJ HOGAN: I see 28. Does that sound right?</p> <p>6 MR. JORDE: This would be 29.</p> <p>7 MR. LEIBEL: Okay. I would like to designate</p> <p>8 that as Landowner Exhibit 29 and move the admission.</p> <p>9 ALJ HOGAN: Any objection?</p> <p>10 MR. GLUDT: No objection, Your Honor.</p> <p>11 ALJ HOGAN: Mr. Pelham.</p> <p>12 MR. PELHAM: No objection.</p> <p>13 ALJ HOGAN: All right. LO-29 is received. And</p> <p>14 were you able to identify a township --</p> <p>15 THE WITNESS: Liberty township.</p> <p>16 ALJ HOGAN: -- range, section?</p> <p>17 THE WITNESS: Liberty Grove Township.</p> <p>18 MR. JORDE: Unfortunately, there's no names, of</p> <p>19 course, on here but --</p> <p>20 THE WITNESS: It's Liberty Grove.</p> <p>21 MR. JORDE: No, that's not on here either. Of</p> <p>22 course, I think this might be you.</p> <p>23 THE WITNESS: Okay. Richland County.</p> <p>24 Waxweilers (phonetic) put the thing down here on the</p> <p>25 Marti (phonetic) side of the road. Because this</p> <p>PAGE 147</p> |
| <p>1 You want to be -- so I'm asking you to please do</p> <p>2 the right thing. We don't need -- you know, one -- I</p> <p>3 don't understand this. One company, one -- we have one</p> <p>4 in Casselton, ethanol plant, that's invested in Summit,</p> <p>5 number one, and then we've got 56 others coming in here</p> <p>6 that you want to fill our beautiful state with this</p> <p>7 poisonous gas? I don't understand what's going on.</p> <p>8 And if you look at Summit -- can I go into this,</p> <p>9 what I showed you, just briefly?</p> <p>10 Q. I think we've got -- you've put it in your</p> <p>11 summary.</p> <p>12 A. Summit deals with companies that have committed</p> <p>13 fraud against the United States, number one. Like</p> <p>14 NextGen --</p> <p>15 ALJ HOGAN: Ms. Zajac, I'm going to stop you</p> <p>16 right there. If it's in here, I'm not going to have</p> <p>17 you --</p> <p>18 THE WITNESS: Yeah.</p> <p>19 ALJ HOGAN: -- about it.</p> <p>20 THE WITNESS: No, no. It's -- it's authentic.</p> <p>21 It's authentic.</p> <p>22 ALJ HOGAN: Mr. Leibel, was this labeled as an</p> <p>23 exhibit?</p> <p>24 MR. LEIBEL: No. I was going to offer --</p> <p>25 ALJ HOGAN: Okay.</p> <p>PAGE 146</p> | <p>1 separates Barney from Richland -- from Liberty Grove</p> <p>2 down that way.</p> <p>3 MR. LEIBEL: Judge, maybe we could, at the</p> <p>4 conclusion of the hearing tomorrow, I can supplement</p> <p>5 with -- send the Court a letter with --</p> <p>6 THE WITNESS: Okay.</p> <p>7 MR. LEIBEL: -- the specific townships, if</p> <p>8 that's acceptable.</p> <p>9 ALJ HOGAN: Is that acceptable for</p> <p>10 commissioners? Commission?</p> <p>11 UNIDENTIFIED SPEAKER: Yes.</p> <p>12 ALJ HOGAN: Okay.</p> <p>13 THE WITNESS: There's --</p> <p>14 COMMISSIONER CHRISTMANN: I guess it will have</p> <p>15 to be, but it doesn't allow us to cross-examine --</p> <p>16 ALJ HOGAN: Yeah, right.</p> <p>17 COMMISSIONER CHRISTMANN: -- based on the map.</p> <p>18 THE WITNESS: There's one other thing I'd like</p> <p>19 the PSC to think about. I would like you to join with</p> <p>20 Senator Jeff Magrum and 31 other legislators that, on</p> <p>21 Tuesday, stood on the Bismarck pallet and they all</p> <p>22 signed a letter, and I think we need to support our</p> <p>23 legislators, to investigate -- they're asking the North</p> <p>24 Dakota attorney general to investigate Summit's</p> <p>25 investors because now there's a law on the books in</p> <p>PAGE 148</p> |

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| <p>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.</p> <p>PAGE 149</p> | <p>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</p> <p>PAGE 151</p> |
| <p>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</p> <p>PAGE 150</p> | <p>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</p> <p>PAGE 152</p> |

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| <p>1 couldn't carry them all.</p> <p>2 ALJ HOGAN: All right. Thank you for your</p> <p>3 testimony.</p> <p>4 THE WITNESS: Okay. Thank you.</p> <p>5 ALJ HOGAN: And it's 12:26 so we're going to</p> <p>6 take our lunch break. Let's break until 1:00.</p> <p>7 (Recess)</p> <p>8 ALJ HOGAN: All right. If everybody wants to</p> <p>9 make their way back to their seats, we're going to get</p> <p>10 started again. And as I mentioned this morning, we are</p> <p>11 going to start our afternoon with public testimony.</p> <p>12 And before we start with public testimony, I</p> <p>13 just have a few instructions regarding giving public</p> <p>14 testimony at today's hearing. The Commission very much</p> <p>15 would like to hear from impacted landowners. If you do</p> <p>16 choose to testify, I'll have you come up to the witness</p> <p>17 table here. You will be sworn in like the other</p> <p>18 witnesses that we had this morning. All parties along</p> <p>19 with the commissioners will be allowed to ask you</p> <p>20 questions regarding your testimony.</p> <p>21 If you are a landowner, if you could have the</p> <p>22 property description for your land available and provide</p> <p>23 that at the beginning of your testimony, that would be</p> <p>24 helpful. Likewise, if you represent an entity or a</p> <p>25 group, please identify who you are representing.</p> <p>PAGE 153</p> | <p>1 LIANNE ROCKSTAD: Yes, I -- I was.</p> <p>2 ALJ HOGAN: And do you understand what perjury</p> <p>3 is?</p> <p>4 LIANNE ROCKSTAD: I do.</p> <p>5 ALJ HOGAN: And being advised of the potential</p> <p>6 penalties for perjury, do you promise to tell the truth</p> <p>7 in this case today?</p> <p>8 LIANNE ROCKSTAD: Correct.</p> <p>9 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>10 <u>LIANNE ROCKSTAD.</u></p> <p>11 being first duly sworn, testified as follows:</p> <p>12 LIANNE ROCKSTAD: First of all, given what you</p> <p>13 just said, I took quite a bit out about safety and</p> <p>14 everything. There's no need to duplicate that.</p> <p>15 I'm talking about Richland County, Viking</p> <p>16 Township, and it is Viking Township, legal description</p> <p>17 section 3, T135N, R51W. And the other quarter of land</p> <p>18 is section 14, T135N, R51W.</p> <p>19 First, thank you to the Commission. I'll make</p> <p>20 this as brief as I can. And I discovered last year when</p> <p>21 I testified in Bismarck, and I did not know that until</p> <p>22 that time, that my brother, who is a 50 percent owner,</p> <p>23 has an attorney and I do not. So I just want to remind</p> <p>24 the Commission of that right now. I'm telling my story.</p> <p>25 On October 7th, 2021, at 2 p.m., I was driving</p> <p>PAGE 155</p> |
| <p>1 This is an evidentiary hearing. This is not an</p> <p>2 opportunity to ask questions to other witnesses or to</p> <p>3 the Commission. Public testimony is your opportunity to</p> <p>4 provide information to the commissioners.</p> <p>5 And as I stated this morning, the Commission</p> <p>6 re-opened this case. So if you previously testified,</p> <p>7 you do not need to come and repeat that testimony. Your</p> <p>8 prior testimony is still part of the record for this</p> <p>9 case. Likewise, if your prior testimony or somebody</p> <p>10 else that's testified in this hearing has already stated</p> <p>11 your concerns or similar concerns, I would ask that you</p> <p>12 please do not repeat those concerns and just let the</p> <p>13 Commission know that you agree or have similar concerns.</p> <p>14 And I would ask that you please limit your</p> <p>15 testimony to ten minutes. If you are going longer than</p> <p>16 ten minutes, I will ask that you wrap up your testimony.</p> <p>17 Okay. I've got to find my witness sheet here</p> <p>18 real quick. There it is, got it. All right.</p> <p>19 Good afternoon. Can I have you state your full</p> <p>20 name for the record?</p> <p>21 LIANNE ROCKSTAD: Lianne Rockstad. And that's</p> <p>22 L-I-A-N-N-E. Rockstad, R-O-C-K-S-T-A-D.</p> <p>23 ALJ HOGAN: And, Ms. Rockstad, were you in the</p> <p>24 room this morning when I went through the penalties for</p> <p>25 perjury?</p> <p>PAGE 154</p> | <p>1 past my home quarter, which was planted with corn, when</p> <p>2 a surveyor with a rod walked out of the center of my</p> <p>3 field. I approached him and I asked him what he was</p> <p>4 doing on my heavily-posted land. He refused to say. We</p> <p>5 stood there uncomfortably. I told him I was going to</p> <p>6 call the Richland County sheriff and that he could tell</p> <p>7 both of us at the same time what he was doing on my</p> <p>8 land. He said he worked for Carbon Express pipeline. I</p> <p>9 asked him where his vehicle was. He said he would get</p> <p>10 dropped off, do his work, and when he was completed he</p> <p>11 was to call for a pickup. This was a totally covert</p> <p>12 operation.</p> <p>13 I called the NDSU Ag Department within the hour</p> <p>14 and I asked them if they had heard about this company or</p> <p>15 knew anything about them. They reported back to me that</p> <p>16 a Tom Bray with TRC said that they were only on land</p> <p>17 that they were given permission. This is completely</p> <p>18 false. I did not provide Carbon Express permission to</p> <p>19 be on my land. They were trespassing. It is by sheer</p> <p>20 coincidence that I observed what happened.</p> <p>21 Little did I know back in October of 2021 that a</p> <p>22 company I've never heard of or its investors along with</p> <p>23 ethanol plant owners and the State of North Dakota were</p> <p>24 making plans to lay a hazmat pipeline across my land.</p> <p>25 Nearly a year ago I testified in Bismarck. My</p> <p>PAGE 156</p> |

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| <p>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.</p> <p>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.</p> <p>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?</p> <p>PAGE 157</p> | <p>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.</p> <p>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.</p> <p>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.</p> <p>25 When Summit says they have signed 80 percent of</p> <p>PAGE 159</p> |
| <p>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.</p> <p>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.</p> <p>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</p> <p>PAGE 158</p> | <p>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.</p> <p>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.</p> <p>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."</p> <p>18 That is not a big check. That is not even close 19 to a big check.</p> <p>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.</p> <p>24 That's it.</p> <p>25 ALJ HOGAN: All right. Thank you.</p> <p>PAGE 160</p> |

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| <p>1 Mr. Gludt, any questions?</p> <p>2 MR. GLUDT: Yes, Your Honor.</p> <p>3 Ms. Rockstad, is your brother James Rockstad?</p> <p>4 LIANNE ROCKSTAD: He is.</p> <p>5 MR. GLUDT: And are you aware that Mr. -- your</p> <p>6 brother, James Rockstad, through Mr. Jorde, his counsel,</p> <p>7 has proposed reroutes on your property?</p> <p>8 LIANNE ROCKSTAD: Nobody's talked to me about</p> <p>9 any route, different routes. I talked to -- I called on</p> <p>10 May 17th and talked to Charlie Adams. He said he did</p> <p>11 not see a route change. He got ahold on May 20th of</p> <p>12 Justin Studsrud. Mr. Studsrud called me and</p> <p>13 Mr. Studsrud told me that day that the route was the</p> <p>14 same. That's what he told me.</p> <p>15 MR. GLUDT: If --</p> <p>16 LIANNE ROCKSTAD: And just to backtrack for a</p> <p>17 moment, Mr. Powell told me he would look into the</p> <p>18 alternate routes and I never heard another word. I</p> <p>19 never heard one word.</p> <p>20 And the reason I didn't go contact and go</p> <p>21 searching for these people this last year is because the</p> <p>22 closest -- the closest family member I have is</p> <p>23 undergoing cancer this last year and I go back and forth</p> <p>24 to Rochester all the time. But nobody came to talk to</p> <p>25 me, nobody left me a note, and nobody visited my</p> <p>PAGE 161</p> | <p>1 LIANNE ROCKSTAD: Correct.</p> <p>2 MR. JORDE: And that you've lived there for many</p> <p>3 years?</p> <p>4 LIANNE ROCKSTAD: Correct.</p> <p>5 MR. JORDE: Okay. Have you seen any data</p> <p>6 supplied to you by Summit or anyone working on Summit's</p> <p>7 behalf to lead you to believe that 1,800 feet from their</p> <p>8 proposed pipeline is a safe distance if there were to be</p> <p>9 a rupture or release?</p> <p>10 LIANNE ROCKSTAD: Could you repeat that?</p> <p>11 MR. JORDE: Yes. Do you have any information</p> <p>12 provided to you by Summit or anyone working on their</p> <p>13 behalf that has given you comfort or led you to conclude</p> <p>14 that it's safe for you to have a home within 1,800 feet</p> <p>15 of a high-pressurized CO2 pipeline?</p> <p>16 LIANNE ROCKSTAD: Well, I don't feel it would be</p> <p>17 safe, but I promised the judge I wasn't going to go into</p> <p>18 the safety here.</p> <p>19 MR. JORDE: Okay. So is the answer "no," they</p> <p>20 provided you no information in that regard?</p> <p>21 LIANNE ROCKSTAD: To the best of my knowledge,</p> <p>22 but I can't swear to it that they haven't provided me.</p> <p>23 MR. JORDE: Okay. You mentioned that your land</p> <p>24 is development land. Is that the entire property or is</p> <p>25 it portions of the property you believe are --</p> <p>PAGE 163</p> |
| <p>1 farmstead.</p> <p>2 MR. GLUDT: Okay. If -- as you're aware,</p> <p>3 there's been some correspondence. Your brother has</p> <p>4 through your attorney offered --</p> <p>5 LIANNE ROCKSTAD: Okay. I have not received --</p> <p>6 MR. GLUDT: I understand that.</p> <p>7 LIANNE ROCKSTAD: -- any correspondence.</p> <p>8 MR. GLUDT: I understand that, ma'am. I'm not</p> <p>9 trying to argue with what you do or do not know. I just</p> <p>10 want you to be aware that he has submitted reroute</p> <p>11 proposals and Summit has responded that it may be</p> <p>12 willing to accommodate that and would need survey access</p> <p>13 for your property to survey potential reroute areas. Is</p> <p>14 that something you would agree to?</p> <p>15 LIANNE ROCKSTAD: I, apparently, without my</p> <p>16 knowledge accommodated that October 7th of 2021 when the</p> <p>17 surveyor walked out of the center of my cornfield.</p> <p>18 MR. GLUDT: I have no further questions. Thank</p> <p>19 you.</p> <p>20 ALJ HOGAN: Mr. Jorde or Mr. Leibel, any</p> <p>21 questions?</p> <p>22 MR. JORDE: Yes. Thank you.</p> <p>23 Ma'am, did I get it right that you live in a</p> <p>24 residence 1,800 feet from the proposed hazardous</p> <p>25 pipeline route?</p> <p>PAGE 162</p> | <p>1 LIANNE ROCKSTAD: Is it okay if he talks to me</p> <p>2 when he's not my attorney?</p> <p>3 ALJ HOGAN: Yep. He's representing parties that</p> <p>4 are -- individuals who are party to the case so they</p> <p>5 have the opportunity to ask you questions.</p> <p>6 LIANNE ROCKSTAD: Okay. I apologize. Okay.</p> <p>7 MR. JORDE: You had mentioned -- yeah, I'm</p> <p>8 trying to help you, by the way, just to clear the air</p> <p>9 here.</p> <p>10 You mentioned your land is development land.</p> <p>11 And I just want to --</p> <p>12 LIANNE ROCKSTAD: One of the quarters is</p> <p>13 development land.</p> <p>14 MR. JORDE: That's why I wanted to be specific.</p> <p>15 So one of the -- is it one of the potentially affected</p> <p>16 corridors -- or pardon me -- quarters or is it adjacent</p> <p>17 to an affected quarter? I'm just trying to --</p> <p>18 LIANNE ROCKSTAD: Okay. It is on quarter --</p> <p>19 we're talking about section 3, T135N, R51W, the north</p> <p>20 quarter. That is the developmental quarter. And I have</p> <p>21 documentation from a real estate company from over a</p> <p>22 year ago stating that the development -- the financials</p> <p>23 for that quarter, that it would be worth \$30,000 an acre</p> <p>24 for the quarter for development.</p> <p>25 And I stated that to Mr. Powell in front of a</p> <p>PAGE 164</p> |

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| <p>1 witness in Bismarck. I told him the value of the land</p> <p>2 and that I had the paperwork with me. And exactly what</p> <p>3 he said was "We've paid way more than that." That's</p> <p>4 what he said. That was his answer.</p> <p>5 MR. JORDE: Okay. But his -- have you received</p> <p>6 any documentation where Summit has agreed to route away</p> <p>7 from that so as not to take away your development</p> <p>8 opportunity?</p> <p>9 LIANNE ROCKSTAD: No. No, I have not.</p> <p>10 MR. JORDE: Okay. And how long ago was that</p> <p>11 conversation where you made it clear face-to-face to</p> <p>12 Mr. Powell that you had the --</p> <p>13 LIANNE ROCKSTAD: It was the June meeting, the</p> <p>14 first part of June last year.</p> <p>15 MR. JORDE: Okay.</p> <p>16 LIANNE ROCKSTAD: In Bismarck. It was in</p> <p>17 Bismarck.</p> <p>18 MR. JORDE: So for almost a year Summit's known</p> <p>19 directly from you of those concerns and they haven't</p> <p>20 sent you any type of proposed reroutes or solutions?</p> <p>21 LIANNE ROCKSTAD: Nothing to myself. Nothing.</p> <p>22 MR. JORDE: Okay. Have you talked to your</p> <p>23 brother, James? Do you know if he's received anything?</p> <p>24 I haven't seen anything.</p> <p>25 LIANNE ROCKSTAD: Well, I'm positive you've</p> <p>PAGE 165</p> | <p>1 LIANNE ROCKSTAD: That's correct.</p> <p>2 MR. PELHAM: Okay. So you and your brother, the</p> <p>3 property that you gave the description for you own as</p> <p>4 tenants in common equally?</p> <p>5 LIANNE ROCKSTAD: Equally.</p> <p>6 MR. PELHAM: All right. And any other family</p> <p>7 members own any interest in that property?</p> <p>8 LIANNE ROCKSTAD: No.</p> <p>9 MR. PELHAM: Just you and your brother?</p> <p>10 LIANNE ROCKSTAD: Just the -- just the two of</p> <p>11 us.</p> <p>12 MR. PELHAM: I see. What is it -- what is the</p> <p>13 reroute that you're requesting?</p> <p>14 LIANNE ROCKSTAD: Number one, I'm requesting it</p> <p>15 off my land. I'm requesting it off my land.</p> <p>16 MR. PELHAM: Okay.</p> <p>17 LIANNE ROCKSTAD: The future of that -- what I</p> <p>18 referred to as that north quarter is -- the future of</p> <p>19 that land, it's four to seven years away from being</p> <p>20 developed. You know, like I stated, the water has gone</p> <p>21 through it. It's in the fastest-growing school district</p> <p>22 in southwest --</p> <p>23 MR. PELHAM: Is it --</p> <p>24 LIANNE ROCKSTAD: -- North Dakota.</p> <p>25 MR. PELHAM: Is it -- is it in the diversion</p> <p>PAGE 167</p> |
| <p>1 talked to him since 2012, and that's the last time I've</p> <p>2 talked to him.</p> <p>3 MR. JORDE: Oh, okay. All right. Very good.</p> <p>4 And so from no source have you seen any</p> <p>5 potential reroutes that Summit would be willing to do?</p> <p>6 LIANNE ROCKSTAD: I have seen no reroutes. And</p> <p>7 Mr. Powell and I talked about that. We talked about the</p> <p>8 best-producing quarter of land and we talked about the</p> <p>9 developmental quarter.</p> <p>10 MR. JORDE: And so I think it's probably stating</p> <p>11 the obvious, but do you believe that if a hazardous CO2</p> <p>12 pipeline was located on your land, that that would</p> <p>13 significantly reduce the value of not only the easement</p> <p>14 where it's located but the adjacent and surrounding --</p> <p>15 LIANNE ROCKSTAD: It would destroy it. It would</p> <p>16 destroy it. And that's why I went through the trouble</p> <p>17 of getting that to bring it to Bismarck to show, was</p> <p>18 that the value of that land, it would totally destroy</p> <p>19 the development.</p> <p>20 MR. JORDE: I don't have anything further.</p> <p>21 Thank you.</p> <p>22 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>23 MR. PELHAM: Yes, thank you.</p> <p>24 Ms. Rockstad, did you say the last time you</p> <p>25 talked to your brother was in 2012?</p> <p>PAGE 166</p> | <p>1 area?</p> <p>2 LIANNE ROCKSTAD: No.</p> <p>3 MR. PELHAM: No.</p> <p>4 LIANNE ROCKSTAD: No, no. It's past the</p> <p>5 diversion. I'm 20 minutes from Horace.</p> <p>6 MR. PELHAM: Fair enough.</p> <p>7 And as far as the development, you mentioned the</p> <p>8 real estate. I don't need to know the intricate</p> <p>9 details, but have you had a conversation with anyone</p> <p>10 telling you that if this pipeline is -- is installed in</p> <p>11 this land, that it cannot be developed?</p> <p>12 LIANNE ROCKSTAD: I told Mr. Powell that.</p> <p>13 MR. PELHAM: I understand you told him that, but</p> <p>14 has anyone told you that?</p> <p>15 LIANNE ROCKSTAD: Say that again.</p> <p>16 MR. PELHAM: Has anyone told you -- when you're</p> <p>17 talking about the development of the property for future</p> <p>18 development in the next four to seven years, you</p> <p>19 testified to that --</p> <p>20 LIANNE ROCKSTAD: Yes.</p> <p>21 MR. PELHAM: -- I'm just wondering -- and you've</p> <p>22 said you had some conversations with real estate</p> <p>23 developers. Has anyone told you that in the event that</p> <p>24 the pipeline is built, that it will not be able to be</p> <p>25 developed?</p> <p>PAGE 168</p> |

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| <p>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."</p> <p>PAGE 169</p> | <p>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</p> <p>PAGE 171</p> |
| <p>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</p> <p>PAGE 170</p> | <p>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</p> <p>PAGE 172</p> |

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| <p>1 want to spell your last name for the record, please.</p> <p>2 JOSH GESSELE: Name is Josh Gessele,</p> <p>3 G-E-S-S-E-L-E.</p> <p>4 ALJ HOGAN: Mr. Gessele, were you in the room</p> <p>5 earlier when I went through the penalties for perjury?</p> <p>6 JOSH GESSELE: Yes, I was.</p> <p>7 ALJ HOGAN: And do you understand what perjury</p> <p>8 is?</p> <p>9 JOSH GESSELE: Yes, I do.</p> <p>10 ALJ HOGAN: And being advised of the potential</p> <p>11 penalties for perjury, do you promise to tell the truth</p> <p>12 in this case today?</p> <p>13 JOSH GESSELE: I do.</p> <p>14 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>15 <u>JOSH GESSELE,</u></p> <p>16 being first duly sworn, testified as follows:</p> <p>17 JOSH GESSELE: Good afternoon, Commissioners.</p> <p>18 My name is Josh Gessele, as I have stated. I live at</p> <p>19 647 188th Avenue Northeast, near the town of Baldwin, in</p> <p>20 Glenview Township of Burleigh County. The legal</p> <p>21 description is section 26, 141 north, 80 west. And my</p> <p>22 property is the east half of the west half of the</p> <p>23 northeast quarter. It can be found on page 52 of the</p> <p>24 map book. The proposed pipeline route runs on the north</p> <p>25 side of 180th Avenue Northeast, less than 2,000 feet</p> <p>PAGE 173</p> | <p>1 On April 14th, 2024, there was a system upset at</p> <p>2 Blue Flint that caused the need for them to vent off</p> <p>3 their CO2 collection and compression system. That day</p> <p>4 the wind was blowing mildly from the east which blew the</p> <p>5 plume of venting gas straight towards Coal Creek.</p> <p>6 Employees at Coal Creek started to smell strong odors</p> <p>7 that were described as smelling like burning rubber and</p> <p>8 electrical fire mixed with other smells. At first</p> <p>9 people were looking for fires because pure CO2 is</p> <p>10 supposed to be colorless and odorless. After no fires</p> <p>11 were found, it was realized that the smell was coming</p> <p>12 from the venting gas at Blue Flint.</p> <p>13 The ethanol plant has been in operation</p> <p>14 since 2007. And April 14th, 2024, is the first time</p> <p>15 this type of strong odor had ever been observed at Coal</p> <p>16 Creek coming from Blue Flint.</p> <p>17 The venting lasted, roughly, eight hours.</p> <p>18 During the event, employees in the power plant started</p> <p>19 to experience headaches, feel nauseous, and have dizzy</p> <p>20 spells, along with burning sensations in their eyes and</p> <p>21 airways. Multiple employees had to go home because of</p> <p>22 the severity of their symptoms. A couple employees</p> <p>23 missed a multiple days of work recovering. One employee</p> <p>24 ended up going to the hospital days later because his</p> <p>25 symptoms were not improving. At the hospital he was</p> <p>PAGE 175</p> |
| <p>1 from my house, which is on the south side of 180th</p> <p>2 Avenue.</p> <p>3 At the April 22nd hearing in Mandan you heard</p> <p>4 testimony from my two neighbors, Lynette Dunbar and</p> <p>5 State Representative SuAnn Olson. I agree with both of</p> <p>6 their testimonies and, along with them, I also do not</p> <p>7 want to see this pipeline siting permit approved.</p> <p>8 I only started taking notice of this proposed</p> <p>9 pipeline when I ran across teams of surveyors on 180th</p> <p>10 Avenue during the summer of 2023. After learning that</p> <p>11 they were there surveying a route for the Summit</p> <p>12 pipeline, I started to research the project so I could</p> <p>13 form a proper opinion.</p> <p>14 But I want to start off by sharing with you an</p> <p>15 experience that has drastically affected my opinion of</p> <p>16 this project. I make electricity as a control room</p> <p>17 operator at Rainbow Energy Center, Coal Creek Station,</p> <p>18 which applies steam to and is across the fence from Blue</p> <p>19 Flint Ethanol. I've been a plant operator at Coal Creek</p> <p>20 since 2005. Blue Flint was built in 2007 and Blue</p> <p>21 Flint's CO2 capturer and injection system came online in</p> <p>22 November of 2023. Us at Coal Creek were told that it</p> <p>23 was pure CO2 that was being collected and injected from</p> <p>24 ethanol plants like Blue Flint. It turns out that is</p> <p>25 misleading.</p> <p>PAGE 174</p> | <p>1 told they did not know what to treat him for because of</p> <p>2 the uncertainty of what gas he was hit with. We had no</p> <p>3 idea what was in that gas.</p> <p>4 I personally was not at the power plant on</p> <p>5 April 14th as it was my day off, but I was at the power</p> <p>6 plant on May 8th, 2024, when another Blue Flint CO2</p> <p>7 compression system venting occurred with an east wind.</p> <p>8 What happened on April 14th was repeated with the same</p> <p>9 effect of making Coal Creek employees sick, the only</p> <p>10 difference being this time it was not a system upset at</p> <p>11 Blue Flint that caused the need for venting, but it was</p> <p>12 a controlled shutdown of their CO2 system for scheduled</p> <p>13 maintenance.</p> <p>14 What did I learn from this experience? I</p> <p>15 learned that even though the gas stream may be</p> <p>16 99 percent CO2 exiting the ethanol plants, the other</p> <p>17 1 percent is composed of gases that are much more toxic</p> <p>18 than CO2. According to the National Institute for</p> <p>19 Occupational Safety and Health, the immediately</p> <p>20 dangerous to life and health, or IDLH, concentration of</p> <p>21 CO2 is 40,000 parts per million. Gases included in the</p> <p>22 1 percent are gases such as hydrogen sulfide with an</p> <p>23 IDLH of 100 parts per million; dimethyl sulfate which is</p> <p>24 a carcinogen and has an IDLH of 7 parts per million;</p> <p>25 ethyl acetate with an IDLH of 2,000 parts per million;</p> <p>PAGE 176</p> |

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| <p>1 acetaldehyde, a carcinogen with a</p> <p>2 2,000-parts-per-million IDLH; and ethyl and methyl</p> <p>3 alcohols with IDLHs of 3,300 and 6,000 parts per million</p> <p>4 respectively. This is just to name a few. There are</p> <p>5 more.</p> <p>6 During normal operation, in order to clean their</p> <p>7 discharge gas, I learned that ethanol plants are</p> <p>8 required to either scrub or flare off their discharge</p> <p>9 gas depending on the design of the plant. I also</p> <p>10 learned, though, that ethanol plants are not required to</p> <p>11 clean their discharge gas in any way if it is being</p> <p>12 compressed and injected underground. This information</p> <p>13 has been verified to me by the North Dakota Department</p> <p>14 of Environmental Quality.</p> <p>15 So that would mean in the Summit pipeline 58</p> <p>16 ethanol plants' worth of unfiltered gases or more, if</p> <p>17 Summit's dreams come true, would be pumped past my house</p> <p>18 and the houses of my neighbors and the houses of</p> <p>19 everyone else that is near this pipeline in North</p> <p>20 Dakota. After seeing and experiencing the effects of</p> <p>21 being gassed by one ethanol plant, the idea of having</p> <p>22 the exhaust of 58 plants in one pipeline seems crazy.</p> <p>23 The January 2002 Minot anhydrous ammonia spill</p> <p>24 was five railcars' worth of gas. That gas cloud</p> <p>25 traveled five miles and extended 300 feet into the air.</p> <p>PAGE 177</p> | <p>1 a low-water crossing. This crossing is closed by the</p> <p>2 county nearly every year during the snowmelt runoff or</p> <p>3 even during heavy rain events when Burnt Creek swells</p> <p>4 and runs across 188th Avenue. With all 11 homes on</p> <p>5 188th Avenue being located on the west side of the</p> <p>6 crossing and their only access out of their homes is</p> <p>7 188th Avenue, any pipeline leak near Highway 83 could</p> <p>8 leave people trapped with no route of escape during</p> <p>9 certain times of the year.</p> <p>10 I agree with Bailey Elkins' testimony from</p> <p>11 April 22nd when she said that having the pipeline so</p> <p>12 close would impact one's ability to feel safe in their</p> <p>13 own home. Ideally, an accident wouldn't happen, but it</p> <p>14 also could happen at any time. This would always be on</p> <p>15 my mind, and with being located so close to the pipeline</p> <p>16 and so far away from emergency services, it would be</p> <p>17 necessary for my family to have a plan to survive,</p> <p>18 expecting no help to arrive soon.</p> <p>19 Like Bailey, I would also worry about that</p> <p>20 pipeline route becoming a corridor within which more</p> <p>21 pipelines would be built. During the April 22nd hearing</p> <p>22 in Mandan, Commissioner Christmann asked the question of</p> <p>23 Jon Schmidt what was meant by the words "one or both</p> <p>24 pipelines on the setback waivers signed by landowners."</p> <p>25 Could this be a clue to Summit's long-term plans?</p> <p>PAGE 179</p> |
| <p>1 If this pipeline gets built with the flow Summit plans</p> <p>2 to put through it, there will be 167 railcars' worth of</p> <p>3 gas running past my house every minute.</p> <p>4 Why does Summit want to run all the gas up to</p> <p>5 North Dakota anyway? Besides North Dakota, there are</p> <p>6 also saline formations in Illinois, Nebraska, and</p> <p>7 Kansas, and unmineable coal seams in Iowa that could</p> <p>8 possibly be used to store this -- to store these gases.</p> <p>9 Besides the threat to people, there are other</p> <p>10 reasons why I think this pipeline is a bad idea. My</p> <p>11 wife raises chickens, ducks, and geese. Some of the</p> <p>12 birds she raises are rare like Ancona ducks and Cotton</p> <p>13 Patch geese which are both considered threatened by The</p> <p>14 Livestock Conservancy. There are less than a thousand</p> <p>15 breeding birds of these species in the U.S. with an</p> <p>16 estimated global population of less than 5,000 birds.</p> <p>17 And she also has very specific breeding programs for</p> <p>18 some of her chickens that sometimes require many years</p> <p>19 of work to achieve certain genetic traits that are</p> <p>20 desirable for certain breeds of chickens. A loss of</p> <p>21 these birds could be an unrecoverable situation.</p> <p>22 The pipeline is proposed to be on the north side</p> <p>23 of 188th Avenue Northeast with a main line valve near</p> <p>24 the junction of 188th and U.S. Highway 83. The east</p> <p>25 outlet of 188th Avenue, the road crosses Burnt Creek at</p> <p>PAGE 178</p> | <p>1 Marvin and Wyonne are a couple in their 90s that live</p> <p>2 about a half mile to the northeast of my house on 188th</p> <p>3 Avenue Northeast. They signed a setback waiver with</p> <p>4 Summit and now the Summit pipeline is proposed to run</p> <p>5 less than 400 feet from their house. One such pipeline</p> <p>6 that close is bad enough. I couldn't imagine two.</p> <p>7 I think we should use caution before falling for</p> <p>8 the carbon intensity score which is created by the</p> <p>9 Department of Energy-owned Argonne National Labs and the</p> <p>10 California Air Resources Board. This will make energy</p> <p>11 costs rise, and I don't think we want to adopt anything</p> <p>12 that would make energy costs higher for everybody.</p> <p>13 Most ethanol plants nowadays are owned by</p> <p>14 profit-sharing companies, corporations, not farmers.</p> <p>15 The ethanol plants will still go where they can get the</p> <p>16 cheapest corn, which might be out of state. So more</p> <p>17 expensive ethanol does not automatically translate into</p> <p>18 more money for North Dakota corn farmers. It could be</p> <p>19 that the state's corn farmers just end up paying higher</p> <p>20 energy and input costs while corn prices fluctuate</p> <p>21 within the same range they always have.</p> <p>22 It is my estimate the economic benefits to North</p> <p>23 Dakota that are projected from this project will go</p> <p>24 mostly to big business and big state government, leaving</p> <p>25 the state's corn farmers disappointed. Nowadays it</p> <p>PAGE 180</p> |

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| <p>1 seems like big business just uses the state government</p> <p>2 as its personal ATM which makes more money for big</p> <p>3 business and state government. The North Dakota State</p> <p>4 Government is the state's biggest receiver of oil</p> <p>5 royalties and would stand to be the biggest receiver of</p> <p>6 CO2 royalties being paid per ton of gas injected. And</p> <p>7 the state government does not like to share money with</p> <p>8 those that are supposed to be its owners, the citizens.</p> <p>9 Do Summit's economic estimates take into account</p> <p>10 the cost to the taxpayers who will be footing the bill</p> <p>11 for Summit's state property taxes and 45Q payments?</p> <p>12 The lust for money can make otherwise good</p> <p>13 people do evil things. The pursuit of money should</p> <p>14 never be at the expense of knowingly putting an innocent</p> <p>15 person's well-being at risk. This is a situation we</p> <p>16 find ourselves in with the Summit Carbon Solutions</p> <p>17 pipeline.</p> <p>18 As of May 2023 Summit had initiated more than 80</p> <p>19 eminent domain lawsuits in South Dakota. Those</p> <p>20 landowners could be forced to put this pipeline on their</p> <p>21 land and accept the risk to their health and safety so</p> <p>22 Summit investors can get richer off the landowners'</p> <p>23 hand-earned tax dollars. Everything in our lives is in</p> <p>24 the landscape of good and evil, whether we realize it or</p> <p>25 not, usually to varying degrees. Forcing someone to put</p> <p>PAGE 181</p> | <p>1 MR. JORDE: Yes. Thank you.</p> <p>2 Sir, you said you live less than 2,000 feet from</p> <p>3 where this proposed hazardous pipeline would be routed;</p> <p>4 correct?</p> <p>5 JOSH GESSELE: That's correct.</p> <p>6 MR. JORDE: And without revealing too many</p> <p>7 details, do you live there with your family?</p> <p>8 JOSH GESSELE: Yeah. My wife and three kids.</p> <p>9 MR. JORDE: And at any point in this process has</p> <p>10 Summit reached out to you or sent a mailing and shared</p> <p>11 with you, you know, "Mr. Gessele, don't worry, here's</p> <p>12 the evidence that you will be safe and your little kids</p> <p>13 will be safe in case our pipeline fails"?</p> <p>14 JOSH GESSELE: No.</p> <p>15 MR. JORDE: Do you think, sir, it would be an</p> <p>16 important -- well, would it be important for you to have</p> <p>17 that type of information, at least be able to vet it,</p> <p>18 consider it, review it, to make you -- help you sleep</p> <p>19 better at night?</p> <p>20 JOSH GESSELE: Yeah. I would like to see an</p> <p>21 emergency management plan from Summit. I was able to</p> <p>22 locate emergency management plans for the Dakota Gas CO2</p> <p>23 pipeline and the former Navigator pipeline projects</p> <p>24 online, but I couldn't find anything for Summit.</p> <p>25 MR. JORDE: So related to that Navigator data</p> <p>PAGE 183</p> |
| <p>1 a pipeline filled with toxic gas on their land or</p> <p>2 locating such a pipeline close to people who have no</p> <p>3 choice but to accept the risks or maybe don't know the</p> <p>4 risks is working on the side of evil, is not taking care</p> <p>5 of our fellow human beings.</p> <p>6 In conclusion, I would like to see the denial of</p> <p>7 this permit for the Summit Carbon Solutions pipeline.</p> <p>8 Innocent people's safety should not be sacrificed for</p> <p>9 financial gain. But if for some reason you find</p> <p>10 yourself feeling like you want to approve it, I ask</p> <p>11 that, in the spirit of safety for your fellow North</p> <p>12 Dakota citizens, that you hold off making a decision</p> <p>13 until after PHMSA releases their new standards and after</p> <p>14 the 2025 North Dakota legislative session has convened</p> <p>15 so that lessons learned from Satartia can be applied to</p> <p>16 this project as well as any new rules from the</p> <p>17 legislature.</p> <p>18 Thank you for holding this hearing. I know</p> <p>19 holding as many hearings as you have on this topic is</p> <p>20 not something that you are required to do so I</p> <p>21 appreciate you for giving everybody a chance to speak.</p> <p>22 I will now accept any questions.</p> <p>23 ALJ HOGAN: Mr. Gludt, any questions?</p> <p>24 MR. GLUDT: No, Your Honor.</p> <p>25 ALJ HOGAN: Mr. Jorde, any questions?</p> <p>PAGE 182</p> | <p>1 that's been online, some in South Dakota, some in</p> <p>2 Illinois, are you aware that their research and reports</p> <p>3 show that an 8-inch diameter CO2 pipeline --</p> <p>4 MR. GLUDT: Your Honor, I'm going to object.</p> <p>5 We're talking about the Navigator pipeline now.</p> <p>6 ALJ HOGAN: Yes. Let's move on, please.</p> <p>7 MR. JORDE: How is this -- how is this not</p> <p>8 relevant? It's going to the proximity of his home and</p> <p>9 the intelligence of this body locates it and these are</p> <p>10 publicly-available facts that show that anything within</p> <p>11 even 2,000 feet of a residence is an unintelligent place</p> <p>12 to locate it?</p> <p>13 ALJ HOGAN: I have asked you to move on. I</p> <p>14 believe all the ground that we've talked about has</p> <p>15 already been presented to the Commission so please move</p> <p>16 on.</p> <p>17 MR. JORDE: Sir, are you talking about the --</p> <p>18 you're talking about the reroute portion. Are you</p> <p>19 concerned also about the reroute portion around</p> <p>20 Bismarck, not just your area?</p> <p>21 JOSH GESSELE: Well, the reroute portion runs</p> <p>22 past my house.</p> <p>23 MR. JORDE: Okay. So then I want to talk about</p> <p>24 the reroute which is what these hearings were designated</p> <p>25 to talk about. And in terms of the reroute, are you</p> <p>PAGE 184</p> |

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| <p>1 aware that an 8-inch diameter pipeline --</p> <p>2 MR. GLUDT: Same objection.</p> <p>3 ALJ HOGAN: Mr. Jorde, I have asked you to move</p> <p>4 on. I'm not going to allow further questions about the</p> <p>5 Navigator pipeline.</p> <p>6 MR. JORDE: I'm not asking about Navigator.</p> <p>7 ALJ HOGAN: Well, you're asking a question</p> <p>8 that's going right around what I've asked you to move on</p> <p>9 from.</p> <p>10 MR. JORDE: Okay. I just want to be clear for</p> <p>11 the record then that we are not allowed in these</p> <p>12 hearings to talk about the Summit reroute and concerns</p> <p>13 about safety relative to the reroute.</p> <p>14 ALJ HOGAN: Mr. Gessele has expressed his</p> <p>15 concerns about safety and I don't believe this is a</p> <p>16 productive use of our time to keep going over the same</p> <p>17 information again and again.</p> <p>18 MR. JORDE: Sir, do you think that it's in the</p> <p>19 best interest of the citizens and the welfare of North</p> <p>20 Dakotans that none of the citizens know the risk profile</p> <p>21 of this pipeline?</p> <p>22 JOSH GESSELE: I don't know if I understood the</p> <p>23 question. Could you repeat it?</p> <p>24 MR. JORDE: Okay. Well, are you aware that only</p> <p>25 the PSC has Summit's secret information and no one else,</p> <p>PAGE 185</p> | <p>1 benefits if we can't talk about the costs. So --</p> <p>2 ALJ HOGAN: Again, Mr. Jorde, I said if you're</p> <p>3 making a request to strike testimony, you're going to</p> <p>4 have to file a motion after this hearing. But my bigger</p> <p>5 concern is that this -- we've had several witnesses this</p> <p>6 morning that have addressed these concerns and we don't</p> <p>7 need to continue to go over the same concerns, as I've</p> <p>8 mentioned several times already.</p> <p>9 MR. JORDE: So for purposes of appeal, I have</p> <p>10 the duty to create a record and attempt to create a</p> <p>11 record on these points, and I'm making an offer of proof</p> <p>12 as to these findings and I believe the rules entitle me</p> <p>13 to make an offer of proof.</p> <p>14 ALJ HOGAN: I think for appeal purposes it's</p> <p>15 going to be sufficient if you point to the fact that I</p> <p>16 have specifically asked the parties and the public not</p> <p>17 to repeat the same concerns over and over again.</p> <p>18 MR. JORDE: Okay. All right. Well, then my</p> <p>19 last question on that is, sir, have you heard anyone</p> <p>20 testify today specifically about concerns relative to</p> <p>21 safety of the Bismarck reroute?</p> <p>22 JOSH GESSELE: Not of the Bismarck reroute, no.</p> <p>23 MR. JORDE: Okay. Well, I can't talk about it,</p> <p>24 but, anyway, I would have if I would have been allowed</p> <p>25 to do that.</p> <p>PAGE 187</p> |
| <p>1 not even the parties affected, the people involved, have</p> <p>2 been allowed to see the dispersion modeling to vet if</p> <p>3 they're good, if they're bad, what model inputs, if</p> <p>4 they're good or bad, the potential release scenarios, we</p> <p>5 haven't been allowed to see any of that? Are you aware</p> <p>6 of that?</p> <p>7 JOSH GESSELE: I don't know who has the</p> <p>8 information.</p> <p>9 MR. JORDE: All right. And have you been</p> <p>10 allowed to see any of that?</p> <p>11 JOSH GESSELE: No.</p> <p>12 MR. JORDE: Okay. Now you talked about economic</p> <p>13 benefits. Would you agree with me that the tax credits,</p> <p>14 the upwards of \$18 billion in tax credits, should be</p> <p>15 considered a cost to this project and not a benefit?</p> <p>16 MR. GLUDT: Your Honor, I'm going to object</p> <p>17 again. I believe this was mentioned in the Commission's</p> <p>18 August 4th, 2023, order, that they don't have</p> <p>19 jurisdiction over high-level policy matters like the 45Q</p> <p>20 taxes. It's also been covered multiple times and I</p> <p>21 think we can move on.</p> <p>22 ALJ HOGAN: I agree. Can we please move on?</p> <p>23 MR. JORDE: Okay. Then I'm going to move to</p> <p>24 strike all of Dan Pickering's testimony and his prefiled</p> <p>25 testimony where he gets into the economics and the</p> <p>PAGE 186</p> | <p>1 ALJ HOGAN: And I would just like to note that</p> <p>2 the purpose of this particular hearing was designated to</p> <p>3 not address the Bismarck portion of this pipeline but</p> <p>4 the portion that's down in this area of the state.</p> <p>5 MR. JORDE: And I understand that, but the</p> <p>6 testimony came in and I believe I have the right to</p> <p>7 examine the witness on what's now in the record so --</p> <p>8 ALJ HOGAN: Do you have any other questions?</p> <p>9 MR. JORDE: I'm thinking.</p> <p>10 Now you mentioned about sequestration space.</p> <p>11 Were you saying that you believed in Iowa there's a</p> <p>12 sequestration space such that this pipeline wouldn't</p> <p>13 need to be sited in North Dakota? Is that what you're</p> <p>14 saying?</p> <p>15 JOSH GESSELE: I believe it's being researched</p> <p>16 to use unmineable coal seams as a sequestration space</p> <p>17 for CO2.</p> <p>18 MR. JORDE: Thank you.</p> <p>19 In front of you there's a binder right there.</p> <p>20 If you could grab that white binder and I'm going to</p> <p>21 have you look at Tab No. 28, please. I think you might</p> <p>22 -- I think you -- yeah, Tab 28, the first page should</p> <p>23 look something like this.</p> <p>24 Let me help you out. Let's see.</p> <p>25 All right. I'm showing you, sir, what's been</p> <p>PAGE 188</p> |

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| <p>1 marked as Landowner Exhibit 28. I'll represent to you</p> <p>2 that these are maps, Summit maps, directly off their</p> <p>3 website. Have you had an occasion to see any of these</p> <p>4 maps or familiarize yourself with Summit's route</p> <p>5 generally?</p> <p>6 JOSH GESSELE: I've seen -- I've seen maps like</p> <p>7 this for the route, yes.</p> <p>8 MR. JORDE: Okay. I'd offer Exhibit LO-28.</p> <p>9 ALJ HOGAN: Any objection to 28?</p> <p>10 MR. GLUDT: No objection, Your Honor.</p> <p>11 ALJ HOGAN: Mr. Pelham.</p> <p>12 MR. PELHAM: No objection.</p> <p>13 ALJ HOGAN: 28 is received.</p> <p>14 MR. JORDE: Thank you.</p> <p>15 And I want to just make sure we bring some</p> <p>16 illustration to, I believe, the points you were making.</p> <p>17 You can see on page 1 where the proposed route dips down</p> <p>18 into South Dakota and then Vs back up into North Dakota</p> <p>19 headed towards that box which is the proposed</p> <p>20 sequestration area. Is that your understanding?</p> <p>21 JOSH GESSELE: Yeah. Yep, that's my</p> <p>22 understanding.</p> <p>23 MR. JORDE: Okay. And then just to conclude</p> <p>24 this line of questioning, if the sequestration was done</p> <p>25 elsewhere, anywhere else other than that -- in North</p> <p>PAGE 189</p> | <p>1 JOSH GESSELE: Yeah. Yes.</p> <p>2 MR. JORDE: Are you aware of the capacity of a</p> <p>3 24-inch diameter pipeline in terms of the CO2 that would</p> <p>4 travel near your house every day?</p> <p>5 JOSH GESSELE: I've seen the projected flow</p> <p>6 numbers.</p> <p>7 MR. JORDE: Okay. Very good. Are you aware</p> <p>8 that the volume that a 24-inch diameter pipeline can</p> <p>9 transport is 15 times greater --</p> <p>10 MR. GLUDT: Objection, Your Honor.</p> <p>11 MR. JORDE: -- than a --</p> <p>12 MR. GLUDT: Mr. Jorde's testifying again and</p> <p>13 asking the witness to agree with him or to at least</p> <p>14 acknowledge his testimony.</p> <p>15 MR. JORDE: What's the problem with that?</p> <p>16 ALJ HOGAN: I agree with that.</p> <p>17 MR. JORDE: How is that an improper question?</p> <p>18 This is cross. This is not my witness.</p> <p>19 ALJ HOGAN: Can we just move on, Mr. Jorde?</p> <p>20 You're asking him all this information that's already in</p> <p>21 the record.</p> <p>22 MR. JORDE: Okay. I'm just curious if he knew</p> <p>23 that. He expressed his concerns. It's a yes or no</p> <p>24 answer.</p> <p>25 ALJ HOGAN: I've asked you to move on.</p> <p>PAGE 191</p> |
| <p>1 Dakota, would you agree with me there would be no need</p> <p>2 for that entire left-hand V of the route heading up</p> <p>3 towards the sequestration area?</p> <p>4 JOSH GESSELE: Say that again.</p> <p>5 MR. JORDE: Yes. If the sequestration was done</p> <p>6 in Iowa, for instance, we could save about half of all</p> <p>7 the miles of the Summit hazardous pipeline route as it</p> <p>8 enters back into North Dakota from South Dakota and</p> <p>9 heads towards the sequestration area?</p> <p>10 JOSH GESSELE: Yeah, it would less --</p> <p>11 MR. GLUDT: Objection, Your Honor. Calls for</p> <p>12 speculation.</p> <p>13 ALJ HOGAN: I agree. I don't think -- and I</p> <p>14 don't think he has the foundation to offer an opinion on</p> <p>15 that.</p> <p>16 MR. JORDE: Okay. So if the sequestration area</p> <p>17 didn't need to exist, do you think there would be a need</p> <p>18 for a pipeline to it?</p> <p>19 JOSH GESSELE: I don't understand the question,</p> <p>20 I guess.</p> <p>21 MR. JORDE: Okay. I think it's obvious. That's</p> <p>22 okay.</p> <p>23 And then the proposed diameter that's going by</p> <p>24 your home with your young kids there is 24 inches in</p> <p>25 diameter. Are you aware of that?</p> <p>PAGE 190</p> | <p>1 MR. JORDE: Okay. So I just want the record to</p> <p>2 be clear, are you sustaining the objection?</p> <p>3 ALJ HOGAN: Yes.</p> <p>4 MR. JORDE: Okay. All right. Thank you.</p> <p>5 I don't have anything further, sir. Thank you</p> <p>6 for your time.</p> <p>7 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>8 MR. PELHAM: Sir, you testified as to the event</p> <p>9 at the Blue Flint Ethanol plant. Did you participate in</p> <p>10 the investigation as to what happened? Were you told</p> <p>11 what happened? How do you know what was released?</p> <p>12 JOSH GESSELE: We were able to see in the air</p> <p>13 sample --</p> <p>14 MR. PELHAM: Who's "we"?</p> <p>15 JOSH GESSELE: Us at Coal Creek.</p> <p>16 MR. PELHAM: Okay.</p> <p>17 JOSH GESSELE: Blue Flint presented us with an</p> <p>18 air sample --</p> <p>19 MR. PELHAM: What was the air sample?</p> <p>20 JOSH GESSELE: -- of the different gases that</p> <p>21 were --</p> <p>22 MR. PELHAM: Right, I know, but what were the</p> <p>23 gas samples? What was released? Was it CO2? Was it --</p> <p>24 JOSH GESSELE: It was 99 percent CO2.</p> <p>25 MR. PELHAM: Okay.</p> <p>PAGE 192</p> |

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| <p>1 JOSH GESSELE: There are many other --</p> <p>2 MR. PELHAM: Do you know if that was a planned</p> <p>3 release or was it maintenance or what was going on there</p> <p>4 with that?</p> <p>5 JOSH GESSELE: The April -- the April event was</p> <p>6 a system upset where they had some kind of problem with</p> <p>7 their system where it required them to vent it.</p> <p>8 MR. PELHAM: Was that released from the pipe or</p> <p>9 was it released from their facility?</p> <p>10 JOSH GESSELE: Near their compression building</p> <p>11 which is on the east side of Coal Creek.</p> <p>12 MR. PELHAM: I don't have any other questions</p> <p>13 for you. Thank you, sir.</p> <p>14 ALJ HOGAN: Mr. Schock, any questions?</p> <p>15 Commissioner Christmann.</p> <p>16 COMMISSIONER CHRISTMANN: I think just one. I</p> <p>17 couldn't keep up with the land description. I</p> <p>18 appreciate you having it, but I couldn't write fast</p> <p>19 enough. I think you said section 26 of 141-80, the east</p> <p>20 half of the west half of what quarter?</p> <p>21 JOSH GESSELE: Let's see here. It's the fifth</p> <p>22 house from Highway 83, I guess. Find my sheet. East</p> <p>23 half of the west half of the northeast quarter.</p> <p>24 COMMISSIONER CHRISTMANN: So you have 40 acres</p> <p>25 there?</p> <p>PAGE 193</p> | <p>1 SUBSTITUTE DECISIONMAKER DAWSON: No questions.</p> <p>2 Thanks for coming today.</p> <p>3 ALJ HOGAN: All right. Thank you.</p> <p>4 Do we have others that wish to testify?</p> <p>5 Come on up. You're next.</p> <p>6 CHAD PETERSON: I do have testimony.</p> <p>7 ALJ HOGAN: Sure. Thank you.</p> <p>8 CHAD PETERSON: Got your protocol.</p> <p>9 ALJ HOGAN: Yep. You just want to start it</p> <p>10 there? We'll pass it around.</p> <p>11 CHAD PETERSON: I gave 10 copies. That should</p> <p>12 be enough to make the rounds. If not, I can provide it</p> <p>13 electronically as well.</p> <p>14 ALJ HOGAN: Sure. Can I get your name for the</p> <p>15 record?</p> <p>16 CHAD PETERSON: Yes. My name is Chad Peterson.</p> <p>17 ALJ HOGAN: And do you want to spell your last</p> <p>18 name?</p> <p>19 CHAD PETERSON: P-E-T-E-R-S-O-N.</p> <p>20 ALJ HOGAN: And, Mr. Peterson, were you in the</p> <p>21 room when I went through the penalties for perjury?</p> <p>22 CHAD PETERSON: Not the initial one, but I heard</p> <p>23 the second one, Judge.</p> <p>24 ALJ HOGAN: Perfect. And do you understand what</p> <p>25 perjury is?</p> <p>PAGE 195</p> |
| <p>1 JOSH GESSELE: That's correct.</p> <p>2 COMMISSIONER CHRISTMANN: And you're on the</p> <p>3 south side of the road and the pipeline -- the pipeline</p> <p>4 is not on your property; correct?</p> <p>5 JOSH GESSELE: Correct.</p> <p>6 COMMISSIONER CHRISTMANN: And then you're</p> <p>7 about -- if I'm figuring these out right, you're about a</p> <p>8 half mile west and across the road from the person that</p> <p>9 you referenced that signed the waiver?</p> <p>10 JOSH GESSELE: That's correct, yeah.</p> <p>11 COMMISSIONER CHRISTMANN: Okay. Got it. Thank</p> <p>12 you for being here.</p> <p>13 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>14 COMMISSIONER HAUGEN-HOFFART: Thank you.</p> <p>15 Josh, thank you for your public testimony. This</p> <p>16 is -- all the public is welcome. So were you at the</p> <p>17 Bismarck hearing on April 22nd?</p> <p>18 JOSH GESSELE: No. I was not able to attend</p> <p>19 that day. I was at work.</p> <p>20 COMMISSIONER HAUGEN-HOFFART: Okay. And because</p> <p>21 of that, is that why you chose to come here and testify?</p> <p>22 JOSH GESSELE: That's correct. Yeah.</p> <p>23 COMMISSIONER HAUGEN-HOFFART: Okay. I have no</p> <p>24 further questions.</p> <p>25 ALJ HOGAN: Mr. Dawson, any questions?</p> <p>PAGE 194</p> | <p>1 CHAD PETERSON: I certainly do.</p> <p>2 ALJ HOGAN: And being advised of the potential</p> <p>3 penalties for perjury, do you promise to tell the truth</p> <p>4 in this case today?</p> <p>5 CHAD PETERSON: Absolutely.</p> <p>6 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>7 <u>CHAD PETERSON.</u></p> <p>8 being first duly sworn, testified as follows:</p> <p>9 CHAD PETERSON: Okay. Thank you, Commissioners,</p> <p>10 for taking time today. My name is Chad Peterson. I'm</p> <p>11 currently the chair of the Cass County Commission just</p> <p>12 north of here.</p> <p>13 I've got three items I want to touch on. I'm</p> <p>14 not going to read my testimony because I think it's --</p> <p>15 between timeliness. Please do read it. I always say my</p> <p>16 testimony is pretty darn awesome so take your time if</p> <p>17 you have a chance to read through it and you'll be</p> <p>18 utterly impressed.</p> <p>19 So I have three basic points: Safety, planning,</p> <p>20 and then value-added ag. And the first two are fairly</p> <p>21 tied together.</p> <p>22 So, again, Chad Peterson, Cass County</p> <p>23 Commission. The Cass County Commission has not -- or</p> <p>24 has in the past dealt with pipelines. This is not</p> <p>25 our first experience with someone coming in. We've</p> <p>PAGE 196</p> |

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| <p>1 dealt with Cenex NuStar. And I'll touch on why that's</p> <p>2 important in the second portion but first and foremost,</p> <p>3 safety.</p> <p>4 We have been kept abreast of everything</p> <p>5 happening within this pipeline and the potential of this</p> <p>6 pipeline since its infancy. So we've actually had</p> <p>7 people attending our county commission meetings, make</p> <p>8 themselves available to the county commission for any</p> <p>9 questions but, most importantly and coincidentally, just</p> <p>10 less than a month ago we actually had a briefing from</p> <p>11 them in Casselton. Inclusive of that was our law</p> <p>12 enforcement community, our first responders, and our</p> <p>13 emergency operations team. So that basically -- not</p> <p>14 basically. That was a briefing on what would happen</p> <p>15 should something bad transpire.</p> <p>16 And there's two important points to make there.</p> <p>17 First and foremost, you'll see the second page which</p> <p>18 I'll touch on in a moment. My testimony should have two</p> <p>19 pages.</p> <p>20 First was on a promise of ongoing education.</p> <p>21 Obviously, we all have workforce issues. Or not</p> <p>22 obviously, but we do have workforce issues. We will</p> <p>23 have a constant turnover of those people that are</p> <p>24 working within our law enforcement community, our first</p> <p>25 responders, as well as emergency. So they have -- they</p> <p>PAGE 197</p> | <p>1 their initial application, the reason being the location</p> <p>2 didn't work for either -- well, state, to be honest with</p> <p>3 you, but then state, county, and our townships. They</p> <p>4 were going to place this terminal in a very rural area,</p> <p>5 hard to access, and knowing full well there would be</p> <p>6 little or no maintenance on an ongoing basis. During</p> <p>7 the construction there would be heavy amounts of trucks,</p> <p>8 heavy amounts of people there. We'd be ripping up</p> <p>9 county roads and township roads. And our friends that</p> <p>10 talk to us do not have the resources to maintain those</p> <p>11 roads so we asked them to move -- again, rejected, asked</p> <p>12 them to move their terminal, which they willingly did.</p> <p>13 So, again, the important part in there is we</p> <p>14 don't just sign off on things just because someone shows</p> <p>15 up. We have been working very well, both our Cass</p> <p>16 County Highway Department and our water resource</p> <p>17 districts, with Carbon Summit to make sure everything</p> <p>18 they were doing didn't impact our county, didn't impact</p> <p>19 our water resource district. So we've been -- they've</p> <p>20 been a very, very cooperative partner in this project.</p> <p>21 Item three, I've been in North Dakota my whole</p> <p>22 life. I've watched us grow and produce widgets and</p> <p>23 export them to other states for other states to make</p> <p>24 money on them. We all know the term "value-added ag."</p> <p>25 We just created an investment --</p> <p>PAGE 199</p> |
| <p>1 have given us the promise to keep our friends educated</p> <p>2 and in a timely fashion.</p> <p>3 Item two, they've actually offered to invest</p> <p>4 resources in our county emergency services, and that's</p> <p>5 that second page. It's a \$50,000 investment plus a</p> <p>6 thousand dollars a mile, which I think is 22 miles. I'm</p> <p>7 going to memory, though. So there's a substantive</p> <p>8 tens-of-thousand-dollar investment in our emergency</p> <p>9 services to be able to respond in a timely fashion.</p> <p>10 So, again, safety being paramount, that's the</p> <p>11 first most -- first and most important item I want to</p> <p>12 address.</p> <p>13 Item two, planning. Back to the Cenex and</p> <p>14 NuStar pipeline. I've been in office now 12 -- this is</p> <p>15 going in my twelfth year. This is my first pipeline --</p> <p>16 the Cenex NuStar was my first pipeline interaction. We</p> <p>17 have more that's gone through Cass in the past. But</p> <p>18 when Cenex NuStar approached us -- and this is to sort</p> <p>19 of show you that we don't just sign off on everything</p> <p>20 carte blanche if someone would show up with what is a</p> <p>21 needful thing and a good idea. Cenex NuStar approached</p> <p>22 us with a siting solution for a terminal. So that's</p> <p>23 where all the oil would come and be temporarily stored</p> <p>24 should something bad transpire there too.</p> <p>25 The county commission rejected their permit on</p> <p>PAGE 198</p> | <p>1 MR. JORDE: I'm going to object as relevance of</p> <p>2 any value-added ag to whether or not this Commission</p> <p>3 should site a pipeline.</p> <p>4 ALJ HOGAN: I've allowed similar testimony. So</p> <p>5 as long as you can do it briefly, Mr. Peterson --</p> <p>6 CHAD PETERSON: Very briefly.</p> <p>7 ALJ HOGAN: -- go ahead.</p> <p>8 CHAD PETERSON: It's more of just a quick bounce</p> <p>9 of where the site's located.</p> <p>10 So value-added ag, I've watched it my whole</p> <p>11 life. We have incentivized the creation of a \$400</p> <p>12 million Casselton -- in Casselton, just inside</p> <p>13 Casselton, a \$400 million soybean processing plant to</p> <p>14 help our farmers grow. I'm paralleling that to our</p> <p>15 friends literally right across the street from the</p> <p>16 soybean plant is Tharaldson Ethanol. This is one of the</p> <p>17 reasons why this pipeline is being built, support</p> <p>18 value-added ag.</p> <p>19 We can all agree or disagree what's happening on</p> <p>20 a national level. It is what it is. We need to support</p> <p>21 our ag producers. How do we do that? With value-added</p> <p>22 ag and things that allow them to perpetuate their</p> <p>23 successes into perpetuity.</p> <p>24 Please read my testimony. Again, I'd advocate</p> <p>25 for the creation of this pipeline, allow the permitting</p> <p>PAGE 200</p> |

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| <p>1 to transpire.</p> <p>2 If you have any questions, please contact me.</p> <p>3 Second page has all my contact info. I'm open for any</p> <p>4 questions at any given time and I'm open for questions</p> <p>5 now.</p> <p>6 ALJ HOGAN: Mr. Gludt, any questions?</p> <p>7 MR. GLUDT: No questions.</p> <p>8 Thank you, Commissioner.</p> <p>9 ALJ HOGAN: Mr. Jorde, any questions?</p> <p>10 MR. JORDE: Yeah, I've got several questions.</p> <p>11 Number one, did the Cass County Commission pass</p> <p>12 a resolution or take a vote allowing you to come here</p> <p>13 and speak on their behalf?</p> <p>14 CHAD PETERSON: No. I actually have freedom of</p> <p>15 speech under the First Amendment and I'm here on my own,</p> <p>16 not testifying on behalf of the county commission, just</p> <p>17 the experiences of the county commission on things I</p> <p>18 witnessed.</p> <p>19 MR. JORDE: Okay. Because you introduced</p> <p>20 yourself as the chair of the Cass County Commission, but</p> <p>21 to be clear, you are not speaking on behalf of the</p> <p>22 commission whatsoever, are you?</p> <p>23 CHAD PETERSON: Very fair question. That is</p> <p>24 correct, sir.</p> <p>25 MR. JORDE: Now you said, in terms of safety,</p> <p>PAGE 201</p> | <p>1 MR. JORDE: Yeah. No, it helps a lot.</p> <p>2 So anything you know was -- is complete hearsay</p> <p>3 because you weren't personally there; correct?</p> <p>4 CHAD PETERSON: You could say that. I guess I</p> <p>5 would -- my response to that would be I also trust my</p> <p>6 department heads, communicate with my department heads.</p> <p>7 They assured me things are adequate and they are not at</p> <p>8 all worried.</p> <p>9 MR. JORDE: Sure. So the people that saw the</p> <p>10 data that have concluded or think it's adequate aren't</p> <p>11 here, can't be cross-examined, and we have no idea what</p> <p>12 they even looked at, do we?</p> <p>13 CHAD PETERSON: I think if they -- fair</p> <p>14 question. I think if they had a concern, they would</p> <p>15 have shared that with me.</p> <p>16 MR. JORDE: Okay. But you don't know that.</p> <p>17 CHAD PETERSON: They would have shared it with</p> <p>18 me, sir.</p> <p>19 MR. JORDE: Okay. All right. And what is the</p> <p>20 level of experience of your first responders with CO2</p> <p>21 leaks and containment?</p> <p>22 CHAD PETERSON: I think that speaks to the</p> <p>23 education of the -- well, the ongoing education that the</p> <p>24 Carbon Summit folks would be producing.</p> <p>25 MR. JORDE: Okay. And what have they provided</p> <p>PAGE 203</p> |
| <p>1 that, quote, "They've kept us abreast of all things</p> <p>2 safety." Is that your statement?</p> <p>3 CHAD PETERSON: Correct.</p> <p>4 MR. JORDE: Okay. What were the results of the</p> <p>5 dispersion modeling?</p> <p>6 MR. GLUDT: Objection, Your Honor. Mr. Jorde's</p> <p>7 attempting to gain or elicit testimony that is</p> <p>8 information that is currently subject to our protective</p> <p>9 order and I believe Mr. -- or Commissioner Peterson can</p> <p>10 testify that the information shared at those meetings</p> <p>11 was confidential.</p> <p>12 ALJ HOGAN: I'll just ask you, Mr. Peterson, was</p> <p>13 it confidential in nature these -- what the question is</p> <p>14 asking you about?</p> <p>15 CHAD PETERSON: Judge, I can speak to that.</p> <p>16 What I do -- so the governance model in Cass</p> <p>17 County is very different than other counties. We trust</p> <p>18 our department heads to lead us, our sheriff and our --</p> <p>19 our emergency services managers to lead us. So they</p> <p>20 were at these meetings, attended them personally. I</p> <p>21 actually spoke to my sheriff, coincidentally, on the way</p> <p>22 down here, and they were satisfied with whatever you</p> <p>23 distributed to them. This is just the last meeting.</p> <p>24 I'm talking about other meetings prior to this as well</p> <p>25 too, if that helps, sir.</p> <p>PAGE 202</p> | <p>1 them?</p> <p>2 CHAD PETERSON: To your last question, I would</p> <p>3 ask -- if you're looking for specificity, I would look</p> <p>4 to them directly.</p> <p>5 MR. JORDE: Okay. So you're here saying you</p> <p>6 personally -- because you're not here by the county --</p> <p>7 feel great about everything, but you can't tell me what</p> <p>8 these people that give you the confidence have actually</p> <p>9 seen; correct?</p> <p>10 CHAD PETERSON: Not correct.</p> <p>11 MR. JORDE: Okay. What have they seen?</p> <p>12 CHAD PETERSON: They have seen -- what they have</p> <p>13 seen has not made them worried enough to tell me, as a</p> <p>14 commissioner, "Do not support this." And they would.</p> <p>15 Much like the front example of Cenex NuStar. We don't</p> <p>16 just arbitrarily sign off on things.</p> <p>17 MR. JORDE: Okay. And then I'll go back to my</p> <p>18 prior question. Is it true that they have zero</p> <p>19 experience containing a CO2 release or spill or rupture?</p> <p>20 CHAD PETERSON: I think that would be fair.</p> <p>21 MR. JORDE: Okay. So they're looking at</p> <p>22 something in Chinese saying, "It looks good to us";</p> <p>23 correct?</p> <p>24 CHAD PETERSON: It's a bit of embellishment.</p> <p>25 Yes.</p> <p>PAGE 204</p> |

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| <p>1 MR. JORDE: Okay. All right.</p> <p>2 CHAD PETERSON: It wasn't a yes, sir. That was</p> <p>3 you embellishing, me agreeing with you embellishing.</p> <p>4 MR. JORDE: Okay. Is that helpful, do you</p> <p>5 think?</p> <p>6 CHAD PETERSON: I think so.</p> <p>7 MR. JORDE: Okay. All right. And so you</p> <p>8 weren't at any of these meetings, but you feel good</p> <p>9 about the safety.</p> <p>10 And then you talked about, what was it,</p> <p>11 value-added ag. And I'm just curious, sir, the</p> <p>12 pipeline, from where the pipeline starts and a CO2</p> <p>13 molecule gets in it and then it's going to travel to the</p> <p>14 end of the pipeline before it gets out of the pipeline,</p> <p>15 what's the value-added ag in that sequence?</p> <p>16 CHAD PETERSON: If it can allow Tharaldson</p> <p>17 Ethanol plant to maintain operations into perpetuity,</p> <p>18 that is the value-added ag.</p> <p>19 MR. JORDE: Okay. And you understand that for</p> <p>20 it to get from the Tharaldson Ethanol plant, it has to</p> <p>21 go to encapture equipment and do all sorts of things</p> <p>22 that is not in the jurisdiction and has nothing to do</p> <p>23 with these proceedings.</p> <p>24 So I want to go back to the pipeline itself.</p> <p>25 How does the pipeline standing alone do anything with</p> <p>PAGE 205</p> | <p>1 MR. JORDE: Did it help that on May 17th Summit</p> <p>2 said they'd give you 50,000 bucks?</p> <p>3 CHAD PETERSON: That would have been awesome. I</p> <p>4 have to report anything given to me by public report.</p> <p>5 I've never been given a penny by anyone.</p> <p>6 MR. JORDE: No. In your exhibit now on May 17th</p> <p>7 they've said they'll give \$50,000 to the commission, the</p> <p>8 county.</p> <p>9 CHAD PETERSON: They're not giving it to the</p> <p>10 commission. They're giving it to our emergency</p> <p>11 responders.</p> <p>12 MR. JORDE: Okay.</p> <p>13 CHAD PETERSON: Which, if you want to give</p> <p>14 \$50,000, sir, I would take it, sir. Please. And I will</p> <p>15 allocate it appropriately as well.</p> <p>16 MR. JORDE: Okay. I'm sure you will.</p> <p>17 CHAD PETERSON: Public record. I will, sir.</p> <p>18 MR. JORDE: All right. So bottom line is you</p> <p>19 didn't testify before, May 17th letter, 50 grand, and</p> <p>20 here you are testifying. Is that the timeline?</p> <p>21 CHAD PETERSON: If I may, Judge? Interestingly</p> <p>22 enough --</p> <p>23 MR. JORDE: No. Is that the timeline, yes or</p> <p>24 no?</p> <p>25 CHAD PETERSON: No.</p> <p>PAGE 207</p> |
| <p>1 value-added ag?</p> <p>2 CHAD PETERSON: It allows Tharaldson Ethanol to</p> <p>3 maintain operations into perpetuity.</p> <p>4 MR. JORDE: Okay. All right. I don't think you</p> <p>5 understand there's a missing carbon capture piece in the</p> <p>6 middle there, but that's okay.</p> <p>7 CHAD PETERSON: I think we can agree to</p> <p>8 disagree.</p> <p>9 MR. JORDE: All right. Tell me everything you</p> <p>10 know about carbon capture.</p> <p>11 MR. GLUDT: I'm going to object, Your Honor.</p> <p>12 ALJ HOGAN: Yeah, I agree.</p> <p>13 MR. PELHAM: That's broad.</p> <p>14 MR. JORDE: Okay. All right.</p> <p>15 ALJ HOGAN: The objection is sustained.</p> <p>16 MR. JORDE: All right. Good. I didn't want to</p> <p>17 hear it anyway.</p> <p>18 Okay. So in terms of -- are any of the other</p> <p>19 board members or commission members going to come here</p> <p>20 to speak?</p> <p>21 CHAD PETERSON: Not that I'm aware of, sir, no.</p> <p>22 MR. JORDE: Not that you're aware of. Okay.</p> <p>23 And then have you ever spoke at a PSC proceeding in</p> <p>24 favor of this before today?</p> <p>25 CHAD PETERSON: No, sir.</p> <p>PAGE 206</p> | <p>1 MR. JORDE: Okay.</p> <p>2 CHAD PETERSON: Interestingly enough --</p> <p>3 MR. JORDE: Okay. I don't have anything further</p> <p>4 then. Thank you.</p> <p>5 CHAD PETERSON: Can I answer the question,</p> <p>6 Judge?</p> <p>7 ALJ HOGAN: Yeah, you can.</p> <p>8 CHAD PETERSON: So I was actually scheduled to</p> <p>9 testify a year ago here, but the hearings drew on</p> <p>10 because of, I think, your belaboring points over and</p> <p>11 over to the degree where I didn't have the time to show</p> <p>12 up. So I was supposed to be here a year ago, but I was</p> <p>13 not able to attend.</p> <p>14 Does that help?</p> <p>15 MR. JORDE: Yeah. How about did you send</p> <p>16 anything in writing in the meantime or were you unable</p> <p>17 to do that too?</p> <p>18 CHAD PETERSON: I did not. My hope was to</p> <p>19 testify in person, sir, be available to you for</p> <p>20 questioning.</p> <p>21 MR. JORDE: Got it. Okay. Appreciate you.</p> <p>22 Thanks.</p> <p>23 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>24 MR. PELHAM: I don't have any questions for you,</p> <p>25 sir. Thank you.</p> <p>PAGE 208</p> |

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| <p>1 ALJ HOGAN: Mr. Schock.</p> <p>2 Commissioner Christmann.</p> <p>3 COMMISSIONER CHRISTMANN: Well, we -- as I said</p> <p>4 from the very beginning, we try and get around. We</p> <p>5 never did have one in Cass County. I do appreciate you</p> <p>6 coming down to Wahpeton.</p> <p>7 CHAD PETERSON: Thank you for the time, sir.</p> <p>8 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>9 COMMISSIONER HAUGEN-HOFFART: No questions.</p> <p>10 CHAD PETERSON: Commissioner, thank you.</p> <p>11 ALJ HOGAN: Mr. Dawson.</p> <p>12 SUBSTITUTE DECISIONMAKER DAWSON: No questions.</p> <p>13 Thank you.</p> <p>14 ALJ HOGAN: Thank you, Mr. Peterson.</p> <p>15 CHAD PETERSON: Thank you, Judge.</p> <p>16 ALJ HOGAN: Good afternoon. Could I get your</p> <p>17 name?</p> <p>18 TRACEY WILKIE: Tracey L. Wilkie,</p> <p>19 sixth-generation Wilkie of Scottish settlers.</p> <p>20 ALJ HOGAN: Can you spell your last name for me?</p> <p>21 TRACEY WILKIE: W-I-L-K-I-E.</p> <p>22 ALJ HOGAN: And, Ms. Wilkie, did you previously</p> <p>23 testify?</p> <p>24 TRACEY WILKIE: I have not.</p> <p>25 ALJ HOGAN: Okay. And did you hear me go</p> <p>PAGE 209</p> | <p>1 acre, like \$30,000 an acre, \$32,000 an acre. I'd just</p> <p>2 like to remind you there's one treaty that we were</p> <p>3 offered 10 cents and that still hasn't been paid.</p> <p>4 So there's a lot of things that aren't being</p> <p>5 addressed, I'll say, but that isn't really the Public</p> <p>6 Service Commissioners' job, but, for me, it is. You</p> <p>7 know, when we're talking about storing carbon underneath</p> <p>8 the best farmland in the world -- we always say, you</p> <p>9 know, we're the breadbasket of the world. Why would we</p> <p>10 risk that? Why would we risk new technology and put the</p> <p>11 water further at risk, the land, the winged ones, the</p> <p>12 four-legged, the swimmers, the crawlers, all of us, we</p> <p>13 live here together. And it's time we work around</p> <p>14 partisan lines and make sure everybody's voices are</p> <p>15 being heard.</p> <p>16 I read Carbon Summit Solutions, in their</p> <p>17 contract -- contacts into -- looking into sacred sites</p> <p>18 and burial sites and our treaties that have yet to be</p> <p>19 honored and yes, you know, whether those are being taken</p> <p>20 into consideration, and if they are, who -- like -- I'd</p> <p>21 like to see listening sessions instead of going to one</p> <p>22 person and getting a blanket statement from everybody.</p> <p>23 I don't know how many of you have seen</p> <p>24 destruction that happens along these pipelines, but it's</p> <p>25 very traumatic to the land. And I don't know if</p> <p>PAGE 211</p> |
| <p>1 through the penalties for perjury earlier?</p> <p>2 TRACEY WILKIE: The second time I did.</p> <p>3 ALJ HOGAN: All right. And do you understand</p> <p>4 what perjury is?</p> <p>5 TRACEY WILKIE: Yes, I do.</p> <p>6 ALJ HOGAN: And being advised of the potential</p> <p>7 penalties for perjury, do you promise to tell the truth</p> <p>8 in this case today?</p> <p>9 TRACEY WILKIE: Yes, I do.</p> <p>10 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>11 <u>TRACEY WILKIE,</u></p> <p>12 being first duly sworn, testified as follows:</p> <p>13 TRACEY WILKIE: First of all, I'm a 100th</p> <p>14 generation North Dakotan and I'd like to honor my</p> <p>15 ancestors and my relatives that were brought here to</p> <p>16 Wahpeton, North Dakota, for the U.S. boarding schools</p> <p>17 after forced assimilation. It is my duty and</p> <p>18 responsibility as an Anishinaabe woman to take a stand</p> <p>19 against further destruction of our homelands. And when</p> <p>20 I say "our homelands," I mean all our homelands. It's a</p> <p>21 responsibility of mine to be a good neighbor to one</p> <p>22 another and not take away private landowners' rights and</p> <p>23 be threatened with eminent domain.</p> <p>24 I heard -- I've been at several different</p> <p>25 meetings this week and I hear any -- I hear the land and</p> <p>PAGE 210</p> | <p>1 anybody's ever heard a tree being tripped from the</p> <p>2 ground by a big machine, but it sounds like a scream.</p> <p>3 It's horrible.</p> <p>4 I'd like to find alternative ways for us to work</p> <p>5 together. And I hope north -- I guess I don't want to</p> <p>6 repeat anything anybody said earlier because everybody</p> <p>7 gave really good testimony. And I enjoyed particularly</p> <p>8 the two people that are looking out for future</p> <p>9 generations because, as Anishinaabe people, it's our</p> <p>10 responsibility to look -- look for -- look out for the</p> <p>11 next seven generations. So they're looking out for, you</p> <p>12 know, their people and, yeah, we're all in it together</p> <p>13 and I'd just like to see other options.</p> <p>14 And the last gentleman that spoke from Cass</p> <p>15 County, I was a first responder for 20 years. I worked</p> <p>16 in the criminal justice system but -- and I did some</p> <p>17 reading about first responders. And that's very, very</p> <p>18 dangerous. I don't want to see the pipeline to -- what</p> <p>19 accidents could happen and the dangers.</p> <p>20 And I hope North Dakotans use their voices this</p> <p>21 election season. And I'll ask any questions -- or</p> <p>22 answer any questions.</p> <p>23 ALJ HOGAN: Mr. Gludt, any questions?</p> <p>24 MR. GLUDT: No questions.</p> <p>25 ALJ HOGAN: Mr. Jorde, any questions?</p> <p>PAGE 212</p> |

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| <p>1 MR. JORDE: No. Thank you very much.</p> <p>2 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>3 MR. PELHAM: Good afternoon, Ms. Wilkie. I'm</p> <p>4 just wondering -- and I understand you're opposed to the</p> <p>5 pipeline. Do you own property along or near any of the</p> <p>6 proposed route?</p> <p>7 TRACEY WILKIE: I don't own property along the</p> <p>8 proposed route.</p> <p>9 MR. PELHAM: Okay. And are you a resident of</p> <p>10 Richland County?</p> <p>11 TRACEY WILKIE: I'm a resident of Cass County.</p> <p>12 MR. PELHAM: Cass County. Okay.</p> <p>13 TRACEY WILKIE: Yes.</p> <p>14 MR. PELHAM: Thank you for being here. I don't</p> <p>15 have any other questions.</p> <p>16 ALJ HOGAN: Mr. Schock.</p> <p>17 Commissioner Christmann.</p> <p>18 COMMISSIONER CHRISTMANN: That's two in a row.</p> <p>19 Thank you also as well as your commission chairman,</p> <p>20 thank you for coming down from Cass County.</p> <p>21 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>22 COMMISSIONER HAUGEN-HOFFART: Tracey, thank you</p> <p>23 so much for your time and your input and I have no</p> <p>24 questions.</p> <p>25 ALJ HOGAN: Mr. Dawson.</p> <p>PAGE 213</p> | <p>1 behalf of my parents. They live in Sargent County,</p> <p>2 Shuman Township, section 12, township 131, range 54.</p> <p>3 I was here last year and I spoke, and we talked</p> <p>4 about how no one from Summit had contacted us about the</p> <p>5 pipeline coming by. After that meeting we did receive</p> <p>6 documentation dated 4/28 of '23 that showed a map of the</p> <p>7 pipeline. The pipeline runs perpendicular to our</p> <p>8 homestead. It's on the north side of the road. Both</p> <p>9 landowners have signed the agreement with Summit. But</p> <p>10 the situation was, is the pipeline was 519 feet from my</p> <p>11 parents' bedroom. And so they included verbiage stating</p> <p>12 that since it was past 500 feet, they didn't need to be</p> <p>13 contacted. So --</p> <p>14 I'm sorry, I wrote down --</p> <p>15 The pipe comes across to the north of my</p> <p>16 parents' place at an angle. And last year, on the map,</p> <p>17 the proposed right of way crossed the road onto my --</p> <p>18 onto mom and dad's ground. And as of this morning after</p> <p>19 my sister and I spoke with Charlie Adams from Summit, it</p> <p>20 appears that they have moved that right of way to the</p> <p>21 north.</p> <p>22 Part of what my parents do is -- is the</p> <p>23 farmstead -- they live on the farmstead, but they rent</p> <p>24 out the livestock operation to a gentleman who raises</p> <p>25 registered Quarter Horses. Some of them -- the value of</p> <p>PAGE 215</p> |
| <p>1 SUBSTITUTE DECISIONMAKER DAWSON: No questions.</p> <p>2 Thank you.</p> <p>3 ALJ HOGAN: All right. Thank you, Ms. Wilkie.</p> <p>4 TRACEY WILKIE: Thank you.</p> <p>5 ALJ HOGAN: Can I get a show of hands of the</p> <p>6 amount of -- the other individuals that want to provide?</p> <p>7 Okay.</p> <p>8 Good afternoon. Could I get your name?</p> <p>9 TROY MAHLER: My name is Troy Mahler,</p> <p>10 M-A-H-L-E-R.</p> <p>11 ALJ HOGAN: Mr. Mahler, were you in the room</p> <p>12 earlier when I went through the penalties for perjury?</p> <p>13 TROY MAHLER: I was.</p> <p>14 ALJ HOGAN: And do you understand what perjury</p> <p>15 is?</p> <p>16 TROY MAHLER: I do.</p> <p>17 ALJ HOGAN: And being advised of the potential</p> <p>18 penalties for perjury, do you promise to tell the truth</p> <p>19 in this case today?</p> <p>20 TROY MAHLER: I do.</p> <p>21 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>22 <u>TROY MAHLER</u>,</p> <p>23 being first duly sworn, testified as follows:</p> <p>24 TROY MAHLER: So like I said, my name is Troy</p> <p>25 Mahler. I actually live in Fargo. I'm speaking on</p> <p>PAGE 214</p> | <p>1 those horses are over 200,000. So it was -- it was our</p> <p>2 intention that -- that none of the areas that the horses</p> <p>3 would be in would be within the 500 feet, and it appears</p> <p>4 that it's closer to that.</p> <p>5 The other thing that was new this year is</p> <p>6 there's a -- there's a main line valve that is adjacent</p> <p>7 to -- it's -- I guess you would call it, it's the</p> <p>8 furthest-east valve in Sargent County. And that's at</p> <p>9 the half-mile line, which is the eastern border of -- of</p> <p>10 mom and dad's ground. It's a pasture now but the horses</p> <p>11 do go out there. And that's about 180 feet, is what I</p> <p>12 thought they showed me this morning.</p> <p>13 And we were just wondering if that valve could</p> <p>14 be moved -- if they moved that valve a quarter mile to</p> <p>15 the east, it would put it right along a blacktop road</p> <p>16 which would benefit Summit and it would benefit us both,</p> <p>17 so that's part of it.</p> <p>18 I lay awake at night thinking about this every</p> <p>19 day. I mean, this is where I grew up. I'm concerned</p> <p>20 for my parents and -- and just wondering "Am I going to</p> <p>21 come over the hill and is there going to be an</p> <p>22 exposure?" I won't know. So I'm real apprehensive</p> <p>23 about that. So that's kind of what I'm talking about.</p> <p>24 I just appreciate your time and everyone's</p> <p>25 concern. So thank you.</p> <p>PAGE 216</p> |

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| <p>1 ALJ HOGAN: Thank you.</p> <p>2 Mr. Gludt, any questions?</p> <p>3 MR. GLUDT: No questions, Your Honor.</p> <p>4 ALJ HOGAN: Mr. Jorde.</p> <p>5 MR. JORDE: Yes. Thank you.</p> <p>6 What was the distance you said from the</p> <p>7 residence to the proposed route?</p> <p>8 TROY MAHLER: It's 519 feet.</p> <p>9 MR. JORDE: Okay. But then to be fair, did you</p> <p>10 say that Summit then has given you some guarantee that</p> <p>11 it's moved or --</p> <p>12 TROY MAHLER: The pipeline from my -- from the</p> <p>13 house -- because the house sits, I would -- you would</p> <p>14 call it like in the middle of the property. The</p> <p>15 backside of the -- because the pipe comes across at an</p> <p>16 angle. The backside is what was crossing onto our</p> <p>17 ground. But it appears that that has been moved. They</p> <p>18 showed us a picture this morning of where it was moved.</p> <p>19 So they evidently have moved it.</p> <p>20 MR. JORDE: Okay. If we can accept that as true</p> <p>21 and as what isn't going to change, have you been able to</p> <p>22 figure out the distance now from the moved proposed</p> <p>23 route?</p> <p>24 TROY MAHLER: It's about 250 feet, but the</p> <p>25 livestock still goes up to the edge of the road. So</p> <p>PAGE 217</p> | <p>1 receive from Summit, and it was -- I believe it was a</p> <p>2 blanket five-page letter from the testimony that I got</p> <p>3 -- that we did last year, was just generalities about</p> <p>4 safe transport and property -- it was nothing specific</p> <p>5 to us. It was sent to, I'm guessing, everyone that was</p> <p>6 here.</p> <p>7 MR. JORDE: Okay. And I should be a little more</p> <p>8 specific. It's your parents you're here and worried</p> <p>9 about. Did they receive any dispersion modeling or</p> <p>10 analysis or risk assessment to make them feel any</p> <p>11 better?</p> <p>12 TROY MAHLER: They have not received anything.</p> <p>13 MR. JORDE: Okay. All right. I don't have</p> <p>14 anything further. Thank you.</p> <p>15 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>16 MR. PELHAM: I don't. Thank you.</p> <p>17 ALJ HOGAN: Mr. Schock.</p> <p>18 MR. SCHOCK: Just real briefly.</p> <p>19 So the proposed route is not on your folks'</p> <p>20 property; is that correct?</p> <p>21 TROY MAHLER: It is -- that is correct. It is</p> <p>22 not.</p> <p>23 MR. SCHOCK: And their -- the parcel that they</p> <p>24 own, from what I see on the map here, I think it's the</p> <p>25 northwest quarter of section 12-131 --</p> <p>PAGE 219</p> |
| <p>1 it's -- technically, it's still within the 500 feet on</p> <p>2 the backside of the property. Where the house is, it</p> <p>3 appears to be okay but it's on -- it's where the</p> <p>4 easement comes down at an angle on the west side of the</p> <p>5 property.</p> <p>6 MR. JORDE: Okay. So you think maybe it's moved</p> <p>7 now substantially away from the home or did you get a</p> <p>8 number?</p> <p>9 TROY MAHLER: I did not get a number.</p> <p>10 MR. JORDE: Okay. Is it more than a mile away?</p> <p>11 TROY MAHLER: No. It's hundreds of feet.</p> <p>12 MR. JORDE: Oh, shoot. So it's still within</p> <p>13 hundreds of feet --</p> <p>14 TROY MAHLER: Yes.</p> <p>15 MR. JORDE: -- of the residence.</p> <p>16 TROY MAHLER: Yeah. The proposed -- last year's</p> <p>17 proposed route came onto ground. The right of way would</p> <p>18 cross over the pasture where the horses are. Now it's</p> <p>19 -- it's -- I think it was a hundred and some feet to the</p> <p>20 north of that.</p> <p>21 MR. JORDE: Okay. And I take it you haven't</p> <p>22 been provided any dispersion modeling or risk assessment</p> <p>23 or any of that kind of data to help with your sleepless</p> <p>24 nights?</p> <p>25 TROY MAHLER: I have not. The only thing I did</p> <p>PAGE 218</p> | <p>1 TROY MAHLER: That's correct.</p> <p>2 MR. SCHOCK: -- 54?</p> <p>3 Okay. No further questions. Thank you.</p> <p>4 ALJ HOGAN: Commissioner Christmann.</p> <p>5 COMMISSIONER CHRISTMANN: I'm pretty sure I'm on</p> <p>6 the right spot on the map, but I thought you said</p> <p>7 Richland County --</p> <p>8 TROY MAHLER: No. It's Sargent County.</p> <p>9 COMMISSIONER CHRISTMANN: Okay. Then I -- then</p> <p>10 I know I'm right.</p> <p>11 If I understood your testimony right, you talked</p> <p>12 to Mr. Adams who showed you that route-wise there was a</p> <p>13 change. And then was this the first time you brought up</p> <p>14 moving that valve further east?</p> <p>15 TROY MAHLER: This is the first time we knew</p> <p>16 about it.</p> <p>17 COMMISSIONER CHRISTMANN: Okay. And so you --</p> <p>18 TROY MAHLER: The valve wasn't on the plans that</p> <p>19 we saw last year.</p> <p>20 COMMISSIONER CHRISTMANN: Okay. I didn't catch</p> <p>21 that before. So you made him aware of that request</p> <p>22 if --</p> <p>23 TROY MAHLER: Yes. He -- he took down my name</p> <p>24 and number and he's going to check into it to see if it</p> <p>25 could be moved. I mean, it's -- it's -- it would be</p> <p>PAGE 220</p> |

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| <p>1 better for them. It's more access. It's on a county</p> <p>2 blacktop road versus coming up a township road and then</p> <p>3 having to create access in the middle of the dividing</p> <p>4 line between two parties. It would be in their best</p> <p>5 interest to move it to the east.</p> <p>6 COMMISSIONER CHRISTMANN: Got it. Thank you for</p> <p>7 being down here. We have a good Cass County delegation</p> <p>8 here today.</p> <p>9 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>10 COMMISSIONER HAUGEN-HOFFART: Troy, I have no</p> <p>11 questions, but I want to say thank you for looking out</p> <p>12 for your mom and dad.</p> <p>13 ALJ HOGAN: Mr. Dawson.</p> <p>14 SUBSTITUTE DECISIONMAKER DAWSON: Thank you. No</p> <p>15 questions.</p> <p>16 ALJ HOGAN: Thank you, Mr. Mahler.</p> <p>17 TROY MAHLER: Thank you.</p> <p>18 ALJ HOGAN: All right. Who would like to go</p> <p>19 next?</p> <p>20 Come on up.</p> <p>21 ANDREW MAUCH: I also have copies --</p> <p>22 ALJ HOGAN: Perfect. Thank you. All right.</p> <p>23 Can I get your name?</p> <p>24 ANDREW MAUCH: Andrew Mauch. My last name is</p> <p>25 spelled M-A-U-C-H.</p> <p>PAGE 221</p> | <p>1 climate for northern corn.</p> <p>2 Our organization and state leaders have spent</p> <p>3 much time and effort on the issue of this particular</p> <p>4 project. That being said, our comments here today are</p> <p>5 on the general issue of carbon capture and sequestration</p> <p>6 of carbon dioxide generated at the state's ethanol</p> <p>7 plants here at the state. Our board is comprised of 14</p> <p>8 corn growers from seven districts across the state, 3</p> <p>9 at-large growers, and 3 industry representatives. We</p> <p>10 are in constant communication with our fellow corn</p> <p>11 producers all over North Dakota which helps us keep --</p> <p>12 keeps us -- our finger on the pulse of what our growers</p> <p>13 need.</p> <p>14 When talking about CCS, we have always tried to</p> <p>15 stay grounded by considering what will best support not</p> <p>16 only our current market demand but also going into the</p> <p>17 future. Initially, discussions centered around climate</p> <p>18 change, specifically what should be done with carbon</p> <p>19 dioxide from agricultural and industrial processes, what</p> <p>20 constitutes excessive carbon, and who is responsible for</p> <p>21 addressing it. During this time, two of our state's</p> <p>22 five ethanol plants have developed their own CCS</p> <p>23 projects thanks to their location to suitable rock</p> <p>24 formations for subsurface sequestration. The other</p> <p>25 three are evaluating their options with at least one</p> <p>PAGE 223</p> |
| <p>1 ALJ HOGAN: Mr. Mauch, were you in the room</p> <p>2 earlier when I went through the penalties for perjury?</p> <p>3 ANDREW MAUCH: I was.</p> <p>4 ALJ HOGAN: Do you understand what perjury is?</p> <p>5 ANDREW MAUCH: Yes.</p> <p>6 ALJ HOGAN: And being advised of the potential</p> <p>7 penalties for perjury, do you promise to tell the truth</p> <p>8 in this case today?</p> <p>9 ANDREW MAUCH: I do.</p> <p>10 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>11 <u>ANDREW MAUCH,</u></p> <p>12 being first duly sworn, testified as follows:</p> <p>13 ANDREW MAUCH: Thank you, guys, for being here</p> <p>14 and allowing us this opportunity. My name is Andrew</p> <p>15 Mauch. I'm a farmer, corn grower, and landowner near</p> <p>16 Mooreton in Richland County here. I have a signed</p> <p>17 agreement and I also rent two other quarters from other</p> <p>18 tenants that have signed agreements. I'm also the</p> <p>19 president of the North Dakota Corn Growers Association.</p> <p>20 The North Dakota Corn Growers Association is a</p> <p>21 state-based organization driven by corn producers across</p> <p>22 the state representing the interests of corn farmers in</p> <p>23 North Dakota by engaging with both state and federal</p> <p>24 public officials on key issues that affect our growers.</p> <p>25 Our mission is to create a healthy and profitable</p> <p>PAGE 222</p> | <p>1 joining the five-state effort.</p> <p>2 As more markets adopt low-carbon fuel</p> <p>3 standards --</p> <p>4 MR. JORDE: I'm going to have to just interpose</p> <p>5 for the record an objection to relevance to the entirety</p> <p>6 of this testimony and where we're headed. Thank you.</p> <p>7 ALJ HOGAN: Your objection is noted, but I'm</p> <p>8 going to overrule the objection.</p> <p>9 But I will note that since we have a copy of it,</p> <p>10 you don't need to read it for us. If you'd prefer to</p> <p>11 just, you know, highlight a couple points, that would be</p> <p>12 sufficient as well.</p> <p>13 ANDREW MAUCH: Okay. I'll just continue a</p> <p>14 little bit here.</p> <p>15 With the low-carbon fuel standards, ethanol</p> <p>16 plants must lower their carbon intensity scores to</p> <p>17 remain competitive. Canada, California, and Oregon have</p> <p>18 enacted such policies and other states and countries</p> <p>19 have as well. For us as farmers, this is -- this is an</p> <p>20 opportunity that, to me, is a once-in-a-lifetime</p> <p>21 opportunity to be able to -- I'll back up.</p> <p>22 The sustainable aviation fuel process that is</p> <p>23 coming on, that is going to create a once-in-a-lifetime</p> <p>24 opportunity for corn farmers to be able to play -- or to</p> <p>25 be able to provide corn for that market. We won't see</p> <p>PAGE 224</p> |

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| <p>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</p> <p>PAGE 225</p> | <p>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?</p> <p>PAGE 227</p> |
| <p>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</p> <p>PAGE 226</p> | <p>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.</p> <p>PAGE 228</p> |

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| <p>1 MR. JORDE: Okay.</p> <p>2 ANDREW MAUCH: They will not be able to sell to</p> <p>3 other countries, other states that have these low-fuel</p> <p>4 standards.</p> <p>5 MR. JORDE: Okay. But do you think that ethanol</p> <p>6 plants would go out of business, go bankrupt, if this</p> <p>7 350 miles of pipeline from one ethanol plant in North</p> <p>8 Dakota is not built?</p> <p>9 ANDREW MAUCH: I guess I wouldn't speculate on</p> <p>10 that. I guess I don't know what the future holds as far</p> <p>11 as, you know, government policies or things that come</p> <p>12 out one way or the other.</p> <p>13 MR. JORDE: Okay. And you would agree there's</p> <p>14 maybe infinite number of factors that can affect the</p> <p>15 price of corn?</p> <p>16 ANDREW MAUCH: Correct.</p> <p>17 MR. JORDE: Okay. And you would agree that the</p> <p>18 price of corn has fluctuated from, you know, \$1 back in</p> <p>19 the 1960s up to touching \$8 a bushel without this carbon</p> <p>20 capture pipeline; correct?</p> <p>21 ANDREW MAUCH: That is correct. But I also, I</p> <p>22 guess, I'll say too, as my job as a -- as a fellow corn</p> <p>23 grower and part of the North Dakota Corn Growers, I mean</p> <p>24 our job is to kind of try to be able to create more</p> <p>25 demand any way we possibly can. And I feel like this is</p> <p>PAGE 229</p> | <p>1 MR. JORDE: -- ethanol from Brazil?</p> <p>2 ANDREW MAUCH: Correct.</p> <p>3 MR. JORDE: And is that one of the projects that</p> <p>4 Mr. Rastetter is involved with down there in Brazil?</p> <p>5 ANDREW MAUCH: I'm not aware of -- I guess I</p> <p>6 don't know that.</p> <p>7 MR. JORDE: Okay. Do you know if his Brazilian</p> <p>8 operations are directly competing with North American,</p> <p>9 specifically United States, corn growers, farmers?</p> <p>10 ANDREW MAUCH: I guess I don't know his</p> <p>11 involvement, I guess, one way or the other.</p> <p>12 MR. JORDE: Okay. Okay. I think that's all.</p> <p>13 Thank you. Appreciate it.</p> <p>14 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>15 MR. PELHAM: Just briefly.</p> <p>16 Sir, I'm just wondering, you're here testifying</p> <p>17 on behalf of your association. I'm wondering, does the</p> <p>18 proposed line impact any property that you own in</p> <p>19 Richland County?</p> <p>20 ANDREW MAUCH: Yes, it does.</p> <p>21 MR. PELHAM: And is the line located -- how</p> <p>22 close is the proposed line located to property you own?</p> <p>23 ANDREW MAUCH: Well, it's on property I own.</p> <p>24 And my farm where I live is three-quarters of a mile</p> <p>25 away or so, roughly.</p> <p>PAGE 231</p> |
| <p>1 an opportunity to create more demand.</p> <p>2 MR. JORDE: Do you know -- are you expecting</p> <p>3 that other crops will be taken out of production so that</p> <p>4 corn -- more corn can be grown, do you have any</p> <p>5 statistics on that, if this project was to go through?</p> <p>6 ANDREW MAUCH: I don't have any statistics on</p> <p>7 that, I guess.</p> <p>8 MR. JORDE: Okay. Would you agree right now</p> <p>9 there's kind of a rotation and there's only so much land</p> <p>10 to grow so much corn? Would you agree with that?</p> <p>11 ANDREW MAUCH: Yep, I would agree with that.</p> <p>12 And typically as the price of corn will -- say, goes up,</p> <p>13 that a lot of time brings other crops with it, goes up</p> <p>14 also.</p> <p>15 MR. JORDE: Right. Inflation; right?</p> <p>16 Inflation, rising prices can affect other rising prices?</p> <p>17 Okay. And so higher corn prices are bad for the</p> <p>18 consumer; right? Inflation is bad for the consumer.</p> <p>19 Haven't we learned that?</p> <p>20 ANDREW MAUCH: Sure.</p> <p>21 MR. JORDE: Okay. Now, you had mentioned</p> <p>22 sustainable fuel down in Georgia and they're bringing up</p> <p>23 corn, I think -- did you say corn ethanol -- or, no,</p> <p>24 that would be sugarcane --</p> <p>25 ANDREW MAUCH: Correct.</p> <p>PAGE 230</p> | <p>1 MR. PELHAM: Okay. So you signed an easement</p> <p>2 with Summit already?</p> <p>3 ANDREW MAUCH: Yes, I have.</p> <p>4 MR. PELHAM: Okay. All right. Any concerns,</p> <p>5 any issues that you had with Summit during the process?</p> <p>6 ANDREW MAUCH: Yeah, there was a lot of concerns</p> <p>7 we had, but I guess I feel like our negotiations, if you</p> <p>8 will, or talks with them went really well. I mean, two</p> <p>9 out of the three fields that impacted me as -- one I</p> <p>10 own, the other two I rent, two of them have drain tile</p> <p>11 on them so we had a lot of concerns about that. And I</p> <p>12 feel that all of my concerns have been ratified.</p> <p>13 MR. PELHAM: Any relation to Cody?</p> <p>14 ANDREW MAUCH: He is my nephew.</p> <p>15 MR. PELHAM: Okay. Cool. Thank you.</p> <p>16 ALJ HOGAN: Mr. Schock, any questions?</p> <p>17 Commissioner Christmann.</p> <p>18 COMMISSIONER CHRISTMANN: Go Bison.</p> <p>19 ANDREW MAUCH: Absolutely.</p> <p>20 COMMISSIONER CHRISTMANN: Could you give me the</p> <p>21 legal description of the property that you own that has</p> <p>22 the easement?</p> <p>23 ANDREW MAUCH: Yes. 132-50, Barney Township,</p> <p>24 section 32. It would be the southwest quarter.</p> <p>25 COMMISSIONER CHRISTMANN: And I think the Corn</p> <p>PAGE 232</p> |

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| <p>1 Growers board, did you say it's 13 members?</p> <p>2 ANDREW MAUCH: 14 members. And then we have</p> <p>3 three at large and three industry reps as well.</p> <p>4 COMMISSIONER CHRISTMANN: Okay. And did you say</p> <p>5 that your statement was unanimously approved?</p> <p>6 ANDREW MAUCH: Unanimously adopted, the</p> <p>7 statement I read. That's in the testimony. Yep.</p> <p>8 COMMISSIONER CHRISTMANN: Thank you for being</p> <p>9 here.</p> <p>10 ANDREW MAUCH: Yep. And the 14 is made up of</p> <p>11 seven different districts all around the state.</p> <p>12 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>13 COMMISSIONER HAUGEN-HOFFART: Thank you.</p> <p>14 Chairman Christmann knows I'm going to say this,</p> <p>15 "Go UND." Andrew, thank you for your testimony. I have</p> <p>16 no questions.</p> <p>17 ANDREW MAUCH: Thank you.</p> <p>18 ALJ HOGAN: Mr. Dawson.</p> <p>19 SUBSTITUTE DECISIONMAKER DAWSON: Thank you for</p> <p>20 your testimony. No questions.</p> <p>21 ALJ HOGAN: All right. Thank you so much.</p> <p>22 ANDREW MAUCH: Thank you.</p> <p>23 ALJ HOGAN: Who would like to go next?</p> <p>24 Come on up. Can I get your name?</p> <p>25 RYAN CARTER: Ryan Carter.</p> <p>PAGE 233</p> | <p>1 to accomplish this. The CO2 project will allow us to</p> <p>2 decrease our CI score by 30 points, roughly. With that</p> <p>3 drop, it will allow us to participate in the 45Z as part</p> <p>4 of the IRA. We also have other projects that will</p> <p>5 decrease our score by --</p> <p>6 MR. JORDE: I'm sorry. For purposes of the</p> <p>7 record again, I'm going to need to object to relevance</p> <p>8 on all of this testimony. Thank you.</p> <p>9 ALJ HOGAN: All right. The objection is noted.</p> <p>10 You can continue.</p> <p>11 RYAN CARTER: We also have other projects that</p> <p>12 will decrease our score by 15-plus points that will</p> <p>13 allow us to participate in the 40B SAF markets. Today</p> <p>14 we have a growing SAF market but not a low enough score</p> <p>15 to sell into it. But without the Summit project, these</p> <p>16 are -- these other projects won't get done as they won't</p> <p>17 financially make sense as we need to have the CO2</p> <p>18 facility to set the stage as it will substantially lower</p> <p>19 our CI score. Without this project, we potentially face</p> <p>20 -- potentially face negative impacts on our company</p> <p>21 which could also impact our economic growth in our</p> <p>22 communities and schools.</p> <p>23 Thank you.</p> <p>24 ALJ HOGAN: All right. Thank you.</p> <p>25 Mr. Gludt, any questions?</p> <p>PAGE 235</p> |
| <p>1 ALJ HOGAN: Normal spelling, C-A-R-T-E-R?</p> <p>2 RYAN CARTER: T-E-R.</p> <p>3 ALJ HOGAN: All right. And, Mr. Carter, were</p> <p>4 you in the room earlier when I went through the</p> <p>5 penalties for perjury?</p> <p>6 RYAN CARTER: Yes.</p> <p>7 ALJ HOGAN: And do you understand what perjury</p> <p>8 is?</p> <p>9 RYAN CARTER: Yes.</p> <p>10 ALJ HOGAN: Being advised of the potential</p> <p>11 penalties for perjury, do you promise to tell the truth</p> <p>12 in this case today?</p> <p>13 RYAN CARTER: Yes.</p> <p>14 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>15 <u>RYAN CARTER.</u></p> <p>16 being first duly sworn, testified as follows:</p> <p>17 RYAN CARTER: So I'll keep this short.</p> <p>18 Mr. Mauch and Mr. Peterson obviously had quite a bit of</p> <p>19 what I would have.</p> <p>20 So my name is Ryan Carter and I serve as the COO</p> <p>21 of Tharaldson Ethanol. Today I'm here to talk about how</p> <p>22 important the Summit project is to North Dakota ethanol</p> <p>23 and ag industries.</p> <p>24 As our industry continues to get challenged to</p> <p>25 decarbonize our facilities, we have to figure out ways</p> <p>PAGE 234</p> | <p>1 MR. GLUDT: No questions, Your Honor.</p> <p>2 ALJ HOGAN: Mr. Jorde, any questions?</p> <p>3 MR. JORDE: Yes. Thank you.</p> <p>4 Sir, I appreciate you stressing the word</p> <p>5 "potentially face." And you didn't come here to testify</p> <p>6 that Tharaldson is going to go out of business if this</p> <p>7 pipeline isn't built. Is that fair?</p> <p>8 RYAN CARTER: Yes.</p> <p>9 MR. JORDE: Okay. All right. And you said</p> <p>10 you're looking into right now other types of things that</p> <p>11 can reduce your CI score?</p> <p>12 RYAN CARTER: Correct.</p> <p>13 MR. JORDE: And those would be kind of on-site</p> <p>14 types of projects that wouldn't require any linear</p> <p>15 infrastructure; correct?</p> <p>16 RYAN CARTER: There would be infrastructure,</p> <p>17 yes.</p> <p>18 MR. JORDE: Okay. But they wouldn't require a</p> <p>19 hazardous pipeline?</p> <p>20 RYAN CARTER: Technically, natural gas.</p> <p>21 MR. JORDE: Okay. So why -- you tell me, what</p> <p>22 are you -- you mentioned a 15 point reduction that</p> <p>23 you're working on right now. What are those projects</p> <p>24 you're working on?</p> <p>25 RYAN CARTER: Okay. So let me kind of start</p> <p>PAGE 236</p> |

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| <p>1 from the top. When we built Tharaldson Ethanol, that</p> <p>2 plant was going to be a coal-fired facility. We ended</p> <p>3 up changing that to a natural gas facility.</p> <p>4 Technically, then we had a default at a 98.6 CI score.</p> <p>5 Over the last -- I've been there since 2011.</p> <p>6 Over those -- that period of time we have decreased our</p> <p>7 CI score down to a 69. We are basically stuck at this</p> <p>8 69 except for maybe some little ones, like a 15 or a 2</p> <p>9 point or a 5 point that won't get us down to the 50</p> <p>10 point CI score that gets us into the 45Z, which</p> <p>11 incentivizes us but also gives us economic growth and</p> <p>12 capital to keep moving and improving the efficiencies of</p> <p>13 our facility.</p> <p>14 So the 15 point would get us down to that 39 --</p> <p>15 or, excuse me, the 30 point Summit line would get us</p> <p>16 down to 39. The 15 would get us down to 24. You got to</p> <p>17 be at a 25 CI score to qualify into the SAF market.</p> <p>18 We have other projects that we're looking at,</p> <p>19 that potentially doing post-combustion carbon capture,</p> <p>20 that would get us sub five with a goal at Tharaldson to</p> <p>21 be net zero in the near future.</p> <p>22 MR. JORDE: Okay. So to -- and as the COO, did</p> <p>23 you say the chief operating officer?</p> <p>24 RYAN CARTER: Correct.</p> <p>25 MR. JORDE: Okay. So you know one of the</p> <p>PAGE 237</p> | <p>1 opportunities.</p> <p>2 MR. JORDE: Okay.</p> <p>3 RYAN CARTER: Right now there's one opportunity.</p> <p>4 And we don't -- actually, most of the ethanol industry</p> <p>5 does not qualify for that today.</p> <p>6 MR. JORDE: And 45Z market, what's your</p> <p>7 understanding of how many years the 45Z market is</p> <p>8 available to you?</p> <p>9 RYAN CARTER: Right now 45Z is the law for '25,</p> <p>10 '26, '27. Hopefully, it gets extended with this next</p> <p>11 administration coming in, but there's no promises.</p> <p>12 MR. JORDE: Right. And so it's for three years.</p> <p>13 Summit's projected -- even if approved by all the</p> <p>14 various states, they wouldn't be in service until 2026,</p> <p>15 so that's not giving you a very long runway on the 45Z,</p> <p>16 is it?</p> <p>17 RYAN CARTER: I don't know exactly what the --</p> <p>18 the timeline will be with this delay.</p> <p>19 MR. JORDE: Okay. All right. And Tharaldson,</p> <p>20 your owner or -- or some affiliate is also the</p> <p>21 wealthiest man in North Dakota. Is that your</p> <p>22 understanding?</p> <p>23 RYAN CARTER: Absolutely.</p> <p>24 MR. JORDE: All right. And would you agree that</p> <p>25 for your project to benefit in the way you've talked</p> <p>PAGE 239</p> |
| <p>1 leading, I guess, negatives on CI score can be the use</p> <p>2 or intensive use of natural gas. You're aware of that?</p> <p>3 RYAN CARTER: Correct.</p> <p>4 MR. JORDE: Okay. Are you doing any projects</p> <p>5 that would reduce the natural gas utilization or deal</p> <p>6 with the natural gas in a way that that could reduce</p> <p>7 your CI score?</p> <p>8 RYAN CARTER: Yeah. So recently here we just</p> <p>9 started up a high protein facility which took down two</p> <p>10 of our rotary dryers down at the plant so we reduce</p> <p>11 natural gas at that standpoint.</p> <p>12 We also have been looking at CHP, so it's</p> <p>13 combined heat and power. Electricity is the highest</p> <p>14 factor when it comes to a CI score so we are going to</p> <p>15 start producing our own -- potentially producing our own</p> <p>16 electricity if we can get this Summit line in to allow</p> <p>17 us to then move on with another \$90 million capital</p> <p>18 investment so...</p> <p>19 MR. JORDE: And when you reference the SAF, the</p> <p>20 sustainable aviation fuel market, do you have somewhere</p> <p>21 in mind that you would be selling to? Do you have any,</p> <p>22 like, partnerships in place or --</p> <p>23 RYAN CARTER: Hopefully, eventually, with what</p> <p>24 they're looking at on the growth over the next ten years</p> <p>25 on the SAF market, I hope there's a lot of</p> <p>PAGE 238</p> | <p>1 about it, potentially benefit from a carbon capture</p> <p>2 storage, that Summit wouldn't have to necessarily store</p> <p>3 in South Dakota; correct? Would you agree with that?</p> <p>4 RYAN CARTER: Repeat that question.</p> <p>5 MR. JORDE: Okay. If we assume that there's --</p> <p>6 if we assume, A, it's relevant and, B, there are some</p> <p>7 potential benefits, and then, C, that weighs in favor of</p> <p>8 granting this project, it doesn't -- the benefits that</p> <p>9 you might receive don't depend on where the carbon is</p> <p>10 sequestered; correct?</p> <p>11 RYAN CARTER: Correct.</p> <p>12 MR. JORDE: Okay. All right. And so the</p> <p>13 benefits you might receive given that you're on the far</p> <p>14 eastern part of the state doesn't depend on 350 miles of</p> <p>15 pipeline in North Dakota. The pipeline could</p> <p>16 potentially go -- drop down to Minnesota and then into</p> <p>17 Iowa; correct?</p> <p>18 RYAN CARTER: As long as we're hooked up to it.</p> <p>19 MR. JORDE: Right. Okay. All right. And you</p> <p>20 understand here today, in this whole proceeding, we're</p> <p>21 only talking about the pipeline as the facility? Do you</p> <p>22 know that?</p> <p>23 RYAN CARTER: Sure.</p> <p>24 MR. JORDE: Okay. All right. Do you think it's</p> <p>25 justifiable for 350-plus miles of hazardous pipeline to</p> <p>PAGE 240</p> |

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| <p>1 be introduced in this state to hook up to your plant and</p> <p>2 your plant only in North Dakota?</p> <p>3 RYAN CARTER: Others had opportunities.</p> <p>4 MR. JORDE: Okay. And you're the only one</p> <p>5 that --</p> <p>6 RYAN CARTER: I'm only worried about Tharaldson</p> <p>7 Ethanol.</p> <p>8 MR. JORDE: Right. Got it. Okay. All right.</p> <p>9 Thanks. I appreciate it.</p> <p>10 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>11 MR. PELHAM: Sir, do you own any property along</p> <p>12 the proposed line?</p> <p>13 RYAN CARTER: I do not.</p> <p>14 MR. PELHAM: Okay. No further questions. Thank</p> <p>15 you.</p> <p>16 ALJ HOGAN: Mr. Schock.</p> <p>17 Commissioner Christmann.</p> <p>18 COMMISSIONER CHRISTMANN: Tell me -- I don't</p> <p>19 want to hear about, like, some standout that hauls corn</p> <p>20 500 miles or something to you, but what's kind of the</p> <p>21 circle where you get the vast majority of your corn?</p> <p>22 RYAN CARTER: So at Tharaldson, we bring in</p> <p>23 about 60 million bushels of corn a year. We've got the</p> <p>24 best basis -- best basis around the area with multiple</p> <p>25 commercial facilities. So we bring in about -- from</p> <p>PAGE 241</p> | <p>1 radius you buy?</p> <p>2 RYAN CARTER: I'd have to look at those numbers.</p> <p>3 I don't want to --</p> <p>4 COMMISSIONER CHRISTMANN: It's not really</p> <p>5 important for us anyway but --</p> <p>6 RYAN CARTER: It's a lot.</p> <p>7 COMMISSIONER CHRISTMANN: -- I guess the ag side</p> <p>8 comes out of things.</p> <p>9 RYAN CARTER: So -- and kind of how our -- how</p> <p>10 our system works is we're partnered with Clifford</p> <p>11 elevators so they procure all of our corn. We buy all</p> <p>12 that corn. So they own multiple facilities within</p> <p>13 probably a 75-mile radius of the plant as well. So, I</p> <p>14 mean, they're -- it's kind of a -- you know, a</p> <p>15 partnership that we have that -- a contract with them, I</p> <p>16 guess.</p> <p>17 COMMISSIONER CHRISTMANN: Okay. No other</p> <p>18 questions. Thanks.</p> <p>19 RYAN CARTER: Thanks.</p> <p>20 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>21 COMMISSIONER HAUGEN-HOFFART: I have no</p> <p>22 questions.</p> <p>23 ALJ HOGAN: Mr. Dawson.</p> <p>24 SUBSTITUTE DECISIONMAKER DAWSON: No questions.</p> <p>25 ALJ HOGAN: All right. Thank you.</p> <p>PAGE 243</p> |
| <p>1 about 125 miles of radius of the ethanol plant. We</p> <p>2 bring in a lot of shuttles off the RVW. So, I mean,</p> <p>3 it's -- it's a substantial amount of corn.</p> <p>4 COMMISSIONER CHRISTMANN: I see on the map</p> <p>5 there's an ethanol plant that looks kind of east of here</p> <p>6 about in Minnesota. So I presume a fair amount of the</p> <p>7 Minnesota corn goes there? Or do you get a lot from</p> <p>8 Minnesota too?</p> <p>9 RYAN CARTER: You know, we do get -- there's one</p> <p>10 particular farmer that hauls to Fergus Falls and also</p> <p>11 hauls to us. And it all comes down to basis. I mean,</p> <p>12 if a farmer can -- can justify the cost of hauling it an</p> <p>13 extra 50 miles to get an extra 15 cents per bushel for</p> <p>14 his corn, they're going to do it.</p> <p>15 COMMISSIONER CHRISTMANN: And so 150-mile</p> <p>16 radius, did you say?</p> <p>17 RYAN CARTER: Yep.</p> <p>18 COMMISSIONER CHRISTMANN: So you're way up north</p> <p>19 of Grand Forks, pretty much to Canada --</p> <p>20 RYAN CARTER: We get some customers down from</p> <p>21 even the Devils Lake area.</p> <p>22 COMMISSIONER CHRISTMANN: Okay. And have you</p> <p>23 ever thought, in that circle then, you know, would that</p> <p>24 be just a small percentage of the corn that's grown? Or</p> <p>25 about what percentage of the corn do you think in that</p> <p>PAGE 242</p> | <p>1 RYAN CARTER: All right. Thanks. Have a good</p> <p>2 weekend.</p> <p>3 ALJ HOGAN: Who would like to go next?</p> <p>4 Good afternoon. Can I get your name?</p> <p>5 SHANNON NEUMAYER: My name is Shannon Neumayer,</p> <p>6 N-E-U-M-A-Y-E-R. I don't live in North Dakota. I live</p> <p>7 in Minnesota. I live in Grand Rapids.</p> <p>8 ALJ HOGAN: Hang on, I've got to swear you in.</p> <p>9 Were you in the room earlier when I went through the</p> <p>10 penalties for perjury?</p> <p>11 SHANNON NEUMAYER: Yes, ma'am.</p> <p>12 ALJ HOGAN: And do you understand what perjury</p> <p>13 is?</p> <p>14 SHANNON NEUMAYER: Yes, ma'am.</p> <p>15 ALJ HOGAN: And being advised of the potential</p> <p>16 penalties for perjury, do you promise to tell the truth</p> <p>17 in this case today?</p> <p>18 SHANNON NEUMAYER: Yes, ma'am.</p> <p>19 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>20 <u>SHANNON NEUMAYER,</u></p> <p>21 being first duly sworn, testified as follows:</p> <p>22 SHANNON NEUMAYER: I live in Grand Rapids,</p> <p>23 Minnesota. I'm here on behalf of the International</p> <p>24 Union of Operating Engineers Local 49 and its nearly</p> <p>25 15,000 members. We're a construction labor union</p> <p>PAGE 244</p> |

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| <p>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</p> <p>PAGE 245</p> | <p>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</p> <p>PAGE 247</p> |
| <p>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.</p> <p>PAGE 246</p> | <p>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</p> <p>PAGE 248</p> |

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| <p>1 penalties for perjury, do you promise to tell the truth</p> <p>2 in this case today?</p> <p>3 JARED HAGERT: Yes.</p> <p>4 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>5 <u>JARED HAGERT.</u></p> <p>6 being first duly sworn, testified as follows:</p> <p>7 JARED HAGERT: All right. Since I have</p> <p>8 submitted written testimony, I'll do my best to</p> <p>9 summarize it. It's rather short to begin with, but</p> <p>10 thank you for this opportunity.</p> <p>11 My name is Jared Hagert. I do serve citizens of</p> <p>12 District 20 in North Dakota in the House of</p> <p>13 Representatives. In addition to that, I am a farmer, a</p> <p>14 fourth-generation farmer by Emerado, North Dakota.</p> <p>15 That's in Grand Forks County. I also run a certified</p> <p>16 seed conditioning business that processes most of our</p> <p>17 commodities that we grow on the farm like wheat and</p> <p>18 soybeans for resale to retailers and other farmers.</p> <p>19 Prior -- prior to my service in the legislature,</p> <p>20 I did spend nearly 20 years representing North Dakota</p> <p>21 soybean farmers on state and national boards with a</p> <p>22 focus on international -- building international and</p> <p>23 domestic demand for soybeans and soy products. And one</p> <p>24 of the things that -- that we focused on in my tenure</p> <p>25 with the United Soybean Board, an organization that</p> <p>PAGE 249</p> | <p>1 enhanced oil recovery through the utilization of carbon.</p> <p>2 And I know in my testimony I referenced coal,</p> <p>3 and I referenced coal because of the capturing and</p> <p>4 sequestration portion, you know, with the emissions</p> <p>5 helps them stay in business. And any decision by this</p> <p>6 body does impact the ability, you know, with carbon</p> <p>7 pipelines going forward in that industry.</p> <p>8 But beyond that, in my service in the North</p> <p>9 Dakota House of Representatives I serve as chair of the</p> <p>10 Interim Tax Committee and am the current vice chair of</p> <p>11 the House Finance and Taxation Committee. And in those</p> <p>12 duties we do -- we have studied how large scale</p> <p>13 infrastructure projects like this do benefit communities</p> <p>14 and the citizens of those communities. Albeit, you</p> <p>15 know, the tax collections that are generated from the</p> <p>16 infrastructure do occur at the local level and are kept</p> <p>17 almost entirely by those respective political</p> <p>18 subdivisions and because the project footprint does</p> <p>19 touch nine counties in North Dakota, residents</p> <p>20 throughout North Dakota will directly benefit from this</p> <p>21 project.</p> <p>22 So as such, I respectfully request that the</p> <p>23 Public Service Commission approve Summit's project as it</p> <p>24 is a critical step in unlocking the Bakken and the</p> <p>25 future of North Dakota.</p> <p>PAGE 251</p> |
| <p>1 represents 500,000 U.S. soybean farmers, is</p> <p>2 sustainability. And this pipeline is core to the</p> <p>3 sustainability issue, I believe.</p> <p>4 So as a farmer, ag business owner, and industry</p> <p>5 advocate, I know that, in order to survive and thrive,</p> <p>6 we do need to provide products that our customers</p> <p>7 demand. And right now those products that are demanded</p> <p>8 are sustainable fuels and low-emission energy.</p> <p>9 We have -- agriculture and energy in -- in the</p> <p>10 state of North Dakota are the number one and two</p> <p>11 industries. And this pipeline would provide a lifeline</p> <p>12 to the energy and ag markets.</p> <p>13 MR. JORDE: I just have to insert my objection,</p> <p>14 Your Honor, relevance, to this testimony.</p> <p>15 ALJ HOGAN: All right. The objection is noted.</p> <p>16 You can continue.</p> <p>17 JARED HAGERT: All right. Thank you.</p> <p>18 Being that the markets are focused on</p> <p>19 decarbonization and to gain access to those lower-carbon</p> <p>20 markets like sustainable aviation fuel, this pipeline</p> <p>21 represents an opportunity to lower carbon scores for --</p> <p>22 for those providers while also adding value to the</p> <p>23 bottom line of agricultural producers.</p> <p>24 On the energy side, although not utilized</p> <p>25 currently, it opens the window to be able to pursue</p> <p>PAGE 250</p> | <p>1 And I'll stand for any questions.</p> <p>2 ALJ HOGAN: Thank you.</p> <p>3 Mr. Gludt, any questions?</p> <p>4 MR. GLUDT: No questions. Thank you.</p> <p>5 ALJ HOGAN: Mr. Jorde, any questions?</p> <p>6 MR. JORDE: Yes. Thank you.</p> <p>7 Sir, I just want to be clear, you're here just</p> <p>8 speaking on your own personal behalf; is that right?</p> <p>9 JARED HAGERT: Correct.</p> <p>10 MR. JORDE: Okay. I think one of the last</p> <p>11 things you just said was unlocking the Bakken. And what</p> <p>12 did you mean by that, sir?</p> <p>13 JARED HAGERT: Well, you know, as we're talking</p> <p>14 about the pipeline in this hearing, that represents an</p> <p>15 ability to move the amounts of carbon into sequestration</p> <p>16 right now for the current regulatory regime, but as that</p> <p>17 changes and as time moves on, there is a window most --</p> <p>18 most likely a window to add enhanced oil recovery into</p> <p>19 -- into the process.</p> <p>20 MR. JORDE: Okay. Because certainly, obviously,</p> <p>21 you can't use CO2 that's permanently sequestered for</p> <p>22 enhanced oil recovery, so you're looking a little longer</p> <p>23 in the horizon; is that right?</p> <p>24 JARED HAGERT: Correct. Correct. I think at</p> <p>25 last week's Williston Basin Petroleum Conference Lynn</p> <p>PAGE 252</p> |

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| <p>1 Helms had referenced that, in order for Bakken output to</p> <p>2 maintain where it's at, it -- you know, the -- the</p> <p>3 carbon pipelines will be what are needed to keep the</p> <p>4 Bakken strong into the late 2030s when projected output</p> <p>5 is in decline.</p> <p>6 MR. JORDE: And just for the record, who is Lynn</p> <p>7 Helms? What office?</p> <p>8 JARED HAGERT: Lynn Helms is the head of -- I am</p> <p>9 blanking on it right now off the top of my head, but he</p> <p>10 is head of the mineral -- Department of Mineral</p> <p>11 Resources. There it is.</p> <p>12 MR. JORDE: Okay. That's right. I think that's</p> <p>13 right.</p> <p>14 And then, sir, do you personally have any land</p> <p>15 where this proposed pipeline would cross?</p> <p>16 JARED HAGERT: I don't.</p> <p>17 MR. JORDE: Okay. How far, if you know, do you</p> <p>18 reside from the nearest point to this proposed route?</p> <p>19 JARED HAGERT: Probably about 80 miles.</p> <p>20 MR. JORDE: Okay. And then you've got a</p> <p>21 background in farming. Do you or have you ever sold</p> <p>22 corn to any of the North Dakota ethanol plants?</p> <p>23 JARED HAGERT: I have, yes.</p> <p>24 MR. JORDE: Okay. Have you ever sold to the</p> <p>25 Tharaldson plant?</p> <p>PAGE 253</p> | <p>1 JARED HAGERT: Well, through -- through, you</p> <p>2 know, dividend payments.</p> <p>3 MR. JORDE: Okay. And then your testimony here,</p> <p>4 to access low-carbon fuel markets, do you understand</p> <p>5 that there's very few low-carbon fuel markets in the</p> <p>6 U.S., United States?</p> <p>7 JARED HAGERT: There are currently.</p> <p>8 MR. JORDE: Have you kind of thought through</p> <p>9 what would happen if this were to be approved and</p> <p>10 there's a rush of access from the current ethanol plants</p> <p>11 hooked up to this pipeline to the low-carbon fuel</p> <p>12 markets, what that would do to ethanol prices elsewhere?</p> <p>13 JARED HAGERT: Elsewhere? What do you mean</p> <p>14 elsewhere?</p> <p>15 MR. JORDE: Well, for the plants that aren't a</p> <p>16 part of any carbon capture, storage, and weren't selling</p> <p>17 into low-carbon fuel markets, have you done any analysis</p> <p>18 on the effect on the consumer, of prices, if that were</p> <p>19 to occur?</p> <p>20 JARED HAGERT: So you're asking about -- just so</p> <p>21 I'm clear, you're asking about ethanol plants that would</p> <p>22 not be selling into -- into the sustainable aviation</p> <p>23 fuel market and what their prices would be or what</p> <p>24 impact it would have?</p> <p>25 MR. JORDE: So what I'm getting at -- I'm just</p> <p>PAGE 255</p> |
| <p>1 JARED HAGERT: I -- I have indirectly through --</p> <p>2 through the --</p> <p>3 MR. JORDE: Elevator?</p> <p>4 JARED HAGERT: -- elevators, yes.</p> <p>5 MR. JORDE: Okay. All right. Do you know if</p> <p>6 Tharaldson has made any promise to share part of any of</p> <p>7 the profits they would get by reducing their CI score</p> <p>8 directly with the farmers? Are they going to be paying</p> <p>9 more for grain? Do you know anything like that?</p> <p>10 MR. GLUDT: I'm going to object, Your Honor. I</p> <p>11 think Mr. Jorde is trying to get into agreements between</p> <p>12 Summit and Tharaldson and this is not the appropriate</p> <p>13 witness to answer.</p> <p>14 MR. JORDE: He can just say "I don't know," I</p> <p>15 mean.</p> <p>16 ALJ HOGAN: I'll allow him to answer if he</p> <p>17 knows.</p> <p>18 JARED HAGERT: You know, as far as any specific</p> <p>19 agreements, rising demand usually increases corn price.</p> <p>20 So, you know, through -- through that, through the</p> <p>21 function of the market, would be one way. Also, if you</p> <p>22 owned any shares in any of the co-op, you would benefit</p> <p>23 from -- from that.</p> <p>24 MR. JORDE: If prices go up is what you're</p> <p>25 saying.</p> <p>PAGE 254</p> | <p>1 trying to see if you've done any thinking on the</p> <p>2 opposite side, the flip side. So your claim is that</p> <p>3 this -- I'm just reading here, "This pipeline will</p> <p>4 enable our ethanol --"</p> <p>5 I'm assuming you mean North Dakota -- do you</p> <p>6 mean North Dakota ethanol?</p> <p>7 JARED HAGERT: North Dakota ethanol.</p> <p>8 MR. JORDE: "-- North Dakota ethanol to be</p> <p>9 decarbonized to access greater low-carbon fuel markets."</p> <p>10 What about everybody else? Have you looked at</p> <p>11 if there's actually negative adverse effects on those</p> <p>12 other plants that wouldn't participate in this project?</p> <p>13 JARED HAGERT: I think in -- in the operation of</p> <p>14 the market, you know, each plant has its own decisions</p> <p>15 to make that way. You know, Tharaldson has made the</p> <p>16 decision to hook up to it. Others haven't, and they</p> <p>17 each have their own reasons and I couldn't speculate on</p> <p>18 -- on why.</p> <p>19 MR. JORDE: Okay. Fair enough. Thank you. I</p> <p>20 don't have anything further.</p> <p>21 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>22 MR. PELHAM: No questions. Thank you.</p> <p>23 ALJ HOGAN: Mr. Schock.</p> <p>24 Commissioner Christmann.</p> <p>25 COMMISSIONER CHRISTMANN: I'm just curious,</p> <p>PAGE 256</p> |

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| <p>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</p> <p>PAGE 257</p> | <p>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 <u>MIKE BRANDENBURG.</u> 24 being first duly sworn, testified as follows: 25 MIKE BRANDENBURG: Yeah, thank you. And thank</p> <p>PAGE 259</p> |
| <p>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</p> <p>PAGE 258</p> | <p>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</p> <p>PAGE 260</p> |

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| <p>1 ethanol plants that are going to be benefitted by this</p> <p>2 pipeline to take it out and to western North Dakota and</p> <p>3 into the future too for possible oil recovery too. And</p> <p>4 so I think that's important to be pointed out as</p> <p>5 testimony today because it's not just for one ethanol</p> <p>6 plant.</p> <p>7 And, also, Summit Solutions is a lifeline for</p> <p>8 ethanol in this state. I've lived through that</p> <p>9 dollar-bushel corn. I've enjoyed \$7.78 corn too. But I</p> <p>10 can tell you, as 50 years in farming, those ethanol</p> <p>11 plants that brought a guaranteed 50 cents a bushel to my</p> <p>12 bottom line. There are times, when the basis is right,</p> <p>13 it can hit a buck a bushel.</p> <p>14 And so I would -- what would happen without the</p> <p>15 ethanol plants in this state as well as in northern</p> <p>16 South Dakota? We would definitely have a setback. And</p> <p>17 so the Summit Solutions pipeline is important to ethanol</p> <p>18 as Tundra to the coal plants. It's a lifeline project.</p> <p>19 Tundra is a lifeline to the coal plants and Summit</p> <p>20 Solutions is a lifeline to the ethanol plants and to the</p> <p>21 future of this state.</p> <p>22 This state runs on three things: Agriculture,</p> <p>23 energy, and all the rest. And you pretty much can break</p> <p>24 it down to a third energy, a third agriculture, and a</p> <p>25 third everything else. And that's how North Dakota</p> <p>PAGE 261</p> | <p>1 see that they can hit that aviation fuel market and</p> <p>2 they're looking at the aviation fuel market -- I'm glad</p> <p>3 you asked that question, because currently, right now,</p> <p>4 we produce 15 billion gallons of ethanol in the United</p> <p>5 States. With the aviation fuel market, just nationally,</p> <p>6 it's 20 billion gallons potential. A hundred billion</p> <p>7 gallons internationally. So if you're dealing now with</p> <p>8 15 billion gallons of ethanol and you can expand that</p> <p>9 more than double when aviation fuel -- and you got to</p> <p>10 get down to -- as Ryan Carter explained from the ethanol</p> <p>11 industry, if you're going to have that market, you're</p> <p>12 going to have to get down there.</p> <p>13 And Brazil is taking our market away right now.</p> <p>14 I mean, we have ethanol coming from Brazil going to</p> <p>15 California because we don't have the carbon score. And</p> <p>16 so this carbon score, this pipeline, taking -- dealing</p> <p>17 with the CO2 emissions is going to enable us to have</p> <p>18 those markets that we don't have right now.</p> <p>19 MR. JORDE: Okay. So then is the answer that --</p> <p>20 I mean, to my question, you don't have any information</p> <p>21 about some new contracts of these other eight ethanol</p> <p>22 plants with Summit; correct?</p> <p>23 MIKE BRANDENBURG: Well, Mr. Jorde, what I can</p> <p>24 tell you is that our family hauls a lot of bushels of</p> <p>25 corn to the ethanol plant in Spiritwood as well as the</p> <p>PAGE 263</p> |
| <p>1 runs. And I -- I sit on the -- I'm a representative</p> <p>2 from District 28 and I sit on the Appropriations</p> <p>3 Committee so I know the numbers pretty good.</p> <p>4 And so I just wanted to share that for the</p> <p>5 record because I think it's -- has not been really</p> <p>6 clarified today.</p> <p>7 So, with that, I would answer any questions.</p> <p>8 ALJ HOGAN: Mr. Gludt, any questions?</p> <p>9 MR. GLUDT: No questions. Thank you.</p> <p>10 ALJ HOGAN: Mr. Jorde, any questions?</p> <p>11 MR. JORDE: Yes. Thank you.</p> <p>12 Sir, do you -- do you sit on the boards of any</p> <p>13 ethanol plants?</p> <p>14 MIKE BRANDENBURG: No, I do not.</p> <p>15 MR. JORDE: All right. Because you made the</p> <p>16 statement that nine ethanol plants will benefit from</p> <p>17 this pipeline, but you don't have any information that</p> <p>18 any of the other plants are contracted with this</p> <p>19 particular project, do you?</p> <p>20 MIKE BRANDENBURG: Well, I can -- what I see</p> <p>21 with that, Mr. Jorde, is that there's nine ethanol</p> <p>22 plants along the pipeline and some have joined in, some</p> <p>23 have not.</p> <p>24 But the question I was asked earlier about, you</p> <p>25 know, ethanol plants, they're good businessmen. They</p> <p>PAGE 262</p> | <p>1 local co-ops. We haul them there and, during harvest</p> <p>2 time, to our current Edgeley co-op as well as Verona,</p> <p>3 because you can't sit in line for more than two hours</p> <p>4 when you're harvesting. And then, in the offseason, we</p> <p>5 haul the rest of it to the ethanol plant. And that</p> <p>6 ethanol plant is the profitability on our farm.</p> <p>7 MR. JORDE: All right. So you have no knowledge</p> <p>8 of any other plants being contracted with Summit;</p> <p>9 correct? Yes or no.</p> <p>10 MIKE BRANDENBURG: No.</p> <p>11 MR. JORDE: Okay. All right. So the statement</p> <p>12 nine ethanol plants will benefit from this pipeline,</p> <p>13 that's just pure speculation on your part; correct?</p> <p>14 MIKE BRANDENBURG: Well, Mr. Jorde, you could</p> <p>15 speculate it, but if anybody is -- can make money doing</p> <p>16 it, they're going to sign on.</p> <p>17 MR. JORDE: Well, sir, they've had three years</p> <p>18 and it hasn't happened; right?</p> <p>19 MIKE BRANDENBURG: Well, you know, Mr. Jorde,</p> <p>20 you look at the market and you can look at the world and</p> <p>21 you can look at whether you agree with what's going on</p> <p>22 in the East Coast or the West Coast, but that's where</p> <p>23 the population is and that's where the -- they're asking</p> <p>24 for this to happen and so the votes -- to where it</p> <p>25 matters.</p> <p>PAGE 264</p> |

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| <p>1 Do I agree with everything that's going on here?</p> <p>2 No. But do I agree with what those people want? The</p> <p>3 customer is who you have to please, and that's what they</p> <p>4 want.</p> <p>5 MR. JORDE: So when corn was \$1 a bushel, was</p> <p>6 that because there wasn't a Summit Carbon pipeline?</p> <p>7 MIKE BRANDENBURG: Oh, Mr. Jorde, when I was</p> <p>8 younger and it was 40 years ago, I was -- I was in the</p> <p>9 National Guard, keeping food on the table, and that's</p> <p>10 all the price was. And when we had Jimmy Carter and</p> <p>11 embargo and -- and when corn went from 5 bucks -- I can</p> <p>12 remember, in '75, corn was around 4 and a half bucks and</p> <p>13 hitting five bucks and we -- I told my dad, I said,</p> <p>14 "We're in a new era, things are going to change, the</p> <p>15 farms are going to grow, we're never going to go back,"</p> <p>16 and then came the embargo and corn was down to a buck</p> <p>17 within a year. It was less than two bucks. And we</p> <p>18 almost went broke.</p> <p>19 And -- so I've lived through these markets, I've</p> <p>20 lived through these political confrontations, and it's</p> <p>21 all about living through it and surviving those times.</p> <p>22 And you got to have some equity when that happens,</p> <p>23 because if you lose the equity, you've got nothing left.</p> <p>24 That's why a lot of people did go broke.</p> <p>25 MR. JORDE: And then in 2012 when corn spiked to</p> <p>PAGE 265</p> | <p>1 president of the North Dakota Corn Growers?</p> <p>2 MIKE BRANDENBURG: Yes, I was.</p> <p>3 MR. JORDE: And so you heard them, when asked by</p> <p>4 me "If this project doesn't go through, are you going to</p> <p>5 go bankrupt or are you going to go out of business," and</p> <p>6 they -- they didn't give me an affirmative answer to</p> <p>7 that; correct?</p> <p>8 MIKE BRANDENBURG: Yeah, I -- and that's</p> <p>9 probably one of the reasons why I'm up here. Because I</p> <p>10 can tell you right now, if we lose those ethanol</p> <p>11 plants -- I can tell you 20 years ago when we had a</p> <p>12 little ethanol plant up in Grafton that Harold Newman</p> <p>13 had and we tried to get -- you know, that was our ribbon</p> <p>14 we hung on the wall saying, "Yeah, we got an ethanol</p> <p>15 plant." Now we've got six ethanol plants in the state</p> <p>16 grinding over half of our corn and it's taken -- it's</p> <p>17 been a blessing.</p> <p>18 It's taken the -- if you look at the agriculture</p> <p>19 and how it has improved, corn prices have brought</p> <p>20 wheat up, corn prices have brought soybeans up.</p> <p>21 You've got the corn-soybean rotation. It's a world</p> <p>22 market. It's not just North Dakota with walls around</p> <p>23 it. It's the United States. It's the world. It's</p> <p>24 everybody that we have to answer to in this day and age.</p> <p>25 Because you can Google anybody. I mean, there's</p> <p>PAGE 267</p> |
| <p>1 over \$7, was that because there wasn't a carbon pipeline</p> <p>2 in this state?</p> <p>3 MIKE BRANDENBURG: Oh, Mr. Jorde, it didn't</p> <p>4 spike in 2012. It spiked in 2019 when Covid hit and</p> <p>5 everybody was scared and everybody was buying. I don't</p> <p>6 know. The markets went wild. We had a war over in the</p> <p>7 Ukraine and Russia and then they had the Black Sea issue</p> <p>8 and -- and if I could have rubbed a crystal ball, I</p> <p>9 would have contracted three years out because it would</p> <p>10 have been smarter, but I didn't do that because I wasn't</p> <p>11 smart enough.</p> <p>12 MR. JORDE: So you agree that -- I mean, you</p> <p>13 keep talking about all these global and world events and</p> <p>14 massive macro events, and that's really what affects</p> <p>15 corn price; right?</p> <p>16 MIKE BRANDENBURG: Absolutely, Mr. Jorde. It's</p> <p>17 world events that -- I mean, Europe has been doing</p> <p>18 carbon capture, other countries are doing carbon</p> <p>19 capture. The world is -- I mean, we're -- we're doing</p> <p>20 carbon capture because that's what -- today is what is</p> <p>21 on the menu. That's where the money is going. And, you</p> <p>22 know, whether you agree with it or not, that's where</p> <p>23 it's at.</p> <p>24 MR. JORDE: And were you here for the testimony</p> <p>25 of the COO of the Tharaldson plant and then the</p> <p>PAGE 266</p> | <p>1 people -- we can find out what's going on in Russia. We</p> <p>2 can find out what's going on in China. We can find out</p> <p>3 what's going in other countries and all around the</p> <p>4 world. All you got to do is Google it. It's there.</p> <p>5 And then what we're doing.</p> <p>6 And that's one of the reasons we've lost a lot</p> <p>7 of our markets. You know, we've lost over 20 percent of</p> <p>8 our export markets in the last couple of years, and one</p> <p>9 of the reasons is because Brazil is embracing carbon</p> <p>10 capture. Because when these buyers and traders go out</p> <p>11 and buy their products, they don't just buy corn. They</p> <p>12 buy wheat, they buy soybeans, they buy barley, they buy</p> <p>13 all kinds of products.</p> <p>14 And you keep listening to the reports. We went</p> <p>15 from \$7 corn a couple years ago, three years ago, down</p> <p>16 to now \$4 corn. Beans have dropped four bucks. Wheat</p> <p>17 has went from nine bucks to six bucks. There's a -- and</p> <p>18 that just puts a tight -- yeah, it hurts. And if the</p> <p>19 farm economy is not good in North Dakota, it's not going</p> <p>20 to be good for North Dakota.</p> <p>21 MR. JORDE: And corn price, commodity prices,</p> <p>22 ebb and flow. That's just something that --</p> <p>23 MIKE BRANDENBURG: Absolutely.</p> <p>24 MR. JORDE: -- expect; right? You don't expect</p> <p>25 that to change?</p> <p>PAGE 268</p> |

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| <p>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.</p> <p>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.</p> <p>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.</p> <p>PAGE 269</p> | <p>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.</p> <p>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?</p> <p>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.</p> <p>24 I mean, you're down to basically 15, 20 percent 25 left. And a lot of them are just waiting to see what</p> <p>PAGE 271</p> |
| <p>1 MR. JORDE: When did you first become aware of 2 this application, this Summit application, that was 3 filed back in 2022?</p> <p>4 MIKE BRANDENBURG: Mr. Jorde, I suppose it was a 5 couple years ago before our last session.</p> <p>6 MR. JORDE: Okay.</p> <p>7 MIKE BRANDENBURG: And, see, I've got 113 miles 8 of this in my district.</p> <p>9 MR. JORDE: Uh-huh.</p> <p>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.</p> <p>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.</p> <p>24 Also, I'm concerned about farmers that live 25 (indiscernible) -- because I'm in corn country. We</p> <p>PAGE 270</p> | <p>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.</p> <p>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?</p> <p>10 There's no future anymore?</p> <p>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.</p> <p>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?</p> <p>PAGE 272</p> |

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| <p>1 MR. JORDE: Have you ever considered a future</p> <p>2 where you're growing crops other than corn or</p> <p>3 significantly reducing corn, or do you think you're</p> <p>4 married to corn?</p> <p>5 MIKE BRANDENBURG: In my lifetime, I think -- I</p> <p>6 used to raise all wheat and barley and sunflowers. And</p> <p>7 then the birds came and took away the flowers. You</p> <p>8 know, black birds, you know, they're pretty tough on</p> <p>9 flowers, especially in the Prairie Pothole Region. And</p> <p>10 then the corn came and then the rock roller came with</p> <p>11 the soybeans and the new technology, and it's taken our</p> <p>12 farm to a whole different level. It really has. The</p> <p>13 corn and soybean rotation is a good rotation too for</p> <p>14 both the weeds and for diseases.</p> <p>15 MR. JORDE: And you've run a good operation and</p> <p>16 been profitable without this pipeline, haven't you?</p> <p>17 MIKE BRANDENBURG: At this point we have, but,</p> <p>18 Mr. Jorde, the new rules that have come in with the</p> <p>19 carbon score, which affects both the ethanol plants, the</p> <p>20 agriculture, it also affects the coal plants dealing</p> <p>21 with the carbon capture and also affects the future of</p> <p>22 this state. And it's because of federal regulations</p> <p>23 that have happened that we're sitting here today.</p> <p>24 I mean, I wish -- if I could rub a crystal ball,</p> <p>25 I wish we could go back and just say, "Hey, leave us</p> <p>PAGE 273</p> | <p>1 Valley but not like southwest North Dakota; right?</p> <p>2 MIKE BRANDENBURG: We're right at the edge of</p> <p>3 the Coteau Hills. We're on corn country, but we're</p> <p>4 right on the edge of corn country. But we can raise</p> <p>5 some really good corn, and that's if the rain gets over</p> <p>6 the hills sometimes.</p> <p>7 COMMISSIONER CHRISTMANN: So you mentioned early</p> <p>8 on when you were reflecting back 40-plus years, you</p> <p>9 mentioned wheat.</p> <p>10 MIKE BRANDENBURG: Yeah.</p> <p>11 COMMISSIONER CHRISTMANN: Now here at the end</p> <p>12 you were talking about raising a lot of corn. And so</p> <p>13 maybe you sort of covered it, but how -- as a -- as a</p> <p>14 percentage of what you grow on your farm -- I'm</p> <p>15 imagining your farm has probably grown like most have,</p> <p>16 but as a percentage for you and to the extent you know</p> <p>17 on your neighbors, how has it evolved? Like what</p> <p>18 percentage wheat versus corn would you say on those --</p> <p>19 MIKE BRANDENBURG: 40 years ago, maybe even 30,</p> <p>20 we were -- I would say 40 years ago we were all wheat</p> <p>21 and barley and sunflowers. And now we're 50 percent</p> <p>22 corn and 50 percent soybeans. And once in a while, if</p> <p>23 we have, you know, a rotation issue with some weeds,</p> <p>24 we'll put in a few hundred acres of wheat, just to take</p> <p>25 care of that. So our corn -- and my neighbors are the</p> <p>PAGE 275</p> |
| <p>1 alone and we'll keep doing what we're doing," but it's</p> <p>2 not -- didn't happen and the people -- the people on the</p> <p>3 East Coast and the West Coast where the votes are said</p> <p>4 this is what we're going to do.</p> <p>5 MR. JORDE: I don't have anything further.</p> <p>6 Thank you.</p> <p>7 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>8 MR. PELHAM: I don't have any questions. Thank</p> <p>9 you.</p> <p>10 ALJ HOGAN: Mr. Schock.</p> <p>11 Commissioner Christmann.</p> <p>12 COMMISSIONER CHRISTMANN: Representative</p> <p>13 Brandenburg, you said something early on and then you</p> <p>14 might have answered my question here toward the end. A</p> <p>15 little basis of what I'm trying to get at. So I come</p> <p>16 from western North Dakota. I'll tell you I get down to</p> <p>17 a place like Wahpeton and I look at this flat, fertile,</p> <p>18 wet ground and I feel like I've traveled 1,300 miles</p> <p>19 instead of 300. But you farm at Ellendale; right?</p> <p>20 MIKE BRANDENBURG: Edgeley.</p> <p>21 COMMISSIONER CHRISTMANN: At Edgeley.</p> <p>22 MIKE BRANDENBURG: Yep.</p> <p>23 COMMISSIONER CHRISTMANN: Kind of in between.</p> <p>24 MIKE BRANDENBURG: Same thing.</p> <p>25 COMMISSIONER CHRISTMANN: Not like Red River</p> <p>PAGE 274</p> | <p>1 same way. The wheat crop is kind of a -- it's</p> <p>2 non-existent in our part of the country because it's</p> <p>3 more corn and soybeans in our area.</p> <p>4 COMMISSIONER CHRISTMANN: And so is that because</p> <p>5 corn and soybeans are just so much easier or more fun or</p> <p>6 is it because the market has called for that change?</p> <p>7 MIKE BRANDENBURG: Corn and soybeans are not</p> <p>8 easier than wheat. I can tell you that, Commissioner.</p> <p>9 It used to be pretty nice. We'd be done, you know, and</p> <p>10 we can -- you know, we could go deer hunting. You know,</p> <p>11 we used to deer hunt. You know, I don't even get the</p> <p>12 gun out anymore because we're all sitting in the</p> <p>13 combine. But we let our neighbors hunt. It's -- it's</p> <p>14 intensive.</p> <p>15 COMMISSIONER CHRISTMANN: Evolution has become</p> <p>16 because of the -- what the market demanded; right?</p> <p>17 MIKE BRANDENBURG: The market is demanding and</p> <p>18 -- and so we -- we -- and I farm with three of my sons.</p> <p>19 I've got three other brothers that are farming. I got</p> <p>20 nephews that are farming. You know, we -- you know, our</p> <p>21 farm has -- has evolved into a good -- good-sized farm,</p> <p>22 and it's because of corn and beans that has allowed it</p> <p>23 to happen.</p> <p>24 COMMISSIONER CHRISTMANN: No other questions.</p> <p>25 Thanks for being here and sorry about mixing up the E</p> <p>PAGE 276</p> |

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| <p>1 towns.</p> <p>2 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>3 COMMISSIONER HAUGEN-HOFFART: Hello,</p> <p>4 Representative.</p> <p>5 MIKE BRANDENBURG: Hi.</p> <p>6 COMMISSIONER HAUGEN-HOFFART: You don't have to</p> <p>7 be afraid.</p> <p>8 MIKE BRANDENBURG: I'm not afraid. I just</p> <p>9 wonder what you're going to ask.</p> <p>10 COMMISSIONER HAUGEN-HOFFART: No. You know,</p> <p>11 you've touched on -- you've testified before and I'm not</p> <p>12 going to ask you a question based on your prior</p> <p>13 testimony to move things along so I have no further</p> <p>14 questions.</p> <p>15 MIKE BRANDENBURG: Oh, thank you.</p> <p>16 ALJ HOGAN: Mr. Dawson, any questions?</p> <p>17 SUBSTITUTE DECISIONMAKER DAWSON: No questions.</p> <p>18 ALJ HOGAN: Thank you, Representative.</p> <p>19 MIKE BRANDENBURG: I hope I didn't repeat myself</p> <p>20 but I probably touched on some areas that --</p> <p>21 ALJ HOGAN: Thank you.</p> <p>22 All right. Who would like to go next?</p> <p>23 Good afternoon. Can I get your name?</p> <p>24 TERESA BAUER: Teresa Bauer, B-A-U-E-R.</p> <p>25 ALJ HOGAN: And, Ms. Bauer, were you in the room</p> <p>PAGE 277</p> | <p>1 model of the CO2 in the event of a pipeline breach?</p> <p>2 What are they hiding? Don't emergency responders need</p> <p>3 this information to know what they're facing when a</p> <p>4 breach occurs?</p> <p>5 When the CO2 pipeline in Mississippi breached,</p> <p>6 the plume traveled 16 miles. That was a 24-inch</p> <p>7 pipeline at 1,400 PSI, which I believe are the same</p> <p>8 specifications proposed by Summit for this project, but</p> <p>9 that pipeline at the time of the event was only half</p> <p>10 filled. How far would that plume travel from a full</p> <p>11 pipeline? How would a release notice be given? If the</p> <p>12 plume traveled 16 miles, every citizen in every city and</p> <p>13 town along the pipeline is in immediate danger of</p> <p>14 possible death by asphyxiation since CO2 displaces</p> <p>15 oxygen.</p> <p>16 Emergency response teams have not been trained</p> <p>17 to respond to a breach and, to my knowledge, they do not</p> <p>18 have the necessary equipment. So who pays for the</p> <p>19 equipment, the additional training, and the additional</p> <p>20 personnel if there aren't enough volunteers in rural</p> <p>21 communities? Does our medical community have the</p> <p>22 capacity to provide the necessary treatment in the event</p> <p>23 of a breach?</p> <p>24 The newspaper article also failed to mention the</p> <p>25 potential for CO2 to contaminate our water sources. It</p> <p>PAGE 279</p> |
| <p>1 earlier when I went through the penalties for perjury?</p> <p>2 TERESA BAUER: Yes, I was.</p> <p>3 ALJ HOGAN: And do you understand what perjury</p> <p>4 is?</p> <p>5 TERESA BAUER: Yes, I do.</p> <p>6 ALJ HOGAN: And being advised of the potential</p> <p>7 penalties for perjury, do you promise to tell the truth</p> <p>8 in this case today?</p> <p>9 TERESA BAUER: Yes, I do.</p> <p>10 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>11 <u>TERESA BAUER,</u></p> <p>12 being first duly sworn, testified as follows:</p> <p>13 TERESA BAUER: I will be brief. I have seven</p> <p>14 paragraphs, and some of it might seem repetitive. Bear</p> <p>15 with me.</p> <p>16 Thank you for your time today and for allowing</p> <p>17 me to give my personal testimony. I attended the public</p> <p>18 hearing held in Mandan and I noticed the press was there</p> <p>19 so I looked forward to reading the newspaper article</p> <p>20 that I thought would recap the meeting. Granted, there</p> <p>21 was a lot of material to cover, but I remember being</p> <p>22 disappointed that the writer failed to mention what I</p> <p>23 thought was the most glaring safety concern voiced at</p> <p>24 the hearing; namely, why won't Summit release their</p> <p>25 confidential information regarding the plume dispersion</p> <p>PAGE 278</p> | <p>1 is unknown how CO2 will impact rivers, reservoirs,</p> <p>2 lakes, and aquifers.</p> <p>3 Will the CO2 remain sequestered? The article</p> <p>4 also did not mention how unstable geophysical topography</p> <p>5 will be addressed during construction and, more</p> <p>6 importantly, over the life of the project. We know how</p> <p>7 frost and torrential rain can cause land to shift,</p> <p>8 erode, and slide. We bury people deeper than this</p> <p>9 pipeline project proposes to lay their pipe. Will this</p> <p>10 pipeline turn towns and cities into a North Dakota Maui</p> <p>11 disaster?</p> <p>12 Currently, this proposed pipeline project will</p> <p>13 lay pipe within four miles of a populated area of</p> <p>14 Bismarck, Mandan, Lincoln, and Wahpeton. It is much</p> <p>15 closer to other inhabited structures along the remainder</p> <p>16 of the pipeline. What is the cost to ranchers if there</p> <p>17 is a breach and hundreds of cattle die? How do</p> <p>18 landowners recover their lost property value when the</p> <p>19 pipeline doesn't cross their land but they are literally</p> <p>20 across the road from it? If even one rural family loses</p> <p>21 their lives because they didn't know a breach occurred</p> <p>22 or emergency responders couldn't reach them in time, is</p> <p>23 that an acceptable incidental cost of doing business?</p> <p>24 It seems to me that Summit stands to make a lot</p> <p>25 of money at the expense of North Dakota taxpayers -- and</p> <p>PAGE 280</p> |

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| <p>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</p> <p>PAGE 281</p> | <p>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</p> <p>PAGE 283</p> |
| <p>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</p> <p>PAGE 282</p> | <p>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.</p> <p>PAGE 284</p> |

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| <p>1 So what was your answer? You didn't know? You</p> <p>2 said you didn't know?</p> <p>3 ALJ HOGAN: No. I asked you -- I'm sustaining</p> <p>4 the objection.</p> <p>5 MR. JORDE: Oh, you sustained the objection.</p> <p>6 Okay. All right. So just as an offer of proof then,</p> <p>7 I'm making that as an offer of proof because it's the</p> <p>8 State that oversees that and the Feds have no role in</p> <p>9 determining what's confidential and Summit could provide</p> <p>10 these to all of us if it wanted to. So --</p> <p>11 MR. PELHAM: This witness would have testified</p> <p>12 to that? That's your offer of proof?</p> <p>13 MR. JORDE: I can do it with other witnesses.</p> <p>14 MR. PELHAM: Okay.</p> <p>15 MR. JORDE: Yeah.</p> <p>16 MR. PELHAM: This witness can't testify to that,</p> <p>17 Mr. Jorde. An offer of proof properly made is a witness</p> <p>18 who would testify to something that is overruled as an</p> <p>19 objection. That's the proper way to do it.</p> <p>20 MR. JORDE: Yep. I'll bring several then during</p> <p>21 our technical hearings.</p> <p>22 Thank you, ma'am. I appreciate it.</p> <p>23 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>24 MR. PELHAM: Yes.</p> <p>25 Ms. Bauer, where do you live in Burleigh County?</p> <p>PAGE 285</p> | <p>1 ALJ HOGAN: Mr. Dawson.</p> <p>2 SUBSTITUTE DECISIONMAKER DAWSON: No questions.</p> <p>3 Thank you.</p> <p>4 ALJ HOGAN: All right. Thank you, Ms. Bauer.</p> <p>5 TERESA BAUER: Thank you.</p> <p>6 ALJ HOGAN: Do we have anybody else that wishes</p> <p>7 to provide public testimony?</p> <p>8 Yep, come on up.</p> <p>9 Oh, we've got two. Come up, sir.</p> <p>10 Sir, if you want to start making your way up</p> <p>11 too, I saw you stand up over there. Yep, if you want to</p> <p>12 make your way up, start making your way up.</p> <p>13 All right. Good afternoon. Could I have your</p> <p>14 name?</p> <p>15 LA VERNE KOENIG: La Verne Koenig.</p> <p>16 ALJ HOGAN: Can you spell your last name for me?</p> <p>17 LA VERNE KOENIG: K-O-E-N-I-G.</p> <p>18 ALJ HOGAN: And were you in the room earlier</p> <p>19 when I went through the penalties for perjury?</p> <p>20 LA VERNE KOENIG: Yes.</p> <p>21 ALJ HOGAN: And do you understand what perjury</p> <p>22 is?</p> <p>23 LA VERNE KOENIG: Yep.</p> <p>24 ALJ HOGAN: And being advised of the potential</p> <p>25 penalties for perjury, do you promise to tell the truth</p> <p>PAGE 287</p> |
| <p>1 TERESA BAUER: I live north of 1804 and west of</p> <p>2 83, within the north Bismarck ETA, approximately less</p> <p>3 than four miles south of the pipeline, the proposed</p> <p>4 pipeline.</p> <p>5 MR. PELHAM: Okay. And do you own any property,</p> <p>6 ma'am, that is proposed to be crossed by the pipeline?</p> <p>7 TERESA BAUER: I do not.</p> <p>8 MR. PELHAM: Okay. Thank you, ma'am. I don't</p> <p>9 have any other questions for you.</p> <p>10 ALJ HOGAN: Mr. Schock, any questions?</p> <p>11 Commissioner Christmann.</p> <p>12 COMMISSIONER CHRISTMANN: I caught most of that.</p> <p>13 Did you say about four miles south of the newest</p> <p>14 reroute?</p> <p>15 TERESA BAUER: Yes.</p> <p>16 COMMISSIONER CHRISTMANN: Okay. No other --</p> <p>17 TERESA BAUER: That's as near as I can determine</p> <p>18 with the Summit maps based on their scale.</p> <p>19 COMMISSIONER CHRISTMANN: Okay. No other</p> <p>20 questions, but thanks for coming all the way over here.</p> <p>21 TERESA BAUER: Thank you.</p> <p>22 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>23 COMMISSIONER HAUGEN-HOFFART: Hi, Teresa. I</p> <p>24 have no questions for you, but thank you for your</p> <p>25 testimony.</p> <p>PAGE 286</p> | <p>1 in this case today?</p> <p>2 LA VERNE KOENIG: Yes.</p> <p>3 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>4 <u>LA VERNE KOENIG,</u></p> <p>5 being first duly sworn, testified as follows:</p> <p>6 LA VERNE KOENIG: I'm La Verne Koenig. I'm a</p> <p>7 spokesperson for a petition that we're circulating. One</p> <p>8 of the issues is to repeal and replace the eminent</p> <p>9 domain provision of our Constitution that's basically</p> <p>10 unconstitutional because they allowed these companies to</p> <p>11 go on your property in violation of the Fourth</p> <p>12 Amendment.</p> <p>13 And then it says in there that the compensation</p> <p>14 shall be determined or ascertained by a jury, but all</p> <p>15 the people that have experienced eminent domain have</p> <p>16 never been given a jury trial. And it doesn't matter if</p> <p>17 it's for the pipeline or the water boards, these utility</p> <p>18 lines and all that stuff. Nobody's been given a jury</p> <p>19 trial like the Constitution mandates.</p> <p>20 We're also expanding that, that -- I'm not for</p> <p>21 or against this pipeline. I'm neutral. But I'm saying</p> <p>22 before they can use eminent domain or any of that type</p> <p>23 of seizure, it has to be put to a vote of the people</p> <p>24 statewide, that the people agree that it's a good deal,</p> <p>25 then they can proceed. They can't go on the people's</p> <p>PAGE 288</p> |

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| <p>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.</p> <p>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?</p> <p>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.</p> <p>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.</p> <p>PAGE 289</p> | <p>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.</p> <p>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 --</p> <p>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.</p> <p>15 ALJ HOGAN: Yeah, if you could limit your 16 comments to just this pipeline, I'd appreciate that.</p> <p>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.</p> <p>PAGE 291</p> |
| <p>1 Appointed two terms and you're history. You know, it's 2 going to be applied retroactively so that --</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>25 And I -- since February 25th, I've probably put</p> <p>PAGE 290</p> | <p>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 --</p> <p>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.</p> <p>PAGE 292</p> |

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| <p>1 COMMISSIONER CHRISTMANN: Okay.</p> <p>2 LA VERNE KOENIG: Then the Secretary of State</p> <p>3 has five to seven days to approve it or -- the form, and</p> <p>4 then if he approves it, then we got -- we got the other</p> <p>5 approximately 35,000 signatures to get it on the -- by</p> <p>6 July 8th to get it on the ballot.</p> <p>7 COMMISSIONER CHRISTMANN: Okay. Thank you.</p> <p>8 LA VERNE KOENIG: We're hoping to get a hundred</p> <p>9 thousand.</p> <p>10 COMMISSIONER CHRISTMANN: I forgot too. Where</p> <p>11 are you from?</p> <p>12 LA VERNE KOENIG: My mother. She's in Heaven.</p> <p>13 COMMISSIONER CHRISTMANN: Where do you live?</p> <p>14 LA VERNE KOENIG: Blanchard, North Dakota.</p> <p>15 COMMISSIONER CHRISTMANN: All right.</p> <p>16 LA VERNE KOENIG: Up in Traill County.</p> <p>17 Blanchard, North Dakota.</p> <p>18 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>19 COMMISSIONER HAUGEN-HOFFART: I have no</p> <p>20 questions, but thank you for your testimony.</p> <p>21 ALJ HOGAN: Mr. Dawson, any questions.</p> <p>22 SUBSTITUTE DECISIONMAKER DAWSON: Nothing.</p> <p>23 Thank you.</p> <p>24 ALJ HOGAN: And, sir, I didn't see your name on</p> <p>25 the sign-in sheet. There's one right there if you</p> <p>PAGE 293</p> | <p>1 anything, kind of explain your cause." And that's why</p> <p>2 I'm up here.</p> <p>3 And I don't really have a lot, just mainly my</p> <p>4 unique situation. I live in Richland County, by</p> <p>5 Wyndmere, just south there with my wife and two boys.</p> <p>6 And, you know, we heard about the pipeline here</p> <p>7 back when it started and kind of learned a little bit</p> <p>8 about it. A lot of visits from people and stuff like</p> <p>9 that. And we never were much for it. Still aren't and</p> <p>10 that.</p> <p>11 And we got approached with different reroutes</p> <p>12 and stuff, and said I'm not really interested in that</p> <p>13 because it -- where we live and where our shop, it was</p> <p>14 within hundreds of feet. And I never went and measured</p> <p>15 it, but that's -- it was in the hundreds of feet. And</p> <p>16 then every day I travel to our farm and we would cross</p> <p>17 -- then I would cross the pipeline every day going to</p> <p>18 work. And that's where -- on the north side where we</p> <p>19 live and south side where I work. So it's kind of right</p> <p>20 in between there, which a different location is too.</p> <p>21 And then I said, well, the neighbors have</p> <p>22 visited. They really want it and stuff, they can sure</p> <p>23 have it. But they weren't interested in that, moving it</p> <p>24 that far or whatever.</p> <p>25 So the unique situation with us is, you know,</p> <p>PAGE 295</p> |
| <p>1 wouldn't mind signing in.</p> <p>2 LA VERNE KOENIG: (Indiscernible) do that.</p> <p>3 ALJ HOGAN: Thank you.</p> <p>4 And, sir, if you want to come up. Good</p> <p>5 afternoon. Can I have you state your name for the</p> <p>6 record?</p> <p>7 PAUL KUZEL: Paul Kuzel.</p> <p>8 ALJ HOGAN: Can you spell your last name?</p> <p>9 PAUL KUZEL: K-U-Z-E-L.</p> <p>10 ALJ HOGAN: And, Mr. Kuzel, were you in the room</p> <p>11 earlier when I went through the penalties for perjury?</p> <p>12 PAUL KUZEL: Yes.</p> <p>13 ALJ HOGAN: And do you know what perjury is?</p> <p>14 PAUL KUZEL: Yes.</p> <p>15 ALJ HOGAN: And being advised of the potential</p> <p>16 penalties for perjury, do you promise to tell the truth</p> <p>17 in this case today?</p> <p>18 PAUL KUZEL: Yes, ma'am.</p> <p>19 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>20 <u>PAUL KUZEL,</u></p> <p>21 being first duly sworn, testified as follows:</p> <p>22 PAUL KUZEL: Well, I guess I never planned on</p> <p>23 coming up here today, we just kind of came to check it</p> <p>24 out and stuff, but I visited with my neighbors over here</p> <p>25 and they said, "This could be your last chance to say</p> <p>PAGE 294</p> | <p>1 through the years we bought property from -- this runs</p> <p>2 east and west, and our property is north and south and</p> <p>3 it runs, like, nearly four miles. And then on the north</p> <p>4 end is the river, which I don't -- I don't know if you</p> <p>5 can -- they can put their pipe in the river area, but</p> <p>6 our property starts at the end of the river and runs</p> <p>7 south for approximately four miles.</p> <p>8 So how do you reroute is the -- my question with</p> <p>9 that. So, I mean, I don't want to be smart, but I'd</p> <p>10 like to say 500 feet from these guys' residence, that's</p> <p>11 where I would like to see it. But I don't think the</p> <p>12 pipeline is needed.</p> <p>13 And this is our best land that would be damaged.</p> <p>14 On the way up here we saw a pipeline area, water the</p> <p>15 whole way; where the pipe was, it's all water, just sits</p> <p>16 there.</p> <p>17 I don't know what's -- in the future, I was</p> <p>18 planning to build a building towards where this pipeline</p> <p>19 is proposed so I'm guessing, if that was there, that</p> <p>20 building probably couldn't be put up, I would guess.</p> <p>21 And from the beginning, like others said, bully</p> <p>22 approach. "How much money would it take" type of talk.</p> <p>23 And I said there's no -- there's no money worth a life.</p> <p>24 So it's basically what I have. And we don't</p> <p>25 want eminent domain. So that's about all I have. And I</p> <p>PAGE 296</p> |

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| <p>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</p> <p>PAGE 297</p> | <p>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?</p> <p>PAGE 299</p> |
| <p>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.</p> <p>PAGE 298</p> | <p>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.</p> <p>PAGE 300</p> |

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| <p>1 Mr. Kuzel, thanks for being here. I'm just</p> <p>2 wondering if you can provide the legal description of</p> <p>3 your property where the proposed line is proposed to be</p> <p>4 crossing?</p> <p>5 PAUL KUZEL: I have -- so I have the name of the</p> <p>6 townships. One is Dexter Township number 1, northeast</p> <p>7 quarter, and the other is Liberty Grove, section 6, the</p> <p>8 northeast quarter.</p> <p>9 MR. PELHAM: And I think you said "bully</p> <p>10 tactics." I'm wondering if you can elaborate on that.</p> <p>11 What do you mean by the "bully approach"?</p> <p>12 PAUL KUZEL: Well, like -- like a lot of the</p> <p>13 people have said, "This is where it's going, we're</p> <p>14 coming through, get ready for it," you know.</p> <p>15 MR. PELHAM: Did you have conversations with</p> <p>16 representatives of Summit?</p> <p>17 PAUL KUZEL: Yes.</p> <p>18 MR. PELHAM: And approximately when would the</p> <p>19 first conversation that you recall --</p> <p>20 PAUL KUZEL: I'm guessing it was in '21</p> <p>21 sometime.</p> <p>22 MR. PELHAM: And when they first came to you,</p> <p>23 what was their request or what did they tell you?</p> <p>24 PAUL KUZEL: Well, wanting to get signed up, you</p> <p>25 know, get --</p> <p>PAGE 301</p> | <p>1 across the river, which would be -- I don't know how</p> <p>2 that works when you're crossing rivers and stuff, but</p> <p>3 that's the only thing I see feasible for us.</p> <p>4 MR. PELHAM: When you had these conversations</p> <p>5 with Summit, did they -- were they in person or were</p> <p>6 they on the phone, mostly?</p> <p>7 PAUL KUZEL: First right off the bat it was in</p> <p>8 person. They'd come over. And then it was phone after</p> <p>9 that.</p> <p>10 MR. PELHAM: All right. Sir, I don't have any</p> <p>11 other questions for you. Thank you.</p> <p>12 ALJ HOGAN: Mr. Schock, any questions?</p> <p>13 MR. SCHOCK: So you don't have the township,</p> <p>14 range --</p> <p>15 PAUL KUZEL: Like I said, I didn't plan on</p> <p>16 coming up here today. This is by memory.</p> <p>17 MR. SCHOCK: And that's fine. I can look it up.</p> <p>18 I was trying to kind of pull it up on the map as we were</p> <p>19 talking here, but those names will help. I'll be able</p> <p>20 to figure it out. I just -- it may not be while you're</p> <p>21 still on the stand, but thank you for coming.</p> <p>22 ALJ HOGAN: Commissioner Christmann.</p> <p>23 COMMISSIONER CHRISTMANN: No. I also was going</p> <p>24 to look at the maps, but we don't have township names on</p> <p>25 our maps so I don't have any questions, but I do</p> <p>PAGE 303</p> |
| <p>1 MR. PELHAM: So they provided you a copy of an</p> <p>2 easement.</p> <p>3 PAUL KUZEL: Yeah, there's like a stack like</p> <p>4 this.</p> <p>5 MR. PELHAM: All right. And haven't signed it.</p> <p>6 Were there follow-up conversations with Summit?</p> <p>7 PAUL KUZEL: Many different people came and</p> <p>8 called and harassed some and --</p> <p>9 MR. PELHAM: Okay. When you say "harassed," can</p> <p>10 you be more specific as to what you mean by that?</p> <p>11 PAUL KUZEL: Just -- just the steady calling and</p> <p>12 wanting to get -- you know, get it done. And I -- to</p> <p>13 this day I just don't want it there. You know, you live</p> <p>14 somewhere your whole life and your parents,</p> <p>15 grandparents, all them have lived there, and it's been</p> <p>16 safe, we've never had an issue. Well, now this is an</p> <p>17 issue. And it's not going to be the same old place it</p> <p>18 used to be.</p> <p>19 MR. PELHAM: And I know that you already</p> <p>20 testified that you don't really see how a reroute can</p> <p>21 work because of the amount of property you own and the</p> <p>22 proximity to the river. In your mind, is there any</p> <p>23 reroute that -- that could be proposed to Summit, in</p> <p>24 your mind?</p> <p>25 PAUL KUZEL: Like I said, way south or north</p> <p>PAGE 302</p> | <p>1 appreciate you coming up from -- all the way from</p> <p>2 Wyndmere. Good to have you here.</p> <p>3 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>4 COMMISSIONER HAUGEN-HOFFART: Yes. Paul, thank</p> <p>5 you for testifying. I do have a question or maybe a</p> <p>6 follow-up. When was the last communication you had with</p> <p>7 Summit?</p> <p>8 PAUL KUZEL: Well, has to be -- it would be</p> <p>9 quite a ways back. I had gotten in with a group at the</p> <p>10 Strege Law Firm in town here that was concerning all the</p> <p>11 pipeline stuff. And it was over our head so I just had</p> <p>12 them help.</p> <p>13 And then there was a last-ditch effort by Summit</p> <p>14 to buy us out and it was, you know, very, you know,</p> <p>15 generous, but still the money wasn't worth it to us.</p> <p>16 And that would probably be the last connection we've had</p> <p>17 with them. It's got to be over a year ago. Over a</p> <p>18 year.</p> <p>19 COMMISSIONER HAUGEN-HOFFART: Okay.</p> <p>20 PAUL KUZEL: I don't know that for certain, but</p> <p>21 it's been a while back.</p> <p>22 COMMISSIONER HAUGEN-HOFFART: So we'll just say</p> <p>23 -- would you -- approximately a year ago?</p> <p>24 PAUL KUZEL: Right, yeah.</p> <p>25 COMMISSIONER HAUGEN-HOFFART: Did you retain the</p> <p>PAGE 304</p> |

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| <p>1 attorney or --</p> <p>2 PAUL KUZEL: No.</p> <p>3 COMMISSIONER HAUGEN-HOFFART: No?</p> <p>4 PAUL KUZEL: Haven't -- no.</p> <p>5 COMMISSIONER HAUGEN-HOFFART: Okay. Okay. No</p> <p>6 further questions. Thank you.</p> <p>7 ALJ HOGAN: Mr. Dawson, any questions?</p> <p>8 SUBSTITUTE DECISIONMAKER DAWSON: I have no</p> <p>9 questions. Thank you for coming.</p> <p>10 PAUL KUZEL: Thank you.</p> <p>11 ALJ HOGAN: Thank you, Mr. Kuzel. And I don't</p> <p>12 know, I didn't see your name on the sign-in sheet either</p> <p>13 so if you wouldn't mind signing in, I'd appreciate it.</p> <p>14 Is there anybody else that would like to provide</p> <p>15 public testimony?</p> <p>16 All right. I'll turn back to you, Mr. Jorde.</p> <p>17 MR. JORDE: Yes, thank you, Your Honor. We will</p> <p>18 call Valera Hayen.</p> <p>19 ALJ HOGAN: Good afternoon. I'll have you start</p> <p>20 by stating your full name for the record and spelling</p> <p>21 your last name.</p> <p>22 VALERA HAYEN: Valera Hayen, H-A-Y-E-N.</p> <p>23 ALJ HOGAN: And were you in the room earlier</p> <p>24 when I went through the penalties for perjury?</p> <p>25 VALERA HAYEN: Yes.</p> <p>PAGE 305</p> | <p>1 MR. JORDE: Absolutely.</p> <p>2 COMMISSIONER CHRISTMANN: Could you repeat the</p> <p>3 land description?</p> <p>4 MR. JORDE: So we're in Sargent County and it's</p> <p>5 sections 11, 14, and 15 in township 130 north, range 58</p> <p>6 west.</p> <p>7 COMMISSIONER CHRISTMANN: I'm good. Thank you.</p> <p>8 Q. (BY MR. JORDE) So, ma'am, now you testified, I</p> <p>9 believe, in this very room approximately a year ago</p> <p>10 about your concerns; is that correct?</p> <p>11 A. Yes, I did.</p> <p>12 Q. And from that time up until today, has Summit</p> <p>13 provided you any options, any reroutes, any type of</p> <p>14 feedback based on the worries and concerns you shared a</p> <p>15 year ago?</p> <p>16 A. I think the only thing they did is they sent</p> <p>17 another offer.</p> <p>18 Q. Okay. But not -- not -- if they did send an</p> <p>19 offer -- and I'm not familiar with that, but maybe they</p> <p>20 did -- did it address your concerns?</p> <p>21 A. No.</p> <p>22 Q. Okay. And then recently, in April 16th or</p> <p>23 thereabouts, you along with Mr. Leibel and my assistants</p> <p>24 prepared a letter, a potential modification of their</p> <p>25 proposed route, and then we sent that to their counsel.</p> <p>PAGE 307</p> |
| <p>1 ALJ HOGAN: And do you understand what perjury</p> <p>2 is?</p> <p>3 VALERA HAYEN: Yes.</p> <p>4 ALJ HOGAN: And being advised of the potential</p> <p>5 penalties for perjury, do you promise to tell the truth</p> <p>6 in this case today?</p> <p>7 VALERA HAYEN: Yes.</p> <p>8 ALJ HOGAN: All right. Thank you.</p> <p>9 Go ahead, Mr. Jorde.</p> <p>10 VALERA HAYEN.</p> <p>11 being first duly sworn, was examined and testified as</p> <p>12 follows:</p> <p>13 DIRECT EXAMINATION</p> <p>14 BY MR. JORDE:</p> <p>15 Q. Ma'am, your targeted land is in Sargent County,</p> <p>16 township 130 north, range 58 west, and in sections 11,</p> <p>17 14, and 15; is that correct?</p> <p>18 A. Yes.</p> <p>19 COMMISSIONER CHRISTMANN: Your Honor --</p> <p>20 Q. Okay. And, ma'am --</p> <p>21 ALJ HOGAN: Hang on.</p> <p>22 MR. JORDE: Oh, I'm sorry.</p> <p>23 COMMISSIONER CHRISTMANN: I'm sorry. I was</p> <p>24 making another note and I didn't write fast enough, but</p> <p>25 I'd like to be looking it up while --</p> <p>PAGE 306</p> | <p>1 Do you recall that?</p> <p>2 A. Yes.</p> <p>3 Q. And do you happen to have a copy? If not, it's</p> <p>4 in that big book and I'd have you turn to Tab No. 6,</p> <p>5 please.</p> <p>6 All right. Do you see that there, Tab No. 6</p> <p>7 with some colored maps attached?</p> <p>8 A. Yes.</p> <p>9 Q. All right.</p> <p>10 MR. JORDE: I will offer Exhibit Landowner 6.</p> <p>11 ALJ HOGAN: Any objection to 6?</p> <p>12 MR. GLUDT: No objection, Your Honor.</p> <p>13 A. This is the one that --</p> <p>14 ALJ HOGAN: Hang on.</p> <p>15 MR. JORDE: One moment. Just one second.</p> <p>16 ALJ HOGAN: Mr. Pelham, any objection?</p> <p>17 MR. PELHAM: No objection.</p> <p>18 ALJ HOGAN: All right. Landowner 6 is received.</p> <p>19 Q. (BY MR. JORDE) And there's another one that</p> <p>20 we're going to talk about in just a second.</p> <p>21 So there was the April 16th, 2024, letter that</p> <p>22 we sent out. And then we didn't get a response from</p> <p>23 that; is that correct?</p> <p>24 A. That's correct.</p> <p>25 Q. And then you said, "Let's try again." And then</p> <p>PAGE 308</p> |

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| <p>1 on May 17th, 2024, which starts on page 4 of this</p> <p>2 exhibit, you had us send yet another letter; correct?</p> <p>3 A. Yeah.</p> <p>4 Q. You got it there?</p> <p>5 A. May 17th?</p> <p>6 Q. Yes, ma'am.</p> <p>7 A. Uh-huh.</p> <p>8 Q. And then three days before this hearing we got</p> <p>9 what's kind of a template response letter from</p> <p>10 Mr. Bender of Summit about your property saying</p> <p>11 basically that they are open for dialogue. Do you</p> <p>12 recall that?</p> <p>13 A. No, I don't.</p> <p>14 Q. Okay. And that's fine. That's okay.</p> <p>15 All right, ma'am, so maybe you could put in your</p> <p>16 words what you were trying to attempt here with engaging</p> <p>17 in some dialogue with Summit related to rerouting just</p> <p>18 to kind of make it clear what you are asking for or</p> <p>19 suggesting.</p> <p>20 A. First of all, pasture is a crop just like any --</p> <p>21 like any other. And my land is environmentally</p> <p>22 sensitive. This project will completely destroy virgin</p> <p>23 prairie and it's gone forever. Truckloads of rocks will</p> <p>24 have to be hauled out, causing more damage, taking years</p> <p>25 and years to get it back -- to get any grass back. They</p> <p>PAGE 309</p> | <p>1 be kind of a black line running east-west and then</p> <p>2 north-south, is that your proposed reroute?</p> <p>3 A. Yes, it is.</p> <p>4 Q. And then your property relative to that reroute,</p> <p>5 where is it located?</p> <p>6 A. Mine is up in the hills. It would not touch my</p> <p>7 property.</p> <p>8 Q. Okay. Very good.</p> <p>9 And you, I remember, testified last year about</p> <p>10 the virgin prairie and pasture and that that was very</p> <p>11 important to you, you know, it can't be replaced. You</p> <p>12 had heard nothing about going around or at least</p> <p>13 preserving that area?</p> <p>14 A. No. No.</p> <p>15 Q. And so if -- you know, on May 21st, I'll tell</p> <p>16 you if you didn't see it yet, we got a letter from</p> <p>17 Summit and now they want to talk to us. Is there</p> <p>18 anything new you can share with them that you didn't</p> <p>19 already tell them a year ago?</p> <p>20 A. For one thing, there's no -- no roads up there.</p> <p>21 If they put the pipeline through there, there's no</p> <p>22 access. And in the wintertime it's -- it's full of</p> <p>23 snow. It would be very difficult.</p> <p>24 Q. And so when you say there's no access, they'd</p> <p>25 have to be driving and tromping across your property to</p> <p>PAGE 311</p> |
| <p>1 diagonally cut across leaving me no access to the field</p> <p>2 and no access to water for the cattle, unable to rent</p> <p>3 probably for two or three years.</p> <p>4 No one has talked to me or my neighbor, Paul</p> <p>5 Mathews, in about two years. You say 41 attempts. I --</p> <p>6 I got one text message asking me to bring my neighbor</p> <p>7 Paul over to talk. And some calls were made to my kids.</p> <p>8 I told you "no" on the first day the land agent came.</p> <p>9 And I texted "find another route" on July 13th, 2022.</p> <p>10 That message is still on my phone. "No" means "no." I</p> <p>11 don't think you even tried to find another route. You</p> <p>12 could have contacted me through my lawyer and he's tried</p> <p>13 to discuss easement language, but you have shut him off</p> <p>14 also.</p> <p>15 I tried to come up with another route through my</p> <p>16 land, but it does not work. Route A would get you</p> <p>17 through our township with the least impact on residents</p> <p>18 and, by following the quarter lines, minimize grief for</p> <p>19 farmers. No steep hills or large rocks. More closely</p> <p>20 following our Jackson township zoning.</p> <p>21 Q. Okay. Thank you.</p> <p>22 And I appreciate the verbal kind of -- you</p> <p>23 mentioned a route A, but I just want to be clear, if you</p> <p>24 can look at the maps right in front of you there, is the</p> <p>25 very last page, page 6, where you have what appears to</p> <p>PAGE 310</p> | <p>1 get to the pipeline?</p> <p>2 A. It would be very difficult.</p> <p>3 Q. Is that because of the topography?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And in the meantime since a year ago, did</p> <p>6 Summit provide you with any of the dispersion modeling</p> <p>7 or any of the risk analysis information?</p> <p>8 A. No, they haven't.</p> <p>9 Q. All right.</p> <p>10 A. My -- my house is about 500 feet from the line,</p> <p>11 from the route, and I wouldn't have time to get out,</p> <p>12 especially with a northwest wind. The county road</p> <p>13 heaves over winter, shifting rocks and -- and --</p> <p>14 shifting rocks have cut underground power lines. We</p> <p>15 would -- we would be forced to take the risk but not</p> <p>16 allowed to see the dispersion or see a safety plan or</p> <p>17 learn what to do. What are you hiding?</p> <p>18 Q. Now, you said about 500 feet. Has Summit</p> <p>19 presented you a waiver or kind of a form to try to get</p> <p>20 you to agree to have it located 500 or fewer feet from</p> <p>21 your home?</p> <p>22 A. No.</p> <p>23 Q. Do you know how Summit went about measuring from</p> <p>24 the pipeline to a residence in order to determine if it</p> <p>25 was or wasn't within 500 feet?</p> <p>PAGE 312</p> |

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| <p>1 A. No, I don't.</p> <p>2 Q. All right. And do you have any other buildings</p> <p>3 that anyone occupies that are closer than your home is</p> <p>4 to the proposed route?</p> <p>5 A. No.</p> <p>6 Q. Okay. Do you live there alone, ma'am?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And you have concerns being that close,</p> <p>9 approximately 500 feet, of what -- what would happen out</p> <p>10 there by yourself?</p> <p>11 A. Yes.</p> <p>12 And another thing is they -- they'll need more</p> <p>13 electricity. We already have brownouts occasionally.</p> <p>14 And we don't need more problems with that.</p> <p>15 Q. And are you referencing Mr. Pickering, one of</p> <p>16 their witnesses, that said it's actually a benefit that</p> <p>17 this pipeline would consumer more energy and be more of</p> <p>18 a draw on the grid?</p> <p>19 A. Yes.</p> <p>20 Q. And you don't agree with that?</p> <p>21 A. No.</p> <p>22 Q. Do you depend on electricity in your area?</p> <p>23 A. Yes, we do.</p> <p>24 Q. Are there any other comments or information</p> <p>25 you'd like to share?</p> <p>PAGE 313</p> | <p>1 where they wanted it instead of come down here?</p> <p>2 So I guess that's it.</p> <p>3 Q. Is that all you have there, Valera?</p> <p>4 Okay. So to be clear, the request is, if this</p> <p>5 isn't denied outright, that you would like the</p> <p>6 Commission to direct Summit to reroute around you</p> <p>7 substantially similar to how you've proposed in your</p> <p>8 Exhibit 6?</p> <p>9 A. Yes.</p> <p>10 Q. Yes?</p> <p>11 A. And we've talked about this over with our</p> <p>12 township and this is what we --</p> <p>13 Q. What was that about the township? Did they --</p> <p>14 A. It's our zoning.</p> <p>15 Q. Okay. And the zoning was what?</p> <p>16 A. Stay a half a mile away from any residence.</p> <p>17 Q. Okay. All right.</p> <p>18 A. And there's conditions about boring under the</p> <p>19 road and -- and a conditional use permit.</p> <p>20 Q. Okay. And you would like that to be respected?</p> <p>21 A. Yes.</p> <p>22 Q. All right. Thank you very much. I appreciate</p> <p>23 it. I don't have anything further.</p> <p>24 ALJ HOGAN: Mr. Gludt, any questions?</p> <p>25 MR. GLUDT: Yes, Your Honor.</p> <p>PAGE 315</p> |
| <p>1 A. Well, with that Louisiana leak, they talked</p> <p>2 about animals being affected at 1 percent and --</p> <p>3 1 percent concentration. So what about my renter's</p> <p>4 cattle up in the hills and everything? They maybe even</p> <p>5 won't want to rent it anymore. All of this is affecting</p> <p>6 my livelihood.</p> <p>7 Q. And then the cattle, how close is the cattle or</p> <p>8 the pasture or the yard to where the proposed pipeline</p> <p>9 is?</p> <p>10 A. There's cattle right across the road from me.</p> <p>11 Q. Okay. So --</p> <p>12 A. Which isn't my land, but there's -- there's</p> <p>13 cattle there too.</p> <p>14 Q. Okay. So within a few hundred feet --</p> <p>15 A. Yeah.</p> <p>16 Q. -- 500 feet or so?</p> <p>17 A. Mine -- mine is a little farther away but --</p> <p>18 Q. Okay.</p> <p>19 A. A half a mile.</p> <p>20 Q. Okay. All right. What else, ma'am?</p> <p>21 A. What about liability for -- for these cattle?</p> <p>22 Something happens there, who's -- who's going to pay for</p> <p>23 that? And this is for -- for one ethanol plant. And I</p> <p>24 can't see doing all this damage in our -- in our state</p> <p>25 for one plant. Why didn't they keep it up by Casselton</p> <p>PAGE 314</p> | <p>1 CROSS EXAMINATION</p> <p>2 BY MR. GLUDT:</p> <p>3 Q. Ms. Hayen, would you allow Summit or its</p> <p>4 representatives on your property to do surveys on the</p> <p>5 areas of -- of your proposed reroutes?</p> <p>6 A. That's not on my property. The reroute is not</p> <p>7 on my property.</p> <p>8 Q. Your proposed reroutes is off your property?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Thank you.</p> <p>11 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>12 MR. PELHAM: I don't have any questions for you,</p> <p>13 ma'am. Thank you.</p> <p>14 ALJ HOGAN: Mr. Schock.</p> <p>15 CROSS EXAMINATION</p> <p>16 BY MR. SCHOCK:</p> <p>17 Q. I'd just like to clarify where your house is</p> <p>18 that you -- or your residence. Sorry.</p> <p>19 A. I'm in section 12 and it's right by the county</p> <p>20 road. And that road heaves every winter.</p> <p>21 Q. Okay. So you're in section 12. And it looks</p> <p>22 like you are in the south -- I'm assuming the southwest</p> <p>23 quarter of section 12?</p> <p>24 A. Yes.</p> <p>25 Q. And towards the top of that --</p> <p>PAGE 316</p> |

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| <p>1 A. Uh-huh.</p> <p>2 Q. -- quarter section? Okay. I see. Okay. Just</p> <p>3 wanted to be sure.</p> <p>4 Thank you very much. I don't have any other</p> <p>5 questions.</p> <p>6 ALJ HOGAN: Commissioner Christmann.</p> <p>7 COMMISSIONER CHRISTMANN: That was my only</p> <p>8 question. Thank you for being here, though.</p> <p>9 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>10 COMMISSIONER HAUGEN-HOFFART: No questions, but</p> <p>11 thank you for your testimony.</p> <p>12 ALJ HOGAN: Mr. Dawson.</p> <p>13 SUBSTITUTE DECISIONMAKER DAWSON: No questions.</p> <p>14 Thank you.</p> <p>15 ALJ HOGAN: Any redirect?</p> <p>16 MR. JORDE: No, thank you.</p> <p>17 ALJ HOGAN: Thank you, ma'am.</p> <p>18 Next witness.</p> <p>19 MR. JORDE: We will call Ben Dotzenrod.</p> <p>20 ALJ HOGAN: All right. I'll have you start by</p> <p>21 stating your full name for the record.</p> <p>22 BENJAMIN DOTZENROD: Ben Dotzenrod,</p> <p>23 D-O-T-Z-E-N-R-O-D.</p> <p>24 ALJ HOGAN: And, Mr. Dotzenrod, were you in the</p> <p>25 room earlier when I went through the penalties for</p> <p>PAGE 317</p> | <p>1 received into evidence?</p> <p>2 A. Landowner 30?</p> <p>3 Q. Well, would you like the Commission to have this</p> <p>4 document?</p> <p>5 A. Yes, yes.</p> <p>6 MR. JORDE: Your Honor, I would request that</p> <p>7 what we've just handed out from Mr. Dotzenrod be noted</p> <p>8 as Landowner 30 and be offered into evidence.</p> <p>9 ALJ HOGAN: Any objection to Landowner 30,</p> <p>10 Mr. Gludt?</p> <p>11 MR. GLUDT: No, Your Honor.</p> <p>12 ALJ HOGAN: Mr. Pelham.</p> <p>13 MR. PELHAM: No objection.</p> <p>14 ALJ HOGAN: All right. 30 is received.</p> <p>15 Q. (BY MR. JORDE) Now, sir, I noticed you've got</p> <p>16 a lot of things going on up there and I just hope that</p> <p>17 we can focus maybe on some new concerns or issues.</p> <p>18 Let me start with Landowner 30. You have a red</p> <p>19 line kind of in marker or Sharpie notated on the bottom</p> <p>20 of the first page. What does that depict?</p> <p>21 A. So that is a drainage easement that Rose</p> <p>22 Dotzenrod holds on this property.</p> <p>23 Q. Okay. And that's your mother?</p> <p>24 A. Correct.</p> <p>25 Q. All right. And is the point to depict that this</p> <p>PAGE 319</p> |
| <p>1 perjury?</p> <p>2 BENJAMIN DOTZENROD: Yes.</p> <p>3 ALJ HOGAN: And do you understand what perjury</p> <p>4 is?</p> <p>5 BENJAMIN DOTZENROD: Yes.</p> <p>6 ALJ HOGAN: And being advised of the potential</p> <p>7 penalties for perjury, do you promise to tell the truth</p> <p>8 in this case today?</p> <p>9 BENJAMIN DOTZENROD: Yes.</p> <p>10 ALJ HOGAN: All right. Thank you.</p> <p>11 And, Mr. Jorde, I'll just note that</p> <p>12 Mr. Dotzenrod testified twice in our prior set of</p> <p>13 hearings so I'd ask that you please do not go over</p> <p>14 ground we've already covered.</p> <p>15 MR. JORDE: That's my hope, that's my intent,</p> <p>16 Your Honor.</p> <p>17 ALJ HOGAN: Thank you.</p> <p>18 <u>BEN DOTZENROD.</u></p> <p>19 being first duly sworn, was examined and testified as</p> <p>20 follows:</p> <p>21 DIRECT EXAMINATION</p> <p>22 BY MR. JORDE:</p> <p>23 Q. Sir, just to start off, you handed us, all of</p> <p>24 us, a color aerial map, a two-page document. Do you</p> <p>25 wish that this be marked as Landowner 30 and offered and</p> <p>PAGE 318</p> | <p>1 Summit pipeline route still crosses this drainage</p> <p>2 easement?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. Very good.</p> <p>5 Where to start with you. Okay. So you're aware</p> <p>6 that since a year ago -- and I think the Dotzenrods, you</p> <p>7 were specifically mentioned, I believe, in the PSC</p> <p>8 denial order -- that Summit has slightly jogged around</p> <p>9 your legal property boundary; correct?</p> <p>10 A. Correct. And they -- they were aware that this</p> <p>11 drainage easement was held. They were informed multiple</p> <p>12 times.</p> <p>13 Q. Okay. And so then today are we able to kind of</p> <p>14 confine your concern to how you're still being affected</p> <p>15 in relation to the drainage easement? Is that what</p> <p>16 we're going to do here?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Go ahead.</p> <p>19 A. Okay. So -- so I -- there is a signed easement</p> <p>20 on -- it's the Ulven family. I don't remember the name</p> <p>21 but --</p> <p>22 Q. In relation to Landowner 30, which parcel is</p> <p>23 that?</p> <p>24 A. So it would be the what? The northeast quarter</p> <p>25 where they have it routed currently.</p> <p>PAGE 320</p> |

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| <p>1 Q. Okay. So north of the drainage easement. Is it</p> <p>2 north of the drainage easement? I just want to make</p> <p>3 sure the Commission understands.</p> <p>4 A. So the proposed route now intersects the</p> <p>5 drainage easement --</p> <p>6 Q. Okay. Go ahead.</p> <p>7 A. -- at a 90-degree angle. And so in -- in that</p> <p>8 easement, you know, there's some restrictions placed on</p> <p>9 the Ulvens. You know, they're not able to drill wells</p> <p>10 and, you know, dig holes and stuff. But I guess my big</p> <p>11 concern is third-party strikes. Because Rose doesn't</p> <p>12 have those restrictions on her. You know, she's --</p> <p>13 she's going to have to dig holes and drill wells to</p> <p>14 repair these tile lines.</p> <p>15 And there's all kinds of evidence out there</p> <p>16 that's already been submitted that the subsoils in</p> <p>17 northwest Richland County are just really unstable; they</p> <p>18 don't -- they don't have structure. We're outside of</p> <p>19 the Red River Valley. We're --</p> <p>20 MR. GLUDT: Your Honor, I'm going to go ahead</p> <p>21 and object. The Commission's August 4th, 2023, order</p> <p>22 found that the impacts associated with drain tile are an</p> <p>23 acceptable minimum. It appears that Mr. Dotzenrod is</p> <p>24 going to dive into that issue.</p> <p>25 ALJ HOGAN: And I agree.</p> <p>PAGE 321</p> | <p>1 one and the same issue and we're continuing to talk</p> <p>2 about it.</p> <p>3 MR. JORDE: Well --</p> <p>4 ALJ HOGAN: Maybe if you could have him</p> <p>5 summarize the ongoing issues in relation to the drainage</p> <p>6 tile without going into the specifics. Because we</p> <p>7 received a lot of testimony on that particular issue,</p> <p>8 and the Commission has already made a finding or</p> <p>9 conclusion that Summit has adequately addressed that</p> <p>10 issue.</p> <p>11 Q. (BY MR. JORDE) So, again, if I could just have</p> <p>12 you turn to Tab 7 in that book, that white three-ring</p> <p>13 binder.</p> <p>14 Yes, if you could just turn to the next tab, I</p> <p>15 think. And why don't you just tell us what -- what is</p> <p>16 Landowner 7 and why do you think that's important for</p> <p>17 the Commission?</p> <p>18 A. This is across the road from Rose Dotzenrod's</p> <p>19 property. It was taken in February of this year. And</p> <p>20 that's -- that's a collapsing -- it's a place that needs</p> <p>21 drain tile repair. These pictures are not uncommon.</p> <p>22 MR. GLUDT: Your Honor, I'm just going to object</p> <p>23 again and I'm going to also object to the inclusion or</p> <p>24 admission of this photo into evidence.</p> <p>25 ALJ HOGAN: Again, I think the Commission's</p> <p>PAGE 323</p> |
| <p>1 Mr. Dotzenrod, the Commission has already</p> <p>2 addressed the drainage tile issues. So if you have</p> <p>3 concerns outside of that, we can hear those, but they do</p> <p>4 not intend to take further testimony on that.</p> <p>5 THE WITNESS: Well, these are about third-party</p> <p>6 strikes related to repairs to this drainage easement</p> <p>7 so --</p> <p>8 MR. PELHAM: Your Honor, it's proper for the</p> <p>9 attorney to respond to an objection, not the witness.</p> <p>10 MR. JORDE: Well, yes.</p> <p>11 Q. (BY MR. JORDE) So rather than talking about --</p> <p>12 I mean, we've had a lot of testimony about tiles</p> <p>13 themselves, but the -- is the drainage easement, is that</p> <p>14 something you're -- is it one and the same in your mind</p> <p>15 or is it something different, the easement versus</p> <p>16 tiling?</p> <p>17 A. It's -- I guess it's -- they're the same thing.</p> <p>18 I mean, the drainage easement is to repair drain tile.</p> <p>19 Q. Okay. I'm just trying to help you here. Is the</p> <p>20 concern that you won't have an agreement with Summit,</p> <p>21 not that you want one, but that you're not covered in</p> <p>22 the same way related to this third-party strike issue?</p> <p>23 A. Right. So in your document, I think --</p> <p>24 MR. GLUDT: Your Honor, I'm going to go ahead</p> <p>25 and object. I think the witness just admitted that it's</p> <p>PAGE 322</p> | <p>1 already ruled on this so this is outside of why this</p> <p>2 case was re-opened.</p> <p>3 MR. JORDE: Okay. So I guess my response would</p> <p>4 be that I don't disagree that the Commission's addressed</p> <p>5 it. And Ellingson is the contractor and it appears --</p> <p>6 Q. (BY MR. JORDE) Is the intent to show this,</p> <p>7 that there's still problems with Ellingson?</p> <p>8 A. Yes. So it -- you know, Ellingson --</p> <p>9 MR. GLUDT: Your Honor, we've addressed this.</p> <p>10 Can we get an affirmative sustainment of the objection</p> <p>11 so we can move on?</p> <p>12 ALJ HOGAN: Yeah, I'm going to --</p> <p>13 MR. PELHAM: I'd also object as to foundation.</p> <p>14 I don't know that we know what is even going on here, if</p> <p>15 this witness is -- that hasn't been established either.</p> <p>16 ALJ HOGAN: I agree. I'm going to sustain the</p> <p>17 objections. So we need to move on.</p> <p>18 Q. (BY MR. JORDE) Okay. Who took this</p> <p>19 photograph?</p> <p>20 A. I did.</p> <p>21 Q. Okay. And then now as an offer of proof, sir,</p> <p>22 are you offering the photo that you took related to</p> <p>23 Ellingson and related to, obviously, drainage repairs</p> <p>24 and soil issues to show that Ellingson's promises and</p> <p>25 claims they made should not be relied upon in the</p> <p>PAGE 324</p> |

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| <p>1 future?</p> <p>2 A. Correct.</p> <p>3 Q. All right.</p> <p>4 MR. JORDE: Well, for that limited purpose, then</p> <p>5 I would offer Exhibit 7, Landowner Exhibit 7.</p> <p>6 MR. GLUDT: Same objection, Your Honor. It</p> <p>7 should not come into evidence.</p> <p>8 ALJ HOGAN: Mr. Pelham.</p> <p>9 MR. PELHAM: I would join in the objection. I</p> <p>10 think that this -- this issue has been determined by the</p> <p>11 Commission already and this witness has not offered any</p> <p>12 background testimony establishing what this photograph</p> <p>13 is other than he's taken the photograph.</p> <p>14 THE WITNESS: I would like to.</p> <p>15 MR. PELHAM: We don't have -- we don't have</p> <p>16 testimony from anyone at Ellingson. We don't know what</p> <p>17 this is. And this witness has not -- has not indicated</p> <p>18 what this is specifically.</p> <p>19 THE WITNESS: I would like to.</p> <p>20 MR. PELHAM: I don't think that it's -- the</p> <p>21 foundation has been established either. Thank you.</p> <p>22 ALJ HOGAN: I am not going to receive this</p> <p>23 photo. I agree with the objections that have been made.</p> <p>24 MR. JORDE: As to the foundational objection, I</p> <p>25 can cure that.</p> <p>PAGE 325</p> | <p>1 THE WITNESS: I'm trying to help.</p> <p>2 ALJ HOGAN: Are you talking about tile or pipe?</p> <p>3 A strike on the pipe or --</p> <p>4 THE WITNESS: I'm talking about --</p> <p>5 ALJ HOGAN: -- damage to the tile?</p> <p>6 THE WITNESS: I'm talking about digging a hole.</p> <p>7 Q. (BY MR. JORDE) But in relation to damaging the</p> <p>8 pipe, the proposed pipeline?</p> <p>9 A. Concerned the pipeline will be damaged.</p> <p>10 Q. Okay.</p> <p>11 MR. GLUDT: Mr. Dotzenrod has already testified</p> <p>12 to his concerns about third-party strikes.</p> <p>13 MR. PELHAM: I would concur. We all remember</p> <p>14 the demonstration that he had for us in Gwinner.</p> <p>15 THE WITNESS: That was completely different.</p> <p>16 That doesn't have anything to do with --</p> <p>17 MR. PELHAM: Third-party strikes?</p> <p>18 THE WITNESS: The demonstration has nothing to</p> <p>19 do with what I'm talking about. I'm talking about</p> <p>20 digging a hole.</p> <p>21 MR. JORDE: I mean, I feel like he can testify</p> <p>22 about that.</p> <p>23 ALJ HOGAN: I will allow you very limited</p> <p>24 testimony. I mean, I'm not trying -- if you have</p> <p>25 something new to say, Mr. Dotzenrod, I'm going to allow</p> <p>PAGE 327</p> |
| <p>1 ALJ HOGAN: Well, I think the problem is the</p> <p>2 Commission has already made this finding on this issue.</p> <p>3 We don't have somebody from Ellingson to address this</p> <p>4 issue. And that's -- we're going to move on.</p> <p>5 MR. JORDE: Okay.</p> <p>6 Q. (BY MR. JORDE) Relative to the drainage</p> <p>7 easement, is there anything else that doesn't have to do</p> <p>8 with concerns about tiling that hasn't been addressed</p> <p>9 before that you'd like to share?</p> <p>10 A. Just that it does seem contradictory that, you</p> <p>11 know -- my biggest fear is third-party strikes. So, you</p> <p>12 know, in normal repair, we're going to be digging next</p> <p>13 to this thing.</p> <p>14 MR. GLUDT: Objection, Your Honor. Same</p> <p>15 objection.</p> <p>16 A. It's in --</p> <p>17 ALJ HOGAN: I already sustained the objection.</p> <p>18 We need to move on.</p> <p>19 THE WITNESS: I'm not talking about tiling. I'm</p> <p>20 talking about digging.</p> <p>21 MR. JORDE: Yeah, I thought he changed --</p> <p>22 MR. GLUDT: Tile.</p> <p>23 THE WITNESS: I didn't say that. You did.</p> <p>24 MR. JORDE: Yeah, he's talking about third-party</p> <p>25 strikes to the pipeline regardless.</p> <p>PAGE 326</p> | <p>1 you to do that, but I feel like we're getting really</p> <p>2 close into what you spent time testifying about at the</p> <p>3 last hearing -- two hearings.</p> <p>4 MR. JORDE: So basically she's giving you a very</p> <p>5 small amount of leeway so if you can maybe succinctly</p> <p>6 express the concern and we can --</p> <p>7 ALJ HOGAN: As long as it's something we haven't</p> <p>8 already received into evidence.</p> <p>9 THE WITNESS: Sure. So how about the liability</p> <p>10 on third-party strikes? That's not something I think</p> <p>11 I've talked about.</p> <p>12 MR. GLUDT: We've addressed that, Your Honor.</p> <p>13 The Commission has addressed it in its order.</p> <p>14 THE WITNESS: Not -- no, no, no.</p> <p>15 MR. JORDE: That's not true.</p> <p>16 THE WITNESS: Not in this area.</p> <p>17 MR. JORDE: Yeah, it's the --</p> <p>18 THE WITNESS: On page --</p> <p>19 MR. JORDE: The third-party strikes are</p> <p>20 specifically not addressed.</p> <p>21 MR. GLUDT: Mr. Dotzenrod said liability for</p> <p>22 third-party strikes.</p> <p>23 ALJ HOGAN: Did you say "liability" or</p> <p>24 "viability"? I heard "viability."</p> <p>25 THE WITNESS: L.</p> <p>PAGE 328</p> |

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| <p>1 ALJ HOGAN: Liability?</p> <p>2 THE WITNESS: Liability for third-party strikes.</p> <p>3 MR. GLUDT: My objection stands.</p> <p>4 MR. JORDE: Well, just to try to clear up the</p> <p>5 confusion, the order related -- the August 2023 order</p> <p>6 related to liability and insurance was Mr. Rorie's</p> <p>7 comments that Summit would have -- would provide</p> <p>8 indemnification for issues other than third-party</p> <p>9 strikes. And I think he's talking about third-party</p> <p>10 strikes. So that hasn't been addressed.</p> <p>11 ALJ HOGAN: Well, if you can briefly address it,</p> <p>12 Mr. Dotzenrod, I'll allow you to do that.</p> <p>13 THE WITNESS: Okay. Sure.</p> <p>14 A. So, you know, Rose has no agreement with Summit.</p> <p>15 Therefore, she has no liability coverage with Summit.</p> <p>16 And we also -- she was not able to obtain coverage for a</p> <p>17 third-party strike in this easement area because that's</p> <p>18 what our agent informed us, that we wouldn't have any</p> <p>19 coverage for that. And we also wouldn't be covered</p> <p>20 under Summit. So that would be -- you know, I think you</p> <p>21 guys use the term "minimal -- minimal adverse effects."</p> <p>22 And I can tell you that, if that were to occur, it would</p> <p>23 be a big deal.</p> <p>24 Warren Buffett likes to talk about you don't</p> <p>25 want to multiply by zero; right? That would be me</p> <p>PAGE 329</p> | <p>1 And there has been some discussion here today</p> <p>2 about alternatives to this, you know, the whole "Can</p> <p>3 this be done more efficiently?" And in Decatur,</p> <p>4 Illinois, they've been injecting carbon dioxide in the</p> <p>5 ground for years now and they're -- they're drilling new</p> <p>6 wells there. So I -- I think that's an important piece</p> <p>7 of information.</p> <p>8 And, yes, I think -- I think I'm good.</p> <p>9 Q. Okay. Well, I appreciate your testimony and all</p> <p>10 the working hours you've spent on this. And I don't</p> <p>11 have any further questions, Ben.</p> <p>12 COMMISSIONER HAUGEN-HOFFART: I'm going to make</p> <p>13 a -- can I just have one minute? Can we recess one</p> <p>14 minute? I want to consult.</p> <p>15 ALJ HOGAN: Sure.</p> <p>16 (Pause)</p> <p>17 COMMISSIONER HAUGEN-HOFFART: Thank you.</p> <p>18 ALJ HOGAN: Yep. All right. Mr. Gludt, any</p> <p>19 questions for Mr. Dotzenrod?</p> <p>20 MR. GLUDT: No, Your Honor.</p> <p>21 ALJ HOGAN: Mr. Pelham.</p> <p>22 MR. PELHAM: Yeah.</p> <p>23 CROSS EXAMINATION</p> <p>24 BY MR. PELHAM:</p> <p>25 Q. Mr. Dotzenrod, thanks for being here again. And</p> <p>PAGE 331</p> |
| <p>1 multiplying by zero. And I wouldn't be farming anymore.</p> <p>2 So, yeah.</p> <p>3 Q. (BY MR. JORDE) And I think you did a nice job</p> <p>4 to summarize that up. Was there any different topic?</p> <p>5 A. Yes. So I guess generally I'm -- I just want to</p> <p>6 thank -- I didn't appreciate it the first time but I'm</p> <p>7 -- you guys have a tough job and you're supposed to</p> <p>8 somehow protect the rights of a lot of different</p> <p>9 parties, you know, like myself and other citizens and</p> <p>10 also big business. And I just -- I want to recognize</p> <p>11 that that's difficult.</p> <p>12 And I didn't appreciate the chance to testify</p> <p>13 the first time, but I just want to say I'm really --</p> <p>14 really thankful to live in this -- in this country, in</p> <p>15 this state, where -- where we have the rule of law.</p> <p>16 Q. Ben, we appreciate that. And your testimony and</p> <p>17 everything you've shared, that's maybe a good stopping</p> <p>18 point. Is that okay?</p> <p>19 A. No, I'm good.</p> <p>20 Q. Okay.</p> <p>21 A. So, yes, I wanted to thank you, and just the</p> <p>22 communication's been horrendous. I don't think I need</p> <p>23 to go into that too much more. It's been like a lot of</p> <p>24 people have said, the -- this is where it's going, deal</p> <p>25 with it. And, yeah, that's not fun. There's that.</p> <p>PAGE 330</p> | <p>1 as to your exhibit which has been marked as Exhibit 30,</p> <p>2 the red line indicates a drainage easement that your</p> <p>3 mother has on property owned by, and I'm going to</p> <p>4 butcher the pronunciation, it starts with a U. Maybe</p> <p>5 you can help me out with that.</p> <p>6 A. Ulven.</p> <p>7 Q. Ulven, okay.</p> <p>8 A. Yeah.</p> <p>9 Q. So the Ulvens own the land where the red marking</p> <p>10 is at on Exhibit 30; correct?</p> <p>11 A. You know, I should have kept a copy. Is there</p> <p>12 an extra one just to be sure?</p> <p>13 Q. Oh, sorry. I thought you had it up there. I</p> <p>14 apologize.</p> <p>15 ALJ HOGAN: There's some extras here too.</p> <p>16 A. Okay. Okay. So I think we used orange</p> <p>17 highlighter but, yeah, kind of a reddish --</p> <p>18 Q. Reddish-orange?</p> <p>19 A. -- thick --</p> <p>20 Q. Yeah.</p> <p>21 A. -- very thick --</p> <p>22 Q. Uh-huh.</p> <p>23 A. Correct. That's the drainage easement.</p> <p>24 Q. And it's true, though, sir, that your mother</p> <p>25 does not own the fee simple estate to that property;</p> <p>PAGE 332</p> |

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| <p>1 correct? She just owns an interest in it. She owns an</p> <p>2 easement to drain water or have water drained onto that</p> <p>3 property owned by the Ulvens; right?</p> <p>4 A. To drain. And I hope I don't get into trouble</p> <p>5 for this --</p> <p>6 Q. No, no.</p> <p>7 A. I'm going to say the "D" word. Drain tile.</p> <p>8 Q. Drain tile. Okay.</p> <p>9 A. It's a buried drain tile line.</p> <p>10 Q. Right. Okay. But -- and as I understood your</p> <p>11 testimony was, is not -- this line doesn't cross and</p> <p>12 doesn't -- isn't contained on any property that is owned</p> <p>13 by your mother any longer, the reroute; correct?</p> <p>14 A. That's my understanding, that it's all on the</p> <p>15 northeast quarter, whereas Rose owns the northwest</p> <p>16 quarter.</p> <p>17 Q. Okay.</p> <p>18 A. Yeah.</p> <p>19 Q. And so I just wanted to be clear that the</p> <p>20 reddish-orange or orangish-red marking where it's shown</p> <p>21 -- where the line is shown to be crossing, that is not</p> <p>22 property that your mother owns; she has an easement in</p> <p>23 it, but she does not own the property. Correct?</p> <p>24 A. Correct. But property ownership is just a</p> <p>25 bundle of sticks; right? If you -- if you give a bundle</p> <p>PAGE 333</p> | <p>1 Q. Well, it either does or it doesn't.</p> <p>2 A. Well, you're a lawyer, aren't you?</p> <p>3 Q. It either allows it or it doesn't.</p> <p>4 A. Okay. Well, No. 4 on page 2, restriction on the</p> <p>5 use of the easement. "Grantor shall not construct or</p> <p>6 locate any permanent improvement within the easement</p> <p>7 area at any time which will interfere with the</p> <p>8 maintenance or repair of the tiling --" again, tiling</p> <p>9 "-- system or outlet pipes by the Grantee."</p> <p>10 So I mean if it -- if this interfered with</p> <p>11 Rose's drainage, then yes.</p> <p>12 Q. Let me ask you this. How is --</p> <p>13 A. There would be --</p> <p>14 Q. How is a buried pipeline going to interfere with</p> <p>15 a drainage easement?</p> <p>16 A. How would it not? The -- you know, we have very</p> <p>17 -- northwest Richland County, the soils are very</p> <p>18 unstable. That's been pretty well documented. And, you</p> <p>19 know, there's -- this is not uncommon. This happens all</p> <p>20 the time in my -- my world. Okay? So I mean --</p> <p>21 Q. All right, sir. I don't have any other</p> <p>22 questions for you. Thank you.</p> <p>23 ALJ HOGAN: Mr. Schock, any questions?</p> <p>24 MR. SCHOCK: Just briefly.</p> <p>25</p> <p>PAGE 335</p> |
| <p>1 a stick, then you are an owner.</p> <p>2 Q. Well, I mean, it depends on what the easement</p> <p>3 says and we don't have the easement --</p> <p>4 A. Right. Well, I do.</p> <p>5 Q. You do?</p> <p>6 A. Yeah, of course.</p> <p>7 Q. Can we see a copy of it?</p> <p>8 (Pause)</p> <p>9 A. I guess I only have three so...</p> <p>10 (Pause)</p> <p>11 UNIDENTIFIED SPEAKER: It's already an exhibit</p> <p>12 in this docket, 480, Exhibit B.</p> <p>13 ALJ HOGAN: You said it's already on the docket?</p> <p>14 UNIDENTIFIED SPEAKER: Yes.</p> <p>15 UNIDENTIFIED SPEAKER: Which docket did you say</p> <p>16 it was in?</p> <p>17 MR. PELHAM: 480. And it's already admitted as</p> <p>18 an exhibit as well.</p> <p>19 Q. (BY MR. PELHAM) So the easement, as you</p> <p>20 understand it, sir -- and certainly the document speaks</p> <p>21 for itself and we're not going to go through every</p> <p>22 portion of it. Do you know if the easement prevents or</p> <p>23 precludes placement of a pipeline across the easement?</p> <p>24 A. Not specifically. Let's see, under No. 4 -- it</p> <p>25 depends, I guess is the answer.</p> <p>PAGE 334</p> | <p>1 CROSS EXAMINATION</p> <p>2 BY MR. SCHOCK:</p> <p>3 Q. I just want to understand your concern about the</p> <p>4 third-party line strikes. You're concerned about</p> <p>5 somebody other than Summit or yourself striking the</p> <p>6 pipeline or the tile line?</p> <p>7 A. I'm -- I'm concerned about the pipeline being</p> <p>8 struck.</p> <p>9 Q. By a third party?</p> <p>10 A. By myself or anyone else.</p> <p>11 When you're working in these soils, you know --</p> <p>12 again, I already submitted information like a year ago</p> <p>13 from the Natural Resource Conservation Service where</p> <p>14 they -- they don't recommend shallow excavations in this</p> <p>15 area. They don't recommend deep excavations in this</p> <p>16 area. Water infiltration rates are really slow.</p> <p>17 Corrosion of steel is high. They don't recommend</p> <p>18 digging in this area and -- but we're going to have to</p> <p>19 do that at some point.</p> <p>20 And it's common to have more than one backhoe</p> <p>21 operating in the same hole because the soil keeps</p> <p>22 collapsing. You know, as you -- you know, excavator</p> <p>23 will dig down and the hole collapses and gets bigger so</p> <p>24 these chunks of soil are falling down, which, you know,</p> <p>25 it's a real mess, if you've ever seen it happen, where</p> <p>PAGE 336</p> |

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| <p>1 you have one person digging down and then another person</p> <p>2 pulling the stuff that's falling down out and they kind</p> <p>3 of have a rhythm going. It's impressive, but it's</p> <p>4 terrifying. It's a dangerous environment. And -- so it</p> <p>5 doesn't -- it wouldn't take much. You know, in these</p> <p>6 repairs, a lot of times holes are left open for a month</p> <p>7 unless you can actually get them fixed. So it doesn't</p> <p>8 -- I mean, it's very easy to make a mistake in these</p> <p>9 soils.</p> <p>10 And, yeah, that -- a mistake will be made next</p> <p>11 to this pipeline with drainage repairs. It's going to</p> <p>12 happen. And I -- I think the State should know about</p> <p>13 that because there's a reason there aren't many</p> <p>14 pipelines in this area, and I think it's because of the</p> <p>15 unstable subsoils.</p> <p>16 Q. I don't think I would disagree that it's likely</p> <p>17 a very challenging soil to work in. We do have a lot of</p> <p>18 rules in the state, actually, quite honestly, laws.</p> <p>19 So are you familiar with North Dakota Century</p> <p>20 Code 49, Chapter 23?</p> <p>21 A. Not specifically.</p> <p>22 Q. So --</p> <p>23 A. Is that like a one-call, I'm assuming?</p> <p>24 Q. Yes.</p> <p>25 A. Something like that.</p> <p>PAGE 337</p> | <p>1 damages to someone caused by a leak from this pipeline</p> <p>2 won't cover you somehow because you're not a -- you're</p> <p>3 not a participant. Is that right?</p> <p>4 THE WITNESS: Correct. We have no insurance.</p> <p>5 COMMISSIONER CHRISTMANN: Okay. So if it's not</p> <p>6 on your land, what would you need insurance from? Where</p> <p>7 would it -- where would you have liability?</p> <p>8 THE WITNESS: Because we have the right to dig</p> <p>9 holes next to the pipeline in this drainage easement.</p> <p>10 COMMISSIONER CHRISTMANN: Okay. Now I</p> <p>11 understand your concern. So thank you.</p> <p>12 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>13 COMMISSIONER HAUGEN-HOFFART: Thank you for your</p> <p>14 testimony. And I also want to thank you for the</p> <p>15 compliment to us as commissioners on making this</p> <p>16 decision. Thank you for recognizing that.</p> <p>17 THE WITNESS: Yeah. Yeah, it -- I didn't --</p> <p>18 took a while to sink in, took me a year, but it's got to</p> <p>19 be -- it's got to be a difficult job, that's for sure.</p> <p>20 Yeah.</p> <p>21 ALJ HOGAN: Mr. Dawson, any questions?</p> <p>22 SUBSTITUTE DECISIONMAKER DAWSON: No questions.</p> <p>23 Thank you.</p> <p>24 ALJ HOGAN: Any redirect, Mr. Jorde?</p> <p>25 MR. JORDE: I'd just like to get the easement</p> <p>PAGE 339</p> |
| <p>1 Q. It's the one-call law. And it's pretty</p> <p>2 extensive. Not terribly long, but it covers a lot of</p> <p>3 things. And one thing, I think just in relation to this</p> <p>4 easement that you have here, do you know if your mother</p> <p>5 participates in the one-call system? And by</p> <p>6 "participates," I don't mean call one-call before she</p> <p>7 digs a hole, but does she have this drain tile line</p> <p>8 registered with the one-call system?</p> <p>9 A. I don't know.</p> <p>10 Q. Because it sounds like, technically, it might be</p> <p>11 required to be registered, and just for that very</p> <p>12 reason, so that if someone is going to dig in the area,</p> <p>13 you can ensure that someone is notified so you can say,</p> <p>14 "Hey, there's a thing here, you need to be careful."</p> <p>15 That's all I have. Thank you.</p> <p>16 A. Okay.</p> <p>17 ALJ HOGAN: Commissioner Christmann.</p> <p>18 COMMISSIONER CHRISTMANN: My question was about</p> <p>19 the "I" word, insurance, that you got into a little bit.</p> <p>20 I liked your line, "D" words.</p> <p>21 So with the insurance, I'm sorry but I didn't</p> <p>22 really understand your concern. What I heard was that</p> <p>23 you're believing that Rose can't get liability insurance</p> <p>24 that would cover damages caused by a leak from this</p> <p>25 pipeline and that Summit's insurance that would cover</p> <p>PAGE 338</p> | <p>1 agreement, if we can, marked as LO-31 so it's officially</p> <p>2 an exhibit, and I would also offer that, please.</p> <p>3 MR. GLUDT: Your Honor, I'm going to object to</p> <p>4 the offering of the exhibit into evidence. I believe --</p> <p>5 one, on relevance. I don't think it's relevant at all.</p> <p>6 Second, I believe Mr. Dotzenrod indicated this is</p> <p>7 already in the record, on the docket. I have no problem</p> <p>8 with that. And the Commission can give it the weight it</p> <p>9 deserves.</p> <p>10 ALJ HOGAN: I don't have the docket in front of</p> <p>11 me. Anybody know what docket? 480 --</p> <p>12 UNIDENTIFIED SPEAKER: Your Honor, it's --</p> <p>13 ALJ HOGAN: I know, but do we know what it is?</p> <p>14 Was it an exhibit or something in response to discovery?</p> <p>15 UNIDENTIFIED SPEAKER: I'm sorry. It was -- a</p> <p>16 discovery request was submitted to Summit that said</p> <p>17 "Please explain why you can't reroute around," and then</p> <p>18 this was an exhibit to that discovery. So it's part of</p> <p>19 the docket but --</p> <p>20 ALJ HOGAN: It wasn't previously admitted or</p> <p>21 anything; right?</p> <p>22 And, Mr. Pelham, any objection to admitting this</p> <p>23 as an exhibit?</p> <p>24 MR. PELHAM: I don't have any objection to</p> <p>25 admitting it as an exhibit. We talked about it.</p> <p>PAGE 340</p> |

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| <p>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</p> <p>PAGE 341</p> | <p>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</p> <p>PAGE 343</p> |
| <p>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 <u>ROSE DOTZENROD.</u> 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</p> <p>PAGE 342</p> | <p>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</p> <p>PAGE 344</p> |

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| <p>1 drain tile issues last year and the Commission has</p> <p>2 already made a finding regarding drain tile repair.</p> <p>3 MR. PELHAM: Your Honor, if I just may briefly</p> <p>4 respond to the objection. I do -- I don't disagree that</p> <p>5 we've talked a lot about drain tiles and the Commission</p> <p>6 has made an order, but I do think that what</p> <p>7 Ms. Dotzenrod is testifying to is -- is new and would be</p> <p>8 proper so long as it's specific as to this red line here</p> <p>9 as it pertains to the reroute. Because it is a reroute</p> <p>10 issue so I do think that there is some relevance to it.</p> <p>11 So I -- that's my position on the objection.</p> <p>12 Thank you.</p> <p>13 Q. (BY MR. LEIBEL) And maybe, Rose, if you could</p> <p>14 answer, do you know how deep that outlet pipe is buried?</p> <p>15 A. I sincerely wish I could give you an answer on</p> <p>16 that. I reached out to the tile company that did the</p> <p>17 install and I got no reply. And as I understand the</p> <p>18 installation of drain tile, and I am no expert by any</p> <p>19 means, but there is a design in place and sometimes you</p> <p>20 end up mucking stuff in, for lack of a better word, and</p> <p>21 what the plan was may be adjusted and become a new plan.</p> <p>22 So I -- I wish I could give you an answer on</p> <p>23 that, but I can't. I'm sorry.</p> <p>24 Q. And under your easement agreement, you agreed to</p> <p>25 bury it deep enough that you won't interfere at all with</p> <p>PAGE 345</p> | <p>1 May I continue?</p> <p>2 Q. Sure.</p> <p>3 A. Anyway, our drain tile system works great with</p> <p>4 environmental preservation, conservation, and economic</p> <p>5 benefits. It does not require an electrical lift pump.</p> <p>6 It operates by gravity. It does not have electrical</p> <p>7 needs to operate the system. It has no year-round</p> <p>8 electrical consumption or expenses and no monthly fees,</p> <p>9 no meter fees required to be paid even when the tile</p> <p>10 pump is not being used. It requires no financial</p> <p>11 expense to bring an electrical line to the lift pump,</p> <p>12 which would roughly be about a half mile, I'm guessing,</p> <p>13 and the cost of that is \$15,000 alone to bring</p> <p>14 electrical power to a lift pump.</p> <p>15 Our gravity system lowers the carbon</p> <p>16 requirements of our entire quarter substantially. All</p> <p>17 these factors give us a low-carbon intensity.</p> <p>18 And our concerns regarding the proposed route</p> <p>19 and the adverse effects, they've not given us notice,</p> <p>20 but it appears they are going to cross our easement that</p> <p>21 they were aware of. The pipeline company contacted us</p> <p>22 in August '21. We worked tirelessly to minimize those</p> <p>23 -- those negative impacts. Our alternative routes and</p> <p>24 ideas were rejected.</p> <p>25 Mr. Ellingson stated that they never had problem</p> <p>PAGE 347</p> |
| <p>1 his farming operation; is that correct?</p> <p>2 A. That is correct.</p> <p>3 Q. So you -- as you're sitting here, you can't say</p> <p>4 whether Summit's line is going to be above your tile or</p> <p>5 below your tile?</p> <p>6 A. I cannot state that. That's why we are here</p> <p>7 today. So I appreciate you listening.</p> <p>8 Q. And your concern is that at any time you would</p> <p>9 -- if you were having to repair this line, you're either</p> <p>10 going to have to dig below Summit's line or somehow dig</p> <p>11 around it enough that you can fix that without</p> <p>12 disturbing Summit's pipeline?</p> <p>13 A. That is absolutely correct. That is a major</p> <p>14 fear, a third-party strike. Nobody wants a third-party</p> <p>15 strike.</p> <p>16 Q. And I was just going to ask when -- when Ben was</p> <p>17 talking about a third-party strike, that's the specific</p> <p>18 concern within your easement that he was talking about?</p> <p>19 A. That is exactly correct. We do not own that</p> <p>20 quarter of land, yet we hold an easement on it for the</p> <p>21 right to drain that tile -- that drain tile to drain the</p> <p>22 water. That's our only outlet.</p> <p>23 And what about the liability? We don't own that</p> <p>24 property. Summit has not reached out to us. They were</p> <p>25 made aware of it.</p> <p>PAGE 346</p> | <p>1 spots, yet we're personally aware that they do have</p> <p>2 problem spots in these high, sandy, unstable soils. And</p> <p>3 human error occurs. And that is a major concern of</p> <p>4 ours. Mr. Ellingson discussed at length the header</p> <p>5 systems in crossing a high-pressure carbon dioxide --</p> <p>6 MR. GLUDT: Your Honor, I think we've moved</p> <p>7 beyond the drainage easement. Now we're talking about</p> <p>8 Mr. Ellingson's testimony.</p> <p>9 ALJ HOGAN: Yep. This is the stuff that was --</p> <p>10 this is the testimony or the topics we previously</p> <p>11 discussed at the last hearing and the Commission has</p> <p>12 already made a determination on so I'm going to have you</p> <p>13 move forward. If you have testimony that's specific to</p> <p>14 this piece, we can receive that, but the general</p> <p>15 comments about general -- drain tile being damaged or</p> <p>16 repaired, those would not be allowed at today's hearing.</p> <p>17 THE WITNESS: In my opinion, this is specific.</p> <p>18 May I speak?</p> <p>19 Q. (BY MR. LEIBEL) Okay. So do you have some</p> <p>20 testimony you're going to share that is specific to your</p> <p>21 drainage easement and the intersection between your</p> <p>22 easement and Summit's line?</p> <p>23 A. Yes. And that is why I brought up</p> <p>24 Mr. Ellingson's testimony, because he himself spoke at</p> <p>25 great length about header systems. And if -- and also</p> <p>PAGE 348</p> |

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| <p>1 Mr. Vculek spoke to the need of a lift pump. Right now</p> <p>2 our system operates by gravity. And so we have all</p> <p>3 these environmental benefits and economic benefits to</p> <p>4 having a gravity system.</p> <p>5 Now, if, based on Mr. Ellingson's testimony,</p> <p>6 we're going to use a lift pump, those are all expenses</p> <p>7 that will be incurred -- well, they may pay for them,</p> <p>8 but it's 99 years of electricity and you have to pay a</p> <p>9 meter fee every month even when you're not using it.</p> <p>10 Q. And, Rose, just so we're clear, your concern is</p> <p>11 that, by disrupting or putting in this 24-inch</p> <p>12 pressurized line, you're going -- that would somehow</p> <p>13 disrupt the gravity system you've set up?</p> <p>14 A. Correct. Our gravity system is very</p> <p>15 environmentally -- it has a low-environmental impact</p> <p>16 and, you know, it gives us a lower carbon intensity</p> <p>17 score on our personal property. If we have to add a</p> <p>18 lift pump, that -- that changes a lot of things. It's a</p> <p>19 negative to us.</p> <p>20 Continue?</p> <p>21 ALJ HOGAN: Again, I'm not going to accept</p> <p>22 testimony about general --</p> <p>23 THE WITNESS: And it's specific --</p> <p>24 ALJ HOGAN: -- damage to drain tiles.</p> <p>25 THE WITNESS: Right. And it's specific --</p> <p>PAGE 349</p> | <p>1 be a serious economic loss. The carbon pipeline company</p> <p>2 has not acknowledged the existence of our tile line</p> <p>3 easement.</p> <p>4 Q. Rose, have you tried to express to Summit the</p> <p>5 issue with crossing your tile drainage and the easement</p> <p>6 where it lays within?</p> <p>7 A. As I had stated earlier, that was communicated</p> <p>8 many times with them in communicating the entirety of</p> <p>9 our system. We understood -- we understood the</p> <p>10 importance of trying to mitigate those negative impacts.</p> <p>11 Q. And when the route was rerouted upon</p> <p>12 reconsideration, when they did their application for</p> <p>13 reconsideration, did Summit consult with you at all</p> <p>14 around the reroute around your property?</p> <p>15 A. They did not at all. That's why we owe a huge</p> <p>16 debt of gratitude to the Public Service Commission. If</p> <p>17 it hadn't been for them, we would still probably have</p> <p>18 the same quandary. But, however, we need an outlet for</p> <p>19 our water, and we need a guaranteed outlet for our</p> <p>20 water, as you -- you know I just testified, we gave --</p> <p>21 we went through a lot of work to get that drainage</p> <p>22 outlet.</p> <p>23 Q. Do you have -- and just kind of in conclusion,</p> <p>24 how would you -- what would you request from the</p> <p>25 Commission today? What would -- what would alleviate</p> <p>PAGE 351</p> |
| <p>1 MR. PELHAM: I'm not sure there's a question.</p> <p>2 There's not a question.</p> <p>3 ALJ HOGAN: Yes.</p> <p>4 And, Mr. Leibel, maybe you could facilitate</p> <p>5 getting through the rest of this testimony with</p> <p>6 questions.</p> <p>7 MR. LEIBEL: Sure, sure.</p> <p>8 Q. (BY MR. LEIBEL) Rose, do you have any other</p> <p>9 specific concerns as to how this pipeline will affect</p> <p>10 your easement?</p> <p>11 A. Yes. Mr. Vculek spoke in his testimony to the</p> <p>12 quality issues of raising potatoes in low-level areas</p> <p>13 with poor drainage even in a small area of the field.</p> <p>14 He related that drainage in the field is critically</p> <p>15 important or it will lead to high-end crop losses.</p> <p>16 I don't like sharing my personal goals in this</p> <p>17 setting; however, I've been in contact with potato</p> <p>18 producers in our area. Growing potatoes on this quarter</p> <p>19 is in its future.</p> <p>20 Q. And are you -- and so the concern is that with</p> <p>21 the -- any disruption of your drainage is going to</p> <p>22 disrupt your ability to grow potatoes?</p> <p>23 A. Yes. Should drainage problems be created,</p> <p>24 problems that do not exist at the present time, that</p> <p>25 would stop that opportunity from happening. That would</p> <p>PAGE 350</p> | <p>1 your concerns?</p> <p>2 A. Well, alleviating the concerns would be to move</p> <p>3 it off of that main tile line easement. And I -- I'm</p> <p>4 concerned about recourse for our family from the</p> <p>5 potential losses. If pursued, it's likely going to be</p> <p>6 expensive for us. This carbon dioxide pipeline, if it</p> <p>7 crosses, will place a risk upon us that we did not</p> <p>8 create. It is critical that any pipeline route</p> <p>9 minimizes negative effects and it's installed and</p> <p>10 maintained in the safest possible way. We believe the</p> <p>11 protection and substantial and ongoing investment of our</p> <p>12 property is vital.</p> <p>13 Q. And, Rose, I want to follow up before you</p> <p>14 conclude, one follow-up on the Chairman's question to</p> <p>15 Ben. Have you signed an easement with Summit?</p> <p>16 A. No.</p> <p>17 Q. Have you signed any other agreement or contract</p> <p>18 with Summit?</p> <p>19 A. No.</p> <p>20 Q. So if Summit has indemnity language in its</p> <p>21 standard easements, that doesn't apply to you?</p> <p>22 A. It does not.</p> <p>23 Q. Okay. Do you have any kind of -- what would you</p> <p>24 ask the Commission to rule? And you had said you want</p> <p>25 it not to cross your easement?</p> <p>PAGE 352</p> |

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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.**

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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 --

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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.

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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 --

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| <p>1 A. None.</p> <p>2 Q. -- addressing --</p> <p>3 A. Zero.</p> <p>4 Q. When is the last time that -- and best you can</p> <p>5 recall, ma'am, because I know a lot's been going on.</p> <p>6 When is the last time you recall a proposal was</p> <p>7 presented to Summit concerning specifically this</p> <p>8 easement agreement?</p> <p>9 A. Could you state that again, please?</p> <p>10 Q. Yes. I'm just wondering when is the last time</p> <p>11 someone from your family or your attorney, I guess, if</p> <p>12 you know, communicated with Summit as to the easement</p> <p>13 agreement concerns specific as to the outlet?</p> <p>14 A. I'm not aware of any -- any interaction, there</p> <p>15 has been communicating, that -- that -- the entirety of</p> <p>16 our system since Ben and I had been communicating.</p> <p>17 Q. Fair enough. Fair enough.</p> <p>18 And the concern of damage to the drain tile</p> <p>19 system that you have in place, there's no agreement</p> <p>20 between Summit and -- and your family --</p> <p>21 A. Nothing.</p> <p>22 Q. -- if there's any damage?</p> <p>23 A. That's --</p> <p>24 Q. And that's --</p> <p>25 A. That's the risk.</p> <p>PAGE 357</p> | <p>1 you know, we did our best effort and they just really</p> <p>2 seemed to disregard anything we offered.</p> <p>3 Q. Fair enough. Thank you, ma'am. I don't have</p> <p>4 any other questions.</p> <p>5 ALJ HOGAN: Mr. Schock, any questions?</p> <p>6 Commissioner Christmann.</p> <p>7 COMMISSIONER CHRISTMANN: I know you have a</p> <p>8 number of concerns. I'm going to ask about one of them</p> <p>9 specifically and that is the fairly unique capability of</p> <p>10 your system to drain based on gravity without</p> <p>11 electricity. If there's some type of assurance, because</p> <p>12 we -- as I'm understanding right now, you, and thus us,</p> <p>13 aren't really sure how deep your pipeline is, right,</p> <p>14 where they want to cross?</p> <p>15 THE WITNESS: I would love to have that</p> <p>16 information, but no, I do not.</p> <p>17 COMMISSIONER CHRISTMANN: But we don't. And so</p> <p>18 as long as there's assurance that, if yours is real</p> <p>19 deep, theirs will be up high enough that it doesn't</p> <p>20 change the level of yours or that theirs is far enough</p> <p>21 below so that your level doesn't change, that's -- that</p> <p>22 would solve that problem; correct?</p> <p>23 THE WITNESS: Yeah. But I would want to consult</p> <p>24 Ben, he's the operator of the property, and I would want</p> <p>25 to consult my attorney to make sure that we are</p> <p>PAGE 359</p> |
| <p>1 Q. -- your primary concern?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And we're talking over a little bit --</p> <p>4 we're talking over each other a little bit and that</p> <p>5 makes it hard. If you could just --</p> <p>6 A. Oh, I'm sorry.</p> <p>7 Q. Attorneys ask long-winded questions, if you</p> <p>8 couldn't tell by the end of today, that we tend to ask</p> <p>9 long-winded questions that sometimes don't completely</p> <p>10 make sense. So just wait until I'm done speaking. That</p> <p>11 way, we don't talk over each other.</p> <p>12 So your primary concern, just to clean that up,</p> <p>13 your primary concern is, is because there is no</p> <p>14 agreement directly between the Dotzenrod family and</p> <p>15 Summit Carbon Solutions specific as to the drain tile</p> <p>16 system that exists and goes onto the Ulvens' property</p> <p>17 which you have an easement for, if something happens,</p> <p>18 there's no contractual agreement that exists. Is that</p> <p>19 fair to say?</p> <p>20 A. That is correct.</p> <p>21 Q. As you sit here today, ma'am, is your family</p> <p>22 willing to talk to Summit to try to find some solution</p> <p>23 as to this issue?</p> <p>24 A. I would need to talk to my son, Ben. I would</p> <p>25 need to talk to my attorneys. At this point in time,</p> <p>PAGE 358</p> | <p>1 protected.</p> <p>2 COMMISSIONER CHRISTMANN: And so your concern</p> <p>3 about losing that gravity flow capability is that, if</p> <p>4 yours happens to be at, say, six feet, they're going to</p> <p>5 come along and go in at six feet and then yours has to</p> <p>6 either go up or down and now you need a pump?</p> <p>7 THE WITNESS: That is the -- a concern, but also</p> <p>8 with, you know, human error occurs --</p> <p>9 COMMISSIONER CHRISTMANN: Yeah.</p> <p>10 THE WITNESS: -- when -- if and when there's a</p> <p>11 break in our tile line, you know, there's liability risk</p> <p>12 there that we do not want that risk.</p> <p>13 COMMISSIONER CHRISTMANN: Sure. And how often</p> <p>14 on the drain part of it, how -- like you've had it about</p> <p>15 a decade now --</p> <p>16 THE WITNESS: Yes.</p> <p>17 COMMISSIONER CHRISTMANN: -- I think you said.</p> <p>18 How often does that require maintenance?</p> <p>19 THE WITNESS: It has required none that -- well,</p> <p>20 there's been some breaks in the field, but on that</p> <p>21 easement there have been none.</p> <p>22 COMMISSIONER CHRISTMANN: Okay. All right.</p> <p>23 Thanks again for coming back and talking to us again,</p> <p>24 Rose.</p> <p>25 THE WITNESS: Thank you.</p> <p>PAGE 360</p> |

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| <p>1 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>2 COMMISSIONER HAUGEN-HOFFART: Thanks, Rose. At</p> <p>3 the beginning of your testimony, and you've alluded to</p> <p>4 it several times, that you have proposed alternative</p> <p>5 routes to Summit Carbon Solutions; correct?</p> <p>6 THE WITNESS: Yes. Between Ben and I, we have,</p> <p>7 yes.</p> <p>8 COMMISSIONER HAUGEN-HOFFART: So we've re-opened</p> <p>9 this case, and earlier I said, in one of our</p> <p>10 supplemental filings, that Summit Carbon work with</p> <p>11 landowners on what's been done to work through any</p> <p>12 disputed things. So would you say a good starting point</p> <p>13 for communication between you and Summit Carbon is to</p> <p>14 look at those proposed alternative routes? Would you be</p> <p>15 willing to -- I mean, is that a good starting point?</p> <p>16 THE WITNESS: Again, without Ben here, because</p> <p>17 Ben has been intensely involved in it, I mean -- I mean,</p> <p>18 obviously, yes. However, we communicated early on</p> <p>19 before anybody had signed easements and it -- that's one</p> <p>20 of the reasons it was so frustrating is they chose to</p> <p>21 disregard any suggestions that we made.</p> <p>22 COMMISSIONER HAUGEN-HOFFART: Okay.</p> <p>23 THE WITNESS: Does that answer your question?</p> <p>24 COMMISSIONER HAUGEN-HOFFART: It does. I just</p> <p>25 really hope it's the intent that disputes can be</p> <p>PAGE 361</p> | <p>1 JAMES TIEGS: James Tiegs, T-I-E-G-S.</p> <p>2 ALJ HOGAN: And, Mr. Tiegs, were you in the room</p> <p>3 earlier when I went through the penalties for perjury?</p> <p>4 JAMES TIEGS: Yes, I was.</p> <p>5 ALJ HOGAN: And do you understand what perjury</p> <p>6 is?</p> <p>7 JAMES TIEGS: Yes, I do.</p> <p>8 ALJ HOGAN: Being advised of the potential</p> <p>9 penalties for perjury, do you promise to tell the truth</p> <p>10 in this case today?</p> <p>11 JAMES TIEGS: Yes.</p> <p>12 ALJ HOGAN: And again, Mr. Jorde, I believe</p> <p>13 Mr. Tiegs previously testified so I would ask you not to</p> <p>14 repeat any former testimony that we've already gone</p> <p>15 through.</p> <p>16 MR. JORDE: I'll try my best at this late in the</p> <p>17 day.</p> <p>18 <u>JAMES TIEGS,</u></p> <p>19 being first duly sworn, was examined and testified as</p> <p>20 follows:</p> <p>21 DIRECT EXAMINATION</p> <p>22 BY MR. JORDE:</p> <p>23 Q. And, sir, I see you've got some materials in</p> <p>24 front of you. Do you think that would be faster than me</p> <p>25 kind of guessing what you had --</p> <p>PAGE 363</p> |
| <p>1 resolved --</p> <p>2 THE WITNESS: And that's --</p> <p>3 COMMISSIONER HAUGEN-HOFFART: -- and it's a</p> <p>4 win-win.</p> <p>5 THE WITNESS: And that's why we attempted to</p> <p>6 communicate early on with them.</p> <p>7 COMMISSIONER HAUGEN-HOFFART: Okay. Thank you</p> <p>8 for your testimony. I have no further questions.</p> <p>9 THE WITNESS: Thank you.</p> <p>10 ALJ HOGAN: Mr. Dawson.</p> <p>11 SUBSTITUTE DECISIONMAKER DAWSON: Thank you for</p> <p>12 your testimony. I have no questions.</p> <p>13 THE WITNESS: Thank you.</p> <p>14 ALJ HOGAN: Any redirect, Mr. Leibel?</p> <p>15 MR. LEIBEL: No, Your Honor.</p> <p>16 ALJ HOGAN: All right. Thank you,</p> <p>17 Ms. Dotzenrod.</p> <p>18 One more witness?</p> <p>19 MR. JORDE: Yes, Your Honor. Unless something</p> <p>20 crazy happens, this is our last witness.</p> <p>21 ALJ HOGAN: All right.</p> <p>22 MR. JORDE: The landowners would call James</p> <p>23 Tiegs to the stand, please.</p> <p>24 ALJ HOGAN: I'll have you start by stating your</p> <p>25 full name for the record and spelling your last name.</p> <p>PAGE 362</p> | <p>1 A. Yeah. So I might repeat a little bit. I</p> <p>2 promise not to -- I kind of tell the story or give you a</p> <p>3 timeline so you don't have to ask me at the end.</p> <p>4 First of all, the land involved is section 17,</p> <p>5 township 129 north, 61W, the whole section, with the</p> <p>6 exception of there's some wildlife land in the middle of</p> <p>7 that. And the other owned parcel is the south half of</p> <p>8 27, township 129 north, 63W, in Dickey -- they're both</p> <p>9 -- all this land is in Dickey County. The third parcel</p> <p>10 is a quarter that I sharecrop. And the owner has not</p> <p>11 signed and he said he has not heard from Summit for</p> <p>12 probably a year. And that's section 30, 129 north, 62W.</p> <p>13 First of all, I'd like to thank you for giving</p> <p>14 me the opportunity to voice my concerns here today. I</p> <p>15 provided testimony last year here in Wahpeton and I</p> <p>16 figured I better take time to speak at this</p> <p>17 reconsideration hearing. I'll admit I'm a bit</p> <p>18 disappointed we're here again because my family and</p> <p>19 friends were very relieved last year when Summit's</p> <p>20 permit was denied, but obviously it's no surprise that</p> <p>21 Summit keeps pushing as we know the Green New Deal and</p> <p>22 Inflation Reduction Act has included billions of dollars</p> <p>23 in tax credits to support corporate climate-related</p> <p>24 projects.</p> <p>25 My wife and I were first contacted by SCS about</p> <p>PAGE 364</p> |

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| <p>1 two and a half years ago. The initial phone call was to</p> <p>2 my wife's phone from a California number. If I had</p> <p>3 known back then what I know now, we would have kept a</p> <p>4 more detailed journal of all communications and</p> <p>5 recordings of the meetings.</p> <p>6 We did some research and made an easy decision</p> <p>7 that we absolutely did not want a high-pressure CO2</p> <p>8 pipeline near us. The agent, Albert, was told multiple</p> <p>9 times the answer is "no," but he kept pressuring,</p> <p>10 wanting surveys, wanted -- us to the point that we</p> <p>11 considered harassment so we called our lawyer, and he</p> <p>12 referred us to Heidepriem Law Firm in Sioux Falls, South</p> <p>13 Dakota. So we turned all communications over to</p> <p>14 Heidepriem with the instructions that the answer is "no"</p> <p>15 and they need to get us off the route.</p> <p>16 To this day, we have never seen or heard an</p> <p>17 attempt to reroute it away from us. And I spoke with</p> <p>18 Heidepriem this morning just to double-check there</p> <p>19 wasn't any last-minute communication. There was none.</p> <p>20 They've not heard anything.</p> <p>21 So in the meantime I signed up with Heidepriem</p> <p>22 and I decided I wanted to do some intervening and come</p> <p>23 testifying and I signed up with Brian Jorde also so I</p> <p>24 have two -- two -- two lawyers. Heidepriem</p> <p>25 (indiscernible) is still involved.</p> <p>PAGE 365</p> | <p>1 I think it was well established at last year's</p> <p>2 hearings that supercritical CO2 is a completely</p> <p>3 different substance than oil or natural gas. Expecting</p> <p>4 my family and hired man and my friends, neighbors to</p> <p>5 live and work nearby this safety hazard seems</p> <p>6 unthinkable and completely unnecessary.</p> <p>7 One of the key questions you all want answered</p> <p>8 is "Will construction, operation, and maintenance of the</p> <p>9 facility at the proposed location produce minimal</p> <p>10 adverse effects on the environment and upon the welfare</p> <p>11 of the citizens of North Dakota?"</p> <p>12 My next couple of statements are rhetorical</p> <p>13 questions. There's no need to answer out loud. I would</p> <p>14 like you to know -- I would like to know what you all</p> <p>15 consider "minimal adverse effects." Is the devalue of</p> <p>16 my farmland considered minimal when compared to Valley</p> <p>17 and development land near Bismarck? When a breach</p> <p>18 occurs, is the loss of ten lives south of Ellendale</p> <p>19 minimal compared to the loss of a hundred lives near</p> <p>20 Bismarck?</p> <p>21 Summit representatives have openly acknowledged</p> <p>22 that an effort is being made to keep significant</p> <p>23 distance from highly populated areas. I'm very offended</p> <p>24 by the insinuation that lives of the land south of</p> <p>25 Ellendale are somehow less important than those near</p> <p>PAGE 367</p> |
| <p>1 Last summer Summit requested permission from</p> <p>2 Heidepriem to -- multiple times to survey. The answer</p> <p>3 was always "no." On the 26th of June, 2023, my</p> <p>4 neighbors called to tell me there were trespassers on my</p> <p>5 land west of the golf course. Sure enough, there were</p> <p>6 surveyors hired by Summit and were conducting a survey</p> <p>7 without permission on land they were specifically told</p> <p>8 to stay off of.</p> <p>9 I contacted my lawyer. It was late -- it was in</p> <p>10 the evening already. They contacted Summit immediately</p> <p>11 and, of course, Summit said it was an accident. I have</p> <p>12 a hard time believing that because they had parked their</p> <p>13 pickup and trailer two miles from the pipeline corridor</p> <p>14 and drove their UTV to the fields to survey. The pickup</p> <p>15 had Ohio plates.</p> <p>16 We spoke with a lady on the UTV. She indicated</p> <p>17 they were surveying for Summit. She was very reluctant</p> <p>18 to speak or give any information, and I did not push the</p> <p>19 issue. I was cordial. I did not want a confrontation</p> <p>20 like what happened to a fellow down in South Dakota.</p> <p>21 It's important that you all understand that I'm</p> <p>22 not anti-pipeline, I'm not anti-progress, if the project</p> <p>23 is sensible and actually for the public good. A few</p> <p>24 years ago we signed off on new power lines coming</p> <p>25 through our South Dakota fields.</p> <p>PAGE 366</p> | <p>1 Bismarck. We've built our lives on the state line, a</p> <p>2 house, a shop, bin setup, and now my wife wants to rent</p> <p>3 out the land and leave the community if this CO2</p> <p>4 pipeline goes through.</p> <p>5 In the last hearing I noticed Summit was eager</p> <p>6 to tell you that they have met with most of the county</p> <p>7 emergency managers. I want to tell you this gives me no</p> <p>8 comfort whatsoever. People who work in healthcare and</p> <p>9 emergency preparedness know that first responders are</p> <p>10 always trained to make sure that the scene is safe</p> <p>11 before entering because they do not become more victims.</p> <p>12 If there's a CO2 pipeline breach like Satartia,</p> <p>13 Mississippi, it's unlikely there would be any heros to</p> <p>14 come save us. Local responders would make a perimeter</p> <p>15 around the hot zone and wait for proper reinforcements</p> <p>16 or wait for the scene to be safe before entering. I did</p> <p>17 speak with a Dickey County emergency manager and he</p> <p>18 agreed this is likely the case if the event of this</p> <p>19 would occur.</p> <p>20 My wife and I have also discussed that we need</p> <p>21 to get our own air monitors and breathing tanks for a</p> <p>22 chance of survival, but you would need such a big tank</p> <p>23 that I just don't really think it's feasible. And I'm</p> <p>24 not crazy about having a high-pressure tank in the cab</p> <p>25 with me of a tractor or combine.</p> <p>PAGE 368</p> |

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| <p>1 Now I'd like to briefly talk about this project</p> <p>2 result -- results in such a huge waste of resources.</p> <p>3 The excess use of water at each of these ethanol plants</p> <p>4 to cool the CO2 for recovery is a huge concern. I know</p> <p>5 that was addressed earlier. Talk of extra power in the</p> <p>6 power grid consumption is -- is another concern.</p> <p>7 It was addressed earlier, that eight tons of</p> <p>8 carbon is sequestered -- an acre of corn sequestered</p> <p>9 eight tons of CO2 per year. If you believe there's</p> <p>10 actually a climate crisis, then you can see I'm already</p> <p>11 doing my part. It's very much out of the line to steal</p> <p>12 my land to implant a dangerous pipeline.</p> <p>13 I listened to the last hearing in Mandan, the</p> <p>14 whole hearing, and when my local representative talked</p> <p>15 about all the extra money farmers receive from the</p> <p>16 ethanol plants -- and he spoke again earlier today. I</p> <p>17 know he's at Spiritwood, but I work with Mina and Groton</p> <p>18 and I check Hankinson. And he's talking about 50 cents</p> <p>19 a bushel and at one point a dollar, and he said that</p> <p>20 twice now. I watched the basis awful close and I can</p> <p>21 never find a basis that good but whatever. It is what</p> <p>22 it is.</p> <p>23 I just -- a lot of big numbers get thrown around</p> <p>24 here and I won't deny that 5, 6, \$7 corn is really good.</p> <p>25 Am I going to sell my soul to -- based on a tax credit</p> <p>PAGE 369</p> | <p>1 like was said earlier, supply and demand, drought. You</p> <p>2 name it.</p> <p>3 Q. So my question is do you put any stock in this</p> <p>4 kind of vague promise that if -- gosh darn it, if we</p> <p>5 just had this pipeline in North Dakota, corn prices are</p> <p>6 going up and everything is going to be great?</p> <p>7 A. No. No, I don't. I just -- I -- there's too</p> <p>8 much -- there's a lot of speculation and there's just</p> <p>9 too much -- I guarantee you if there was no 45Q, Z,</p> <p>10 whatever they're gathering up, we would not be sitting</p> <p>11 here today. I would bet my farm on it. Because there</p> <p>12 would be no money to grab. The investors wouldn't --</p> <p>13 and I know Mr. Brandenburg said it's -- this is what's</p> <p>14 on the menu now, is because the East and West want.</p> <p>15 Well, we're -- we're in the heartland of this country.</p> <p>16 It's where the people -- I don't know -- care.</p> <p>17 Does anybody care about anything anymore besides</p> <p>18 money? Is that what it's all about anymore? There's no</p> <p>19 -- you know, he talked about -- I heard legacy mentioned</p> <p>20 earlier and stewardship and -- oh, let's just put a</p> <p>21 bunch of pipelines in. CO2, our plants use CO2 and</p> <p>22 we're going to put it in the ground? It doesn't -- it</p> <p>23 doesn't make any sense.</p> <p>24 Q. Sir, do you -- and being familiar with this</p> <p>25 process and being intimately involved in it, are you</p> <p>PAGE 371</p> |
| <p>1 that we don't even know how long it's going to last? I</p> <p>2 mean, it's tough for me to do to make a deal with the</p> <p>3 devil.</p> <p>4 I guess, in conclusion, I'd like you all to</p> <p>5 please deny Summit's permit application. No amount of</p> <p>6 money is worth compromising the lives and safety of any</p> <p>7 community. Five years ago I would have never dreamed</p> <p>8 we'd be in this situation. It's not right. We are</p> <p>9 entitled to safe and peaceable living in this country.</p> <p>10 And thank you for considering my comments here</p> <p>11 today. Thank you.</p> <p>12 Q. Mr. Tiegs, you had mentioned the basis and corn</p> <p>13 price and there's been some testimony today on that and</p> <p>14 also Mr. Pickering went into -- went into some</p> <p>15 projections on that. Can I have you turn in that binder</p> <p>16 to the very first page, Tab 1. And what I've got here</p> <p>17 is just from 1960 to present time, a demonstrative of</p> <p>18 the corn prices.</p> <p>19 And my question to you is how long have you been</p> <p>20 marketing or watching the corn prices?</p> <p>21 A. I've been -- I can remember back in '99 and 2000</p> <p>22 selling \$2 corn. You know, prior to then I was pretty</p> <p>23 much just helping my dad with everything and I seen all</p> <p>24 the effects. And then actively I've been at this for</p> <p>25 the last 20 years or 25 years. Markets are cyclical,</p> <p>PAGE 370</p> | <p>1 aware if the PSC has any mandate, that it's the PSC's</p> <p>2 job to approve or deny projects based on market demand</p> <p>3 or what the Federal Government wants or cares about?</p> <p>4 A. We're just here to site a pipeline, but we</p> <p>5 always end in the -- we always end out in the weeds</p> <p>6 because we keep talking about it as a project where we</p> <p>7 should -- and I was told we're here for the pipeline</p> <p>8 siting.</p> <p>9 Q. Right. Okay. And the burdens of proof and the</p> <p>10 elements, nothing in there says the PSC should give nod</p> <p>11 or, you know, if the tie goes to the company as long as</p> <p>12 the market forces or the market demand wants carbon</p> <p>13 capture. You haven't seen anything like that, have you?</p> <p>14 A. No.</p> <p>15 Q. Okay. And so in terms of the actual elements</p> <p>16 that the PSC is constrained by, I think you've developed</p> <p>17 your evidence pretty clearly here that you believe the</p> <p>18 construction, operation, and maintenance of this</p> <p>19 particular pipeline operated by this particular company</p> <p>20 would produce more than minimal adverse impacts on your</p> <p>21 welfare and the environment; right?</p> <p>22 A. Yes. Yes, it would. And I won't -- I won't say</p> <p>23 the "T" word. I don't have any. I'd like to do some</p> <p>24 some day, but it will affect me. I don't really care</p> <p>25 what Ellingson says. It's going to be extra expense and</p> <p>PAGE 372</p> |

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| <p>1 that's all I'm going to say about that. I listened to</p> <p>2 that testimony a year ago. Well, I was here, obviously.</p> <p>3 Q. And then in terms of ensuring continuing system</p> <p>4 reliability, are you aware of any CO2 system reliability</p> <p>5 that this pipeline is tapping into?</p> <p>6 A. No.</p> <p>7 Q. And then what about that this pipeline has to</p> <p>8 ensure energy needs are being met? Does this pipeline</p> <p>9 alone, in your view, ensure that any energy needs that</p> <p>10 aren't being met are going to somehow be met now?</p> <p>11 A. No. We're putting CO2 in the ground. I mean,</p> <p>12 and then we're going to -- say we have a CI score so</p> <p>13 then people can still fly their planes around. They're</p> <p>14 going to buy credits back and it's all just -- I don't</p> <p>15 know. It's frustrating, in my mind.</p> <p>16 Q. Did you hear some of the earlier witnesses talk</p> <p>17 about that, hopefully, this can be used for EOR some</p> <p>18 day --</p> <p>19 A. Yes.</p> <p>20 Q. -- enhanced oil recovery?</p> <p>21 A. Yes. That's -- and I felt that way from the</p> <p>22 beginning, that that was the plan. I mean once -- once</p> <p>23 the credits are gone, they've got bigger plans for this.</p> <p>24 Q. And would you agree if that is the plan and that</p> <p>25 is the motivation, then that completely destroys the</p> <p>PAGE 373</p> | <p>1 is if my kids are dead or whoever so -- it doesn't</p> <p>2 matter.</p> <p>3 Q. And since you've learned about this, Summit</p> <p>4 hasn't proposed any reroutes of any kind, not even one</p> <p>5 inch or one mile on your --</p> <p>6 A. No. Heidepriem asked them, because I was -- I</p> <p>7 told them, well, they're thinking about rerouting</p> <p>8 Bismarck, I guess. Maybe they want to reroute the</p> <p>9 Tieg's. And they said "no," is what they told</p> <p>10 Heidepriem.</p> <p>11 Q. Okay. And so are you requesting that this</p> <p>12 Commission, if they don't deny it, then second would be</p> <p>13 to have any type of approval conditioned on rerouting</p> <p>14 around your property?</p> <p>15 A. Yes. I would like it rerouted.</p> <p>16 Q. All right. Do you have anything further that</p> <p>17 you'd like to add today?</p> <p>18 A. I want to thank all of you for giving us the</p> <p>19 opportunity to speak. I -- I could ramble on for a long</p> <p>20 time, but I think we're good.</p> <p>21 MR. JORDE: So then I would offer Exhibit 1, the</p> <p>22 historic corn price chart.</p> <p>23 ALJ HOGAN: Any objection to 1?</p> <p>24 MR. GLUDT: I'll object on foundation.</p> <p>25 MR. PELHAM: No objection.</p> <p>PAGE 375</p> |
| <p>1 idea of this being good for the environment on the front</p> <p>2 end?</p> <p>3 A. Right.</p> <p>4 Q. You were here for Representative Brandenburg's</p> <p>5 testimony. And I think he said something to the effect,</p> <p>6 you know, farmers just want to be left alone. Would you</p> <p>7 agree with that?</p> <p>8 A. I would agree. I just -- you know, if this</p> <p>9 pipeline goes in, I dread the fact -- we had a rural</p> <p>10 waterline put in probably 35 years ago or so and that</p> <p>11 thing kept caving in for five, six years or longer.</p> <p>12 They keep adding dirt to it. And now I'm going to have</p> <p>13 to go along, I imagine, and keep filling it in.</p> <p>14 I don't -- you know, on a half section of land,</p> <p>15 how many times do I have to cross it with a combine</p> <p>16 every day to harvest it? It's, like, "Here we go. I</p> <p>17 hope she doesn't fall in on it." It's only four feet</p> <p>18 deep. Frost -- like somebody said earlier, we bury</p> <p>19 people deeper than this pipeline. Frost goes to four</p> <p>20 feet easily if it's an open winter.</p> <p>21 Q. And then would you agree with Governor Burgum</p> <p>22 that if you, James, don't want this pipeline, just tell</p> <p>23 Summit and they'll go around you?</p> <p>24 A. Yeah. Give the neighbor the big check. But</p> <p>25 I'll tell you this much. I don't care how big the check</p> <p>PAGE 374</p> | <p>1 ALJ HOGAN: All right. The objection is noted,</p> <p>2 but I'm going to admit Landowner Exhibit 1.</p> <p>3 MR. JORDE: And then, Your Honor, I don't need</p> <p>4 any foundation on this. I'm requesting admission of</p> <p>5 LO-22. Those are Summit's discovery responses, or some</p> <p>6 of them, to us, to landowners.</p> <p>7 ALJ HOGAN: Any objection?</p> <p>8 UNIDENTIFIED SPEAKER: (Inaudible.)</p> <p>9 ALJ HOGAN: 22. It's response to Set 3. I</p> <p>10 think the response was dated April 18th.</p> <p>11 MR. GLUDT: No objection, Your Honor.</p> <p>12 ALJ HOGAN: All right. Landowner 22 is</p> <p>13 admitted.</p> <p>14 MR. JORDE: Great. Thank you, Your Honor.</p> <p>15 James, I don't have any more questions at this</p> <p>16 time. Thank you.</p> <p>17 ALJ HOGAN: Mr. Gludt, any questions?</p> <p>18 MR. GLUDT: No, Your Honor.</p> <p>19 ALJ HOGAN: Mr. Pelham.</p> <p>20 MR. PELHAM: No questions, thank you.</p> <p>21 ALJ HOGAN: Mr. Schock.</p> <p>22 Commissioner Christmann.</p> <p>23 COMMISSIONER CHRISTMANN: Yeah. Did you say --</p> <p>24 do you live on -- you mentioned --</p> <p>25 THE WITNESS: No.</p> <p>PAGE 376</p> |

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| <p>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</p> <p>PAGE 377</p> | <p>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</p> <p>PAGE 379</p> |
| <p>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.</p> <p>PAGE 378</p> | <p>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</p> <p>PAGE 380</p> |

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| <p>1 do a bad job. The contractor gets to leave, but the</p> <p>2 homeowner gets to live with the problem the rest of his</p> <p>3 life.</p> <p>4 And it's kind of like with this pipeline. I</p> <p>5 mean, Summit's hired all these lawyers and you guys do</p> <p>6 your job and I'll get the pipeline if I get stuck with</p> <p>7 it. Everybody else goes on with their life, but we</p> <p>8 still -- as a farmer, we live with that pipeline</p> <p>9 forever, as long as I own the home. It's just something</p> <p>10 to ponder, think about.</p> <p>11 Q. Thank you, sir. Nothing further.</p> <p>12 A. All right. Thank you.</p> <p>13 ALJ HOGAN: Hang on, hang on.</p> <p>14 Mr. Gludt, any other questions?</p> <p>15 MR. GLUDT: No, Your Honor.</p> <p>16 ALJ HOGAN: Mr. Pelham?</p> <p>17 Mr. Schock.</p> <p>18 Any other commissioner? Mr. Dawson?</p> <p>19 All right.</p> <p>20 THE WITNESS: All right.</p> <p>21 ALJ HOGAN: Now you can go. Thank you.</p> <p>22 All right. Any further witnesses?</p> <p>23 MR. JORDE: Well, I'd call the Summit guys if I</p> <p>24 could, but no, we don't -- we don't have any other</p> <p>25 witnesses. We rest for today.</p> <p>PAGE 381</p> | <p>1 their time. It's valuable.</p> <p>2 ALJ HOGAN: Mr. Dawson.</p> <p>3 SUBSTITUTE DECISIONMAKER DAWSON: Thank you all</p> <p>4 for coming today. I do want to reiterate that time is</p> <p>5 so valuable and I'm just impressed at the time that</p> <p>6 people put into this and that they come here and they</p> <p>7 seek redress and I appreciate that.</p> <p>8 ALJ HOGAN: All right. Well, I will note for</p> <p>9 the record that it's 6:05 p.m. and we will stand in</p> <p>10 recess in this case.</p> <p>11 -----</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>PAGE 383</p> |
| <p>1 ALJ HOGAN: All right. Well, that brings us to</p> <p>2 the end of our testimony for the day. I'll just ask if</p> <p>3 there's any other matters we need to address before we</p> <p>4 conclude.</p> <p>5 Mr. Gludt, do you have anything?</p> <p>6 MR. GLUDT: No, Your Honor. Thank you.</p> <p>7 ALJ HOGAN: Mr. Jorde.</p> <p>8 MR. JORDE: I don't. No, Your Honor. Thank</p> <p>9 you.</p> <p>10 ALJ HOGAN: Mr. Pelham.</p> <p>11 MR. PELHAM: No, Your Honor.</p> <p>12 ALJ HOGAN: And do the commissioners want to</p> <p>13 make any closing remarks?</p> <p>14 Commissioner Christmann.</p> <p>15 COMMISSIONER CHRISTMANN: I do not except for</p> <p>16 we'll see at least the people at this table on Tuesday.</p> <p>17 ALJ HOGAN: All right.</p> <p>18 COMMISSIONER CHRISTMANN: Happy Memorial Day.</p> <p>19 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>20 COMMISSIONER HAUGEN-HOFFART: You know, holding</p> <p>21 these hearings is informative; we get a lot of</p> <p>22 information. But I just really want to thank everyone</p> <p>23 for their testimony. I know there's a lot of passion</p> <p>24 regarding this and we do take a lot of information in.</p> <p>25 We hear you. And I just want to thank everyone for</p> <p>PAGE 382</p> | <p><u>CERTIFICATE OF TRANSCRIPTIONIST</u></p> <p>STATE OF NORTH DAKOTA) ss.</p> <p>I, Lisa A. Hulm, CET-783, a certified electronic transcriber, do hereby certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter, to the best of my professional skills and abilities. I further state that I was not present during these recorded proceedings, and I am only the transcriber of the recorded proceedings.</p> <p>I further certify that I am not a relative or employee or attorney or counsel of any of the parties hereto, nor a relative or employee of such attorney or counsel; nor do I have any interest in the outcome or events of the action.</p> <p>Dated this date of October 20, 2025.</p> <p>----- LISA A. HULM, CET-783</p> <p>The foregoing certification of this transcript does not apply to the reproduction of the same by any means, unless under the direct control and/or direction of the certifying transcriber.</p> <p>PAGE 384</p> |

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