

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

June 4, 2024, Formal hearing

ND PUBLIC SERVICE COMMISSION

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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
June 4, 2024
Linton, North Dakota

APPEARANCES

Commissioners Randy Christmann, Sheri Haugen-Hoffart, and
Substitute Decisionmaker Timothy J. Dawson

BRET DUBLINSKE and TYLER GLUDDT, Fredrikson &
Byron, PA, on behalf of Applicant SCS Carbon Transport
LLC

DERRICK BRAATEN, Braaten Law Firm, on behalf of
Emmons County

BRIAN E. JORDE, Domina Law Group, on behalf of
Intervenor/Landowners

ZACHARY PELHAM, Special Assistant Attorney General
Advisory Counsel to the Public Service Commission

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1 ALJ HOGAN: Okay. We are going to get started.

2 Good morning. It is 9:08 a.m. on June 4th, 2024. This

3 is the time and date set by the notice of public hearing

4 issued by the North Dakota Public Service Commission on

5 March 21st, 2024, for a hearing in Case No. PU-22-391.

6 This hearing is being held today at Our Club in Linton,

7 North Dakota.

8 My name is Hope Hogan. I'm an administrative

9 law judge that's been designated at the request of the

10 Public Service Commission to serve as a hearing officer

11 for today's hearing.

12 As we begin, I would ask everybody, please check

13 your cell phones to make sure they're either silenced or

14 turned off so that we don't have cell phone

15 interruptions as we proceed today.

16 I know that most people in attendance today have

17 strong feelings regarding this case and the subject

18 matter of this case. I would ask that everybody please

19 refrain from any clapping, cheering, or verbal outbursts

20 during our hearing. This is an administrative hearing

21 and I do plan to maintain decorum as we proceed today.

22 And I would just ask that everybody please be respectful

23 of others even if you disagree with the content of their

24 testimony or comments.

25 There are some attendance sheets. I believe

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<p>1 there's one by the front door, there's one back by the 2 maps, and then there's one up on the witness table. The 3 Commission would ask that everybody please sign the 4 attendance sheet so that they have a record of all who 5 attended today's hearing. If you want to offer public 6 testimony today, please indicate that on the attendance 7 sheet. That just helps me get an idea of how many 8 people who would like to testify today and to allocate 9 time accordingly.</p> <p>10 This hearing concerns the application of SCS 11 Carbon Transport LLC for a certificate of corridor 12 compatibility and route permit concerning approximately 13 320 miles of carbon dioxide pipeline ranging from 4.5 to 14 24-inch diameter and associated facilities in Burleigh, 15 Cass, Dickey, Emmons, Logan, McIntosh, Morton, Oliver, 16 Richland, and Sargent counties, North Dakota. On August 17 4th, 2023, the Commission issued findings of fact, 18 conclusions of law, and an order denying the 19 application. On September 15th, 2023, the Commission 20 issued an order granting the Applicant's petition for 21 reconsideration.</p> <p>22 This hearing has been scheduled to focus 23 primarily on adjustments in Emmons, Logan, and McIntosh 24 counties. The notice of hearing specified the issues to 25 be considered in this as the proposed route adjustments</p> <p style="text-align: right;">PAGE 5</p>	<p>1 appropriately addressed.</p> <p>2 I'm now going to ask the parties to indicate 3 their appearance for the record.</p> <p>4 Mr. Dublinske or Mr. Gludt.</p> <p>5 MR. GLUDT: Good morning, Your Honor. Tyler 6 Gludt, Fredrikson & Byron PA on behalf of the Applicant, 7 SCS Carbon Transport LLC. And sitting to my right is 8 Mr. Bret Dublinske, also of Fredrikson & Byron.</p> <p>9 ALJ HOGAN: Thank you.</p> <p>10 Mr. Pelham.</p> <p>11 MR. PELHAM: Good morning, Judge. Zachary 12 Pelham, special assistant attorney general on behalf of 13 the Public Service Commission. To my right is Public 14 Utilities Director Victor Schock.</p> <p>15 ALJ HOGAN: Mr. Braaten.</p> <p>16 MR. BRAATEN: Thank you, Your Honor. Derrick 17 Braaten with Braaten Law Firm here on behalf of Emmons 18 County board of county commissioners, and I have with me 19 Desirae Zaste, my paralegal.</p> <p>20 ALJ HOGAN: And appearing remotely today is 21 Mr. Jorde.</p> <p>22 Mr. Jorde, can you note your appearance for the 23 record, please?</p> <p>24 MR. JORDE: Yes, Your Honor. Brian Jorde, 25 Domina Law, on behalf of landowner intervenors.</p> <p style="text-align: right;">PAGE 7</p>
<p>1 and supplemental filings and deficiencies noted in the 2 Commission's August 18th, 2023, order and includes the 3 following questions:</p> <p>4 Number one. Will construction, operation, and 5 maintenance of the facility at the proposed location 6 produce minimal adverse effects on the environment and 7 upon the welfare of the citizens of North Dakota?</p> <p>8 Number two. Is the proposed facility compatible 9 with environmental preservation and the efficient use of 10 resources?</p> <p>11 And number three. Will construction, operation, 12 and maintenance of the facility at the proposed location 13 minimize adverse human and environmental impact while 14 ensuring continuing system reliability and integrity and 15 ensuring that energy needs are met and fulfilled in an 16 orderly and timely fashion?</p> <p>17 As I indicated, the Commission has re-opened 18 this case which means all the evidence that was 19 previously accepted into the record, including 20 testimony, remains a part of the report. The purpose of 21 this hearing is to address the deficiencies noted in the 22 Commission's order and the route adjustments. The 23 purpose is not to address issues the Commission has 24 already determined it does not have jurisdiction over or 25 items the Commission has already determined were</p> <p style="text-align: right;">PAGE 6</p>	<p>1 ALJ HOGAN: All right. Thank you.</p> <p>2 I'll now take opening comments from the 3 commissioners.</p> <p>4 Commissioner Christmann.</p> <p>5 COMMISSIONER CHRISTMANN: Thank you, Your Honor.</p> <p>6 So, first of all, just a reminder, we've done, I 7 think, about a dozen public hearings now on this case. 8 Some of them have been in Bismarck. I think this is the 9 second one here. We've done a couple in Wahpeton. We 10 were in Mandan. We were in Gwinner. The crowds have 11 been wonderful.</p> <p>12 I just want to remind you again, if we have new 13 people who haven't attended any of our hearings in the 14 past, this is an official legal hearing, not a political 15 rally. We don't wave signs around, we don't boo, we 16 don't applaud. You know, it's to allow people to 17 respectfully testify and present evidence to us. And so 18 appreciate that in the first 10 or 12 hearings we've 19 had, whatever the total is right now, and would 20 appreciate it again today.</p> <p>21 We're out here and we've been to the other towns 22 because we want to hear from people. Our decisions are 23 based on the law. And sometimes we like the law as it's 24 written, sometimes we don't like the law as it's 25 written, but we base our decisions on what the law calls</p> <p style="text-align: right;">PAGE 8</p>

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<p>1 for on making these siting decisions.</p> <p>2 There are some areas of the law that give us</p> <p>3 some discretion and it's very important that we go out</p> <p>4 and that we know what people are thinking. That's why</p> <p>5 we come out here. It's a lot simpler for us to do this</p> <p>6 in Bismarck, but we come out to towns across the state</p> <p>7 because we want to make it at least somewhat convenient</p> <p>8 for you. That's why we scheduled it the day after a</p> <p>9 rain day so that you wouldn't be busy in the fields.</p> <p>10 No, we lucked out there. But we're out here because we</p> <p>11 want to hear from you. It requires a little patience.</p> <p>12 We want to hear from the intervening parties, Emmons</p> <p>13 County and their witnesses first, which have been</p> <p>14 prearranged, so please be patient. But we are here, we</p> <p>15 want to hear from you, and so please stick around for</p> <p>16 that.</p> <p>17 The last thing I want to do, and I hope I'm not</p> <p>18 missing anybody, it's always hard when the rooms are</p> <p>19 pretty big like this, but we have several of our state</p> <p>20 legislators here. Forgive me if I'm missing somebody,</p> <p>21 but I know I've seen Senator Jeff Magrum from right here</p> <p>22 in this district, Senator Terry Wanzek from over in the</p> <p>23 Jamestown area, and Representative Mike Brandenburg from</p> <p>24 over in the Edgeley area. If I'm missing anybody else,</p> <p>25 I'm sorry. But welcome. We appreciate our elected</p> <p style="text-align: right;">PAGE 9</p>	<p>1 later today.</p> <p>2 And before we proceed to testimony, I'll just</p> <p>3 ask if there's any other preliminary matters the parties</p> <p>4 would like to discuss before we get started. Is there</p> <p>5 anything on behalf of the Applicant?</p> <p>6 MR. GLUDD: No, Your Honor.</p> <p>7 ALJ HOGAN: Mr. Pelham.</p> <p>8 MR. PELHAM: No, Your Honor.</p> <p>9 ALJ HOGAN: Mr. Braaten.</p> <p>10 MR. BRAATEN: No, Your Honor.</p> <p>11 ALJ HOGAN: And Mr. Jorde.</p> <p>12 MR. JORDE: No, Your Honor.</p> <p>13 ALJ HOGAN: All right. Then I'll turn to you,</p> <p>14 Mr. Braaten. You can call your first witness.</p> <p>15 MR. BRAATEN: Emmons County calls the chair of</p> <p>16 the board of county commissioners, Erin Magrum.</p> <p>17 ALJ HOGAN: Good morning, Mr. Magrum. I'm going</p> <p>18 to have you turn that microphone on if it's not on. You</p> <p>19 should get a green light if it's on.</p> <p>20 ERIN MAGRUM: Is it on?</p> <p>21 ALJ HOGAN: It sounds that way, but I'm going to</p> <p>22 have you pull that close because we've got a big room</p> <p>23 and we want to make sure we can hear you.</p> <p>24 ERIN MAGRUM: I'm notoriously quiet so we should</p> <p>25 make sure we keep it --</p> <p style="text-align: right;">PAGE 11</p>
<p>1 officials that come to hear what the public has to say</p> <p>2 or potentially testify, as well as -- and I believe</p> <p>3 he'll be testifying today, your county commissioner</p> <p>4 chairman, Erin Magrum.</p> <p>5 ALJ HOGAN: Thank you.</p> <p>6 Commissioner Haugen-Hoffart.</p> <p>7 COMMISSIONER HAUGEN-HOFFART: Good morning,</p> <p>8 everybody. It was a nice drive up here to see things so</p> <p>9 plush and green. I appreciate people being here and</p> <p>10 your interest and I look forward to hearing from many of</p> <p>11 you.</p> <p>12 ALJ HOGAN: Thank you.</p> <p>13 Mr. Dawson.</p> <p>14 SUBSTITUTE DECISIONMAKER DAWSON: I think this</p> <p>15 is our last planned public hearing so I hope we saved</p> <p>16 the best for last and I look forward to the hearing</p> <p>17 today.</p> <p>18 ALJ HOGAN: All right. Thank you.</p> <p>19 As Commissioner Christmann noted, we are going</p> <p>20 to start with Emmons County's witnesses this morning and</p> <p>21 then I plan to take public testimony, and then following</p> <p>22 public testimony the landowner intervenors have a couple</p> <p>23 of witnesses to call as well today. We will take a</p> <p>24 morning break, roughly, at 10:30 or so, we will take a</p> <p>25 lunch break, and then we'll also take an afternoon break</p> <p style="text-align: right;">PAGE 10</p>	<p>1 ALJ HOGAN: So use the voice you use to yell at</p> <p>2 your dog today.</p> <p>3 ERIN MAGRUM: I don't yell at my dog. My dog</p> <p>4 listens so...</p> <p>5 ALJ HOGAN: Yours is better than mine then.</p> <p>6 I'll have you start by stating your full name</p> <p>7 for the record and spelling your last name.</p> <p>8 ERIN MAGRUM: My name is Erin Magrum,</p> <p>9 M-A-G-R-U-M. I am --</p> <p>10 ALJ HOGAN: Go ahead.</p> <p>11 ERIN MAGRUM: I am commissioner of District 2 in</p> <p>12 Emmons County. I'm also the current chairman of the</p> <p>13 county.</p> <p>14 ALJ HOGAN: Before you testify this morning,</p> <p>15 Mr. Magrum, I'm required by law to advise you on the</p> <p>16 penalties for perjury in the state of North Dakota.</p> <p>17 Perjury is a Class C felony, punishable by a</p> <p>18 maximum fine of \$10,000, a maximum five years'</p> <p>19 imprisonment, or both.</p> <p>20 Do you understand what perjury is?</p> <p>21 ERIN MAGRUM: I'm not sure.</p> <p>22 ALJ HOGAN: All right. So perjury is lying</p> <p>23 about a material fact to a case once you've been sworn</p> <p>24 in is kind of the simplified explanation of that.</p> <p>25 And with that understanding, do you promise to</p> <p style="text-align: right;">PAGE 12</p>

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<p>1 tell the truth in this case today?</p> <p>2 ERIN MAGRUM: I do.</p> <p>3 ALJ HOGAN: All right. Thank you.</p> <p>4 You can go ahead, Mr. Braaten. And,</p> <p>5 Mr. Braaten, I'm going to ask you to pull your mic a</p> <p>6 little bit closer too so we can hear you. Thank you.</p> <p>7 MR. BRAATEN: And to be fair, I actually do</p> <p>8 speak quiet.</p> <p>9 We have passed out some written testimony and so</p> <p>10 I'm going to do my best to be efficient here and we</p> <p>11 won't necessarily go through and read the entire</p> <p>12 testimony, but we'll try to cover that in an abbreviated</p> <p>13 manner. And there are also some exhibits attached to</p> <p>14 that testimony for convenience.</p> <p>15 <u>ERIN MAGRUM,</u></p> <p>16 being first duly sworn, was examined and testified as</p> <p>17 follows:</p> <p>18 DIRECT EXAMINATION</p> <p>19 BY MR. BRAATEN:</p> <p>20 Q. Commissioner Magrum, are you familiar with the</p> <p>21 Emmons County zoning ordinance?</p> <p>22 A. Yes, I am.</p> <p>23 Q. And is Exhibit EC-1 attached to the written</p> <p>24 testimony, is that an accurate copy of the Emmons County</p> <p>25 zoning ordinance?</p> <p style="text-align: right;">PAGE 13</p>	<p>1 MR. BRAATEN: Yes, Your Honor. Thank you.</p> <p>2 The appeal that was filed was filed as a</p> <p>3 precautionary measure and, as Mr. Dublinske knows, his</p> <p>4 firm agreed to put that appeal on hold pending the final</p> <p>5 decision of the Public Service Commission. We</p> <p>6 stipulated to put that and stay that appeal pending a</p> <p>7 final decision. But given the nature of the PSC's</p> <p>8 decision in this matter and the ambiguity as to whether</p> <p>9 that was a final decision, particularly considering that</p> <p>10 Burleigh County brought a petition to reconsider that</p> <p>11 decision which was taken up and decided, it is ambiguous</p> <p>12 right now as to whether that was a final decision.</p> <p>13 In order to be efficient, what we did is</p> <p>14 stipulate to stay that appeal until this is concluded.</p> <p>15 Given that there are likely going to be a number of</p> <p>16 appeals filed, they would be consolidated at that time</p> <p>17 as a procedural matter. And so in terms of the</p> <p>18 procedural posture of a pending appeal, I think that</p> <p>19 part is irrelevant.</p> <p>20 The other thing I would say is that this</p> <p>21 Commission ruled as a matter of law that Emmons County's</p> <p>22 ordinance is preempted. Emmons County was never allowed</p> <p>23 to put on any factual evidence related to that decision.</p> <p>24 We are now in Emmons County and the board of the Emmons</p> <p>25 County Commission is at the stand and we are trying to</p> <p style="text-align: right;">PAGE 15</p>
<p>1 A. Yes, it is.</p> <p>2 Q. And are you familiar with the provisions related</p> <p>3 to liquid transmission pipelines and amendments to those</p> <p>4 provisions in the last few years?</p> <p>5 A. Yes, I am.</p> <p>6 MR. DUBLINSKE: Your Honor, I'm going to lodge</p> <p>7 an objection, and I was hoping Mr. Jorde's witnesses</p> <p>8 would go first so we didn't have to start the day this</p> <p>9 way, but I've had a quick chance to review the testimony</p> <p>10 and it appears to be entirely about the ordinance and</p> <p>11 how it would apply and there's some discussion of</p> <p>12 preemption. As Your Honor and the Commission is aware,</p> <p>13 we had a separate hearing on preemption. The Commission</p> <p>14 has already made its ruling on preemption. It's</p> <p>15 basically -- the testimony basically reads like a motion</p> <p>16 to reconsider. As the Commission and Your Honor are</p> <p>17 likely aware, this issue is on appeal which is where it</p> <p>18 will ultimately be decided.</p> <p>19 And so I don't know that it makes sense for us</p> <p>20 to relitigate the ordinance and its applicability and</p> <p>21 the preemption issues in the public comment hearing</p> <p>22 today. That already has a proper legal venue and that</p> <p>23 is with the courts right now.</p> <p>24 ALJ HOGAN: Mr. Braaten, did you want to address</p> <p>25 that objection?</p> <p style="text-align: right;">PAGE 14</p>	<p>1 put on the factual evidence related to the Emmons County</p> <p>2 ordinance. I understand this Commission has ruled to</p> <p>3 preempt, but I would ask for an explicit ruling that we</p> <p>4 are also being prevented from putting on factual</p> <p>5 evidence of that if that is the way the objection will</p> <p>6 be ruled on.</p> <p>7 ALJ HOGAN: Mr. Pelham, any position?</p> <p>8 MR. PELHAM: I'm not going to join in the</p> <p>9 objection. I think that the legal decision by the</p> <p>10 Commission has been made. At the same time, we are here</p> <p>11 and the -- I believe Mr. Braaten will efficiently put</p> <p>12 forth what he believes on behalf of his client is</p> <p>13 necessary in order to establish a record. Thank you.</p> <p>14 ALJ HOGAN: Given the status of the pending</p> <p>15 appeal and motions, and since we're here and the</p> <p>16 Commission does not intend to hold any other hearings, I</p> <p>17 would note the Applicant's objection and concerns</p> <p>18 regarding the Commission's prior ruling on preemption,</p> <p>19 but I will allow Emmons County to present its evidence</p> <p>20 on this issue.</p> <p>21 MR. BRAATEN: Thank you, Your Honor.</p> <p>22 Q. (BY MR. BRAATEN) Commissioner Magrum, when were</p> <p>23 the provisions for transmission pipelines most recently</p> <p>24 amended?</p> <p>25 A. I believe it was February of 2023.</p> <p style="text-align: right;">PAGE 16</p>

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<p>1 Q. Okay. And where -- within the Emmons County 2 ordinance itself, where do those provisions appear? 3 What section of the ordinance or what article? 4 A. In Article VI we address a number of conditional 5 uses and the requirements for obtaining a conditional 6 use permit for those uses. They include commercial 7 recreational parks, liquid transmission pipelines, 8 salvage and junkyards, and subsurface mining and surface 9 extraction. 10 Q. All right. And so I'm going to go off script 11 here a little bit, Mr. Magrum, but the Article VI in 12 Exhibit EC-2, page 15, is that the article of the land 13 use code that addresses the conditional use 14 requirements? 15 A. Yes. 16 Q. And so on page 15, if we look at subsection A, 17 that deals with commercial recreation parks, tourist and 18 trailer camps, and sets out the land use ordinance for 19 those; is that right? 20 A. Yes. 21 Q. Then when we go to page 16, subsection B deals 22 with the electric transmission facilities and previously 23 dealt with water, gas, oil or coal slurry transmission 24 pipelines. Is that subsection B the subsection that was 25 amended?</p> <p style="text-align: right;">PAGE 17</p>	<p>1 Q. Prior to the proposal from Summit, had anyone 2 ever, to your knowledge, proposed locating a pipeline 3 for transmission of carbon dioxide across Emmons County? 4 A. Not to my knowledge, no. 5 Q. And prior to hearing about that project, did the 6 Emmons County zoning ordinance specifically and 7 explicitly address pipelines transmitting carbon 8 dioxide? 9 A. No, but the -- it's stated, a somewhat vague 10 description that maybe could have been considered that, 11 but we weren't quite sure. 12 Q. Okay. And so was the purpose of amending it 13 just to make it explicit that it was intended to cover 14 CO2 pipelines? 15 A. Yes. I believe the original conversation was, 16 is gas could cover it, but we weren't expertise enough 17 to know if it was considered gas, liquid, and so we 18 wanted to make sure that we -- it was specifically in 19 there as well as everything else. 20 Q. Okay. And so because you weren't sure given the 21 physics of how they transport CO2, whether that would be 22 considered liquid or gas, you adopted language just to 23 address CO2 specifically? 24 A. Yes. 25 Q. And I'll also note there's language added, "any</p> <p style="text-align: right;">PAGE 19</p>
<p>1 A. Yes. 2 Q. Okay. And then finishing out the conditional 3 use requirements and the different types of conditional 4 uses for Emmons County, we start with the commercial 5 recreation parks, then we have the electric transmission 6 facilities and pipelines. And additionally, as 7 conditional uses, am I right that Emmons County also 8 regulates salvage and junkyards and subsurface mining 9 and surface extraction as conditional uses? 10 A. Yes, it does. 11 Q. And at the beginning of Article VI there's a 12 definition of "conditional uses" that states that they 13 are uses which may be permitted in a district, but 14 because of their specific needs or because there may be 15 a potential for conflict with other permitted uses, 16 special requirements may need to be met to alleviate any 17 concerns that specific conditional use will not conflict 18 with the intent of the district. 19 Is that how Emmons County would define a 20 "conditional use" under its land use ordinance? 21 A. Yes. 22 Q. And what you're regulating is essentially the 23 compatibility of different land uses within Emmons 24 County. Is that fair? 25 A. Yes.</p> <p style="text-align: right;">PAGE 18</p>	<p>1 other substance deemed to be hazardous by PHMSA." Well, 2 tell me what the intent of that language was. 3 A. Well, the intent was that since we were 4 revisiting the conditional use permit, we wanted to make 5 sure that we weren't specifically targeting any one 6 thing but that we were addressing several issues that 7 could come up in the future so that we're not revisiting 8 it every time a project comes up. 9 And I would just add that, you know, the idea of 10 even mentioning PHMSA or anything was -- it was just to 11 try and create an avenue for us to at least try and look 12 at something that maybe we didn't fully understand. 13 Q. And when you say "any other substance deemed to 14 be hazardous by PHMSA," is it -- is it generally the 15 intent with these amendments to simply cover any of the 16 major transmission lines regardless of what they're 17 transporting? 18 A. Yes. I think the big thing with us is to just 19 -- Emmons County's ordinances tend to get updated as 20 things come along. We wanted to make sure that we were 21 updating it as proper as we could. 22 Q. Okay. And with respect to those updates and the 23 amendment, there were provisions filed by Emmons County 24 at Docket No. 49, and that's attached as Exhibit EC-2. 25 Is that a copy of the amendments?</p> <p style="text-align: right;">PAGE 20</p>

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<p>1 A. Are you speaking to the -- I guess mine doesn't 2 say "EC-2" on it. I have the "Ordinance No. 23-01-01" 3 on top. 4 Q. Okay. And is that Ordinance 23-01-01, is that 5 the amendment to the Emmons County zoning ordinance that 6 was submitted to the Public Service Commission? 7 A. Yes, it is. 8 Q. Okay. And it appears attached to your written 9 testimony as Exhibit EC-2? 10 A. I guess I could just follow those, yeah. 11 Yes, it is. 12 I was a C-student. I didn't follow along all 13 the time so... 14 Q. You're doing great. 15 So if you look at the second page of Exhibit 16 EC-2 with Ordinance No. 23-01-01, other than adding the 17 CO2 explicitly as we just discussed, were there other 18 changes made to the ordinance through this amendment? 19 A. Yes. We also made adjustments to the setback 20 requirements. 21 Q. Okay. And so you added the -- any additional 22 substances in terms of the pipelines, you updated the 23 setbacks within that conditional use ordinance. Is 24 there anything else that you did as part of that 25 amendment?</p> <p style="text-align: right;">PAGE 21</p>	<p>1 substances, the intent is that the ordinance covers all 2 of them? 3 A. Yes. 4 Q. Did Emmons County learn at some point that 5 Summit was attempting to preempt and supersede its law? 6 A. I don't -- I don't know exactly if Emmons County 7 as a whole knew about it, but it was kind of information 8 that was, you know, given to us secondhand by other 9 sources and other parties involved. 10 Q. And so when Summit filed a motion with the 11 Public Service Commission to strike down the Emmons 12 County laws, they didn't provide you any notice of that? 13 A. Not to my knowledge. 14 Q. After you learned from other third parties that 15 Summit was attacking the Emmons County laws, what did 16 you do? 17 A. I think our first reaction was to seek legal 18 counsel as far as what our options were. 19 Q. Have other pipeline companies routed pipelines 20 across Emmons County? 21 A. Could you repeat that? I was flipping through 22 pages here. 23 Q. Sorry. Have you had other pipelines, major 24 pipelines, cross Emmons County in the past? 25 A. Yes, we have.</p> <p style="text-align: right;">PAGE 23</p>
<p>1 A. We also added in a variance. 2 Q. And what was the purpose of that? 3 A. The purpose of the variance was for the ability 4 to the landowners to negotiate with any company that 5 comes in. So if they believe that the setbacks were 6 unnecessary or there was some kind of way to negotiate 7 with that company, they could come to some kind of an 8 agreement that would basically, for lack of a better 9 word, make the ordinance really not exist. 10 Q. So it would be fair to say the position of 11 Emmons County is that if the landowners and the company 12 can work out a deal, Emmons County isn't going to stand 13 in the way of that? 14 A. Absolutely. And it's actually happened on other 15 projects in the county. 16 Q. And are these amendments to the Emmons County 17 ordinance applicable to all pipeline projects in the 18 county? 19 A. I would say with the description we've given it, 20 yes. 21 Q. And I should be careful with that language. 22 Obviously not all pipeline projects, but within the 23 definition it refers to pipelines for non-potable fresh 24 water, for the gas, and the other substances covered by 25 PHMSA. In terms of pipelines transporting those</p> <p style="text-align: right;">PAGE 22</p>	<p>1 Q. Did they attack your local laws? 2 A. To my knowledge, no. 3 Q. Did Dakota Access build its pipeline across 4 Emmons County? 5 A. Yes, it did. 6 Q. And if we look at Exhibit No. EC-3 attached to 7 your testimony, did Dakota Access obtain a conditional 8 use permit from the Emmons County zoning -- 9 MR. DUBLINSKE: Objection, Your Honor, on 10 relevance. The witness has admitted that this ordinance 11 has been changed since Dakota Access came through. So 12 whether Dakota Access could or couldn't come through the 13 county with or without a permit or with or without 14 attacking the ordinance isn't relevant to the facts on 15 the ground today or the issues before the Commission. 16 ALJ HOGAN: Mr. Braaten. 17 MR. BRAATEN: Certain aspects of the ordinance 18 have been changed, but largely they were minor aspects 19 that were changed, and the point is that they still 20 follow the conditional use permit. To the extent those 21 requirements are different now than they were for Dakota 22 Access, we have the best witness on the stand to explain 23 what those differences are and how they may or may not 24 have applied for Dakota Access. 25 ALJ HOGAN: I have concerns about relevance, but</p> <p style="text-align: right;">PAGE 24</p>

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<p>1 I know at the prior hearings we had lots of testimony 2 about Dakota Access pipeline and permitting. So to that 3 extent I'll allow it and the Commission can decide how 4 much weight to give this line of questioning, if any at 5 all. 6 Q. (BY MR. BRAATEN) Commissioner Magrum, Exhibit 7 EC-3 attached to your written testimony, can you tell me 8 what that is? 9 A. It appears to be an application for an 10 industrial conditional use permit for the Dakota Access 11 pipeline in Emmons County. 12 Q. And who submitted that application? 13 A. Looks like Lawrence Bender on behalf of Dakota 14 Access. 15 Q. Okay. And other than submitting an application 16 for a conditional use permit for the pipeline itself, 17 did Dakota Access come to Emmons County for any other 18 types of local government approvals for its project? 19 A. For the pipeline itself, I can't speak fully to 20 that because I wasn't a commissioner at the time, but I 21 know for the pumping station they were very open and out 22 front with us in the beginning, asking for -- basically 23 asking us what permits would be needed to get the 24 project going, and also basically addressing any 25 landowner concerns of anybody that was attending the</p> <p style="text-align: right;">PAGE 25</p>	<p>1 ordinance? 2 A. There will also be a haul road agreement that we 3 have with any kind of major project that goes on in the 4 county that they would have to sign and abide by. 5 Q. And, in general, whether the setbacks were there 6 or not, would Emmons County generally still require a 7 conditional use permit and a permit fee? 8 A. Absolutely. 9 Q. Has Summit submitted any applications to Emmons 10 County for any type of zoning approvals for its project? 11 A. To my knowledge, no. 12 MR. BRAATEN: No further questions at this time. 13 ALJ HOGAN: Are you going to offer the exhibits? 14 MR. BRAATEN: I would offer the exhibits as well 15 as to the extent we're offering the written testimony. 16 I honestly just don't know if that's what everybody's 17 been doing. If others have offered the written 18 testimony into the record, I'd offer that with the 19 exhibits. 20 ALJ HOGAN: All right. They have and we've been 21 labeling it with an exhibit number. So is there any 22 objection to labeling the direct testimony as EC-5? 23 MR. BRAATEN: No. 24 ALJ HOGAN: Other than your other objections you 25 noted, Mr. Dublinske, I'll note them on the exhibit</p> <p style="text-align: right;">PAGE 27</p>
<p>1 meetings. 2 Q. And is Exhibit EC-4, attached to your written 3 testimony a copy of the application and approval for the 4 conditional use permit for that pumping station? 5 A. Yes, it is. 6 Q. And you mention landowner concerns. Were there 7 any landowner concerns expressed about that pumping 8 station when you were involved? 9 A. There was one landowner who was probably the 10 closest proximity, the neighbor if you will, that was 11 concerned about noise. And I don't remember exactly 12 what happened, if Dakota Access invited him to a similar 13 building or if he went on his own, but those issues were 14 addressed and there was no concerns of noise. Because 15 once that person visited that site that -- they were 16 seeing that -- they were satisfied with whatever was 17 going on there. 18 Q. And there was some discussion a moment ago about 19 a motion from Summit to preempt ordinances that related 20 primarily to setbacks. And so I want to just ask one 21 question to be clear. Other than having a requirement 22 for certain setbacks within the provisions for a 23 conditional use for this type of pipeline, are there 24 other kinds of requirements that Summit would need to 25 comply with if it were complying with the local land use</p> <p style="text-align: right;">PAGE 26</p>	<p>1 list, but did you have additional objections to the 2 exhibits? 3 MR. DUBLINSKE: No, Your Honor. Same objection. 4 We see this legally in the same position as the material 5 that has been kept out on the basis of the protective 6 order and the paper legal fight about the protective 7 order. So we just restate our prior objections. 8 ALJ HOGAN: All right. And, Mr. Pelham, any 9 objection to the exhibits? 10 MR. PELHAM: No objection. 11 ALJ HOGAN: And Mr. Jorde. 12 MR. JORDE: No objection. 13 ALJ HOGAN: All right. I will note the 14 Applicant's -- or Summit's objections, but I will admit 15 Exhibits EC-1 through EC-5. 16 Mr. Dublinske, did you have any questions for 17 Mr. Magrum? 18 MR. DUBLINSKE: Just a couple. 19 CROSS EXAMINATION 20 BY MR. DUBLINSKE: 21 Q. Mr. Magrum, just to clarify, Dakota Access was 22 constructed and in operation prior to the amendments in 23 the current ordinance; correct? 24 A. Yes. 25 Q. Have there been any major pipeline projects that</p> <p style="text-align: right;">PAGE 28</p>

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<p>1 have been built through Emmons County under the new 2 ordinance? 3 A. No. 4 Q. Nothing -- and just to be clear, Emmons County, 5 regardless of when or how it got noticed, did have 6 opportunity to participate in the motions regarding 7 preemption; correct? 8 A. I'm not a legal expert, but there was probably 9 some type of process with that. I would have to -- 10 MR. DUBLINSKE: Nothing further, Your Honor. 11 ALJ HOGAN: Mr. Pelham, any questions? 12 MR. PELHAM: Yes. 13 CROSS EXAMINATION 14 BY MR. PELHAM: 15 Q. Good morning, Commissioner. Just following up 16 on the last question about applications -- rather, for 17 conditional use permits, I think you were asked if any 18 have been approved. Have there been any applications 19 since the amendments to the ordinance? 20 A. Not for pipelines probably but there -- no. 21 Q. Prior to February 2023, how long had the 22 ordinance been in effect without amendment? 23 A. Well, the amendment parts and everything were 24 all existent. It was just we were amending those 25 amendments. So the setbacks part and everything did PAGE 29</p>	<p>1 individuals. You know, our legal counsel is our state's 2 attorney who's prosecuting people while dealing with 3 fence-line issues. You know, it's -- a project comes 4 in, we evaluate it the best we can. If we feel like it 5 fits the needs of the county or something, then we go 6 forward. When it's something we don't understand such 7 as this, we felt like our ordinance was inadequate. 8 Q. What is it that wasn't understood? 9 A. Just that we don't understand the substance 10 really coming through it. There's really not a lot of 11 information been given to us other than just -- 12 depending on where you get it from, which, you know, 13 that's -- when it came to things like DAPL or even the 14 Northern Border Pipeline, people use natural gas in 15 their homes. You know, we're familiar with oil for the 16 uses we have. CO2 is -- in Emmons County is new. 17 Q. At some point did it become understood by the 18 county and you as a commissioner, as a county 19 commissioner? 20 A. I don't know if it really has because it seems 21 to be a really complicated process or at least -- I 22 mean, to be honest with you, the information given to us 23 by Summit seems vague and sometimes one-sided. And when 24 we hear it from anybody else, through any other 25 information, it's completely opposite. It's hard to PAGE 31</p>
<p>1 exist. It's just we amended those so... 2 Q. Sure, I understand. Appreciate that response, 3 sir. 4 My question is just a little bit different. I'm 5 wondering when, if you know, the zoning ordinances, when 6 were they enacted in the form as presented by EC-1 here, 7 if you know? 8 A. That, I believe, is at the front page of the 9 book. Sometime -- 1982. That's why it's still in type. 10 Q. Sure. Understood. And I've seen a lot of 11 these. It's just like a -- 12 So since 1982, what was the reason for the 13 amendment that is Exhibit EC-2 that was done? 14 A. I believe that the main reason is this -- this 15 specific amendment was trying to address a project that 16 this county hasn't seen before nor has a neighboring 17 county, to our knowledge, seen before. 18 Q. Understood. 19 And specifically, what is it about this proposed 20 project that specifically caused the county to adopt the 21 ordinance or the amendment? 22 A. It's hard to say that this specific project did 23 anything specific. I guess to explain a little bit, in 24 Emmons County we're pretty rural. We're a little more 25 reactionary. We don't have a giant zoning office with PAGE 30</p>	<p>1 know what is true and what's not. And I'm a plumber. 2 I'm not a CO2 expert. So I just try and make decisions 3 the best I can for the good of my county. 4 Q. So specifically as to the ordinance -- as to the 5 amendment, it looks like the subsection that was amended 6 making the -- "pipeline right of way does not pass 7 within two miles of the corporate boundaries of any 8 organized city, a mile and a half of an established 9 residence, within 500 feet of any other building or 10 surface water body." 11 How were those distances determined to be 12 appropriate by the county? 13 A. Those distances were just discussions as a 14 group, as county commissioners. You know, we're elected 15 by the people to make the decisions in our best 16 abilities for the county. We put our knowledge and our 17 common sense and our, you know, years of living here 18 together to try and make a decision we felt would be 19 agreeable for our people. And it's a reason why we also 20 included the variance, because if people feel we made a 21 mistake, they have more than enough power to negotiate 22 with that company and basically decide what setback they 23 want essentially. 24 Q. Sure, I appreciate that. I understand that, I 25 think. But I'm still trying -- in my mind, I'm trying PAGE 32</p>

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1 to understand a little bit better, Commissioner,
2 from 1982 until February 2023, the existing ordinance
3 was in place. This proposed project comes along and
4 there's additional setback requirements. I'm wondering
5 specifically how it was determined as to the reason for
6 having setbacks set for -- since 1982 hadn't been
7 required by the county?
8 **A. Mostly probably just a difference in opinion on**
9 **the people participating, the differences in the**
10 **projects, I guess, I mean as far as --**
11 **Q.** Well, forgive me, sir, but you are the one
12 that's -- one of the three that are deciding so I'm
13 asking you, as a commissioner, what was -- what was the
14 rationale that you had for determining that the setback
15 requirements should be changed after a period of 1982
16 not having had any setbacks anywhere near what they are
17 now?
18 **A. Well, there's five of us --**
19 MR. JORDE: I would object -- I would object
20 just to the extent that it calls for anything that
21 happened in executive committee in terms of those types
22 of discussions between the board members.
23 **Q.** (BY MR. PELHAM) Did anything happen in
24 executive committee, sir?
25 **A. No.**

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1 **Q.** All right. And I apologize, I thought there
2 were three commissioners. There's five. I'm mistaken
3 on that; right?
4 **A. Yes, there's five.**
5 **Q.** Okay. I apologize for that.
6 ALJ HOGAN: I guess the objection is noted but
7 sustained -- or overruled.
8 **A. I guess to answer your question, it was a broad**
9 **conversation with multiple public hearings basically,**
10 **because we had a general public hearing where we had**
11 **over a hundred people in our auditorium offering**
12 **testimony. Summit was allowed 45 minutes at least in**
13 **that meeting. We had an open discussion. Everybody**
14 **knew we were discussing this ordinance and knew that we**
15 **were looking to revamp it. We were doing it at the**
16 **request of the landowners who had concerns, a variety of**
17 **concerns. And we did our best to create an ordinance**
18 **that we felt addressed the needs of our citizens.**
19 **Q.** What were the requests of the landowners that
20 you heard at those meetings, sir?
21 **A. Well, there's different -- I mean, there's all**
22 **kinds of requests coming to all five of us, everything**
23 **from the defense of their property rights to safety**
24 **aspects to -- I mean, there's all kinds of requests.**
25 **People request things of us all the time, even whether**

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1 **we're experts or not at it.**
2 **Q.** As to the variance, the provisions were amended
3 as to that. And you described the land use purposes.
4 You understand the purposes of zoning so I won't
5 specifically ask you that, but the creation of this
6 variance, do you think it creates potential for a
7 patchwork of zoning across the county with variances
8 being permitted on a sort of ad hoc basis?
9 MR. BRAATEN: Objection. Calls for speculation,
10 irrelevant.
11 ALJ HOGAN: The objection --
12 MR. JORDE: I --
13 ALJ HOGAN: Go ahead, Mr. Jorde.
14 MR. JORDE: I'm sorry. I just joined in, Your
15 Honor.
16 ALJ HOGAN: Oh, okay. The objection is noted,
17 but I'll allow him to answer.
18 Do you need the question again?
19 **A. No.**
20 **I guess I just -- my concern as a commissioner**
21 **is not to worry about patchwork of zoning but for the**
22 **ability of our landowners to negotiate fairly and in**
23 **good faith with companies knowing that their government**
24 **subdivision is doing their best to defend their property**
25 **rights.**

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1 **Q.** (BY MR. PELHAM) So if a landowner is okay with
2 a pipeline existing within -- within the prescribed
3 setbacks, as far as you're concerned, that's okay if the
4 landowner is okay with it?
5 **A. Yes. And that also currently exists in the**
6 **county.**
7 **Q.** Have there been any variance requests under the
8 new ordinance, do you know?
9 **A. No.**
10 **Q.** Why were water -- potable water pipelines
11 excepted from the variance?
12 **A. Mostly because Emmons County, a big part of**
13 **Emmons County is -- has piped water from South Central**
14 **-- we call it "rural water," South Central Water**
15 **District. And we didn't want to impact the growth and**
16 **expansion of the water district and to the -- you know,**
17 **the benefit it provides people that are looking for that**
18 **versus another source of water.**
19 **Q.** Thank you, sir. I don't have any other
20 questions for you. Appreciate it.
21 **A. Thank you.**
22 ALJ HOGAN: Mr. Schock, any questions?
23 Mr. Jorde, any questions?
24 MR. JORDE: Yes, Your Honor, I have some
25 questions.

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<p>1 CROSS EXAMINATION</p> <p>2 BY MR. JORDE:</p> <p>3 Q. Sir, would you agree that zoning laws are</p> <p>4 important because they (inaudible) orderly development</p> <p>5 of a community?</p> <p>6 A. Yes.</p> <p>7 Q. And also maintain property values?</p> <p>8 A. Yes.</p> <p>9 Q. And can be used to ensure compatibility between</p> <p>10 different land uses in, say, a general area?</p> <p>11 A. Yes.</p> <p>12 Q. And are important also because they can assure</p> <p>13 that development occurs in the most convenient and</p> <p>14 efficient manner?</p> <p>15 A. Yes.</p> <p>16 Q. And then, lastly, generally that zoning laws and</p> <p>17 the tools underneath them essentially help with using</p> <p>18 the land intelligently based on the community's needs</p> <p>19 and requirements?</p> <p>20 A. Yes.</p> <p>21 Q. Now had Summit not simply ran to the courthouse,</p> <p>22 sued your county and, by extension, all the taxpayers of</p> <p>23 the county, how would Summit have gone about complying</p> <p>24 with your ordinance? Can you walk me through, if I'm</p> <p>25 Summit and I show up to your county, what would they use</p> <p>PAGE 37</p>	<p>1 Q. And during the Emmons County process of</p> <p>2 modifying the 1982 ordinance, there were public meetings</p> <p>3 and Summit was allowed to participate and present</p> <p>4 information and arguments; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. Was there any public meeting related to this</p> <p>7 topic where you as the commission prevented Summit from</p> <p>8 participating in a public open meeting?</p> <p>9 A. No.</p> <p>10 Q. I don't have anything further. Thank you, sir.</p> <p>11 ALJ HOGAN: Commissioner Christmann.</p> <p>12 COMMISSIONER CHRISTMANN: First of all, Your</p> <p>13 Honor, I want to say since I talked previously before we</p> <p>14 started, Representatives SuAnn Olson and Brandon</p> <p>15 Prichard have shown up. And as I was mentioning before</p> <p>16 with Representative Brandenburg and Senators Wanzek and</p> <p>17 Magrum, these people, they're not here on paid time,</p> <p>18 they're here trying to do their best to represent their</p> <p>19 constituents, and I always appreciate that and like to</p> <p>20 acknowledge them.</p> <p>21 As are you, Mr. Magrum. Thanks for being here.</p> <p>22 A few questions. I know you said you weren't on</p> <p>23 the commission when DAPL went through.</p> <p>24 THE WITNESS: Yes.</p> <p>25 COMMISSIONER CHRISTMANN: But -- and I know the</p> <p>PAGE 39</p>
<p>1 (inaudible) to comply with the ordinance?</p> <p>2 A. Well, I believe that, you know, the general idea</p> <p>3 would be that they would have to show up and apply for a</p> <p>4 conditional use permit and then provide all the</p> <p>5 information that is required to comply with any</p> <p>6 ordinances and to acquire that conditional use permit.</p> <p>7 Q. And when there's a conditional use permit</p> <p>8 application, I suppose then there's due process, there's</p> <p>9 notice, there's a hearing and Summit can be heard, other</p> <p>10 individuals in the community can be heard; is that</p> <p>11 correct? There's an open forum process?</p> <p>12 A. Yes.</p> <p>13 Q. And if the conditional use permit was not</p> <p>14 granted, then there's another layer. Would that be the</p> <p>15 variance process?</p> <p>16 A. I think the variance process would be for the</p> <p>17 acquisition of easements more than the acquisition of a</p> <p>18 conditional use permit.</p> <p>19 Q. Okay. Very good. And so the variance then, I</p> <p>20 take it, that essentially puts the power in the hands of</p> <p>21 the citizens, Summit and citizens, or pipeline company X</p> <p>22 and citizens can reach an understanding then that</p> <p>23 infrastructure could be located in a closer proximity to</p> <p>24 a particular landowner's residence; correct?</p> <p>25 A. Yes.</p> <p>PAGE 38</p>	<p>1 answer to this, I'm just clarifying for the record. You</p> <p>2 did live here then; right?</p> <p>3 THE WITNESS: Yes.</p> <p>4 COMMISSIONER CHRISTMANN: And did you hear a lot</p> <p>5 of pushback? I don't believe, from reviewing your old</p> <p>6 ordinance here, that there was any setback from</p> <p>7 residences. So that would have been sited based on</p> <p>8 state code that the PSC goes by, that they needed to</p> <p>9 stay, presumably, 500 feet or more without a waiver from</p> <p>10 residences. Did you hear a lot of pushback from people</p> <p>11 that are upset that that pipeline is within a mile of</p> <p>12 their house or something and causing them problems?</p> <p>13 THE WITNESS: Not in Emmons County.</p> <p>14 COMMISSIONER CHRISTMANN: Okay.</p> <p>15 THE WITNESS: We did hear the drums from the</p> <p>16 other side of the river, though.</p> <p>17 (Laughter)</p> <p>18 COMMISSIONER CHRISTMANN: Moving right along, I</p> <p>19 -- my next question. I was a little confused at the</p> <p>20 beginning, but then I felt better because you said you</p> <p>21 were too. This first exhibit, number one, that's the</p> <p>22 old ordinance. And so now, as I understand it,</p> <p>23 Exhibit 2 replaces Section B of the old ordinance;</p> <p>24 correct?</p> <p>25 THE WITNESS: Yes.</p> <p>PAGE 40</p>

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<p>1 COMMISSIONER CHRISTMANN: So all of page 16 and 2 half of -- the first half of 17 are gone and Exhibit 2 3 is what goes in there; right? 4 MR. BRAATEN: Erin, take a close look at the 5 ordinance. 6 And, Commissioner, I don't mean to interject, 7 but I don't think it's the case that this wholesale 8 replaced it. It amends and revises parts of article -- 9 COMMISSIONER CHRISTMANN: Oh. 10 MR. BRAATEN: -- Subsection B. 11 THE WITNESS: Right. And that was, I guess, 12 what I was reading into it too, is that we -- just like 13 you said, only the specific labeled parts were the ones 14 amended. 15 COMMISSIONER CHRISTMANN: Okay. Thank you. 16 And then -- so now I'm on number 2 here in that 17 middle paragraph. So keeping new pipelines 100 feet 18 from highway right of ways. So, presumably, in most 19 cases, that's -- does that count section lines too or 20 just upgraded highways? 21 THE WITNESS: Well, we have different setbacks 22 based on what we describe certain roads to be. So there 23 are even roads in the county that we consider a highway 24 that have a greater setback even for buildings, trees, 25 everything like -- for, say, our federal aid roads</p> <p style="text-align: right;">PAGE 41</p>	<p>1 THE WITNESS: Would say the intent of setbacks 2 from the roads is for construction basis mostly. 3 COMMISSIONER CHRISTMANN: Okay. And then the 4 setbacks from water bodies, is that basically to protect 5 the water bodies or is it a -- 6 THE WITNESS: Yes, I'd -- 7 COMMISSIONER CHRISTMANN: -- for fear of people 8 working that close to the water bodies? 9 THE WITNESS: Well, that was another provision 10 that was in the 1982 comprehensive plan so, you know, we 11 just -- basically, it was an inclusion. 12 COMMISSIONER CHRISTMANN: Okay. And then the 13 mile and a half from residences, that's a safety issue 14 for the residences? 15 THE WITNESS: I wouldn't say it's a safety 16 issue. I would just say it's an issue where there were 17 people that wanted it a distance from their house 18 further than the current ordinance had. There were a 19 lot of people that requested two miles, three miles, 20 five miles. Some people requested even more. We did 21 our best as a commission to come up with a distance that 22 we felt was at least applicable but yet still gave 23 landowners some sort of comfort that it was far enough 24 from their house. 25 COMMISSIONER CHRISTMANN: For a residence, who</p> <p style="text-align: right;">PAGE 43</p>
<p>1 versus a typical section line road or a county road. 2 So -- but to be clear with that highway one, 3 that was in the ordinance from 1982. We did not amend 4 that part. It was just included in there. 5 COMMISSIONER CHRISTMANN: Well, I think it's in 6 the new language in -- 7 THE WITNESS: It is, but it's the same 8 language -- 9 COMMISSIONER CHRISTMANN: Okay. 10 THE WITNESS: -- that was in -- 11 COMMISSIONER CHRISTMANN: Okay. And is the 12 point of that, the 100 feet back, is that a safety issue 13 or is that more about in case you need to upgrade the 14 road and you need room to work? 15 THE WITNESS: Typically with -- 16 MR. BRAATEN: Sorry. And, Commissioner, I do 17 apologize, but given the sensitive nature of it, I'm 18 going to object just one time to any questions 19 concerning legal conclusions. 20 And, with that, I'll just ask for a standing 21 objection. 22 ALJ HOGAN: Sure. And the objection is noted 23 and understood that it's not a legal conclusion since 24 Mr. Magrum is not an attorney, but he can answer in his 25 own opinion.</p> <p style="text-align: right;">PAGE 42</p>	<p>1 has to sign the waiver if there's a rental? Is it the 2 person living there or the person who owns the property? 3 THE WITNESS: It describes anything as an 4 established residence so it would probably basically be 5 any area that has a 911 address, you know, some kind of 6 facility. 7 To be clear on that, the reason why we did that 8 in Emmons County is because there are residences in the 9 county that people don't reside in full time. There's 10 farms that people have inherited. It's their parents' 11 place, they live in Fargo, but they come out here six 12 months out of the year, eight months out of the year. 13 They don't like the winter here. But they come out, 14 they plant trees, they maybe graze cattle for the 15 summer, things like that. 16 And so we wanted to make sure that we included 17 that as well, because those people also had concerns 18 that -- that they may live there one day. A lot of them 19 have plans to live there one day and they don't want to 20 build a home next to something that they feel is going 21 to impact their property or their enjoyment of it. 22 COMMISSIONER CHRISTMANN: I was thinking more 23 of, you know, the farm family that retires, maybe moves 24 to Bismarck, maybe they move to Arizona, rent the land 25 out to a neighbor who has their own farm. So the house</p> <p style="text-align: right;">PAGE 44</p>

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<p>1 gets rented out to somebody who works here in town, just 2 wants to live out in the country. They rent the house. 3 This pipeline -- and maybe the landowner is okay with 4 it. 5 Who has to sign that waiver if it's a mile and a 6 half from that house? The person renting and living 7 there or the person who owns that house? 8 THE WITNESS: I would say the person that the 9 property is deeded to. 10 COMMISSIONER CHRISTMANN: Okay. And up in 11 Mercer County, we don't have organized townships. And 12 so when I got in the legislature is when I first started 13 learning about organized townships. So, sorry, I don't 14 know the answer to this. Do you have organized 15 townships in Emmons County? 16 THE WITNESS: We have one. 17 COMMISSIONER CHRISTMANN: One. 18 THE WITNESS: It's in the northeast corner of 19 the county, north of Kintyre. 20 COMMISSIONER CHRISTMANN: So it's probably not 21 too much of a factor, but I'm just curious, do they have 22 their own ordinances? 23 THE WITNESS: To my knowledge, no. 24 COMMISSIONER CHRISTMANN: Would you support some 25 of your other townships organizing and adopting their</p> <p style="text-align: right;">PAGE 45</p>	<p>1 A. Yes. 2 Q. And did you take input from the public the way 3 the Public Service Commission takes input from the 4 public before you made your decision? 5 A. Yes. 6 Q. Did you and the other commissioners make a 7 reasoned decision and adopt a new ordinance based on 8 that reasoned decision? 9 A. Yes. 10 Q. Did holding a public hearing in Linton on 11 June 4th present any difficulties for the Emmons County 12 Commission? 13 A. It did because today is typically our regular 14 county commission meeting day so we had to reschedule it 15 to yesterday. 16 Q. Okay. Was there any coordination about that 17 prior to the scheduling of this hearing? 18 A. Coordination seemed kind of limited. 19 Q. You had indicated a little bit ago that when we 20 started your testimony you'd asked for some 21 clarification on the meaning of perjury. Was that 22 because of these proceedings and confusion that arose 23 about what's happened in these proceedings? 24 A. Yes. 25 Q. Specifically in Mandan?</p> <p style="text-align: right;">PAGE 47</p>
<p>1 own ordinances? 2 THE WITNESS: Yes. 3 COMMISSIONER CHRISTMANN: And so something -- 4 like if the township was where a pump station got 5 located, if that township had organized and said, "No, 6 we just don't want it here at all," you would be okay 7 with that? 8 THE WITNESS: I believe local government and 9 local control should control. 10 COMMISSIONER CHRISTMANN: Okay. I don't have 11 any other questions. Thank you. 12 ALJ HOGAN: Commissioner Haugen-Hoffart. 13 COMMISSIONER HAUGEN-HOFFART: I have no 14 questions. 15 ALJ HOGAN: Mr. Dawson. 16 SUBSTITUTE DECISIONMAKER DAWSON: Thank you, 17 Your Honor. I have no questions. 18 ALJ HOGAN: All right. Mr. Braaten, any 19 redirect? 20 MR. BRAATEN: Yes, Your Honor. Thank you. 21 REDIRECT EXAMINATION 22 BY MR. BRAATEN: 23 Q. Mr. Magrum, did you guys hold public hearings 24 when you were adopting the amendments that we've been 25 discussing?</p> <p style="text-align: right;">PAGE 46</p>	<p>1 A. Yes. 2 MR. BRAATEN: No further questions. 3 ALJ HOGAN: Mr. Dublinske, any further 4 questions? 5 MR. DUBLINSKE: Just one, Your Honor. 6 RE-CROSS EXAMINATION 7 BY MR. DUBLINSKE: 8 Q. Commissioner Magrum, if -- let me ask this: the 9 route that Dakota Access is operating on today would not 10 be in compliance with the new setbacks you've adopted; 11 correct? 12 A. I can't speak to that. I'm not familiar with 13 the entire route. 14 ALJ HOGAN: Mr. Pelham, any other questions? 15 RE-CROSS EXAMINATION 16 BY MR. PELHAM: 17 Q. Mr. Braaten just asked you about the public 18 hearings held as far as the adoption of the amendments 19 and the ordinance and if input was taken, and I believe 20 you told me, sir, that some of the input that was 21 received by the commissioners at those meetings related 22 to property rights and safety; right? 23 A. Generally, yes. 24 Q. Anything else? 25 A. I guess I don't understand what you're asking.</p> <p style="text-align: right;">PAGE 48</p>

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<p>1 Q. Was there anything else that was specifically 2 stated when you received input; when you, being the 3 commission, as a commissioner, received input at the 4 hearing as to whether or not to adopt the ordinance 5 amendment.</p> <p>6 A. I would say property rights and safety concerns 7 were the primary issue as well as probably a lack of 8 trust in Summit themselves.</p> <p>9 Q. As far as the safety aspect, did that play into 10 the determination as to the setback amounts that were 11 determined by the commission?</p> <p>12 A. I would say no because none of us are safety 13 experts.</p> <p>14 Q. So then how did you determine as a commission 15 the setback distances?</p> <p>16 MR. BRAATEN: Objection. Asked and answered. 17 Calls for legal conclusions. Calls for attorney 18 product. Calls for attorney/client privileged 19 information with the state's attorney.</p> <p>20 MR. DUBLINSKE: Your Honor, I -- 21 MR. JORDE: Join.</p> <p>22 MR. DUBLINSKE: I'm sorry, Mr. Jorde, did you 23 just say "joined"? 24 MR. JORDE: Yes. 25 MR. DUBLINSKE: Didn't mean to talk over</p> <p style="text-align: right;">PAGE 49</p>	<p>1 We took the best information we could. Some of them 2 maybe were a little extreme, in our opinion, some maybe 3 weren't enough. Together with the five of us, we voted 4 on something and we unanimously passed it.</p> <p>5 Q. (BY MR. PELHAM) Understood. I appreciate that 6 response. 7 And just a follow-up question as to your people. 8 Are you referring to your constituents as your people or 9 others?</p> <p>10 A. Yeah, I -- the citizens of Emmons County, yes.</p> <p>11 Q. Thank you, sir. I don't have any other 12 questions for you.</p> <p>13 ALJ HOGAN: Mr. Schock, any questions? 14 Mr. Jorde, any additional questions? 15 MR. JORDE: Yes.</p> <p>16 RE CROSS EXAMINATION 17 BY MR. JORDE: 18 Q. Sir, you were asked a series of questions of how 19 you received input or what input you received from the 20 citizens of Emmons County. And you mentioned that there 21 were a couple -- a couple areas. I just want to confirm 22 that (inaudible) did you also receive input, and also 23 yourself, along with the other commissioners, consider 24 promoting the orderly development of the county when you 25 were (inaudible) making the decision?</p> <p style="text-align: right;">PAGE 51</p>
<p>1 Mr. Jorde. But if -- I don't see how that can be 2 attorney/client privilege, Your Honor. We're talking 3 about a public decision in a legislative capacity to 4 pass an ordinance. I think that that question is 5 perfectly legitimate.</p> <p>6 MR. BRAATEN: I think the language in the 7 question could be reasked in a way that would not be 8 objectionable.</p> <p>9 ALJ HOGAN: Can you rephrase your question, 10 Mr. Pelham?</p> <p>11 MR. PELHAM: Well, I mean, I would just add on 12 the witness has already testified that these were open 13 hearings and that there were no executive sessions. I'm 14 not asking him about input from -- from lawyers so I 15 think he can answer the question that was asked. I 16 don't know how else to ask the question.</p> <p>17 ALJ HOGAN: Well, don't give us anything that 18 might be privileged or something you discussed with the 19 attorneys. So I think the bounds of the question are, 20 you know, what was discussed at the public meetings or 21 anything that would be in a public domain.</p> <p>22 A. The setback distance was a collaborative effort 23 by the commissioners based on input that we received 24 from our people. We believe that, as elected officials, 25 our constituents should give us instruction on things.</p> <p style="text-align: right;">PAGE 50</p>	<p>1 A. To be honest, that was such a long-worded 2 question, I lost you halfway in.</p> <p>3 Q. Okay. That's fair, that's fair. I'm going to 4 object to my own question. 5 (Laughter)</p> <p>6 A. Yeah, can I object to that question? 7 ALJ HOGAN: Yes, you can.</p> <p>8 A. It was a little unfair. As I said, I'm a 9 plumber, sir.</p> <p>10 Q. Okay. Let me start over. 11 How many public meetings approximately did you 12 have on this ordinance issue?</p> <p>13 A. On this ordinance, we had one basically public 14 testimony. I would call it "PSC-like" probably because 15 we've seen enough of them and we literally had it in our 16 auditorium. We sat up at the -- up in the balcony just 17 like the PSC commissioners did so -- and we were under 18 the bright lights just like they were. If there's any 19 questions or issues about it, it is on YouTube. BEK 20 News actually broadcast the public hearing. So it 21 wasn't just a hearing for those who attended. You could 22 literally watch it live-streamed and watch it later. 23 Then, technically, the second reading or the -- the -- 24 where we passed the ordinance was a public hearing. 25 So we technically offered two public hearings as</p> <p style="text-align: right;">PAGE 52</p>

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1 well as several open, public county commission meetings
2 where people testified on and off about different
3 opinions, beliefs.
4 **We have a pretty open forum in Emmons County's**
5 **meetings. If you're a citizen and you show up, we try**
6 **and let you speak. People came up and spoke even on**
7 **things we didn't expect them to say. You know, they**
8 **were there that day, that was their opportunity.**
9 **So I would say two official meetings and then we**
10 **take input all the time.**
11 **Q.** Okay. And the input you take, as you say, all
12 the time, that includes people -- by oral comments and
13 (inaudible) concerns, and also, I'm sure, you receive
14 written information from the various parties throughout
15 this process?
16 **A. Yes. Our citizens contact us any way possible.**
17 **We're -- we're a rural county. Our commissioners are**
18 **very open. Like I said, I am -- I have a plumbing**
19 **business. I get input when I'm fixing people's sinks so**
20 **I -- it's kind of a non-stop process. But officially,**
21 **yes, we had several public hearings.**
22 **Q.** You were asked some questions related to
23 non-potable water. And will you agree that under the
24 zoning laws and the powers you have for (inaudible)
25 zoning, that you also can consider observing

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1 environmentally vulnerable areas?
2 **A. I would say we could. I -- I don't -- I don't**
3 **want to speak to any kind of specific expertise, but we**
4 **-- we consider all things as county commissioners that**
5 **happen inside our county. If there's things that we see**
6 **could be an issue, we do our best to try and resolve**
7 **them.**
8 **Q.** And also taking into account during this process
9 the county's ability to do zoning to preserve the
10 character and identity of your community, are those
11 things that went into and helped form this ordinance?
12 **A. I would -- I would say very little. It's**
13 **probably not a specific concern, but it's one of many, I**
14 **suppose.**
15 **Q.** Okay. And I guess that's my point. You were
16 being kind of narrowed down to basically the only things
17 that factored in were safety and property rights, but
18 it's true, sir, that as you went through all these
19 meetings, public meetings, the other input, the physical
20 documents received that you considered along with your
21 fellow commissioners, there's a multitude of factors
22 coming up with this ordinance; correct?
23 **A. Yes. I think we try and take every factor into**
24 **consideration, especially those brought forward by our**
25 **citizens. There might be things we don't think of that**

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1 **they do that, you know, can come along later. Like you**
2 **said, certain aspects of the county, the community, yes,**
3 **we -- as elected officials, we try and do our best to**
4 **consider all aspects.**
5 **Q.** Thank you very much. Nothing further.
6 ALJ HOGAN: Any additional commissioner
7 questions?
8 COMMISSIONER HAUGEN-HOFFART: I have a question.
9 ALJ HOGAN: Commissioner Haugen-Hoffart.
10 COMMISSIONER HAUGEN-HOFFART: Thank you.
11 Commissioner Magrum, when you've gone through
12 extensive public input and taken that into
13 consideration, I'm just curious, did you contact other
14 counties in developing this as far as looking at, you
15 know, setbacks and that, you know, like Oliver,
16 Burleigh, Morton?
17 THE WITNESS: I didn't specifically reach out to
18 anybody. I know other commissioners probably did. You
19 know, that was a part of the whole process and having
20 five of us, is there were different avenues and levels
21 of research. I know the neighboring counties, except
22 for Burleigh, are in similar situations with us where
23 they have pretty loose rural ordinances that usually
24 don't get addressed until something becomes an issue.
25 So we were, you know, probably a little bit in our own

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1 league, other than comparing us to a bigger county such
2 as maybe Burleigh or something.
3 So, no, I didn't specifically reach out to
4 another county.
5 COMMISSIONER HAUGEN-HOFFART: Okay. Thank you.
6 No further questions.
7 ALJ HOGAN: Any other questions?
8 All right. Thank you, Commissioner Magrum.
9 Mr. Braaten, do you have other witnesses?
10 MR. BRAATEN: I do not, Your Honor.
11 ALJ HOGAN: Okay. Well, we're going to -- why
12 don't we take our morning break and I will collect the
13 sign-in sheets, and when we return we'll do public
14 testimony. Let's reconvene at 10:30.
15 (Recess)
16 ALJ HOGAN: All right. As I indicated before
17 the break, we are going to now take public testimony.
18 If you would like to make -- or provide public
19 testimony today, I'd ask that you start making your way
20 to the front of the room. If you choose to testify
21 today, I'll ask you to come up to the witness table.
22 You will be sworn in like Mr. Magrum was and subject to
23 questions from all the parties along with the
24 commissioners today.
25 If you are a landowner, if you could start your

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<p>1 comments by providing a township, range, and section of 2 your property, that's always helpful for the 3 commissioners. Likewise, if you represent a group or an 4 entity, if you could identify the entity or group that 5 you are representing. 6 And I'd ask that you please keep in mind that 7 you are providing testimony in an evidentiary hearing. 8 It's not an opportunity to question the other parties, 9 witnesses, or commissioners. It's your opportunity to 10 provide information or evidence to the Commission. 11 And I'd ask that you please limit your testimony 12 to the areas that I indicated at the beginning of the 13 hearing that this matter is here to discuss. Likewise, 14 we have lots of people that have indicated they'd like 15 to provide public testimony today, which is great, but I 16 would ask that you please do not repeat concerns or 17 issues that somebody else has previously testified to. 18 You can just indicate that you agree with that prior 19 testimony. If the point has been made, the Commission 20 will consider it. Also, the testimony, including the 21 public testimony taken at our prior hearings, is still 22 part of the record for this case so there is no need to 23 provide that testimony again. The Commission is looking 24 for new evidence and new testimony that has not 25 previously been made.</p> <p style="text-align: right;">PAGE 57</p>	<p>1 ALJ HOGAN: And being advised of the potential 2 penalties for perjury, do you promise to tell the truth 3 in this case today? 4 JULIA STRAMER: I do. 5 ALJ HOGAN: All right. I'll have you pull the 6 mic closer so we can hear you better. And I see that 7 you handed out some public comments -- 8 JULIA STRAMER: Yes. 9 ALJ HOGAN: -- or written testimony. There's no 10 need to read this whole thing. It probably would be 11 most helpful if you could just highlight your major 12 concerns for the commissioners rather than reading all 13 of this for us this morning. 14 JULIA STRAMER: I get super nervous and I would 15 prefer to read, please. 16 ALJ HOGAN: Okay. This is ten pages long so -- 17 JULIA STRAMER: Yes. 18 ALJ HOGAN: -- I'm concerned you're not going to 19 get through that in 10 minutes. 20 JULIA STRAMER: I'll read it fast. 21 ALJ HOGAN: Okay. Go ahead. 22 <u>JULIE STRAMER,</u> 23 being first duly sworn, testified as follows: 24 JULIA STRAMER: It's all new information. Did 25 you need the legal description at this time or --</p> <p style="text-align: right;">PAGE 59</p>
<p>1 And given the number of individuals that would 2 like to provide testimony today, I'd ask that you limit 3 your testimony to ten minutes. If you run longer than 4 ten minutes, I will kindly ask you to wrap up your 5 testimony. Today the Commission does want to hear from 6 as many people as possible. So to keep things moving, I 7 would ask that you please respect or keep your comments 8 or testimony to ten minutes. 9 So, with that in mind, do I have somebody that 10 would like to volunteer to go first? 11 Good morning. I'll take those. I can hand them 12 out. Thank you. First I'm going to ask if that 13 microphone is on. Do you have a green light? 14 JULIA STRAMER: I do. 15 ALJ HOGAN: All right. And can I get your name? 16 JULIA STRAMER: Julia Stramer. 17 ALJ HOGAN: Do you want to spell your last name? 18 JULIA STRAMER: S-T-R-A-M-E-R. 19 ALJ HOGAN: Ms. Stramer, were you in the room 20 this morning when I went through the penalties for 21 perjury? 22 JULIA STRAMER: I was. 23 ALJ HOGAN: And do you understand what perjury 24 is? 25 JULIA STRAMER: I do.</p> <p style="text-align: right;">PAGE 58</p>	<p>1 ALJ HOGAN: Yes, please. 2 JULIA STRAMER: I have it written on the papers 3 I gave to you. 4 ALJ HOGAN: Why don't you just read it? 5 JULIA STRAMER: Emmons County township 135 6 north, range 76 west, section 26, E2E2 and W2E2. 7 Representing the Kertzman Farm Trust and the Dwight and 8 Wanda Kertzman Farm Trust. 9 Thank you, Commissioners, for hearing us in 10 Emmons County today. Appreciate that. 11 I've lived in Hazelton all of my life and my 12 family owns fourth generation cropland four miles east 13 of Hazelton in Emmons County. The proposed pipeline 14 would cut our property in half diagonally and would be 15 about 1,800 feet from the yard. This pipeline would 16 ruin development of our land for all future generations. 17 Here's the property and this is the proposed 18 pipeline cutting it right in half. 19 We were sent the first easement contract in 20 November of 2021. The amount of compensation was 21 insulting as was the language of the contract. We were 22 sent six more identical contracts, then an eighth. On 23 11 -- on July 11, 2022, we received our first threat 24 letter from Summit's right of way manager. On July 29, 25 2022, Summit's lawyers informed us that they were to</p> <p style="text-align: right;">PAGE 60</p>

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<p>1 initiate legal action and advised us to retain an 2 attorney. 3 We did hire an attorney. If we were to take the 4 largest easement offer per year of the 99 easement years 5 and apply it towards the lawyer bill so far, it would 6 take us 27.71 years to pay it off. This would make me 7 92 years old before that was even paid off. And here's 8 my math. 9 At an early Summit meeting in Hazelton about two 10 years ago, I sat and listened to Wade Boeshans, Summit's 11 EVP, and others pitch their pipeline project. What was 12 said and what was real at that time were not the same. 13 I became disgusted and got up and walked out of the 14 meeting. As I was walking out to the parking lot, two 15 of Summit's people were following me. They confronted 16 me and demanded to know who I was and who my land agent 17 was. I told them nothing and got in my car and left. 18 And one of the land agents was one of their people that 19 was at the meeting and the other was Julie DiMeo, the 20 right of way manager. 21 Early on in this project we were aware of how 22 Summit's agents and representatives entered private 23 property without permission. For intimidation, they 24 arrived in out-of-state motorcades with their entourage, 25 including bodyguards who wouldn't speak and a film crew</p> <p>PAGE 61</p>	<p>1 contract they sent us and expected us to sign. 2 Then the actual wording in our latest easement 3 contract states "Company shall pay in- -- indemnify and 4 hold landowner harmless for any loss, damage, claim, or 5 action resulting from company's use of the easement." 6 From company's use of the easement. 7 Then we received the five-page letter from Jimmy 8 Powell, the form letter. Every single page is vague and 9 lawyered up and not truthful. So what he talks about in 10 his insurance comments, "Summit Carbon Solutions is 11 responsible for any and all liability associated with 12 the pipeline construction and operation." That's what 13 it says. Associated with pipeline construction and 14 operation. 15 So what I am reading is that there is no 16 liability coverage for farm equipment accidents, 17 weather-related catastrophes, landslides, earthquakes, 18 acts of God, human error, personal injury, loss of 19 livestock or loss of life. There is no protection for 20 the landowner if something happened now or 99 years from 21 now when Summit is long gone, has sold out, gone 22 bankrupt, or has abandoned the project when the money 23 dried up. 24 The insurance policy for our land has a 25 pollution exclusion and we will not commit -- and they</p> <p>PAGE 63</p>
<p>1 and sometimes boring crews. We were on constant watch 2 to see if we would be next and we waited for the bullies 3 to invade our land, and I prayed that, when it happened, 4 I would have enough phone battery to call the sheriff 5 and when I'm standing out in the field I could call my 6 lawyer. I kept notes to myself in the back of the phone 7 so when the time came I followed my nine steps so I 8 could protect myself. 9 In several publications then we were called "the 10 radical landowners." We have also been compared to the 11 DAPL pipeline protesters. But we like pipelines. We 12 like water and fuel and gas and electrical and power and 13 services and all of the things that pipelines bring. 14 This potential pipeline brings only a senseless draining 15 of our resources and provides us with nothing but 16 constant dread. 17 Summit repeatedly states that they cover 18 liability for the pipeline. Our first easement contract 19 states in very small writing, and I'll read it to you, 20 "Landowner acknowledges and agrees that it releases and 21 forever discharges company from all damages and claims 22 relating to the pipeline." Did you hear that? 23 "Landowner acknowledges and agrees that it releases and 24 forever discharges company from all damages and claims 25 relating to the pipeline." That was the easement</p> <p>PAGE 62</p>	<p>1 will not commit to cover anything related to a CO2 2 pipeline. We have been advised that even if we never 3 sign an easement and Summit takes our land by eminent 4 domain, we could still be liable for incidents and 5 lawsuits arising from the pipeline on our land for the 6 next 99 years. This is a letter from the insurance 7 company. 8 In that same five-page letter, Summit, 9 Mr. Powell, he states that CO2 will permanently and 10 safely be stored underground. Humans cannot predict the 11 future. This science experiment has never been done 12 before. 13 He goes on to state that there are many existing 14 pipelines in the Bismarck area, etcetera, etcetera. 15 Yes, there are many pipelines, but none of them are near 16 the size and pressure and danger of this pipe and it 17 cannot be compared to anything that is known. It's like 18 comparing a slight breeze to a tornado. Both move air, 19 but one is helpful and the other one is a catastrophe. 20 This pipe is only four feet deep. We bury people deeper 21 than that. 22 Mr. Powell declares in his letter also "There 23 have been zero fatalities and only a single injury 24 associated with CO2 pipelines in the last 25 years." So 25 is he saying that all 45 of the people who were injured</p> <p>PAGE 64</p>

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<p>1 and hospitalized in Mississippi during that pipeline 2 rupture conspired or lied about the whole thing? How 3 can he state that in a letter? 4 This pipeline route is 1.8 miles from Hazelton. 5 Our fearless local volunteer firefighters and EMTs will 6 be powerless to deal with a CO2 disaster. This PSC 7 should be very concerned that it is planned to be built 8 only 1.8 miles from our population of 300 plus 97 9 students and staff at our school. 10 So here's their Emmons County map. Distorted. 11 Here's their distorted Emmons County map. Linton's in 12 the middle. Right up here, if you use some -- a lens, 13 you can see teeny-weeny, tiny writing of "Hazelton" 14 right there. And here's the pipeline. 1.8 miles from 15 Hazelton. 16 Also in his letter Mr. Powell states that 17 pipelines have not materially impacted property values. 18 There's no current data to reflect any information on a 19 24-inch toxic pipe because there's no data. There 20 hasn't been one before. No person with a choice would 21 choose a property with this pipeline over one without. 22 Anyone who is buying a property would certainly pay less 23 for a piece of land with this type of risk involved. If 24 this thing gets built and when the first accident 25 happens and news of it gets out, our properties could</p> <p style="text-align: right;">PAGE 65</p>	<p>1 build a life-threatening monstrosity. 2 We submitted a request for a reroute nearly a 3 year ago and it was completely ignored. Summit states 4 that it was committed to pursuing good faith 5 negotiations with landowners in an attempt to reach 6 agreements. Wade Boeshans repeatedly states at public 7 meetings that "If you don't want it on your land, we can 8 move it." Governor Burgum states, "If you don't want 9 it, let the neighbor get the big check." Well, I have 10 informed Governor Burgum that we have not received an 11 offer of the big check. 12 We have again and again requested a reroute, 13 actually ten times; one time by our lawyer, three by 14 email, and six by certified mail with return receipt. 15 We did not receive a single phone call, letter, or any 16 communication with Summit regarding a reroute, not even 17 an acknowledgment of the requests. 18 I question their claim of moving it 5,000 times. 19 What happened to their testifying under oath that the 20 landowner is in charge and Mr. Boeshans' claim of "We'll 21 treat you right"? 22 So then just 13 days ago our lawyer received a 23 letter from Summit's attorney, Mr. Bender, stating that 24 Summit tried to communicate with us approximately 11 25 times about this reroute -- 11 times -- and that they</p> <p style="text-align: right;">PAGE 67</p>
<p>1 become worthless. 2 It is not possible for a project of this 3 magnitude to be built without mistakes. A simple house 4 is not built without mistakes. A five-state, 2,000-mile 5 pipeline is an accident waiting to happen. 6 Mr. Powell in his letter goes on to describe 7 their high regard for cultural resources. So over a 8 year ago I testified at the first Emmons County PSC 9 hearing. If you remember, I was the one that had those 10 big rocks in my purse and I set them up here. Those 11 were cultural resources from our land. And I brought 12 some of the -- some of the items with and showed them 13 and set them here. Summit was sitting right over here. 14 They saw it all. After that hearing and to this day 15 there has been zero follow-up, no questions asked, no 16 letters or calls or any interest whatsoever from anyone 17 about the artifacts from the land. Summit has no regard 18 for our cultural resources. 19 Summit as a whole is a master manipulator with 20 words and promises that are not kept. I do not believe 21 anything they say. As children, we learn that people 22 who keep telling us lies are known as liars. I do not 23 trust them with my life and I do not trust them with the 24 lives of my children or my grandchildren. We cannot 25 allow this dishonest and misleading organization to</p> <p style="text-align: right;">PAGE 66</p>	<p>1 would not -- and that we wouldn't engage with Summit's 2 representatives. They have not contacted us in any way, 3 by phone, mail, agent, or representative. Not even one 4 time. If they're counting the eight easements that they 5 sent us by FedEx two years ago and the three threat 6 letters we received from their attorneys, then, yeah, 7 that's 11 times. 8 The letters to our lawyer also requested written 9 permission from us to survey the property in order to 10 determine whether the proposed reroutes are feasible. 11 They made the whole route plan without surveys. They 12 don't need a survey again to move it off my property. 13 Here's a letter from the attorney. 14 At the Friends of Ag and Energy meeting on April 15 18th, 2024, at BSC, speaker Scott Hennen stated at 46 16 minutes into the meeting, quote, "90 percent of 17 landowners have said 'yes' and have gotten upfront 18 payments. This is directly from the PSC who gets 19 reports from the pipeline company. It's in the filing," 20 unquote. On April 22nd, three days later, at the 21 Burleigh County commission -- the Burleigh PSC hearing 22 in Mandan, Mr. Powell was questioned about this 23 90 percent and he confessed that it was not 90 percent. 24 And from what I have observed and known, I believe 25 Summit has been doctoring up the sign-up data from day</p> <p style="text-align: right;">PAGE 68</p>

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<p>1 one.</p> <p>2 At that same meeting, Scott Hennen states that</p> <p>3 Summit Carbon Solutions fired 50 or more agents or</p> <p>4 representatives because of the way the early easements</p> <p>5 were obtained with threats. And I would surmise that</p> <p>6 the early agents were advised by upper management. The</p> <p>7 chief operating officer and the executive vice president</p> <p>8 were not fired and the right of way manager was not</p> <p>9 fired.</p> <p>10 At the recent Burleigh PSC hearing, State</p> <p>11 Representative Mike Brandenburg made light of the</p> <p>12 seriousness of the easements by referring to the first</p> <p>13 easy signups as "Summit's cherry-picking." If Summit</p> <p>14 was truly concerned about the way the first easements</p> <p>15 were acquired, they should go back to the landowners who</p> <p>16 signed under duress and release them from their</p> <p>17 contract. Honestly, what percent of these easements</p> <p>18 were volunteer? I believe that if the landowners knew</p> <p>19 the dangers and risk involved, this number should be</p> <p>20 zero.</p> <p>21 Another petty and unprofessional way that Summit</p> <p>22 uses deception is by distorting the county and state</p> <p>23 maps. They have done this from the beginning and</p> <p>24 they're still doing it. And I have no doubt that this</p> <p>25 is done for the benefit of Summit and maybe so -- so the</p> <p style="text-align: right;">PAGE 69</p>	<p>1 address outstanding legitimate impacts and concerns</p> <p>2 expressed by landowners or demonstrated why a reroute</p> <p>3 was not feasible.</p> <p>4 So those are those reasons that -- of our denial</p> <p>5 a year ago. None of those things have changed. None of</p> <p>6 those things have changed. Considering that and using</p> <p>7 common sense, it's not possible to approve this route</p> <p>8 permit.</p> <p>9 Since -- since your denial, we have seen only</p> <p>10 more of the same bad practices, poor conduct, and</p> <p>11 unorganized behavior from Summit. For nearly three</p> <p>12 years we have witnessed their hurried mismanagement, and</p> <p>13 we can assume that building of this pipeline would be</p> <p>14 the same.</p> <p>15 Please, Commissioners, we sincerely implore you</p> <p>16 again to deny the Summit route permit.</p> <p>17 ALJ HOGAN: Thank you.</p> <p>18 Any questions, Mr. Gludt?</p> <p>19 MR. GLUDT: No, Your Honor.</p> <p>20 ALJ HOGAN: Mr. Pelham.</p> <p>21 MR. PELHAM: I don't have any questions for you.</p> <p>22 Thank you, ma'am.</p> <p>23 ALJ HOGAN: Mr. Braaten.</p> <p>24 MR. BRAATEN: No, Your Honor.</p> <p>25 I would just note real quick, though, that I got</p> <p style="text-align: right;">PAGE 71</p>
<p>1 route looks further away from Bismarck and it looks</p> <p>2 further away from Hazelton and other cities and it's to</p> <p>3 keep us uninformed of where the route actually is.</p> <p>4 So this is an early Summit map of North Dakota.</p> <p>5 Here's Burleigh County. All distorted, Burleigh County.</p> <p>6 Here's Emmons County. Look at this. Emmons County,</p> <p>7 here's Linton, here's the pipeline. They took Hazelton</p> <p>8 right off the map. It's not even on there. Right there</p> <p>9 is Hazelton. Right by the pipeline. This is their map.</p> <p>10 So here's our Emmons County map. This is the official</p> <p>11 Emmons County map. Here's their North Dakota map.</p> <p>12 Here's the North Dakota tourism map.</p> <p>13 ALJ HOGAN: Ms. Stramer?</p> <p>14 JULIA STRAMER: Yes?</p> <p>15 ALJ HOGAN: I'll ask that you please wrap up</p> <p>16 your comments.</p> <p>17 JULIA STRAMER: Okay. Okay. I will wrap it up.</p> <p>18 On the day of the initial route permit denial,</p> <p>19 these are the reasons for your denial. You issued this</p> <p>20 news release. And the issues that you were concerned</p> <p>21 about because you denied their permit was concerns about</p> <p>22 eminent domain, safety, sequestration, setbacks,</p> <p>23 irreparable harm, ability to obtain liability insurance,</p> <p>24 adverse effects on the value of the property, and the</p> <p>25 Commission felt that Summit has not taken steps to</p> <p style="text-align: right;">PAGE 70</p>	<p>1 an email from Mr. Jorde and I don't know if he's able to</p> <p>2 connect, but this is one of his witnesses.</p> <p>3 ALJ HOGAN: Do we have audio?</p> <p>4 Mr. Jorde, can you hear me?</p> <p>5 MR. JORDE: Yes. Can you hear me?</p> <p>6 ALJ HOGAN: Yep. Do you have any questions?</p> <p>7 MR. JORDE: Yeah. Before this started, I was</p> <p>8 trying to get attention but -- let's see.</p> <p>9 Ms. Stramer, is Mitch Kertzman, is he going to</p> <p>10 testify later today after the public comment period?</p> <p>11 JULIA STRAMER: Yes, he is.</p> <p>12 MR. JORDE: Okay. Very good. Then just limited</p> <p>13 for you. The cultural resources picture, you held up</p> <p>14 two photographs of cultural resources. Have you</p> <p>15 submitted those to the PSC or sent them in or provided</p> <p>16 them?</p> <p>17 JULIA STRAMER: At the first Emmons County PSC</p> <p>18 hearing Mr. Leibel had my statements. There were not</p> <p>19 photographs in there; however, all my statements were in</p> <p>20 there and words that talked about the cultural</p> <p>21 resources.</p> <p>22 MR. JORDE: Okay. I guess I would just ask if</p> <p>23 you would be willing to pull those two --</p> <p>24 JULIA STRAMER: Yes.</p> <p>25 MR. JORDE: -- photos out --</p> <p style="text-align: right;">PAGE 72</p>

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<p>1 JULIA STRAMER: Absolutely.</p> <p>2 MR. JORDE: -- (indiscernible) photos.</p> <p>3 JULIA STRAMER: It's three photos.</p> <p>4 MR. JORDE: And -- there are three photos?</p> <p>5 JULIA STRAMER: Yes.</p> <p>6 MR. JORDE: Yep. And then if you could just</p> <p>7 request that -- assuming you want them part of the</p> <p>8 record, request that they be made part of the record and</p> <p>9 then you can give them to the PSC. Okay?</p> <p>10 JULIA STRAMER: Yes. Certainly.</p> <p>11 MR. JORDE: Okay. So you're requesting those</p> <p>12 three photographs to be made part of the record here?</p> <p>13 JULIA STRAMER: You're asking me that?</p> <p>14 MR. JORDE: Yes.</p> <p>15 JULIA STRAMER: Yes, uh-huh.</p> <p>16 MR. JORDE: Okay. All right. Very good. So</p> <p>17 then I guess I would move the admission of those three</p> <p>18 or have those three photographs uploaded with the</p> <p>19 document you just provided the PSC, ma'am.</p> <p>20 And, with that, I don't have anything further.</p> <p>21 Thank you.</p> <p>22 ALJ HOGAN: Mr. Jorde, all the documents that</p> <p>23 have been coming in as part of the public testimony,</p> <p>24 I've been including them as one exhibit. So I would</p> <p>25 probably just include them with that documentation.</p> <p style="text-align: right;">PAGE 73</p>	<p>1 COMMISSIONER CHRISTMANN: The east half of that</p> <p>2 whole section or do you own two 40s?</p> <p>3 JULIA STRAMER: It's two quarters.</p> <p>4 COMMISSIONER CHRISTMANN: Okay. And --</p> <p>5 UNIDENTIFIED SPEAKER: (Inaudible).</p> <p>6 JULIA STRAMER: Yes.</p> <p>7 COMMISSIONER CHRISTMANN: And I don't see a</p> <p>8 residence there. Is your residence on a different</p> <p>9 section?</p> <p>10 JULIA STRAMER: The farm and the yard is right</p> <p>11 here.</p> <p>12 COMMISSIONER CHRISTMANN: Over in section 25?</p> <p>13 JULIA STRAMER: It's in 26. Right there is the</p> <p>14 farm and the yard.</p> <p>15 COMMISSIONER CHRISTMANN: Oh, okay. I see it</p> <p>16 now.</p> <p>17 JULIA STRAMER: There's the yard. It's</p> <p>18 1,800 feet from the yard.</p> <p>19 COMMISSIONER CHRISTMANN: Okay. So then I got</p> <p>20 that. And you showed a lot of maps and mentions of</p> <p>21 Hazelton.</p> <p>22 JULIA STRAMER: Uh-huh.</p> <p>23 COMMISSIONER CHRISTMANN: In my notes as I</p> <p>24 looked at these, and mine is not a map of, like, the</p> <p>25 whole county, it's piece by piece as the pipeline goes</p> <p style="text-align: right;">PAGE 75</p>
<p>1 Is that acceptable to you?</p> <p>2 MR. JORDE: Yeah, just those three photos are</p> <p>3 the only things that I understood --</p> <p>4 ALJ HOGAN: Okay.</p> <p>5 MR. JORDE: That would be fine.</p> <p>6 ALJ HOGAN: You can give them to me and I'll</p> <p>7 include them with your written comments.</p> <p>8 JULIA STRAMER: Okay. I don't have anything</p> <p>9 written on there (inaudible).</p> <p>10 ALJ HOGAN: That's fine. I'll include it with</p> <p>11 this so...</p> <p>12 All right. Commissioner Christmann, any</p> <p>13 questions?</p> <p>14 COMMISSIONER CHRISTMANN: I do.</p> <p>15 And this first part, I probably asked you this a</p> <p>16 year ago, but rather than me researching my records,</p> <p>17 maybe you can just explain it again.</p> <p>18 So you have land in section 26. I'm looking at</p> <p>19 that map and I'm looking at an aerial map. Do you have</p> <p>20 the east half of section 26? Do I understand that</p> <p>21 correctly? These two quarters?</p> <p>22 JULIA STRAMER: Yes, these two quarters. Are</p> <p>23 you looking at map 26?</p> <p>24 COMMISSIONER CHRISTMANN: Yes.</p> <p>25 JULIA STRAMER: Okay. Yep, it shows on there --</p> <p style="text-align: right;">PAGE 74</p>	<p>1 across the landscape, I made a note on here -- I just</p> <p>2 want to see if I figured this out when I was combing</p> <p>3 through this when we first received this whole book of</p> <p>4 maps. Where this pipeline angles across yours and then</p> <p>5 comes out on the west side of section 26, I put a note</p> <p>6 there that that looked like it was about -- that</p> <p>7 Hazelton was about three or four --</p> <p>8 JULIA STRAMER: Yes.</p> <p>9 COMMISSIONER CHRISTMANN: -- miles farther west.</p> <p>10 JULIA STRAMER: Correct.</p> <p>11 COMMISSIONER CHRISTMANN: So that would be the</p> <p>12 close point. So it's about either three or four,</p> <p>13 roughly, miles --</p> <p>14 JULIA STRAMER: From Hazelton.</p> <p>15 COMMISSIONER CHRISTMANN: Okay.</p> <p>16 JULIA STRAMER: Okay.</p> <p>17 COMMISSIONER CHRISTMANN: I wasn't sure if your</p> <p>18 testimony was that this is real close to Hazelton --</p> <p>19 JULIA STRAMER: The pipeline itself is 1.8 miles</p> <p>20 from Hazelton. My property is nearly four miles from</p> <p>21 Hazelton.</p> <p>22 COMMISSIONER CHRISTMANN: Okay. Thank you for</p> <p>23 that. No other questions.</p> <p>24 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>25 COMMISSIONER HAUGEN-HOFFART: Thank you.</p> <p style="text-align: right;">PAGE 76</p>

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<p>1 I did not bring all my books with me so I'm 2 going to go on page 6 and the third paragraph. As part 3 of some of the information we have received has been 4 correspondence between a landowner and Summit Carbon. 5 And I'm just wondering, has that letter been submitted 6 to the PSC for -- in any of our documents? 7 JULIA STRAMER: Which letter? 8 COMMISSIONER HAUGEN-HOFFART: The correspondence 9 between you and your attorney to Summit on the reroute 10 that you suggest -- 11 JULIA STRAMER: Oh, yes. 12 COMMISSIONER HAUGEN-HOFFART: And then this 13 letter, just 13 days ago you received correspondence -- 14 JULIA STRAMER: Yes. 15 COMMISSIONER HAUGEN-HOFFART: -- from Summit's 16 attorney. Has that been submitted to us? We have 17 received numerous documentation -- 18 JULIA STRAMER: Well, less than 48 hours ago 19 they did another talk about reroute, which means nothing 20 to me because it's a red line on a piece of paper, still 21 on my property. Changes nothing. 48 hours ago this 22 happened. And, yes, my attorney is aware of that. 23 COMMISSIONER HAUGEN-HOFFART: And your attorney 24 is Mr. Jorde? 25 JULIA STRAMER: Yes.</p> <p style="text-align: right;">PAGE 77</p>	<p>1 across. 2 JULIA STRAMER: -- the bottom. 3 COMMISSIONER HAUGEN-HOFFART: What's that land 4 used for? 5 JULIA STRAMER: Small grains, cropland. 6 COMMISSIONER HAUGEN-HOFFART: Okay. Okay. I 7 have no further questions. Thank you. 8 ALJ HOGAN: Mr. Dawson, any questions? 9 SUBSTITUTE DECISIONMAKER DAWSON: No, Your 10 Honor. Thank you. 11 JULIA STRAMER: Thank you. 12 ALJ HOGAN: All right. Thank you -- 13 JULIA STRAMER: Thank you. 14 ALJ HOGAN: -- Ms. Stramer. 15 Who would like to go next? Come on up whoever 16 wants to go next. 17 Good morning. I'll have you start by stating 18 your full name and spelling your last name for the 19 record. 20 KARI CURRAN: I'm Kari Curran. It's 21 C-U-R-R-A-N. 22 ALJ HOGAN: And, Ms. Curran, were you in the 23 room earlier when I went through the penalties for 24 perjury? 25 KARI CURRAN: Yes.</p> <p style="text-align: right;">PAGE 79</p>
<p>1 COMMISSIONER HAUGEN-HOFFART: Okay. So would 2 you say you're right now in negotiations with Summit on 3 a reroute? 4 JULIA STRAMER: No. Well, there has been no 5 contact with a representative or an agent. Summit just 6 sent my lawyer a piece of paper. I have it right here. 7 COMMISSIONER HAUGEN-HOFFART: Just for 8 clarification, is Mr. Jorde still on? Because the 9 screen is black. Okay. 10 MR. JORDE: Yes. 11 COMMISSIONER HAUGEN-HOFFART: Okay. Thanks. 12 JULIA STRAMER: So this is what we -- we -- my 13 lawyer received less than 48 hours ago, them showing 14 they're trying to consider a reroute pending this and 15 that and the other. And all they did was move it. 16 Instead of cutting my property across this way, they're 17 cutting it across this way on the southern part. It 18 changes nothing for us. 19 COMMISSIONER HAUGEN-HOFFART: It's hard to see 20 what you're doing. 21 JULIA STRAMER: Yep. 22 COMMISSIONER HAUGEN-HOFFART: So instead of 23 diagonally, they're cutting -- 24 JULIA STRAMER: Straight across -- 25 COMMISSIONER HAUGEN-HOFFART: -- straight</p> <p style="text-align: right;">PAGE 78</p>	<p>1 ALJ HOGAN: And do you understand what perjury 2 is? 3 KARI CURRAN: Yes. 4 ALJ HOGAN: Being advised of the potential 5 penalties for perjury, do you promise to tell the truth 6 in this case today? 7 KARI CURRAN: Yes. 8 ALJ HOGAN: All right. Thank you. You might 9 want to pull the mic a little bit closer so we can hear 10 you. 11 COMMISSIONER CHRISTMANN: Your Honor, I missed 12 her first name. 13 ALJ HOGAN: Kari. 14 <u>KARI CURRAN,</u> 15 being first duly sworn, testified as follows: 16 KARI CURRAN: So I'm Kari Curran. I will be a 17 landowner of a life estate of the south half of the 18 southwest quarter, section 11, township 130, range 58, 19 and the northwest corner of the northwest quarter of 20 section 14, township 130, range 58 in Jackson Township, 21 Sargent County. 22 The Summit Carbon pipeline is proposed to run 23 through it. I believe we shouldn't be messing with it. 24 We need to protect our farmers and their land from 25 Summit and any other company that comes and tries to</p> <p style="text-align: right;">PAGE 80</p>

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<p>1 take over even one inch of that land for their own 2 benefit. 3 I am also very concerned specifically for my 4 mom's welfare. She has recently been widowed and is now 5 having to fight a big company for land that is already 6 in her possession. Letting them take it will open up 7 her land for grabs by many other companies claiming it's 8 for the common good. 9 How can North Dakota let this happen? This is 10 her livelihood we are talking about. She has scrimped 11 and scraped all her life, and now Summit Carbon 12 Solutions wants to come and take what little she does 13 have. She has been worried for two years now, fighting 14 to keep what is rightfully hers, questioning how is she 15 going to pay a lawyer to fight for what is already hers? 16 How will she escape if there's a leak? Will she 17 get renters in the hills where the cows will be next to 18 this dangerous pipeline threatening their herd? Will 19 Summit block the cows from the stock pond while they are 20 constructing the pipeline? What about her new fence 21 that was just built and finally paid for? Who will man 22 the gates for the cows while all these people are 23 milling around out there? Certainly she won't be able 24 to manage renting the land while this is constructed. 25 How will she deal with losing rent money and pay for her</p> <p>PAGE 81</p>	<p>1 ALJ HOGAN: Mr. Pelham. 2 MR. PELHAM: No. 3 ALJ HOGAN: Mr. Braaten. 4 MR. BRAATEN: No, Your Honor. 5 ALJ HOGAN: Mr. Jorde, any questions? 6 MR. JORDE: Yes. 7 Ma'am, who's your -- what's the name of your 8 mother? 9 KARI CURRAN: Valera Hayen. 10 MR. JORDE: Okay. And there's a binder in front 11 of you, or at least I hope there's a binder in front of 12 you, that should have -- 13 ALJ HOGAN: Mr. Jorde, there's no binder. 14 MR. JORDE: Okay. So maybe the exhibits didn't 15 get here from the other hearings. 16 Have you talked to your mother about potential 17 reroutes and more appropriate routes given the terrain 18 and Native American artifacts, the challenges, and the 19 location of residences? 20 KARI CURRAN: Yes. 21 MR. JORDE: Okay. And are you aware if she 22 submitted recently an exhibit relative to potential 23 reroutes that she's discussed with the township 24 supervisor that would avoid all these issues? 25 KARI CURRAN: Yes.</p> <p>PAGE 83</p>
<p>1 living expenses? What will they do with all the rocks 2 they dig up? 3 She has had to limit her travel to visit family 4 in order to pay a lawyer to fight for her future. This 5 is rugged terrain and can't even be traversed with a 6 tractor during certain times of the year. The cows have 7 to be moved down by the house during these times. You 8 would need a helicopter to get out there if there was a 9 leak. There is no road. 10 And there will be a leak. The frost lines are 11 always shifting. This is a sensitive environment with 12 native prairie grass and flowers, tepee rings and old 13 Native American burial sites. Huge rocks push to the 14 surface. 15 If this dangerous pipeline is allowed to go 16 through here and run 500 feet from my mother's bedroom 17 window, you will have my mother's and possibly me and my 18 family's blood on your hands, just for a private 19 company's profit. We take all the risk with no reward. 20 How much is your mother's life worth to you? 21 Thank you. 22 ALJ HOGAN: Hang on, we got to go through 23 questions. 24 Mr. Gludt, any questions? 25 MR. GLUDT: No, Your Honor.</p> <p>PAGE 82</p>	<p>1 MR. JORDE: Okay. 2 And, Your Honor, when you talked about it, I was 3 going to (inaudible), and I may or may not have offered 4 it, but if I didn't, I would offer Exhibit 54. And 5 those are Ms. Hayen's reroute suggestions in response to 6 Mr. Boeshans' prefiled testimony. 7 ALJ HOGAN: Give me the number one more time. 8 Did you say 54? 9 MR. JORDE: Yes, 5-4, 54. 10 ALJ HOGAN: I feel like you did, but I do not 11 see it on my list so I will put it on my list for today. 12 UNIDENTIFIED SPEAKER: I have a copy 13 (inaudible). One copy. 14 ALJ HOGAN: That's fine. We'll get it through 15 Mr. Jorde. 16 But is there any objection to 54? 17 MR. GLUDT: Is this the letter from Mr. Jorde to 18 Mr. Bender? 19 MR. JORDE: That's already in evidence. This is 20 a single page of a plat map with reroutes in response to 21 Mr. Boeshans. I used it with him yesterday and I 22 thought I offered it. I'm just cleaning it up for the 23 record here. 24 ALJ HOGAN: Oh, let me look at my other -- 25 UNIDENTIFIED SPEAKER: Oh, hang on. I'm trying</p> <p>PAGE 84</p>

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<p>1 to see if we have a -- I think Roseanne may have 2 uploaded a copy, but let me confirm. 3 ALJ HOGAN: Yeah, I have it marked as admitted 4 from yesterday. That's correct. I was looking at the 5 Wahpeton exhibits. But, yeah, it was admitted 6 yesterday. 7 UNIDENTIFIED SPEAKER: And we -- yeah -- 8 MR. JORDE: Very good. Thank you. Then I don't 9 have anything further, Your Honor. Thank you. 10 ALJ HOGAN: All right. Commissioner Christmann, 11 any questions? 12 COMMISSIONER CHRISTMANN: Like the previous 13 lady, I think I got some of this information down in 14 Wahpeton already, but you said you have the south half 15 of the southwest quarter of section 11? 16 KARI CURRAN: Yes. 17 COMMISSIONER CHRISTMANN: And the northwest 18 quarter of? That's where I didn't -- 19 KARI CURRAN: That's kind of confusing. The 20 northwest quarter of the northwest quarter of section 21 14, township 130, range 58. 22 COMMISSIONER CHRISTMANN: Which section? 23 KARI CURRAN: Section 14. 24 COMMISSIONER CHRISTMANN: Okay. And is this 25 where -- you don't live out here; right?</p> <p style="text-align: right;">PAGE 85</p>	<p>1 when you say "500 feet," is that the distance that shows 2 on the map? Is it -- 500 feet is an important number -- 3 KARI CURRAN: Yes. 4 COMMISSIONER CHRISTMANN: -- because that's 5 within the code. 6 KARI CURRAN: Yeah. 7 COMMISSIONER CHRISTMANN: Are you saying it's 8 less than 500 feet or is it more? Do you have anything 9 more exact? Because if you're saying 1,100 feet, I 10 wouldn't be concerned, but since 500 feet is what's in 11 the code, it's really important. 12 KARI CURRAN: Yeah, I believe that information 13 has been submitted previous. I'm not exactly sure. 14 COMMISSIONER CHRISTMANN: We'll dig into it 15 then. 16 KARI CURRAN: Okay. 17 COMMISSIONER CHRISTMANN: Thank you so much for 18 being here. 19 KARI CURRAN: Thank you. 20 ALJ HOGAN: All right. Thank you, Ms. Curran. 21 All right. Whoever wants to go next, if you 22 could come forward. 23 Good morning. I'll have you start by stating 24 your full name and spelling your last name for the 25 record.</p> <p style="text-align: right;">PAGE 87</p>
<p>1 KARI CURRAN: I don't, no. 2 COMMISSIONER CHRISTMANN: But Valera does? 3 KARI CURRAN: She doesn't live up in the hills, 4 but she lives on another section where the pipeline will 5 be running 500 feet from her window. 6 COMMISSIONER CHRISTMANN: Where is that one? 7 KARI CURRAN: Section 12. 8 COMMISSIONER CHRISTMANN: Your Honor, could I 9 maybe come back, let the others ask questions? I want 10 to look up that one too -- 11 ALJ HOGAN: Sure. 12 COMMISSIONER CHRISTMANN: -- to make sure I 13 don't have any other questions regarding that. 14 ALJ HOGAN: Commissioner Haugen-Hoffart. 15 COMMISSIONER HAUGEN-HOFFART: Thank you. I have 16 no questions for you. 17 ALJ HOGAN: Mr. Dawson. 18 SUBSTITUTE DECISIONMAKER DAWSON: No questions. 19 Thank you. 20 ALJ HOGAN: All right. We'll just pause for a 21 second and see if Commissioner Christmann can find -- 22 COMMISSIONER CHRISTMANN: It was way at the west 23 side of section 12. 24 KARI CURRAN: Yeah. 25 COMMISSIONER CHRISTMANN: And you feel it's --</p> <p style="text-align: right;">PAGE 86</p>	<p>1 MIKE KLABO: My full name is Mike Klabo. Last 2 name is spelled K-L-A-B-O. 3 ALJ HOGAN: And, Mr. Klabo, were you in the room 4 this morning when I went through the penalties for 5 perjury? 6 MIKE KLABO: I was. 7 ALJ HOGAN: And do you understand what perjury 8 is? 9 MIKE KLABO: Yes. 10 ALJ HOGAN: And being advised of the potential 11 penalties for perjury, do you promise to tell the truth 12 in this case today? 13 MIKE KLABO: I do. 14 ALJ HOGAN: All right. Thank you. Go ahead. 15 <u>MIKE KLABO,</u> 16 being first duly sworn, testified as follows: 17 MIKE KLABO: Yeah, so I guess several concerns, 18 and I wasn't sure where this hearing was going to go 19 today. I actually was doing a little bit of preparation 20 as to the CO2 question. I had a lot of questions about 21 actually the CO2 implications for the -- for the ag and 22 those types of things. 23 The reason that I was looking at that is I was 24 concerned about eminent domain. Eminent domain, to me, 25 is dependent upon the categorization of a necessary</p> <p style="text-align: right;">PAGE 88</p>

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1 utility. So if Carbon Solutions pipeline does not go
2 through, if it did not go through, what would the
3 negative consequences be to people in Emmons County and
4 all the other counties where this pipeline is scheduled
5 to travel through?
6 To me, the eminent domain question should be one
7 of the main questions. We're asking landowners to give
8 up their land. And I think, especially in the last two
9 years, I think sometimes we forget the struggles that
10 people that live here on the land have gone through to
11 -- to establish their residences and establish their
12 holdings. These properties, these farms, are a legacy.
13 They're a family legacy.
14 My great grandparents homesteaded in the
15 St. Mike's area. I'm a history major among other
16 things. And I had a lot of detailed discussions with my
17 grandparents and my great grandfather. I heard stories
18 of seven years of no moisture, grasshoppers so thick
19 that they ruined the meat. If you ate a chicken on a
20 farmstead during the Depression, it was inedible. And
21 the people in this room are the byproduct and the
22 ancestors of the people that have worked so hard over
23 the last hundred years to establish themselves here.
24 I am very upset with how these people have been
25 treated, willy-nilly disregarded, things twisted around.

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1 That is, to me, unconscionable, not acceptable. Filing
2 suit against the county rather than going through proper
3 protocols with local government is not acceptable.
4 I currently live on the Missouri River. I can
5 attest to the amount of recreation. I live one mile
6 south of Beaver Bay, and I can tell you there are boats
7 constantly in the Beaver Bay area, the Cattail Bay area.
8 The Hazelton boat ramp is absolutely swamped this time
9 of year. Has anybody given any consideration to the
10 fact that this pipeline crosses the river? What are the
11 implications? Do we really know and understand the
12 total implication if there's a rupture going across or
13 near the river? Do we really understand? Has anybody
14 really examined the implications in Mississippi when 45
15 people were injured? This is serious.
16 And the bottom line is everybody here that is
17 hearing this information should be working for or be
18 concerned about the people out here. These are the
19 people that determine how things go. We're a
20 representative government and the people that own the
21 land are the ones that should have the ultimate say.
22 And I think that gets lost in the equation.
23 I have no other comments, but I think we need to
24 really take a serious look at this. Look at the
25 environmental issues. Is this really necessary?

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1 You know, I've done some research on agronomy.
2 The ideal levels of CO2 in an agronomy setting are
3 between 400 and up to 1,200, which enhances -- enhances
4 the growth of agronomy, various -- even marijuana,
5 whatever, whatever the case may be, it actually enhances
6 the growth of these crops. And I am not just sold on
7 the fact that CO2 is a villain. CO2 is plant food. End
8 of conversation. We need greenhouse grasses to keep the
9 heat in the atmosphere. I am just not sold on this at
10 all. I totally am not sold on it.
11 So, with that, I'm done.
12 ALJ HOGAN: All right. Mr. Gludt, any
13 questions?
14 MR. GLUDT: No, Your Honor.
15 ALJ HOGAN: Mr. Pelham.
16 MR. PELHAM: I don't. Thank you.
17 ALJ HOGAN: Mr. Braaten.
18 MR. BRAATEN: No, Your Honor.
19 ALJ HOGAN: Mr. Jorde.
20 MR. JORDE: No, Your Honor.
21 ALJ HOGAN: Commissioner Christmann.
22 COMMISSIONER CHRISTMANN: I have none, but thank
23 you for being here.
24 ALJ HOGAN: Commissioner Haugen-Hoffart.
25 COMMISSIONER HAUGEN-HOFFART: No questions.

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1 MIKE KLABO: Thank you.
2 ALJ HOGAN: And Mr. Dawson.
3 SUBSTITUTE DECISIONMAKER DAWSON: No, Your
4 Honor. Thank you.
5 ALJ HOGAN: All right. Thank you, Mr. Klabo.
6 Whoever would like to go next, if you could come
7 forward, please.
8 Good morning, I'll have you start by stating
9 your full name and spelling your last name for the
10 record.
11 RON MATHERN: Good morning. My name is Ron
12 Mathern, M-A-T-H-E-R-N.
13 ALJ HOGAN: Mr. Mathern, were you in the room
14 this morning when I went through the penalties for
15 perjury?
16 RON MATHERN: I was, yeah.
17 ALJ HOGAN: And do you understand what perjury
18 is?
19 RON MATHERN: I do.
20 ALJ HOGAN: Being advised of the potential
21 penalties for perjury, do you promise to tell the truth
22 in this case today?
23 RON MATHERN: Yep.
24 ALJ HOGAN: All right. Thank you. Go ahead.
25

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<p>1 RON MATHERN. 2 being first duly sworn, testified as follows: 3 RON MATHERN: I'm just doing a follow-up on -- I 4 don't consider this CO2 a villain either. It keeps heat 5 on the earth and on and on. But besides, you know, the 6 -- that it's not a greenhouse gas, we can't afford it. 7 We cannot pay the interest on our debt. There just was 8 a guy on the radio last night, was talking about our 9 debt is being sold to other countries. They're going to 10 charge more interest. And so I don't understand. It's 11 not necessary to create more debt. And the grids cannot 12 handle it. There are several reasons here to really 13 look at this really hard before we even consider putting 14 in a pipeline. 15 Mine is short and sweet. I just want to back 16 Ed, that I agree with him that it's -- when we had -- I 17 had done some research too. We had levels as high as 18 2,000, I even read up to 6,000 parts per million at one 19 time and the earth survived. Our temperature has come 20 up 1 degree in the last hundred years. We are cooler 21 now than we were 2,000 years ago. 22 So very basic -- I don't even know why this 23 discussion should be talked about, that it's not a 24 villain. 25 ALJ HOGAN: All right. Mr. Gludt, any</p> <p style="text-align: right;">PAGE 93</p>	<p>1 RON MATHERN: Very good. 2 MR. PELHAM: Thank you, sir. 3 ALJ HOGAN: Mr. Braaten, any questions? 4 MR. BRAATEN: No, Your Honor. 5 ALJ HOGAN: Mr. Jorde, any questions? 6 MR. JORDE: Sir, just a clarifying question. 7 When you said "We don't need more debt," the United 8 States doesn't need more debt, is that in referring to 9 the billions of dollars of tax credits associated with 10 these pipelines? Or what was the debt? 11 RON MATHERN: I was listen -- talk with Michael 12 Bell and he said the Federal Government will pay around 13 20 percent or something like that. And that's billions 14 of dollars. We keep piling up debt upon debt upon debt. 15 Our biggest expenditure this coming year, the way he was 16 -- I heard, is going to be interest on our debt. 17 And so unless -- I could see it if we were at 18 10,000 parts per million. Now we have to do something 19 with this carbon. We need to bite the bullet. But at 20 this point, more unnecessary. And renewable energy 21 constantly needs to have subsidies years after it is 22 started. And that's -- if they want to spend money, 23 reduce the debt. You know, that might not make sense, 24 but yeah. 25 MR. JORDE: So, sir, do you believe that</p> <p style="text-align: right;">PAGE 95</p>
<p>1 questions? 2 MR. GLUDT: No, Your Honor. 3 ALJ HOGAN: Mr. Pelham. 4 MR. PELHAM: Just briefly. 5 Mr. Mathern, thank you for being here. I just 6 want to point out a couple things as far as the 7 jurisdiction of the Commission. The Commission is here 8 to site a pipeline that's been proposed. 9 RON MATHERN: Uh-huh. 10 MR. PELHAM: Do you understand that the 11 Commission doesn't have any authority or jurisdiction 12 over the federal policies that involve climate change or 13 carbon capture? 14 RON MATHERN: Okay. 15 MR. PELHAM: And as far as the prior witness, 16 and I think he might have referenced it, eminent domain, 17 the Commission doesn't have any jurisdiction over 18 whether or not condemnation takes place or not. Do you 19 understand that? 20 RON MATHERN: Yes. But it's a place for us to 21 make our voice. 22 MR. PELHAM: I understand. And I appreciate 23 that. And I'm glad you took the time to be here today 24 and testify. I'm just -- I just want you to understand 25 that.</p> <p style="text-align: right;">PAGE 94</p>	<p>1 approving this -- if the PSC were to approve the 2 application for them, that that would have negative 3 impacts on the welfare of the citizens of North Dakota? 4 RON MATHERN: Yeah. Let's just have more debt. 5 There's just no end to it. And I think it is negative. 6 We need to get the spending under control. And this is 7 just one facet of it, I realize that, but it is a facet. 8 MR. JORDE: Thank you, sir. Nothing further. 9 ALJ HOGAN: Commissioner Christmann. 10 COMMISSIONER CHRISTMANN: I just want to be 11 clear. We welcome testimony from everyone not just 12 landowners along the route. I just want to make sure 13 that we didn't miss something here. Do you have land 14 along the route? 15 RON MATHERN: No. I'm just a concerned citizen. 16 COMMISSIONER CHRISTMANN: Okay. And then on 17 your concerns specific to the debt, do you have the same 18 concerns about the debt that rises up because of 19 subsidies for ethanol plants and for wind farms as well? 20 RON MATHERN: Yes. Absolutely. Yep. 21 COMMISSIONER CHRISTMANN: Thank you for being 22 here. 23 ALJ HOGAN: Commissioner Haugen-Hoffart. 24 COMMISSIONER HAUGEN-HOFFART: Ron, I appreciate 25 your testimony. I have no further questions.</p> <p style="text-align: right;">PAGE 96</p>

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<p>1 RON MATHERN: Thank you. 2 ALJ HOGAN: Mr. Dawson. 3 SUBSTITUTE DECISIONMAKER DAWSON: I may have 4 missed it, but where do you live? 5 RON MATHERN: Bismarck. 6 SUBSTITUTE DECISIONMAKER DAWSON: No further 7 questions. 8 ALJ HOGAN: All right. Thank you, Mr. Mathern. 9 Who would like to go next? I saw somebody stand 10 up over here. 11 Good morning. I'll have you start by stating 12 your full name and spelling your last name for the 13 record. 14 LYLE KENNER: My name is Lyle Kenner, 15 K-E-N-N-E-R. 16 ALJ HOGAN: And, Mr. Kenner, were you in the 17 room this morning when I went through the penalties for 18 perjury? 19 LYLE KENNER: Yes, I was. 20 ALJ HOGAN: And do you understand what perjury 21 is? 22 LYLE KENNER: Yes. 23 ALJ HOGAN: And being advised of the potential 24 penalties for perjury, do you promise to tell the truth 25 in this case today?</p> <p style="text-align: right;">PAGE 97</p>	<p>1 pipeline and it's going in the ground in Oliver and 2 Mercer counties." 3 So who are the three billionaires? Okay. It's 4 Governor Burgum, Senator Hoeven, and a representative 5 for Harold Hamm, men who have a good reputation in their 6 own right for other reasons. 7 I said, "You're putting CO2 in the ground. 8 You're taking it out of wherever." I said, "To me --" 9 and in that setting I speak quite freely. I said, "I 10 think this is ludicrous." 11 So why is carbon sequestration ludicrous? You 12 heard some of that already. CO2 is a key component of 13 the atmosphere. Right now it's approximately 14 .04 percent or 400 parts per million. Atmosphere also 15 has 78 percent nitrogen and 20 percent oxygen which is 16 so critical for life, especially if you have a heart and 17 a lung, you need oxygen. 18 Okay. So we've had that -- some have referenced 19 to it. We need CO2 for photosynthesis. Photosynthesis 20 makes plants grow. Plants are the basis for so much of 21 everything. Photosynthesis needs CO2, water, sunshine. 22 And I would add it is 100 percent safe at normal 23 pressure, normal concentration. Atmospheric CO2 is 24 absolutely safe. So from a common sense point of view, 25 I would say CO2, just let it be. Perhaps more CO2, more</p> <p style="text-align: right;">PAGE 99</p>
<p>1 LYLE KENNER: Yes. 2 ALJ HOGAN: All right. Thank you, go ahead. 3 LYLE KENNER: Okay. 4 <u>LYLE KENNER,</u> 5 being first duly sworn, testified as follows: 6 LYLE KENNER: As I said, my name is Lyle Kenner. 7 I'm a veterinarian here in Linton. 8 Let's see if we can get these things organized. 9 I worked on this quite a while last night. 10 First of all, thank you for holding a new round 11 of hearings again here and including Linton. I was just 12 thinking about your job of sitting here for hours and 13 hours of listening, and I have a hard time staying awake 14 for 20 minutes with a pastor's sermon. So anyway... 15 There's a couple dates that come out in this 16 whole issue. 2019 we have the Green New Deal by AOC, 17 concerns about global warning, climate change, carbon 18 footprint, etcetera. And then as we go forward a few 19 years to May 22nd -- or May 2nd of 2022 -- actually, at 20 that time I was semen testing a bunch of bulls in the 21 clinic and this client says, "Did you hear about the 22 press conference?" And I said, "What press conference?" 23 He said, "The three billionaires' press conference." 24 "Oh, okay. What about it?" "Well," he said, "they're 25 going to take -- move CO2 -- they're putting in a CO2</p> <p style="text-align: right;">PAGE 98</p>	<p>1 plant growth. 2 A couple things. In this whole issue I managed 3 to read through this little book called "Hot Talk, Cold 4 Science" made by -- written by Dr. Fred Singer who is a 5 renowned cosmic physicist-turned-expert on about 6 anything to do with climate. It's a very interesting 7 read. You might get sleepy reading it, though. 8 In his book, he states in 1951 CO2 was about 9 312 parts per million. In 2019, CO2 was about 412 parts 10 per million. It's an increase of 32 percent. Other 11 things in this time frame, from 1961 to 2010, 12 approximately 50 years, the world population doubled. 13 Also, from 1961 to 2010, food production tripled. Not 14 too many people talk about that. Population doubled, 15 food production tripled. 16 Okay. Another thing in this book that's quite 17 interesting, in 1990, and I think this was a UN 18 Commission finding, 23.3 percent of the world population 19 was undernourished. Approximately a quarter of the 20 world. In 2015 that number is only 12.9 percent. So in 21 easy figures, we cut the starvation rate in half if you 22 want to use those easy terms. The observation is 23 atmospheric CO2 went up, world starvation went down. So 24 what are we concerned about? Are we concerned about 25 global warming today?</p> <p style="text-align: right;">PAGE 100</p>

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<p>1 In Dr. Singer's expertise, he has done a lot 2 with satellite weather systems. And a lot of his work 3 deals with satellite data which takes out a lot of 4 variables. Such as if you're going to take, say, a 5 temperature reading outside of Bismarck, well, the heat 6 from Bismarck, town, somewhat skews what the airport is 7 going to report. Satellite imaging does not have that 8 problem. Satellite shows very little annual change 9 since 1998. There was a little rise in temperature, I 10 think someone alluded to that earlier, and since 1998 11 it's basically flat so that, hence, we have less talk 12 about global warming, more talk about climate change.</p> <p>13 An interesting little tidbit that I happened to 14 catch on TV was this Dr. Patrick Moore, cofounder of 15 Greenpeace, a very environmental-oriented group. He's 16 flatly stated there's no significant global warming. 17 That's his opinion. I'm not a Greenpeace fan, but I'll 18 take his opinion on that.</p> <p>19 With climate change there is some, but it seems 20 to me for the better. Just look around. I moved to 21 Emmons County in 2006 and that was actually a drought 22 year. But as I recall then, if we had a hundred-bushel 23 corn, farmers were growing hundred-bushel corn, that was 24 a pretty good thing. Now that number, I would say, has 25 probably moved to 150-bushel. Maybe somebody else will</p> <p style="text-align: right;">PAGE 101</p>	<p>1 scientific people that do it. And the radiation from 2 the sun can vary. It makes the earth warmer or cooler, 3 depending on which it is. You've also got things like 4 evaporation from the oceans. If there's more 5 evaporations, there's more clouds, it cools the earth 6 off, etcetera. So there's a lot of things you can argue 7 about there.</p> <p>8 Now let's go back to the CO2 which is the big 9 factor in so-called greenhouse gases. And there's a lot 10 of postulation about how these greenhouse gases are, 11 what they are, methane is such a terrible thing. Well, 12 it's what all cows burp up. When a cow ruminates, it 13 creates methane. Hasn't hurt anything yet that I know 14 of. The question is do so-called greenhouse gases 15 insulate the earth and hold heat in, making it hotter? 16 That's what we've been told. That's the nice agenda. 17 There's also the other way to look at it. Or do 18 greenhouse gases reflect excessive sun radiation and 19 keep it cooler? Dr. Singer goes into a lot of 20 discussion on that. There's no real conclusion. But we 21 are here today based on the idea that greenhouse gases 22 are terrible things.</p> <p>23 From this brief discussion, the proposed carbon 24 sequestration via carbon capture, pipeline, transport, 25 and injection into the earth has no -- no real solid</p> <p style="text-align: right;">PAGE 103</p>
<p>1 come and testify later and adjust my numbers, but it 2 seems to me we are seeing a better growth of corn. I'm 3 -- just that one thing, is that due to the atmosphere? 4 Is that due to better no-till programs and so on? But 5 we are not going down. We are going up in productivity 6 in the face of a slight increase in CO2.</p> <p>7 Also he noted in the satellite imaging, you're 8 seeing greener areas in the northern zones. So we're 9 growing crops, we're growing something further north 10 over time. And that -- I see nothing wrong with that.</p> <p>11 Also in his books he also talks in the history of what 12 was called a "Medieval Warming Period," when it was very 13 warm, much warmer than now. Also in those hundreds of 14 years there was also a time called the "Little Ice Age." 15 During that Little Ice Age there was areas of Europe 16 that literally starved to death because they couldn't 17 grow anything. So climate changes. It will change.</p> <p>18 He also makes the statement in the book, when 19 you -- you get to the final analysis and you take all 20 the politics out of it, what man does probably has very 21 little to do with it. There are many scientific factors 22 in play.</p> <p>23 You can take things like sunspots. Do we have 24 more sunspots? Less sunspots? I don't know. I don't 25 look at the sun very good. But, you know, there's</p> <p style="text-align: right;">PAGE 102</p>	<p>1 scientific basis. It seems to me it is really about 2 moving money from the taxpayers to the financial and 3 political elite. A little while ago we seen the list of 4 some of the investors in carbon -- in Summit Carbon 5 Solutions. A lot of these are foreign entities. I 6 guess maybe in an offhand way you would say it's moving 7 money from the serfs to Summit Carbon Solutions.</p> <p>8 This project is harmful to the economic welfare 9 of the citizens of North Dakota.</p> <p>10 I guess I should back up. I forgot my order of 11 things here.</p> <p>12 In the publication here about why we're having 13 this PSC meeting, there's a question: will 14 construction, operations, and maintenance of the 15 facility at the proposed location produce minimal 16 adverse effects on the environment and upon the welfare 17 of the citizens of North Dakota?</p> <p>18 ALJ HOGAN: Mr. Kenner, can you wrap up your 19 comments, please?</p> <p>20 LYLE KENNER: Speaking of the welfare, this CO2 21 pipeline is incredibly dangerous to our physical health 22 potentially. I've just extolled the value of CO2 in 23 nature. But a 24-inch pipeline at 2,100-pound PSI is a 24 huge potential danger. Why? It is a gas that can 25 disperse oxygen -- displace oxygen. Continuous intake</p> <p style="text-align: right;">PAGE 104</p>

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<p>1 of oxygen is vital to all creatures. It has specific 2 gravity higher than atmospheric air. Thus, in high 3 concentration it pushes oxygen up and out. It follows 4 the ground. At levels of 4 percent and above, it is 5 toxic due to oxygen displacement.</p> <p>6 One of the problems we have with discussing the 7 plume. I asked a professional engineer about this some, 8 and you -- at 8 percent CO2, if this line breaks, you 9 have an area of 33 miles diameter, height of eight 10 foot. That's a toxic -- huge toxic thing. Imagine a 11 giant round water tank with eight-foot side walls that 12 is 33 miles across and is filled with 8 percent CO2. 13 That's what the math shows. This perfect cylinder is 14 never going to exist, but the volume of that pipeline, 15 390 million cubic feet of pure toxic CO2, does exist.</p> <p>16 Going back to the initial objective of minimal 17 adverse effects on the environment and upon the welfare 18 of the citizens of North Dakota, it is quite obvious 19 that what I just described is not good for the welfare 20 of the people of North Dakota.</p> <p>21 To me, it is potentially as dangerous as a 22 Japanese tsunami except you can't see it coming, you 23 can't smell it, you can't taste it, perhaps you can't 24 even hear it, but there's a requiem to mark that moment 25 in history. Will that requiem be for one farmer, his</p> <p style="text-align: right;">PAGE 105</p>	<p>1 tripled, and starvation numbers have dropped. That's -- 2 if that's not trademarked, I'm going to probably use 3 that from time to time.</p> <p>4 LYLE KENNER: It's quite revealing. Thank you.</p> <p>5 COMMISSIONER CHRISTMANN: I do want your 6 reaction to -- if I were to tell you that I disagree 7 with your point that we're here today -- maybe I 8 misunderstood it too -- that we're here today under the 9 premise that CO2 is a bad thing, I don't feel like that 10 is my premise in what I'm trying to accomplish here. I 11 am looking at an application that came in and we have a 12 statutory duty to make a decision on it based on North 13 Dakota laws and rules, not because I think any of us are 14 on some mission about CO2.</p> <p>15 Would you disagree with me on that?</p> <p>16 LYLE KENNER: I wouldn't -- yes, I do disagree 17 with you because we're talking about the welfare of the 18 people of North Dakota. And this has tremendous ability 19 to be bad for our welfare.</p> <p>20 When you look at how many cubic feet a 20-mile 21 section -- that's what it's based on. I don't know if I 22 communicated all that, that the 390 million cubic feet 23 of pure CO2 is coming from a 24-inch line 20 miles long, 24 that is just too much of a very heavy anoxic gas to have 25 in the environment. It's not going to be in this giant</p> <p style="text-align: right;">PAGE 107</p>
<p>1 family, construction crew, the population of a small 2 town, perhaps Hazelton? Perhaps it is just the kids 3 that are under four-foot tall playing in a park by the 4 lake out in the country.</p> <p>5 In closing, I firmly believe we will be better 6 off if this CO2 pipeline is not built; better for Emmons 7 County, better for North Dakota as we get 8 (indiscernible) here, better for the United States, and 9 I think even better for our world. Thank you.</p> <p>10 ALJ HOGAN: All right. Thank you. 11 Mr. Gludt, any questions? 12 MR. GLUDT: No, Your Honor. 13 ALJ HOGAN: Mr. Pelham. 14 MR. PELHAM: No. 15 ALJ HOGAN: Mr. Braaten. 16 MR. BRAATEN: No, Your Honor. 17 ALJ HOGAN: Mr. Jorde. 18 MR. JORDE: No, Your Honor. Thank you. 19 ALJ HOGAN: Commissioner Christmann. 20 COMMISSIONER CHRISTMANN: Well, I will just say, 21 Mr. Kenner, although none of it was a revelation to me, 22 I loved how you brought together the perspective that in 23 somewhat the same time frame that planetary CO2 levels 24 have gone up from, roughly, 300 to 400 parts per 25 million, that the population doubled, food production</p> <p style="text-align: right;">PAGE 106</p>	<p>1 tank that I described, obviously, but it is going to 2 come out and it is going to be on the ground. And a 3 certain percentage of it is going to move.</p> <p>4 Now where that break in that line occurs, as 5 we've seen in Satartia, we've seen it recently in, was 6 it Sulphur, Louisiana -- actually, in answering your 7 questions, one of the things, there's an article I was 8 reading on, it's written in New Journalism style, talks 9 about this lady and her cats and she -- her cats didn't 10 come back. Well, I wonder, the reason her cats didn't 11 come back is because this is a heavy gas. It is toxic 12 at those levels of 8 percent, 10 percent. Where are her 13 cats? They're under your feet. They're low. So the 14 gas that may be on the ground that kills these cats, 15 wherever they went to, may not affect you simply because 16 you're five feet taller.</p> <p>17 COMMISSIONER CHRISTMANN: Thank you for being 18 here. 19 LYLE KENNER: Thank you. 20 ALJ HOGAN: Commissioner Haugen-Hoffart. 21 COMMISSIONER HAUGEN-HOFFART: I have no 22 questions, but thank you so much for your testimony. 23 ALJ HOGAN: Mr. Dawson. 24 SUBSTITUTE DECISIONMAKER DAWSON: No questions, 25 Your Honor. Thank you.</p> <p style="text-align: right;">PAGE 108</p>

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1 ALJ HOGAN: All right. Thank you.
2 LYLE KENNER: Okay. Thank you for having me.
3 ALJ HOGAN: Who would like to go next?
4 I'll have you start by stating your full name
5 and spelling your last name for the record.
6 DAVID YOUMANS: My name is David Alton Youmans.
7 My last name is
8 Yankee-Oscar-Uniform-Mike-Alpha-November-Sierra. That's
9 Y-O-U-M-A-N-S to all civilians. Okay. I live --
10 ALJ HOGAN: Hang on, hang on. I've got to swear
11 you in first.
12 DAVID YOUMANS: Okay.
13 ALJ HOGAN: Were you here when I went through
14 the penalties for perjury?
15 DAVID YOUMANS: Yes, ma'am.
16 ALJ HOGAN: And do you understand what perjury
17 is?
18 DAVID YOUMANS: Yes, Your Honor.
19 ALJ HOGAN: And being advised of the potential
20 penalties for perjury, do you promise to tell the truth
21 in this case today?
22 DAVID YOUMANS: Yes, Your Honor.
23 ALJ HOGAN: All right. Thank you. Go ahead.
24
25

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1 **DAVID YOUMANS,**
2 being first duly sworn, testified as follows:
3 DAVID YOUMANS: I'm glad that you all came out
4 here and made the long trip from Bismarck and all to the
5 little city of Linton, you know, in Emmons County. I'm
6 glad you can all make it.
7 But the reason why we're even here today is
8 because of AOC and the Squad and this New Green Deal.
9 That's the only reason why we're here. AOC and the
10 Squad is probably rolling over laughing right now
11 knowing that we North Dakotans who are supposed to be
12 conservative and Republicans -- yeah, RINOs -- are --
13 are -- AOC has got us hopping around. Oh, climate
14 change, CO2. Yeah, right. If the CO2 is so bad, why
15 don't they put a muzzle on everybody and fricking put a
16 fricking cork in everybody's butt. I mean, it's crazy,
17 it's nuts.
18 And I know you're doing your job and all. You
19 know, when this first started, you said we couldn't clap
20 or cheer or have fun but -- I know that's decorum and
21 all, but there's people in the back row sleeping. I
22 mean, people here would love to cheer, clap, you know,
23 have fun. You take all the fun out of this. It's why
24 even go to it, you know? But, you know, I know you're
25 doing your job and all.

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1 And also, as far as this perjury, what do you
2 mean perjury? You mean lying? If I was a Democrat in
3 Washington, DC, or a Marxist, I can lie all day long and
4 nothing will happen to me. But I'm here in North Dakota
5 and I can't what, perjure? Lie? Really? If I -- it's
6 -- it's two-tiered justice and we all know that.
7 And I think that we're all here today for the
8 wrong reason. I think this pipeline, this CO2 pipeline,
9 should be rerouted across the Great Lakes all the way
10 across down to New York and New Jersey and all the way
11 to Washington, DC. And it shouldn't have CO2. It
12 should have raw sewage from North Dakota. Raw sewage
13 going straight to Washington, DC.
14 That's all I have to say.
15 ALJ HOGAN: All right. Mr. Gludt, any
16 questions?
17 MR. GLUDT: No, Your Honor.
18 ALJ HOGAN: Mr. Pelham.
19 MR. PELHAM: I don't. Thank you.
20 ALJ HOGAN: Mr. Braaten.
21 MR. BRAATEN: No, Your Honor.
22 ALJ HOGAN: Mr. Jorde.
23 MR. JORDE: I have a question.
24 Sir, thanks for being here. What do you think
25 about the fact that the Republican governor of North

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1 Dakota is the main cheerleader on this project?
2 DAVID YOUMANS: You don't want to ask me that
3 question. "RINO" comes to mind. And I don't think he
4 should be Trump's vice president pick because he
5 couldn't last one second in Trump's shoes. Trump's a
6 big man. I don't think any one of us could last one
7 second in Trump's shoes. He gets persecuted. He gets
8 mud thrown at him. He's a strong man, very strong man.
9 And I don't think that Doug Burgum even can hold a
10 candle to Donald Trump. He's not the right man to be
11 vice president. That's for sure.
12 MR. JORDE: No further questions.
13 ALJ HOGAN: Commissioner Christmann.
14 COMMISSIONER CHRISTMANN: Just one. As I asked
15 someone else earlier, I'm just wanting to clarify, did
16 you have any land along the route?
17 DAVID YOUMANS: No. I live five houses from
18 here.
19 COMMISSIONER CHRISTMANN: Okay.
20 DAVID YOUMANS: Retired.
21 COMMISSIONER CHRISTMANN: Thanks for joining us
22 today.
23 DAVID YOUMANS: Okay.
24 ALJ HOGAN: Hang on, hang on.
25 Commissioner Haugen-Hoffart.

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1 COMMISSIONER HAUGEN-HOFFART: Thank you for your
2 testimony. I have no questions.
3 DAVID YOUMANS: Okay. Thanks.
4 ALJ HOGAN: Mr. Dawson.
5 SUBSTITUTE DECISIONMAKER DAWSON: No, Your
6 Honor. Thank you.
7 ALJ HOGAN: All right. Now you can leave.
8 Thank you.
9 Morning. I'll have you start by stating your
10 full name and spelling your last name for the record.
11 ROBERT SCHAEFER: Robert J. Schaefer. That's
12 S-C-H-A-E-F-E-R.
13 ALJ HOGAN: Mr. Schaefer, were you in the room
14 this morning when I went through the penalties for
15 perjury?
16 ROBERT SCHAEFER: Yes, I was.
17 ALJ HOGAN: Do you understand what perjury is?
18 ROBERT SCHAEFER: I sure do.
19 ALJ HOGAN: And being advised of the potential
20 penalties for perjury, do you promise to tell the truth
21 in this case today?
22 ROBERT SCHAEFER: Yes, I do.
23 ALJ HOGAN: All right. Thank you. Go ahead.
24
25

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1 **ROBERT SCHAEFER,**
2 being first duly sworn, testified as follows:
3 ROBERT SCHAEFER: On the lighter side, it really
4 won't make a whole lot of difference whether you vote
5 for or against it. If you vote against it, you'd have
6 to think of how do you get rid of forest fires? Because
7 dealing with the forest fires last year, the fires in
8 California, Montana, Canada, and Australia produced more
9 carbon than the world will produce in all of the plants
10 for the rest of our lifetime. Because that's all trees
11 are, is carbon. They drink in CO2 and they use carbon
12 to make trees and we use it to build stuff. Those four
13 places with fires -- and there were a thousand other
14 fires.
15 So this pipeline is kind of like a straw in the
16 ocean. It makes no difference. It's only the money
17 involved. If you take the 27,000 airplane flights every
18 day, commercial flights in the United States, at
19 35,000 feet burning billions of pounds of fuel, now
20 you've got something different than a little, teeny
21 pipeline.
22 Now it was kind of interesting, last month the
23 Chinese did a disbursement test, CO2 pipeline, which you
24 guys won't give us landowners a look at it. They did
25 it. It was on the public -- you could watch it on your

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1 television. They ruptured a pipeline, CO2 pipeline, and
2 it came out like an atomic bomb. It didn't go in the
3 air and disappear. It settled back down on the earth
4 and dispersed for miles. Nobody wants to see that. I
5 tried to get a video of it so you guys could watch that.
6 So the Chinese are playing the same game, trying to
7 figure out.
8 You can't get rid of CO2. Everything here, when
9 you plow the ground, CO2 is coming out of your soil.
10 Soil is a trap for CO2. As the veterinarian said, we're
11 growing -- I taught the adult farm management program
12 and worked as an instructor in the university, in the
13 engineering. You can't get rid of CO2. It is -- it is
14 our life, you know. The only thing is, when you
15 concentrate it, anything above 2, 3, 4, 5 percent, you
16 and I don't have to buy beer because we think we're
17 drunk. At 7 or 8, those with a breathing problem will
18 be dead. At 9 or 10, everybody in this room will be
19 dead. They've got it at a hundred percent in that pipe.
20 If you're anywhere close to it, anywhere.
21 And if you want to hide in your basement, the
22 military -- I have a son who's a general; commands a
23 division of our troops. He said, along with drones,
24 we're looking at CO2 as a bomb. We can drop it on a
25 city, everybody hides in the basement, their trenches.

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1 What does it do? It kills them all. And we save all
2 the infrastructure. It's not a gas as far as the Geneva
3 Convention goes, but it is a lethal weapon. So when I
4 look at this and I look at the Chinese one, I said, you
5 know, I get excited about this.
6 They want to screw up three of my quarters of
7 land, kitty corner across. I got to be one of their
8 best friends. I don't know if they're still in here.
9 They finally decided that I was so friendly. Being a
10 marine sniper in Vietnam, I got to stand at coffins of
11 my 18-year-old buddies that don't get the chance that I
12 have today to address you, to fight for freedom, and
13 they want to take three of my quarters which my sons now
14 have. And they said, "Can we build a farm there?" "No,
15 you can't." Within the setbacks, if they kitty corner a
16 section, you no longer can build a home. You no longer
17 can build a feedlot. You can no longer do anything
18 other than farm it.
19 So, with that, I thought I'd give you a little
20 lighter look at it. Because when the 9/11 accident
21 happened, terrorist attack, planes were grounded for,
22 like, 10, 12 days. The 27,000 flights did not happen.
23 There was a significant change in the air quality in the
24 United States. This is information you can get from the
25 bureaus. And the fires is God's way of giving us the

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<p>1 carbon back.</p> <p>2 We can fool around with pipelines coming out of</p> <p>3 ethanol plants that we subsidize, and three years from</p> <p>4 now 90 percent of what we produce ethanol is bought by</p> <p>5 California, Washington, Oregon, and they are telling us</p> <p>6 today they're not buying it in a few years. So I'm not</p> <p>7 sure what we're going to raise in this. Because they</p> <p>8 want to run a 2,000 -- or a 2-foot pipe through my farm,</p> <p>9 plus hooking one coming from the other part of the</p> <p>10 state. So not only that, I'd have a junction in the</p> <p>11 middle of the farm.</p> <p>12 With that, I'll let you guys go.</p> <p>13 ALJ HOGAN: All right. Thank you.</p> <p>14 Mr. Gludt, any questions?</p> <p>15 MR. GLUDT: No, Your Honor.</p> <p>16 ALJ HOGAN: Mr. Pelham.</p> <p>17 MR. PELHAM: Good morning, Mr. Schaefer. Thanks</p> <p>18 for being here.</p> <p>19 As far as the proposed route, does it cross your</p> <p>20 property that you own in Emmons County?</p> <p>21 ROBERT SCHAEFER: No. I happen to be in</p> <p>22 McPherson County, just a little while across in South</p> <p>23 Dakota.</p> <p>24 MR. PELHAM: Okay. I understand. So you're</p> <p>25 from South Dakota. You're here testifying --</p> <p style="text-align: right;">PAGE 117</p>	<p>1 for your son's service.</p> <p>2 ROBERT SCHAEFER: Thank you, sir.</p> <p>3 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>4 COMMISSIONER HAUGEN-HOFFART: Yeah, but I think</p> <p>5 Mr. Christmann -- Commissioner Christmann took it. I</p> <p>6 was going to ask you, what does your hat say?</p> <p>7 ROBERT SCHAEFER: "'61 to '65 Uncle Sam let me</p> <p>8 tour the Far East."</p> <p>9 (Laughter)</p> <p>10 ROBERT SCHAEFER: As a marine in the 1st Marine</p> <p>11 Air Wing unit off of an -- on an aircraft carrier lift.</p> <p>12 COMMISSIONER HAUGEN-HOFFART: Well, with that, I</p> <p>13 thank you for your military service.</p> <p>14 ROBERT SCHAEFER: Thank you.</p> <p>15 ALJ HOGAN: Mr. Dawson, any questions?</p> <p>16 SUBSTITUTE DECISIONMAKER DAWSON: Did you</p> <p>17 testify before in this matter?</p> <p>18 ROBERT SCHAEFER: Yes. Wahpeton. I did in</p> <p>19 Aberdeen for the South Dakota one.</p> <p>20 SUBSTITUTE DECISIONMAKER DAWSON: Thank you.</p> <p>21 ROBERT SCHAEFER: Thank you.</p> <p>22 ALJ HOGAN: All right. Thank you, Mr. Schaefer.</p> <p>23 Maybe take one more individual before we take</p> <p>24 our lunch break.</p> <p>25 LYNNE SCHNEIDER: Is it still morning?</p> <p style="text-align: right;">PAGE 119</p>
<p>1 ROBERT SCHAEFER: I live not very far from here.</p> <p>2 In North Dakota there's a pipeline that would reach my</p> <p>3 house if it breaks south of Oakes.</p> <p>4 MR. PELHAM: I see. But as far as the pipeline</p> <p>5 route as proposed in North Dakota, you don't own any</p> <p>6 property in North Dakota, it's just in South Dakota --</p> <p>7 ROBERT SCHAEFER: I own property in North</p> <p>8 Dakota. It's not on my property but it's close enough</p> <p>9 to be --</p> <p>10 MR. PELHAM: Okay.</p> <p>11 ROBERT SCHAEFER: -- a concern of mine.</p> <p>12 MR. PELHAM: But in South Dakota you own --</p> <p>13 ROBERT SCHAEFER: Property it's crossing.</p> <p>14 MR. PELHAM: -- where it's crossing. I see.</p> <p>15 All right. Thank you for your testimony, sir.</p> <p>16 ROBERT SCHAEFER: Yeah.</p> <p>17 ALJ HOGAN: Mr. Braaten, any questions?</p> <p>18 MR. BRAATEN: No, Your Honor.</p> <p>19 Thank you for your testimony.</p> <p>20 ALJ HOGAN: Mr. Jorde, any questions?</p> <p>21 MR. JORDE: No.</p> <p>22 Thank you, sir, for being here.</p> <p>23 ALJ HOGAN: Commissioner Christmann.</p> <p>24 COMMISSIONER CHRISTMANN: I do not, but thank</p> <p>25 you for being here and thank you for your service and</p> <p style="text-align: right;">PAGE 118</p>	<p>1 ALJ HOGAN: Barely, but yes.</p> <p>2 LYNNE SCHNEIDER: Good morning. I won't be too</p> <p>3 long. I promise. My name is Lynne Schneider and I'm</p> <p>4 in --</p> <p>5 ALJ HOGAN: Hang on, hang on. I've got to swear</p> <p>6 you in first.</p> <p>7 LYNNE SCHNEIDER: Oh, I'm sorry.</p> <p>8 ALJ HOGAN: Do you want to spell your last name?</p> <p>9 LYNNE SCHNEIDER: S-C-H-N-E-I-D-E-R.</p> <p>10 ALJ HOGAN: And, Ms. Schneider, were you in the</p> <p>11 room earlier when I went --</p> <p>12 LYNNE SCHNEIDER: Yes, ma'am.</p> <p>13 ALJ HOGAN: -- through the penalties for</p> <p>14 perjury? And do you understand what perjury is?</p> <p>15 LYNNE SCHNEIDER: Yes, ma'am.</p> <p>16 ALJ HOGAN: And being advised of the potential</p> <p>17 penalties for perjury, do you promise to tell the truth</p> <p>18 in this case today?</p> <p>19 LYNNE SCHNEIDER: Yes, ma'am.</p> <p>20 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>21 <u>LYNNE SCHNEIDER,</u></p> <p>22 being first duly sworn, testified as follows:</p> <p>23 LYNNE SCHNEIDER: As I stated, my name is Lynne</p> <p>24 Schneider. I am a landowner in Logan County. I'm in</p> <p>25 the northwest quarter of 133 -- 133 north, 73 west, and</p> <p style="text-align: right;">PAGE 120</p>

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<p>1 30. My cousin owns the other three quarters of that 2 property which is where the pipeline will go across. 3 The pipeline itself will be less than half of a mile 4 from where my house is located on the property. So it's 5 a danger. 6 I just want people to note that I agree with all 7 the information that's been said before, before my 8 testimony, and this -- what I am providing you is new 9 information. So as I stated, the pipeline will be less 10 than a half a mile from my house. It will also go over 11 two natural spring feeds, and those spring feeds go -- 12 they give me a stock pond, so I have a six-acre stock 13 pond which that water feeds. 14 The fact that the pipeline is not going to be 15 buried more than four feet deep is sort of ludicrous 16 because I think badgers go at least that deep in our 17 land as we know the big holes that we walk across all 18 the time in our fields. I also have tepee rings in that 19 area which will be affected. 20 I'm very concerned about the effects on the 21 aquifer because my water comes from those spring feeds 22 and the aquifers are below that. Any explosion will 23 take out my home. You're talking about -- if you look 24 at the photographs that are online from these CO2 25 explosions, it will take out my house, the livestock,</p> <p style="text-align: right;">PAGE 121</p>	<p>1 but mostly these CO2 pipeline projects are just 2 capturing taxpayer money. We -- this organization 3 alone, Summit, will get over \$10 billion just in tax 4 credits. That doesn't include all the money they'll 5 make for the carbon capture project itself. There's an 6 organization -- there's an article called "Carbon 7 Capture: Billions of Federal Dollars Poured Into 8 Failures." Summit itself was sued by the Department of 9 Energy recently for a pipeline project that failed in 10 Texas. 11 And, lastly, I just want to say, in all the 12 different countries that I've been in, any time 13 politicians are paid off to make a policy change or 14 other people are -- they call it "donations," but they 15 funnel it through multiple different organizations so 16 you almost can't trace back where the money has gone. 17 We call it a bribe. So I'll just leave it at that. And 18 not sure what the return on investment is for North 19 Dakota, but I'm sure there's lots of politicians getting 20 money so... 21 ALJ HOGAN: Hang on. We're going to see if 22 there's any questions. 23 Mr. Gludt, any questions? 24 MR. GLUDT: No, Your Honor. 25 ALJ HOGAN: Mr. Pelham.</p> <p style="text-align: right;">PAGE 123</p>
<p>1 possibly my family, my nieces and nephews. 2 I mostly just wanted to testify that I'll be 3 personally affected as a landowner closest -- close to 4 the pipeline. As I said, everybody else here has pretty 5 much said everything that I would probably have enforced 6 or encouraged them to say and they have already said. 7 I've not seen any -- I've looked online. I've 8 not seen any quantitative analysis of any of the 9 pipeline explosion information. There's a lot of 10 emotion, a lot of qualitative analysis, but I haven't 11 found any three-way ANOVAs or two-way ANOVAs. There's 12 nothing to tell me quantitatively what the details 13 really are, what the impact is, other than the 14 veterinarian providing some information that he's been 15 able to find. 16 I've spent 35 years in the military. I just 17 recently retired. I spent three years at Aberdeen 18 Proving Ground where explosions are called CBRNEs; chem, 19 bio, nuclear, radiological, and explosives. And I'm 20 about to go back into that program in July. And I will 21 agree that we are looking at all kinds of things for 22 weapons including -- including using CO2. So it's 23 considered a weapon of mass destruction in the category 24 at the Pentagon. 25 What I've noted -- and I'll stop shortly here --</p> <p style="text-align: right;">PAGE 122</p>	<p>1 MR. PELHAM: Thanks for being here, still this 2 morning. 3 LYNNE SCHNEIDER: Yes, in one minute. 4 MR. PELHAM: One minute, right. I'll be brief. 5 You said you're a landowner in Logan County and you gave 6 the description. Does the proposed route cross property 7 that you own? 8 LYNNE SCHNEIDER: So a section is made of four 9 quarters. 10 MR. PELHAM: Right. 11 LYNNE SCHNEIDER: I'm in the northwest quarter. 12 The pipeline goes against -- across the southwest 13 quarter. 14 MR. PELHAM: Okay. 15 LYNNE SCHNEIDER: So my cousin still owns that 16 property and, of course, he's not here because he makes 17 money off of the pipeline so -- but doesn't live there. 18 Lives in Mandan so it's a long ways away, yes. 19 MR. PELHAM: Okay. Understand. And that was 20 just a clarification I had. I appreciate your 21 testimony, ma'am. I have no other questions. 22 ALJ HOGAN: Mr. Braaten, any questions? 23 MR. BRAATEN: No, Your Honor. 24 ALJ HOGAN: Mr. Jorde, any questions? 25 MR. JORDE: So, ma'am, I take it your testimony</p> <p style="text-align: right;">PAGE 124</p>

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<p>1 is that you believe that if the PSC were to approve the 2 application for them, that that would produce more than 3 minimal adverse impacts on the welfare of the citizens 4 of North Dakota? 5 LYNNE SCHNEIDER: Yes, I believe that it would, 6 based on my professional experience. 7 MR. JORDE: And same question. Do you believe 8 approval of these applications would produce more than 9 minimal adverse impacts on the cultural resources and 10 the environment of North Dakota? 11 LYNNE SCHNEIDER: Yes, I would. Thank you. 12 MR. JORDE: Okay. Thank you. Nothing further. 13 ALJ HOGAN: Commissioner Christmann. 14 COMMISSIONER CHRISTMANN: You said your cousin 15 owns the southwest quarter and makes money. So I 16 presume that means he did an easement? 17 LYNNE SCHNEIDER: Oh, yeah. Yeah. 18 COMMISSIONER CHRISTMANN: And I see -- 19 LYNNE SCHNEIDER: It's called cha-ching, you 20 know. 21 COMMISSIONER CHRISTMANN: I see on the southeast 22 -- near the southeast corner -- 23 LYNNE SCHNEIDER: I apologize. Southeast -- no, 24 southwest. 25 COMMISSIONER CHRISTMANN: I'm asking a different</p> <p style="text-align: right;">PAGE 125</p>	<p>1 ALJ HOGAN: All right. Thank you, 2 Ms. Schneider. 3 LYNNE SCHNEIDER: Thank you. 4 ALJ HOGAN: All right. We are going to take our 5 lunch break. We will reconvene at 1:00. And when we 6 come back, we will finish public testimony. 7 (Recess) 8 ALJ HOGAN: All right. We are going to continue 9 with public testimony. I just want to reiterate, I know 10 this morning with the public testimony we covered a lot 11 of topics. So, again, if you have a similar point 12 that's already been made, rest assured the Commission 13 will consider that and feel free to just reference and 14 say that you agree with that testimony or have those 15 concerns. We don't need to go through everything again. 16 So, with that in mind, who would like to go 17 next? 18 Good afternoon. Can you tell me if that 19 microphone is on? There should be a green light. 20 CRAIG MILLER: It's on. 21 ALJ HOGAN: All right. Can I get your name and 22 will you spell your last name? 23 CRAIG MILLER: Craig Miller, M-I-L-L-E-R. 24 ALJ HOGAN: And, Mr. Miller, were you in the 25 room this morning when I went through the penalties for</p> <p style="text-align: right;">PAGE 127</p>
<p>1 question. 2 LYNNE SCHNEIDER: Okay. 3 COMMISSIONER CHRISTMANN: I see near the 4 southeast corner of your northwest quarter there's a 5 farm there. Is that where you live? 6 LYNNE SCHNEIDER: That's where I live, yes. 7 Most of the time, yes. 8 COMMISSIONER CHRISTMANN: And that is what? 9 15 miles east of Linton about? Am I -- 10 LYNNE SCHNEIDER: Approximately. 11 COMMISSIONER CHRISTMANN: -- right spot? 12 LYNNE SCHNEIDER: Uh-huh. 13 COMMISSIONER CHRISTMANN: Okay. 14 LYNNE SCHNEIDER: But a half -- less than half a 15 mile from the pipeline, yeah. 16 COMMISSIONER CHRISTMANN: Thank you for being 17 here. 18 LYNNE SCHNEIDER: Yes, sir. 19 ALJ HOGAN: Commissioner Haugen-Hoffart. 20 COMMISSIONER HAUGEN-HOFFART: Lynne, thank you 21 for your testimony. I have no questions. 22 LYNNE SCHNEIDER: Thank you. 23 ALJ HOGAN: Mr. Dawson. 24 SUBSTITUTE DECISIONMAKER DAWSON: No questions. 25 Thank you.</p> <p style="text-align: right;">PAGE 126</p>	<p>1 perjury? 2 CRAIG MILLER: Yes, ma'am. 3 ALJ HOGAN: And do you understand what perjury 4 is? 5 CRAIG MILLER: I sure do. 6 ALJ HOGAN: And being advised of the potential 7 penalties for perjury, do you promise to tell the truth 8 in this case today? 9 CRAIG MILLER: I will. 10 ALJ HOGAN: All right. Thank you. Go ahead. 11 <u>CRAIG MILLER,</u> 12 being first duly sworn, testified as follows: 13 CRAIG MILLER: Okay. First off, I'd like to 14 thank the Commission for the work they've been doing on 15 this, and I'd especially like to thank Commissioner 16 Christmann for encouraging us to read the Century Code 17 on a couple of these meetings on his -- on your 18 decision. And I'd like to ask: is any one Century Code 19 more important than the other? This Century Code was 20 put together to work together, to bring everything -- 21 one part isn't any more important than another. 22 It's like our county. We have the commission, 23 we have the workers in the courthouse, we have the road 24 crew, we have the sheriffs on down. Without any of 25 these working together, the county would not function</p> <p style="text-align: right;">PAGE 128</p>

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<p>1 together. And it would be the same with the Century 2 Code. 3 I read through Chapter 49 as you had asked us to 4 do with your decision and I went and asked -- and I read 5 some more. And in Chapter 11-33 it has the role of 6 county commissions. It's: 7 For the purpose of promoting health, safety, 8 morals, public convenience, general 9 prosperity, and public welfare, the board of 10 county commissioners of any county may 11 regulate and restrict within the county the 12 location and use of buildings and structures 13 and the use, condition of use, or occupancy 14 of lands for residence, recreation, and 15 other purposes. The board of county 16 commissioners and a county zoning commission 17 shall state the grounds upon which any 18 request for a zoning amendment or variance 19 is approved or disapproved, and written 20 findings upon which the decision is based 21 must be included within the records of the 22 board or commission. 23 I became a county commissioner last year to fill 24 in a seat. And when I became county commissioner, I 25 took an oath and that oath was to uphold the</p> <p style="text-align: right;">PAGE 129</p>	<p>1 MR. GLUDT: No, Your Honor. 2 ALJ HOGAN: Mr. Pelham. 3 MR. PELHAM: Thanks for your testimony. I don't 4 have any questions. 5 ALJ HOGAN: Mr. Braaten. 6 MR. BRAATEN: No, Your Honor. 7 Thank you for your testimony, Commissioner. I 8 appreciate you being here. 9 ALJ HOGAN: Mr. Jorde, any questions? 10 MR. JORDE: No. 11 Thank you, sir. 12 ALJ HOGAN: Commissioner Christmann. 13 COMMISSIONER CHRISTMANN: No questions, but 14 thanks for being here and thank you for following 15 through and studying it. 16 CRAIG MILLER: Thank you. 17 ALJ HOGAN: Commissioner Haugen-Hoffart. 18 COMMISSIONER HAUGEN-HOFFART: I have no 19 questions for you, Commissioner Miller. 20 CRAIG MILLER: Thank you. 21 ALJ HOGAN: And Mr. Dawson. 22 SUBSTITUTE DECISIONMAKER DAWSON: Thank you. No 23 questions. 24 CRAIG MILLER: Thank you. 25 ALJ HOGAN: All right. Thank you.</p> <p style="text-align: right;">PAGE 131</p>
<p>1 Constitution, the U.S. law, and the Century Code. We 2 are responsible for our residents as described under the 3 Century Code 11-33.01 that I just read. 4 We have heard a lot of testimony about the 5 dangers of this pipeline and -- from CO2 from experts, 6 from first responders, and those affected from pipeline 7 breaks. The decision to decide which law takes 8 precedence, the other should not -- let's see here. 9 To decide which law takes precedence over the 10 other law I do not believe should really be up to the 11 Commission to decide. The Legislature, when they passed 12 some of these rules or laws in the Century Code, should 13 have taken into account the other Century Codes that 14 they were affecting. The 49th chapter of the Century 15 Code does mention CO2 pipeline and common carriers, but 16 it makes no mention of safety. And that's where Chapter 17 11-33 comes into play. 18 I would ask that this board make no decision 19 until the courts or the Legislature makes a decision on 20 which Century Codes should be followed. 21 ALJ HOGAN: Does that conclude your comments? I 22 didn't want to interrupt you. 23 CRAIG MILLER: I -- I keep it short. 24 ALJ HOGAN: All right. Thank you. 25 Mr. Gludt, any questions?</p> <p style="text-align: right;">PAGE 130</p>	<p>1 Yep, you can hand them to me and I'll pass them 2 out. Thank you. 3 All right. I'll have you state your full name 4 and spell your last name for the record. 5 DAVID MOCH: It's David Moch. The last name is 6 M-O-C-H. 7 ALJ HOGAN: And, Mr. Moch, were you in the room 8 this morning when I went through the penalties for 9 perjury? 10 DAVID MOCH: Yes. 11 ALJ HOGAN: And do you understand what perjury 12 is? 13 DAVID MOCH: I do. 14 ALJ HOGAN: And being advised of the potential 15 penalties for perjury, do you promise to tell the truth 16 in this case today? 17 DAVID MOCH: I will. 18 ALJ HOGAN: All right. Thank you. Go ahead. 19 <u>DAVID MOCH,</u> 20 being first duly sworn, testified as follows: 21 DAVID MOCH: Okay. What I handed in to you is 22 -- some of that was turned in last year by a surveyor, 23 but I went through it -- I printed it out. It's like 24 160 pages long so I didn't want to give that all to you, 25 so I pulled out all the Century Codes, you know, that</p> <p style="text-align: right;">PAGE 132</p>

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1 are within the manual. And the few that I looked up,
2 it's so important to get the surveying right for the
3 safety and the future of the pipeline.
4 And I kind of looked into surveying after I was
5 out of high school, just interest on our farm, so I knew
6 a lot of little things about it, where the markers were
7 and stuff. And the surveyors that I've spoken to,
8 pretty much Summit dropped these people in the state
9 without really checking the rules of what our North
10 Dakota surveyor manual tells, you know, what they're
11 supposed to do.
12 So now on my farm, it's pretty much surveyed. I
13 actually went out with two of the surveyor helpers, I
14 call them, because they weren't the true surveyors, and
15 I knew where some of the corner markers were from back
16 in the 1800s, late 1800s. And anyway, it took quite a
17 while and we looked and looked. Anyway, at the end of
18 the day, it took them, like, six months of coming and
19 going on my farm to get it done.
20 And then a surveyor, I think he was out of
21 Texas, Russell Garcia (phonetic), he signed off on it.
22 And I actually contacted him about a week ago by text
23 and I asked him -- there was four things they didn't do
24 quite right according to this manual. So I asked him if
25 he could complete that. And he was nice to me and he

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1 says, "Well, some of those that you listed are
2 voluntary, to find the corners." So I can't argue with
3 him because I'm not a surveyor. But our surveyors say
4 that it should be done that way. But anyway, so what
5 I'm saying is they should have to do -- just to be fair,
6 they have to do the whole state the way they did my farm
7 because for the safety of where the pipeline lays.
8 And I met with Julie DiMeo and my lawyer and she
9 said -- this is back in November, December of '23. Mine
10 was the most advanced survey in the state at that time.
11 Well, that's because I knew a little bit about surveying
12 and I talked to these surveyors.
13 So I just feel that they should have to do it
14 all the right way for the future of the pipeline, for
15 the safety. And I don't think it's being done.
16 And if you talk to the courthouse, they're
17 filing these without exhibit B. And Summit said they'll
18 come back and do that when the project is done. So
19 maybe they will, maybe they won't. I don't know. But
20 I'm just letting you know. Because the lady in the
21 courthouse in Linton said they had to accept them, but
22 they're not filed correctly. So that's my deal on
23 surveying.
24 Okay. My next thing I'm going to tell you, and
25 it's been bothering me for over a year and I kind of got

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1 to just get it off my chest. And maybe Sheri there will
2 remember this. But about a little over a year ago at
3 the Capitol, in the Great Hall, we had all the exhibits
4 of all the departments in the Capitol. So I thought I
5 would go up there and see what it's all about because I
6 heard there was going to be pipeline stuff there.
7 So I'm walking in the hall and I came across an
8 exhibit. They had the pore rock there so I learned all
9 about how it's going to absorb the carbon. Then after
10 that I went down a little ways and there was a pipeline
11 guy there. I actually have his card yet. He worked for
12 Pipeline Authority of North Dakota.
13 Well, then I just happened to turn around and
14 there's a PSC table. So, you know, I know who Randy is
15 and Sheri and Julie. And so anyway, I started rattling
16 off questions or comments to her and -- because I didn't
17 know any better that you weren't supposed to talk about
18 it because it was an open case, and she kind of got all
19 like this with her hand and said, "We can't talk about
20 this." So, okay, so I just kind of -- and she was
21 fumbling for her phone. And then I just stepped over a
22 little ways because she was talking on her phone.
23 And there was somebody else standing there and
24 he kind of looked at me. And I didn't know who he was
25 and he just kind of like what -- you know, "What are you

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1 talking about?" And I said, "Well, this is a private
2 company and they're getting eminent domain power and
3 common carrier status." And I said, "I don't agree with
4 this pipeline coming in." And he goes -- and it turned
5 out to be Mr. Dawson there. So he kind of snapped at me
6 and he said, "Well, there's no -- there's no problem
7 with this pipeline going in -- or going --" and I don't
8 know if he was going to say "going in" or "constructed,"
9 but then she had called John Schuh upstairs and told him
10 to come down. So just before he finished his sentence,
11 John came up beside me and interrupted. And then I
12 talked to John for like a half an hour. He was real
13 nice to me.
14 So if that was his opinion then, I don't see how
15 we're going to get a fair vote if he was in that
16 statement for the pipeline. You know, I know he could
17 have changed his mind by now, but I'm just telling you
18 what was said on that day. So that's what I'm concerned
19 about.
20 So I guess I could talk for another two hours
21 but I'll just keep it at that.
22 ALJ HOGAN: All right. Thank you.
23 Mr. Gludt, any questions?
24 MR. GLUDT: No, Your Honor.
25 ALJ HOGAN: Mr. Pelham, any questions?

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<p>1 MR. PELHAM: Yes. 2 Good afternoon, Mr. Moch. Where is your 3 property located that's affected by the line? 4 DAVID MOCH: It's northwest of Hazelton. Do you 5 need the legals? 6 MR. PELHAM: Well, let me ask you this first: 7 have you reached an agreement with the company as far as 8 a route? 9 DAVID MOCH: Yes. 10 MR. PELHAM: Okay. So you have a signed 11 easement with the company? 12 DAVID MOCH: Yes. 13 MR. PELHAM: As far as -- and you mentioned a 14 lawyer. I'm not going to ask you about your discussions 15 between you and your lawyer, but I'm just wondering 16 generally if you have an opinion as far as how the 17 interactions with Summit were during the negotiations? 18 DAVID MOCH: Stressful. Very stressful. 19 MR. PELHAM: Can you elaborate on that? 20 DAVID MOCH: The delays. Just like it took six 21 months to do the survey. They told me at one time it 22 would take, like, a week to get stuff done. It took, 23 like, ten weeks. 24 MR. PELHAM: As far as the route goes, had you 25 made requests for adjustments in the route or was it the</p> <p style="text-align: right;">PAGE 137</p>	<p>1 screen, if you can hear or see me. You mentioned a 2 blanket easement versus a strip easement. Is it your 3 understanding that a blanket easement will allow Summit 4 to enter and exit and traverse your property anywhere 5 within the boundaries of the route? 6 DAVID MOCH: Yes. They can pretty much do 7 whatever they want. They could use it as a staging area 8 for pipelines. They would pay you damages, as I 9 understand, but they could go wherever they want on that 10 quarter. And that's why I was specific. I actually 11 kind of knew that before the surveyors told me, but we 12 got it in writing. 13 And what I got to say too about the lawyers, we 14 all spent money we didn't have. My bill was \$9,600 to 15 the lawyer just to rewrite a contract that was 16 one-sided. And we rewrote it. 17 MR. JORDE: And, sir, following up on that, so 18 you had to -- for cost and time and obviously 19 frustration, you had to negotiate for something that you 20 believe should have simply been (inaudible) upfront. Is 21 that fair? 22 DAVID MOCH: Right. And none of us wanted this 23 anyway, but with the threat of eminent domain out there 24 and the money that we have to spend, many people had no 25 choice. Every situation was different.</p> <p style="text-align: right;">PAGE 139</p>
<p>1 route that was proposed and that was it? 2 DAVID MOCH: Pretty much the route that was 3 proposed and that was it. 4 MR. PELHAM: When you say "pretty much," I'm a 5 lawyer so I always follow up with questions. Is there 6 something that you asked -- 7 DAVID MOCH: Well, we had -- well, getting back 8 to the surveying, you have to -- many people signed a 9 blanket easement. They deny it, but the surveyors -- 10 I'm going by what they're telling me. They're blanket 11 easements. Mine is specifically a strip easement. And 12 I don't think they like that, but they settled for it 13 because I knew that it had to show entry and exit on the 14 quarters and only so wide, you know, the whole story. 15 So there was just a lot of delays, I guess, but, 16 you know, overall, I guess they worked with me. But 17 it's -- a lot of sleepless nights and -- yeah. Two and 18 a half years, whatever. 19 MR. PELHAM: Thank you, sir. I don't have any 20 other questions for you. 21 ALJ HOGAN: Mr. Braaten, any questions? 22 MR. BRAATEN: No, Your Honor. 23 ALJ HOGAN: Mr. Jorde, any questions? 24 MR. JORDE: Yes, Your Honor. 25 Sir, you just -- and I don't know if, on the</p> <p style="text-align: right;">PAGE 138</p>	<p>1 MR. JORDE: So do you take issue with the fact 2 that Summit claims it has X percentage of voluntary 3 easements? 4 DAVID MOCH: Oh, definitely. If you -- I talked 5 to so many people in the last two and a half years. And 6 every situation was different. You either ran out of 7 money or you knew eminent domain was coming, because 8 that was mentioned in the beginning by the land agents. 9 Mine didn't but other people did. 10 So many of this 80 percent, or whatever number 11 you want to use, I would say you might be in that 12 30 percent, 40, in my opinion, that actually want this. 13 Some people just took the money because they needed 14 money. Other people ran out of money or felt eminent 15 domain was the end result so they just got it over with. 16 So, yeah, it's -- 17 MR. JORDE: And, sir, going back to the 18 conversation you had said you had with the PSC 19 individual, when was that? 20 DAVID MOCH: It was November or December. We'd 21 have to look that up, up at the Capitol. I just can't 22 remember. 23 MR. JORDE: Of 2023? 24 DAVID MOCH: '23, yes. 25 MR. JORDE: Okay. Is there anything more about</p> <p style="text-align: right;">PAGE 140</p>

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<p>1 that conversation that you can recall that you haven't 2 already -- 3 DAVID MOCH: No. It was just short. Like I 4 say, John Schuh stepped in and then he answered all my 5 questions for as long as I wanted to talk. Really nice 6 man. 7 MR. JORDE: Very good. Thank you, sir. 8 Appreciate it. 9 ALJ HOGAN: Commissioner Christmann, any 10 questions? 11 COMMISSIONER CHRISTMANN: You said you're north 12 and west of Hazelton? 13 DAVID MOCH: Yes. 14 COMMISSIONER CHRISTMANN: Do you know the legal 15 description -- 16 DAVID MOCH: Yes. 17 COMMISSIONER CHRISTMANN: -- of the land that it 18 crosses? 19 DAVID MOCH: Yes. It's section 35-136-77 and 20 section 36-136-77. 21 COMMISSIONER CHRISTMANN: And do you live on one 22 of those? 23 DAVID MOCH: Yes. 24 COMMISSIONER CHRISTMANN: Which one? 25 DAVID MOCH: Well, no. I live on section 2.</p> <p style="text-align: right;">PAGE 141</p>	<p>1 COMMISSIONER HAUGEN-HOFFART: And at that time I 2 said, "Can I call someone?" And I called our legal 3 counsel, Jack Schuh; correct? 4 DAVID MOCH: Oh, I thought it was John. Okay. 5 COMMISSIONER HAUGEN-HOFFART: Well, it's John 6 Schuh. I refer to him as "Jack." 7 DAVID MOCH: Okay. 8 COMMISSIONER HAUGEN-HOFFART: I stand corrected. 9 So John Schuh came down, and I believe you and 10 other people had communication with him. There got to 11 be more than just you standing around. 12 DAVID MOCH: I think after I started talking to 13 John, I think Todd McMichael stepped in there and 14 listened too and then some other man stepped up, got in 15 on the conversation, yes. 16 COMMISSIONER HAUGEN-HOFFART: And after you were 17 done with the conversation, I remember you coming up to 18 me and saying "Thank you. I learned a lot from 19 Mr. Schuh." Is that correct? 20 DAVID MOCH: Yes. Yes. 21 COMMISSIONER HAUGEN-HOFFART: Yeah. So I'm 22 going to say, first of all, thank you for being 23 understanding that, as a commissioner, I could not talk 24 to you about it. 25 DAVID MOCH: And I didn't know that at the time.</p> <p style="text-align: right;">PAGE 143</p>
<p>1 COMMISSIONER CHRISTMANN: Okay. 2 DAVID MOCH: This is about less than a mile and 3 a half from my yard. 4 COMMISSIONER CHRISTMANN: Okay. Thank you. No 5 other questions. 6 ALJ HOGAN: Commissioner Haugen-Hoffart. 7 COMMISSIONER HAUGEN-HOFFART: Yes. 8 Good afternoon, Mr. Moch. I do recall the 9 event. There was a bunch of tables up there -- 10 DAVID MOCH: Yeah. 11 COMMISSIONER HAUGEN-HOFFART: -- and different 12 agencies were up there. And you came up to me and you 13 started asking me questions about Summit Carbon 14 pipeline. 15 DAVID MOCH: Yes. 16 COMMISSIONER HAUGEN-HOFFART: Correct? And I 17 said because of ex parte communication I could not talk 18 to you. 19 DAVID MOCH: Exactly. 20 COMMISSIONER HAUGEN-HOFFART: Is that correct? 21 DAVID MOCH: Yep. 22 COMMISSIONER HAUGEN-HOFFART: But I said I'd be 23 happy to get you someone who could talk to you. 24 DAVID MOCH: And that's when you grabbed your 25 cell phone.</p> <p style="text-align: right;">PAGE 142</p>	<p>1 COMMISSIONER HAUGEN-HOFFART: Yep. And you were 2 understanding and you complied and it was -- in the 3 follow-up, I appreciated the follow-up you had with me 4 saying that Mr. Schuh answered all your questions, but I 5 also believe that Mr. Dawson wasn't there. It was -- I 6 thought it was another member of our PSC staff that I 7 was with. 8 DAVID MOCH: Well, see, I can't quite recall. I 9 thought I asked John who it was and he said it was 10 Burgum's replacement for the PSC. I don't know. He'd 11 remember if he was there. I just thought it was him. 12 COMMISSIONER HAUGEN-HOFFART: Yeah, yeah. So my 13 recollection, Mr. Dawson wasn't there. 14 DAVID MOCH: Okay. Well... 15 COMMISSIONER HAUGEN-HOFFART: But I just wanted 16 to put on the record that you and I did have the 17 conversation, you and I were in communication, and that 18 I did say to you that I could not talk to you because of 19 ex parte communication and then I did call Mr. Schuh 20 down so... 21 DAVID MOCH: Well, he must have a look-alike 22 then. 23 COMMISSIONER HAUGEN-HOFFART: So thank you for 24 your testimony. I have no further questions. 25 ALJ HOGAN: Mr. Dawson, any questions?</p> <p style="text-align: right;">PAGE 144</p>

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<p>1 And from a accident perspective, the emergency 2 people within a community are going to be dealing with 3 who's impacted in the community. We are not going to be 4 their number one priority. We live three miles out. So 5 there has to be some type of priority provided also for 6 those of us who live out in a rural-rural aspect of our 7 state. I'm not in a rural community. I'm outside of a 8 rural community. I live on land. I have land that 9 surrounds me all the way. My closest neighbor is a mile 10 away.</p> <p>11 And so there is no consideration by what I hear 12 or see for safety. And that's where my concern is, is 13 in the safety. Not just for myself and not just for the 14 community that I live close to. My concern is for the 15 people of North Dakota and the concern of their safety, 16 anyone who's in the line of any kind of rupture from 17 this pipeline and it is flowing freely and moving 18 rapidly. Because as in North Dakota we have wind. We 19 have very few days that are calm. We have wind. And so 20 wind is going to push it and it's going to push it out 21 further to more people, more animals, more places.</p> <p>22 And so I lay out the worst-case scenario. We 23 live in a four-season state. My scenario is it's in 24 winter, we're 30 below, the winds are gusting at 25 40 miles an hour. We have a blizzard out there. We</p> <p style="text-align: right;">PAGE 149</p>	<p>1 JULIE SMITH: I'm sorry, where is that marked at 2 on here?</p> <p>3 MR. SCHOCK: It's on the bottom right.</p> <p>4 JULIE SMITH: Can you tell me -- give me more of 5 a clue where Emmons is at in this thing?</p> <p>6 MR. SCHOCK: So -- can I just go up there?</p> <p>7 ALJ HOGAN: Yep, if you want to help her.</p> <p>8 JULIE SMITH: Get me to Emmons and I can find 9 me.</p> <p>10 (Pause)</p> <p>11 JULIE SMITH: That's us. I was going to tell 12 you if you see a red roof, that's our property.</p> <p>13 MR. SCHOCK: Okay. So I just wanted to make 14 sure I got the parcel correct. So the red-roofed 15 building in that parcel. So I have no other questions. 16 I just wanted to clarify that was you.</p> <p>17 ALJ HOGAN: Mr. Braaten, any questions?</p> <p>18 MR. BRAATEN: If Summit moved the pipeline 50 to 19 a hundred feet, is it possible that that would put it 20 within 500 feet of your house?</p> <p>21 JULIE SMITH: I couldn't honestly say because I 22 don't know honestly how far away it was in the original. 23 I looked at the maps back there. Our little particular 24 corner of the world, there was very little alteration 25 from the original that was there.</p> <p style="text-align: right;">PAGE 151</p>
<p>1 already have four to five feet in our yard. How do we 2 go about getting even out of our situation? These are 3 the kinds of things that people should be looking at and 4 considering when they think about this pipeline coming 5 through with toxic hazardous material being transported.</p> <p>6 I thank you for your time and I thank you for 7 listening.</p> <p>8 ALJ HOGAN: Thank you.</p> <p>9 Mr. Gludt, any questions?</p> <p>10 MR. GLUDT: No, Your Honor.</p> <p>11 ALJ HOGAN: Mr. Pelham.</p> <p>12 MR. PELHAM: No, Your Honor.</p> <p>13 ALJ HOGAN: Mr. Braaten -- oh, Mr. Schock.</p> <p>14 MR. SCHOCK: Just real briefly.</p> <p>15 I want to make sure I have where your residence 16 is accurately. So in section 22, it looks to me like 17 you are in the southwest quarter of the southwest 18 quarter of the southeast quarter of section 22.</p> <p>19 JULIE SMITH: Do you have a map?</p> <p>20 MR. SCHOCK: I do.</p> <p>21 JULIE SMITH: Do you see --</p> <p>22 MR. SCHOCK: I think actually in that map book 23 that's in front of you --</p> <p>24 JULIE SMITH: Oh, here?</p> <p>25 MR. SCHOCK: Go to page 26.</p> <p style="text-align: right;">PAGE 150</p>	<p>1 And, okay, I'm talking about our property, but 2 to the east of us there is -- I call it a "slough." 3 There's a body of water there that they'll be either 4 crossing under or going close to. And then our aquifer, 5 as the lady mentioned this morning, you have the 6 possibility of your aquifer being impacted so...</p> <p>7 MR. BRAATEN: Okay. Thank you. No further 8 questions.</p> <p>9 ALJ HOGAN: Mr. Jorde, any questions?</p> <p>10 MR. JORDE: Yes. Thank you.</p> <p>11 Ms. Smith, has Summit committed to provide you 12 carbon dioxide monitors?</p> <p>13 JULIE SMITH: No.</p> <p>14 MR. JORDE: Have they committed to provide you 15 self-contained breathing apparatuses?</p> <p>16 JULIE SMITH: No.</p> <p>17 MR. JORDE: Has Summit provided you any CO2 18 dispersion data or modeling or predictions or 19 (inaudible)?</p> <p>20 JULIE SMITH: No.</p> <p>21 MR. JORDE: Summit's testified previously that 22 they might use fans that help disperse a CO2 plume. Do 23 you have a lot of plug-ins outside of your property for 24 fans?</p> <p>25 JULIE SMITH: No.</p> <p style="text-align: right;">PAGE 152</p>

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<p>1 MR. JORDE: As Summit explained that 2 shelter-in-place would be kind of the prescribed method 3 for people that can take care of themselves, would that 4 make you feel any better? 5 JULIE SMITH: No. 6 MR. JORDE: Thank you. 7 ALJ HOGAN: Commissioner Christmann, any 8 questions? 9 COMMISSIONER CHRISTMANN: Yeah, I do. 10 And first I'll say I have much more confidence 11 in having like a GIS map in front of me than just a 12 paper map. It looks to me like the buildings of yours 13 would be maybe slightly over 500 feet even from the 14 corridor, the extra hundred foot -- 15 JULIE SMITH: That's what someone had indicated 16 to me early on. 17 COMMISSIONER CHRISTMANN: I think -- 18 JULIE SMITH: Yes. 19 COMMISSIONER CHRISTMANN: I think it should sure 20 be researched, because like I say, the paper map, the 21 angle would be a little off. My question is, is your 22 home the red-roofed -- 23 JULIE SMITH: Yes. 24 COMMISSIONER CHRISTMANN: -- or is that a shed 25 and the green or brown-roofed one is your home?</p> <p style="text-align: right;">PAGE 153</p>	<p>1 JACK NAGEL: Yes, I was. 2 ALJ HOGAN: And do you understand what perjury 3 is? 4 JACK NAGEL: Yes. 5 ALJ HOGAN: And being advised of the potential 6 penalties for perjury, do you promise to tell the truth 7 in this case today? 8 JACK NAGEL: Yes, Your Honor. 9 ALJ HOGAN: All right. Thank you. Go ahead. 10 <u>JACK NAGEL,</u> 11 being first duly sworn, testified as follows: 12 JACK NAGEL: I am testifying on behalf of the 13 Linton Fire District. I am the president of the fire 14 district, Linton Fire District. And I'm testifying -- I 15 guess that's why I kind of came up after her. I didn't 16 know what she was going to say, but she was talking 17 safety and I was asked to address safety meetings. And 18 since I wasn't there myself, I had to go through what I 19 was told by members of the fire department, first 20 responders, and the sheriff's office. 21 But, anyway, in visiting with members of the 22 Linton Fire Department and questioning if they have had 23 any type of training on what is the proper protocol if a 24 pipeline would rupture or what other safety protocols 25 should be followed or how fast can contaminated</p> <p style="text-align: right;">PAGE 155</p>
<p>1 JULIE SMITH: My home is the building with the 2 red roof. 3 COMMISSIONER CHRISTMANN: Okay. That looks like 4 even slightly further than the other one, but it's very 5 close. I would -- I would just get a better 6 verification of that. 7 JULIE SMITH: Yes. 8 ALJ HOGAN: Commissioner Haugen-Hoffart. 9 COMMISSIONER HAUGEN-HOFFART: Thank you for your 10 testimony. I have no questions. 11 ALJ HOGAN: Mr. Dawson. 12 SUBSTITUTE DECISIONMAKER DAWSON: No questions. 13 Thank you. 14 ALJ HOGAN: Thank you, Ms. Smith. 15 Just so I know, can I get, by a show of hands, 16 how many more people want to provide testimony? 17 Okay. All right. 18 Sir, if you want to come up. I'll have you 19 state your name and spell your last name for the record. 20 JACK NAGEL: My name is Jack Nagel, N-A-G-E-L. 21 ALJ HOGAN: And, Mr. Nagel, were you in the room 22 this morning -- 23 JACK NAGEL: Yes, I was. 24 ALJ HOGAN: -- when I went through the penalties 25 for perjury?</p> <p style="text-align: right;">PAGE 154</p>	<p>1 emissions of CO2 spread, as firefighters and ambulance 2 personnel, they need the knowledge about this pipeline. 3 One member of the fire department who is also a 4 part of the Linton ambulance squad attended a Summit 5 Carbon meeting, supposedly a safety meeting, in 6 Bismarck. This firefighter/ambulance person stated it 7 was actually a propaganda talk on how safe the pipeline 8 was and there was actually nothing for the ambulance, 9 fire department to worry about. This person was not 10 convinced and had many safety concerns. 11 In the Bismarck Summit meeting, they once said 12 -- they said once the project was approved or completed, 13 they would then meet with first responders on safety 14 measures and discuss equipment needed but would not give 15 them basic safety information. Sounds like they were 16 hiding something. 17 You asked the lady if she got any air masks or 18 whatever. Our fire department doesn't even have it. 19 At another meeting when again asked about a 20 pipeline break, they were told to stay away from the 21 cloud until it dissipates. So, evidently, recovery is 22 just as good as rescue. 23 I was also told that Summit carb capture had a 24 safety meeting in Bismarck -- in Linton, but because our 25 fire department, ambulance was not notified, the first</p> <p style="text-align: right;">PAGE 156</p>

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<p>1 responders did not attend the meeting. I understand 2 that only one from our area attended and that was 3 someone from the sheriff's department. The person from 4 the sheriff's department indicated that no safety 5 measures were given. The rumor that I heard on that 6 meeting was if no one was there, there would be no 7 backlash from non-supporters and they could say there 8 was no opposition. 9 And this is on my own, this is as a private 10 citizen. I would like to say that I was fortunate to 11 not have to deal with this company on this boondoggle. 12 What hurts me is the ill feeling created in the two 13 short years between rural neighbors and members of our 14 communities. And that's all the way from North Dakota 15 to Iowa. Because of this project, we now have people 16 not talking to each other. This was caused by you and I 17 hope you're all proud. 18 With that, I conclude. 19 ALJ HOGAN: All right. Thank you. 20 Mr. Gludt, any questions? 21 MR. GLUDT: No, Your Honor. 22 ALJ HOGAN: Mr. Pelham. 23 MR. PELHAM: Thank you, sir. I'm just wondering 24 if you have any more specifics about the one member who 25 attended the meeting in Bismarck. Was this member of</p> <p style="text-align: right;">PAGE 157</p>	<p>1 district, is it the same as a fire department or is it 2 different? 3 JACK NAGEL: I am actually in charge of the 4 Linton Fire Department. I don't -- I'm not a 5 firefighter, but we make all the decisions; if we're 6 going to buy a fire truck, if we're going to buy a grass 7 unit. The district makes that. And I am the president. 8 And we have about 15 directors. 9 MR. PELHAM: Understood. So as president of the 10 fire district, there's a fire chief, presumably. 11 JACK NAGEL: Yes. 12 MR. PELHAM: And you coordinate with the fire 13 chief as well. 14 JACK NAGEL: Yes. 15 MR. PELHAM: Are you aware or have you become 16 aware that there's what's been described as a grant for 17 counties that Summit would provide for purchase of 18 equipment? Are you familiar with that at all? 19 JACK NAGEL: No. 20 MR. PELHAM: No. Okay. 21 JACK NAGEL: No. 22 MR. PELHAM: Thank you, sir. I don't have any 23 other questions for you. 24 ALJ HOGAN: Mr. Braaten, any questions? 25 MR. BRAATEN: No, Your Honor.</p> <p style="text-align: right;">PAGE 159</p>
<p>1 the Linton Fire Department? 2 JACK NAGEL: Yes. 3 MR. PELHAM: And do you know -- 4 JACK NAGEL: He's also a first responder. 5 MR. PELHAM: Thank you. Do you know when that 6 meeting was? 7 JACK NAGEL: No. 8 MR. PELHAM: Okay. 9 JACK NAGEL: No. 10 MR. PELHAM: And I think you said -- and you 11 correct me if I'm wrong; I don't want to put words in 12 your mouth. Did you say there was a meeting, safety 13 meeting, here in Linton? 14 JACK NAGEL: Yes. 15 MR. PELHAM: And do you know when that was? 16 JACK NAGEL: I believe it was last fall 17 sometime. I don't know. All I did was I heard -- 18 because it was not publicized anywhere. And the only 19 reason the fire department -- or the sheriff was there 20 is because it was held in the courthouse and that's 21 where their office is. 22 MR. PELHAM: And you said you're the president 23 of the Linton Fire District? 24 JACK NAGEL: I am. 25 MR. PELHAM: Forgive me here, my ignorance, fire</p> <p style="text-align: right;">PAGE 158</p>	<p>1 ALJ HOGAN: Mr. Jorde, any questions? 2 MR. JORDE: No. 3 Thank you, sir. 4 ALJ HOGAN: Commissioner Christmann. 5 COMMISSIONER CHRISTMANN: Did you indicate that 6 the -- for the safety meeting that was held in Linton, 7 that the ambulance and fire people were not invited? 8 JACK NAGEL: Were not there. 9 COMMISSIONER CHRISTMANN: Were not there or 10 weren't invited? 11 JACK NAGEL: They didn't know about it. 12 COMMISSIONER CHRISTMANN: Do you know who was in 13 charge of the invitation list? 14 JACK NAGEL: Well, Summit called the meeting or 15 had the meeting so I would imagine they should have put 16 it in the paper or something. 17 COMMISSIONER CHRISTMANN: Okay. 18 JACK NAGEL: That's my understanding, that it 19 was not publicized. And the only reason that the 20 sheriff's department was there is because it was held in 21 the courthouse where their office is and they seen it. 22 I believe the Hazelton fire department was there. 23 COMMISSIONER CHRISTMANN: I'll have to refresh 24 on previous testimony. I thought I understood that each 25 county's local emergency director had -- had provided</p> <p style="text-align: right;">PAGE 160</p>

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<p>1 the invitation list basically so --</p> <p>2 JACK NAGEL: You know more than me.</p> <p>3 COMMISSIONER CHRISTMANN: I'm not saying that</p> <p>4 for sure. I'll have to go back and research the record.</p> <p>5 So just wanted to make sure I understood what you were</p> <p>6 saying. Thank you.</p> <p>7 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>8 COMMISSIONER HAUGEN-HOFFART: I have no</p> <p>9 questions.</p> <p>10 ALJ HOGAN: Mr. Dawson.</p> <p>11 SUBSTITUTE DECISIONMAKER DAWSON: No questions</p> <p>12 for me. Thank you.</p> <p>13 ALJ HOGAN: Thank you, Mr. Nagel.</p> <p>14 JACK NAGEL: Thank you.</p> <p>15 ALJ HOGAN: Who would like to go next?</p> <p>16 Okay. I'll have you state your full name for</p> <p>17 the record and spell your last name.</p> <p>18 CECILE LONG: Cecile Long, L-O-N-G.</p> <p>19 ALJ HOGAN: And, Ms. Long, were you in the room</p> <p>20 this morning when I went through the penalties for</p> <p>21 perjury?</p> <p>22 CECILE LONG: I was.</p> <p>23 ALJ HOGAN: And do you understand what perjury</p> <p>24 is?</p> <p>25 CECILE LONG: Yes.</p> <p style="text-align: right;">PAGE 161</p>	<p>1 does that create? Also, Hazelton is one of the few that</p> <p>2 has their own well. So if there's leakage out there and</p> <p>3 we have a bunch of water that slowly trickles to our</p> <p>4 well, what is that doing? What signs do we have to look</p> <p>5 for?</p> <p>6 My husband and I have been trained for years.</p> <p>7 We have done a lot of rescues. We are trained and</p> <p>8 certified under CRI, which is Crisis Response</p> <p>9 International. So we have been trained in many areas.</p> <p>10 We've been trained in triage. We've been trained in</p> <p>11 chopper landings, flood control rescue, fire control</p> <p>12 rescue, and we've actually participated in those</p> <p>13 situations as well as first aid. We have been with the</p> <p>14 volunteer weather watchers out of Bismarck for 25 years.</p> <p>15 We've worked with propane tanks, natural gas leaks, oil</p> <p>16 field explosions.</p> <p>17 But I'll be honest with you, I don't have any</p> <p>18 clue on what to do or if there is even time to do</p> <p>19 anything with CO2. So as a concerned citizen, I guess I</p> <p>20 want to know who's going to come in and help with those</p> <p>21 things in time of trouble.</p> <p>22 Our school has Hazelton, Moffit, and Braddock</p> <p>23 children in it. There's 97 of them. So what happens</p> <p>24 with them as far as the staff in that situation?</p> <p>25 Because nobody has any -- any training or any knowledge</p> <p style="text-align: right;">PAGE 163</p>
<p>1 ALJ HOGAN: And being advised of the potential</p> <p>2 penalties for perjury, do you promise to tell the truth</p> <p>3 in this case today?</p> <p>4 CECILE LONG: Yes, to the best of my abilities.</p> <p>5 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>6 <u>CECILE LONG,</u></p> <p>7 being first duly sworn, testified as follows:</p> <p>8 CECILE LONG: I feel like I'm repeating myself</p> <p>9 all of a sudden. I'm coming in in the area of concern</p> <p>10 of safety. My husband is on the city board and so is my</p> <p>11 son for Hazelton. And my son is also a fireman in</p> <p>12 Hazelton.</p> <p>13 And, yes, Hazelton, did attend that meeting. My</p> <p>14 son did mention that Linton Fire Department wasn't</p> <p>15 there, but they were. But he said the same thing. He</p> <p>16 said they didn't get any answers as far as safety went.</p> <p>17 Yes, they were offered a grant, but that was as far as</p> <p>18 what he -- what he said.</p> <p>19 My concern, again, is on safety but also on the</p> <p>20 water situation. Where is the water coming from to push</p> <p>21 this through? It's my understanding anyway that water</p> <p>22 is needed. And everybody wants to take out of the</p> <p>23 Missouri, but that runs scary low at times. So what's</p> <p>24 the backup plan if the Missouri is running too low and</p> <p>25 you can't use that water? And what kind of a problem</p> <p style="text-align: right;">PAGE 162</p>	<p>1 or anything on that right now. What happens to our</p> <p>2 three daycare centers? They need training. They may</p> <p>3 need air masks there. But nothing's been mentioned to</p> <p>4 any of them. We also happen to be in a rural community</p> <p>5 that has elderly or handicap that would truly need first</p> <p>6 responders there to help them, and we don't have that.</p> <p>7 Also, when the pipeline happens to be abandoned,</p> <p>8 should that happen, what is the cleanup? How long does</p> <p>9 it lay a mess and what's the hazards to the community in</p> <p>10 that case? Will there be a program to help train</p> <p>11 volunteers that are educated like us to help out in that</p> <p>12 situation?</p> <p>13 In Hazelton it's all volunteer, like in Linton,</p> <p>14 so everybody has to participate in their own jobs and</p> <p>15 live their own lives. So we have had a few situations</p> <p>16 where the alarms have went off and maybe only two out of</p> <p>17 the ten or however many there are were ones that were</p> <p>18 able to respond. You can train all you want and drill</p> <p>19 all you want, but you can't plan the day and the time</p> <p>20 that an emergency is going to happen.</p> <p>21 So that's my major concerns. Otherwise, I agree</p> <p>22 with those other two, we just are not -- are not</p> <p>23 prepared. And we really don't want it, but if it is to</p> <p>24 come, then in all fairness, we need training and we need</p> <p>25 finances. Because there's not enough finances to do</p> <p style="text-align: right;">PAGE 164</p>

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<p>1 what needs to be done.</p> <p>2 ALJ HOGAN: All right. Thank you.</p> <p>3 Mr. Gludt, any questions?</p> <p>4 MR. GLUDT: No, Your Honor.</p> <p>5 ALJ HOGAN: Mr. Pelham.</p> <p>6 MR. PELHAM: No questions. Thank you.</p> <p>7 ALJ HOGAN: Mr. Braaten.</p> <p>8 MR. BRAATEN: No, Your Honor.</p> <p>9 ALJ HOGAN: Mr. Jorde.</p> <p>10 MR. JORDE: Yes.</p> <p>11 Ma'am, you mentioned water. Are you aware that,</p> <p>12 if approved, Summit would be a consumer of (inaudible)</p> <p>13 gallons of water a year?</p> <p>14 MR. GLUDT: Your Honor, I'm going to object.</p> <p>15 Again, we went down this line in Wahpeton. Mr. Jorde is</p> <p>16 going to, essentially, testify through his questions and</p> <p>17 ask if they agree or if they're aware. She did not</p> <p>18 testify about any of this. I think it's inappropriate</p> <p>19 cross.</p> <p>20 ALJ HOGAN: Yeah, Mr. Jorde, if you could</p> <p>21 confine your questions to the testimony provided, I'd</p> <p>22 appreciate that.</p> <p>23 MR. JORDE: What do you base your concerns about</p> <p>24 water on when you named those concerns?</p> <p>25 CECILE LONG: Okay. If I understand correctly,</p> <p style="text-align: right;">PAGE 165</p>	<p>1 CECILE LONG: Thank you.</p> <p>2 ALJ HOGAN: Thank you, Ms. Long.</p> <p>3 Who would like to go next?</p> <p>4 Thank you. I'll have you start by stating your</p> <p>5 full name and spelling your last name for the record.</p> <p>6 STEPHANIE DOOLITTLE: Yes. Stephanie Doolittle,</p> <p>7 D-O-O-L-I-T-T-L-E.</p> <p>8 ALJ HOGAN: And, Ms. Doolittle, were you in the</p> <p>9 room this morning when I went through the penalties for</p> <p>10 perjury?</p> <p>11 STEPHANIE DOOLITTLE: I was.</p> <p>12 ALJ HOGAN: And do you understand what perjury</p> <p>13 is?</p> <p>14 STEPHANIE DOOLITTLE: I do.</p> <p>15 ALJ HOGAN: 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 STEPHANIE DOOLITTLE: I do.</p> <p>19 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>20 <u>STEPHANIE DOOLITTLE</u>,</p> <p>21 being first duly sworn, testified as follows:</p> <p>22 STEPHANIE DOOLITTLE: My husband and I testified</p> <p>23 in Linton last May and I'm here to update you on where</p> <p>24 our family is in this process.</p> <p>25 First of all, thank you to the Public Service</p> <p style="text-align: right;">PAGE 167</p>
<p>1 water will run through those pipelines to help push that</p> <p>2 CO2 through. So how much water does it take? Where is</p> <p>3 it coming from? And then if the source runs dry,</p> <p>4 where's the backup source?</p> <p>5 MR. JORDE: Has anyone provided you assurances</p> <p>6 that, based on the water Summit would need to operate</p> <p>7 its capture equipment, that in times of water needs, you</p> <p>8 would have enough that you would need for your</p> <p>9 (inaudible) uses?</p> <p>10 CECILE LONG: No.</p> <p>11 MR. JORDE: All right. So are you concerned</p> <p>12 about (inaudible) water uses for existing businesses and</p> <p>13 existing residences should this -- PSC approve this</p> <p>14 project?</p> <p>15 CECILE LONG: Yes.</p> <p>16 MR. JORDE: Thank you, ma'am. Nothing further.</p> <p>17 ALJ HOGAN: Any questions, Commissioner</p> <p>18 Christmann?</p> <p>19 COMMISSIONER CHRISTMANN: I do not, Your Honor.</p> <p>20 Thanks for being here, though.</p> <p>21 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>22 COMMISSIONER HAUGEN-HOFFART: No questions.</p> <p>23 ALJ HOGAN: Mr. Dawson.</p> <p>24 SUBSTITUTE DECISIONMAKER DAWSON: No questions.</p> <p>25 Thank you.</p> <p style="text-align: right;">PAGE 166</p>	<p>1 Commission for being here today and for mentioning our</p> <p>2 family specifically in your findings on August 4th,</p> <p>3 2023, as you denied Summit Carbon Solutions a permit to</p> <p>4 build a pipeline in our state. It was the right</p> <p>5 decision. It was a good day at our house.</p> <p>6 That seems like an eternity as we landowners</p> <p>7 have had to continue to bear the brunt of the Green New</p> <p>8 Deal and the loss of property rights as Summit Carbon</p> <p>9 Solutions have had their project reconsidered and renew</p> <p>10 -- new routes reviewed. But it's also been an</p> <p>11 opportunity for all of us, including the Commission, to</p> <p>12 learn more about Summit Carbon Solutions and the company</p> <p>13 they claim to be and more about the safety of their</p> <p>14 project. They claim to be a company who works with</p> <p>15 landowners and who are happy to adjust a route and give</p> <p>16 payments to a neighbor when a landowner chooses to pass</p> <p>17 on their project. We have heard hours of testimony</p> <p>18 discrediting that statement.</p> <p>19 We as a family along with other landowners</p> <p>20 appealed to Summit to route around our property nearly</p> <p>21 two years ago. The first page, I do have a letter from</p> <p>22 our attorney dated July 1st, 2022, asking Summit to</p> <p>23 please leave us out of their project.</p> <p>24 And I know, Mr. Christmann, you love land</p> <p>25 descriptions so I did include that so you know right</p> <p style="text-align: right;">PAGE 168</p>

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<p>1 where we are. Appreciate that. 2 The action that followed was to file lawsuits 3 against all of us. Why take this aggressive step to sue 4 landowners over the right to survey if you have no 5 intention of using or taking that property? After all, 6 this could be an opportunity for another landowner is 7 what we heard. 8 Now Summit claims that the land agents were to 9 blame for the unethical behavior and threats of eminent 10 domain. The threatening letters we received came from 11 the heads of Summit and their legal counsel, not their 12 land agents. 13 We feel the strategy from day one was to 14 intimidate landowners, hoping we would let the fear of 15 losing control of our property in an eminent domain 16 situation drive us to sign an easement. Those orders 17 most likely came from the top. To hear Summit and the 18 spokesperson for Friends of Ag and Energy state that 19 those causing the problems have been fired and 20 strong-arm tactics were never intended is another lie of 21 deception. The leadership of Summit Carbon Solutions 22 remains the same. Eminent domain was threatened against 23 us and other landowners. 24 The minutes of the Emmons County Commission 25 meeting in July of 2022 is included in your packet.</p> <p style="text-align: right;">PAGE 169</p>	<p>1 where they grew what they ate while giving thanks for 2 every blessing. They are some of the most humble and 3 gracious people I know. All they wanted was for Summit 4 to route around their property. 5 Shortly after the PSC denial in August of 2023, 6 Summit reserved the community center here in Linton and 7 held an informational open house. And I believe that 8 might be what Mr. Nagel was talking about. No public 9 notice was given. No invitations were sent. To only -- 10 excuse me. No public notice was given and invitations 11 were sent to only a select few. Our county and city 12 commissioners and local officials were not invited. No 13 first responders from our area were notified. And no 14 school administration was invited to attend. 15 Our school in Hazelton lies just 1.8 miles from 16 the 24-inch pipe. We learned of the meeting through our 17 local sheriff and decided to attend in hopes of getting 18 information and having some questions answered. 19 And I did get his permission that I shared a 20 copy of that email that you can sure use for your 21 reference. 22 No public meetings have been held since this 23 project was proposed and many have no idea their 24 families could be impacted by this pipeline. 25 We asked the Summit associate, Amanda, who</p> <p style="text-align: right;">PAGE 171</p>
<p>1 They were never afraid to use those words against honest 2 and hard-working property owners. 3 How many landowners along the way gave up the 4 fight due to emotional and financial exhaustion? Has 5 Summit been in contact with these landowners who may 6 have signed in duress and offered any solutions? 7 Believe us, this battle has caused horrific 8 turmoil in our lives. You have no idea how emotionally 9 debilitating it is to be bullied by billionaires with 10 more attorneys -- with more money and attorneys than we 11 could ever afford. 12 We had no choice but to stand up and defend our 13 property knowing this company has no intention of 14 hearing our pleas or respecting our decision not to be 15 part of their project. 16 It's unfortunate that many landowners drawn into 17 this mess are retired and have been forced to spend 18 their social security and retirement to defend what 19 they've bought and paid for over the years. Some are 20 suffering from illnesses and just the pains of a life 21 well lived. 22 Our friend, Harold Robinson, is no longer with 23 us. He spent the last two years of his life defending 24 what he and his wife, Frances, cherished more than 25 anything, the refuge they built together, a small farm</p> <p style="text-align: right;">PAGE 170</p>	<p>1 checked us in, who was invited to attend. She said as 2 landowners we should have received an invite in the mail 3 and she was unaware that no public notice was given. 4 Summit has all of our landowner addresses, but 5 no invitations were sent. This meeting was classified 6 as an open house. Why all the secrecy? Was this just 7 -- this meeting just scheduled to check a box for the 8 PSC reconsideration? 9 My reason for attending the open house was for 10 the concern and safety of my family who live about one 11 mile from the pipeline. And you can see that on the 12 map. I've put our house in the red box. 13 I was directed to the safety consultant for 14 Summit who was there that day. I explained to him our 15 proximity to the pipeline was about a mile and I needed 16 to know how we could prepare and respond in the event of 17 a release or rupture. Our nearest hospital is 16 miles 18 away and it would take our volunteer first responders at 19 least 20 minutes to get to us. When you live in the 20 country and at a distance from a medical center, you 21 must always have a plan. He said to me that there was 22 nothing to prepare for. The CO2 would just disperse 23 into the air as he raised up his arms. There's nothing 24 to worry about. 25 I was present and heard the testimony from the</p> <p style="text-align: right;">PAGE 172</p>

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<p>1 first responder from Sartatia, Mississippi, last spring 2 in Linton and I saw the pictures of the rupture. I 3 questioned his comment with regards to the high pressure 4 this pipeline would be under and that CO2 is heavier 5 than air. He continued to say that there was nothing to 6 be worried about as this pipeline would be run at 7 1,300 PSI. I knew through all the hours of testimony 8 that that statement was not true and the pipeline 9 running near our farm and through our community could be 10 pressured up to 2,200 PSI.</p> <p>11 The safety consultant was beginning to get 12 irritated with my questions and the concerns I had for 13 my family. I referenced the photos that were entered 14 into the record just a few months previously at the PSC 15 hearing in Bismarck from a rupture in Montana. The 16 ground around the site was visually altered with a large 17 hole and scattered rock. He and another Summit rep 18 looked at each other and shook their heads like they had 19 never heard a thing about it or had never seen the 20 pictures. He then made the statement that we could be 21 standing 500 feet from a rupture and our safety would 22 never be in question. It was clear to me with his 23 condescending attitude that he and his company he serves 24 have absolutely no regard for my family or my community. 25 I asked him if he could guarantee this pipeline</p> <p style="text-align: right;">PAGE 173</p>	<p>1 to build relationships in North Dakota communities to 2 safely build and maintain a hazardous and dangerous CO2 3 pipeline?</p> <p>4 The lack of respect that Summit Carbon Solutions 5 has had for our Public Service Commission, state and 6 county officials, and the landowners, is shocking. It 7 appears to those of us sitting in the audience that 8 Summit Carbon Solutions and the billionaires supporting 9 them are quite confident their project will be approved 10 and that these hearings are just a formality. I pray 11 that is not true. The people of our great country have 12 lost faith in our institutions and wonder whether our 13 voices even matter.</p> <p>14 The North Dakota Public Service Commission, it 15 is your duty to ensure that a project will produce 16 minimal adverse effects on the environment and upon the 17 welfare of the citizens of North Dakota. Concerned 18 citizens along with numerous experts in their field have 19 provided endless hours of testimony to share the truth 20 and the facts about the consequences of a high-pressure 21 CO2 hazardous pipeline traversing through our state. We 22 ask that you deny this project as Summit Carbon 23 Solutions has not clearly demonstrated a desire to 24 address the safety concerns of the citizens of North 25 Dakota who live along this pipeline. Be assured of our</p> <p style="text-align: right;">PAGE 175</p>
<p>1 would never break. With overwhelming arrogance, he 2 said, "Yes." The engineer who was there said he would 3 not make that statement. Other landowners were present 4 during this conversation and are here today and would 5 testify to what was said.</p> <p>6 It took our family a year and a half and over 7 \$15,000 in legal fees to receive a letter from Summit 8 dated February 15th -- I've included that, it's framed 9 in my downstairs -- stating that they had adjusted the 10 route in Emmons County and the pipeline was no longer 11 going to be crossing our property. Our attorney has yet 12 to receive notification from Summit of the route change. 13 If our name hadn't been mentioned in your findings, we 14 wonder whether accommodation would have been made for 15 us. Our 93-year-old father was relieved to hear the 16 news and so grateful the land he worked so hard to 17 improve over the years would be spared from this 18 pipeline.</p> <p>19 The character of this company has been on full 20 display for all to see. Those of us that have sat 21 through days of testimony can see that you as 22 commissioners are at times as disgusted as us. A 23 company who can't answer questions or who won't answer 24 questions is very concerning. How can we trust a 25 company with no integrity who chose to bully rather than</p> <p style="text-align: right;">PAGE 174</p>	<p>1 prayers for courage and clarity as you decide the fate 2 of this pipeline and the fate of the citizens of North 3 Dakota.</p> <p>4 Thank you. 5 ALJ HOGAN: Thank you. 6 Mr. Gludt, any questions? 7 MR. GLUDT: No, Your Honor. 8 ALJ HOGAN: Mr. Pelham. 9 MR. PELHAM: Yes.</p> <p>10 Thank you, Ms. Doolittle. As far as the letter, 11 the February 15, 2024, letter, is that the last 12 communication that Summit has sent to your family or 13 you?</p> <p>14 STEPHANIE DOOLITTLE: Correct. The letter that 15 -- excuse me, again, the date that you gave? 16 MR. PELHAM: The February 15th, 2024 -- 17 STEPHANIE DOOLITTLE: Yes. That was just this 18 spring. 19 MR. PELHAM: Right. 20 STEPHANIE DOOLITTLE: Yes, yes. 21 MR. PELHAM: Okay. And to the best of your 22 knowledge, the property that you or your family own is 23 no longer being proposed to be impacted directly by the 24 route; is that correct? 25 STEPHANIE DOOLITTLE: Correct, yeah. It's --</p> <p style="text-align: right;">PAGE 176</p>

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<p>1 the new updated map is here today. I didn't include it 2 in the pack. I figured you might have that. But they 3 have directed it over slightly off of our property. 4 MR. PELHAM: Okay. 5 STEPHANIE DOOLITTLE: Yes. 6 MR. PELHAM: Thank you, ma'am. I don't have any 7 other questions for you. 8 ALJ HOGAN: Mr. Braaten, any questions? 9 MR. BRAATEN: No, Your Honor. 10 ALJ HOGAN: Mr. Jorde, any questions? 11 MR. JORDE: Yes. 12 Ma'am, you had a packet of materials there. Did 13 you pass around a copy to the PSC? 14 STEPHANIE DOOLITTLE: I did. And I'm assuming 15 it will be put into evidence or -- 16 ALJ HOGAN: Yes. 17 MR. JORDE: Okay. Yeah. And I just want to 18 formally offer all of her evidence that she's presented. 19 ALJ HOGAN: As I indicated before, all the 20 documents I receive as part of the public testimony 21 portion will be marked as one exhibit, included. 22 MR. JORDE: Okay. All right. And received into 23 evidence. Okay. 24 Ma'am, do you remember the name of the Summit 25 rep who was arrogant and said that you could be standing</p> <p>PAGE 177</p>	<p>1 where we work. We have property in that area. And I'm 2 still worried for our community. Yes, I'm still 3 worried. 4 MR. JORDE: And when Summit told you there's 5 nothing to worry about in the case of a rupture or 6 unintended release, did Summit provide you any 7 dispersion modeling analysis or evidence to back that 8 claim up? 9 STEPHANIE DOOLITTLE: No. 10 MR. JORDE: Thank you, ma'am, for your 11 testimony. 12 ALJ HOGAN: Commissioner Christmann, any 13 questions? 14 COMMISSIONER CHRISTMANN: It would be quite a 15 few of them. I don't expect you to know all of them. 16 But some of your neighbors where the project is rerouted 17 to so that it can go around your land, do you know if 18 they have signed easements or if those are still -- 19 STEPHANIE DOOLITTLE: The last time I spoke with 20 them, they had not signed. They were not interested. 21 That could have changed. 22 COMMISSIONER CHRISTMANN: Is that a pretty long 23 time ago? 24 STEPHANIE DOOLITTLE: I would say within the 25 last couple of weeks to a month, one of the landowners</p> <p>PAGE 179</p>
<p>1 500 feet from a rupture and there would never be a 2 problem? 3 STEPHANIE DOOLITTLE: You know, I'm sorry, I 4 don't. I should have gotten his card. I'm sure if 5 you'd go back and -- I'm sure they must have a log of 6 the meeting. Like I said, Amanda was checking everybody 7 in. Everybody was stated on there. So I would -- I 8 would think that they would have a list of the employees 9 that were present that day presenting. They had 10 different -- they had an engineer, safety specialist, a 11 few different people. So that might be -- you might be 12 able to obtain that. 13 MR. JORDE: So I guess the sum of your 14 testimony, is it your opinion that the PSC should deny 15 the Summit application based upon how they've treated 16 citizens and how they've gone about carrying themselves 17 to date on this project? 18 STEPHANIE DOOLITTLE: Yes. 19 MR. JORDE: Do you feel any better about the 20 safety of other people simply because Summit has 21 slightly rerouted off your property? 22 STEPHANIE DOOLITTLE: No, I don't. The safety 23 concern is still the same. It's -- it's barely a 24 quarter mile, I think, off of our -- off of our 25 property. And it's still in our neighborhood. It's</p> <p>PAGE 178</p>	<p>1 at least, yes. The other one, it's been maybe three 2 months possibly. 3 COMMISSIONER CHRISTMANN: No other questions. 4 Thank you. 5 ALJ HOGAN: Commissioner Haugen-Hoffart. 6 COMMISSIONER HAUGEN-HOFFART: I have no 7 questions, but thank you for your thorough testimony. 8 ALJ HOGAN: Mr. Dawson. 9 SUBSTITUTE DECISIONMAKER DAWSON: No questions. 10 ALJ HOGAN: All right. Thank you. 11 Who would like to go next? 12 Good afternoon. I'll have you start by stating 13 your full name and spelling your last name for the 14 record. 15 FRANCES ROBINSON: Frances Robinson, 16 R-O-B-I-N-S-O-N. 17 ALJ HOGAN: Ms. Robinson, were you in the room 18 this morning when I went through the penalties for 19 perjury? 20 FRANCES ROBINSON: Yes. 21 ALJ HOGAN: And do you understand what perjury 22 is? 23 FRANCES ROBINSON: Yes. 24 ALJ HOGAN: And being advised of the potential 25 penalties for perjury, do you promise to tell the truth</p> <p>PAGE 180</p>

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<p>1 in this case today?</p> <p>2 FRANCES ROBINSON: Yes.</p> <p>3 ALJ HOGAN: Okay. Thank you. Go ahead.</p> <p>4 <u>FRANCES ROBINSON.</u></p> <p>5 being first duly sworn, testified as follows:</p> <p>6 FRANCES ROBINSON: Our land is in the southwest</p> <p>7 quarter and an 80 of 26-136-77 in Emmons County and all</p> <p>8 of section 27-136-77.</p> <p>9 I am against the proposed Summit Carbon</p> <p>10 Solutions CO2 pipeline coming from Iowa to be -- to be</p> <p>11 sequestered in North Dakota. At this time I am told</p> <p>12 they will no longer be crossing my land. I hope that is</p> <p>13 true. My husband and I opposed the pipeline until his</p> <p>14 passing in November. At that time it was still crossing</p> <p>15 our land. It has since, hopefully, been rerouted.</p> <p>16 We have heard a little -- so little truth from</p> <p>17 their company that you can -- you can believe nothing.</p> <p>18 Our very first meeting with a representative of Summit</p> <p>19 Carbon Solutions was the same as all of the ones that</p> <p>20 have followed; push their agenda with no regard to</p> <p>21 safety, truth, or the welfare of the state. We were</p> <p>22 told CO2 is perfectly safe though not at this</p> <p>23 concentration and pressure. Apparently an oversight.</p> <p>24 Money is to be made is -- is the most -- of</p> <p>25 utmost importance and any casualties along the way can</p> <p style="text-align: right;">PAGE 181</p>	<p>1 We saw how the oil boom affected Dickinson and</p> <p>2 Williston. An influx of money, an influx of people</p> <p>3 following it, and the usual greed, crime, and corruption</p> <p>4 that follows money. Is that what we want for North</p> <p>5 Dakota?</p> <p>6 Once the pipeline is built, the people and money</p> <p>7 are gone for North Dakota, but we will have everything</p> <p>8 that followed the money to deal with the rest of our</p> <p>9 lives. How is that supposed to improve our state or</p> <p>10 lives?</p> <p>11 We are assured the affected counties will be</p> <p>12 compensated with the money from the taxes. Summit</p> <p>13 Carbon Solutions will not be paying the taxes. The</p> <p>14 working public tax dollars will pay the taxes to the</p> <p>15 impacted county for ten years. The landowners that</p> <p>16 signed the easements, in some cases blanket easements,</p> <p>17 will pay a large portion of their payment back as taxes,</p> <p>18 have no control of their land for 99 years. Figure out</p> <p>19 what that payment comes to per year. Was it worth it?</p> <p>20 Plus, now the possibility of a rupture is close to you</p> <p>21 and your neighbors.</p> <p>22 Many did not understand it, but it is too late.</p> <p>23 Even many have said it's wrong but are too complacent to</p> <p>24 stand against it. Yet if we don't sign, the threat of</p> <p>25 eminent domain is used to forcibly take the land.</p> <p style="text-align: right;">PAGE 183</p>
<p>1 be overlooked as long as they benefit from it. Our tax</p> <p>2 dollars are being diverted to individuals and groups</p> <p>3 that follow the instructions of a few no matter the</p> <p>4 cost.</p> <p>5 Summit Carbon Solutions has never built a CO2</p> <p>6 pipeline, yet they know exactly how to do it. We are</p> <p>7 assured that it is perfectly safe and there was no</p> <p>8 danger to the public or land. I believe the Titanic was</p> <p>9 deemed unsinkable until it sank. Another testimony of</p> <p>10 man's genius.</p> <p>11 We cannot control everything and, in some cases,</p> <p>12 nothing. If it is so safe, why will they not release a</p> <p>13 plume study, discuss how emergency personnel should</p> <p>14 handle a possible rupture or leak, and discuss what</p> <p>15 equipment will be necessary in case the impossible</p> <p>16 happens? And who will be paying for the necessary</p> <p>17 items? We are told if it is approved these problems</p> <p>18 will be addressed. Why would they be concerned then?</p> <p>19 They are free to do as they wish.</p> <p>20 Summit Carbon Solutions is built on lies from</p> <p>21 the beginning. Even under oath it doesn't matter, only</p> <p>22 "Do you know how much money that is?" The statement we</p> <p>23 have heard over and over again. Apparently to them</p> <p>24 money is more important than lives, property rights, and</p> <p>25 our world -- our state.</p> <p style="text-align: right;">PAGE 182</p>	<p>1 Who is truly benefiting from a CO2 pipeline?</p> <p>2 Not the landowners. Not the people who will be paying</p> <p>3 increased costs for electricity, water, and other</p> <p>4 necessary services that we take for granted. Only those</p> <p>5 who will be from -- far from danger and destruction</p> <p>6 waiting to see what will happen and, of course, enjoying</p> <p>7 their money.</p> <p>8 If CO2 is such a danger to humanity, why are so</p> <p>9 many countries increasing the amount of CO2 they're</p> <p>10 emitting while others are spending recklessly to slow it</p> <p>11 down? Is it possible that it is a way to channel</p> <p>12 government tax dollars to individuals or groups in the</p> <p>13 name of saving the planet? We have heard "Tell them</p> <p>14 long enough and they'll believe it." Are people no</p> <p>15 longer able to think or reason for themselves? If so,</p> <p>16 what makes their ideas right and common sense wrong?</p> <p>17 What is the state of North Dakota truly gaining</p> <p>18 with the pipeline? We hear increased corn prices.</p> <p>19 Again, what guarantee is there that the farmers would</p> <p>20 get any more for their corn?</p> <p>21 I implore the PSC to think about their decision</p> <p>22 long and hard, use their God-given sense of right and</p> <p>23 wrong and their conscience over what actually could</p> <p>24 happen to reject Summit Carbon Solutions' proposed</p> <p>25 pipeline. If you cannot do that, God help us all.</p> <p style="text-align: right;">PAGE 184</p>

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<p>1 ALJ HOGAN: All right. Thank you.</p> <p>2 Mr. Gludt, any questions?</p> <p>3 MR. GLUDT: No, Your Honor.</p> <p>4 ALJ HOGAN: Mr. Pelham.</p> <p>5 MR. PELHAM: I think Mr. Schock has some</p> <p>6 questions.</p> <p>7 MR. SCHOCK: I just want to clarify where your</p> <p>8 property is on here. So you were saying -- so it's 136</p> <p>9 north, 77 west, sections 26 and 27, I think is what I</p> <p>10 heard. Which parcels within those two sections? So</p> <p>11 within section 26?</p> <p>12 FRANCES ROBINSON: The southwest one quarter</p> <p>13 plus an 80 of 136-77.</p> <p>14 MR. SCHOCK: Okay. And then in section 27?</p> <p>15 FRANCES ROBINSON: All of 27.</p> <p>16 MR. SCHOCK: Okay. And -- so the southwest</p> <p>17 quarter of section 26. It's hard to tell on my map.</p> <p>18 There's a couple of different -- it says "Emmons County"</p> <p>19 right over the top of what looks like a farmstead. Is</p> <p>20 that where you live --</p> <p>21 FRANCES ROBINSON: There's -- yes.</p> <p>22 MR. SCHOCK: Okay. Okay. That's all my</p> <p>23 questions. Thank you for clarifying that for me.</p> <p>24 ALJ HOGAN: Mr. Braaten, any questions?</p> <p>25 MR. BRAATEN: No, Your Honor.</p> <p style="text-align: right;">PAGE 185</p>	<p>1 it on a better map than what I have with.</p> <p>2 FRANCES ROBINSON: It won't matter as far --</p> <p>3 other than protecting our land, I'll be just as dead</p> <p>4 whether it's over there or over here.</p> <p>5 COMMISSIONER CHRISTMANN: No other questions.</p> <p>6 Thank you.</p> <p>7 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>8 COMMISSIONER HAUGEN-HOFFART: No questions.</p> <p>9 Thank you for your testimony.</p> <p>10 ALJ HOGAN: Mr. Dawson.</p> <p>11 SUBSTITUTE DECISIONMAKER DAWSON: No questions</p> <p>12 for me. Thank you.</p> <p>13 ALJ HOGAN: All right. Thank you.</p> <p>14 FRANCES ROBINSON: Thank you.</p> <p>15 ALJ HOGAN: Who would like to go next?</p> <p>16 TERRY WANZEK: I also have testimony from</p> <p>17 another person that couldn't make it today. Should I</p> <p>18 hand that out right away?</p> <p>19 ALJ HOGAN: No. I don't think we can accept it</p> <p>20 if they don't come to the hearing to testify.</p> <p>21 TERRY WANZEK: Okay.</p> <p>22 ALJ HOGAN: They've got to be here to testify.</p> <p>23 TERRY WANZEK: Can I just hand out -- can I hand</p> <p>24 out his written testimony or --</p> <p>25 ALJ HOGAN: I can't accept it as part of the</p> <p style="text-align: right;">PAGE 187</p>
<p>1 ALJ HOGAN: Mr. Jorde, any questions?</p> <p>2 MR. JORDE: No. Thank you.</p> <p>3 ALJ HOGAN: Commissioner Christmann.</p> <p>4 COMMISSIONER CHRISTMANN: I'm looking at my map</p> <p>5 of section 26 and it looks like over in the southeast</p> <p>6 quarter it kind of enters that quarter in the middle</p> <p>7 down in the bottom and comes up and then for a ways runs</p> <p>8 very close to the -- to the quarter line between the</p> <p>9 southeast and southwest. So did you --</p> <p>10 FRANCES ROBINSON: About a quarter of a mile.</p> <p>11 COMMISSIONER CHRISTMANN: Did you say that it's</p> <p>12 your understanding that it's off of your property?</p> <p>13 FRANCES ROBINSON: They -- they notified me, I</p> <p>14 would say in January or February, that they had</p> <p>15 rerouted, but why would you believe them this time?</p> <p>16 They haven't told the truth up until now.</p> <p>17 COMMISSIONER CHRISTMANN: This map, I mean it</p> <p>18 very well may be rerouted. It's very near the line, but</p> <p>19 I'm just not sure. So I just wanted to make sure I</p> <p>20 understood you right that you were told that it's off.</p> <p>21 FRANCES ROBINSON: I received a letter that -- I</p> <p>22 was told and received a note that it was off.</p> <p>23 COMMISSIONER CHRISTMANN: Okay.</p> <p>24 FRANCES ROBINSON: But is it?</p> <p>25 COMMISSIONER CHRISTMANN: I'll have to look at</p> <p style="text-align: right;">PAGE 186</p>	<p>1 record for this case.</p> <p>2 TERRY WANZEK: Okay.</p> <p>3 ALJ HOGAN: I'll have you state your full name</p> <p>4 and spell your last name for the record.</p> <p>5 TERRY WANZEK: My full name, Terry Wanzek,</p> <p>6 W-A-N-Z-E-K.</p> <p>7 ALJ HOGAN: Mr. Wanzek, were you in the room</p> <p>8 this morning when I went through the penalties for</p> <p>9 perjury?</p> <p>10 TERRY WANZEK: Yes, I was.</p> <p>11 ALJ HOGAN: Do you understand what perjury is?</p> <p>12 TERRY WANZEK: 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 TERRY WANZEK: Yes, I do.</p> <p>17 ALJ HOGAN: All right. Thank you. Go ahead.</p> <p>18 MR. DUBLINSKE: Your Honor, if I may. I just --</p> <p>19 we've had other people submit packets of information</p> <p>20 that have material that is from third persons, not the</p> <p>21 person testifying. So I guess I'm not sure what would</p> <p>22 be any different here.</p> <p>23 ALJ HOGAN: So there's no objection?</p> <p>24 MR. PELHAM: I would have an objection. I don't</p> <p>25 think that if -- if the person isn't here to testify,</p> <p style="text-align: right;">PAGE 188</p>

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<p>1 then providing that information -- I mean, we've had 2 plenty of people talk about hearsay information, what 3 others have told them, but as I understand it, the -- as 4 I understand it, the witness wants to provide specific 5 written testimony. Maybe I'm mistaken on that but... 6 TERRY WANZEK: The testimony, Your Honor, if I 7 may, the testimony is written out. He took the time and 8 trouble to write it. It's a one-page testimony. And it 9 was given to me and I was asked to submit it, but it's 10 up to you. I'm not going to push the issue. 11 ALJ HOGAN: I guess, Mr. Dublinske, I don't 12 remember specific circumstances when I did that, but in 13 this particular circumstance, I am not going to accept 14 it. 15 But you can proceed, Mr. Wanzek. 16 <u>TERRY WANZEK,</u> 17 being first duly sworn, testified as follows: 18 TERRY WANZEK: Yep. Thank you, Your Honor. 19 Commission Christmann -- Commissioner 20 Christmann, Commissioner Haugen-Hoffart, Substitute 21 Decisionmaker Mr. Dawson, and staff, as I've already 22 stated, my name is Terry Wanzek. I'm a fourth 23 generation farmer from Jamestown. And I serve the State 24 as senator from District 29. 25 I want to make it clear and emphasize that I'm a</p> <p style="text-align: right;">PAGE 189</p>	<p>1 Some of our producers sell their corn into Minnesota and 2 South Dakota. 3 Simply put, Summit's pipeline project will allow 4 our state's farmers and our state's ethanol plants to 5 provide the consumers, our customers, the low-carbon 6 intensity ethanol they desire. It also presents huge 7 new marketing opportunities like sustainable aviation 8 fuel markets for our corn ethanol. 9 Right now in the United States we consume about 10 15 billion gallons of ethanol. And the sustainable 11 aviation, the airline industry is interested, if we can 12 lower our carbon footprint, in purchasing ethanol. And 13 that market nationally is about 50 billion, globally a 14 hundred billion gallons of fuel. So that could have a 15 huge impact on our ag economy. 16 The future is here and it dictates that we adapt 17 to preserve the livelihoods of our future farmers like 18 my children, nephews, and grandchildren. I respectfully 19 request that the Public Service Commission approve 20 Summit's pipeline project as it is critical to North 21 Dakota's farmers, the state's economy, and our future. 22 Certainly I want to make it clear that I 23 absolutely agree with the need to go through the safety 24 protocols. I'm not promoting development of any project 25 that doesn't make an effort to be as safe as it can</p> <p style="text-align: right;">PAGE 191</p>
<p>1 farmer first. I'm not a politician who delves in 2 agriculture. Farming, I have almost nearly 60 years of 3 experience in farming and fourth generation. My 4 family's farming roots go back to my great grandparents, 5 Simon and Mary Wanzek who migrated from Poland to the 6 U.S. and North Dakota in the 1880s. The farm continues 7 to provide for multiple generations as my son and nephew 8 actively farm with us and my brother today. Their 9 children too are already spending time in our fields. 10 As a multi-generation farming family, we 11 understand the need to adapt to meet market demands. 12 Right now the markets demand low-carbon intensity 13 ethanol. I'm concerned that if Summit's CO2 pipeline is 14 not built, the plants that use North Dakota corn to 15 produce ethanol will not be able to meet that market 16 demand. And if that happens, our ethanol exports will 17 decrease and the corn prices paid to North Dakota 18 farmers will slip. Considering that 40 percent to 19 60 percent on an annual basis of North Dakota's total 20 annual corn production -- around 200 million bushels -- 21 is purchased by North Dakota ethanol plants, the 22 potential negative -- considering that amount of 23 purchase, the potential negative economic impact to our 24 farm economy is enormous. And this does not include the 25 out-of-state ethanol plants that buy North Dakota corn.</p> <p style="text-align: right;">PAGE 190</p>	<p>1 possibly be. We take calculated risks every day in our 2 lives. When we got in our car today to come to this 3 meeting, we took a risk. But we -- the calculations 4 show that your odds are pretty good that you're going to 5 survive that. And nothing would ever get done if we 6 were to expect everything to be a hundred percent 7 foolproof. And God help us, I hope nothing ever happens 8 so... 9 And I also want them to -- I understand the 10 respect for landowners. Being a landowner myself, I 11 know that I have rights and I want the project to be 12 respectful of that. 13 But I did hear today that there's nothing in it 14 for us, it's just Summit that's making all this money. 15 And, you know, while I was listening, I Googled USDA 16 National Ag Statistical Services. And in Emmons County, 17 there was 174,000 acres of corn grown in Emmons County 18 last year. That's about 24 million bushels of corn. At 19 about a \$5 rate, that's \$120 million of value in Emmons 20 County's corn. And you think of that 120 million being 21 spent in these local small rural communities. Turns 22 over four, five times. So you're talking about half a 23 billion to \$700 million of economic impact. I know that 24 you don't need to be a corn farmer to feel that impact. 25 Our local rural communities of North Dakota and our</p> <p style="text-align: right;">PAGE 192</p>

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<p>1 rural environment depends greatly on agriculture 2 succeeding. 3 If you look at Stutsman County, my county, if 4 you look back in the 1990s, late '90s, we didn't even 5 raise 10,000 acres of corn. Last year Stutsman County 6 raised 220,500 acres of corn. And at \$5 value, that's 7 32.3 million bushels, that's \$161 million in our county 8 with the corn impact. 9 Corn in Emmons County ran -- according to the 10 USDA, ran 144 bushels per acre in Emmons County. That's 11 a \$700 revenue return to Emmons County farmers versus if 12 they're going to grow wheat instead. You know, you'd be 13 looking at about half of that. So it does have an 14 economic impact. 15 And I'm not trying to argue for any global 16 warming, climate change policies. I'm not arguing that. 17 As a matter of fact, I agree with the veterinarian who 18 made his case. I don't disagree with a lot of what 19 they're saying. But sometimes you have to honor your 20 customers, and our customers are not in North Dakota. 21 Our customers are in the rest of the nation and 22 globally. We've already lost markets to Brazil because 23 Brazil is doing this. They are lowering their carbon 24 footprint. 25 So my testimony is mostly concerned about the</p> <p style="text-align: right;">PAGE 193</p>	<p>1 Tharaldson Ethanol plant? 2 TERRY WANZEK: Absolutely no. I hope that they 3 take my testimony into account and use it to -- in 4 making their decision. But, no, I don't think they are 5 all about saving the -- saving the industry. It's up to 6 me to make sure that they are aware of that concern. 7 There's a lot of concern out there and there's a number 8 of the ag advisory committees that have endorsed, you 9 know, this project. I -- 10 MR. JORDE: I'm sorry, go ahead. 11 TERRY WANZEK: I was going to say I never did 12 share, in the state we have 3.8 million -- this is 2023 13 -- 3.8 million acres of corn, 543 million bushels, or 14 \$2.7 billion value of corn grown here. And if these 15 ethanol plants are in the -- they're being held in the 16 balance. And if they are not able to maintain their 17 markets or miss out on the opportunities like 18 sustainable aviation fuel, we're going to -- it's going 19 to have a serious economic impact on agricultural. 20 MR. JORDE: And you base that on things that 21 Summit has told you? 22 TERRY WANZEK: Absolutely not. I take offense 23 to that. I'm a farmer. I've got 60 years of 24 experience. I've grown -- we -- my brother and my son 25 and my nephew, we grow corn. We have for years. And we</p> <p style="text-align: right;">PAGE 195</p>
<p>1 connection of ethanol to our corn producers. I 2 represent a district that's mostly ag and a lot of corn 3 is grown in our district and I'm concerned about that. 4 I certainly am not trying to promote any kind of 5 activity that would cause unnecessary risk and things of 6 that nature. I do believe that we have to go through 7 those safety protocols. And I don't want to see anybody 8 injured or hurt in any way. I have a feeling that the 9 experts, you know, the EERC, the PHMSA, and those will 10 be overseeing this. And those experts, I'm sure, will 11 take every -- make every effort to be as safe as they 12 can possibly be. 13 But that's my testimony. If there are any 14 questions... 15 ALJ HOGAN: Thank you. 16 Mr. Gludt, any questions? 17 MR. GLUDT: No questions. Thank you. 18 ALJ HOGAN: Mr. Pelham, any questions? 19 MR. PELHAM: No. Thank you. 20 ALJ HOGAN: Mr. Braaten? 21 MR. BRAATEN: No, Your Honor. 22 ALJ HOGAN: Mr. Jorde. 23 MR. JORDE: Yes. Thank you. 24 Sir, do you believe it's the Public Service 25 Commission's job to protect the profits of the</p> <p style="text-align: right;">PAGE 194</p>	<p>1 started more in the early 2000s. But I'm -- as a 2 farmer -- like I said in the beginning of my testimony, 3 I'm here as a farmer more than a state senator. And I'm 4 concerned for our industry. If we lose corn, which has 5 become a primary crop in North Dakota agriculture, if we 6 lose that market, it doesn't take a rocket scientist to 7 figure out if you lose half your market, it's going to 8 impact your industry. 9 MR. JORDE: And do you believe that ethanol 10 plants not connected to the proposed Summit pipeline 11 will go out of business? 12 TERRY WANZEK: Ultimately, probably so, yes, 13 because they can't meet their market demands. It's -- 14 you know, you don't always have to agree with your 15 customer, but you do -- if you want to survive in 16 business, you -- you got to listen to your customers. 17 And they're not from North Dakota. They're from the 18 rest of the nation and globally. Even though I maybe 19 don't agree with them. We have to do that if we want to 20 maintain or sustain our industry. 21 MR. JORDE: And so I presume you're aware that 22 only one of the North Dakota ethanol plants is planning 23 to connect to this pipeline. Have you talked to any of 24 the other plants about their plans for the future? 25 TERRY WANZEK: Well, two of them, I understand,</p> <p style="text-align: right;">PAGE 196</p>

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<p>1 are already in an area where the geology is conducive 2 for them to do it themselves. And I know one for sure, 3 I don't know about the other one, but the one in 4 Richardton has already done it. 5 And they're asking us farmers to provide corn 6 that has a lower carbon footprint too to help with the 7 -- to assist in this -- in this market approach. And 8 you can do that by planting cover crops, no-tilling, 9 minimum-tilling. We actually add, you know, some treat 10 to the seed that helps hold the carbon in the soil. 11 Again, I don't -- I'm not here to argue for 12 those policies. I'm here talking about the concern that 13 if we do not figure out how to lower the carbon 14 intensity footprint, our industry is at risk. 15 MR. JORDE: So if we accept that as true, you 16 are aware, as I think you just mentioned, that there are 17 many ways to reduce a carbon footprint that have nothing 18 to do with a pipeline. You would agree on that? 19 TERRY WANZEK: Yes. But the problem is our 20 score -- our carbon intensity score for most of our 21 plants are in that 60 to 70 range. Based on the 22 activities that I as a farmer might do will lower that 23 maybe 3 to 5 points. You need to be under a score of 24 50. And the only way to reach that score that -- that 25 I'm aware of and that I've been told is to capture the</p> <p>PAGE 197</p>	<p>1 Summit shared with you any of their risk analysis or 2 dispersion modeling or plume modeling that they've 3 prepared? 4 TERRY WANZEK: No. I have not discussed that 5 with them. 6 MR. JORDE: All right. Thank you, sir. Nothing 7 further. 8 ALJ HOGAN: Commissioner Christmann. 9 COMMISSIONER CHRISTMANN: Senator, does any of 10 the pipeline run on any of the land that you own or -- 11 TERRY WANZEK: We have pipelines that we farm 12 over but not CO2. 13 COMMISSIONER CHRISTMANN: This one doesn't 14 impact you but -- 15 TERRY WANZEK: No. 16 COMMISSIONER CHRISTMANN: You beat me to my next 17 question. 18 TERRY WANZEK: Okay. 19 COMMISSIONER CHRISTMANN: You do farm over some 20 pipelines, under power lines, things like that? 21 TERRY WANZEK: Yes. We have trans- -- two major 22 transmission lines. I just signed two easements the 23 other day with the utility co-op to bury some power 24 lines across our land. I deal with that every day too. 25 And we actually had a natural gas pipeline that, based</p> <p>PAGE 199</p>
<p>1 carbon and sequester it. And that's why I think it's 2 necessary. There are few options of being able to reach 3 that limit. 4 MR. JORDE: Since the ethanol plant you 5 referenced that's already capturing carbon on-site, 6 since they've started doing that, did the other ethanol 7 plants in North Dakota who are not doing that, have they 8 gone out of business? 9 TERRY WANZEK: Not as of yet, but this -- these 10 markets are starting to surface now. Canada, I 11 understand, has lowered -- or has raised their 12 standards, lowered the score. Canada is one of North 13 Dakota's major export markets. And it -- it's going to 14 happen over time. I do believe that. 15 MR. JORDE: And you would certainly agree 16 there's things more important than money and economic 17 impact; right? 18 TERRY WANZEK: Well, absolutely. That's why I 19 said I think safety protocol needs to be met. You know, 20 and there are highly trained experts that are involved 21 with this and you have to meet PHMSA standards. I don't 22 think it should be done shoddily or poorly or without 23 safety in mind. Yes, I do agree with that. But I 24 believe it can be done. 25 MR. JORDE: And to support that belief, sir, has</p> <p>PAGE 198</p>	<p>1 on some erosion, was starting to come out of the ground, 2 and we called the company and they came out and buried 3 it deeper. 4 COMMISSIONER CHRISTMANN: And I presume since 5 you seem to be speaking positively about the project, 6 that the other testimony that you were bringing with on 7 behalf of someone else was also in favor? 8 TERRY WANZEK: They were -- 9 MR. JORDE: Objection (inaudible). 10 TERRY WANZEK: They were in favor. 11 ALJ HOGAN: Hang on. 12 What was the objection? 13 MR. JORDE: Well, you sustained the prior 14 objection that it doesn't come in, so I just said 15 objection to the question. It's not relevant. 16 ALJ HOGAN: Your objection is noted. I'll allow 17 him to answer, at least that general question. 18 TERRY WANZEK: I'm sorry, I -- 19 ALJ HOGAN: I think -- 20 COMMISSIONER CHRISTMANN: The question was, was 21 that also supportive testimony? 22 TERRY WANZEK: It was supportive. It was a 23 farmer/rancher. 24 COMMISSIONER CHRISTMANN: Okay. I have no other 25 questions. Thank you.</p> <p>PAGE 200</p>

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<p>1 ALJ HOGAN: Commissioner Haugen-Hoffart. 2 COMMISSIONER HAUGEN-HOFFART: Senator Wanzek, 3 thank you for your testimony. I have no questions. 4 TERRY WANZEK: Thank you. 5 ALJ HOGAN: Mr. Dawson. 6 SUBSTITUTE DECISIONMAKER DAWSON: I have no 7 questions for you, Senator. Thank you. 8 ALJ HOGAN: Thank you. 9 Who would like to go next? Do we have anybody 10 else that wants to testify? 11 Good afternoon. I'll have you start by stating 12 your name and spelling your last name for the record. 13 PATRICK MARTIN: My name is Patrick Martin, 14 M-A-R-T-I-N. 15 ALJ HOGAN: Mr. Martin, were you in the room 16 this morning when I went through the penalties for 17 perjury? 18 PATRICK MARTIN: Yes, I was. 19 ALJ HOGAN: And do you understand what perjury 20 is? 21 PATRICK MARTIN: Yes, I do. 22 ALJ HOGAN: And being advised of the potential 23 penalties for perjury, do you promise to tell the truth 24 in this case today? 25 PATRICK MARTIN: I do.</p> <p style="text-align: right;">PAGE 201</p>	<p>1 engagement. 2 With my background as a career firefighter and 3 captain with the Mandan City Fire Department for 4 17 years and a volunteer firefighter for four years with 5 Mandan Rural Fire Department, I found the greatest 6 benefit of those meetings -- or these meetings was 7 understanding how the pipeline system works including 8 the advanced technology of valves and incident response 9 protocols. Furthermore, I feel similar presentations to 10 local emergency responders will be beneficial in their 11 understanding of the project and Summit's commitment to 12 emergency responder engagement. 13 We have developed a respectful and productive 14 relationship with Summit who have been responsive and 15 eager to address our questions. This level of 16 responsiveness has been consistent, providing a sense of 17 assurance about their dedication to safety and 18 transparency. 19 Once the project receives approval, Summit has 20 committed to providing comprehensive training for our 21 local responders. Additionally, they have introduced a 22 grant program to equip responders with the necessary 23 tools and equipment which is crucial for ensuring 24 preparedness and effective response capabilities. 25 In comparison to other projects in the county,</p> <p style="text-align: right;">PAGE 203</p>
<p>1 ALJ HOGAN: All right. Thank you. Go ahead. 2 <u>PATRICK MARTIN.</u> 3 being first duly sworn, testified as follows: 4 PATRICK MARTIN: Good afternoon. Like I said, 5 my name is Patrick Martin. I'm the emergency manager in 6 Morton County. Since becoming the emergency manager in 7 October of 2023, I have familiarized myself with the 8 Summit Carbon Solutions pipeline project. From the 9 outset, the relationship with Summit has been open and 10 constructive. 11 Prior to my arrival, my assistant emergency 12 manager met with representatives from Summit who 13 provided detailed maps and identified responding 14 agencies for the proposed pipeline route through Morton 15 County. This early engagement set the tone for the 16 collaborative approach that Summit has maintained 17 throughout the project. 18 Shortly after I started, I had the opportunity 19 to meet Dave Nehring. Dave established a meeting with 20 other Summit representatives and local stakeholders 21 including the mayor of Mandan, chairman of the board of 22 county commissioners, the sheriff of Morton County, and 23 my office staff. The meeting consisted of general 24 project overview and plume modeling. Again, the meeting 25 demonstrated Summit's commitment to safety and community</p> <p style="text-align: right;">PAGE 202</p>	<p>1 Summit has been exceptionally transparent in their 2 operations and communications with my office, local 3 responders, and county leadership. They have gone above 4 and beyond in their efforts to ensure that all 5 stakeholders are informed and confident in the project's 6 safety measures. Our most recent meeting with Rod 7 Dillon and Dave Daum reaffirmed this transparency and 8 their commitment to safety and collaboration. They took 9 the time to address every concern that we brought up and 10 provided further detailed explanations, solidifying our 11 confidence in their approach. 12 Overall, I'm confident in the safety and 13 execution of the Summit Carbon Solutions pipeline 14 project. The immediate area would be the concern in the 15 event of a rupture and the measures in place provide 16 assurance. The combination of advanced technology, 17 rigorous safety protocols, and Summit's proactive 18 engagement with local responders ensures that any 19 potential incidents would be managed effectively, but 20 more importantly, the company's commitment to training 21 and equipping our local responders highlights their 22 dedication to community safety and wellbeing. 23 In conclusion, my extensive experience as a 24 firefighter and now as an emergency manager has given me 25 the unique perspective on the importance of safety,</p> <p style="text-align: right;">PAGE 204</p>

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<p>1 preparedness, and collaboration in projects of this 2 magnitude. Summit Carbon Solutions has consistently 3 demonstrated these values, making me comfortable and 4 confident of the project's potential to bring a 5 significant benefit to our community while maintaining 6 the highest of safety standards.</p> <p>7 Thank you.</p> <p>8 ALJ HOGAN: Thank you.</p> <p>9 Mr. Gludt, any questions?</p> <p>10 MR. GLUDT: No questions, Your Honor.</p> <p>11 ALJ HOGAN: Mr. Pelham, any questions?</p> <p>12 MR. PELHAM: No questions. Thank you.</p> <p>13 ALJ HOGAN: Mr. Braaten?</p> <p>14 MR. BRAATEN: Mr. Martin, were you present or 15 did you testify at the Morton County hearings?</p> <p>16 PATRICK MARTIN: No, I wasn't.</p> <p>17 MR. BRAATEN: Okay. Did you have conversations 18 with Summit about coming and testifying at this hearing 19 after that?</p> <p>20 PATRICK MARTIN: Yes.</p> <p>21 MR. BRAATEN: No further questions.</p> <p>22 ALJ HOGAN: Mr. Jorde, any questions?</p> <p>23 MR. JORDE: Did Summit personnel help you 24 prepare the statements or parts of it that you gave 25 today?</p> <p style="text-align: right;">PAGE 205</p>	<p>1 confidentiality order.</p> <p>2 ALJ HOGAN: I agree. The objection is 3 sustained.</p> <p>4 MR. JORDE: Okay. So other than asking for the 5 contents of what they shared, I just want to confirm, 6 sir, do you believe Summit shared with you a complete 7 analysis after they've done the analysis or was it more 8 of a summary? I don't want you to tell me about the 9 actual content.</p> <p>10 MR. DUBLINSKE: Same objection. That is still 11 going to the content of the presentation as to the 12 extent of the dispersion information that was provided.</p> <p>13 ALJ HOGAN: I'll allow him to answer this 14 question, but my concern is, Mr. Jorde, we're going down 15 a road we've gone down several times in the last few 16 days.</p> <p>17 So do you remember the question? Do you need 18 the question again?</p> <p>19 PATRICK MARTIN: Yes, if you could ask it again, 20 sir, please.</p> <p>21 MR. JORDE: Sure. And I'm just trying to clear 22 up confusion here. Do you think that Summit shared with 23 you, like, a full detailed analysis from A to Z, or do 24 you believe you were shown in these presentations a 25 summary of what they claim they did?</p> <p style="text-align: right;">PAGE 207</p>
<p>1 PATRICK MARTIN: I had conversation with Dave 2 Nehring and conversation with I believe it's their 3 public information officer, and we just discussed the 4 interactions that I've had with the company.</p> <p>5 MR. JORDE: And do you have any explanation, 6 sir, on why the landowners that have overwhelmingly 7 testified and had a completely opposite experience with 8 Summit when it comes to transparency and proactive and 9 open communications? Do you have any idea why you had a 10 different experience?</p> <p>11 PATRICK MARTIN: I don't have any idea why that 12 is. Like I said in my testimony, any questions that I 13 have asked regarding safety, I feel I've got an adequate 14 response.</p> <p>15 MR. JORDE: And did Summit provide you copies of 16 their plume or dispersion analysis models and data and 17 documentation and studies that they've performed?</p> <p>18 PATRICK MARTIN: No, they did not. They 19 presented those models during that meeting that I spoke 20 about, but they didn't provide any --</p> <p>21 MR. JORDE: Did they -- I'm sorry. Did they 22 present the entire model or are you saying like a 23 summary of things they claim they prepared?</p> <p>24 MR. DUBLINSKE: Objection, Your Honor. That 25 gets to the content of information that's subject to the</p> <p style="text-align: right;">PAGE 206</p>	<p>1 ALJ HOGAN: If you know.</p> <p>2 PATRICK MARTIN: Yeah. You know, I'm not a 3 plume engineer. I'm an emergency manager. I just took 4 their information and, I mean, I don't -- I don't know 5 how else to answer that other than I'm not an expert. 6 So I don't know to what extent that plume modeling is or 7 what you're claiming to be.</p> <p>8 MR. JORDE: Okay, sir. Thank you very much.</p> <p>9 ALJ HOGAN: Commissioner Christmann, any 10 questions?</p> <p>11 COMMISSIONER CHRISTMANN: I do not, Your Honor.</p> <p>12 ALJ HOGAN: Commissioner Haugen-Hoffart.</p> <p>13 COMMISSIONER HAUGEN-HOFFART: Yes, some 14 clarification.</p> <p>15 You are the Morton County emergency manager? 16 PATRICK MARTIN: Yes, ma'am.</p> <p>17 COMMISSIONER HAUGEN-HOFFART: And why didn't you 18 testify at the Morton County hearing? Scheduling 19 conflict or --</p> <p>20 PATRICK MARTIN: I don't know. I didn't have 21 any knowledge -- I don't remember, recall when that was.</p> <p>22 COMMISSIONER HAUGEN-HOFFART: Okay. And then 23 Summit asked you to come here and testify?</p> <p>24 PATRICK MARTIN: Correct.</p> <p>25 COMMISSIONER HAUGEN-HOFFART: Okay. How many</p> <p style="text-align: right;">PAGE 208</p>

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<p>1 years were you a firefighter? 2 PATRICK MARTIN: 17 years full time, 4 years as 3 a volunteer. 4 COMMISSIONER HAUGEN-HOFFART: Okay. Thank you 5 for your service. 6 PATRICK MARTIN: Thank you. 7 COMMISSIONER HAUGEN-HOFFART: You mentioned the 8 grant program, \$50,000. And have you requested any 9 equipment from this grant program? 10 PATRICK MARTIN: No. I'm not sure the -- what 11 the actual value of that grant program was. I want to 12 say it was 30. But, no, we have not requested anything 13 as of right now. They -- the company has said, you 14 know, if they get approval for the project, that's when 15 we would move forward with that evaluation of our local 16 capabilities and move from there. 17 COMMISSIONER HAUGEN-HOFFART: Okay. Based on 18 the information that you say that has been given by 19 Summit and -- would you say the general information and 20 plume modeling, etcetera, do you foresee any equipment 21 needs doing initial strategic planning with this in 22 your 17 years of experience as a firefighter? 23 PATRICK MARTIN: So I think training 24 specifically to CO2 emergencies would be at the top of 25 our list for our local responders as well as any</p> <p style="text-align: right;">PAGE 209</p>	<p>1 your name and spelling your last name for the record. 2 LARRY WALL: Larry Wall, W-A-L-L. 3 ALJ HOGAN: Can you spell your last name one 4 more time? 5 LARRY WALL: W-A-L-L. 6 ALJ HOGAN: And, Mr. Wall, were you in the room 7 earlier when I went through the penalties for perjury? 8 LARRY WALL: Yes, I was. 9 ALJ HOGAN: And do you understand what perjury 10 is? 11 LARRY WALL: Yes, I do. 12 ALJ HOGAN: And being advised of the potential 13 penalties for perjury, do you promise to tell the truth 14 in this case today? 15 LARRY WALL: I do. 16 ALJ HOGAN: All right. Thank you. Go ahead. 17 <u>LARRY WALL</u>, 18 being first duly sworn, testified as follows: 19 LARRY WALL: The Summit pipeline crosses our 20 property in two ways. And our property has the 21 description of section 2-140, range 81, the northwest 22 quarter, lot M. My wife and I, we both purchased this 23 property in '91 and we built our house in '92. 24 But I want to go back to Summit's pipeline, how 25 they have it designed to run through our property. It</p> <p style="text-align: right;">PAGE 211</p>
<p>1 response protocols for that specific event as well as 2 any metering capabilities that are needed. Those are 3 the few that come to mind right away. 4 COMMISSIONER HAUGEN-HOFFART: Okay. They've 5 also mentioned the Texas A&M training. Have you signed 6 up to attend that or -- 7 PATRICK MARTIN: I have not personally, but it 8 has been -- it has been spoken about, that I believe 9 they -- the company said that they would provide two 10 positions to go fully paid to Texas A&M. The TEEEX 11 program I think is what you're talking about. 12 COMMISSIONER HAUGEN-HOFFART: Uh-huh. 13 PATRICK MARTIN: I, for one, have been -- I was 14 able to go to the refinery part of that training. Had 15 nothing to do with CO2, obviously, but it was very, very 16 valuable and a great experience. 17 COMMISSIONER HAUGEN-HOFFART: Okay. I have no 18 further questions. Thank you. 19 ALJ HOGAN: Mr. Dawson. 20 SUBSTITUTE DECISIONMAKER DAWSON: No questions. 21 ALJ HOGAN: All right. Thank you, Mr. Martin. 22 PATRICK MARTIN: Thank you. 23 ALJ HOGAN: All right, sir, I saw you stand up 24 before if you want to come up. 25 Good afternoon. I'll have you start by stating</p> <p style="text-align: right;">PAGE 210</p>	<p>1 comes on the neighbor's side, which is on the west fence 2 borderline, and then it angles to the north. And from 3 that north end it runs straight east the whole length of 4 our property. 5 And taking into consideration what they told us 6 as far as the easement footage of where they're going to 7 place this pipeline, and the corner of our house is 8 exactly 708 feet. That isn't very lengthy. If you 9 think of taking seven 100-foot extension cords and 10 plugging them together and looking down the end to the 11 end that you're holding, it's not very far. Even though 12 there is maybe, I'm going to call it a buffer of 13 500 feet from your property line to the Summit pipeline, 14 that extra 208 feet isn't going to make a difference. 15 If the wind is blowing at least 20 miles an hour 16 and when the wind is throughout the whole year, the 17 majority of it is coming from the west, the northwest, 18 or the north. As far as getting the gases or if there's 19 ever a break or a rupture, it wouldn't take very long to 20 travel to the house. 21 I also took some estimates as far as where the 22 kids' playhouse is located. That's 639 feet. And our 23 main, we have three Ritchier waterers. Our main water 24 supply going to the pastures, that's 650 feet. And we 25 have three of them.</p> <p style="text-align: right;">PAGE 212</p>

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<p>1 So I guess my and my wife's idea is it's just 2 too close to the residence. To the north of that fence 3 line is Baldwin district. We are the last fence line 4 that is -- we are in the Bismarck district. That fence 5 line divides it. 6 Also, we are in very highly erodible soil. And 7 if any of you commissioners travel 1804 north -- north 8 on 1804 going to Washburn, approximately where 1804 and 9 83 merges, you're about five, six miles east of 10 Washburn, you will find that it's just like the highway 11 divides; the east side and the west side. The east 12 side, you're going to find mostly all prairie, you're 13 going to find hills, you're going to find the coulees. 14 You look to the west side of the highway, you're going 15 to find farmland. 16 What is the reason for that? I'll tell you. 17 Highly erodible soil. And any farmer, any rancher 18 that's in here or in any county, you're going to find 19 that the soil types will regulate the price of your 20 land. Your sandier soil, lighter soil, soil that will 21 blow, soil that will slide is going to be less value. 22 You get into heavier soils, the Wilmes (phonetic), the 23 loams, the lomas, your price of land is going to be 24 going up because of the texture and the type of crops 25 you can grow on it. Your yields will be better on</p> <p style="text-align: right;">PAGE 213</p>	<p>1 Any questions, Mr. Gludt? 2 MR. GLUDT: No, Your Honor. 3 ALJ HOGAN: Mr. Pelham. 4 MR. PELHAM: Mr. Wall, I'm just wondering what 5 type of communications you've had with Summit related to 6 the proposed line and the route on your property? 7 LARRY WALL: Not good for the simple reason we 8 were told and we were shown on the map where, in order 9 to get our next-door neighbor to the west, Josh Thiel 10 (phonetic), for them to get their easements, they ended 11 up moving the pipeline further south, and that puts that 12 terrain that they're putting it in farther onto our 13 property on the west side and then it takes the angle to 14 the east. So when they did that, they took more 15 property from us. And that didn't go very well with my 16 wife or neither me or the rest of our family members. 17 MR. PELHAM: And have you presented what you 18 told us here today to Summit as far as potentially 19 trying to move it to the north as you suggested? 20 LARRY WALL: No. No. This come about last 21 night kind of when we actually measured the distance 22 from the pipeline to our house. And how we measured it, 23 we used a rangefinder, upgraded rangefinder, that is 24 pretty well on with the distance on, and that's how we 25 come up with the footages.</p> <p style="text-align: right;">PAGE 215</p>
<p>1 heavier soils. 2 What we would like to see is Summit possibly 3 could move the pipeline farther north, which I believe 4 they could, and put some distance between our house and 5 the pipeline, that they could move just north a little 6 ways. 7 That fence line I told you earlier on the north 8 side, the Baldwin area, Chuck Peterson used to own that. 9 I do believe he turned it over to his kids. But that 10 area he has -- it's a small area in between his big 11 pasture and my fence line -- he has in wetlands. And if 12 somehow Summit could bore underneath that distance, that 13 would expand the distance from our house to where the 14 pipeline would be, and that would be a great factor. 15 But right now with 708 feet from the pipeline to the 16 corner of the house, our exposed waterers, it's just too 17 close for comfort. 18 I guess I have no other questions other than 19 that. If they could reconsider the footage and moving 20 it that short distance, I think it would definitely 21 eliminate the space -- broaden the space, I should say, 22 from the pipeline to our home location. 23 ALJ HOGAN: All right. 24 LARRY WALL: That is my testimony. 25 ALJ HOGAN: Okay. Thank you, Mr. Wall.</p> <p style="text-align: right;">PAGE 214</p>	<p>1 MR. PELHAM: Thank you, sir. I don't have any 2 other questions. 3 ALJ HOGAN: Mr. Braaten, any questions? 4 MR. BRAATEN: No, Your Honor. 5 ALJ HOGAN: I'm sorry. I skipped you again. 6 MR. SCHOCK: That's okay. Most of the time I 7 don't but -- 8 ALJ HOGAN: Mr. Schock. 9 MR. SCHOCK: Mr. Wall, I just want to get a 10 little bit more clarity on your parcel of property. I 11 think you stepped into our office and you and I spoke, 12 but I just want to kind of make sure -- 13 LARRY WALL: Yes, we did. 14 MR. SCHOCK: -- where your property is. So 15 you're in, again, 140 north, 81 west, section 2. I 16 think you said the northwest quarter of that section? 17 LARRY WALL: Yes. That's -- lot M. Does it 18 show you there? 19 MR. SCHOCK: It doesn't on the maps that we have 20 here, but I think we can -- we can kind of work around 21 that, sir. 22 LARRY WALL: You're in -- you're in Riverview 23 Township. 24 MR. SCHOCK: Tell you what we're going to do for 25 clarity. That map book that you have there --</p> <p style="text-align: right;">PAGE 216</p>

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<p>1 I'm going to go up to the witness again. 2 ALJ HOGAN: Sure. 3 MR. SCHOCK: It's page 55 that we're going to. 4 (Pause) 5 LARRY WALL: We're right behind the Seventh Day 6 Adventist Academy. 7 MR. SCHOCK: That's the academy here. 8 LARRY WALL: That should be us. 9 MR. SCHOCK: Yep. 10 LARRY WALL: Okay. This is us. See these trees 11 in the corner? That's where they agreed with us to -- 12 MR. DUBLINSKE: Your Honor, may I approach just 13 to also see exactly what they're -- 14 ALJ HOGAN: Sure. 15 MR. SCHOCK: I'm going to clarify all this when 16 I get back. 17 MR. DUBLINSKE: All right. 18 (Pause) 19 MR. SCHOCK: Okay. So we're on page 55 of the 20 map book for anybody wanting to follow along. 21 So, Mr. Wall, your -- your house is pretty much 22 in the center of section 2 at the very top or near the 23 very top. It's kind of an angled section of property, 24 or what looks like an angle on the map. 25 So on that page it says "South Central Regional PAGE 217</p>	<p>1 Peterson, that prairie land right on the north side of 2 that boundary fence, I would say in Baldwin and Bismarck 3 line. Okay. He has that small strip in there in the 4 wetlands. 5 MR. SCHOCK: Okay. 6 LARRY WALL: And if they -- if Summit could bore 7 underneath there to the north, that would broaden the 8 space between our house and the pipeline. 9 MR. SCHOCK: Sure. Okay. Thank you for that 10 clarification. I just wanted to get a little finer on 11 the map. So I don't have any other questions. 12 LARRY WALL: Your Honor, I have one more 13 question -- one more thing I would like to mention. 14 ALJ HOGAN: Sure. 15 LARRY WALL: I guess on behalf of my wife and I, 16 our concerns aren't very much different than the other 17 farmers and ranchers that testified, but my big concern 18 is insurance. I did check with our insurance agent. We 19 have Farmers Union Insurance through the Bismarck 20 location. Beck from Farmers Union is our insurance 21 agent. And I asked him who is responsible and do we 22 have insurance to cover this pipeline. He told me no, 23 we don't. It is Summit's pipeline. They should have 24 the coverage and they're going to be responsible for it. 25 Yet I heard in testimony that they have a clause. PAGE 219</p>
<p>1 Water District" in a little blue box. 2 LARRY WALL: Yes. 3 MR. SCHOCK: Your property is right to the left 4 of that; correct? 5 LARRY WALL: North of it, I would say. 6 MR. SCHOCK: Your house is to the left -- 7 LARRY WALL: Yes. 8 MR. SCHOCK: -- of that box? Okay. So the 9 proposed route crosses the very north end of your 10 property right now. 11 LARRY WALL: Yes, it does. 12 MR. SCHOCK: And you'd like to see it go further 13 into that kind of hashed area -- 14 LARRY WALL: To the north, yes. 15 MR. SCHOCK: Okay. So -- 16 LARRY WALL: Give us some space. 17 MR. SCHOCK: Right, right. No, absolutely 18 understand. And then the one little piece we were just 19 kind of talking about over there, to the left of what 20 we've identified now is your -- where your house is, 21 there's kind of a -- it's hard to discern on the map -- 22 either a row of trees or a slough of some sort. And I 23 think you had some suggestion relative to that or some 24 comments about that. 25 LARRY WALL: Yes. That is owned by Chuck PAGE 218</p>	<p>1 We do not -- both my wife and I, we do not have 2 a contract or an easement with Summit yet. And because 3 of different things that haven't been mentioned, and 4 that's one of them, is insurance. Who's going to be 5 responsible for animal deaths, human deaths, breakage, 6 repair? It should -- it's Summit's pipeline. They 7 should be responsible. But yet I hear in different 8 packets that farmers and ranchers have, they are exempt 9 from any liability. Someone's got to be responsible -- 10 held responsible. Who is it going to be? I guess I 11 would like to see the Commission vote on that. If 12 Summit don't want to take responsibility for it, someone 13 needs to. Because our local insurances will not cover 14 it. 15 ALJ HOGAN: All right. Thank you. 16 Mr. Jorde, any questions? 17 MR. JORDE: Yes. Thank you. 18 Sir, how did you find out that an accommodation 19 was made for your neighbor that negatively affected you 20 and your land? 21 LARRY WALL: The -- Wade. We had a meeting and 22 Wade was upfront and honest with us and he told us about 23 that. 24 MR. JORDE: So prior (inaudible) Summit, in 25 negotiation with your neighbor, then would unknowingly PAGE 220</p>

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<p>1 put more risk and liability on you. Were you part of 2 those conversations so that the two of you neighbors 3 could work this out or Summit just told you what they 4 had done and that was it? 5 LARRY WALL: Summit told us what they did. 6 Because they come back and Dave Nehring asked if he 7 could resay -- relocate the area again where they wanted 8 to move the pipeline. And we asked why were they moving 9 the pipeline. And Wade was honest and he told us due to 10 getting an easement from Josh Thiel's property, it 11 caused to move the pipeline in -- more into our property 12 than going out and around the trees. We have some trees 13 in the corner of the property line that we wanted to 14 keep and not dug out or any -- or not removed because of 15 the pipeline, and he said he would accommodate us by 16 leaving the trees. 17 Any other questions? 18 MR. JORDE: No. Thank you. I appreciate it. 19 ALJ HOGAN: Commissioner Christmann. 20 COMMISSIONER CHRISTMANN: Something that I'm 21 trying to figure out on here as I look at the potential 22 of them moving it farther north for you, across the -- I 23 mean, they're barely south of the section line as it 24 looks anyways so it would have to move over into the 25 next section, correct, to be farther from your house?</p> <p style="text-align: right;">PAGE 221</p>	<p>1 next property with -- 2 LARRY WALL: No. We haven't. 3 COMMISSIONER CHRISTMANN: Okay. They're here. 4 Maybe -- 5 LARRY WALL: That's something that we would 6 leave up to Summit. 7 COMMISSIONER CHRISTMANN: Thank you for being 8 here. 9 ALJ HOGAN: Commissioner Haugen-Hoffart. 10 COMMISSIONER HAUGEN-HOFFART: Yeah, just one 11 follow-up. You said that you had communication with 12 Summit representatives and were informed that the 13 pipeline got moved more onto your property; correct? 14 LARRY WALL: Yes. 15 COMMISSIONER HAUGEN-HOFFART: So at that 16 communication, did you discuss moving it at all or did 17 you give them any of your recommendations on what you 18 wanted? 19 LARRY WALL: Yes. We were against it because it 20 was moving more in and on our property. We wanted it to 21 stay more in the border of the fence lines and at the 22 end of the property, which they followed a straight line 23 all the way through two owners. 24 COMMISSIONER HAUGEN-HOFFART: Okay. So when the 25 conversation ended, were there any expectations on</p> <p style="text-align: right;">PAGE 223</p>
<p>1 LARRY WALL: I guess if that is a boundary line 2 and if it would be a section line. I don't know if 3 we're still in the same section or if that would be the 4 beginning of a new section. 5 COMMISSIONER CHRISTMANN: Well, based on that 6 map, what you're asking is that it be moved up into that 7 hashed area; right? 8 LARRY WALL: To the north, yes. 9 COMMISSIONER CHRISTMANN: Okay. And that is 10 labeled as Grasslands -- Grassland Reserve Program -- 11 LARRY WALL: Wetlands. 12 COMMISSIONER CHRISTMANN: -- Burleigh County. 13 LARRY WALL: Yes. USDA. 14 COMMISSIONER CHRISTMANN: I know -- I'm familiar 15 with terms like "wildlife management area, CRP." I'm 16 not really sure what this Burleigh County Grassland 17 Reserve Program is. There are certain areas where -- 18 that are avoidance or exclusion areas like that. I 19 don't know if this is one of them. So that's a question 20 I'll have to work on with staff here. I'm just not sure 21 if that falls into an avoidance or exclusion area within 22 North Dakota Code. 23 LARRY WALL: I don't have an answer. 24 COMMISSIONER CHRISTMANN: But you hadn't 25 discussed that potential of angling that up into the</p> <p style="text-align: right;">PAGE 222</p>	<p>1 follow-up communication or next steps? 2 LARRY WALL: No, there wasn't. They did call 3 back and wanted to set up a meeting but there -- we 4 didn't want a meeting with them because there was too 5 many things that weren't clarified by Summit that we had 6 questions about, and insurance was one of them. Who's 7 going to be responsible for it? 8 And we knew that just by eyesight from our fence 9 line to our house, very close to that 500 feet. And 10 when we actually used the rangefinder last night, you 11 can't really -- in a distance like that, I don't think 12 no one can see a hundred feet difference. And that's 13 about where we're at, that 150 in -- in our case, the 14 house to Summit's pipeline is 208 feet more. 708 feet. 15 That's where it clocked in. 16 COMMISSIONER HAUGEN-HOFFART: Mr. Wall, what 17 would you like to see the next step be to resolve this 18 issue? 19 LARRY WALL: The pipeline moved to the north to 20 give us more space. That 708 feet ain't much. 21 COMMISSIONER HAUGEN-HOFFART: Okay. 22 LARRY WALL: If they can move it further to the 23 north. And I can't see why they can't because the 24 terrain isn't that unbearable and there isn't many -- 25 there's hardly no hills that they have to bore through.</p> <p style="text-align: right;">PAGE 224</p>

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<p>1 COMMISSIONER HAUGEN-HOFFART: Thank you. I have 2 no further questions. 3 ALJ HOGAN: Mr. Dawson, any questions? 4 SUBSTITUTE DECISIONMAKER DAWSON: I have no 5 questions. Thank you. 6 ALJ HOGAN: Commissioner Christmann. 7 COMMISSIONER CHRISTMANN: Thank you, Your Honor, 8 for coming back to me. 9 I had one more because, Mr. Wall, I just like 10 the way you explain things. I'm curious what you think 11 of a dilemma that I see from my position. So North 12 Dakota Code sets an avoidance area of 500 feet from a 13 residence unless they grant a waiver. You say, well, 14 708 feet is not much more than 500 so don't let it go 15 there. So if we say, well, that's pretty close so it 16 can't be there, it has to be further, if we do that for 17 you, we'd have to do that for everyone. So now we've 18 kind of changed code that it's not 500 anymore, it's 19 700. And then someone comes and said, "Well, mine's 20 only 900, and nine is not much more than seven." 21 So where do -- how far do you think the 22 requirement should be that this be away from everyone's 23 residence? 24 LARRY WALL: Everyone's residence is different. 25 It's your residence on a piece of property and where</p> <p>PAGE 225</p>	<p>1 about what you think the proper setback should be? 2 LARRY WALL: Yes, it should be. 3 COMMISSIONER CHRISTMANN: Okay. And that was -- 4 LARRY WALL: Considering myself, the rest of the 5 farmers and ranchers, we are not really told what is in 6 this pipeline, what contaminants are in that pipeline. 7 If we would really know, I think it would definitely 8 make a difference to all of us. But it seems to be a 9 big secret. And being under the high pressure as it is, 10 that's another big concern. 11 COMMISSIONER CHRISTMANN: Thank you. 12 ALJ HOGAN: Thank you. Thank you, Mr. Wall. 13 We're going to take our afternoon break, but 14 before we do that, by a show of hands, can I get an idea 15 of who still wants to testify? 16 All right. Thank you. We will reconvene at 17 3:30. 18 (Recess) 19 ALJ HOGAN: The clock shows 3:30 so if people 20 want to start making their way back to their chairs so 21 we can get started again. 22 And, ma'am, I think you had raised your hand 23 about providing testimony. If you want to come forward. 24 Is the microphone still on? Do you see a green light? 25 LINDA HAGEN MATHERN: Yes, it's green.</p> <p>PAGE 227</p>
<p>1 it's located is all different where you have it. In our 2 case, our residence is on top of a hill. So as far as 3 the wind blows and anything, a chemical spill, anything, 4 we're going to get the fume pretty fast, more so than 5 someone downhill. 6 And where I'm going with that, you had a pretty 7 good question, but why is -- North Dakota should be 8 North Dakota, in my mind. North Dakota should be North 9 Dakota. Okay. Laws of 500 feet is kind of set. 10 But on the other hand, going to Game and Fish 11 Department, they have a 440. Are you familiar with 12 that? 440 feet (sic) you stay away from premises when 13 you're hunting unless you get a signed statement or a 14 verbal statement from the landowner or a relative of 15 yours where you can hunt on his property if there's tree 16 groves and buildings on the site. But if you do not 17 have a -- have a permission slip or permission to be on 18 that property, you best stay that 440 because that's the 19 law of the North Dakota Game and Fish Department. So 20 when that 440 is turned into feet, you're at 1,300 feet. 21 That supersedes that 500 by twice, darn near three 22 times. Am I correct? 23 COMMISSIONER CHRISTMANN: You're correct that 24 440 yards is two and a half times more than 500 feet, 25 yes. Different law, though, but I get your -- that is</p> <p>PAGE 226</p>	<p>1 ALJ HOGAN: All right. Perfect. 2 LINDA HAGEN MATHERN: Can you hear me? 3 ALJ HOGAN: I can, yes. Can you state your full 4 name for the record and spell your last name? 5 LINDA HAGEN MATHERN: Linda Hagen Mathern. And 6 it's -- my last name is Hagen, H-A-G-E-N space Mathern, 7 M-A-T-H-E-R-N. 8 ALJ HOGAN: All right. And were you in the room 9 this morning when I went through the penalties for 10 perjury? 11 LINDA HAGEN MATHERN: I was. 12 MR. JORDE: If I can just interrupt for a 13 second. I don't have any audio on my end. If you could 14 turn audio back on, I'd appreciate it. 15 ALJ HOGAN: It should be fixed. Can you hear us 16 now, Mr. Jorde? 17 MR. JORDE: I can now. Thank you. 18 ALJ HOGAN: All right. Thank you. 19 Were you in the room this morning when I went 20 through the penalties for perjury? 21 LINDA HAGEN MATHERN: I was. 22 ALJ HOGAN: Do you understand what perjury is? 23 LINDA HAGEN MATHERN: I do. 24 ALJ HOGAN: And being advised of the potential 25 penalties for perjury, do you promise to tell the truth</p> <p>PAGE 228</p>

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1 in this case today?
2 LINDA HAGEN MATHERN: I will as much as I can.
3 ALJ HOGAN: All right. Thank you. Go ahead.
4 **LINDA HAGEN MATHERN.**
5 being first duly sworn, testified as follows:
6 LINDA HAGEN MATHERN: I kind of changed what I
7 was going to say at the beginning, but because of what I
8 read this morning from my Daily Bread and it was trying
9 to tell me to be respectful and thankful, I am -- I am
10 thankful that you guys put on these meetings. They mean
11 a lot to the people. I just pray that you're listening
12 because a lot of people have brought up a lot of things.
13 And I want to bring up one more. I want you to also
14 realize, in talking with people, and I don't know if
15 there's anything you can do about this, but the people
16 who work are much unable to come to the meetings when
17 they're always held in the daytime. I understand that's
18 where you are, but I thought I would mention it.
19 In reviewing your website, I have a few
20 questions. Maybe you can help me understand. According
21 to your website, the PSC is responsible for enforcing
22 minimum safety standards for the design, construction,
23 and operation, intrastate pipeline facilities used for
24 the distribution and intrastate transportation of gas,
25 liquefied natural gas, or hazardous liquids, regardless

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1 of whether they are owned or operated by a public
2 utility.
3 Could you please explain to me in this
4 particular situation what the facility is? Is it where
5 the CO2 carbon is getting buried or is it Summit? To
6 me, they would be the utility, but I don't know what it
7 means by the facility.
8 ALJ HOGAN: And as I indicated at the beginning,
9 this is not the time or place where we take questions
10 from the public.
11 LINDA HAGEN MATHERN: Oh, okay.
12 ALJ HOGAN: It's just for you to provide public
13 comments.
14 LINDA HAGEN MATHERN: Okay. And the other thing
15 that I'm concerned is if it is where the CO2 is being
16 buried, how will the reports get reported if it's in the
17 earth? How much capacity is available now and will the
18 -- I'd like you to think about this. How much capacity
19 is available now and will the pump stations be used for
20 CO2 in places that they will bring it up or if they will
21 use it for transport? I would much rather have them use
22 it for transport and use it because there's so many
23 things they can do with carbon. I understand that if --
24 excuse me, I'm sorry.
25 80 percent of the projects that have attempted

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1 to commercialize or carbon capture and sequester
2 technology have ended in failure. I don't understand
3 why taxpayers' money, yours and mine, are used for
4 technology that has such a poor track record.
5 At this time there's no proof that carbon will
6 stay buried. I have heard it will adhere to the walls
7 of the cavity and never be able to be brought up. Does
8 it take -- what did I do with it? Okay. Does it take
9 more pressure to have attempted to move carbon CO2
10 through a -- I wanted you to see or else the people to
11 see -- an 18-inch pipe? That's what was first
12 presented. And is it now -- now it's up to 24 inches.
13 Does it take more pressure to operate it, to push this
14 carbon CO2 through at an 18 versus 24? I guess I can't
15 ask you how much difference it would be because I can't
16 ask a question. But think about that.
17 One of the concerns I have is the fault lines.
18 We have had 13 earthquakes in North Dakota according to
19 the Geological Survey. Three of them were in eastern
20 North Dakota. The rest were along the fault lines in
21 western, North Dakota. Earthquakes are caused by the
22 sudden slip of a fault in the upper few hundred
23 kilometers of the earth. So far the earthquakes have
24 been very minor, but we are burying lots of carbon CO2
25 in an area near the fault lines. St. Helena erupted

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1 because of too much carbon CO2 in one area and it
2 finally heated up.
3 I have listed the latest earthquakes. Oliver
4 and Mercer County to Sheridan had an earthquake in the
5 1900s. Makoti Fault is in Dunn County and Mercer
6 counties. Goodrich had an earthquake on November 15th,
7 2008, with an magnitude of 2.6 and a depth of
8 11.2 miles. Grenora had an earthquake on January 3rd,
9 2009, with a magnitude of 1.5 and a depth of 8.3 miles.
10 Fort Berthold southwest, which is in Dunn County, which
11 is next door to Mercer County, had an earthquake on
12 August 3rd, 2009, with a magnitude of 1.9 and a depth of
13 3.1 miles. Yellowstone and Missouri River, McKenzie
14 County, had an earthquake on March 21st, 2010, with a
15 magnitude of 2.5 and depth of 3.1 miles. Boxelder Creek
16 had an earthquake on June 14th, 2010, with a magnitude
17 1.4 and a depth of 3 miles. Southeast of Williston in
18 Dunn County, which is next to Mercer County again, had
19 an earthquake September 28th, 2012, with a three -- 1,
20 2, 3 -- I don't know why they do that -- intensity of
21 3.1 and a depth of .04 miles.
22 Now we're dumping carbon CO2 in an area near
23 these fault lines. And what I did -- you probably can't
24 see it here. Let's see. Oliver, it goes right over
25 part of the border. They're burying it right down here.

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<p>1 I don't know how many miles that is, but that's how 2 close it is to the fault line -- one of the fault lines. 3 There are several. Now this isn't -- right here. This 4 up here is Mercer County. They are burying it up to 5 here. I would bet that it's only a couple miles from 6 the fault line which extends all the way up here. 7 Now the other thing that bothered me was -- and 8 I'm assuming when you bury something, you don't put it 9 in a storage area. You put it in an area and the 10 pressure is going to push it. I don't know which 11 direction it will go and neither does anybody else. It 12 will follow along anything it can adhere to in the 13 earth. My -- my -- I hear a lot of testimony on for -- 14 not too much for but mostly against. Now when I see the 15 carbon is buried near that fault line and it's right in 16 the area, that, to me, should be something that you guys 17 would definitely think about for safety. 18 According to the newest map I just picked up, 19 it's not also far -- right up here. Here's Mercer 20 County. And guess what huge lake is right above that? 21 Lake Sakakawea. Now has Summit ever said if they go way 22 down -- I know that's what their plans are to do. If 23 they're burying it for ten years at 24-inch pipes, what 24 kind of a pressure do you think that's going to be down 25 there? If it wasn't quite so close to the -- I had no</p> <p>PAGE 233</p>	<p>1 requirement and carbon is in that soil to produce the 2 good crops. And since science already said carbon and 3 CO2 should not be buried, that we need carbon and CO2 to 4 live. 5 I wonder how many children may not be born or 6 how many people will miss out on heart transplants, 7 liver transplants due to the lack of carbon for dry ice. 8 Those are just a few examples. Carbon is used for dry 9 ice. 10 You may -- you may not be on this PSC board 11 in ten years, but the decision you make regarding the 12 burial of carbon and CO2 will be with us for a very long 13 time. If you say yes to burying it for the safety and 14 production of our food, unless things that will help us 15 to live properly, that could be something to think about 16 as well. I know you're getting pressure and I know who 17 you -- who appointed you and I feel -- you feel as well 18 possibly that you have no choice, but I believe that you 19 are very smart people and realize how dangerous this 20 pipeline is at being 24 inches and having the pressure 21 but also for the length of time they're planning to run 22 it. 23 I believe that it will not meet the minimum 24 requirements of safety. I know there's talk that they 25 can have the meetings, but anybody who has a car or a</p> <p>PAGE 235</p>
<p>1 idea it was -- how close it was to Lake Sakakawea. And 2 that was a new area that was already taken a lot of land 3 away from people so they could have the dam, which we 4 need. We definitely need a dam. But I think -- that's, 5 to me, a big consideration. 6 The State's disposal wells inject saltwater into 7 the Inyan Kara which absorbs the liquid like a sponge. 8 I don't know where that is. So we are already dumping 9 saltwater into the earth that is in North Dakota. I 10 just don't know where. I'm assuming way out west. How 11 much more can North Dakota absorb in the earth without 12 us getting a backlash from the earth? 13 We are messing with an order that God created 14 and we have the best area in the USA. I know people who 15 come back from Arizona and other states who have medical 16 issues with breathing especially, and they'll say thank 17 God for North Dakota because we have clean air. Our 18 livestock and horses are at a premium. They're selling 19 like hotcakes because they say there's something 20 different about North Dakota's grass. 21 CO2. The farmers are trying hard to produce 22 more food every day. It will be a lot harder or it may 23 be impossible if carbon and CO2 is constantly being 24 buried. And even if they want a lot of corn for the 25 ethanol plants, you have to understand that CO2 is a</p> <p>PAGE 234</p>	<p>1 vehicle, according to the one that I read on, stopped 2 just like that. They will not be able to get to the 3 people who need the help. And if they're farmers, if 4 they have what they say is going to be -- they can what? 5 Buy the grant or will the grant money that they are 6 getting provide the people, all the farmers and ranchers 7 where they have gotten things from, the land, the lease 8 where it's run over -- I don't know if they ever figured 9 out how many farmers there really are or how many 10 landowners, I should say. 11 ALJ HOGAN: Ms. Hagen Mathern, can you wrap up 12 your comments, please? 13 LINDA HAGEN MATHERN: I will. 14 And who will be responsible for the damage later 15 on? I'm afraid with the destruction I feel could happen 16 and us being a dump state -- I hear it all the time now. 17 It doesn't really sit well with me. And when you think 18 of them calling us a dump state, North Dakota, that's 19 what they're calling us. And it breaks my heart. Yet I 20 have to trust God. And we are trying to rely on him to 21 persuade you to make the right choice. 22 Thank you. 23 ALJ HOGAN: All right. Thank you. 24 Mr. Gludt, any questions? 25 MR. GLUDT: No, Your Honor.</p> <p>PAGE 236</p>

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<p>1 ALJ HOGAN: Mr. Pelham. 2 MR. PELHAM: No questions. 3 ALJ HOGAN: Mr. Braaten? 4 Mr. Jorde. 5 MR. JORDE: No thank you. 6 ALJ HOGAN: Commissioner Christmann. 7 COMMISSIONER CHRISTMANN: Just one. And you 8 covered a lot of ground and I appreciate that. But the 9 parts of your testimony that had to do with the 10 sequestration field, so we're here on this application 11 for a pipeline. Sequestration field is determined and 12 regulated by the Industrial Commission. 13 Have you considered taking your testimony as far 14 as the faults out there in the Mercer and Oliver County 15 areas and Lake Sakakawea and such to the Industrial 16 Commission? 17 LINDA HAGEN MATHERN: I did not. I don't know 18 how -- who is involved in that? 19 COMMISSIONER CHRISTMANN: The governor and 20 attorney general and -- 21 LINDA HAGEN MATHERN: Well, the governor is the 22 one who appointed you guys so I don't think -- 23 COMMISSIONER CHRISTMANN: Actually, no, ma'am. 24 LINDA HAGEN MATHERN: Huh? You're not appointed 25 by the governor?</p> <p>PAGE 237</p>	<p>1 ALJ HOGAN: I'll have you state your full name 2 for the record and spell your last name. 3 JEFF MAGRUM: My name is Jeffery J. Magrum, 4 M-A-G-R-U-M. 5 ALJ HOGAN: Mr. Magrum, were you in the room 6 earlier when I went through the penalties for perjury? 7 JEFF MAGRUM: I don't think you ever did that 8 there, Judge, with all due respect. I don't think you 9 did talk about perjury. 10 ALJ HOGAN: I did it with the very first witness 11 so I don't know if you were here or not but I'll go 12 through -- 13 JEFF MAGRUM: I was -- 14 ALJ HOGAN: I'm required to go through them 15 so -- 16 JEFF MAGRUM: Okay. 17 ALJ HOGAN: -- I'll just list them real quick. 18 Perjury is a Class C felony punishable by a 19 maximum fine of \$10,000, a maximum five years' 20 imprisonment or both. 21 Do you understand what perjury is? 22 JEFF MAGRUM: I do, but who's responsible for 23 enforcing it here? 24 ALJ HOGAN: I swear you in. As far as any 25 further prosecution of that, that would not be my office</p> <p>PAGE 239</p>
<p>1 COMMISSIONER CHRISTMANN: Nope. 2 LINDA HAGEN MATHERN: You're not. Oh, that's 3 good to know. I did not know that. I'm learning 4 something. I apologize. 5 Okay. I'll think about that. But if they 6 didn't have a pipeline, they couldn't bury it. 7 COMMISSIONER CHRISTMANN: Right. 8 LINDA HAGEN MATHERN: And safety -- safety, to 9 me, is almost number one, plus the earthquakes, the 10 fault lines, being buried next to that, yeah. 11 COMMISSIONER CHRISTMANN: Those fault lines, 12 that might be something they might be interested in 13 hearing so I thought I'd point that out. 14 ALJ HOGAN: Commissioner Haugen-Hoffart. 15 COMMISSIONER HAUGEN-HOFFART: Thank you for your 16 testimony. I have no questions. 17 LINDA HAGEN MATHERN: Thank you. 18 ALJ HOGAN: Mr. Dawson. 19 SUBSTITUTE DECISIONMAKER DAWSON: No questions, 20 Your Honor. 21 ALJ HOGAN: All right. Thank you. 22 Do we have anybody else for public testimony? 23 JEFF MAGRUM: Hi, everyone. I didn't want to 24 get in front of anybody because I'm probably closer than 25 most -- most of the people here so...</p> <p>PAGE 238</p>	<p>1 or the PSC. 2 JEFF MAGRUM: So you -- so you administer the 3 oath of office, but there's no enforcement or who -- who 4 gets -- who do you report it to, or if someone is lying, 5 what happens then? 6 ALJ HOGAN: I believe it's recorded -- reported 7 to probably the county. 8 JEFF MAGRUM: By who? 9 ALJ HOGAN: Again, I think this is outside the 10 scope of what we're here to discuss but -- 11 JEFF MAGRUM: Well, but, Judge, with all due 12 respect, I -- I wasn't at the Morton County hearing, but 13 I had a number of people contact me as their -- I am the 14 senator for this district. And they asked me, if 15 someone commits perjury, who's responsible. Because 16 there was evidently -- 17 You know, you ask everybody -- I've been at 18 almost every hearing and your question is "Do you 19 understand what perjury is?" And everybody says "yes." 20 And we all do. We think it's if you get up here and lie 21 under oath; right? 22 ALJ HOGAN: Correct, about -- 23 JEFF MAGRUM: But yet when you had a guy lie 24 under oath, and the reason we know that he lied -- 25 MR. DUBLINSKE: Objection.</p> <p>PAGE 240</p>

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<p>1 JEFF MAGRUM: -- because the other guy -- 2 MR. DUBLINSKE: Objection, Your Honor. 3 JEFF MAGRUM: -- came in and -- and said that he 4 lied. 5 MR. DUBLINSKE: Objection, Your Honor. 6 JEFF MAGRUM: Well, I'm trying to understand 7 because we have a legislative session -- 8 MR. DUBLINSKE: Objection, Your Honor. 9 JEFF MAGRUM: -- coming up, Judge -- 10 MR. DUBLINSKE: Objection. 11 JEFF MAGRUM: -- in January and we're going to 12 need to have to clarify this -- 13 MR. DUBLINSKE: Your Honor, can I make my 14 objection before this goes on any further? 15 ALJ HOGAN: Yes, please do. 16 MR. DUBLINSKE: This is just an effort to 17 slander somebody. The Magrums filed a complaint that 18 was completely inappropriate and for political reasons 19 against somebody that -- 20 JEFF MAGRUM: Judge, Judge, Judge, he's out of 21 line there. He's out of line. He doesn't even know 22 what he's talking about. 23 ALJ HOGAN: Okay, hang on. First off, we can't 24 have people talking over each other so -- 25 JEFF MAGRUM: Well, he's making false</p> <p style="text-align: right;">PAGE 241</p>	<p>1 in. 2 So I know you had questions about being sworn 3 in. And what I can tell you is that I'm required by law 4 to read to people the -- advise people of the penalties 5 for perjury and to swear them in before they testify, 6 and that's required by law. But I can tell you myself 7 as an administrative law judge and my office and the 8 PSC, neither entity has authority to pursue actual 9 charges for perjury. 10 So I am going to sustain the objection. And I'm 11 not here to answer further questions about that. If you 12 have questions, you can talk to me after our hearing 13 today, but I'm not going to do it on the record because 14 it's not appropriate. So if -- 15 JEFF MAGRUM: Well, don't the people -- 16 ALJ HOGAN: -- you'd like to offer testimony in 17 this case -- 18 JEFF MAGRUM: Don't the people deserve to know 19 what's going on? I -- I think -- 20 ALJ HOGAN: If you would like to -- 21 JEFF MAGRUM: -- everybody recognized that was a 22 lie because everybody says -- 23 MR. DUBLINSKE: Your Honor, I'm going to 24 object -- 25 JEFF MAGRUM: -- they understand what a lie is.</p> <p style="text-align: right;">PAGE 243</p>
<p>1 accusations right there. 2 ALJ HOGAN: Mr. Magrum, if you please wait, I'm 3 going to allow Mr. Dublinske to make a record of his 4 objection and then I'll allow you to respond. 5 MR. DUBLINSKE: Your Honor, there was a 6 complaint filed. It was thoroughly investigated by law 7 enforcement who found that there was no factual basis 8 for it and the investigation was closed. So this is a 9 non-issue. It's irrelevant to anything before this. 10 It's being brought up purely to slander somebody else 11 that they disagree with. 12 JEFF MAGRUM: The point is, Judge, is we need to 13 know if these people are telling the truth. This is 14 showing how this company has treated -- 15 MR. DUBLINSKE: Your Honor, can I have a ruling 16 to my objection? 17 ALJ HOGAN: Hang on. 18 JEFF MAGRUM: Can I talk, Judge? 19 This is showing how this company has treated the 20 landowners from the very beginning and how they've lied 21 to everyone, including us. I've been to the meetings. 22 I was at the very first meeting -- 23 ALJ HOGAN: Okay. Mr. Magrum, I haven't even 24 swore you in yet. So, like, anything you say now can't 25 be accepted as evidence because you haven't been sworn</p> <p style="text-align: right;">PAGE 242</p>	<p>1 MR. DUBLINSKE: -- to that characterization. 2 There was an investigation -- 3 JEFF MAGRUM: So when they come in and then they 4 lie -- 5 (Simultaneous speaking) 6 MR. DUBLINSKE: -- the investigation -- 7 JEFF MAGRUM: I mean, people want to know 8 what -- people want to know -- 9 ALJ HOGAN: Stop. Stop. 10 JEFF MAGRUM: I wasn't cut off. He's 11 interrupting me. So, Judge -- 12 ALJ HOGAN: Mr. Magrum -- 13 JEFF MAGRUM: -- the people had the question -- 14 ALJ HOGAN: -- I'm not going to talk about 15 perjury anymore. If you have questions about it, I will 16 answer them after the hearing, but I'm not going to do 17 it on the record because that's not the purpose of this 18 hearing. 19 If you want to offer testimony, you need to be 20 sworn in. So would you like to offer testimony? 21 JEFF MAGRUM: Yes. 22 ALJ HOGAN: Okay. And I assume you understand 23 what perjury is? 24 JEFF MAGRUM: I do. 25 ALJ HOGAN: And being advised of the penalties</p> <p style="text-align: right;">PAGE 244</p>

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<p>1 for perjury, do you promise to tell the truth in this 2 case? 3 JEFF MAGRUM: I will. Yes, I will. 4 ALJ HOGAN: And, Mr. Magrum, I know you 5 testified several times at our hearings last year, so I 6 please ask you not to repeat testimony that's already 7 been offered in this case. The Commission is here to 8 receive new testimony about the reroutes and any 9 deficiencies in the order. So, with that in mind, you 10 can proceed. 11 <u>JEFF MAGRUM.</u> 12 being first duly sworn, testified as follows: 13 JEFF MAGRUM: Well, there's a lot of things that 14 have come up in the last year. I mean, just things like 15 people coming in and saying that, "Oh, well, if we don't 16 do this pipeline, corn -- you know, the corn prices are 17 going to go down" or something to that effect. And the 18 question I have is, as a businessman, if North Dakota 19 has this huge advantage with geological storage, why 20 would we be bringing in CO2 from other states to fill 21 our pore spaces with? Seems to me that we have an 22 advantage here to have a better price for our North 23 Dakota corn. So what would be the reasoning to bring in 24 Iowa, Illinois, Nebraska, South Dakota CO2? That's one 25 of my questions that I have.</p> <p style="text-align: right;">PAGE 245</p>	<p>1 Infrastructure Partners, Saudi Arabia. There's 464 2 investors. The only other two that they've disclosed 3 that I know of is Continental Resources and Summit Ag 4 Group. 5 So have they disclosed? I suppose I can't ask 6 my questions, but do we have any more information who 7 the investors are? How do we know that this Commission 8 isn't investors? Why is it such a secret? But just the 9 fact that these military individuals were warning us 10 strongly watch for the Chinese, they're coming in, 11 they're buying everything they can whether it's 12 businesses, farmland, infrastructure, windmills, 13 pipelines, anything, oil wells, they're trying to get 14 into every state and North Dakota is a target because 15 we're energy. So that alone should disqualify this 16 company from going any further. 17 I was going to bring up the point when my son, 18 Erin, was up here, he brought up that there is a public 19 hearing that was in Emmons County. That is available on 20 YouTube. Emmons County has that availability. You guys 21 don't even provide that, which is very frustrating for 22 me as a legislator so I can keep up with what's going 23 on. 24 No, I don't mean to insult anybody, but I think 25 this next session we need to look at trying to get some</p> <p style="text-align: right;">PAGE 247</p>
<p>1 It seems as if everyone that's promoting this 2 project is going to benefit in some way. And so that -- 3 that brings up my other question. And so I was not able 4 to hear -- listen to all the hearings this last week 5 because, number one, your technology wouldn't allow it. 6 It kept cutting out and I couldn't go back and watch the 7 video. And so even the Legislature, as soon as a 8 hearing is over, it goes to automatic video. And so I 9 don't understand why this Commission doesn't have that 10 availability. 11 So, I don't know, have they disclosed any of the 12 other investors? I know last year when I was here, I 13 brought up the fact that the Chinese are the biggest 14 investor in this project. Now I was up at the nuclear 15 triad in Minot when the Morton County hearing was going 16 on and they had a number of military individuals from 17 all over the nation there, and the number one warning 18 was we are in a war with China. They said it over and 19 over. That was the mantra all day. And yet the Chinese 20 are the number one investor in this pipeline. I would 21 think that would default them right off the bat. The 22 way I understand it, they have a \$300 million 23 investment. Then you have the SK Group, South Korea, 24 who has been known to take advantage of our country and 25 our military, and then the third one is Tiger</p> <p style="text-align: right;">PAGE 246</p>	<p>1 more transparency here. And there's been a big question 2 about the number of the members on the board, if we 3 should go to a five-member commission. And that's 4 something that we probably need to look at as well as 5 candidates taking money from industry that are running 6 for this commission. 7 And I was at a -- I met with a group of 8 scientists last December and they wanted me to bring 9 back the message that 97 percent of scientists don't 10 believe in man-made global warming, and the 3 percent 11 that do only say they do because they need to get money 12 for studies. They're not -- they don't -- they don't 13 agree with it at all. And these were retired scientists 14 that have told me that there's such an attack on 15 scientists for speaking out against -- 16 MR. DUBLINSKE: Objection, Your Honor. 17 JEFF MAGRUM: -- that's just -- 18 MR. DUBLINSKE: I believe your ruling with a 19 different state legislator was that he would not be 20 allowed to bring the testimony of third parties that are 21 not here into the hearing. In that event, I think it's 22 inappropriate to, again, give secondhand testimony on 23 what scientists allegedly wanted this witness to bring 24 to the hearing. 25 ALJ HOGAN: Mr. Magrum, if you could keep your</p> <p style="text-align: right;">PAGE 248</p>

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<p>1 comments to your own concerns, that would be helpful. 2 JEFF MAGRUM: So I can't tell you about Ed 3 Schmidt (phonetic), who's now deceased, God rest his 4 soul. He was a World War II veteran, 97 years old. 5 When I ran for the House of Representatives, he said, 6 "Jeff, I'm going to vote for you, but I want you to 7 realize there's a fascist movement in this country." 8 And this was eight years ago. And he said it's growing 9 stronger and stronger. He was there when they freed the 10 Italians from Mussolini. Mussolini was known as the guy 11 that coined the term "fascism," which is government and 12 creating businesses to do their work. 13 Now Summit Carbon Solutions is the very 14 definition of a fascist corporation because they are 15 created only for the government. There's no benefit to 16 society. So he warned me. He said, "I would love for 17 you to oppose this fascist movement in America because I 18 see it coming here strong." And he was right. And here 19 we are, eight years later, fighting a fascist movement 20 that wants to take over our landowners' property. 21 I mean, I'm blessed to be able to serve District 22 8 here. These are wonderful people. You've seen today, 23 they stand up for their rights. And they've chosen me 24 to represent them. And I do that with honor. But they 25 have been dishonored by this company and I'm really</p> <p style="text-align: right;">PAGE 249</p>	<p>1 across various states, affecting numerous 2 landowners and communities; and eminent 3 domain is being considered to acquire the 4 necessary land for the pipeline; and 5 Whereas: The affected landowners and 6 communities have expressed strong opposition 7 to the use of eminent domain, arguing that 8 it unjustly benefits a private entity at the 9 expense of their property rights and local 10 autonomy, demonstrating that there's a need 11 for greater transparency, community 12 involvement, and rigorous environmental and 13 safety assessments in the planning and 14 implementation of large-scale infrastructure 15 projects; and 16 Whereas: The North Dakota Republican 17 Party supports the right of individual 18 citizens to own and benefit from private 19 real property ownership and further affirms 20 that the individual's right of ownership 21 should be the primary purpose inherent in 22 the use and value of their real property; 23 Whereas: The Fifth Amendment to the 24 U.S. Constitution protects private property 25 from public use without just computation;</p> <p style="text-align: right;">PAGE 251</p>
<p>1 frustrated by that. And here we are, three years later, 2 still hearing the same arguments. 3 But there was a resolution -- and I know this is 4 a partisan board; right? There's three -- normally 5 three Republicans. 6 Mr. Dawson, no offense, I don't know what party 7 you belong to. 8 But, anyway, there was a resolution that was 9 just recently passed. I mean, not only have I been to 10 almost every hearing and heard nobody for this pipeline 11 that isn't profiting. We were at a -- we had a 12 Republican convention in March and the vote for this 13 resolution was 816 yes, 411 no; 2 to 1 opposed to carbon 14 capture. And it reads -- if you'll indulge me for a 15 little bit here, the resolution reads: 16 Resolution Opposing Carbon Capture and 17 Storage, Supporting Private Property Rights, 18 and Condemning the Use of Eminent Domain for 19 CO2 Pipelines, the North Dakota GOP 20 Resolutions Committee. 21 Whereas: Corporations within the 22 energy sector are capitalizing on the false 23 premise of a looming climate apocalypse by 24 introducing CCS projects into North Dakota 25 which would require the acquisition of land</p> <p style="text-align: right;">PAGE 250</p>	<p>1 Whereas: There are substantial 2 unanswered questions about the environmental 3 benefits of these projects, their associated 4 risks, and the long-term viability of CCS 5 technology; 6 Therefore be it resolved that the 7 North Dakota Republican Party condemns the 8 use of eminent domain for carbon dioxide 9 pipelines and calls for an immediate halt to 10 any such actions. 11 Be it further resolved the North 12 Dakota Republican Party urges relevant 13 governmental bodies to seek alternative 14 solutions that do not infringe upon the 15 property rights of individuals that respect 16 environmental and safety concerns and that 17 involve meaningful consultation and consent 18 with the affected communities. 19 And be it further resolved, the North 20 Dakota Republican Party opposes the use of 21 state funds to educate the public on the 22 benefits of CCS that are contrary to the 23 will and interests of private property 24 owners and opposes the fascism of mutually 25 beneficial partnerships between government</p> <p style="text-align: right;">PAGE 252</p>

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<p>1 and private energy companies created under 2 the pretext of climate change. 3 And be it further resolved, the North 4 Dakota Republican Party supports legislation 5 that prevents the infringement of individual 6 property rights without compensation and 7 provides legislative oversight of 8 administrative rules that carry the force 9 and effect of law. 10 And so this is recently. I mean, you couldn't 11 get a better poll. We had -- like I said, it was 816 12 "yes" to 411 "no." That's 2 to 1. And we had -- 13 there's 47 districts in this state. We had people 14 from 47 districts. If you did a poll in this state, you 15 couldn't get a more accurate poll of faithful people 16 that took their weekend off, spent their own money, went 17 to Fargo to vote on this. 18 And they endorsed Commissioner Christmann, the 19 same people that endorsed him to be our commissioner 20 again for the next six years. Is it six or four? I 21 think it's six. But anyway, those are the same people 22 that are -- and so it shows that the people are not in 23 favor of this. 24 This company is way out of line. They're coming 25 in here and bullying with their Chinese money. The</p> <p style="text-align: right;">PAGE 253</p>	<p>1 anywhere they can. 2 So, anyway, I don't want to take any more time. 3 I just wanted to make them points that there's not the 4 support in this state. If you can show me where it is, 5 I'll be happy to listen. Because I've listened -- not 6 as much as you. 7 And I do respect -- I really do respect what you 8 guys have put into this. And you put a lot of time and 9 I know it hasn't been easy because I've been sitting and 10 I can get up and go to the restroom, whatever. And I do 11 appreciate what you're doing. 12 And I didn't mean to disrespect anybody here, 13 but that perjury thing is something that needs to be 14 looked at because there's no point in having everybody 15 take an oath if there's no -- I mean, especially when 16 you know somebody's lying and there's -- nothing 17 happens. It's very frustrating to the public. And I 18 hear it as their representative. And I'm happy to hear 19 it. I'm not saying I don't. And I'm just bringing the 20 message that, hey, if you guys know somebody comes in 21 under oath and says something and another guy comes in 22 the same day, the same hearing, under oath and says he's 23 lying, I mean something needs to be done about that. 24 But, anyway, I respectfully ask that you reject 25 this siting application based on the many reasons I've</p> <p style="text-align: right;">PAGE 255</p>
<p>1 Chinese Communist Party is behind them. And that's why 2 I do believe they're so arrogant. 3 And when I was county commissioner, I was at the 4 Capitol and -- because I was invited up there. And -- 5 and Commissioner Christmann may have been a senator at 6 that time. I don't remember. But there was -- they 7 have these wetland easements that are perpetual 8 easements. And the farmers all over the state wanted 9 the State of North Dakota to fight the Federal 10 Government and try to nullify federal law on the wetland 11 easements. And they came to the Capitol. And there was 12 a line down the hallway of farmers that wanted to get 13 out of these easements. 14 And that's what I see coming with this, if this 15 gets approved. Them same people are going to be coming. 16 It might be the next generation. But these are 99-year 17 easements. They're going to be coming into the state 18 and saying, "Get us out of this. Grandpa or my dad or 19 whoever signed us up for this. They took a one-time 20 payment and we are strapped with this miserable 21 company." 22 And it might be the Chinese that own it totally 23 by then, I don't know, because we're not stopping them. 24 I know this next session there will be a movement to 25 keep the Chinese out, but they've been whittling in</p> <p style="text-align: right;">PAGE 254</p>	<p>1 given and I'd stand for any questions or sit for any 2 questions. 3 ALJ HOGAN: All right. Thank you. 4 Mr. Dublinske, any questions? 5 MR. DUBLINSKE: No questions, Your Honor. 6 ALJ HOGAN: Mr. Pelham. 7 MR. PELHAM: I don't. Thank you. 8 ALJ HOGAN: Mr. Braaten. 9 MR. BRAATEN: No, Your Honor. 10 ALJ HOGAN: Mr. Jorde, any questions? 11 MR. JORDE: Yes. 12 Sir, are you a sitting senator right now? 13 JEFF MAGRUM: Yes, Mr. Jorde, I'm the senator 14 for District 8, which is all of Emmons County and it 15 goes into Burleigh County. We have -- Lincoln is our 16 largest community. We have Moffit, Menoken, and Wilton 17 is up on the north end, which is in Burleigh and part of 18 it's in McLean County. So we actually have parts of 19 three counties. 20 MR. JORDE: So assuming for argument's sake that 21 Summit's pipeline will save the North Dakota economy, do 22 you believe that enabling South Dakota and Minnesota and 23 Nebraska and Iowa ethanol plants to compete against 24 North Dakota ethanol plants is a good thing for North 25 Dakota?</p> <p style="text-align: right;">PAGE 256</p>

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1 JEFF MAGRUM: No, Mr. Jorde. I think -- I mean,
2 I've been a self-employed businessman since I'm 19. If
3 I find a competitive advantage, I take it. And so why
4 would we as North Dakotans -- if we're going to -- I
5 think North Dakota would have been more acceptable to a
6 carbon pipeline if it was just for North Dakota, but to
7 bring in all this other carbon to fill our pore space
8 when we only have one ethanol plant and they're saying,
9 well, why would these corn growers even want to bring in
10 -- we have this advantage right now.
11 And you have Blue Flint, you have Red Trail
12 right now, they're already injecting in the ground so
13 they have a competitive advantage. Why would they be
14 working against those two plants right now? It doesn't
15 make any sense to me. So now, okay, so they want to
16 collect from Tharaldson. Why don't they run a little
17 pipe over along the interstate or something and -- if
18 they need to go to Beulah, Beulah and Hazen area, and
19 eventually use it for enhanced oil recovery, which is
20 not a proven -- it's not proven.
21 I've sat through -- I was on the energy and
22 natural resources committee and the EERC put on two days
23 of information for us. And they admit there's no
24 conclusive evidence that carbon dioxide is beneficial or
25 can be used in the Bakken Formation. As a matter of

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1 fact, what they do know is natural gas works better, the
2 two mixed together might work. But just the fact that
3 they don't even know and that -- so that shouldn't even
4 be brought up. It shouldn't be brought up.
5 So the corn part -- the corn part makes no sense
6 why our corn growers would want to support this
7 pipeline. It doesn't make any sense at all. When you
8 have a competitive advantage as a business guy, I would
9 never give that up. It's poor business.
10 MR. JORDE: Thanks, Senator. I don't have
11 anything further.
12 ALJ HOGAN: Commissioner Christmann.
13 COMMISSIONER CHRISTMANN: Well, I'll say,
14 Senator Magrum, as I think a long-time friend, you said
15 at the end that you meant no disrespect. And if that's
16 the case, throwing out the innuendo halfway through
17 your testimony that perhaps the commissioners are
18 investors in this was not exactly the right way to
19 accomplish not being offensive, but I'm going to rise
20 above that.
21 I do have one question for you on your
22 testimony. And this may have been provided when you
23 testified last fall, and if so, just tell me and I'll go
24 back into my notes and everything and find it, but in
25 your testimony today you said the Chinese are the

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1 largest investor followed by South Korea and Saudi
2 Arabia, I believe. Do you have documentation of that
3 that we can put on the record?
4 JEFF MAGRUM: Well, Chairman, this is the
5 information that Summit Carbon Solutions has given us.
6 COMMISSIONER CHRISTMANN: If it's on --
7 JEFF MAGRUM: Right on the --
8 COMMISSIONER CHRISTMANN: -- on the record --
9 JEFF MAGRUM: I gave it to you guys. That
10 should be on the evidence already. I gave it to you
11 guys when we had the last -- last year's hearing.
12 COMMISSIONER CHRISTMANN: Okay.
13 JEFF MAGRUM: Right on the front, Summit Carbon
14 Solutions LLC investor list. That was their information
15 that we have.
16 COMMISSIONER CHRISTMANN: My only point is that
17 it's in our record and I didn't remember if you had
18 given it to us.
19 JEFF MAGRUM: We would like -- the public wants
20 to know who the investors are. You got a company that
21 can potentially use eminent domain. I mean, don't you
22 think it would be right to know who these people are
23 that own it? I mean, we don't know. Is the governor
24 part owner? Is Bill Gates? I mean nobody knows. So we
25 have all this questioning and conspiracy, you might say,

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1 but how can we stop it if we don't show them facts.
2 COMMISSIONER CHRISTMANN: My point --
3 JEFF MAGRUM: So I think that this Commission
4 would ask for it.
5 COMMISSIONER CHRISTMANN: My point, Senator, if
6 you listen, I'm trying to help your argument.
7 JEFF MAGRUM: Okay.
8 COMMISSIONER CHRISTMANN: What you say here --
9 what you say around town is one thing. It being in our
10 record is another. I wanted to verify that that was
11 provided last time and that it's in our record as
12 opposed to if we didn't. So that's all I wanted to
13 know.
14 JEFF MAGRUM: And, Mr. Chairman, that's why I
15 didn't give it to you again because you already have it.
16 So I was just -- my question is has there been any
17 information for -- been given that would add to this --
18 out of the 464 investors, if we would know more than the
19 five. And maybe something's been submitted. I don't
20 know. But I haven't been able to keep up with
21 everything.
22 ALJ HOGAN: Commissioner Haugen-Hoffart.
23 COMMISSIONER HAUGEN-HOFFART: I'll just -- I'll
24 answer a question that was directed at us. I am not an
25 investor in the Summit Carbon pipeline. And if I was, I

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<p>1 would have the responsibility to recuse myself from this 2 hearing. And I have not perjured myself. 3 ALJ HOGAN: Mr. Dawson, any questions? 4 SUBSTITUTE DECISIONMAKER DAWSON: No questions. 5 ALJ HOGAN: All right. Thank you, Senator 6 Magrum. 7 JEFF MAGRUM: Thank you. 8 ALJ HOGAN: Is there anyone else that wants to 9 provide public testimony? 10 All right. Seeing none, Mr. Jorde, I think you 11 have one last witness to call? 12 MR. JORDE: I hope he's still there. Yes, I do. 13 I would call Mitch Kertzman if he's in the audience. 14 ALJ HOGAN: Yep, I believe he's here. 15 MR. JORDE: Great. 16 ALJ HOGAN: He's going to hand us out some 17 papers too. 18 MITCH KERTZMAN: This first section I'm probably 19 going to skip because it's already been said. 20 ALJ HOGAN: Okay. Thank you. 21 All right. I'll have you start by stating your 22 name for the record and spelling your last name. 23 MITCH KERTZMAN: Mitch Kertzman, 24 K-E-R-T-Z-M-A-N. 25 ALJ HOGAN: And, Mr. Kertzman, were you in the</p> <p style="text-align: right;">PAGE 261</p>	<p>1 Governor, and also attached (inaudible). 2 Do you recollect that? 3 A. Sure do. 4 Q. Okay. And that's a letter we sent on April 23rd 5 again. And then Summit responded. Their response is in 6 the record. 7 MR. JORDE: So I would offer Landowner 8 Exhibit 58. 9 ALJ HOGAN: And, Mr. Jorde, did you email that 10 out earlier today? 11 MR. JORDE: Yes. 12 ALJ HOGAN: Okay. 13 MR. JORDE: And Roseanne should have uploaded it 14 to the docket by now I would think. 15 ALJ HOGAN: All right. Any objection, 16 Mr. Dublinske? 17 MR. DUBLINSKE: No objection, Your Honor. 18 ALJ HOGAN: Mr. Pelham. 19 MR. PELHAM: No. 20 ALJ HOGAN: All right. Landowner 58 is 21 received. 22 Q. (BY MR. JORDE) And, sir, that letter was your 23 attempt to put out a least-worst option should this 24 pipeline be approved, essentially; is that right? 25 A. That is correct.</p> <p style="text-align: right;">PAGE 263</p>
<p>1 -- well, I suppose you were. I saw you there. You 2 heard me go through the penalties for perjury? 3 MITCH KERTZMAN: I was, yep. 4 ALJ HOGAN: And do you understand what perjury 5 is? 6 MITCH KERTZMAN: I do. 7 ALJ HOGAN: And being advised of the potential 8 penalties for perjury, do you promise to tell the truth 9 in this case today? 10 MITCH KERTZMAN: I do. 11 ALJ HOGAN: All right. Thank you. 12 Go ahead, Mr. Jorde. 13 MR. JORDE: Thank you. 14 <u>MITCH KERTZMAN,</u> 15 being first duly sworn, was examined and testified as 16 follows: 17 DIRECT EXAMINATION 18 BY MR. JORDE: 19 Q. And, Mr. Kertzman, before we get into the 20 documents you have in front of you, I just want to try 21 to ask some questions about them and get them into 22 evidence. So I'm first going to start, sir, with what 23 we've marked as Exhibit 58, which is a April 23rd, 2024, 24 letter that I put together along with Mr. Leibel for 25 you, and attached is your letter to Mr. Boeshans, the</p> <p style="text-align: right;">PAGE 262</p>	<p>1 Q. All right. Was there anything about that 2 letter's contents that you felt that you should 3 highlight for the PSC? 4 A. In that letter, we were told that Summit had 5 tried 11 times to communicate with us, to start a 6 dialogue with us. That box right there contains all 11 7 attempts. And all it is is junk mail that they sent to 8 me. I've never had a phone call from Summit. I've 9 never talked to anybody from Summit. Ever. 10 Q. So then what I'd like to do, sir, I think you're 11 aware that June 2nd Summit proposed a possible reroute 12 with the caveat that it may not work, and then I had 13 forwarded that to you and then you were able to take a 14 look at it. Your modification to that is marked as 15 Exhibit 53. 16 MR. JORDE: And I would offer Exhibit 53. 17 ALJ HOGAN: Any objection to 53? Mr. Dublinske? 18 MR. DUBLINSKE: No, Your Honor. 19 ALJ HOGAN: Mr. Pelham. 20 MR. PELHAM: No. 21 ALJ HOGAN: All right. 53 is received. 22 THE WITNESS: Do you have a copy of that, Your 23 Honor? 24 Q. (BY MR. JORDE) Okay. Mr. Kertzman, can you 25 explain that exhibit that you're holding there and what</p> <p style="text-align: right;">PAGE 264</p>

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<p>1 you want the Commission to know about it?</p> <p>2 A. Yeah. What Summit sent us Sunday p.m. was a</p> <p>3 redline indicating their line moved, still on our</p> <p>4 property, down along the south edge. This gives them</p> <p>5 the benefit of not having to go seek another easement</p> <p>6 from someone else, but they still -- they still would</p> <p>7 require an easement from me and the next-door neighbor</p> <p>8 is unchanged.</p> <p>9 The Kertzman Farm Trust has absolutely no</p> <p>10 interest in -- in having 99 years' worth of obligations</p> <p>11 to pay for the problems if that pipe is broken. It's a</p> <p>12 liability. 99 years' of liability for the five</p> <p>13 generations of my family. We have no interest in that.</p> <p>14 We want this pipeline off our land. That's what this</p> <p>15 document says.</p> <p>16 Q. And in that document, it looks like the redline</p> <p>17 proposed by Summit on the southern boundary of your</p> <p>18 property, you simply move that a couple hundred feet or</p> <p>19 so south on -- so it would be completely off your</p> <p>20 property; correct?</p> <p>21 A. Correct. And this is -- this is just a lesser</p> <p>22 of two evils option here. I'm not trying to put it</p> <p>23 there. I'm trying to get it off our land. That's it.</p> <p>24 Q. And throughout the 11 contacts or alleged</p> <p>25 attempts to work with you, has Summit ever explained why</p> <p style="text-align: right;">PAGE 265</p>	<p>1 typical 40-foot-long chunk of pipe you can haul on a</p> <p>2 truck, that's over 250,000 welded joints put together by</p> <p>3 the lowest bidder on an accelerated schedule. And then</p> <p>4 if they pick up the other company that baled out of</p> <p>5 this, if they pick up their load, that will double it.</p> <p>6 It will be a pair of 24s. So instead of 250,000 butt</p> <p>7 welds, it's a half a million. Put together in soil that</p> <p>8 freezes to four -- four plus feet.</p> <p>9 I'm way off script here.</p> <p>10 The ground here freezes to four and a half feet</p> <p>11 often. We try to -- we try to put utilities at six feet</p> <p>12 so they don't get frost-heaved. If you put a 24-inch</p> <p>13 pipe with four feet of cover on it, the frost goes down</p> <p>14 to the bottom of the pipe in a cold winter. When frost</p> <p>15 freezes, it expands. When it melts, it contracts.</p> <p>16 Steel pipe has to be flexible enough to take that. When</p> <p>17 it's bedded perfectly, welded perfectly, it would</p> <p>18 probably work fine.</p> <p>19 But we're talking about pipe putting -- we're</p> <p>20 putting pipe through various soils with contractors that</p> <p>21 are rushed, steel pipe that's being built by a factory</p> <p>22 that has certain materials to work with. What I'm</p> <p>23 trying to say here is there will be imperfections in</p> <p>24 this assembly. You can count on it.</p> <p>25 Q. And, sir, help the PSC understand, what's your</p> <p style="text-align: right;">PAGE 267</p>
<p>1 they couldn't move the pipeline off your land or given</p> <p>2 you any excuses?</p> <p>3 A. No.</p> <p>4 Q. As you sit here today, are you aware of any</p> <p>5 reason that would make it impossible for Summit to</p> <p>6 accommodate your wish and simply move the pipeline off</p> <p>7 of your property?</p> <p>8 A. No. It's -- they can -- they can desktop that</p> <p>9 line just as well as they did the first one.</p> <p>10 Q. And, sir, you prepared some documents and handed</p> <p>11 those out to the Commission. Can you lay some</p> <p>12 foundation and tell us what was in those documents and</p> <p>13 then you can explain the importance of them?</p> <p>14 A. Okay. In item number one, you've probably heard</p> <p>15 enough of this, I'm not going to repeat it. It's about</p> <p>16 what happens when you release a bunch of carbon dioxide</p> <p>17 on the ground. It's a worst-case scenario. You've</p> <p>18 heard it before. So I'm going to skip past one.</p> <p>19 And at the end of that section, it's going to</p> <p>20 seem kind of piecemeal here before I get started. The</p> <p>21 end of section one goes like this:</p> <p>22 Consider this: SCS's proposed project consists</p> <p>23 of approximately 1,900 miles -- so when people are</p> <p>24 saying 2,000 miles, it's somewhere in that neighborhood.</p> <p>25 Assuming you're laying a length of 40 feet, which is the</p> <p style="text-align: right;">PAGE 266</p>	<p>1 educational background?</p> <p>2 A. I'm a military veteran and retired civil</p> <p>3 engineer.</p> <p>4 Q. And, sir, would you purchase land that had a</p> <p>5 Summit Carbon Solutions pipeline on it?</p> <p>6 A. Would I?</p> <p>7 Q. Would you?</p> <p>8 A. I would absolutely not.</p> <p>9 Q. And do you believe that if Summit forced this</p> <p>10 pipeline upon your land, that that would devalue your</p> <p>11 land?</p> <p>12 A. Yes.</p> <p>13 Q. All right. Tell us more about the information</p> <p>14 in the packet or what you have there. And if you want</p> <p>15 to kind of run through it, if that's easier, go right</p> <p>16 ahead.</p> <p>17 A. Okay. I want to skip number two as well.</p> <p>18 Jumping down to number three, concerning the</p> <p>19 generational impact to our land if this gets built on</p> <p>20 our land, for the next 99 years, if you -- if you</p> <p>21 realize that a generation is 20 years, that's five</p> <p>22 generations. 99 years is five generations. That's a</p> <p>23 lot of great grandkids that are going to have to deal</p> <p>24 with whatever we do here today.</p> <p>25 The land with a pipeline containing a very large</p> <p style="text-align: right;">PAGE 268</p>

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1 amount of asphyxiating gas will never again be a
2 desirable location to build a home. It will never again
3 be a desirable location for any use other than
4 non-animal ag. This fixes the highest use of the land.
5 It becomes a 320-acre tax liability.
6 Five generations of my family will have to live
7 with the possibility of a catastrophic event that ends
8 the life of people, livestock, and wildlife in an area
9 defined at the time by wind speed, wind direction,
10 topology, volume of carbon dioxide released. You can't
11 have a pre-made model ready to show how it's going to
12 behave. Because it will not match.
13 What I'm saying here is that a pipeline running
14 less than two miles north of Hazelton, North Dakota, on
15 the upwind side, if that pipe bursts and it's a fair
16 amount of gas that gets out, you can say goodbye to
17 Hazelton. It can happen. That's 400 what? 400 and
18 some people. 400 and some people dead. The carbon
19 dioxide cloud doesn't destroy property, doesn't hurt
20 plants. When you go back in after it's cleared away,
21 all you can find is the dead bodies. Everything else is
22 fine.
23 Five generations of my family will pay property
24 taxes on acres that will never have value greater than
25 cropland. Five generations of my family will pay

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1 property taxes on land that has been taken from us by a
2 group of private profiteers for their monetary gain. No
3 gain for anybody else but SCS. Five generations of my
4 family will have to somehow be prepared to be sued by
5 the harmed party if and when there is a break on our
6 property.
7 This item right here is our biggest concern. We
8 do not want to be liable for someone else's project that
9 we never wanted. The sixth generation of my family will
10 be left with the responsibility of cleaning up the mess
11 when the pipeline is abandoned.
12 Okay, I'll get less mad now.
13 Concerning cover depth, if you -- given the size
14 and weight of modern farm equipment, envision what
15 happens when one of those giant pieces of equipment
16 mires in, in a low spot, a slough, a draw, especially at
17 this time of year. Lots of rain. Everything gets good
18 and wet. A wind will cause the top of it to dry up a
19 little bit so the operator doesn't see that it's wet and
20 he's farming along. It's happened to me. I've done it.
21 When you mire in a several-ton piece of equipment, it
22 will go down to steel and keep going.
23 If you look at the size of that equipment
24 nowadays, a pipe that's buried with four feet over the
25 pipe is going to be hit. A pipe that is perfectly

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1 bedded and perfectly welded might survive. Might not.
2 At which point there's a rupture. And guess who gets to
3 be responsible for it? Not Summit. Us. The four of us
4 owners don't have enough worth to take care of a lawsuit
5 for something like that.
6 Six feet of cover would be more appropriate
7 under ag land. I urge you, if you must approve this,
8 that you stipulate six feet under ag land.
9 All right. I'm going to close up here. In
10 earlier times, when someone tried to take another's land
11 or livestock for their own benefit, this was considered
12 a hostile act and people usually died, most often by
13 gunfire, sometimes by hanging, and with the law on the
14 owner's side. This is not this time anymore. Currently
15 as it appears, the one wanting to do the taking simply
16 needs really big investors regardless of the country the
17 investors are from.
18 We understand that Summit will likely assume the
19 load from another proposed carbon dioxide pipeline that
20 has dropped out, the Navigator. This will, more or
21 less, double the currently proposed flow, meaning
22 another pipe running parallel to the proposed 24, most
23 likely another 24. Or a single 36 maybe. Either way,
24 this would be the largest high-pressure carbon dioxide
25 pipeline on the planet. And I believe the first one in

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1 freezing soil.
2 A cover depth of 48 inches is inadequate under
3 ag ground. Six feet of cover would be more appropriate
4 to mitigate damage from farm equipment. We ask that the
5 Commission consider a stipulation to provide six feet of
6 cover where the pipeline is under ag land.
7 If the Commission approves this route, if you
8 must, what is to stop Summit from taking whatever they
9 want using eminent domain?
10 Until emergency response training and equipment
11 is clearly defined and bonded, it would be incorrect to
12 approve the route. Training and equipment provided by
13 the pipeline operator with provisions to keep the
14 training and equipment viable and funded for 99 years.
15 This is vital as the likelihood of pipeline failure
16 increases over time. The old pipeline will fail more
17 than a new one.
18 And if -- if we hand \$50,000 to each county for
19 emergency response, you can't even buy a pickup for
20 \$50,000. To be able to make an attempt at a rescue,
21 you'd need to get in there with a vehicle that's not
22 internal combustion. It's got to be electric. How many
23 electric rescue vehicles do we have in the state of
24 South Dakota -- North Dakota? Probably none. So if the
25 pipeline operator is offering \$50,000 to each county,

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<p>1 it's chickenfeed. Try half a million in each county to 2 get properly equipped to respond to that. 3 Consider the utility of a carbon dioxide 4 pipeline safety tax paid by the pipeline operator to the 5 affected counties for the purpose of funding training 6 and equipment for as long as the pipeline is in 7 operation. 8 My tirade is done. Thank you for listening. 9 Q. Sir, has Summit at any time provided you with 10 any type of dispersion modeling or risk analysis 11 specific to North Dakota or your area, your farm? 12 A. No. 13 Q. And do you believe that if the PSC were to 14 approve this project, that this pipeline would have a 15 negative -- adverse negative effect on the welfare of 16 the citizens of North Dakota and negative human impact? 17 A. Yes. Negative impacts, yes. 18 Q. All right. Is there -- 19 MR. JORDE: I'd like to offer the packet that 20 Mr. Kertzman provided around additionally as 21 (inaudible). 22 ALJ HOGAN: It doesn't have an exhibit number, 23 Mr. Jorde. What would you like it labeled? 24 MR. JORDE: Exhibit 59, please. Landowner 59. 25 ALJ HOGAN: Any objection, Mr. Dublinske?</p> <p style="text-align: right;">PAGE 273</p>	<p>1 MR. JORDE: Well, I was planning to offer it 2 all. If I need to lay more foundation, I can take the 3 time to do that for the article. 4 ALJ HOGAN: Yeah, you're going to have to do 5 that. 6 MR. JORDE: Okay. 7 Q. (BY MR. JORDE) Sir, we established you're a 8 retired engineer, held a professional engineer license, 9 and you have caused -- or researched relative to your 10 concern about this project and found a particular 11 article that you've included here today. Can you tell 12 us why you believe that's important in your 13 understanding of that article? 14 A. Yeah. If you go to page 2 on the stuff that I 15 wrote, paragraph 5, I talk about where it only takes 16 10 percent of carbon dioxide to cause convulsions, coma, 17 and death. That attachment is the article, the 18 scientific article, that talks about that 10 percent. I 19 wasn't going to throw 10 percent in there without a 20 reference. That's the reference for the 10 percent. 21 Q. And was that the point of the article, to back 22 up your testimony there? 23 A. Yes. 24 Q. All right. And did you read the article and 25 review it and did it make sense to you based on your</p> <p style="text-align: right;">PAGE 275</p>
<p>1 MR. DUBLINSKE: Your Honor, I have no objection 2 to the first five pages which are Mr. Kertzman's actual 3 comments to the Commission. Attached to that is a 4 scientific article. A couple of objections there. One, 5 I think last week we had a similar situation where one 6 of Mr. Jorde's clients, and I apologize to Mr. Jorde if 7 I've got that wrong, but had tried to bring in a report 8 from a geologist in Iowa and Your Honor properly denied 9 that on the basis that that expert wasn't available to 10 be cross-examined about their own work. Also, I think 11 there is an ample amount of competing studies and 12 testimony, including expert testimony, on the issue of 13 CO2 concentration and impact. 14 So we would have no objection to the first five 15 pages, but we would object to the attachment of the 16 article. 17 ALJ HOGAN: Mr. Pelham. 18 MR. PELHAM: We heard testimony as to the first 19 five pages. I don't think we heard anything about the 20 journal article. So I don't know if this witness is 21 able to provide foundation to that or not but -- 22 THE WITNESS: I can speak to that, Your Honor. 23 ALJ HOGAN: Hang on a second. 24 So, Mr. Jorde, are you offering the first five 25 pages or the article as well?</p> <p style="text-align: right;">PAGE 274</p>	<p>1 professional background and training? 2 A. It did. And there's highlighted text that zooms 3 in on the part that I wanted you to see. It's on -- the 4 pages aren't numbered. It's on the third page. 5 Q. All right. 6 MR. JORDE: Well, I'd reoffer all of the pages, 7 not just the first five pages. 8 ALJ HOGAN: With that explanation, 9 Mr. Dublinske, any other objections you want to put on 10 the record? 11 MR. DUBLINSKE: Same objection, Your Honor. I 12 still don't see how this is materially different than 13 the ruling that Your Honor made last week with regard to 14 the geological scientist report from Iowa. 15 ALJ HOGAN: Mr. Pelham. 16 MR. PELHAM: Your Honor, I think the article is 17 the article. The witness testified as to his use of it 18 as a reference point so I don't have any objection. I'm 19 not sure that the witness has any medical degree, but I 20 think he's relying on it to state what he stated in his 21 testimony, which isn't being objected to. So for 22 purposes of the offer, I do not have an objection. 23 ALJ HOGAN: I'm going to note Summit's 24 objection. My understanding, that it's being included 25 as the cite for a comment he made in his written</p> <p style="text-align: right;">PAGE 276</p>

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<p>1 comments and there was no objection to the written 2 comments so it's being received for that purpose. 3 I would also note -- I don't specifically 4 remember the one I didn't allow in last week, but I 5 think I allowed some similar items in at other hearings. 6 So I will admit it and, again, the commissioners can 7 decide what weight to attribute to that, if any. 8 MR. PELHAM: So is that Exhibit 59? 9 ALJ HOGAN: That is Exhibit 59. 10 All right. Mr. Jorde, additional questions? 11 MR. JORDE: No, not for this witness, but I -- I 12 have to make a motion at this time. 13 ALJ HOGAN: Can we finish -- 14 MR. JORDE: At this time -- 15 ALJ HOGAN: Can we finish questions for this 16 witness and then your motion? 17 MR. JORDE: Oh, sure, sure. That would be just 18 fine. 19 ALJ HOGAN: Okay. Mr. Dublinske, any questions 20 for Mr. Kertzman? 21 MR. DUBLINSKE: No questions, Your Honor. 22 ALJ HOGAN: Mr. Pelham. 23 MR. PELHAM: I don't. Thank you. 24 ALJ HOGAN: Mr. Schock. 25 MR. SCHOCK: Just real briefly.</p> <p style="text-align: right;">PAGE 277</p>	<p>1 A. I don't have any ranching experience. I can 2 only speak for farming, a crop, a row crop. 3 Q. Okay. Thank you, sir. 4 A. So I was talking about row crop ground. 5 Q. Okay. Thank you for clarifying. 6 ALJ HOGAN: Commissioner Christmann. 7 COMMISSIONER CHRISTMANN: I'm curious about 8 your six-foot cover depth recommendation. Is that 9 something that you just came up with and that it would 10 be more and better than four? Or I notice you have a 11 civil engineering background. Is there any -- like you 12 presented this study from Belgium on your concerns on 13 CO2. Do you have a study like that or did you get 14 something -- 15 THE WITNESS: There's -- 16 COMMISSIONER CHRISTMANN: -- along the line that 17 causes a good argument for that that is the correct 18 number as opposed to just better? 19 THE WITNESS: Water utilities and sanitary sewer 20 utilities are always buried six feet or deeper to keep 21 them below frost and below being damaged. Storm sewer 22 does not have to have six feet of cover. 23 The reason I said six feet is it gets that pipe 24 down below frost. They're going to have frost problems. 25 So if they bury that pipe at six feet of cover, frost,</p> <p style="text-align: right;">PAGE 279</p>
<p>1 CROSS EXAMINATION 2 BY MR. SCHOCK: 3 Q. I just want to confirm. I think we had an 4 earlier witness that spoke to the parcel of property. I 5 want to be clear. So we're talking about 135 north, 76 6 west, section 26. And you -- or you're part of an 7 ownership of the entire east half of that section. Is 8 that -- 9 A. We're speaking for the entire east half. 10 Q. Okay. I just wanted to make sure. You had 11 listed E2E2, W2E2, which I'm assuming to mean the east 12 half of the east half, and the west half of the east 13 half? 14 A. Yes. 15 Q. Okay. Thank you for that clarification. No 16 further questions. 17 ALJ HOGAN: Mr. Braaten, any questions? 18 MR. BRAATEN: Just a quick question. 19 CROSS EXAMINATION 20 BY MR. BRAATEN: 21 Q. You had talked about that cover depth of six 22 feet and you had indicated that you were proposing that 23 on ag land. When you say "ag land," do you mean just 24 cropland or do you mean crop and pasture land and 25 hayland and everything?</p> <p style="text-align: right;">PAGE 278</p>	<p>1 theoretically, only goes down to the top of the pipe. 2 The pipe itself is out of the frost. That's -- that's 3 why six feet. 4 COMMISSIONER CHRISTMANN: Okay. Thank you. 5 ALJ HOGAN: Commissioner Haugen-Hoffart. 6 COMMISSIONER HAUGEN-HOFFART: I just have one 7 comment. Thank you for your military service. 8 ALJ HOGAN: Mr. Dawson. 9 SUBSTITUTE DECISIONMAKER DAWSON: No questions. 10 Thank you. 11 ALJ HOGAN: Any redirect, Mr. Jorde? 12 MR. JORDE: No redirect, Your Honor. 13 Thank you, sir. 14 ALJ HOGAN: All right. Thank you, Mr. Kertzman. 15 All right. Mr. Jorde, you had a motion you 16 wanted to make? 17 MR. JORDE: Yes, Your Honor. At this time the 18 Landowner Intervenors make a motion for a mistrial, or 19 maybe more appropriately mishearing, on the basis of 20 getting presented -- or pardon me -- prevented access to 21 the Summit dispersion analysis, risk modeling 22 methodology, toxicology, all of those documents and 23 information that we've had lots of testimony on and 24 anything else that may have been provided only to the 25 Public Service Commission and the commissioners as a</p> <p style="text-align: right;">PAGE 280</p>

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<p>1 violation of our due process rights and a mistrial is 2 appropriate on that basis. Thank you.</p> <p>3 ALJ HOGAN: I've never had a PSC hearing where 4 that motion's been made before. So my suggestion is 5 that Mr. Jorde puts his motion in writing. But, 6 Mr. Pelham, I'm interested to hear what your thoughts 7 are.</p> <p>8 MR. PELHAM: Well, I don't think the motion 9 should be granted. I think it should be denied. 10 Procedurally as to whether or not the Rules of Civil 11 Procedure and specifically Rule 50 would potentially 12 apply to an administrative hearing is questionable, but 13 to the extent that it would, I believe that a fair and 14 impartial hearing has been presented.</p> <p>15 Mr. Jorde and his clients can certainly, you 16 know, file a motion and outline their legal arguments. 17 But the primary basis for the motion that's being made 18 at present and here today is based on a decision that 19 was made in August of 2023, which is subject to a motion 20 for reconsideration that the Commission has not ruled on 21 at present and, as an alternative to that motion for 22 reconsideration, as I understand, as Mr. Jorde knows 23 who's joined in the motion and also for the alternative 24 request that has been made, is for if the Commission 25 grants reconsideration, that it be allowed to question</p> <p style="text-align: right;">PAGE 281</p>	<p>1 the Commission's behalf, I think we stand in recess. 2 I'd like to consult with our own legal counsel.</p> <p>3 ALJ HOGAN: Okay. Take a short break and then 4 -- okay. We're going to take a short break and consider 5 or figure out how we're going to proceed. So we will 6 take -- we'll reconvene at 5:00.</p> <p>7 (Recess)</p> <p>8 ALJ HOGAN: All right. I think we're ready to 9 get started again if everybody can take their seats. 10 All right. Before we go any further, I'm just 11 going to ask if other parties we have here today have 12 any position on Mr. Jorde's motion.</p> <p>13 Mr. Dublinske.</p> <p>14 MR. DUBLINSKE: Thank you, Your Honor. 15 Generally, we would join in with what Mr. Pelham said. 16 I also agree with Your Honor that I think there are 17 vehicles for this. There is also the motion for 18 reconsider.</p> <p>19 I understand Mr. Jorde's position of pushing for 20 a ruling because of the conclusion of the taking of 21 evidence, but I would note that part of the relief that 22 is sought in the vehicle that is already in front of the 23 Commission does request as part of the relief the 24 ability to re-open and have additional witnesses. So I 25 don't think there's any prejudice by today's hearing</p> <p style="text-align: right;">PAGE 283</p>
<p>1 additional witnesses. That motion has not been ruled 2 on, so to the extent that, procedurally, it's not a 3 proper time to be making this motion as well as to 4 whether or not it even can be made.</p> <p>5 But I appreciate what Mr. Jorde is doing. I do 6 think the motion should be denied.</p> <p>7 Thank you.</p> <p>8 ALJ HOGAN: I guess I have more of a practical 9 consideration that I serve at the pleasure of the 10 Commission and I don't know that this is a motion that I 11 would consider so -- or be requested to address. And so 12 I think perhaps it's easier if it's submitted in writing 13 and the Commission can decide at what point in this 14 process it wants to consider that motion.</p> <p>15 MR. JORDE: Well, Your Honor, I need a ruling on 16 it as the evidentiary portion of this is -- you know, 17 there's no other hearings set. And so I would request a 18 ruling on it so the record is preserved at the 19 conclusion, which is today, of the scheduled hearings.</p> <p>20 MR. PELHAM: Are you moving under Rule 50? 21 MR. JORDE: I'm moving under Rule 50 and any 22 other possible rule that is (inaudible). 23 (Laughter) 24 MR. JORDE: All of the above. 25 COMMISSIONER CHRISTMANN: Well, Your Honor, on</p> <p style="text-align: right;">PAGE 282</p>	<p>1 concluding without a ruling. 2 We think that, again, while this isn't 3 necessarily a court, per se, that tribunals do, from 4 time to time, review material in camera. That is not an 5 unknown thing and it's certainly not an improper thing. 6 And on those bases, we think you can deny it outright 7 today.</p> <p>8 If for any reason the Commission is not inclined 9 to do that, however, we would like an opportunity to 10 respond in writing and would agree that the better 11 practice would be to have Mr. Jorde file it in writing. 12 That does seem a little redundant with the motion to 13 reconsider already out there on the table, however.</p> <p>14 ALJ HOGAN: All right. Mr. Braaten. 15 MR. BRAATEN: Thank you, Your Honor. I 16 generally agree with what Mr. Pelham was saying earlier, 17 but I would also point out that I think Mr. Jorde's 18 concern may also be just with what a lot of trial 19 attorneys are concerned with, which is a waiver of 20 certain claims, rights, and arguments, and I understand 21 that as well.</p> <p>22 What I would say just to add to the discussion 23 is that there's specific standards for appeals as well 24 in 28-32-46, and one of those is that the rules or 25 procedure of the agency have not afforded the appellant</p> <p style="text-align: right;">PAGE 284</p>

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<p>1 a fair hearing. And I do believe that this issue is one 2 that, if not before, will be addressed on an appeal. 3 And so the only other thing I would add to the 4 discussion is that I think that this is a way that 5 Mr. Jorde is procedurally getting that decision in front 6 of the Commission prior to a final decision. But unless 7 it is going to ultimately change that final decision or 8 the evidence coming in at these hearings, I don't think 9 that ultimately it makes a difference when it's made. 10 ALJ HOGAN: All right. Thank you. 11 Commissioner Christmann. 12 COMMISSIONER CHRISTMANN: Well, Your Honor -- 13 ALJ HOGAN: Your microphone is not on. 14 COMMISSIONER CHRISTMANN: First of all, Your 15 Honor, thank you for a little break to consult with 16 counsel a little bit and just think here from the 17 Commission's perspective. This is a procedure that has 18 never happened in my 11 and a half years at the 19 Commission, but I guess when we get maybe highfalutin 20 out-of-state attorneys, we learn new tricks at the end 21 of hearings. 22 I will say that we've had a full hearing, many 23 days, and when the scheduled days didn't work out for 24 Mr. Jorde, we even scheduled more days so that it could. 25 So there's been a lot of opportunity. Evidence has been</p> <p style="text-align: right;">PAGE 285</p>	<p>1 COMMISSIONER CHRISTMANN: That the record 2 reflect, I believe it was -- 3 MR. PELHAM: We'll do a rollcall vote then. 4 Commissioner Christmann. 5 COMMISSIONER CHRISTMANN: Aye. 6 MR. PELHAM: Commissioner Haugen-Hoffart. 7 COMMISSIONER HAUGEN-HOFFART: Aye. 8 MR. PELHAM: Substitute Decisionmaker Dawson. 9 SUBSTITUTE DECISIONMAKER DAWSON: Aye. 10 MR. PELHAM: The ayes have it and the motion is 11 denied -- or the motion is carried denying the motion to 12 -- motion for a mishearing. 13 ALJ HOGAN: All right. Well, that brings us to 14 -- well, actually before that I should just 15 double-check. 16 Mr. Dublinske or Mr. Gludt, was there any 17 rebuttal testimony that Summit wanted to provide? 18 MR. GLUDT: No, Your Honor. 19 ALJ HOGAN: All right. Well, that brings us to 20 the end of the testimony and the end of our hearing for 21 today. 22 Before we conclude, I'll just ask if there's any 23 other matters we need to address. And I'll maybe start 24 with you, Mr. Pelham. 25 MR. PELHAM: The only thing I would say is I</p> <p style="text-align: right;">PAGE 287</p>
<p>1 presented. There's been cross-examination. 2 Re-examination. The dispersion modeling was presented 3 to the Commission. It's subject to a protective order. 4 So I'm going to move on behalf of the Commission 5 in response to Mr. Jorde's motion for a mishearing -- I 6 think that was the term he used -- so I move that that 7 motion be denied based on evidence having been presented 8 and the prior orders of the Commission, including the 9 protective order. 10 COMMISSIONER HAUGEN-HOFFART: Second. 11 MR. PELHAM: So there's been a motion and a 12 second. 13 MR. SCHOCK: Do you want to do it? Okay. 14 MR. PELHAM: There's been a motion and a second. 15 Further discussion? 16 Hearing none, all those in favor signify by 17 saying aye. 18 COMMISSIONER CHRISTMANN: Aye. 19 SUBSTITUTE DECISIONMAKER DAWSON: Aye. 20 COMMISSIONER HAUGEN-HOFFART: Aye. 21 MR. PELHAM: All those opposed? 22 Well, no opposed. So that motion carries. 23 COMMISSIONER CHRISTMANN: Mr. Pelham, we usually 24 vote by rollcall so just -- 25 MR. PELHAM: Oh.</p> <p style="text-align: right;">PAGE 286</p>	<p>1 think the parties do need to submit post-hearing 2 briefing. I want to say that in the past anywhere 3 from 20 to 30 days and then a responsive briefing 4 schedule would be similar in nature as to that. So I 5 would leave it to the parties to determine what the 6 deadlines would be for that, but I think that should be 7 outlined today, before the close of today. 8 ALJ HOGAN: Are you thinking two deadlines? 9 MR. PELHAM: Simultaneous. 10 ALJ HOGAN: Simultaneous and then a reply. 11 MR. PELHAM: That's my suggestion, but if the 12 parties have alternative suggestions on how to do that, 13 I'm fine with it. I just think that it should be 14 determined today what it's going to be. 15 ALJ HOGAN: Sure. And I'll start with 16 Mr. Gludt. 17 MR. GLUDT: Yes, Your Honor. We'd agree with 18 Mr. Pelham's recommendations. We'd recommend 20 days 19 simultaneous filing of post-hearing briefing and maybe a 20 somewhat shorter time for reply briefs. Maybe 15 days. 21 ALJ HOGAN: And what was your suggestion or 22 recommendation? 23 MR. GLUDT: 20 today and then 15. 24 ALJ HOGAN: Okay. Let's see. Mr. Braaten. 25 MR. BRAATEN: I can accommodate whatever is</p> <p style="text-align: right;">PAGE 288</p>

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<p>1 going to work for everyone else.</p> <p>2 ALJ HOGAN: Okay. And Mr. Jorde.</p> <p>3 MR. JORDE: Yes. And to be clear, that motion</p> <p>4 was for a mistrial or mishearing. So I just want to be</p> <p>5 clear that's for both of those things.</p> <p>6 60 days, 6-0 days, would probably be sufficient</p> <p>7 given the complexity of the record and the volume of the</p> <p>8 record and all the issues in play (inaudible).</p> <p>9 ALJ HOGAN: All right. Well, I've got a 20 and</p> <p>10 a 60 so we're going to go somewhere in the middle. How</p> <p>11 about -- let's see. How about July 8th for a deadline</p> <p>12 for the first brief and then the 22nd for rebuttal?</p> <p>13 All right. Hearing no objection to that, those</p> <p>14 are the deadlines we will go with.</p> <p>15 Any other matters to address on behalf of the</p> <p>16 Commission? Mr. Pelham.</p> <p>17 MR. PELHAM: With -- just to be clear, and this</p> <p>18 typically is a practice, proposed findings along with</p> <p>19 the post-hearing briefing would be requested as well by</p> <p>20 the Commission.</p> <p>21 ALJ HOGAN: Okay. So the first deadline,</p> <p>22 July 8th, we'll make that for closing arguments and then</p> <p>23 proposed findings of fact, conclusions of law, and a</p> <p>24 proposed order.</p> <p>25 MR. BRAATEN: Your Honor?</p> <p style="text-align: right;">PAGE 289</p>	<p>1 the Commission with respect to those and that the</p> <p>2 Applicant will continue to follow the route adjustment</p> <p>3 rules in the Siting Act accordingly. So that was issue</p> <p>4 number one.</p> <p>5 The second issue has to do with some</p> <p>6 clarification on some exhibits and some offering of</p> <p>7 additional exhibits. Your Honor was -- last Tuesday we</p> <p>8 received the direct written testimony of Jeff Olson. I</p> <p>9 don't recall if that was admitted into evidence.</p> <p>10 ALJ HOGAN: I've got too many lists going on.</p> <p>11 Yes, I have it listed as SCS R-16.</p> <p>12 MR. GLUDT: Okay. Thank you, Your Honor.</p> <p>13 And then the other items, that Summit would like</p> <p>14 to move to admit in response to requests from the</p> <p>15 Commission -- Summit filed a response to requests from</p> <p>16 Commission at Docket No. 562, the Applicant supplemented</p> <p>17 that response at Docket No. 569, and then filed an</p> <p>18 amended -- amendment to that response at Docket No. 593.</p> <p>19 And the Applicant would move to admit those into</p> <p>20 evidence as exhibits, I believe, 21, 22, and 23</p> <p>21 respectively.</p> <p>22 ALJ HOGAN: Just to be clear, that was Summit's</p> <p>23 submission to the Commission, requests for information</p> <p>24 from the Commission; correct?</p> <p>25 MR. GLUDT: That's correct, Your Honor.</p> <p style="text-align: right;">PAGE 291</p>
<p>1 ALJ HOGAN: Sure.</p> <p>2 MR. BRAATEN: I guess I'm asking a question, but</p> <p>3 I want to maybe just alert the parties to it, if nothing</p> <p>4 else, which is that Emmons County at least has a</p> <p>5 somewhat more limited interest in the proceeding than,</p> <p>6 for example, some of the others. So with respect to the</p> <p>7 proposed findings, I would plan to just submit proposed</p> <p>8 findings and conclusions on those issues and not on</p> <p>9 every issue in the proceeding.</p> <p>10 ALJ HOGAN: I think that's acceptable.</p> <p>11 MR. BRAATEN: Okay.</p> <p>12 ALJ HOGAN: Mr. Gludt or Mr. Dublinske, any</p> <p>13 other matters we need to address before we conclude?</p> <p>14 MR. GLUDT: Just a couple, Your Honor. Just</p> <p>15 want to follow up on yesterday and today. Mr. Boeshans</p> <p>16 submitted written testimony yesterday that addressed</p> <p>17 numerous reroutes, received questions from the</p> <p>18 Commission as to how do we know when these reroutes are</p> <p>19 going to be implemented. And we also heard some</p> <p>20 testimony today about some additional potential</p> <p>21 reroutes.</p> <p>22 And I just want to confirm and support what --</p> <p>23 or reaffirm what Mr. Boeshans testified to yesterday, is</p> <p>24 that as -- if these routes are implemented and secured</p> <p>25 through easements, that the Applicant will be updating</p> <p style="text-align: right;">PAGE 290</p>	<p>1 ALJ HOGAN: All right. Mr. Jorde, any</p> <p>2 objection?</p> <p>3 MR. JORDE: Is that information in this -- it</p> <p>4 was publicly filed. It was Summit's responses that were</p> <p>5 (inaudible) filed with the Commission --</p> <p>6 ALJ HOGAN: Correct.</p> <p>7 MR. JORDE: -- docket?</p> <p>8 ALJ HOGAN: Correct. It was in response to the</p> <p>9 Commission's request for information.</p> <p>10 MR. JORDE: As long as it was all publicly</p> <p>11 filed, no objections.</p> <p>12 ALJ HOGAN: Mr. Pelham, any objection?</p> <p>13 MR. PELHAM: No.</p> <p>14 ALJ HOGAN: All right. So 21, 22, and 23 are</p> <p>15 admitted.</p> <p>16 MR. GLUDT: With that, we have nothing further.</p> <p>17 Thank you, Your Honor.</p> <p>18 ALJ HOGAN: All right. Mr. Jorde, any other</p> <p>19 matters you'd like to discuss before we conclude?</p> <p>20 MR. JORDE: I think we've covered it. Thank</p> <p>21 you.</p> <p>22 ALJ HOGAN: Mr. Braaten, any additional items?</p> <p>23 MR. BRAATEN: No, Your Honor.</p> <p>24 ALJ HOGAN: All right. Would the commissioners</p> <p>25 like to provide any closing remarks?</p> <p style="text-align: right;">PAGE 292</p>

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1 Commissioner Christmann.
2 COMMISSIONER CHRISTMANN: None, Your Honor,
3 other than to the public that is here. I thank you for
4 your time and your patience and for the information.
5 It's helpful. Thank you.
6 ALJ HOGAN: Commissioner Haugen-Hoffart.
7 COMMISSIONER HAUGEN-HOFFART: Wishing everyone a
8 good evening and safe travels.
9 ALJ HOGAN: And Mr. Dawson.
10 SUBSTITUTE DECISIONMAKER DAWSON: I'd like to
11 thank the public as well. Some of you I've seen so many
12 times, you've come to almost every hearing, and that's
13 quite commendable.
14 ALJ HOGAN: All right. Well, that will -- I'll
15 just note for the record it's 5:11 p.m. and that will
16 conclude our hearing for today.
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