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IN THE IOWA DISTRICT COURT FOR POLK COUNTY

SUMMIT CARBON SOLUTIONS, LLC, Petitioner, v. IOWA UTILITIES BOARD, STATE OF IOWA, Respondent.	Case No. **MOTION FOR TEMPORARY/PRELIMINARY INJUNCTION**

The safety of the design, construction, or operation of a hazardous liquids pipeline is beyond the regulatory scope of the Iowa Utilities Board ("Board"). 49 U.S.C § 60104(c) ("A State authority may not adopt or continue in force safety standards for interstate pipeline facilities or interstate pipeline transportation."); *see also Couser v. Story County*, No. 4:22-cv-00383, Dkt. 55, at 33 (S.D. Iowa Dec. 4, 2023) (preempting county efforts to regulate pipeline in case related to the present proceeding); *ANR Pipeline Co. v. Iowa State Com. Comm'n*, 828 F.2d 465 (8th Cir. 1987)(preempting Iowa statute and regulations pertaining to safety for natural gas lines); *Kinley Corp. v. Iowa Utils. Bd.*, 999 F.2d 354 (8th Cir. 1993) (preempting Iowa financial security requirement for hazardous liquids pipeline as being proxy for safety); *cf. N. Nat. Gas Co. v. Iowa Utils. Bd.*, 377 F.3d 817 (8th Cir. 2004) (preempting Iowa land restoration regulations to the extent they differ from federal requirements). Nonetheless, in the recently-completed proceeding[1] to rule on Summit Carbon Solutions, LLC's ("Summit") application for a pipeline permit under Iowa Code chapter 479B for a carbon dioxide ("CO2") capture and sequestration project, opponents of the project sought information on air dispersion modeling for

[1] All that remains of Board docket HLP-2021-0001 is for the Board to issue its decision on Summit's application. The hearing and all post-hearing briefing are concluded.

unintended releases of CO_2, and raised safety issues related to dispersion repeatedly throughout the hearing. Opponents of the project served discovery requesting the models. Summit objected, Sierra Club-Iowa Chapter ("Sierra Club") moved to compel, and the Board ordered that the models had to be produced to opponents but – given the sensitive nature – ***subject to a protective agreement and on an attorneys' eyes only basis***. *In re Summit Carbon Solutions, LLC*, Docket No. HLP-2021-0001, "Order Addressing Second Motion to Compel" (IUB, Sept. 6, 2023) at 8 ("For that reason, the Board will allow the dispersion modeling data to be released as 'Highly Confidential – Attorneys' Eyes Only' as defined in the protective agreement to only the parties subject to this discovery dispute.")[2]

During the hearing, opponents continued to raise issues regarding dispersion modeling, including asking Summit witnesses about it on the stand and making public allegations as to dispersion characteristics that were incorrect. Because the absence of the information was being abused by opponents, and in reliance on the discovery ruling that the models were "attorneys' eyes only" information (which was never challenged by the opponents or any other person or party), Summit voluntarily submitted the dispersion models into the record as confidential hearing exhibits to address the misinformation and to demonstrate that Summit was complying with federal requirements. At no time did Summit ever waive its preemption arguments (which it continued to make subsequently in its post-hearing briefs) nor its confidentiality arguments.

On January 4, 2024, Sioux Lawton of Garner, Iowa (who is a landowner on the route and who was automatically considered by the Board to be a party because her property was subject to

[2] https://wcc.efs.iowa.gov/cs/idcplg?IdcService=GET_FILE&allowInterrupt=1&RevisionSelectionMethod=latest&noSaveAs=1&dDocName=2129351

an eminent domain request, but who chose to not intervene or otherwise actively participate in the Board docket regarding Summit's permit) made an open records request to the Board. On January 29, 2024, the Board send a letter to Summit providing notice of the request and, pursuant to Board Rules 1.9(5) and 1.9(8)[3], providing 14 days for Summit to seek an injunction protecting the confidential records.[4]

Accordingly, Summit respectfully requests an immediate injunction pursuant to Iowa Code §§ 22.5 and 22.8 to protect the confidentiality of the air dispersion models. As is explained more fully below, the Court should enjoin the Board from releasing the requested documents, in whole or in part, for reasons both procedural and substantive. The Board correctly determined the documents were appropriately subject to attorneys' eyes only protection. The models are exempted from the open records request by Iowa Code § 22.7(18) and § 22.7(50). At the very least, the Court should enjoin release of the documents until the issue of the records request can be fully litigated.

FACTUAL AND PROCEDURAL BACKGROUND

Summit Carbon Solutions is an Iowa-based company that has proposed the world's largest carbon capture and storage project. This project, operating in five states, would partner with ethanol plants, including at least 13 in Iowa[5], to capture the carbon dioxide (CO2) from their fermentation process, and transport it by pipeline to unique geologic formations more than a

[3] 199 Iowa Admin. Code 1.9(5) and 1.9(8)

[4] While Summit has the Board's summary of the records request in its letter, Summit has never seen the actual records request. Summit also notes that it did not receive the notice letter until February 1, 2024, and while it believes it is prejudicial to its ability to fully address the relevant issue, Summit is filing this motion on February 12 in an abundance of caution.

[5] Additional ethanol plants have announced that they are joining the project since the close of the record in the Board proceeding, but at the relevant times 13 plants were known to be part of the Summit project in Iowa. All of the measures in the fact section are based on those 13 plants.

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mile underground in North Dakota for permanent storage. The project would capture and store up to 12 million tons of CO2 per year, the equivalent of removing the CO2 emissions from 2.6 million automobiles. The project will provide new capital investments, tax revenues, payments to landowners, thousands of construction jobs, and hundreds of good permanent jobs. Most important, however, the project will reduce the carbon intensity score of Iowa-produced ethanol by 30 points, making it much more competitive in growing low-carbon fuel markets – extending and increasing the market for Iowa's ethanol, and for corn grown by tens of thousands of farmers across Iowa.

Under Iowa Code chapter 479B, the project requires a state permit approving the concept of the project through a finding that it "promotes the public convenience and necessity," and "to approve the location and route of hazardous liquid pipelines, and to grant rights of eminent domain where necessary." Iowa Code §§ 479B.1, .9. There are, notably, no references to "safety" anywhere in Chapter 479B and safety is not listed as a consideration for the Board in deciding on a permit – and for good reason, as the chapter was created to salvage the ***non***-safety provisions of state law after the predecessor language was found preempted and therefore was struck down by the United States Circuit Court of Appeals for the 8th Circuit in *Kinley*.

Models of unintended releases of products from a pipeline, like the air dispersion modeling at issue here, are conducted to fulfill a federal Pipeline and Hazardous Materials Safety Administration ("PHMSA") rule requiring each pipeline subject to federal safety regulation to have an Emergency Response Plan ("ERP"). The dispersion modeling informs the ERP, but the dispersion modeling is never made public as part of the PHMSA process. There is no Iowa law or rule requiring dispersion modeling or an ERP, nor could there be due to exclusive federal jurisdiction over those things regulated by PHMSA.

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Notwithstanding this history, various parties repeatedly attempted to make safety a litigated issue in Summit's permit proceeding. The Board has issued several rulings on this topic reaching various different conclusions. Initially, the Office of Consumer Advocate ("OCA") requested that the Board require production of the ERP and any risk assessments to be required as exhibits to the petition for Summit's permit. On July 14, 2022, the Board granted that request. *In re Summit Carbon Solutions, LLC*, Docket No. HLP-2021-0001, "Order Addressing Motion to Require Exhibits" (IUB, July 14, 2022).[6] Summit moved to reconsider based on preemption and the Board backtracked on a split vote with two Board members agreeing to revisit the decision and setting forth a schedule for additional briefing and oral argument, and the third determining that no further process was necessary – that he would reverse the order on the ERP and risk assessment based on federal preemption. *In re Summit Carbon Solutions, LLC*, Docket No. HLP-2021-0001, "Order Addressing August 3, 2022 Motion for Reconsideration and Scheduling Status Conference" (IUB, Sept. 2, 2022).[7] After the additional briefing and oral argument on preemption, the Board fully reconsidered and reversed its earlier decision, vacating the requirement to produce the safety information as exhibits to the petition, but leaving open the possibility for the issue to be addressed further later in the case (and, in Summit's view, still misapplying preemption by suggesting the Board would need to see and hear the entire record to determine the scope of federal preemption, which is backwards; the scope of preemption should set the expectation for presentation of evidence in the case.)

[6] https://wcc.efs.iowa.gov/cs/idcplg?IdcService=GET_FILE&allowInterrupt=1&RevisionSelectionMethod=latest&noSaveAs=1&dDocName=2095463

[7] https://wcc.efs.iowa.gov/cs/idcplg?IdcService=GET_FILE&allowInterrupt=1&RevisionSelectionMethod=latest&noSaveAs=1&dDocName=2100079

> The Board has reviewed the briefs and the arguments made at the oral argument and has determined that it will not require Exhibits L1 and L2 to be filed as petition exhibits by Summit Carbon. OCA requested the exhibits to be included in Summit Carbon's petition rather than as evidence to be included in testimony and exhibits. The Board finds that the information in Exhibits L1 and L2 is not necessary as part of the petition filed by Summit Carbon.
>
> Discovery is the usual mechanism parties use to obtain this type of information, which, in turn, could assist parties in preparing their evidence. Issues regarding relevancy and preemption can then be made to the Board at the time the evidence is filed. In addition, the Board does not consider it necessary or good procedure to try and address federal preemption in general prior to seeing the evidence that is presented.
>
> The Board recognizes that it is preempted from setting safety standards that are clearly under the jurisdiction of the United States Department of Transportation. However, it is not clear where the line between safety standards and other statutory requirements under federal law and in Iowa Code chapter 479B is to be drawn. The Board considers those to be evidentiary and legal questions that should be addressed when the Board makes its decision regarding Summit Carbon's petition.
>
> Summit Carbon bears the burden of proving its case to the Board, and Summit Carbon will determine what evidence is required to meet this burden. Other parties may then file their own evidence in their direct cases and in response to Summit Carbon's evidence.
>
> Based upon the above discussion of the issues regarding the Board's July 14, 2022 order, the Board will grant Summit Carbon's August 3, 2022 motion for reconsideration as it relates to Exhibits L1 and L2.

In re Summit Carbon Solutions, LLC, Docket No. HLP-2021-0001, "Order Addressing Motion for Reconsideration and Petitions to Intervene" (IUB, Feb. 10, 2023) at 4-5.[8]

Based on this ruling, opponents served discovery requests seeking Summit's dispersion modeling. Summit objected, and Sierra Club moved to compel. An Administrative Law Judge, in an order ruling on the motion to compel, acknowledged that the North Dakota Public Service

[8] https://wcc.efs.iowa.gov/cs/idcplg?IdcService=GET_FILE&allowInterrupt=1&RevisionSelectionMethod=latest&noSaveAs=1&dDocName=2113364

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Commission had considered this same issue and had entered an Order of Protection of Information that "prohibited disclosure of the dispersion modeling information to the intervenors and general public in the North Dakota Public Service Commission proceeding." Nonetheless, citing the Board's February 10 Order, the ALJ found the material was discoverable, and withheld judgment on whether it would later be admissible. *In re Summit Carbon Solutions, LLC*, Docket No. HLP-2021-0001, "Order Concerning Sierra Club's Second Motion to Compel" (IUB ALJ, Aug. 14, 2023).[9] Summit appealed to the full Board, who ruled that the modeling was discoverable, but reiterated

> The Board agrees that this information is highly sensitive. For that reason, the Board will allow the dispersion modeling data to be released as "Highly Confidential – Attorneys' Eyes Only" as defined in the protective agreement to only the parties subject to this discovery dispute.

Order Addressing Second Motion to Compel (Sept. 6, 2023) at 8.[10] At the time this Order was issued, the hearing was already in its third week (the Board hearing began on August 21, 2023, and including some breaks due to scheduling conflicts, concluded on November 8, 2023). Because opponents continued to raise issues regarding dispersion modeling, and because they would now have the materials to use in potential cross-examination, Summit determined it would be better for the Board to have the actual facts as opposed to the project opponents' spin on the facts. On September 7, 2023, Summit chose to voluntarily file the dispersion models in the docket designated Confidential-Attorneys' Eyes Only consistent with the Board's prior determination of their status. The filing of the materials was not required by any Iowa statute or

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[9] https://wcc.efs.iowa.gov/cs/idcplg?IdcService=GET_FILE&allowInterrupt=1&RevisionSelectionMethod=latest&noSaveAs=1&dDocName=2127145

[10] https://wcc.efs.iowa.gov/cs/idcplg?IdcService=GET_FILE&allowInterrupt=1&RevisionSelectionMethod=latest&noSaveAs=1&dDocName=2129351

rule, by any order of the Board (which explicitly required them to be provided only to opposing parties who had entered a protective agreement), or by any contract, or procedure.

For the reasons herein, Summit respectfully submits that it is entitled to injunctive relief and asks the Court to enjoin the Board from releasing the dispersion models.

ARGUMENT

I. THE SENSITIVE INFORMATION ABOUT CRITICAL INFRASTRUCTURE IS EXACTLY THE KIND OF MATERIAL THAT IS EXEMPTED FROM DISCLOSURE UNDER IOWA CODE §§ 22.7(50) AND 22.7(18).

The purpose of the Open Records Act is "to open the doors of government to public scrutiny – to prevent government from secreting its decision-making activities from the public," and to "facilitate public scrutiny of the conduct of public officers." *American Civl Liberties Union Foundation of Iowa, Inc. v. Records Custodian, Atlantic School District*, 818 N.W.2d 231, 232-33 (Iowa 2012)(citing *Iowa Civil Rights Comm'n v. City of Des Moines*, 313 N.W.2d 491, 495 (Iowa 1979) and *Howard v. Des Moines Register & Tribune Co.*, 283 N.W.2d 289, 299 (Iowa 1979)). In this case, however, it is not government officials whose records are sought or information shedding light on government decision-making – indeed the Board is preempted from making a decision on the basis of safety, which is the sole purpose of dispersion modeling. The policy interests of the Act are not served by disclosure, and there are (at least) two exceptions under the Open Records Act that would allow the dispersion modeling to be exempt from disclosure: 22.7(50) and 22.7(18).

A. The Exception in § 22.7(50) Unambiguously Applies

The Court should protect the dispersion modeling from release under the exception in the open records act for "Information and records concerning physical infrastructure," Iowa Code § 22.7(50). The (50) exemption provides:

> 50. Information and records concerning physical infrastructure, cyber security, critical infrastructure, security procedures, or emergency preparedness developed, maintained, or held by a government body for the protection of life or property, if disclosure could reasonably be expected to jeopardize such life or property.
>
> a. Such information and records include but are not limited to information directly related to vulnerability assessments; information contained in records relating to security measures such as security and response plans, security codes and combinations, passwords, restricted area passes, keys, and security or response procedures; emergency response protocols; and information contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures to attack.

This case is an easy one: the explicit language of § 22.7(50) governs. The records requested, which show the exact pipeline route, dispersion characteristics under various breach scenarios, and where additional overland flow has the potential (albeit remote) to occur are clearly "information. . . concerning physical infrastructure. . . [or] critical infrastructure" and they relate directly to emergency preparedness as they are created to inform the federally-required and federally-regulated ERP. Moreover, and more critically, the dispersion models are "information contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures to attack" as contemplated by the language of the exception. The dispersion modeling tells a would-be attacker where the attack would cause the most damage, and because the reports show the "sensitivity analysis" for variables like outdoor temperature, vegetation, angle of puncture and others, it potentially tells a would-be attacker when and how to maximize the impact of an attack. In short, this is information that no one should want in the wrong hands – which is why the § 22.7(50) exception exists, and why the Board limited the access to the information to persons who have professional licenses at stake if they mishandle the information.

This exception has parallels to how the federal government treats similar information. If the Court looks at the PHMSA pipeline mapping website, the government access to maps is

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different (and even uses a system segregated from) the access for the general public. *See*, *e.g.*, the page "What Data May I Access" (https://www.npms.phmsa.dot.gov/DataMayAccess.aspx) and the explanation of the differences between the controlled and general access systems (https://www.npms.phmsa.dot.gov/WhatPIMMAPVDifference.aspx). The latter page includes the following explanatory paragraph:

> *Within the Public Map Viewer, the user may have access to the NPMS* [National Pipeline Mapping System] *data for* ***one county at a time****. Information obtained and maps produced from the Public Map Viewer are for general information only and may be re-distributed as needed. In accordance with PHMSA's NPMS Data Access Policy,* ***the scale in which the user may zoom into NPMS data is restricted****. The user may zoom into the NPMS data at the map scale of 1:24,000.*

That is, as the zoom detail increases, only government and pipeline personnel can view the data in the closed Pipeline Information Management Mapping Application (PIMMA) system – it is not accessible by the public in NPMS. Similarly, in NPMS the public can view only one county at a time, not an entire route – the full pipeline can only be seen in the closed government/pipeline operator system. The Court should defer to, rather than undermine, the reasoning and intent of the primary pipeline safety regulator. *See also* **Attachment A**, Letter Ruling from US Dept. of Transportation on Pipeline Map Sensitive Security Information ("*SSI Determination*").

Summit's concern is not merely hypothetical: the Court should be aware that opponents bent on sabotage used acetylene torches on several valves while the Dakota Access pipeline was being constructed[11]; the criminals involved were convicted of federal crimes. And the issue a very current: the Federal Bureau of Investigation ("FBI") ***while Summit's case was pending***

[11] See press release from the U.S. Department of Justice describing the case(s): https://www.justice.gov/usao-sdia/pr/des-moines-woman-sentenced-eight-years-prison-conspiracy-damage-dakota-access-pipeline

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with the Board issued a Safety Report for "Heightened Threat Activity" towards pipelines due to a newly-released movie. *See* **Attachment B.**

To the extent the detailed and proprietary dispersion information overlaid on the pipeline route is more like the information that would be limited to access through PIMMA rather than a public portal, the following restrictions would apply at the federal level:

> PIMMA is a password-protected application. Access to NPMS data is limited by the type of user you are. Pipeline operators may only view their submitted data. County and local government officials are limited to their county. State government officials are limited to their state. Federal government official users may view the entire dataset. Usernames and passwords are assigned to a single user and must be kept confidential. PIMMA logins cannot be shared among coworkers. No contractors may be issued a personal username or password. If a written confidentiality agreement exists, a password may be shared with an account holder's contractor.
>
> All information obtained and all maps produced from PIMMA must be treated and marked as Controlled Unclassified Information (CUI) and DOT proprietary information. Only NPMS staff have the right to redistribute maps or information from the NPMS.

See https://www.npms.phmsa.dot.gov/WhatPIMMAPVDifference.aspx. Consistent with § 22.7(50) the Court should treat the more detailed Summit dispersion information similar to how detailed pipeline mapping is treated at the federal level and not allow access by the public.

In short, § 22.7(50) is directly on point with respect to the requested information and allows the Board to withhold it as exempted from the open records requirements. The Court must enjoin release to enforce the language and the purpose of § 22.7(50).

B. The Dispersion Modeling is Also Exempted from the Open Records Act by § 22.7(18).

In addition to the clear applicability of § 22.7(50), this is a paradigm case for 22.7(18). That exception protects from disclosure:

> Communications not required by law, rule, procedure, or contract that are made to a government body or to any of its employees by identified persons outside of

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> government, to the extent that the government body receiving those communications from such persons outside of government could reasonably believe that those persons would be discouraged from making them to that government body if they were available for general public examination. As used in this subsection, "persons outside of government" does not include persons or employees of persons who are communicating with respect to a consulting or contractual relationship with a government body or who are communicating with a government body with whom an arrangement for compensation exists. Notwithstanding this provision:
>
> a. The communication is a public record to the extent that the person outside of government making that communication consents to its treatment as a public record.
>
> b. Information contained in the communication is a public record to the extent that it can be disclosed without directly or indirectly indicating the identity of the person outside of government making it or enabling others to ascertain the identity of that person.[12]

As was explained above, nothing in a "law, rule, procedure, or contract" required the filing of the dispersion modeling with the Board. It was done to combat misinformation and with the clear understanding that the Board had deemed the information "Attorneys' Eyes Only" confidential. It was accompanied throughout the entire case below by expressions of concern about confidentiality and whether there was any legitimate purpose for dispersion modeling to be a point litigated before the Board in light of federal preemption of the safety issue. Summit provided the modeling only because the Board had not precluded the issue from the case, allowing opponents to discuss it. To the extent the Board finds any value in seeing the modeling – or any value in having less litigation over the modeling that could delay proceedings even further -- disclosure here will make it much more likely that future applicants for infrastructure permits before the Board will decline to provide the models and will litigate as long as necessary to avoid such disclosure, exactly what 22.7(18) seeks to avoid.

[12] Subparagraph (c) pertains to criminal investigations and has been omitted here.

The specific language in §22.7(18) is also instructive. There is an exception to the exception that *allows* disclosure if the persons whose communications are being disclosed were in regard to a "consulting or contractual relationship with a government body" or if the person communicating has a compensation arrangement with the government body. There is no exception for information voluntarily provided, but under an assumption of confidentiality, as part of a contested case. Subparagraph (a) also allows disclosure if the private person making the communication consents to its disclosure. Here, Summit did the opposite, moving immediately for confidential treatment.

The Iowa Supreme Court has stated that while many exceptions to the Open Records Act should be read narrowly, §22.7(18) should instead be read broadly.

> We conclude that the purpose of the foregoing legislation is reasonably clear. It is the legislative goal to permit public agencies to keep confidential a broad category of useful incoming communications which might not be forthcoming if subject to public disclosure.

See City of Sioux City v. Greater Sioux City Press Club, 421 N.W.2d 895, 898 (Iowa 1988)(discussing Iowa Code §22.7(18) and rejecting disclosure of applications for city manager position). The Court should find the dispersion modeling fits squarely within the § 22.7(18) exception and enjoin the release of the dispersion modeling: it is information that was not required to be provided by any law or procedure, and the Board could (and should) reasonably expect that applicants would be much less likely to provide such information if it is subject to public disclosure.

II. THE PROCEDURAL POSTURE OF THIS CASE SHOULD ALSO GIVE THE COURT PAUSE IN ALLOWING RECORDS TO BE DISCLOSED AS IT SHORT-CIRCUITS THE BOARD'S PROCESSES; THE COURT SHOULD GIVE WEIGHT TO THE BOARD'S UNIQUE EXPERTISE.

While this case is readily resolved on the substantive arguments above, the unusual procedure regarding the records request should also concern the Court. The requestor had standing to participate in the Board's HLP-2021-0001 docket and received notice as a landowner subject to an eminent domain request – which gave her automatic party status had she requested to intervene. The Court should not encourage litigants to avoid available administrative processes and circumvent the discovery rulings that bind litigants by instead filing records requests. This is no different than if two corporations were litigating a trade secret case before this Court, and to resolve a discovery dispute the Court viewed the information in camera, and then ruled it was subject to a protective order, only to have an individual employee of the challenging company file an open records request for the court's file. While Summit acknowledges that open records are one of the rare cases involving agency proceedings where Iowa Code chapter 17A is not *exclusive*, as a policy matter, it makes no sense to say that non-litigants have more rights to information than parties to a case, and makes no sense to say that an agency as a quasi-judicial tribunal can make a decision after hearing arguments and reading briefs from all sides, but that someone can file a simple records request and override all of that argument and deliberation. There clearly is room for mischief when some landowners opposing a pipeline seek information through discovery in the agency litigation and others use open records requests.

At the very least, when applying the exceptions in §§ 22.7(18) and (50), the Court should give weight to the Board's determination that the information is sensitive and should be attorneys' eyes only. The Board deals regularly with pipelines and infrastructure of all kinds

throughout the state and is aided by an engineering staff with expertise in federal pipeline regulations and in pipeline construction and operation. The Board has specialized expertise in terms of the sensitivity and vulnerability of critical infrastructure that the Court generally does not need to develop.

III. RELIEF REQUESTED

Iowa Code § 22.5 provides for enforcement of the provisions of the Open Records Act – including its exceptions – by injunction. Additionally, Iowa Code § 22.7(8) creates a free-standing cause of action for injunction regarding public records, and allows the Court to grant an injunction in whole or part against the public examination of records if it finds

a. That the examination would clearly not be in the public interest; and
b. That the examination would substantially and irreparably injure any person or persons.

Iowa Code § 22.7(8)(1). As required by the statute, Summit has made such showing supported by a factual declaration and more importantly supported by Iowa law as set forth above. There can be little question that release of the sensitive dispersion modeling information on critical infrastructure creates the potential for irreparable harm. Once released "into the wild," the information cannot be reined back in, and as the FBI notice and the attacks on the Dakota Access pipeline in Iowa show, the threat is real. Making it easier for the threat to be successful risks real harm to Iowans that Summit is diligently seeking to prevent.

Accordingly, Summit respectfully requests that the Court issue an injunction prohibiting the Board from releasing the pipeline route dispersion modeling that Summit voluntarily provided and for which Summit has been granted confidential treatment.

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Filed this 12th day of February, 2024.

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