

Filed with the Iowa Utilities Board on September 14, 2021, HLP-2021-0001

STATE OF IOWA
DEPARTMENT OF COMMERCE
BEFORE THE IOWA UTILITIES BOARD

IN RE:

SUMMIT CARBON SOLUTIONS, LLC

DOCKET NO. HLP-2021-0001

**OBJECTION TO REQUEST FOR CONFIDENTIAL
TREATMENT OF MAILING LIST**

The Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, files this Objection to the Request for Confidential Treatment (Request) filed by Summit Carbon Solutions, LLC (Summit) on August 13, 2021. OCA requests that the Board require the mailing lists to be filed publicly or take other steps to ensure affected landowners have appropriate access to the lists. For its Objection, OCA states:

1. On August 13, 2021 Summit confidentially filed mailing lists for Story and Hardin counties. Summit stated that it would file mailing lists for other affected counties in the course of its public information meetings schedule. Summit requested confidential treatment for the Story and Hardin county lists, and for all subsequent mailing lists. Request, p. 1.

2. Summit claimed the mailing lists qualify for confidential treatment pursuant to Iowa Code § 22.7(6) regarding “reports to governmental agencies which, if released, would give advantage to competitors and serve no public purpose.” Request, pp. 1-2.

3. OCA strongly disagrees with Summit’s assertion that no public purpose would be served by public disclosure of the mailing lists. As numerous objectors have noted, public disclosure of the lists could enable affected landowners who object to the project to collaborate in joint defense. *See, e.g.*, objections filed August 25 through September 13. This collaboration

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is likely to result in a more complete and meaningful record for the Board as it considers the case.

4. OCA also disagrees with Summit's claim that disclosure of the list would cause competitive harm to Summit or its vendor. OCA does not dispute that preparation of the list took substantial work and effort. However, Summit admits that the mailing list is derived from public land records. OCA does not understand how the mailing list could advantage a competitor given that Summit has already filed maps of the proposed route. Most importantly, the list itself has legal significance in Iowa because the list defines the subset of Iowa landowners from whom Summit may seek easements or other land rights related to the proposed project.

5. OCA shares Summit's concern for the privacy, safety, and security of Iowa landowners on the lists. However, there are steps the Board can take to protect the privacy and security of vulnerable landowners while still providing meaningful public access to the list. The Board should screen the list before disclosure to remove any contact information related to persons included in the Safe at Home program. If the Board does not believe that this is sufficient, the Board could take other steps, such as giving notice and an opportunity for any landowner on the list who does not wish to be contacted to request that his or her contact information be redacted from any publicly accessible version of the list.

Respectfully submitted,

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