

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: SUMMIT CARBON SOLUTIONS LLC	DOCKET NO. HLP-2021-0001
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ORDER DENYING MOTION TO RECONSIDER

On November 23, 2021, the Utilities Board (Board) issued an order granting in part and denying in part a request for confidentiality, with dissent, in regard to Summit Carbon Solutions LLC's (Summit Carbon) request for confidential treatment of its mailing lists that identify landowners in the pipeline corridor. In the November 23, 2021 order, the Board held the names and addresses of all non-governmental persons confidential, while all other names and addresses would not be held confidential.

On December 13, 2021, Summit Carbon filed a motion to reconsider the November 23, 2021 order, asserting the Board should hold the entirety of the lists confidential pursuant to Iowa Code § 22.7(18), as the lists were not required to be filed by any statute or rule and were provided voluntarily for the Board's own use. Summit Carbon further states that the names of small family farms that have been organized as a corporate entity have the same privacy interests as those persons who were granted confidential treatment in the initial order. Lastly, Summit Carbon states the Board should clarify or reconsider the order to hold that trusts be held confidential, as trusts are not business entities.

DOCKET NO. HLP-2021-0001

PAGE 2

On December 27, 2021, the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, filed its response to Summit Carbon's motion. OCA states the Board should deny Summit Carbon's motion to reconsider, but should provide clarity as to how trust names and addresses are to be handled.

On December 27, 2021, the Sierra Club Iowa Chapter (Sierra Club) filed its response to Summit Carbon's motion. Sierra Club states the Board should deny Summit Carbon's motion to reconsider. Sierra Club further states that as the Board's order did not rely upon Iowa Code chapter 22 for holding the mailing lists confidential, the Board should turn the records over for public inspection.

On November 30, 2021, Summit Carbon was notified by the Board of an open records request filed by Sierra Club for the mailing lists. The notice indicated Summit Carbon had 14 days to seek an injunction against the release of the confidential material.

On December 14, 2021, Summit Carbon sought injunctive relief in Polk County District Court to prevent the release of the confidential material.

Pursuant to Iowa Code § 22.8, the district court will now determine whether the documents in question are confidential as well as the scope of confidentiality, if found to be confidential.

The Board will deny the motion to reconsider as the issue of confidentiality of the lists is before the Polk County District Court, and the Board will comply with the ruling and requirements established by the District Court.

DOCKET NO. HLP-2021-0001
PAGE 3

IT IS THEREFORE ORDERED:

The motion to reconsider filed by Summit Carbon Solutions LLC on December 13, 2021, is denied.

UTILITIES BOARD

Geri Huser Date: 2022.01.12
07:55:06 -06'00'

Richard Lozier Date: 2022.01.12
09:57:10 -06'00'

ATTEST:

Louis Vander Streek Louis Vander Streek
2022.01.12 14:58:16
-06'00'

Joshua J Byrnes Date: 2022.01.12
09:02:13 -06'00'

Dated at Des Moines, Iowa, this 12th day of January, 2022.