

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

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| <p>SUMMIT CARBON SOLUTIONS, LLC,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>IOWA UTILITIES BOARD, A DIVISION OF<br/>THE DEPARTMENT OF COMMERCE,<br/>STATE OF IOWA,</p> <p style="text-align: center;">Respondent,</p> <p style="text-align: center;">And</p> <p>SIERRA CLUB IOWA CHAPTER and<br/>OFFICE OF CONSUMER ADVOCATE,</p> <p style="text-align: center;">Intervenors.</p> | <p>Case No. CVCV062900</p> <p style="text-align: center;"><b>PETITIONER’S<br/>FIRST SET OF INTERROGATORIES<br/>DIRECTED TO RESPONDENT<br/>IOWA UTILITIES BOARD</b></p> |
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Pursuant to Iowa Rule of Civil Procedure 1.509, Petitioner, Summit Carbon Solutions, LLC, (“Summit”) hereby requests that Respondent, Iowa Utilities Board, (“IUB”) answer the following interrogatories under oath within 30 days following service hereof. In responding to these Interrogatories, Respondent is requested to answer in accordance with the Instructions and Definitions set forth herein.

**DEFINITIONS**

As used herein, the following terms shall have the meanings listed below:

1. “Person” shall mean a natural person, partnership, corporation, pension fund, trust, unincorporated association, group, governmental agency or agent, and any other organization or entity.
2. “Document” means any printed, typewritten, or otherwise recorded matter, of whatever character, including, without limitation, letters, correspondence, brochures,

memorandum, telegrams, notes, catalogs, diaries, reports, calendars, intra-office communications, statements, announcements, photographs, tape recordings, motion pictures, videotaped recordings, and any carbon or photographic copy of such material if you do not have custody or control of the original. Please note that this definition includes all information stored on computer hard drives, computer diskettes, CD's, computer networks or other type of computer storage.

3. "Identify," when used in connection with a document, means to state its type (e.g., letter, memorandum, drawing, etc.), subject matter and date, by whom written or prepared, by whom signed, to whom sent, its present location (name and address of place), and the present custodian of the original and all copies thereof. If any such document was, but no longer is, in your possession or custody or subject to your control, state what disposition was made of the document. In lieu of providing a list or otherwise identifying documents in your possession as requested, you may attach copies of the documents along with your answers to these interrogatories.

4. "Identify," when used in connection with an individual, means to state the person's full name, last known home address and home telephone number, the full name, current address and telephone number of the company, firm, or other organization with which the person is affiliated or by whom the person is employed, and the person's position, title or job capacity at the date of your response and at the time covered by the interrogatory.

5. "Identify," when used in connection with an entity other than an individual person, means to state whether such entity is a corporation, partnership or other organization, and the name, present and last known address, and principal place of business of such entity.

6. "You," and "your," and "IUB" shall refer to the Respondent in this matter, and

any agents, attorneys or representatives acting on Respondent's behalf.

### **INSTRUCTIONS**

1. If any document(s) requested to be identified or produced was, but is no longer in your control, or is no longer in existence, state whether it is: (1) missing or lost; (2) destroyed; (3) transferred voluntarily or involuntarily to others, and if so, to whom; or (4) otherwise disposed of. In each instance, explain the circumstances surrounding and authorization for such disposition thereof, and state the approximate date thereof.

2. In responding to these Interrogatories, you are required to furnish all information that is available to you, including information in the possession of your attorneys or other persons directly or indirectly employed by or connected with you, or your attorneys and anyone else acting in your behalf or otherwise subject to your control.

3. In responding to these interrogatories you must make a diligent search of your records and of other papers and materials in your possession or available to you or your representatives. If you cannot obtain the records or information to answer these interrogatories, you should explain in your answer the circumstances and what has been and is being done to obtain the information specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portion.

4. These interrogatories shall be continuing so as to require supplemental answers at reasonable times prior to trial when additional information with respect to these interrogatories is obtained by you or your counsel.

5. If a document is withheld on the grounds of privilege: (1) identify the creator of the document; (2) identify all intended and actual recipients of the document; (3) describe the

contents of the document; and (4) explain the basis for the assertion of privilege.

6. If non-documentary information is withheld on the grounds of privilege: (1) identify the maker of the statement; (2) identify all persons present when the statement was made; (3) describe the contents of the statement; and (4) explain the basis for the assertion of privilege.

Dated: April 5, 2022

/s/ Bret A Dublinske

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**ATTORNEYS FOR  
SUMMIT CARBON SOLUTIONS LLC**

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 5<sup>th</sup> day of April, 2022, the foregoing document was served via electronic mail on counsel of record at the address(es) indicated below:

IOWA UTILITIES BOARD

Jon Tack, General Counsel  
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SIERRA CLUB IOWA CHAPTER

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/s/ Bret A Dublinske

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**INTERROGATORY NO. 1:** In IUB's response to Sierra Club's Interrogatory No. 2, IUB stated that it "began the routine practice of requesting a list or map identifying individuals provided notice of an informational meeting in June 2019," and IUB provided lists of dockets in which such requests were made.

a) State whether the listed dockets include every E-, P-, HLP- or GCU- docket in which an informational meeting was held in calendar 2019, 2020, and 2021.

b) List all informational meetings held in any E-, P-, HLP-, or GCU- dockets in 2019, 2020 and 2021 which were not listed in response to Sierra Club Interrogatory No. 2.

**ANSWER:**

**INTERROGATORY NO. 2:**

a) Identify any order, rule, or other written policy statement where this practice of requesting a list of map identifying individuals provided notice of an informational meeting was (i) set forth publicly where stakeholders could learn of this policy; and (ii) internally at the IUB;

b) Describe how this policy change in June 2019 was made (i.e. was there a vote of the Board, was there a written rationale for changing the policy, etc.) and the legal basis for making such a change;

c) Identify the specific legal basis for requesting such lists.

**ANSWER:**

**INTERROGATORY NO. 3:** For all dockets IUB listed in response to Sierra Club's interrogatories as being a docket where such information was requested, state whether the information was provided, and whether it was provided in the public docket or not. For any docket where the information was not provided on request, state what actions were taken or consequences suffered by the party that did not provide such a list.

**ANSWER:**