

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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|                      | * |                           |
|                      | * | HP24-001                  |
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|                      | * |                           |
| IN THE MATTER OF THE | * |                           |
| APPLICATION BY SCS   | * |                           |
| CARBON TRANSPORT LLC | * |                           |
| FOR A PERMIT TO      | * | SPINK COUNTY COMMISSION'S |
| CONSTRUCT A CARBON   | * | OBJECTIONS AND ANSWERS    |
| DIOXIDE TRANSMISSION | * | TO APPLICANT'S            |
| PIPELINE             | * | INTERROGATORIES           |
|                      | * | (FIRST SET)               |
|                      | * |                           |
|                      | * |                           |

\* \* \* \* \*

Spink County Commission answers Applicant's Interrogatories (First Set) to Spink County Commission as follows:

**PRELIMINARY STATEMENT**

These answers are made without waiving or intending to waive any objections as to relevance or admissibility of any information provided in response to Applicant's ("Summit") interrogatories in any subsequent proceeding or at the trial of this or any other action, on any ground. A partial answer to any interrogatory that has been objected to, in whole or in part, is not intended to be a waiver of the objection.

**OBJECTIONS AND ANSWERS TO INTERROGATORIES**

1. Identify all persons not employed by Spink County with whom any employee or agent of Spink County, including any Commissioner or elected official, has communicated or consulted with or retained concerning any proposed ordinance to regulate the proposed Midwest Carbon Express Pipeline in Spink County, including the amendments to the Spink County Zoning Ordinance adopted August 8, 2023, and effective August 23, 2023 (Ordinance 17.29) ("the Ordinance").

**OBJECTION:** This interrogatory is vague, ambiguous, overly broad, and unduly burdensome because it asks Spink County to provide the identities of literally anyone who may have knowledge to the Ordinance or any proposed ordinance regardless of the relevance or level of substantive knowledge to this action.

**ANSWER:** Without waiving the aforementioned objection, and to the extent this interrogatory does not seek information subject to the objection, Tracey Millar, Director of Equalization has communicated with Brooke Graves, McPherson County Director of Equalization; Sandra Northrup, Edmunds County Director of Equalization; Scott Bader, Brown County Planning and Zoning Director; a Lincoln County employee; Kim Eichstadt, Beadle County Director of Equalization; and Austin Hoffmann, McPherson State's Attorney. County Commissioners, Brian Johnson, Brett Knox, Kevin Siebrecht, Suzanne Smith, and Dave Albrecht were provided with the public's feedback and input as to the ordinance during the commission's public meetings.

2. Identify all persons employed by Spink County, including any Commissioner or elected official other than the State's Attorney, who have been involved with the research or writing related to any proposed ordinance to regulate the proposed Midwest Carbon Express Pipeline in Spink County, including the Ordinance.

**ANSWER:** Tracey Millar and the commissioners.

3. Identify all subject-matter experts with whom Spink County has consulted about any proposed ordinance to regulate the proposed Midwest Carbon Express Pipeline in Spink County, including the Ordinance.

**ANSWER:** None.

4. State all facts establishing that the setbacks in the Ordinance are necessary to protect the public health, safety, or welfare.

**ANSWER:** Spink County does not have facts due to the information requested being outside of its scope. Setbacks are established for the purpose of preserving orderly development within the County. Please see document marked SPINK 179.

5. State all facts, including any route you have identified, showing that it is possible for Summit to construct its proposed pipeline in Spink County with setbacks of 2,640 feet from schools, daycares, churches, residential dwelling, livestock facilities, or any structure that has residential living quarters within.

**ANSWER:** It is not Spink County's responsibility to route the pipeline or identify the route. Summit has not provided a specific, definitive map, as

requested, with the proposed route of where the pipeline would be located. Summit has only provided general maps.

6. State all facts why a setback of 2,640 feet from occupied dwellings, churches, day cares, schools, and livestock facilities was included in the Ordinance.

**ANSWER:** Setbacks are established for the purpose of preserving orderly development within the County.

7. State all facts why the 2,640-foot setback stated in the Ordinance is measured from the property line rather than from an occupied structure.

**ANSWER:** Setbacks are established for the purpose of preserving orderly development within Spink County. Setbacks aid in avoiding the disruption of the development and the livelihood of farmers/producers as their valuable livestock may roam close to the property lines. Also, setbacks established for Concentrated Animal Feeding Operations (“CAFO”) are measured from the property line. Measuring from the property line for HLPs keeps uniformity and consistency within Spink County’s Comprehensive Zoning Plan.

8. State all facts why a setback of two miles from High Consequence Areas as defined in the Ordinance was included in the Ordinance.

**ANSWER:** Setbacks are established for the purpose of preserving orderly development within the County.

9. Identify the location of all High Consequence Areas in the County as defined in the Ordinance.

**ANSWER:** High Consequence Areas are defined within Spink County’s ordinances and include places with an occupancy of more than 100 people. An example of an HCA provided to Summit is the South Dakota Developmental Center. To Spink County’s knowledge, all HCAs are located within city limits.

10. State all facts why the two-mile setback stated in the Ordinance is measured from the property line rather than from occupied structures defined as High Consequence Areas.

**ANSWER:** Please see Answer to Interrogatory No. 7.

11. State the criteria by which the Spink County Board of Adjustment will decide whether to recommend allowing a variance of the setback distance less than

2,640 feet under the Ordinance, i.e., what about the project location, area, size, and property use will determine whether the setback variance is recommended.

**ANSWER:** The Spink County Board of Adjustment takes the public interest into perspective and notifies the affected neighbors during the process. If there are no objections at the hearing, the board generally will approve. The Board of Adjustment will recommend whether it is approved and then passed on to the Spink County Commission. This is the same procedure used for all variance requests.

12. State the criteria by which the Spink County Commission may approve or deny each variance recommended by the Zoning Board of Adjustment.

**ANSWER:** Please see answer to Interrogatory No. 11.

13. State the criteria by which the Spink County Board of Adjustment will decide whether to recommend allowing a waiver of the setback distance less than 2,640 feet under the Ordinance, i.e., what about the project location, area, size, and property use will determine whether the setback waiver is allowed or denied.

**ANSWER:** Please see answer to Interrogatory No. 11.

14. State the criteria by which the Spink County Commission may approve or deny each setback waiver recommended by the Zoning Board of Adjustment.

**ANSWER:** Please see answer to Interrogatory No. 11.

15. Explain why an HLP as defined in the Ordinance would seek setback waivers if the Zoning Board of Adjustment may deny each individual submittal of a setback waiver.

**OBJECTION:** This request calls for speculation.

**ANSWER:** Without waiving the aforementioned objection, and to the extent this interrogatory does not seek information subject to the objection, Spink County is unable to answer this interrogatory due to the information requested requiring it to speculate on the mental impressions of Summit.

16. Explain how the setback waivers allowed by the Ordinance are consistent with the Ordinance's purpose to protect the health, safety, and welfare of the inhabitants of Spink County.

**ANSWER:** Spink County established the setbacks for the purpose of preserving orderly development within the County, not to protect health and safety as that is outside the County's scope.

17. State the criteria by which the County will determine whether to permit a Pipeline Facility as a conditional use under the Ordinance and whether the criteria are part of the Ordinance.

**ANSWER:** There are ordinances for other conditional use permits. The same process used for other conditional use permits is used for pipeline facilities.

18. State whether the County Commission or the Zoning Board of Adjustment will decide whether to grant a conditional use permit for a Pipeline Facility.

**ANSWER:** Please see Answer to Interrogatory No. 17.

19. Identify all subject matter experts, consultants, or other persons whom you have retained or otherwise asked to review Summit's application for a permit under SDCL Ch. 49-4 IB filed with the Public Utilities Commission.

**ANSWER:** None.

20. Describe the efforts made by Spink County to regulate the natural gas, refined products, and crude oil transmission pipelines that currently cross Spink County.

**OBJECTION:** This interrogatory is vague and ambiguous as to the term refined products because it is not adequately defined and does not specify what products are encompassed.

**ANSWER:** Without waiving the aforementioned objection, and to the extent this interrogatory does not seek information subject to the objection, Spink County had discussions in 2009 regarding adopting an ordinance. These pipelines are federally regulated and came through 60 years ago. The only recent pipeline was from Dakota Access which was placed about 15 years ago. At that time there was no ordinance in place, Dakota Access received easements and placed its pipeline. Oil and hazardous liquid pipelines are different based on what regulations can be passed by counties.

21. State all facts establishing that the natural gas, refined products, and crude oil transmission pipelines that currently cross Spink County have jeopardized

the public health, safety, and welfare or have threatened orderly development in the county.

**OBJECTION:** This interrogatory is vague and ambiguous as to the term refined products because it is not adequately defined and does not specify what products are encompassed.

**ANSWER:** Without waiving the aforementioned objection, and to the extent this interrogatory does not seek information subject to the objection, none. These pipelines are federally regulated and came through 60 years ago. The only recent pipeline was from Dakota Access which was placed about 15 years ago. At that time there was no ordinance in place, Dakota Access received easements and placed its pipeline. Oil and hazardous liquid pipelines are different based on what regulations can be passed by counties.

22. Identify by date and location all meetings involving any Spink County employee or elected official and employees or agents of Summit.

**ANSWER:** Summit representatives attended commission meetings from March 2022 through December 2023. An individual from Summit met with Andrew Rindelaub, Emergency Management Director, for a couple hours in October of 2023 with Summit's Dispersion Analysis, but Andrew was not given the model to keep. Additionally, this information is in the possession of Summit.

23. Identify any request for information you have made to Summit that has not been answered.

**ANSWER:** Spink County has requested Summit's Dispersion Analysis and route on numerous occasions. Summit's entire Dispersion Analysis has yet to be provided to Spink County. A more specific route has also been requested but not received. Spink County first received the Dispersion Analysis in December of 2024, as it was included with Summit's most recent application. However, the contents of the Dispersion Analysis located on the Public Utilities Commission website were much less than the content of the Dispersion Analysis shown to Andrew Rindelaub. Summit's Dispersion Analysis shown to Andrew Rindelaub was approximately three (3) large binders. Summit has refused to meet with the commission publicly and provide the Analysis for the commission to keep.

24. Identify all instances in which Summit has refused to cooperate with Spink County with respect to any issue related to the Midwest Carbon Express Pipeline or the regulation thereof.

**ANSWER:** During the three-month tour and after Summit's variance requests were denied Summit wanted the requests reversed and did not want the Ordinance to apply to it at all following the denial of the first PUC application. See Answer to Interrogatory No. 23.

25. State any questions you have about Summit's Dispersion Analysis submitted as Attachment 9 to Summit's permit application filed with the Public Utilities Commission.

**ANSWER:** None at this time. Spink County has yet to be provided with Summit's Dispersion Analysis in order for it to be able to construct questions on the Analysis. Summit presented the Dispersion Analysis to Andrew Rindelaub which consisted of three binders, but Dispersion Analysis on the Public Utilities Commission website is only 16 pages.

26. State the factual basis for any dispute you have with the methodology, inputs, or conclusions in Summit's Dispersion Analysis.

**ANSWER:** Please see answer to Interrogatory No. 25.

27. State all facts establishing that the Midwest Carbon Express Pipeline as presently routed through Spink County will threaten or hinder orderly development in the County.

**ANSWER:** Spink County is not aware what the final route will be, therefore; it is unaware what facts show that the pipeline will threaten or hinder development. Many landowners have stated to the Spink County Commission that the pipeline's route significantly hinders their possibilities to grow their families and development.

28. Identify each Spink County employee who has experience routing an interstate transmission pipeline.

**ANSWER:** None.

29. Identify each consultant retained by Spink County who has experience routing an interstate transmission pipeline.

**ANSWER:** None.

30. Identify each person involved in drafting the Ordinance who has experience routing an interstate transmission pipeline.

**ANSWER:** None.

31. State whether you discussed any specific routing issues with Summit that it refused to consider, and, if so, describe them.

**ANSWER:** Spink County has not had a conversation with Summit regarding rerouting the pipeline. Alex Lange and Kylie Lange were part of a conversation regarding setbacks. Summit did not specify where the route would be located, but it did state that Spink County does not have authority regarding routing.

32. State the annual taxes levied by Spink County from 2010 to the present against the natural gas, refined products, and crude oil transmission lines located in the County.

**OBJECTION #1:** This interrogatory is overly broad and unduly burdensome because it is not limited to a time frame relevant to this action such as the last five (5) years.

**OBJECTION #2:** Levied taxes are public records and easily accessible to Summit.

**ANSWER:** Without waiving the aforementioned objection, and to the extent this interrogatory does not seek information subject to the objection, the records may be requested through the County Assessor's Office.

33. Identify all audio recordings, video recordings, photographs, drawings, or any other records in your possession that are from, include, or feature a Summit employee or contractor, and for each such recording, photograph, drawing, or other record, state the name of the person who made or prepared the recording, photograph, drawing, or other record, its location, and the purpose for which it was made.

**OBJECTION:** This interrogatory is vague, ambiguous, overly broad, and unduly burdensome because it asks Spink County Commission to provide copies of literally any document or media that involves Summit's employees or contractors regardless of relevance to this action.

**ANSWER:** Without waiving the aforementioned objection, and to the extent this interrogatory does not seek information subject to the objection, please see documents marked SPINK 164-178.



34. State whether any Spink County Commissioner has publicly disavowed Commission Suzanne Smith's statement made on a panel for South Dakotans First that she was sick of listening to Summit at Commission meetings, but the Commission had to make it look good or they would be sued, or words to that effect. If so, state which Commissioners have disavowed the statements, when, and in what forum.

**ANSWER:** Commissioner Smith did not participate on a panel for South Dakotans First nor does she recall making such statement. The commissioners are also unaware of an organization with this name.

35. If you contend that the setback map attached as Exhibit 13 to Kylie Lange's prefiled testimony dated January 31, 2025 is inaccurate, state the factual basis on which you dispute its accuracy.

**OBJECTION:** The requested information calls for pure conjecture and speculation as Spink County was not involved in the creation of Exhibit 13 and lacks the foundation to understand how Kylie Lange produced it.

**ANSWER:** Without waiving the aforementioned objection, and to the extent this interrogatory does not seek information subject to the objection, Spink County cannot answer this interrogatory because they were not involved in its creation or the parameters used by Kylie Lange.

36. State the current population of Spink County.

**OBJECTION:** The requested information is a matter of public record equally accessible to Summit.

**ANSWER:** Without waiving the aforementioned objection, and to the extent this interrogatory does not seek information subject to the objection, at the time of the 2020 census, Spink County's population was 6,361.

37. State the area of Spink County in square miles.

**OBJECTION:** The requested information is a matter of public record equally accessible to Summit.

**ANSWER:** Without waiving the aforementioned objection, and to the extent this interrogatory does not seek information subject to the objection, Spink County has a total area of 1,510 square miles.

38. State the total budgeted expenses for Spink County for the fiscal years 2010 to present.

**OBJECTION:** The requested information is a matter of public record equally accessible to Summit.

**ANSWER:** Without waiving the aforementioned objection, and to the extent this interrogatory does not seek information subject to the objection, the requested information may be obtained at the Auditor's Office.

39. State all facts explaining how the setbacks established in the Ordinance are not unreasonably restrictive within the meaning of SDCL § 49-41 B-23, given federal regulation by PHMSA, state regulation by the Public Utilities Commission, and the engineering design, pipeline integrity program, leak detection and monitoring capabilities, construction measures and oversight, and emergency response measures particular to the Midwest Carbon Express Pipeline.

**OBJECTION:** This interrogatory seeks a legal conclusion as to what is unreasonable. Spink County submits Summit to its strict burden of proof under SDCL 49-41B-23 to show that the setbacks established in the Ordinance are unreasonably restricted.

**ANSWER:** Without waiving the aforementioned objection, and to the extent this interrogatory does not seek information subject to the objection, the reasonability of the Ordinance will be determined by the Public Utilities Commission.

40. Identify by name, address, email address, and telephone number each witness you intend to call to testify at the hearing in this docket and state generally the substance of each witness's testimony.

**ANSWER:** At this time, no decision has been made about which witnesses may be called at the hearing. Given the fact that this case is in its early stages and our investigation of the facts and law relevant to this matter is continuing, Spink County Commission reserves the right to introduce into evidence or at the hearing such other witnesses as are uncovered, developed, or relied upon by me, my experts, if any, and my counsel in the continuing discovery and investigation of the issues in this action.

Dated this 12 day of March, 2025.

By Brian Johnson  
Brian Johnson  
Spink County Commissioners Chair

STATE OF SOUTH DAKOTA)

:S

COUNTY OF SPINK)

The undersigned, being first duly sworn, upon his oath, hereby states: That he signed the foregoing answers to interrogatories; and that the answers given are true to the best of his knowledge, information and belief.

By Brian Johnson  
Brian Johnson  
Spink County Commissioners Chair

Subscribed and sworn to before  
me this 12<sup>th</sup> day of March, 2025.

Theresa Hodges  
Notary Public, South Dakota



My Commission Expires: 05/18/2027

### OBJECTIONS

The undersigned objects to Interrogatory Nos. 1, 15, 20, 21, 32, 33, and 35-39 on the grounds and for the reasons stated herein.

Dated this 12<sup>th</sup> day of March, 2025.

RICHARDSON, WYLY, WISE, SAUCK  
& HIEB, LLP

By /s/ Ryan S. Vogel  
Attorneys for Spink County

Ryan S. Vogel  
One Court Street  
Post Office Box 1030  
Aberdeen, SD 57402-1030  
Telephone No. 605-225-6310

## **CERTIFICATE OF SERVICE**

The undersigned, one of the attorneys for Spink County, hereby certifies that on the 12<sup>th</sup> day of March, 2025, a true and correct copy of **SPINK COUNTY COMMISSION'S OBJECTIONS AND ANSWERS TO APPLICANT'S INTERROGATORIES (FIRST SET)** was served via email on:

Mr. James E. Moore  
Woods, Fuller, Shultz & Smith, P.C.  
300 South Phillips Avenue, Suite 300  
Post Office Box 5027  
Sioux Falls, SD 57117-5027  
James.Moore@woodsfuller.com

Mr. Brett Koenecke  
Mr. Aaron P. Scheibe  
Mr. Cody Honeywell  
May Adam, Gerdes & Thompson, LLP  
503 South Pierre Street  
Post Office Box 160  
Pierre, SD 57501-0160  
Brett@mayadam.net  
Aaron@mayadam.net  
Cody@mayadam.net

Dated this 12<sup>th</sup> day of March, 2025.

RICHARDSON, WYLY, WISE, SAUCK  
& HIEB, LLP

By /s/ Ryan S. Vogel  
Attorneys for Spink County

Ryan S. Vogel  
One Court Street  
Post Office Box 1030  
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Telephone No. 605-225-6310  
Email: RVogel@rwwsh.com

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

\* \* \* \* \*

IN THE MATTER OF THE  
APPLICATION BY SCS  
CARBON TRANSPORT LLC  
FOR A PERMIT TO  
CONSTRUCT A CARBON  
DIOXIDE TRANSMISSION  
PIPELINE

HP24-001

**SPINK COUNTY COMMISSION'S  
OBJECTIONS AND RESPONSES  
TO APPLICANT'S REQUESTS FOR  
PRODUCTION (FIRST SET)**

\* \* \* \* \*

Spink County Commission, by and through its attorneys of record, makes the following separate responses to Applicant's Requests for Production of Documents (First Set) to Spink County Commission:

**PRELIMINARY STATEMENT**

These responses are made without waiving or intending to waive any objections as to relevance or admissibility of any information provided in response to Spink County Commission's requests for production in any subsequent proceeding or at the trial of this or any other action, on any ground. A partial response to any request for production that has been objected to, in whole or in part, is not intended to be a waiver of the objection.

**OBJECTIONS AND RESPONSES TO REQUESTS FOR DOCUMENTS**

1. Produce all written communications, including emails, between any person employed by, or any agent of, Spink County, including any Commissioner or elected official, and any person not employed by Spink County with whom Spink County has communicated or consulted about any proposed ordinance to regulate the proposed Midwest Carbon Express Pipeline in Spink County, including the Ordinance.

**OBJECTION:** This request is vague, ambiguous, overly broad, and unduly burdensome because it asks Brown County Commission to provide copies of literally any communication that could relate to this action in any way regardless of relevance.

**RESPONSE:** Without waiving the aforementioned objection, and to the extent this request does not seek information subject to the objection, please see documents marked SPINK 182-184.

2. Produce all communications, including emails between and among employees of Spink County, including any Commissioner or elected official other than the State's Attorney, related to any proposed ordinance to regulate the proposed Midwest Carbon Express Pipeline in Spink County, including the Ordinance.

**OBJECTION:** This request is vague, ambiguous, overly broad, and unduly burdensome because it asks Brown County Commission to provide copies of literally any communication that could relate to this action in any way regardless of relevance.

**RESPONSE:** Without waiving the aforementioned objection, and to the extent this request does not seek information subject to the objection, Tracey Millar sent the commissioners information to prepare for their meetings. All the information was discussed in the meetings, please see documents marked SPINK 11-163 for the minutes.

3. Produce all documents or research on which you rely to establish that a setback of 2,640 feet as stated in the Ordinance is necessary to protect the public health, safety, or welfare.

**RESPONSE:** None, Spink County established the setbacks for the purpose of preserving orderly development within the County, not to protect health and safety as that is outside the County's scope.

4. Produce all documents or research on which you rely to establish that a setback of two miles as stated in the Ordinance is necessary to protect the public health, safety, or welfare.

**RESPONSE:** None, Spink County established the setbacks for the purpose of preserving orderly development within the County, not to protect health and safety as that is outside the County's scope.

5. Produce all documents or research on which you rely to establish that the Ordinance is necessary to protect public health, safety, or welfare.

**RESPONSE:** Spink County does not have facts due to the information requested being outside of its scope. Setbacks are established

for the purpose of preserving orderly development within the County. Please see document marked SPINK 179.

6. Produce all written communications, including emails, since the Ordinance was first proposed, between any employee, agent, or elected official of Spink County, and the Pipeline Hazardous Materials Safety Administration about PHMSA's regulation of pipelines transporting carbon dioxide.

**OBJECTION:** This request potentially seeks information which constitutes attorney work product.

**RESPONSE:** Without waiving the aforementioned objection, and to the extent this request does not seek information subject to the objection, please see documents, none.

7. Produce all written communications, including emails, sent by any employee or agent of Spink County, and any employee, agent, or elected official of any other South Dakota county about the Ordinance, the basis for the Ordinance, the regulation of the Midwest Carbon Express Pipeline, or carbon-capture pipelines in general, since the Ordinance was first proposed.

**OBJECTION:** This request is vague, ambiguous, overly broad, and unduly burdensome because it asks Spink County Commission to provide copies of literally any communication that could relate to this action in any way regardless of relevance.

**RESPONSE:** Without waiving the aforementioned objection, and to the extent this request does not seek information subject to the objection, Spink County is gathering the requested documents and will supplement at a later time.

8. Produce the minutes and recordings of all County Commission meetings at which the Ordinance or the Midwest Carbon Express Pipeline was discussed.

**RESPONSE:** Please see documents marked SPINK 11-163 and 180.

9. Produce the minutes and recordings of all Zoning Board of Adjustment meetings at which the Ordinance or the Midwest Carbon Express Pipeline was discussed.

**RESPONSE:** Please see documents marked SPINK 1-10 and 181.



10. Produce all written communications, emails, research, published articles, or other documents on which you rely to dispute the methodology, inputs, or conclusions in Summit's Dispersion Analysis.

**RESPONSE:** None. Due to having yet to be provided with Summit's full Dispersion Analysis, Spink County is not disputing the methodology, inputs, or conclusions at this time.

11. Produce all reports provided to you by any subject matter expert or consultant identified in your answers to the above interrogatories on which you intend to rely at the hearing before the Public Utilities Commission.

**RESPONSE:** None.

12. Produce all documents showing the annual taxes levied by Spink County from 2010 to the present against the natural gas, refined products, and crude oil transmission pipelines in the County.

**OBJECTION #1:** This interrogatory is overly broad and unduly burdensome because it is not limited to a time frame relevant to this action such as the last five (5) years.

**OBJECTION #2:** Levied taxes are public records and easily accessible to Summit.

**ANSWER:** Without waiving the aforementioned objection, and to the extent this interrogatory does not seek information subject to the objection, none. The records may be requested through the Spink County Assessor's Office.

13. Produce all documents on which you relied in answering the above interrogatories.

**OBJECTION:** This request is vague, ambiguous, overly broad, and unduly burdensome because it asks Spink County Commission to provide copies of literally any document that could relate to this action in any way regardless of relevance or admissibility.

**RESPONSE:** Without waiving the aforementioned objection, and to the extent this request does not seek information subject to the objection, please see documents marked SPINK 1-184.

14. Produce all audio recordings, video recordings, photographs, drawings, or other records identified in your answer to Interrogatory No. 33.

**RESPONSE:** Please see documents marked SPINK 164-178.

15. Produce Spink County's official zoning map.

**RESPONSE:** Spink County is gathering the requested document and will supplement at a later time.

Dated this 12<sup>th</sup> day of March, 2025.

RICHARDSON, WYLY, WISE, SAUCK  
& HIEB, LLP

By /s/ Ryan S. Vogel  
Attorneys for Spink County

Ryan S. Vogel  
One Court Street  
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Aberdeen, SD 57402-1030  
Telephone No. 605-225-6310  
Email: RVogel@rwwsh.com

## **CERTIFICATE OF SERVICE**

The undersigned, one of the attorneys for Spink County, hereby certifies that on the 12<sup>th</sup> day of March, 2025, a true and correct copy of **SPINK COUNTY COMMISSION'S OBJECTIONS AND RESPONSES TO APPLICANT'S REQUESTS FOR PRODUCTION (FIRST SET)** was served via email on:

Mr. James E. Moore  
Woods, Fuller, Shultz & Smith, P.C.  
300 South Phillips Avenue, Suite 300  
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Mr. Brett Koenecke  
Mr. Aaron P. Scheibe  
Mr. Cody Honeywell  
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503 South Pierre Street  
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Brett@mayadam.net  
Aaron@mayadam.net  
Cody@mayadam.net

Dated this 12<sup>th</sup> day of March, 2025.

RICHARDSON, WYLY, WISE, SAUCK  
& HIEB, LLP

By     /s/ Ryan S. Vogel      
Attorneys for Spink County

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| IN THE MATTER OF THE<br>APPLICATION BY SCS<br>CARBON TRANSPORT LLC<br>FOR A PERMIT TO<br>CONSTRUCT A CARBON<br>DIOXIDE TRANSMISSION<br>PIPELINE | *<br>*<br>*<br>*<br>*<br>*<br>*<br>*<br>* | HP24-001<br><br><br><br><b>SPINK COUNTY COMMISSION'S<br/>OBJECTIONS AND RESPONSES<br/>TO APPLICANT'S REQUESTS FOR<br/>ADMISSION (FIRST SET)</b> |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|

\* \* \* \* \*

Spink County Commission, by and through its attorneys of record, makes the following separate responses to Applicant's Requests for Admission (First Set) to Spink County Commission:

**PRELIMINARY STATEMENT**

These responses are made without waiving or intending to waive any objections as to relevance or admissibility of any information provided in response to Spink County Commission's requests for production in any subsequent proceeding or at the trial of this or any other action, on any ground. A partial response to any request for production that has been objected to, in whole or in part, is not intended to be a waiver of the objection.

**OBJECTIONS AND RESPONSES TO REQUESTS FOR DOCUMENTS**

1. Admit that Commissioner Suzanne Smith spoke on a panel for South Dakotans First on November 16, 2023.

**RESPONSE:** Deny. Commissioner Smith was not on a panel for South Dakotans First.

2. Admit that when speaking on the panel, Commissioner Smith stated that she was tired of Summit coming to Spink County Commission meetings.

**RESPONSE:** Deny. Please see the response to Request for Admission No. 1.

3. Admit that when speaking on the panel, Commissioner Smith stated that the Commission “had to make it look good or they would be sued,” or words to that effect.

**RESPONSE:** Deny. Please see the response to Request for Admission No. 1.

4. Admit that Summit has asked the Spink County Emergency Manager to present its Dispersion Analysis to first responders.

**OBJECTION:** This request for admission is vague and ambiguous because it is unclear whether Summit intends to mean that it wanted itself to present to the first responders or if Summit wanted the Emergency Manager to present.

**RESPONSE:** Admit Summit emailed Andrew Rindelaub, Emergency Management Director, in approximately April of 2024 to set up a meeting with the Redfield Fire Department. Redfield Fire Department was not interested in meeting. Summit was free to contact first responders on its own.

5. Admit that Summit has asked to present its Dispersion Analysis to first responders more than once.

**RESPONSE:** Admit Summit emailed Andrew Rindelaub, Emergency Management Director, on more than one occasion to set up a meeting with the Redfield Fire Department. Redfield Fire Department was not interested in meeting. Summit was free to contact first responders on its own. Summit has not contacted Andrew since it submitted its new application for the pipeline.

6. Admit that Summit was told that there was no interest in the presentation.

**RESPONSE:** Admit that upon Summit’s request, Andrew Rindelaub spoke with the Redfield Fire Department who expressed its disinterest in Summit’s presentation and did not want to meet to see the Dispersion Analysis. Andrew told Summit they could revisit its request once it submitted its new application. Summit did not request to meet with anyone, other than the Redfield Fire Department. It is unknown if Summit reached out to anyone else in the County.

7. Admit that Summit has asked the Spink County Planning and Zoning Administrator more than once by email to identify which buildings in Spink County are considered High Consequence Areas under the Zoning Ordinance.

**RESPONSE:** Admit Summit asked where some high consequence areas (“HCA”) were. Tracey Millar, Director of Equalization, responded to Summit via email and spoke about it more in detail when Alex Lange and Kylie Lange came to visit Tracey in her office. Tracey informed the Langes that the HCAs were within city limits. Tracey informed Summit that the South Dakota Developmental Center is an HCA. The definition of an HCA is contained withing Spink County’s Zoning Ordinances.

8. Admit that Summit has asked the Spink County Planning and Zoning Administrator in person to identify which buildings in Spink County are considered High Consequence Areas under the Zoning Ordinance.

**RESPONSE:** Admit. Tracey spoke with Alex Lange and Kylie Lange when they came to visit Tracey in her office. Tracey informed the Langes that the HCAs were within city limits. Tracey informed them that the South Dakota Developmental Center is an HCA. The definition of an HCA is contained withing Spink County’s Zoning Ordinances.

9. Admit that no one from Spink County has told Summit which buildings in Spink County are considered High Consequence Areas under the Zoning Ordinance.

**RESPONSE:** Deny. Tracey Millar met with Alex Lange and Kylie Lange and informed them the HCAs were all within city limits. Listing each HCA would take an extensive amount of time. Tracey told Summit the South Dakota Development Center is an HCA. The definition of an HCA is contained withing Spink County’s Zoning Ordinances.

10. Admit that in December 2023, Summit submitted variance requests under the Zoning Ordinance that pipeline easements that had been signed before the ordinance was enacted be grandfathered under the Ordinance.

**RESPONSE:** Admit Summit submitted variance requests, but they were improperly submitted. The submission was improper due to Summit’s requests seeking a change in the ordinance itself, such as having the setbacks for HCAs taken away and being granted the ability to use the signed easement agreements as waivers for the setbacks, not just a variance in the setbacks. The requests were denied because they did not fall under variance due to Summit wanting a variance from all the ordinance. Summit

was informed it could reach out and get waivers from landowners who had signed the easements and Summit responded "Why would we go back and negotiate with the landowners, they have all the leverage now".

11. Admit that on February 6, 2024, Tracey Millar sent an e-mail to Brent Niese that the variance applications Summit submitted in December 2023 were not being accepted on the advice of the State's Attorney because a variance was not appropriate for Summit's request.

**RESPONSE:** Admit Tracey Millar sent Brent Niese an email stating Summit's variance applications should not be accepted, per Spink's State's Attorney's advisement, on the basis that the applications were asking for a change or a grandfathered-in of the Spink County HLP Ordinance. Summit was requesting a variance from the ordinance as a whole to which Tracey informed Brent, a variance would not be appropriate for this kind of request.

12. Admit that at the County Commission meeting on November 7, 2023, Summit's opportunity to speak was limited to 15 minutes.

**RESPONSE:** Admit. Generally, all presenters are limited to 15 minutes, but Summit was allowed approximately 15-30 minutes for its presentation. The commissioners were unaware of what Summit planned to present. Summit could have requested more time prior to the meeting. Summit did not inform the commissioners of how much time it needed nor did it request to be placed on the agenda for extended period. After the commissioners' meeting, Summit did not request another time to present. Summit attempted to do the presentation privately with individual commissioners. If Summit needed an extensive amount of time, it could have presented its whole model to the public through an informational meeting in the same manner that the first meeting was held.

Dated this 12<sup>th</sup> day of March, 2025.

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By /s/ Ryan S. Vogel  
Attorneys for Spink County

## **CERTIFICATE OF SERVICE**

The undersigned, one of the attorneys for Spink County, hereby certifies that on the 12<sup>th</sup> day of March, 2025, a true and correct copy of **SPINK COUNTY COMMISSION'S OBJECTIONS AND RESPONSES TO APPLICANT'S REQUESTS FOR ADMISSION (FIRST SET)** was served via email on:

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Dated this 12<sup>th</sup> day of March, 2025.

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