

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

SCS Carbon Transport LLC
Midwest Carbon Express CO2 Pipeline Project
Siting Application

Case No. PU-22-391

AFFIDAVIT OF SERVICE BY ELECTRONIC MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **24th day of February 2023**, she sent an electronic message to **three** addressees, each including an electronic copy in portable document format of:

- **Staff Response to Application for Protection of Information**

The electronic mail was addressed as follows:

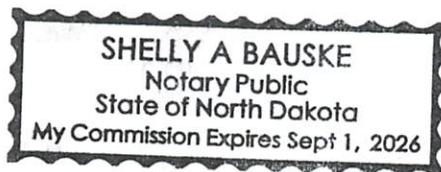
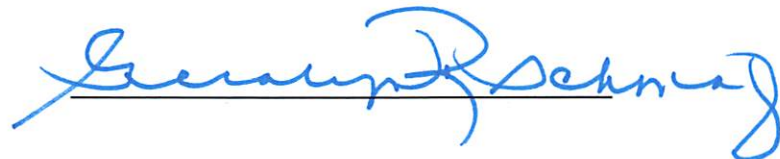
Lawrence Bender
Attorney for SCS Carbon Transport LLC
Fredrikson & Byron, P. C.
lbender@fredlaw.com

Hope Hogan
Administrative Law Judge
Office of Administrative Hearing
hlhogan@nd.gov

Robert Martin
Attorney for Ward Farms
Martin Law
rwmlawyer@hotmail.com

The addresses shown are the respective addressee's last reasonably ascertainable electronic mail addresses.

Subscribed and sworn to before me
this **24th day of February 2023**.



Notary Public

SEAL

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On February 8, 2023, SCS Carbon Transport LLC (SCS Carbon) filed an Application for Protection of Information in the above captioned case.

SCS Carbon seeks to protect GIS data related to the location of the proposed facilities, corridor and route. Also contained in the GIS data is cultural, archaeological, historical, or paleontological sites.

The cultural, archaeological, historical, or paleontological sites were granted protection on January 12, 2023. Regarding the location of proposed facilities, corridor and route, North Dakota Century Code (N.D.C.C.) 44-04-18.4(7) allows for the protection of information regarding critical infrastructure as defined in N.D.C.C. 44-04-24, which allows for the protection of information regarding hazardous liquids and gases infrastructure. A carbon dioxide release could impact public health and safety.

This information may be shared with other state agencies who would be required to keep the information protected. Others wishing to view the information would be subject to the procedure set forth in N.D.A.C. 69-02-09-07.

Staff has reviewed the application and finds it meets the criteria for Protection of Information.

Staff has also considered SCS Carbon's request to not submit a public version of the information requesting protection and finds that producing a public version would be difficult if not impossible. As allowed by North Dakota Administrative Code 69-02-09-

01(5), staff recommends a waiver to produce a redacted public version of the protected information.

For reasons set forth above, staff recommends the protection of GIS data be protected in the above captioned case.

Dated this 21st day of February 2023.



Brian Johnson
Special Assistant Attorney General Bar ID 07397
North Dakota Public Service Commission
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