

October 19, 2022

HAND DELIVERED

Mr. Steve Kahl
Executive Secretary Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

**RE: SCS Carbon Transport LLC
Midwest Carbon Express Project
Case No. PU-22-391**

Dear Mr. Kahl:

Please find enclosed herewith for filing with the North Dakota Public Service Commission, an original and five (5) copies of the following:

1. Application of SCS Carbon Transport LLC to Protect Information.

Also enclosed is a Compact Disc (CD) containing this letter and the above-referenced application in PDF format.

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/tjg
Enclosure(s)

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5 PU-22-391 Filed 10/19/2022 Pages: 4
Application for Protection of Information
SCS Carbon Transport LLC
Lawrence Bender, Fredrikson&Byron, P.A.

Attorneys & Advisors
main 701.221.8700
fax 701.221.8750
fredlaw.com

Fredrikson & Byron, P.A.
1133 College Drive, Suite 1000
Bismarck, North Dakota
58501-1215

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

IN THE MATTER OF THE APPLICATION
OF SCS CARBON TRANSPORT LLC FOR
A CERTIFICATE OF CORRIDOR
COMPATIBILITY AND ROUTE PERMIT
FOR THE MIDWEST CARBON EXPRESS
PROJECT IN BURLEIGH, CASS, DICKEY,
EMMONS, LOGAN, MCINTOSH,
MORTON, OLIVER, RICHLAND AND
SARGENT COUNTIES, NORTH DAKOTA

CASE NO. PU-22-391

Application of SCS Carbon Transport LLC to Protect Information

Pursuant to North Dakota Administrative Code ("NDAC") § 69-02-09-01, SCS Carbon Transport LLC ("Summit") submits this application to protect from disclosure certain confidential information filed with the North Dakota Public Service Commission ("Commission") in the above-captioned matter. The purpose of this application for protection of information is to protect from public disclosure certain cultural, archaeological, historical, and paleontological data pursuant to North Dakota Century Code ("NDCC") § 49-22.1-24 ("The [C]ommission may limit access to, and release of, information that contains data that specifically identifies the location of cultural, archaeological, historical, or paleontological sites.").

On October 17, 2022, Summit filed a Consolidated Application for a Certificate of Corridor Compatibility and Route Permit in the above-referenced case ("Consolidated Application"). See Docket No. 1, Case No. PU-22-391.

On October 18, 2022, Commission staff filed that certain *Staff Memorandum Regarding Protection of Cultural Resources* in the above-referenced case ("Memorandum"). See Docket No. 2, Case No. PU-22-391.

As set forth in the Memorandum, Commission staff have (i) acknowledged the existence of specific cultural, archaeological, historical or paleontological data contained within the Cultural Resources Report filed as Appendix 5 to Summit's Consolidated Application, (ii) determined protection of this information is important to the preservation of such resources, and (iii) recommended the protection of such information. *Id.*

Accordingly, Summit requests that protection be given to the Cultural Resource Reports filed as Appendix 5 to Summit's Consolidated Application for a Certificate of Corridor Compatibility and Route Permit. *See* Docket No. 1, Case No. PU-22-391. Specifically, Summit requests that the information be available only to the Administrative Law Judge, the Commission, the Commission's counsel, and the Commission's siting analysts.

Dated this 19th day of October, 2022.

FREDRIKSON & BYRON, P.A.

By: 

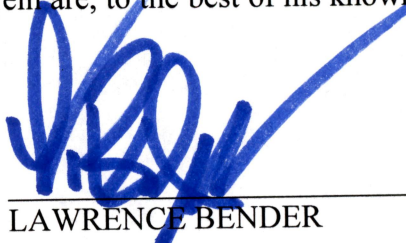
LAWRENCE BENDER, ND Bar #03908
1133 College Drive, Suite 1000
Bismarck, ND 58501
(701) 221-8700
lbender@fredlaw.com

Attorneys for SCS Carbon Transport LLC

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

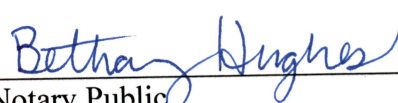
LAWRENCE BENDER, of lawful age, being first duly sworn, on oath deposes and says:

That he is the duly elected and qualified attorney for SCS Carbon Transport LLC, the applicant in the foregoing application; that he executed the foregoing application for and on behalf of said applicant and as its said attorney that he has read said application and knows the contents thereof, and that the statements made and contained therein are, to the best of his knowledge and belief, true and correct.



LAWRENCE BENDER

Subscribed and sworn to before me this 19th day of October, 2022.



Notary Public

