



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

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7 December 2022

Timothy Dawson, Director  
Office of Administrative Hearings  
2911 North 14<sup>th</sup> Street – Suite 303  
Bismarck, ND 58503

Re: SCS Carbon Transport LLC  
Midwest Carbon Express CO2 Pipeline Project  
Siting Application  
Case No. PU-22-391

Dear Mr. Dawson:

Enclosed is a request for an Administrative Law Judge for the captioned case. The case is in the early stages and a Notice of Hearing has not yet been issued. We will forward the Notice of Hearing to your office as soon as a hearing date has been established.

The Administrative Law Judge will serve as a substantive law judge and the hearing will be electronically recorded. I specifically request you, Timothy Dawson, as the ALJ, providing you are available and are without conflicts.

If you have any questions, please contact me. Thank you.

Best regards,

John Schuh  
General Counsel

enclosure

c: w/encl. via email only: Lawrence Bender ([lbender@fredlaw.com](mailto:lbender@fredlaw.com))



**REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION**  
NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS  
SFN 17819 (Rev. 06-2007)

Name of Agency, Board, or Commission

North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the SCS Carbon Transport LLC, Midwest Carbon Express CO2 Pipeline Project, Siting Application  
PSC Case No. PU-22-391

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code 49-22 (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:

On Oct. 17, 2022 SCS Carbon Transport filed an Application for Certificate of Corridor Compatibility and Route

Permit and Waiver, proposing a pipeline for transportation of carbon dioxide crossing multiple counties in North Dakota.

It requests designation of an administrative law judge (please check one):

- ☒ To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- ☐ To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 28-32-31(5). See NDCC 54-57-04.
- ☐ To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

**PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.**

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact:  
(Attach separate list if necessary.)

|                |         |                  |
|----------------|---------|------------------|
| AGENCY         | Address | Telephone Number |
| See attached   |         |                  |
| Representation | Address | Telephone Number |
|                |         |                  |
| PARTY          | Address | Telephone Number |
|                |         |                  |
| Representation | Address | Telephone Number |
|                |         |                  |
| PARTY          | Address | Telephone Number |
|                |         |                  |
| Representation | Address | Telephone Number |
|                |         |                  |

Additional Comments

The Administrative Law Judge will serve as a substantive law judge. A Notice of Hearing has not yet been issued.

We will forward the Notice of Hearing to your office as soon as a hearing date has been established.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person

John Schuh, General Counsel

Date

11/7/2022

Signature of Requesting Person

Telephone Number

X

(701) 328-2421

Attachment  
Request for ALJ  
7 December 2022

Re: SCS Carbon Transport LLC  
Midwest Carbon Express CO2 Pipeline Project  
Siting Application  
Case No. PU-22-391

| <b>AGENCY</b>  | <b>Address</b>   | <b>Telephone Number</b>                 |
|--|--|---|
| North Dakota Public Service<br>Commission                            | 600 E. Blvd. Ave. Dept. 408<br>Bismarck, ND 58505-0480   | 701-328-2400                            |
| <b>Representation</b><br>John Schuh,<br>General Counsel              | <b>Address</b><br>Same as above  | <b>Telephone Number</b><br>701-328-2421 |
| <b>PARTY</b><br>SCS Carbon Transport LLC                             | <b>Address</b><br>2321 N Loop Dr #221<br>Ames, IA 50010  | <b>Telephone Number</b>                 |
| <b>Representation</b><br>Lawrence Bender<br>Fredrikson & Byron, P.A. | <b>Address</b><br>Fredrikson & Byron, P.A.<br>1133 College Drive<br>Suite 1000<br>Bismarck, ND 58501 | <b>Telephone Number</b><br>701-221-8700 |