



Public Service Commission

State of North Dakota

COMMISSIONERS

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4 January 2023

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

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

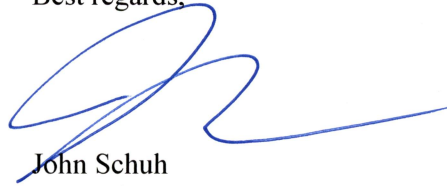
Dear Mr. Dawson:

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 procedural law judge and the hearing will be electronically recorded.

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)
Zachary E. Pelham (zep@pearce-durick.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 file 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

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

1/4/2023

Signature of Requesting Person

Telephone Number

X

(701) 328-2421

Attachment
Request for ALJ
4 January 2023

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

AGENCY	Address	Telephone Number
North Dakota Public Service Commission	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-328-2400
Representation Zachary E. Pelham Pearce & Durick, PLLC	Address 314 E Thayer Ave PO Box 400 Bismarck, ND 58502	Telephone Number 701-223-2890
PARTY SCS Carbon Transport LLC	Address 2321 N Loop Dr #221 Ames, IA 50010	Telephone Number
Representation Lawrence Bender Fredrikson & Byron, P.A.	Address Fredrikson & Byron, P.A. 1133 College Drive Suite 1000 Bismarck, ND 58501	Telephone Number 701-221-8700