

STATE OF NORTH DAKOTA

JAN 13 2023

PUBLIC SERVICE COMMISSION

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-22-391
OAH File No. 20230002

**ORDER ON APPLICATION OF SCS CARBON TRANSPORT LLC
TO PROTECT INFORMATION
January 12, 2023**

Preliminary Statement

[1] On October 19, 2022, SCS Carbon Transport LLC (Summit) filed an Application to Protect Information with the Public Service Commission (PSC). Summit requests an order to protect certain cultural, archaeological, historical, and paleontological data from public disclosure pursuant to N.D.C.C. § 49-22.1-24.

Discussion

[2] On October 17, 2022, Summit filed a Consolidated Application for a Certificate of Corridor Compatibility and Route Permit. The Cultural Resources Reports, attached to the consolidated application as Appendix 5, contain specific cultural, archaeological, historical, or paleontological data.

[3] On October 18, 2022, PSC staff filed a Memorandum regarding Protection of Cultural Resources. The memorandum states that staff reviewed the Cultural Resources report and found that it contains the specific location of cultural, archaeological, historical, or paleontological data and that staff believes “protection of this information is important to the preservation of such resources.” Staff recommends that the location of cultural resources be protected from public disclosure.

[4] Under N.D.A.C. § 69-02-09-01, a person may request protection from public disclosure of any information in an administration proceeding. The rule also sets the specific application requirements.

[5] Under N.D.C.C. § 49-22.1-24, the PSC may “limit access to, and release of, information that contains data that specifically identifies the location of cultural, archaeological, historical, or paleontological sites.”

[6] N.D.C.C. § 69-02-09-03 provides “the commission staff shall examine the information and application, and file and serve a response that includes a recommendation on whether the information qualifies for protection.”

[7] Staff believes that the application satisfies the requirements of the law, which allows the Commission to grant protection of information in this proceeding.

[8] Summit’s application satisfies the requirements of the PSC’s rules and North Dakota Century Code for protection of the information which is the subject of this request.

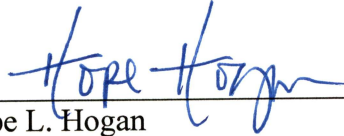
IT IS HEREBY ORDERED:

[9] The October 19, 2022 application of SCS Carbon Transport LLC for protection of information is **GRANTED**.

[10] The Cultural Resource Reports filed as Appendix 5 of Summit’s consolidated application in this matter are protected from public disclosure and shall be available only to the undersigned Administrative Law Judge, the PSC, PSC legal counsel, and PSC siting analysts.

Dated at Bismarck, North Dakota, this 12 day of January 2023

State of North Dakota
Public Service Commission

By: 
Hope L. Hogan
Administrative Law Judge
Office of Administrative Hearings
2911 North 14th Street - Suite 303
Bismarck, North Dakota 58503
Telephone: (701) 328-3200

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-22-391
OAH File No. 20230002

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the **ORDER ON APPLICATION OF SCS CARBON TRANSPORT LLC TO PROTECT INFORMATION** was mailed, inside mail, at the State Capitol, on the 12 day of January 2023, to:

John Schuh
General Counsel
Public Service Commission
600 E Boulevard Avenue, Dept 408
Bismarck, ND 58505-0480

and that true and correct copies of the above document were mailed, regular mail, on the 12 day of January 2023, to:

Lawrence Bender
Fredrikson & Byron, P.A.
1133 College Drive
Suite 1000
Bismarck, ND 58501

Zachary Pelham
Pearce & Durick, PLLC
314 E Thayer Ave
P.O. Box 400
Bismarck, ND 58501

OFFICE OF ADMINISTRATIVE HEARINGS
Hope L Hogan, Administrative Law Judge



Louise Wetzel