

**STATE OF NORTH DAKOTA**  
**NORTH DAKOTA PUBLIC SERVICE COMMISSION**  
**IN THE MATTER OF MIDWEST CARBON EXPRESS CO2 PIPELINE PROJECT**  
**SCS CARBON TRANSPORT, LLC**  
**CASE NO. PU-22-391**  
**OAH FILE NO. 20230002**

Lucinda Ward, Michael Ward, Adrian Ward,) )  
Michael Ward as trustee of Nichole Phillips ) )  
nee Ward Trust, Elizabeth Martin nee Ward, ) )  
Arthur Ward, all in their individual capacity ) )  
and d/b/a Ward Farms and Daniel Phillips ) )  
and Robert Wade Martin, spouses of Nichole) )  
Phillips and Elizabeth Martin, respectively, ) )  
inchoate marital interests, ) )  
 ) )  
Petitioners, ) )  
 ) )  
-vs- ) )  
 ) )  
Midwest Carbon Express and SCS Carbon ) )  
Transport, LLC, ) )  
 ) )  
Respondents. ) )

**PETITION TO INTERVENE**

[¶1] COMES NOW the above-named Petitioners, by and through their counsel, Robert Wade Martin of Martin Law, Minot, North Dakota to Petition the Court for the allowance of their formal intervention in the above matter, pursuant to ND Administrative Code Section 69-02-02-05.

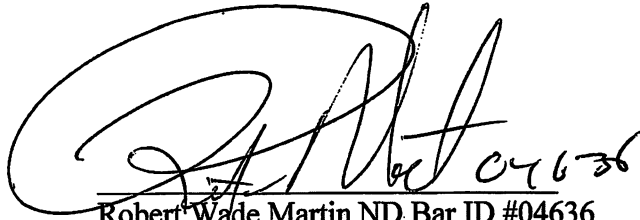
[¶2] In compliance with said Section, Petitioners respectfully show the Court that:

1. As grounds for the intervention, the Petitioners are the record title owners and spouses of such owners for the property described as BURNT CREEK TOWNSHIP Section 33 N1/2NE1/4SE1/4.
2. Respondents have sought a blanket easement for a period of ninety-nine (99) years across the above-described property for the construction and maintenance of the pipeline which is the subject of the Public Service Commission Case No. PU-22-391.
3. This particular parcel of property has been designated CMU, Community Mixed Use, by the Together 2045 Plan adopted by the Bismarck City Commission, and it is in the City of Bismarck's ETA.
4. CMU is defined by said Plan as places of commerce, employment, and residence for the Bismarck community, with dominant commercial uses with apartments and condominiums either alongside the commercial buildings or on the floors above.
5. Petitioners have begun the process of platting an out lot for the construction of an office building complex on this parcel, and also have a longstanding farm site and residence located on the above-described real property. Further, the property is adjacent to a major US Highway, Highway 83, which would facilitate commercial contact with the proposed development.
6. The Petitioners would contribute to the hearing their plans in detail and the efforts they made in achieving the CMU designation under the Together 2045 Plan, which has been ongoing for the last eighteen (18) months, and their concerns on the potential impact the proposed pipeline route would have on the same.
7. Petitioners are in opposition to the pipeline along its current proposed route, as said route is far too close to the City of Bismarck, especially vis-à-vis the proposed population growth and expansion of the City of Bismarck under the Together 2045 Plan.

[¶3] Petitioners submit that they have shown a right to be a party to this proceeding as record title landowners of the subject property, or in the alternative, a legal interest that may be substantially affected by the proceeding. The intervention of the Petitioners would not unduly broaden the issues or delay the proceeding

[¶4]

Dated this 7<sup>th</sup> day of February, 2023.

A handwritten signature in black ink, appearing to read 'RW Martin', with the number '04636' written to the right of the signature.

Robert Wade Martin ND Bar ID #04636

Attorney for Plaintiffs

Martin Law

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Midwest Carbon Express and SCS Carbon ) )  
Transport, LLC, ) )

Respondents. ) )

**CERTIFICATE OF SERVICE OF PETITION TO INTERVENE**

[¶ 1] I, Robert Martin, Attorney at Law, hereby certify and affirm that on the date below, I served the following by certified mail the following:

1. (Original) Petition to Intervene plus (7) seven copies of the same to:

to:

Steve Kahl Executive Secretary North Dakota Public Service Commission 600 E Boulevard Ave Dept 408 Bismarck, ND 58505-0480 (be certified mail)
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[¶ 2] I, Robert Martin, Attorney at Law, hereby certify and affirm that on the date below, I served the following electronically by email to the following:

2. Petition to Intervene

John Maurice Schuh Bar ID 08138 Special Assistant Attorney General North Dakota Public Service Commission 600 E. Boulevard Ave, Dept. 408 Bismarck, ND 58505-0480  Phone 701-328-2421 Email jschuh@nd.gov	Lawrence Bender Bar ID 03908 Law Firm Fredrikson & Byron, P.A. 1133 College Dr., Ste. 1000 Bismarck, ND 58501-1215  Phone 701-221-8700 lbender@fredlaw.com
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[¶ 3] Dated at Minot, North Dakota, this 17<sup>th</sup> day of February 2023.

  
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