

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-22-391

AFFIDAVIT OF SERVICE BY ELECTRONIC MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **24th day of February 2023**, she sent an electronic message to **three** addressees, each including an electronic copy in portable document format of:

- **Staff Response to Application for Protection of Information**

The electronic mail was addressed as follows:

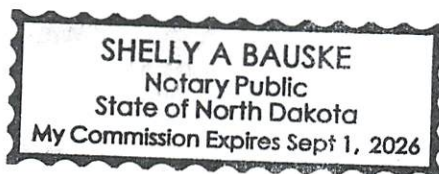
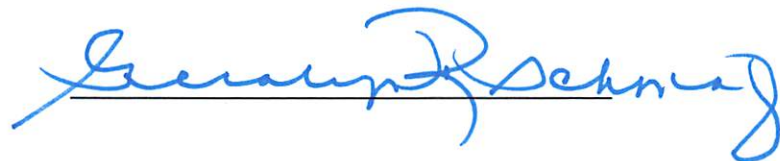
Lawrence Bender
Attorney for SCS Carbon Transport LLC
Fredrikson & Byron, P. C.
lbender@fredlaw.com

Hope Hogan
Administrative Law Judge
Office of Administrative Hearing
hlhogan@nd.gov

Robert Martin
Attorney for Ward Farms
Martin Law
rwmlawyer@hotmail.com

The addresses shown are the respective addressee's last reasonably ascertainable electronic mail addresses.

Subscribed and sworn to before me
this **24th day of February 2023**.



Notary Public

SEAL

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

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STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On February 8, 2023, SCS Carbon Transport LLC (SCS Carbon) filed an Application for Protection of Information in the above captioned case.

SCS Carbon seeks to protect GIS data related to the location of the proposed facilities, corridor and route. Also contained in the GIS data is cultural, archaeological, historical, or paleontological sites.

The cultural, archaeological, historical, or paleontological sites were granted protection on January 12, 2023. Regarding the location of proposed facilities, corridor and route, North Dakota Century Code (N.D.C.C.) 44-04-18.4(7) allows for the protection of information regarding critical infrastructure as defined in N.D.C.C. 44-04-24, which allows for the protection of information regarding hazardous liquids and gases infrastructure. A carbon dioxide release could impact public health and safety.

This information may be shared with other state agencies who would be required to keep the information protected. Others wishing to view the information would be subject to the procedure set forth in N.D.A.C. 69-02-09-07.

Staff has reviewed the application and finds it meets the criteria for Protection of Information.

Staff has also considered SCS Carbon's request to not submit a public version of the information requesting protection and finds that producing a public version would be difficult if not impossible. As allowed by North Dakota Administrative Code 69-02-09-

01(5), staff recommends a waiver to produce a redacted public version of the protected information.

For reasons set forth above, staff recommends the protection of GIS data be protected in the above captioned case.

Dated this 21st day of February 2023.



Brian Johnson
Special Assistant Attorney General Bar ID 07397
North Dakota Public Service Commission
600 East Boulevard Avenue Dept. 408
Bismarck ND, 58505
701-328-2407

APPROVED
DATE: 02/22/2023
PJT

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Allete, Inc.
Bison 2 Wind Project - Oliver & Morton
Decommissioning Plan & Cost

Case No. PU-12-241

Allete, Inc.
Bison 3 Wind Project - Oliver & Morton
Decommissioning Plan & Cost

Case No. PU-18-232

MOTION

February 22, 2023

I move the Commission approve the amended request to approve the financial assurance filed on February 2, 2023, in Allete, Inc., Bison 2 Wind Project - Oliver & Morton, Decommissioning Plan & Cost, Case No. PU-12-241, and further move the Commission approve the amended request to approve the financial assurance filed on February 2, 2023, in Allete, Inc., Bison 3 Wind Project – Oliver & Morton, Decommissioning Plan & Cost, Case No. PU-18-232.

AR

13 **PU-18-232** Filed: 2/22/2023 Pages: 1
Commission motion to approve the amended
request to approve the financial assurance filed on
Feb. 2, 2023
Public Service Commission

13 **PU-12-241** Filed: 2/22/2023 Pages: 1
Commission motion to approve the amended
request to approve the financial assurance filed on
Feb. 2, 2023
Public Service Commission

Memorandum

To: Commissioners Christmann, Haugen-Hoffart, and Fedorchak

From: Adam Renfandt, Analyst

Date: February 14, 2023

Subject: Decommissioning Financial Assurances for Allete, Inc., Bison 2 Wind Project - Oliver & Morton, Decommissioning Plan & Cost (Case No. PU-12-241) & Allete, Inc., Bison 3 Wind Project – Oliver & Morton, Decommissioning Plan & Cost (Case No. PU-18-232)

On October 2, 2019, the Commission approved Allete, Inc.'s (Allete) decommissioning plan and cost estimate for phase two of the Bison Wind Energy Center (Bison Two). Excluding salvage value, the total amount approved was \$5,014,690. On the same date, the Commission approved Allete's decommissioning plan and cost estimate for phase three of the Bison Wind Energy Center (Bison Three)

Bison Two and Bison Three each consist of 35 turbines with a nameplate capacity of 105 MW. The facilities are ten years into their operational life; therefore, Allete is required to post decommissioning financial assurances with the Commission.

On February 2, 2023, Allete filed an amended request to approve two letters of credit with Bank of America as the issuer for the full decommissioning amounts for each facility. Allete proposes to use its operating division, Minnesota Power, as the named applicant on the letters of credit. The filing also contains letters from both Allete and Minnesota Power stating that they both agree to be responsible for decommissioning the facilities. The letters of credit are automatically renewed every year, and if they are not renewed, the Commission must be given a ninety-day notice.

The terms and conditions of the letters of credit have gone through Staff and Legal review, and Staff believes the letters of credit satisfy Allete's financial assurance obligations. Therefore, Staff recommends that the Commission approve the financial assurances.