

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

IN THE MATTER OF THE APPLICATION
OF SCS CARBON TRANSPORT LLC FOR
A CERTIFICATE OF CORRIDOR
COMPATIBILITY AND ROUTE PERMIT
FOR THE MIDWEST CARBON EXPRESS
PROJECT IN BURLEIGH, CASS, DICKEY,
EMMONS, LOGAN, MCINTOSH,
MORTON, OLIVER, RICHLAND AND
SARGENT COUNTIES, NORTH DAKOTA

Case No. PU-22-391

PETITION TO INTERVENE

Pursuant to N.D.A.C. § 69-02-02-05, Dorothy Barondeau, McIntosh County, ND and Deborah Mitchell, McIntosh County, ND; David Locken, Dickey County; Dwight Kertzman, Emmons County, ND; Kevin Frederick, Burleigh County, ND; and Diane Zajac, Richland County, ND, Scott Irmien and Mary Jo Irmien, Burleigh County, ND (“Intervenors” or “Affected Landowners”, all collectively “Landowners”), by and through their lawyers David Knoll, Steve Leibel, and Brian Jorde, hereby petition to intervene in the above-captioned proceedings. In support of this petition, Landowners state and allege as follows:

1. The following “Affected Landowners” are owners and/or interest holders of North Dakota land that have either been approached by Summit or its agents in relation to obtaining survey and examination access to their property and/or in seeking a lease or other agreement for the potential location of a hazardous carbon dioxide pipeline. Upon information and belief Affected Landowners are persons or entities that would be negatively affected by Summit’s proposed hazardous carbon dioxide pipeline should it be approved by all necessary states


and obtain the thousands of leases and/or easements necessary to locate such approximate 2,000-mile hazardous pipeline and other related structures on their property, identified as follows:

- a. Deborah Mitchell, NW1/4 of S35, T129N, R70W, McIntosh County, ND.
 - b. Dorothy Barondeau, NW1/4 of S35, T129N, R70W, McIntosh County, ND.
 - c. David Locken, SE 21-130-59 and SW 22-130-59, Dickey County, ND.
 - d. Dwight Kertzman, W1/2E1/2 S28, T135N, R76W, Emmons County, ND.
 - e. Diane Zajac, Township 131 North, Range 51 West, Section 4: NW1/4 and the West 70 Rods of the NE1/4, and Township 132 North, Range 50 West, Section 33, NW1/4, Richland County, ND.
 - f. Kevin Frederick, Township 138, Range 79, Section 12, 12950 22nd Avenue SE, Burleigh County, ND;
 - g. Scott Irmen and Mary Jo Irmen, Gibbs Township, Section 01, SW1/4 less SE1/3 W1/4, 01-139-79, Burleigh County, 12387 71st Avenue NE, Bismarck, ND 58503; 12300 71st Avenue, Bismarck, ND 58503.
2. Affected Landowners each own land across which Summit desires easements for a period of ninety-nine (99) years, which are in effect total takings, for potential locating, construction, maintenance, and operation of a dangerous and hazardous carbon dioxide pipeline.
 3. Affected Landowners have a direct and substantial interest in these proceedings, as well as legal property rights which may be substantially

affected by the ND Public Service Commission's findings and conclusions in this matter. Affected Landowners are intimately familiar with the land they own and rent and can provide the PSC with specific information related to its routing determination in this proceeding, with respect to their individual lands.

4. Affected Landowners are not adequately represented by existing parties, and their intervention would not unduly broaden the issues or delay the proceedings, particularly given the early nature of the proceedings.
5. Affected Landowners intend to present evidence opposing Summit's requested relief in its Application and all Landowners object and resist the current proposed location of Summit's proposed pipeline.

Dated this 17th day of March, 2023.



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DECLARATION OF SERVICE

[1] Charlene Smith declares that I am of legal age and not a party to this action, and that I served the following document(s):

1. **Petition to Intervene; and**
2. **Declaration of Service.**

[2] On March 17, 2022, by sending a true and correct copy thereof by electronic means only to the following email addresses, to wit:

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
jschuh@nd.gov

Lawrence Bender Bar ID 03908
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1133 College Dr., Ste. 1000
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lbender@fredlaw.com

Hope Lisa Hogan Bar ID 05982
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Office Of Administrative Hearings
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Zachary Evan Pelham Bar ID 05904
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John Hamre
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Commission
ndpsc@nd.gov

[3] and by sending the originals and seven (7) copies of said documents via U.S. Mail, at Bismarck, North Dakota with postage prepaid, to the following:

Steve Kahl
Executive Secretary
North Dakota Public Service Commission
State Capitol
600 E Boulevard Ave, Dept 408
Bismarck, ND 58505-0480

[4] The addresses of each party served are the last reasonably ascertainable e-mail address and post office address of such party.

[5] I declare, under penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Signed on the 17th day of March, 2023 at Bismarck, North Dakota.


Charlene Smith