



KNOLL LEIBEL^{LLP}
ATTORNEYS AT LAW

March 29, 2023

VIA U.S. MAIL & E-MAIL: ndpsc@nd.gov

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

RE: In the Matter of the Application of SCS Carbon Transport LLC for
Certificate of Corridor Compatibility and Route Permit for the Midwest
Carbon Express
Case No.: PU-22-391

Dear Mr. Kahl:

On February 28, 2023, we filed a Petition to Intervene (Docket No. 57) on behalf a number of North Dakota landowners. On March 6, 2023, an Order Granting Petition for Intervention (Docket No. 66) was entered. I am writing to request that the order granting intervention status be clarified.

Specifically, the Petition to Intervene lists two categories of requested intervenors, "Sued Landowners" and "Affected Landowners." As defined in the petition, "Sued Landowners" are those landowners who are subject to a pending lawsuit filed by SCS. As defined in the petition, "Affected Landowners" are landowners who own land within the proposed route. While the Order Granting Petition for Intervention states the petition is granted in full, it only lists some of the petitioning landowners as movants. I think the discrepancy between the petition and the order arises from the fact that while the petition clearly requests relief on behalf of both Sued Landowners and Affected Landowners, the introductory paragraph in the petition inadvertently only lists some of the landowners subsequently identified in the body of the petition.

For these reasons, we respectfully request that that the Public Service Commission enter an amended order granting intervention status to the following people who are listed in the original Petition (Docket No. 57) but not the order granting intervention:

Steven J. Leibel, Partner

PO Box 858 · 1915 N. Kavaney Drive, Suite 3 · Bismarck, ND 58502-0858
Phone 701-255-2010 · Fax 701-255-1980 · Email steve@bismarck-attorneys.com · www.bismarck-attorneys.com
88 PU-22-391 Filed 03/29/2023 Pages: 4

Request for clarification of Order Granting 28 Feb. 2023 Petition for Intervention
Knoll Leibel, LLP
Steven J. Leibel

1. Dean Twardoski, Burleigh County;
2. Connie Erickson, Burleigh County;
3. Hoge Farm LP, Burleigh County;
4. Tim Hoge, Burleigh County;
5. Harry L. Malloy Trust – Harry Malloy, Trustee, Burleigh County;
6. John Carrels, Dickey County;
7. Loren and Diane Staroba, Richland County;
8. Verdell Jordheim and Phyllis Jordheim, Richland County;
9. Valera Hayen, Sargent County;
10. Shirley Waloch, Sargent County;
11. Randall and Karla Waloch, Sargent County;
12. BRH LLLP – Brent and Rachelle Herbel, Burleigh County;
13. Tony Hoge, Burleigh County;
14. Leon Mallberg, Sargent County; and
15. APH Farms – Arden Haggerott, Jonathan Hagerott, and Janel Olson, Morton County.

Thank you for your attention to this matter, and please feel free to contact me with any questions.

Respectfully yours,

KNOLL LEIBEL LLP

By: 
Steven J. Leibel

SJL:rmo

Encl: Certificate of Service identifying service to all counsel of record

**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

DECLARATION OF SERVICE

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

- 1. March 29, 2023 Letter to ND Public Service Commission from Attorney Steven Leibel; and**
- 2. Declaration of Service.**

[2] On March 29, 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
Fredrikson & Byron, P.A.
1133 College Dr., Ste. 1000
Bismarck, ND 58501-1215
lbender@fredlaw.com

Hope Lisa Hogan Bar ID 05982
Administrative Law Judge
Office Of Administrative Hearings
2911 N. 14th St., Ste. 303
Bismarck, ND 58503
hlhogan@nd.gov

Zachary Evan Pelham Bar ID 05904
Pearce Durick PLLC
314 E. Thayer Ave.
P.O. Box 400
Bismarck, ND 58502-0400
zep@pearce-durick.com

John Hamre
Public Service Commission
State Capitol
600 E Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

Brian E. Jorde
Domina Law Group
2425 S 144th St
Omaha NE 68144
bjorde@dominalaw.com

jghamre@nd.gov

Kevin Pranis

LIUNA Minnesota & North Dakota

81 E Little Canada Rd

St. Paul MN 55117

kpranis@liunagroc.com

Randall J. Bakke Bar ID 03898

Bradley N. Wiederholt Bar ID 06354

Bakke Grinolds Wiederholt

PO Box 4247

Bismarck, ND 58502-4247

rbakke@bgwattorneys.com

bwiederholt@bgwattorneys.com

North Dakota Public Service

Commission

ndpsc@nd.gov

Brant M. Leonard

Frederickson & Byron P.A.

111 E Grand Avenue, Ste. 301

Des Moines, IA 50309-1884

bleonard@fredlaw.com

[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

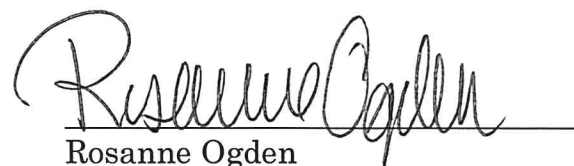
600 E Boulevard Ave, Dept 408

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 29th day of March, 2023 at Bismarck, North Dakota.


Rosanne Ogden