

# SCS Carbon Transport LLC, Case No. PU-22-391

April 8, 2024, Prehearing conference

## ND PUBLIC SERVICE COMMISSION

<p style="text-align: center;">1</p> <p style="text-align: center;">STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION</p> <p style="text-align: center;">SCS Carbon Transport LLC Midwest Carbon Express CO2 Pipeline Project Siting Application</p> <p style="text-align: right;">Case No. PU-22-391</p> <p style="text-align: center;"><b>TRANSCRIPT OF TELEPHONIC PREHEARING CONFERENCE</b> <b>April 8, 2024</b></p> <p style="text-align: center;">APPEARANCES</p> <p>LAWRENCE BENDER, Fredrikson &amp; Byron, P.A., on behalf of Applicant SCS Carbon Transport LLC</p> <p>RANDALL J. BAKKE, Bakke Grinolds Wiederholt, on behalf of Burleigh County</p> <p>STEVE J. LEIBEL and DAVID M. KNOLL, Knoll Leibel LLP, on behalf of Intervenor/Landowners</p> <p>BRIAN E. JORDE, Domina Law Group, on behalf of Intervenor/Landowners</p> <p>PATRICK T. ZOMER, Moss &amp; Barnett, on behalf of the City of Bismarck</p> <p>KEVIN PRANIS, on behalf of Intervenor Laborers District Council of Minnesota and North Dakota (LIUNA)</p> <p>DERRICK BRAATEN, Braaten Law Firm, on behalf of Emmons County</p> <p>ZACHARY PELHAM, Special Assistant Attorney General Advisory Counsel to the Public Service Commission</p>	<p>1 Carbon Transport LLC.</p> <p>2 MR. BENDER: Yes, Your Honor. Lawrence Bender.</p> <p>3 And I'm the only person on the phone on behalf of the</p> <p>4 Applicant.</p> <p>5 ALJ HOGAN: All right. Thank you.</p> <p>6 And I think I will just state the landowner</p> <p>7 intervenors, if counsel for them want to state their</p> <p>8 appearance.</p> <p>9 MR. LEIBEL: This is Steve Leibel. And</p> <p>10 Mr. Jorde is also on the line.</p> <p>11 ALJ HOGAN: All right. Thank you.</p> <p>12 Let's see. Burleigh County.</p> <p>13 MR. BAKKE: Good afternoon, Your Honor. This is</p> <p>14 Randy Bakke on behalf of Burleigh County, and it's just</p> <p>15 myself.</p> <p>16 ALJ HOGAN: All right. Thank you.</p> <p>17 Emmons County.</p> <p>18 MR. BRAATEN: Yes, Your Honor. This is Derrick</p> <p>19 Braaten with Braaten Law Firm on behalf of Emmons</p> <p>20 County. And my paralegal, Desirae Zaste, is on the line</p> <p>21 as well.</p> <p>22 ALJ HOGAN: All right. Thank you.</p> <p>23 And City of Bismarck.</p> <p>24 MR. ZOMER: Good afternoon, Your Honor. Pat</p> <p>25 Zomer from the law firm of Moss &amp; Barnett on behalf of</p> <p style="text-align: right;">PAGE 3</p>
<p>1 ALJ HOGAN: All right. It is April 8th, 2024,</p> <p>2 at 1:30 p.m. This is the time and date scheduled for a</p> <p>3 prehearing conference in the Public Service Commission</p> <p>4 application of SCS Carbon Transport LLC. This is Public</p> <p>5 Service Commission Case No. PU-22-391. And this matter</p> <p>6 has been designated as OAH File No. 20230002.</p> <p>7 I scheduled this prehearing conference to</p> <p>8 discuss case management and procedure for our upcoming</p> <p>9 round of hearings. And I think the first thing we'll do</p> <p>10 is have everybody who's on or partaking in our</p> <p>11 prehearing conference this afternoon enter their</p> <p>12 appearance for the record. I will note that we are</p> <p>13 conducting this prehearing conference through Zoom video</p> <p>14 conference. And I think it might be easiest if I go</p> <p>15 through the parties and just have attorneys represent</p> <p>16 themselves and identify anybody else that's appearing on</p> <p>17 behalf of that party.</p> <p>18 So maybe I'll start with you, Mr. Pelham. Did</p> <p>19 you want to note your appearance for the record?</p> <p>20 MR. PELHAM: Yes. Thank you, Judge. Zachary</p> <p>21 Pelham, special assistant attorney general on behalf of</p> <p>22 the Public Service Commission. And it appears that</p> <p>23 Victor Schock is also on the line with PSC this</p> <p>24 afternoon.</p> <p>25 ALJ HOGAN: All right. And on behalf of SCS</p> <p style="text-align: right;">PAGE 2</p>	<p>1 the City of Bismarck.</p> <p>2 ALJ HOGAN: All right. Thank you.</p> <p>3 The labor union.</p> <p>4 MR. PRANIS: Kevin Pranis on behalf of Laborers</p> <p>5 District Council (indiscernible).</p> <p>6 ALJ HOGAN: All right. Thank you.</p> <p>7 And I think that is everybody except I have one</p> <p>8 party that's called in. It's a 701-255-2010. Can I ask</p> <p>9 who that number belongs to?</p> <p>10 MR. KNOLL: Yes. I'm not sure if you can hear</p> <p>11 me. This is Attorney Dave Knoll with the landowner</p> <p>12 intervenors.</p> <p>13 ALJ HOGAN: All right. Thank you. I can hear</p> <p>14 you. Thank you.</p> <p>15 MR. KNOLL: Okay.</p> <p>16 ALJ HOGAN: All right. Just to start off I just</p> <p>17 wanted to note, in case it wasn't clear already from the</p> <p>18 commission meetings that have been held regarding the</p> <p>19 upcoming hearings, but the Commission is anticipating</p> <p>20 that the week-long hearing scheduled for April 22nd to</p> <p>21 be the primary hearing for this round of the hearings.</p> <p>22 So they would like a bulk of the hearing to happen on</p> <p>23 those dates. And then the Wahpeton and Linton hearings</p> <p>24 have been scheduled mainly to hear -- or to take public</p> <p>25 comment and hear from landowners. So we have that. And</p> <p style="text-align: right;">PAGE 4</p>

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1 then the April 22nd hearing, the Commission is allowing  
2 public comment for that hearing as well.  
3 And I understand it's the Commission's request  
4 to do what we did in some of the prior hearings, which  
5 is to have blocks of public hearing -- or public comment  
6 throughout the hearing. So as much as possible I'm  
7 going to try to do that in convenient times, hopefully  
8 maybe in the morning and after lunch, or something like  
9 that, keeping in mind that we don't really want to break  
10 up witness testimony.  
11 Likewise, we'll try to end each day around 5 or  
12 6:00 as much as possible. Again, if we're towards the  
13 end of witness testimony for a particular witness, we  
14 might try to finish that up, but I think that's going to  
15 be a goal, to try to end each day around those times.  
16 And with that in mind, I kind of wanted to talk  
17 about time management and where we're at on that. Thank  
18 you for the parties that did file witness lists last  
19 week. I appreciate that.  
20 And I did put in the prehearing notice that I  
21 was going to ask about anticipated length of testimony.  
22 And I know sometimes that's difficult to estimate before  
23 we really get into the hearing and obviously understand  
24 parties can't control time spent on cross-examination.  
25 So, you know, if you could give me an idea of how much

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1 time you think your witnesses are going to present, that  
2 would be helpful.  
3 And I think I'll start with you, Mr. Bender,  
4 because I do anticipate that Summit's witnesses will go  
5 first.  
6 MR. BENDER: Sure. Thank you, Your Honor. I  
7 don't know if you have in front of you the list of  
8 witnesses that I prepared, but it might be easiest to  
9 just follow down that list, if that works for you, Your  
10 Honor.  
11 ALJ HOGAN: Yep, I do have it. Thank you.  
12 MR. BENDER: So I don't believe we'd necessarily  
13 call them in this order, we haven't made that decision  
14 yet, but if we can just go down the list.  
15 I have Wade Boeshans. I'm thinking that his  
16 testimony, his direct testimony, would probably be in  
17 the hour to an hour and a half of testimony. James  
18 Powell is, I believe, going to be our primary witness,  
19 and I would guess that his direct testimony is probably  
20 going to be in that three-hour range. Jason Zoller,  
21 probably to be conservative, I would just say an hour,  
22 maybe 30 minutes, so let's just say an hour. Jon  
23 Schmidt, similar to Jason Zoller, in that half hour to  
24 an hour range. I have on here David Daum. We're likely  
25 not to call him at this point in time. We think some of

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1 that information can be covered with another witness.  
2 But if he is called, it's likely only going to be 30,  
3 45 minutes. And then Jeff Olson is probably in that 35  
4 to 45 minutes, but to be conservative, let's just say an  
5 hour.  
6 And then on the may-call witnesses or may  
7 testify, Dan Pickering, I'm thinking 30 minutes; Harold  
8 Hamm, 30 minutes; Mike Lundkin (phonetic), possibly an  
9 hour; and Brian Lucht (phonetic), possibly an hour.  
10 ALJ HOGAN: All right. Thank you. That's  
11 helpful. I think -- go ahead.  
12 MR. BENDER: Sorry, Your Honor, but I'll have a  
13 better idea in -- perhaps in a week or so and be happy  
14 to provide the -- Your Honor with more information as we  
15 know more.  
16 ALJ HOGAN: Yeah, I guess I probably won't  
17 require you to do that, but if you want to do that ahead  
18 of time, that would be appreciated from my point. And  
19 it makes it easier for me to plan stuff out if I have a  
20 better idea of those type of items.  
21 Okay. And then on behalf of, let's see, the  
22 landowner intervenors.  
23 I don't know, Mr. Leibel, are you the one to  
24 speak on that?  
25 MR. LEIBEL: Mr. Brian Jorde can speak on that.

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1 ALJ HOGAN: All right. And I guess maybe  
2 my first question for you, Mr. Jorde, based off of the  
3 comments in your witness list, do you anticipate  
4 appearing at all through that week? I know you were one  
5 of the parties that expressed some conflicts with that  
6 week. So I guess my first question is: are you  
7 available at all that week?  
8 MR. JORDE: No, not right now unless, you know,  
9 all sorts of things -- stars were to align and things  
10 were to be canceled. But what we didn't want to have  
11 happen is Summit to raise some type of waiver argument  
12 or similar that we failed to even participate so we  
13 somehow couldn't even request a technical conference.  
14 And by "participate," I mean in the witness list,  
15 etcetera, so they didn't accuse us of, like, sandbagging  
16 or something. So this is filed solely to preserve that  
17 part of the record and so we're not waiving. And this  
18 would be the totality of the people that, had we been  
19 able to participate, we may have called at that time.  
20 So I can run through everything, or if that  
21 affects how you want to move forward.  
22 ALJ HOGAN: Well, maybe I'll start with this.  
23 And maybe it has been filed already and I haven't seen  
24 it, but you are planning to request the technical  
25 hearing or additional days for technical hearing?

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<p>1 MR. JORDE: Correct.</p> <p>2 ALJ HOGAN: Okay. And, yeah, I looked through</p> <p>3 your witness list and it's a pretty healthy list. And</p> <p>4 do you have any idea of how much time you're going to</p> <p>5 need? And maybe it's kind of a two-part thing, but do</p> <p>6 you anticipate calling all of these witnesses?</p> <p>7 MR. JORDE: No. No. Definitely -- definitely</p> <p>8 will not call all. I mean, obviously, depending how the</p> <p>9 -- you know, Summit, they've got the burden of proof, we</p> <p>10 don't, so depending how their witnesses play out, maybe</p> <p>11 none of these might be necessary. We just have to see.</p> <p>12 But obviously, for instance, like Mr. Powell,</p> <p>13 he's going to be on their list so that's not really a</p> <p>14 duplicate. You know, Mr. Rastetter or Mr. Blank --</p> <p>15 maybe I should just go in order -- if we have to</p> <p>16 subpoena them if they're not going to be there and then</p> <p>17 that's a whole process, but we just put them on there</p> <p>18 because we think those are the people that have material</p> <p>19 information that the PSC would be interested in. And</p> <p>20 then we've got Mr. Powell.</p> <p>21 And Mr. Pirolli, he's a commercial person.</p> <p>22 Well, I think he quit or retired, I'm not privy to that,</p> <p>23 but in any event he's not there, but he's the mastermind</p> <p>24 kind of behind the economics of this so I'm not sure who</p> <p>25 they're going to have. Maybe that Wade gentleman is</p> <p style="text-align: right;">PAGE 9</p>	<p>1 Mr. Riley, Watford City, we have to subpoena him</p> <p>2 or maybe he'd volunteer to come down, but I'm going to</p> <p>3 have to call him. And same with Mr. Tharaldson. I</p> <p>4 don't know if he's interested in coming, but I'll have</p> <p>5 to give him a call. And same with the president of the</p> <p>6 ethanol plant. So those are just kind of placeholders.</p> <p>7 And then Lynn Helms, Mineral Resources, I'm going to</p> <p>8 have to give him a call so I'm not sure if he's willing</p> <p>9 to testify.</p> <p>10 And then the others looks like are experts that</p> <p>11 have been used in the past, used by us or other parties</p> <p>12 against Summit in other states. Again, so Summit is</p> <p>13 very familiar with their testimony.</p> <p>14 And I think that takes us through, yeah, the</p> <p>15 balance of our list.</p> <p>16 ALJ HOGAN: So in total for technical hearing,</p> <p>17 do you know -- length of that hearing, do you know what</p> <p>18 your request is going to be?</p> <p>19 MR. JORDE: Oh, gosh, good question. I mean,</p> <p>20 you know, unfortunately, since, again, we're kind of</p> <p>21 responding, it really depends how much, you know, comes</p> <p>22 out of Summit on this first go-around. You know, like I</p> <p>23 said, our -- the landowner witnesses, maybe three, three</p> <p>24 and a half hours to get the kind of -- because we only</p> <p>25 have three families left in Burleigh and Morton County</p> <p style="text-align: right;">PAGE 11</p>
<p>1 going to cover that.</p> <p>2 And then we've got some other Summit people, all</p> <p>3 of whom may be unnecessary, Your Honor, again, based</p> <p>4 upon how their direct testimony comes in.</p> <p>5 So I think some of the key witnesses have to do</p> <p>6 with discovery disputes and prior orders, an August 4th</p> <p>7 order that basically granted confidential protection of</p> <p>8 some information. We're going to ask for either</p> <p>9 reconsideration or make another run at that because we</p> <p>10 think that the authors, the people that have prepared</p> <p>11 any report that the PSC has and no one else has are</p> <p>12 obviously fair game because certainly you could make a</p> <p>13 decision based on information that the parties weren't</p> <p>14 able to cross-examine on. So we don't know who those</p> <p>15 people are, they don't tell us, but those are</p> <p>16 placeholders, sub I, J, and K.</p> <p>17 And then you can see the landowners. Landowners</p> <p>18 go from L down to Q. You know, Mary Irmen and Scott are</p> <p>19 husband and wife. I would suspect maybe one would</p> <p>20 testify, and maybe it's 30, 45 minutes. Mr. Malloy has</p> <p>21 never testified and so I suspect he could be longer, an</p> <p>22 hour time range. And then I suspect we'd have one</p> <p>23 representative from APH Farms, probably in that hour</p> <p>24 timeframe or so as well, but I listed all three just to</p> <p>25 be safe.</p> <p style="text-align: right;">PAGE 10</p>	<p>1 and, hopefully, Summit will just reroute around them so</p> <p>2 we don't have to deal with that. But for the other</p> <p>3 folks, oh, gosh, I mean, you know, at least a solid</p> <p>4 eight hours to get through the rest of them. And I</p> <p>5 don't know how much cross there would be.</p> <p>6 ALJ HOGAN: Okay. All right. Thank you.</p> <p>7 Then I think the third list I got was from</p> <p>8 Burleigh County. Mr. Bakke, kind of the same questions.</p> <p>9 I know you expressed some conflicts or a conflict with</p> <p>10 that April -- week of April 22nd. Are you able to</p> <p>11 attend any days during that week?</p> <p>12 MR. BAKKE: I am not. My jury trial has not</p> <p>13 changed which starts the following Monday. And that's a</p> <p>14 case that went to the North Dakota Supreme Court after</p> <p>15 the first jury trial and was reversed, so it's a whole</p> <p>16 host of new issues in the case that weren't allowed in</p> <p>17 the first jury trial and that's why it's a two-week jury</p> <p>18 trial this time. And I have, of course, trial</p> <p>19 preparation but also numerous meetings with witnesses</p> <p>20 who will be testifying at the trial so I'm not available</p> <p>21 that week at all. And I don't anticipate that trial</p> <p>22 would be postponed for any reason.</p> <p>23 And so, you know, I would echo the comments that</p> <p>24 Mr. Jorde did, that we also submitted our witness list</p> <p>25 with the idea in mind that we are requesting a technical</p> <p style="text-align: right;">PAGE 12</p>

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<p>1 hearing as well to present our witnesses and to 2 cross-examine the witnesses presented by Summit and 3 possibly others during the week of April 22 through 26 4 in -- out of an abundance of caution so as there was no 5 waiver argument by Summit or (indiscernible) waiver 6 argument, we did that.</p> <p>7 In relation to our witnesses that we've 8 identified on our witness list, for the ones that we 9 would be calling and setting aside the Summit witnesses, 10 I would estimate we would need about a full day for the 11 ones we've disclosed with Mr. Bitner being the first one 12 and Mr. Jennings being the last one on that list.</p> <p>13 And then in terms of the Summit witnesses, we 14 have requested them to produce witnesses on five 15 different topics. It very well could be many of those 16 topics will be addressed by the Summit witnesses at the 17 initial hearings on April 22 through 26. I'm assuming 18 those topics will be because they're for the application 19 and it's my understanding those are some of the things 20 the PSC indicated after denying Summit's application 21 that they wanted to hear evidence on from Summit, but we 22 also want to cross-examine Summit's witnesses who 23 testified on whatever they testified to on April 22 24 through 26 and are operating under the understanding 25 that we won't have to subpoena those witnesses, that</p> <p style="text-align: right;">PAGE 13</p>	<p>1 PSC to be scheduled on two days. So I think he has 2 requested a technical hearing. That's how I read it, at 3 least.</p> <p>4 MR. BAKKE: Yeah, I did. But in response to the 5 judge's question, I kind of implied, perhaps 6 incorrectly, that she wanted a separate request or a 7 separate document in that regard. But you're correct, 8 Mr. Pelham, we did, in fact, make that request.</p> <p>9 If Your Honor would like something further, we 10 can certainly do a stand-alone document or something of 11 that nature.</p> <p>12 ALJ HOGAN: I guess my preference would be if we 13 had a separate document that was just kind of dedicated 14 to that request versus being buried in a witness list -- 15 maybe not "buried" is the right word but included in a 16 witness list, I think for the docket might be better or 17 more clear to somebody that's just going through the 18 docket.</p> <p>19 MR. BAKKE: Yeah, I can certainly do that.</p> <p>20 ALJ HOGAN: Okay. And same with you, Mr. Jorde, 21 I think you had it in your witness list as well, if you 22 just want to send in a short document with that request 23 on it, it might be helpful.</p> <p>24 MR. JORDE: We will do that. Thank you.</p> <p>25 ALJ HOGAN: All right. Thank you.</p> <p style="text-align: right;">PAGE 15</p>
<p>1 they will be required to voluntarily appear so that we 2 could conduct our cross-examination at that time.</p> <p>3 So my guesstimate at this point is I would need 4 about two days to complete everything that we would want 5 to present and to cross-examine Summit witnesses on.</p> <p>6 And I did indicate in our witness list some 7 dates that both Mr. Jorde and the landowner intervenors 8 are available and I am as well, which is prior to that 9 May 24 date that Commissioner Christmann talked about 10 that he would like to see those hearings completed by.</p> <p>11 ALJ HOGAN: And just so I'm clear, Mr. Bakke, 12 have you made a request for the technical hearing yet? 13 I haven't seen one, but it doesn't mean you haven't made 14 it.</p> <p>15 MR. BAKKE: No. No, I have not. I was waiting 16 to see what was going to happen here today.</p> <p>17 ALJ HOGAN: Sure.</p> <p>18 MR. BAKKE: We certainly plan to do that, but I 19 thought whatever Your Honor decided and whatever the 20 presentation was by Summit in terms of their witnesses 21 might affect that.</p> <p>22 MR. PELHAM: Judge.</p> <p>23 ALJ HOGAN: Yep, go ahead, Mr. Pelham.</p> <p>24 MR. PELHAM: Mr. Bakke's request says Burleigh 25 County requests a technical hearing as proposed by the</p> <p style="text-align: right;">PAGE 14</p>	<p>1 So it's my understanding that I think the 2 Commission's aware that there's going to be -- well, 3 obviously it's in your witness list, but we're 4 anticipating the request for that technical hearing.</p> <p>5 And I'll ask Mr. Pelham, maybe he has more 6 information, but it's my understanding they have not yet 7 talked about the length of any potential hearing date, 8 but the -- my understanding is they would like any 9 witness -- well, specifically for Summit's witnesses to 10 be available for cross-examination for that technical 11 hearing but are willing to allow them to appear through 12 video conference or something like that so that they 13 wouldn't need to come back for a second hearing. So 14 that's my understanding of where they're kind of at with 15 that technical hearing.</p> <p>16 And, Mr. Pelham, you can either correct me if 17 I'm incorrect or if you have more information that would 18 be helpful.</p> <p>19 MR. PELHAM: I don't have any other information, 20 Judge. I think what you stated is correct. Any 21 witnesses that are called, at least (indiscernible) 22 April 22nd by Summit as witnesses, any parties 23 requesting a technical hearing, which, as I understand 24 it, both Mr. Jorde's clients and Mr. Bakke's client have 25 requested, they're going to follow up with a more formal</p> <p style="text-align: right;">PAGE 16</p>

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<p>1 request, but effectively they've told us today and their 2 witness list indicate that they're asking for a 3 technical hearing, that those Summit witnesses that 4 testify on direct will be made available by Summit but 5 have to be made available by Summit to be subject to 6 cross-examination at a technical hearing which, 7 effectively, is an evidentiary hearing on the matter, 8 and that the parties, after requesting such a hearing, 9 be entitled to call their own witnesses if they so 10 desire at that hearing and present evidence at that 11 technical hearing. 12 Thank you. 13 ALJ HOGAN: All right. Thank you. 14 Those are the three parties that filed witness 15 lists. And I just want to make sure, were any of the 16 other parties anticipating calling witnesses or desiring 17 to call witnesses at the April 22nd hearing? 18 MR. PRANIS: Your Honor, Kevin Pranis for 19 Laborers. I apologize. I missed the order giving the 20 deadline to provide witnesses, but it was our intention 21 to provide up to three witnesses. They wouldn't take 22 very long. So if that's acceptable to Your Honor and to 23 other parties. 24 ALJ HOGAN: Mr. Pranis, if you wouldn't mind 25 just shooting me a short witness list with the names of</p> <p style="text-align: right;">PAGE 17</p>	<p>1 than have everybody chime in, maybe I'll just run down 2 the list. 3 Mr. Bender, did you have anything else you 4 wanted to address this afternoon? 5 MR. BENDER: Not at this time, Your Honor. 6 ALJ HOGAN: All right. Mr. Jorde. 7 MR. JORDE: No. We'll probably be back, Your 8 Honor, depending what Summit's discovery responses and 9 position are, but nothing at this moment. Thank you. 10 ALJ HOGAN: All right. Mr. Bakke. 11 MR. BAKKE: Nothing at this time, Your Honor. 12 ALJ HOGAN: All right. Mr. Zomer. 13 MR. ZOMER: Maybe more of a clarifying question 14 or just something to put out for consideration, but if 15 any areas of cross-examination would likely overlap with 16 at least the Summit witnesses identified in Mr. Bakke's 17 email -- or email requesting different type of witnesses 18 be available, those are the witnesses and the topics 19 that we would be interested in also cross-examining on. 20 And so if it makes more sense for us to do that as part 21 of the technical conference, we can accommodate that. 22 If Your Honor would prefer that we do it as part of the 23 April hearing, we could do that too. 24 ALJ HOGAN: Well, I think on that topic, as much 25 coordination between the parties, especially the</p> <p style="text-align: right;">PAGE 19</p>
<p>1 those witnesses, I'd appreciate that. 2 MR. PRANIS: Yes, Your Honor. 3 ALJ HOGAN: And do you have -- anticipate, 4 Mr. Pranis, how long your -- you might need for witness 5 testimony? 6 MR. PRANIS: I would say an hour and a half at 7 the very outside. Probably an hour. 8 ALJ HOGAN: Okay. Thank you. 9 Anybody else? 10 MR. ZOMER: Your Honor, this is Pat Zomer. The 11 City did not anticipate putting on any affirmative 12 witnesses (indiscernible) cross-examination of the 13 (indiscernible). 14 ALJ HOGAN: Okay. Thank you. 15 MR. BRAATEN: Your Honor, this is Derrick 16 Braaten for Emmons County. We are also not planning to 17 put on any witnesses at the April hearing -- may at the 18 hearing down in Linton -- but in terms of the hearings 19 at the end of the month would reserve our right to 20 cross-examine and may participate but likely will not be 21 playing much of a substantive role. 22 ALJ HOGAN: All right. Thank you. 23 All right. Well, those are the topics I wanted 24 to cover this afternoon. Did any of the parties have 25 other issues that they wanted to address? And rather</p> <p style="text-align: right;">PAGE 18</p>	<p>1 intervenors, that's possible, I think the Commission 2 would appreciate that. And I think, you know, they went 3 through great effort to schedule this week hearing on 4 April 22nd, so as much of that hearing and as much of 5 the cross-examination that can happen that week, I think 6 that's what the expectation is. 7 So, Mr. Zomer, I think they would want the 8 opposite. So instead of deferring to the technical 9 hearing, if we could get it in that first week block, 10 that would be their preference. Those are my thoughts 11 on that. 12 MR. ZOMER: Understood. Thank you. 13 ALJ HOGAN: All right. Mr. Braaten, any other 14 issues you wanted to address? 15 MR. BRAATEN: No, Your Honor. 16 ALJ HOGAN: Mr. Pranis? 17 MR. PRANIS: Maybe this isn't a question that 18 can be answered right now, Your Honor, but I see that a 19 week is blocked off. Trying to manage our own limited 20 resources, I'm wondering if, given the technical hearing 21 and major intervenor parties not being a part, is there 22 any expectation it might be less than five days of 23 hearings? 24 ALJ HOGAN: Yeah, I think that's likely. And I 25 think from the beginning the Commission's thought was</p> <p style="text-align: right;">PAGE 20</p>

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1 they would block off a week and when we're done we're  
2 done. If it takes three days, you know, at the end of  
3 three days we're done. If it takes five days, we use  
4 the five days. I guess we'll see. A lot of that is  
5 dependent upon the amount of public testimony that's  
6 requested so -- and that obviously we won't know until  
7 the day of.  
8         So I don't know if I can give you a good idea of  
9 anticipated length, but given what I've heard today, I'm  
10 guessing we will not need all week. I just don't know  
11 how long.  
12         MR. PRANIS: Thank you. That's helpful.  
13         ALJ HOGAN: All right. Mr. Pelham, any other  
14 issues you wanted to address this afternoon?  
15         MR. PELHAM: No, Your Honor. Thank you.  
16         ALJ HOGAN: And, Mr. Schock, I'm going to ask  
17 you just to make sure we haven't missed anything that  
18 you might be thinking of.  
19         MR. SCHOCK: No. I think you covered it very  
20 well, Judge. Thank you.  
21         ALJ HOGAN: All right. Well, thank you all for  
22 joining in today. I think this conversation was  
23 productive.  
24         And I'll just note for the record that it's  
25 2:02 p.m. That will conclude our prehearing conference.

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CERTIFICATE OF TRANSCRIPTIONIST

STATE OF NORTH DAKOTA ) ss.

I, Lisa A. Hulm, CET-783, a certified electronic transcriber, do hereby certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter, to the best of my professional skills and abilities. I further state that I was not present during these recorded proceedings, and I am only the transcriber of the recorded proceedings.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties hereto, nor a relative or employee of such attorney or counsel; nor do I have any interest in the outcome or events of the action.

Dated this date of October 15, 2025.

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LISA A. HULM, CET-783

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1 And I hope everybody has a nice afternoon.  
2         UNIDENTIFIED SPEAKER: Thank you, Your Honor.  
3         UNIDENTIFIED SPEAKER: Thank you.  
4         ALJ HOGAN: Thanks. Bye-bye.  
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# SCS Carbon Transport LLC, Case No. PU-22-391

April 8, 2024, Prehearing conference

## ND PUBLIC SERVICE COMMISSION

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# SCS Carbon Transport LLC, Case No. PU-22-391

April 8, 2024, Prehearing conference

## ND PUBLIC SERVICE COMMISSION

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