

## ND PUBLIC SERVICE COMMISSION

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

May 16, 2024, Prehearing conference

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<p>1 anticipate offering witnesses for Wahpeton.</p> <p>2 All right. And then one other matter I want to</p> <p>3 address before we talk about the technical hearing so</p> <p>4 that I don't forget is I received a motion earlier this</p> <p>5 week from Mr. Zomer about admitting into evidence</p> <p>6 Summit's response to interrogatories. And I'll just go</p> <p>7 around and ask if there's any objection to that motion.</p> <p>8 Mr. Dublinske, did you have any objection?</p> <p>9 MR. DUBLINSKE: No, Your Honor.</p> <p>10 ALJ HOGAN: And, let's see, Mr. Pelham.</p> <p>11 MR. PELHAM: No objection.</p> <p>12 ALJ HOGAN: Mr. Jorde.</p> <p>13 MR. JORDE: No, Your Honor.</p> <p>14 ALJ HOGAN: Mr. Bakke.</p> <p>15 MR. BAKKE: No, Your Honor.</p> <p>16 ALJ HOGAN: All right. So I will admit that as</p> <p>17 an exhibit. I might just add it to the exhibit list</p> <p>18 after the Wahpeton hearing to avoid doing it twice, and</p> <p>19 I'll just include it in there as an admitted exhibit</p> <p>20 along with any other exhibits that are accepted at that</p> <p>21 hearing.</p> <p>22 All right. And then moving on to the technical</p> <p>23 hearing, just some thoughts from me before we kind of</p> <p>24 get into a discussion about that hearing. And I have</p> <p>25 received and reviewed all the letters that were filed</p> <p>PAGE 5</p>	<p>1 time for those witnesses. I know that's sometimes hard</p> <p>2 to do especially at this stage so I appreciate the</p> <p>3 effort that was put into those.</p> <p>4 Is there anybody else looking to call witnesses</p> <p>5 at the technical hearing that didn't file a list with</p> <p>6 me?</p> <p>7 All right. So with that in mind, I think it</p> <p>8 makes sense and I do anticipate issuing something that</p> <p>9 kind of puts some guidelines for allocating time for</p> <p>10 this hearing. Four days is a lot of time, but given</p> <p>11 what has been prefiled, I think we're still exceeding</p> <p>12 the available time. So I do want to put something out</p> <p>13 there that helps the parties or guides them in prepping</p> <p>14 what they plan to present at that hearing.</p> <p>15 And as far as order, I'll maybe say this before</p> <p>16 I kind of get input from all the parties. My thought --</p> <p>17 and you guys can tell me if you have other thoughts that</p> <p>18 might work better than what I'm thinking, but I think we</p> <p>19 would start with -- I know Summit has one more witness</p> <p>20 it wants to present. So I think it makes sense to start</p> <p>21 with Summit's witness and cross-examination of Summit's</p> <p>22 witnesses, and then we would move to intervenor</p> <p>23 witnesses and go from there.</p> <p>24 So that's kind of the order that I had in my</p> <p>25 mind, but I would like to hear some thoughts from the</p> <p>PAGE 7</p>
<p>1 this week.</p> <p>2 And the Commission has set aside four days for</p> <p>3 this hearing so they anticipate finishing in four days</p> <p>4 so I think that is the primary goal. I would -- you</p> <p>5 know, they set aside four days so that we could avoid</p> <p>6 having a day that goes super late into the evening. So</p> <p>7 my thought and my plan is that each day we will try to</p> <p>8 end around 5, 6:00 or somewhere in that neighborhood.</p> <p>9 So I think the parties should plan on not going late</p> <p>10 into the evening. That's not the Commission's intent</p> <p>11 for this hearing.</p> <p>12 I know there was some concerns about the scope</p> <p>13 of the hearing or scope of admissible evidence. And</p> <p>14 obviously the Commission issued a notice of hearing that</p> <p>15 stated the issues as specified, but I have received from</p> <p>16 the Commission that its intent for evidence to be</p> <p>17 limited to any deficiencies noted in the original order</p> <p>18 and, secondly, to any -- to the issue of siting related</p> <p>19 to the supplemental reroute filings. So I hope that</p> <p>20 addressed the concerns about scope of hearing or</p> <p>21 admissibility of evidence. And I know that's not</p> <p>22 sometimes a bright line type of thing, but that's the</p> <p>23 guidance I can give on that at this time.</p> <p>24 With that in mind -- and I thank you all for</p> <p>25 those that refiled witness lists with the anticipated</p> <p>PAGE 6</p>	<p>1 parties on the order and then also any ideas on how to</p> <p>2 allocate time.</p> <p>3 So I'll maybe start with you, Mr. Dublinske, if</p> <p>4 you want to go first.</p> <p>5 MR. DUBLINSKE: Thank you, Your Honor. And what</p> <p>6 you said you envision is largely what we anticipated as</p> <p>7 well. Obviously, we will have the witnesses that were</p> <p>8 presented at the -- at the hearing available for</p> <p>9 cross-examination. We will, as you noted, have one</p> <p>10 additional witness. And, again, the rest of them are</p> <p>11 just cross and will largely be determined by the amount</p> <p>12 of time that the other parties want to take with those.</p> <p>13 I will say that there have been some requests,</p> <p>14 some that are more specific than others, about</p> <p>15 particular Summit witnesses. One of them, without</p> <p>16 getting into right at the moment the appropriateness of</p> <p>17 those additional witnesses, but Alex Lange, in any</p> <p>18 event, is out of the country and off work and</p> <p>19 unavailable during the technical hearing. The first</p> <p>20 scheduled event that he would be back for and available</p> <p>21 would be June 4th at Linton.</p> <p>22 So I'll -- in terms of our case, our intent is</p> <p>23 to put up the one witness that was not available at the</p> <p>24 hearing and have the rest of the folks that were at the</p> <p>25 hearing available for cross.</p> <p>PAGE 8</p>

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<p>1 ALJ HOGAN: And I think I -- I'm not sure if it</p> <p>2 was stated outright, Mr. Dublinske, in your letter, but</p> <p>3 it's my understanding Summit would like the opportunity</p> <p>4 to potentially provide rebuttal witnesses after</p> <p>5 intervenors present their witnesses.</p> <p>6 MR. DUBLINSKE: That is correct, Your Honor.</p> <p>7 We've talked a little bit about the technical hearing</p> <p>8 and about at Wahpeton. We haven't talked at all about</p> <p>9 Linton and whether or not other parties intend to put</p> <p>10 witnesses on in Linton, but we would like the</p> <p>11 opportunity and believe it would be appropriate for</p> <p>12 Summit to have the opportunity to put on a rebuttal case</p> <p>13 if it so chooses at the conclusion; save a little time</p> <p>14 at the end of Linton for us to be able to do that.</p> <p>15 ALJ HOGAN: Are you requesting rebuttal time as</p> <p>16 part of technical hearing too or are you saving that for</p> <p>17 Linton, just so I'm clear on what you're telling me?</p> <p>18 MR. DUBLINSKE: No, no, that -- we believe that</p> <p>19 would make more sense after the conclusion of all of the</p> <p>20 opposing testimony. And my understanding is there will</p> <p>21 -- per as Mr. Jorde said earlier, there will at least be</p> <p>22 some at Wahpeton, I don't know if there will be any at</p> <p>23 Linton, but just to ensure that the rebuttal case is, in</p> <p>24 fact, rebutting all of the available evidence and</p> <p>25 commentary, we would request that that be at the end of</p> <p>PAGE 9</p>	<p>1 and then go on to landowner intervenors.</p> <p>2 Also, Mr. Bakke and I, I think, can work</p> <p>3 together to streamline as best we can our -- both cross</p> <p>4 -- you know, things can come up so we can't, like,</p> <p>5 perfectly plan for that, but our cross and our</p> <p>6 presentation. We're going to have to work with each</p> <p>7 other's schedule and the schedule of witnesses. So</p> <p>8 we'll do that to be streamlined.</p> <p>9 And then I'd also like to bring up -- you know,</p> <p>10 I've got Mr. Dublinske's May 15th letter to you here</p> <p>11 where he's concerned about the timeline. And I would</p> <p>12 note that Mr. Dublinske and I worked, I think, well</p> <p>13 together during the much larger docket in Iowa.</p> <p>14 I previously offered to Mr. Bender that</p> <p>15 landowners could present some of their witnesses via</p> <p>16 prefiled testimony and then the option that that -- that</p> <p>17 live cross could be waived in order to save time.</p> <p>18 Mr. Dublinske and I were able to reach stipulation on a</p> <p>19 large number of witnesses in Iowa and save probably a</p> <p>20 couple of days at the time. I didn't get a response</p> <p>21 back from Summit on that. I tried a second time.</p> <p>22 Didn't get a response back. So I assume they're not</p> <p>23 interested in that.</p> <p>24 But with Mr. Dublinske taking a more active</p> <p>25 role, I would like to put that to him if that process is</p> <p>PAGE 11</p>
<p>1 the day and in Linton.</p> <p>2 ALJ HOGAN: Okay. And it's my understanding,</p> <p>3 and I can't tell you where but I know this, if it was at</p> <p>4 the last prehearing or something Mr. Braaten said to me</p> <p>5 in the hearing in Mandan, but I believe Mr. Braaten</p> <p>6 intends to call witnesses at the Linton hearing. I</p> <p>7 don't know who they are or how many, but that's my</p> <p>8 understanding.</p> <p>9 MR. DUBLINSKE: It was my understanding as well,</p> <p>10 Your Honor.</p> <p>11 ALJ HOGAN: Okay. All right. Maybe next I'll</p> <p>12 go to you, Mr. Jorde.</p> <p>13 MR. JORDE: Sure. So I guess I would say, Your</p> <p>14 Honor, that any new Summit witness, and I think it's</p> <p>15 Mr. Olson, that testifies at the technical hearing, none</p> <p>16 of that time should count against Mr. Bakke or</p> <p>17 Mr. Leibel or myself, in my opinion, because the</p> <p>18 technical hearing was set aside not for an extension of</p> <p>19 Summit's case in chief but, instead, for</p> <p>20 cross-examination of the Summit witnesses that</p> <p>21 previously testified.</p> <p>22 So I have no problem with him testifying, that's</p> <p>23 fine. I think he should be the first witness, get</p> <p>24 through cross with him, then put up the witnesses that</p> <p>25 have previously testified and get through cross of them,</p> <p>PAGE 10</p>	<p>1 something we could do, because there's a handful of</p> <p>2 witnesses I would be fine, you know -- I always like to</p> <p>3 have them live because there's other things that may</p> <p>4 come out but -- you know, prefiled, they're constrained</p> <p>5 to that, but I'd be willing, in the interest of time,</p> <p>6 Your Honor, to work with Mr. Dublinske if they're</p> <p>7 willing to admit -- prefiled testimony would be</p> <p>8 admitted, waive objection, and just have that stand.</p> <p>9 Obviously, they can rebut that testimony if they so</p> <p>10 choose in their rebuttal.</p> <p>11 So, with that, I don't know if it's appropriate</p> <p>12 for Mr. Dublinske to respond, but, again, I'm happy to</p> <p>13 try to shave some time off this if we can.</p> <p>14 ALJ HOGAN: And I was going to ask you about</p> <p>15 this because I think it was in your prefilings,</p> <p>16 Mr. Jorde, but your thought is prefile the testimony,</p> <p>17 and then if there's any requests on behalf of Summit to</p> <p>18 have those witnesses actually come in and testify, that</p> <p>19 you would make them available, is the way I understood</p> <p>20 it.</p> <p>21 MR. JORDE: That would be fine. I mean, I'd</p> <p>22 have to know very soon because -- I mean, if we're going</p> <p>23 to go this route to save time, we -- I mean, I'm not --</p> <p>24 I'm going to send -- I'll email Mr. Dublinske, like,</p> <p>25 "This is the testimony, here's a signed affidavit, this</p> <p>PAGE 12</p>

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<p>1 is it," and then he can say, "No, I disagree, I'm not 2 having to do it in the blind." But I have, like I said, 3 a few that we could probably cut out just like we did in 4 Iowa. But if he were to say, "No, I don't agree," then 5 I'm going to bring them live, we're going to go through 6 the whole rigamarole. I'm not confined to the prefiled 7 testimony that I sent to Mr. Dublinske. It could go way 8 beyond that because now I'm bringing them live. And 9 then they can cross, of course.</p> <p>10 ALJ HOGAN: Mr. Dublinske, thoughts on that 11 issue?</p> <p>12 MR. DUBLINSKE: Sure, Your Honor. Happy to 13 respond to that.</p> <p>14 The Iowa process is significantly different. 15 You know, we had another full round of written prefiled 16 testimony to rebut the prefiled testimony of Mr. Jorde's 17 witnesses and others. So I think that's a significant 18 difference. And here with the relative compression of 19 the rest of the timeline, I think it would be 20 challenging to add another round of prefiled written 21 testimony to address the lengthy list of folks that 22 Mr. Jorde submitted. And that's a significant concern 23 for us in terms of doing something similar to what we 24 did in Iowa.</p> <p>25 The other one is just a matter of the relevance</p> <p>PAGE 13</p>	<p>1 we're maintaining an objection," and then obviously all 2 of this goes to the weight. We don't have a jury here. 3 I mean, I'm fine with that. I'm not saying to say it 4 comes in and they have no -- they can't maintain any 5 type of an objection to the content. I'm just trying to 6 streamline the process.</p> <p>7 But I'm happy to use all four days, there's no 8 problem there so... But I just put the offer out there.</p> <p>9 MR. PELHAM: Judge, if I may just --</p> <p>10 ALJ HOGAN: Go ahead.</p> <p>11 MR. PELHAM: -- comment on this topic.</p> <p>12 You know, the concept of prefiled testimony is 13 not new with the Commission. It's often done. In fact, 14 it's already been done in this case. Summit has done a 15 good job of using prefiled testimony to speed up the 16 process. The process in which has been explained that 17 -- that apparently occurred in Iowa may -- may work in 18 Iowa, but I -- I, quite frankly, see no reason why some 19 of the testimony could be filed as prefiled and then 20 have the witness testify live for a more limited period 21 of time to make everything more efficient and allow 22 cross-examination. That is commonly done.</p> <p>23 And it's been discussed in prior prehearing 24 conferences as to whether or not we're going to do it or 25 not, whether or not the ALJ, whether or not you would</p> <p>PAGE 15</p>
<p>1 of some of those witnesses to begin with. A good 2 example, for example, are their witnesses on Mr. Jorde's 3 list that talk about broad, general issues about carbon 4 dioxide or about Satartia, for example. There is 5 nothing unique to the issues on reconsideration that are 6 strictly about the addressing of deficiencies that, for 7 example, Satartia has anything new to offer. There was 8 Satartia evidence, Satartia testimony in the original 9 set of hearings, which is obviously still part of this 10 record.</p> <p>11 So at this time, between broader concerns about 12 relevance and about the lack of an ability meaningfully 13 without a significant burden on Summit to prepare 14 written rebuttal, we would not be willing to make the 15 same deal that we made in Iowa.</p> <p>16 ALJ HOGAN: All right. Well, I appreciate the 17 idea as well. We are maybe a little too far down the 18 road to do that, but certainly if you -- either one of 19 you thinks of another way to handle that that would be 20 expedient, always open ears.</p> <p>21 Mr. Jorde.</p> <p>22 MR. JORDE: If I could just add, we wouldn't be 23 asking them to waive -- I mean a relevance objection; 24 right? I mean, if they think "Yeah, this testimony, I 25 don't need to cross this person, we'll let it in, but</p> <p>PAGE 14</p>	<p>1 order that to be done for certain witnesses.</p> <p>2 So I do think that prefiled is a viable option 3 here and should be seriously considered for efficiency 4 sake. It may be the lesser of two evils of potentially 5 limiting the amount of time for each particular party, 6 whether or not intervenor or otherwise, in the 7 proceeding. Thank you.</p> <p>8 ALJ HOGAN: And I'll maybe -- I agree with what 9 Mr. Pelham said and I feel like, after going through the 10 first round of hearings, especially with the landowner 11 parties, they have similar concerns. So I don't think 12 it's maybe the most productive use of time if we have 15 13 landowners that get up and say nearly similar 14 complaints. I think if we could handle some of that 15 with prefiled testimony, that would be great and I think 16 that would be efficient.</p> <p>17 And the commissioners read the prefiled 18 testimony. And, in fact, I think they like that, if 19 they can read it and get a better idea of what the 20 testimony is prior to the hearing, I think they find 21 that very helpful. So I'll just put that out there.</p> <p>22 Maybe, Mr. Jorde and Mr. Dublinske, you guys can 23 talk some more about potentially doing something like 24 that to alleviate some of the time we spend in the 25 actual hearing. I think that would be appreciated by</p> <p>PAGE 16</p>

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<p>1 the Commission and myself. So maybe we can just leave 2 it at that and move forward. 3 Let's see. Next, Mr. Bakke, thoughts on order 4 for the hearing and any potential -- or how to structure 5 potential limitations for time allocation. 6 MR. BAKKE: Thank you, Your Honor. I agree with 7 Mr. Jorde in terms of Summit witnesses and in relation 8 to our cross-examination. 9 On the issue of rebuttal, I'm not going to be in 10 Linton on June 4. I'm not available June 4. I have 11 another -- I have depositions scheduled that day out of 12 state so I cannot attend. But any rebuttal to our 13 witnesses or witnesses during the technical hearing in 14 Bismarck should come during the available dates that 15 have been set aside here. 16 In terms of the order of the witnesses, I agree 17 with Mr. Jorde that he and I can work that out to, 18 hopefully, be as streamlined as possible. 19 One clarification I would request in relation to 20 the issues to be addressed at the technical hearing, you 21 know, looking at the portions of the April 22nd, 2024, 22 in terms of Summit witnesses, you know, they went well 23 beyond the issues identified by the PSC as issues to be 24 addressed at this hearing. For instance, they talked 25 about carbon sequestration, corn production and prices,</p> <p>PAGE 17</p>	<p>1 MR. DUBLINSKE: So let me start with the second 2 of those questions. Our understanding of the technical 3 hearing, that it was not meant to be a re-creation of a 4 full normal hearing and would be hybrid. We are not 5 planning on bringing all the witnesses back up to North 6 Dakota. They are in a variety of places. Many of them 7 will be participating remotely. 8 ALJ HOGAN: Okay. 9 MR. DUBLINSKE: Mr. Daum and Mr. Dillon, I do 10 not know. I know that Mr. Lange is unavailable. I do 11 not know for sure Mr. Daum or Mr. Dillon. I will 12 confirm that and can let everybody on the distribution 13 list know as soon as possible on both of those. 14 Let me just back up, however, a little bit on 15 the issue of the scope here. Again, we have a limited 16 amount of time. I understand that certainly our 17 witnesses are subject to being crossed on anything that 18 they said, but there was no prior objection to that 19 testimony coming in and, you know, we were trying to be 20 narrowly responsive to the issues that the Commission 21 itself had raised. That doesn't re-open the entire 22 hearing and the breadth of everything that was discussed 23 in the original hearing. 24 The other thing I would say about Linton and our 25 ability to put on a rebuttal case, you know, we have</p> <p>PAGE 19</p>
<p>1 enhanced oil recovery, and then they -- Mr. Dublinske 2 just raised Satartia. Satartia could very well be a 3 line of questioning based on the testimony that was 4 offered by Summit's witnesses at April 22nd, 2024. 5 So I'm assuming we get full opportunity to 6 cross-examine their witnesses. I understand 7 Mr. Dublinske wants to apparently restrict that or -- or 8 present our own witnesses on the topics that were 9 addressed. Obviously, our witnesses are not going to 10 offer the same testimony as Summit's witnesses did in 11 this. As part of our response to that, they will be 12 talking about concerns with a CO2 leak and all those 13 other issues that they were addressing on April 22nd. 14 So to the extent that testimony was allowed, 15 which it was, we should be allowed to fully 16 cross-examine those witnesses. And I just want to make 17 sure that -- you know, from Mr. Dublinske that 18 Mr. Dillon and Mr. Daum, D-A-U-M, will be available at 19 the hearing, the technical hearing, starting on 20 April 28th. 21 ALJ HOGAN: Mr. Dublinske, were -- well, maybe 22 I'll ask this in two parts. Those specific individuals, 23 are they going to be at the hearing? And, secondly, do 24 you know, are the witnesses from the last hearing, are 25 they going to be in person or by video conference?</p> <p>PAGE 18</p>	<p>1 made accommodations for purported conflicts. We have 2 our own conflicts. Mr. Bender is not going to be 3 available for the technical hearing. We're going to go 4 ahead, nonetheless. But Mr. Bakke had not previously 5 raised an unavailability in Linton. I think it just 6 makes sense that rebuttal goes last. That's generally 7 what rebuttal is. But unless one of the other Summit 8 folks (indiscernible) someone knows for sure, I'll get 9 back to this group as soon as possible on Daum and 10 Dillon. 11 ALJ HOGAN: All right. Thank you. 12 Mr. Zomer, I understand you're not planning to 13 offer any witnesses at the technical hearing. Are you 14 looking to cross-examine any of Summit's witnesses that 15 testified at the prior hearing? 16 MR. ZOMER: No, Judge Hogan, we are not going to 17 participate in any of the live hearings for 18 cross-examination or offering our own witnesses. 19 ALJ HOGAN: Okay. Thank you. 20 All right. And, Mr. Pelham, on behalf of the 21 Commission, thoughts on order of the hearing and 22 potential time allocation. 23 MR. PELHAM: The order, I think, is pretty well 24 set out. I mean, I think it makes sense what's been 25 discussed. As far as the time limitations, I mean in</p> <p>PAGE 20</p>

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<p>1 some ways I hesitate to set them, but, I mean, we've got</p> <p>2 practical considerations.</p> <p>3 And I'm not going to repeat what I said about</p> <p>4 prefiled testimony but, quite frankly, that's going to</p> <p>5 speed things up. There's a lot of testimony that can be</p> <p>6 covered. It can be written out in question form and</p> <p>7 answered. The Commission does read it. I know staff</p> <p>8 reads it. It is preferred. And it would significantly</p> <p>9 cut down on the amount of direct testimony and would</p> <p>10 allow for a better crafted, more efficient cross from</p> <p>11 both sides, which, in this instance, it's an interesting</p> <p>12 situation because the cross is -- can be very well</p> <p>13 tailored in the sense that the testimony has already</p> <p>14 been received and will have some time to tailor that.</p> <p>15 So I really think and would stress the importance and</p> <p>16 really the request for prefiled testimony to speed</p> <p>17 things up.</p> <p>18 As far as the evidentiary issues, I think that's</p> <p>19 going to be for you, Judge, at the time of the hearing</p> <p>20 and to hear certain objections. There's been motions in</p> <p>21 limine that have been filed and they haven't been ruled</p> <p>22 on so I'm not sure that now is the time to talk about</p> <p>23 evidentiary issues.</p> <p>24 Thank you.</p> <p>25 ALJ HOGAN: Yeah, regarding the evidentiary</p> <p>PAGE 21</p>	<p>1 going to have.</p> <p>2 I've had hearings before where I've assigned</p> <p>3 hours to parties. I don't think that works in this case</p> <p>4 because we're obviously going to have questions from the</p> <p>5 commissioners and Commission staff and stuff like that.</p> <p>6 So I envision something more general, that each</p> <p>7 party is going to get a day or a day and a half to</p> <p>8 present their case and then you're going to have to make</p> <p>9 arrangements to fit within that time so that we finish</p> <p>10 within four days. So that's kind of what I'm thinking</p> <p>11 as far as that goes. And I will, hopefully, get</p> <p>12 something out early next week for that.</p> <p>13 So, with that said, I'll just go around the room</p> <p>14 and see if there's any other issues that we need to</p> <p>15 discuss before we conclude this afternoon.</p> <p>16 Mr. Dublinske, did you have anything else you</p> <p>17 wanted to discuss this afternoon?</p> <p>18 MR. DUBLINSKE: I don't think so, Your Honor.</p> <p>19 Just one point relevant to sort of division of time.</p> <p>20 Mr. Jorde made the point that it's his view that any new</p> <p>21 direct examination that we do of the one remaining</p> <p>22 witness doesn't count against their time, which</p> <p>23 obviously is only relevant if we end up dividing up</p> <p>24 time, but just as you think through it, Your Honor, for</p> <p>25 the record, that additional direction will be quite</p> <p>PAGE 23</p>
<p>1 issues, it's really hard to kind of make those</p> <p>2 statements in abstract or without having the testimony</p> <p>3 right in front of you. I can't really say this is</p> <p>4 allowed, this isn't allowed when I don't know what the</p> <p>5 testimony is going to be.</p> <p>6 And, you know, I agree that there's concerns of</p> <p>7 limiting this to what the matter was re-opened for.</p> <p>8 That said, administrative hearings are designed to be</p> <p>9 maybe more loose with the relevance issues than maybe a</p> <p>10 court proceeding or something. So I guess my thought is</p> <p>11 always, if it's questionable whether or not it's</p> <p>12 relevant or it should come in, it generally comes in.</p> <p>13 But, again, I have concerns about going down</p> <p>14 roads that the Commission doesn't have jurisdiction over</p> <p>15 or that the case was not re-opened to address. So I</p> <p>16 just encourage everybody to read the order again and to</p> <p>17 have a good understanding of the issues the Commission</p> <p>18 has already said this matter was re-opened to address.</p> <p>19 And that's about as good of guidance as I can give at</p> <p>20 this point and we're just going to have to address that</p> <p>21 when it comes up at the hearing.</p> <p>22 As far as time allocation, like I said before, I</p> <p>23 have concerns. We've got four days, which is a lot of</p> <p>24 time, but after seeing the prefiled witness list,</p> <p>25 there's anticipated more time for testimony than we're</p> <p>PAGE 22</p>	<p>1 brief. In the grand scheme of the four days, that will</p> <p>2 not amount to much. So this is largely for the</p> <p>3 presentation that -- and the cross-examination that the</p> <p>4 other parties were not available to make at the original</p> <p>5 hearing, but there won't be much of that new direct</p> <p>6 examination to factor into the time calculus.</p> <p>7 ALJ HOGAN: And, Mr. Dublinske, refresh my</p> <p>8 memory. For Mr. Olson, you -- Summit already prefiled</p> <p>9 his testimony; correct?</p> <p>10 MR. DUBLINSKE: Correct.</p> <p>11 ALJ HOGAN: Okay.</p> <p>12 MR. DUBLINSKE: I think.</p> <p>13 Ty, is that right?</p> <p>14 MR. GLUDT: Your Honor, this is Tyler Gludt.</p> <p>15 That is incorrect.</p> <p>16 MR. DUBLINSKE: Incorrect.</p> <p>17 MR. GLUDT: We have not prefiled testimony from</p> <p>18 Mr. Olson, but it is certainly something that we'll</p> <p>19 explore leading up to the 28th here. And we'll try to</p> <p>20 get that in as soon as possible.</p> <p>21 ALJ HOGAN: All right. Thank you.</p> <p>22 Mr. Jorde, any other issues you wanted to</p> <p>23 discuss this afternoon?</p> <p>24 MR. JORDE: Well, I guess point of clarification</p> <p>25 or food for thought on this dividing up days. I mean,</p> <p>PAGE 24</p>

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<p>1 it looks like it's just Burleigh County and the</p> <p>2 landowners so I -- there's four days. I think Mr. Bakke</p> <p>3 and myself and Mr. Leibel can figure out how to get our</p> <p>4 case presented.</p> <p>5 I don't really like the idea of dividing up a</p> <p>6 day because we're going to be presenting -- I mean,</p> <p>7 Mr. Bakke might have a witness, then I might have a</p> <p>8 witness based on all the schedules we're juggling. And</p> <p>9 so I -- I mean, there's four days. I mean, I think the</p> <p>10 order is we're done at whatever; 6 p.m. on the fourth</p> <p>11 day we're done. Doesn't matter if you have 20 more</p> <p>12 witnesses, you're out.</p> <p>13 And I guess what I'm saying is I don't think</p> <p>14 trying to tighten it up to something that's a little</p> <p>15 more artificial makes sense. I think it's just "You two</p> <p>16 guys figure it out. And if one of you guys didn't get</p> <p>17 your witnesses presented, too bad, so sad."</p> <p>18 Does that make sense? Because if you say,</p> <p>19 "Well, you have Tuesday" or "You have Wednesday," it's,</p> <p>20 like, okay, half my witnesses aren't available on</p> <p>21 Wednesday. I mean, it just gets a little cumbersome. I</p> <p>22 mean, we're all professionals here. I think we can get</p> <p>23 this done in time.</p> <p>24 ALJ HOGAN: And, Mr. Jorde, I appreciate that</p> <p>25 and I concur that it gives you less flexibility in</p> <p>PAGE 25</p>	<p>1 these witnesses and their availability.</p> <p>2 And then I would just note for the record in</p> <p>3 relation to Mr. Lange, you know, I did indicate I wanted</p> <p>4 to call him as a witness because of his involvement in</p> <p>5 the issue of emergency preparedness and response to a</p> <p>6 CO2 leak. He was the person from Summit on that issue.</p> <p>7 And in relation to Mr. Dublinske's comment about</p> <p>8 Linton, I've always indicated to Your Honor and to</p> <p>9 everyone else that I would not be participating this</p> <p>10 time in Linton. So it's not like I was disclosing that</p> <p>11 for the first time today.</p> <p>12 And I guess the final area is in terms of</p> <p>13 exhibit lists. Is it the Court's request that we simply</p> <p>14 submit those and the exhibits on the morning of the</p> <p>15 hearing like has been done in the past and have copies</p> <p>16 available for the commissioners and for Your Honor and</p> <p>17 for the attorneys?</p> <p>18 ALJ HOGAN: That's fine with me. I can tell</p> <p>19 you, if you prefile them, I think the commissioners</p> <p>20 generally review anything that's prefiled. So, you</p> <p>21 know, if it's something you think should be reviewed by</p> <p>22 them prior to the hearing, I can't guarantee they will,</p> <p>23 but in my experience they do review the prefiled</p> <p>24 materials before the hearing. So if that's something</p> <p>25 you'd like them to review, I suggest prefiling it.</p> <p>PAGE 27</p>
<p>1 making those arrangements. I just feel that, in prior</p> <p>2 hearings, the amount of time set aside for the hearings,</p> <p>3 I don't know that that's worked terribly well. And so I</p> <p>4 just -- I just don't want to walk into this hearing with</p> <p>5 no guidelines. And I'm going to set some framework. If</p> <p>6 you guys want to work out something else among that,</p> <p>7 that's fine, but I think we need some general time</p> <p>8 frames on how time is going to work for this hearing.</p> <p>9 That's just my thought.</p> <p>10 Okay. Mr. Bakke, any other issues you wanted to</p> <p>11 discuss this afternoon?</p> <p>12 MR. BAKKE: Well, in relation to the last</p> <p>13 comments about some time frames, I agree with Mr. Jorde.</p> <p>14 It wouldn't be feasible to just have an assigned day,</p> <p>15 for example, for Burleigh County and an assigned day for</p> <p>16 intervenor landowners, because I know we already had</p> <p>17 some conflicts by witnesses if it was to be a single</p> <p>18 day, but I think Mr. Jorde and I can work that out.</p> <p>19 I understand perhaps time frames by a number of</p> <p>20 hours or something like that total over the course of</p> <p>21 the four days. But Mr. Jorde and I have been working</p> <p>22 together before this prehearing conference to set up a</p> <p>23 schedule between us and it's going to work just the way</p> <p>24 he said, that he'll have one witness, I may have one, he</p> <p>25 may have two in a row. It's all about the scheduling of</p> <p>PAGE 26</p>	<p>1 MR. BAKKE: Okay.</p> <p>2 ALJ HOGAN: But I would request one hard copy,</p> <p>3 and you can bring that to the hearing, that's fine, for</p> <p>4 me.</p> <p>5 MR. BAKKE: And for the commissioners as well?</p> <p>6 ALJ HOGAN: Yes.</p> <p>7 MR. PELHAM: If you want them to look at it.</p> <p>8 Judge, I will say that it is a hybrid hearing so</p> <p>9 it really should be filed -- prefiled --</p> <p>10 ALJ HOGAN: Yeah.</p> <p>11 MR. PELHAM: -- in advance. Because there may</p> <p>12 be -- I know that there's at least one commissioner on</p> <p>13 one day, that they are going to be appearing remotely.</p> <p>14 I know one day I will be appearing remotely. So I think</p> <p>15 your -- I would request that your order require that</p> <p>16 they be filed within so many days of the technical</p> <p>17 hearing.</p> <p>18 ALJ HOGAN: That's a good --</p> <p>19 MR. DUBLINSKE: Your Honor --</p> <p>20 ALJ HOGAN: Thanks.</p> <p>21 MR. DUBLINSKE: Your Honor, if I could just</p> <p>22 respond to an issue that Mr. Jorde and Mr. Bakke raised.</p> <p>23 You know, I would ask Your Honor to consider -- we don't</p> <p>24 have any objection if Mr. Jorde and Mr. Bakke want to</p> <p>25 sort of shift back and forth on whose witness is up. I</p> <p>PAGE 28</p>

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<p>1 understand that we're trying to facilitate schedules and</p> <p>2 squeeze in. I would say that if they can provide us</p> <p>3 with some amount of notice what order they think they</p> <p>4 will have for each of the given days, that will allow us</p> <p>5 to move more efficiently through cross-examination and</p> <p>6 to prepare for the right witnesses that are up at the</p> <p>7 right times. And to a point Mr. Pelham was making</p> <p>8 earlier, there's just a lot of these little things that</p> <p>9 will help make everything move more efficiently.</p> <p>10 So I guess my request, whether it's to them or</p> <p>11 it's to you, is that if they end up doing sort of mix</p> <p>12 and match and sort of a random order, if we can know</p> <p>13 that in advance, that would be helpful.</p> <p>14 ALJ HOGAN: All right. Thank you.</p> <p>15 MR. JORDE: Your Honor, can I say something on</p> <p>16 that?</p> <p>17 ALJ HOGAN: Sure. Go ahead.</p> <p>18 MR. JORDE: So first the exhibits. Since it's</p> <p>19 -- I know there's a rule that says -- I can't even</p> <p>20 remember how many copies, is it seven or nine or</p> <p>21 whatever but of hard copies, but for the technical</p> <p>22 hearing can we file them electronically, or even though</p> <p>23 everyone's remote, we still have to deliver them</p> <p>24 somewhere even though they're not going to get to the</p> <p>25 people? What are your thoughts on that?</p> <p>PAGE 29</p>	<p>1 MR. PELHAM: Victor.</p> <p>2 MR. SCHOCK: Go ahead, Zach.</p> <p>3 MR. PELHAM: Maybe you got a better answer than</p> <p>4 I do.</p> <p>5 I mean, in my mind, if it's prefiled in advance</p> <p>6 and available, then bringing copies to the hearing would</p> <p>7 be appropriate. It's just this last hearing we had with</p> <p>8 Summit's witnesses, my recollection was they were --</p> <p>9 exhibits were already part of the record so there</p> <p>10 weren't additional documents physically provided. So I</p> <p>11 don't think that anyone's hand is going to get slapped</p> <p>12 if there's not seven copies, is my thought on it.</p> <p>13 Victor, I don't know if you have any thoughts on</p> <p>14 that.</p> <p>15 MR. SCHOCK: I would agree to the point that we</p> <p>16 do the prefiled testimony, if we're filing that</p> <p>17 testimony ahead of time, we're getting those hard copies</p> <p>18 beforehand, then I agree, I don't see a necessity to</p> <p>19 bring additional hard copies to a hearing for that kind</p> <p>20 of example.</p> <p>21 But I would say, if we do not do prefiled</p> <p>22 testimony, anything you bring would be a concern. I</p> <p>23 mean, I know some of those commissioners prefer to work</p> <p>24 off of paper versus looking at some electronic copy on a</p> <p>25 laptop or a tablet or something. So I would just</p> <p>PAGE 31</p>
<p>1 ALJ HOGAN: And I actually wasn't aware that one</p> <p>2 of the commissioners wasn't going to be there at the</p> <p>3 actual hearing for one of the days. So for sure they</p> <p>4 need to be prefiled. And I'm -- you should still bring</p> <p>5 hard copies to the hearing, I would think, especially if</p> <p>6 we're talking like maps and those types of things.</p> <p>7 MR. JORDE: And maybe that was a poor question.</p> <p>8 For the technical hearing only I intend to be remote and</p> <p>9 certainly a handful of witnesses will be if not the</p> <p>10 majority. So I was kind of tailoring my comment just to</p> <p>11 the virtual nature of those hearings.</p> <p>12 ALJ HOGAN: Okay. Repeat your question then.</p> <p>13 MR. JORDE: Yeah. Like when we show up in</p> <p>14 person and everyone's sitting there, you know, all the</p> <p>15 commissioners, everyone, you know, you hand out the hard</p> <p>16 copy, okay, that's all fine and good. But for the</p> <p>17 virtual setting, I mean I'm not going to be able to --</p> <p>18 "Mr. Pelham, here's your hard copy" type of deal.</p> <p>19 So I'm just thinking that filing them digitally</p> <p>20 and everyone have access to them right there, that the</p> <p>21 hard copy -- multiple hard copy procedure is maybe</p> <p>22 redundant and ineffective and unnecessary. I'm just</p> <p>23 putting that out there.</p> <p>24 ALJ HOGAN: And I don't know. That's maybe a</p> <p>25 better question for Mr. Pelham or Mr. Schock.</p> <p>PAGE 30</p>	<p>1 caution against only relying upon electronic.</p> <p>2 ALJ HOGAN: So to clarify, Mr. Schock, if you</p> <p>3 prefile, you got to send some hard copies in?</p> <p>4 MR. SCHOCK: Correct. Original plus seven hard</p> <p>5 copies.</p> <p>6 ALJ HOGAN: Okay. So it doesn't have to come at</p> <p>7 the hearing, but the hard copies need to come either</p> <p>8 before or at the hearing, one of the two?</p> <p>9 MR. SCHOCK: Yes.</p> <p>10 ALJ HOGAN: Okay. Does that help, Mr. Jorde?</p> <p>11 MR. JORDE: I think so. We're killing trees.</p> <p>12 Either way, it's just a matter of what day we're killing</p> <p>13 them on. But, yeah, I get it. Thank you.</p> <p>14 ALJ HOGAN: We're old fashioned up here in</p> <p>15 Bismarck. We like our paper. But if you prefile the</p> <p>16 hard copies, then you scan and put them into the docket.</p> <p>17 So I think that helps with the remote nature of this</p> <p>18 hearing, is that they would be accessible on the docket</p> <p>19 for people to pull them up on their computer if they're</p> <p>20 not at the actual hearing.</p> <p>21 MR. LEIBEL: Judge, one thing I wanted to bring</p> <p>22 to your attention before we break is we did file today a</p> <p>23 motion for, at the Wahpeton hearing, that Mr. Jorde</p> <p>24 could appear without local counsel, and I just wanted to</p> <p>25 -- that hearing is next week Friday so obviously there</p> <p>PAGE 32</p>



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<p>1 won't be a -- I don't know if anyone is going to object, 2 but I just wanted to bring that to your attention. 3 ALJ HOGAN: Yep, I saw it. I have an order 4 drafted. It's going to be granted. It will probably 5 not go out until next week because I'm out of the office 6 tomorrow, but, yes, you're all good. I saw it and it's 7 -- it will be approved. So I think that's what we did 8 last time in Wahpeton anyway so... 9 MR. LEIBEL: Thank you. 10 ALJ HOGAN: All right. Mr. Zomer, any other 11 issues you wanted to discuss this afternoon? 12 MR. ZOMER: No, Your Honor. 13 ALJ HOGAN: And, Mr. Pelham, anything else we 14 need to discuss? 15 MR. PELHAM: No, Your Honor. Thank you. 16 ALJ HOGAN: All right. Well, thank you all for 17 joining this afternoon -- 18 MR. BAKKE: Your Honor. 19 ALJ HOGAN: Go ahead. 20 MR. BAKKE: Your Honor, I'm sorry. This is 21 Randy Bakke. I didn't want to jump in between the 22 different parties -- 23 ALJ HOGAN: Sure. 24 MR. BAKKE: -- discussing things, but I had sent 25 an email -- there was a response filed by Mr. Bender</p> <p>PAGE 33</p>	<p>1 recent exhibit list that's filed with the PSC is going 2 to have the exhibits that were accepted at the last 3 hearing. And it did not duplicate exhibit numbers. I 4 don't recall off the top of my head what I used for 5 numbers, but I believe it was something different. 6 MR. BAKKE: Okay. Great. 7 ALJ HOGAN: And then as far as Mr. Bender's 8 filing and Mr. Boeshans' testimony and Moldenhauer's 9 testimony, as far as I know, a transcript has not been 10 filed. The audio's available on the docket, I believe, 11 but I'm assuming this is something that Summit had 12 transcribed or did themselves. 13 But, Mr. Dublinske, did you want to address that 14 at all? 15 MR. DUBLINSKE: Sure, Your Honor. So first of 16 all, my understanding is that Mr. Bender did respond to 17 Mr. Bakke this morning, but I think our position on that 18 is that if Mr. Bakke does not believe or questions the 19 reduction to writing that we had in our filing, the best 20 source of this is already available to him and to the 21 Commission and is public, and that is the original 22 recording from the hearing. That is publicly available 23 through the Commission. That was our source of 24 material. And, again, that is available, has been 25 available to Mr. Bakke. And we would suggest that if</p> <p>PAGE 35</p>
<p>1 earlier this week providing part of Chad Moldenhauer's 2 testimony at the April 22nd, 2024, hearing, and I had 3 written to Mr. Bender asking for a copy of just that 4 portion of the transcript which contained 5 Mr. Moldenhauer's testimony and I never heard back. And 6 perhaps Mr. Dublinske can confirm that they'll provide 7 that to us. 8 What I'm trying to assess is -- and it's going 9 to depend on Mr. Boeshans' testimony, whether I need to 10 call Mr. Moldenhauer as a rebuttal witness, but kind of 11 the starting point is to be able to see just his 12 testimony. And I think the PSC should be able to -- in 13 assessing that response that Mr. Bender filed, should be 14 able to see the complete Moldenhauer testimony. I 15 understand it wasn't very long, but I would request that 16 Mr. Dublinske provide that to us. 17 And then the second item is I just want to make 18 sure there's no duplication of exhibits. You know, I 19 wasn't at the April 22nd hearing, but were there 20 Exhibits 1 through 6 marked at that hearing which would 21 be using the same numbers as 1 through 6 earlier in this 22 matter so that we'd have duplicate 1 through 6? 23 ALJ HOGAN: I have made -- I'd used one exhibit 24 list as we've gone on and I just add to it after every 25 hearing. So if you go on the PSC docket, the most</p> <p>PAGE 34</p>	<p>1 there are any questions about what was said or what we 2 represented was said, that folks go back to that 3 original audio source. 4 ALJ HOGAN: Yeah. And, again, I believe the 5 audio is available on the docket. I haven't looked 6 recently, but they're usually posted right to the docket 7 and you can click on them and listen to them. So that 8 would be the source of that. And as far as I know, a 9 transcript has not been made or become part of the 10 docket. 11 So any other issues we need to discuss? 12 MR. SCHOCK: If I may, Your Honor. 13 ALJ HOGAN: Go ahead. 14 MR. SCHOCK: This is just a couple of 15 organizational questions. So I think I caught in there 16 that the City of Bismarck doesn't intend to attend any 17 of the hearings in person. Is there any other party who 18 doesn't intend on attending either Wahpeton or Linton? 19 Okay. 20 MR. BAKKE: I won't -- this is Randy Bakke. I 21 won't be at Linton or at Wahpeton. 22 MR. SCHOCK: Okay. That's helpful. 23 MR. ZOMER: (Indiscernible) from the city won't 24 be -- the city is not going to attend any of the 25 hearings.</p> <p>PAGE 36</p>

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<p>1 MR. SCHOCK: Okay. Appreciate that.</p> <p>2 And then as far as -- so for the technical</p> <p>3 hearings, we have provisions arranged for remote</p> <p>4 participation for witnesses and attorneys and</p> <p>5 commissioners. However, for Linton and Wahpeton, is</p> <p>6 there any need for a similar setup for remote witnesses</p> <p>7 or remote participation?</p> <p>8 MR. JORDE: Well, I would chime in. If that's</p> <p>9 an option and if it looks like it's just going to be</p> <p>10 Steve and/or I at those hearings, other than Summit,</p> <p>11 then that would potentially alleviate any crunch on the</p> <p>12 four days. Because I'm trying to cram in all our</p> <p>13 witnesses really on the technical hearing.</p> <p>14 So that's a long way of saying, if that option</p> <p>15 is available, then that could, I mean, really alleviate,</p> <p>16 I think, any pressure on the technical hearing,</p> <p>17 especially specifically as to the June -- opening that</p> <p>18 up for June 4th.</p> <p>19 MR. SCHOCK: So we can make those arrangements.</p> <p>20 It's -- I mean, depending on the venue, it's a little</p> <p>21 more challenging. I mean, Wahpeton's pretty decent.</p> <p>22 There's a good size area there where we can set the</p> <p>23 screens. Linton, we're using a different venue that I'm</p> <p>24 not familiar with so I can't speak to how simple that</p> <p>25 setup is going to be.</p> <p>PAGE 37</p>	<p>1 week so that leaves us a ton of time to figure this out.</p> <p>2 So, Mr. Jorde, could you maybe just send a</p> <p>3 letter in requesting -- maybe just start with Wahpeton</p> <p>4 since that's probably the most imminent. If you could</p> <p>5 maybe just send a letter giving us an idea of how many</p> <p>6 potential parties or witnesses you could or would call</p> <p>7 by video conference if that was available and asking if</p> <p>8 that's available. And then maybe that can be passed</p> <p>9 along to the Commission and, I'm sure, to Mr. Schock and</p> <p>10 he can do some investigation to see if we can facilitate</p> <p>11 that.</p> <p>12 MR. JORDE: I can. In my mind, I was thinking,</p> <p>13 again, because it's so soon, it might be hard to</p> <p>14 coordinate, but I was thinking more as a possibility for</p> <p>15 the June 4th hearing. And I don't know if that would be</p> <p>16 something Summit would like, if they're going to put on</p> <p>17 rebuttal.</p> <p>18 But in any event, if -- how about this? If we</p> <p>19 intend to do that for Wahpeton, I'll get something to</p> <p>20 you right away. If not, we'll look towards Linton, if</p> <p>21 that's okay.</p> <p>22 ALJ HOGAN: Sure. I think --</p> <p>23 I assume, Victor, we're at -- are we at the</p> <p>24 College of Science again in Wahpeton?</p> <p>25 MR. SCHOCK: Yes. Same place as last time.</p> <p>PAGE 39</p>
<p>1 And part of the complication is I'm using an</p> <p>2 outside vendor that's providing the sound and video for</p> <p>3 these things so I don't have perfect clarity of how</p> <p>4 simple that is. I mean, witnesses, we do that on a</p> <p>5 regular basis and it's not a major issue, but when we</p> <p>6 have participation from attorneys, it's a little more</p> <p>7 challenging because there's a little -- a little bit</p> <p>8 more speaking going on.</p> <p>9 So I guess I can't give you certainty if that's</p> <p>10 going to work well or not.</p> <p>11 MR. JORDE: So should we make a motion or give</p> <p>12 notice if we're requesting that? I just want to be</p> <p>13 clear what you're looking for in terms of an answer</p> <p>14 there.</p> <p>15 MR. SCHOCK: Yeah. I guess -- I don't know that</p> <p>16 it's something that we've historically specifically</p> <p>17 allowed or disallowed so I'm not going to speak to</p> <p>18 whether it's permitted or not. Maybe the judge wants to</p> <p>19 speak on that piece of it. I just need to know if we</p> <p>20 need to -- if I need to have my sound contractor make</p> <p>21 preparations for it or not.</p> <p>22 So I guess I'll turn it back to you, Judge, if</p> <p>23 you want to discuss about the -- if it's going to be</p> <p>24 permitted.</p> <p>25 ALJ HOGAN: Well, you know, the hearing's in a</p> <p>PAGE 38</p>	<p>1 ALJ HOGAN: I would be shocked if they couldn't</p> <p>2 facilitate that at that venue given where it's at.</p> <p>3 And, yeah, I mean if that's a possibility,</p> <p>4 Mr. Jorde, I -- I guess I'd have to run it by the</p> <p>5 Commission too, but I think that's a good idea if we</p> <p>6 could have some of your witnesses testify there. And if</p> <p>7 that alleviates time issues for the 22nd, that is great</p> <p>8 too.</p> <p>9 MR. DUBLINSKE: Respectfully, Your Honor, I</p> <p>10 think we should have some concern of using Wahpeton and</p> <p>11 Linton as part of a relief valve from the technical</p> <p>12 hearing. You know, the Commission had expressed four</p> <p>13 days. That was not really what Wahpeton and Linton were</p> <p>14 intended to be for, is to sort of circumvent the time</p> <p>15 that was set for the technical hearing. So for what</p> <p>16 it's worth, I think we would have some concerns about</p> <p>17 that.</p> <p>18 ALJ HOGAN: Okay. Well, that's noted. I think</p> <p>19 the Commission will probably have to discuss it and see</p> <p>20 if that's something they want to allow or not.</p> <p>21 MR. JORDE: Yeah, I was just going to respond to</p> <p>22 that. There is no order saying these are the people you</p> <p>23 have to or you're excluded from bringing at any hearing.</p> <p>24 So the people that we may bring to the technical hearing</p> <p>25 are ones we may or may not bring elsewhere, right. So,</p> <p>PAGE 40</p>

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<p>1 again, if it adds flexibility, I think it should be</p> <p>2 considered.</p> <p>3 ALJ HOGAN: I agree. It wasn't stated</p> <p>4 specifically. I think the Commission did express their</p> <p>5 intent that a bulk of the hearing, or most of it, was</p> <p>6 supposed to happen at that first Bismarck or Mandan</p> <p>7 hearing, and then those remote hearings were supposed to</p> <p>8 be more for landowners within the -- affected landowners</p> <p>9 in that geologic area and public comment. I think</p> <p>10 that's kind of what they had envisioned. But, obviously</p> <p>11 things have changed since the notice of hearing was</p> <p>12 first issued.</p> <p>13 So I think, at the end of the day, their number</p> <p>14 one priority is going to try to get -- going to be to</p> <p>15 try to allow everybody ample opportunity to present its</p> <p>16 case. So that's as much as I can say without further</p> <p>17 consultation with them on what they're going to allow</p> <p>18 with those other hearings. All right.</p> <p>19 MR. SCHOCK: I would agree with your</p> <p>20 characterization of that, Judge, I mean just based on</p> <p>21 their previous work sessions, that the remote hearings</p> <p>22 at Wahpeton and Linton were primarily intended for</p> <p>23 affected landowners in those areas. The Mandan hearings</p> <p>24 were really for the -- to get out all the technical</p> <p>25 details and now the technical hearings were intended for</p> <p>PAGE 41</p>	<p><u>CERTIFICATE OF TRANSCRIPTIONIST</u></p> <p>STATE OF NORTH DAKOTA ) ss.</p> <p>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.</p> <p>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.</p> <p>Dated this date of October 20, 2025.</p> <p>----- LISA A. HULM, CET-783</p> <p>The foregoing certification of this transcript does not apply to the reproduction of the same by any means, unless under the direct control and/or direction of the certifying transcriber.</p> <p>PAGE 43</p>
<p>1 that purpose.</p> <p>2 Now, again, similar to you, I can't speak for</p> <p>3 where their thoughts may lie on this, but I would</p> <p>4 assume, based on earlier discussions, they wouldn't be</p> <p>5 terribly interested in spending a great deal of time in</p> <p>6 those locations on other more technical matters.</p> <p>7 ALJ HOGAN: All right. Any other issues we need</p> <p>8 to discuss?</p> <p>9 Well, thank you to everybody for joining in</p> <p>10 today. And I will note for the record it's 3:04 p.m.</p> <p>11 and that will conclude our prehearing conference.</p> <p>12 -----</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>PAGE 42</p>	

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

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

May 16, 2024, Prehearing conference

## ND PUBLIC SERVICE COMMISSION

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