

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No.
PU-22-391

TRANSCRIPT OF SPECIAL MEETING

November 15, 2024

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November 15, 2024 Special Meeting
Transcript (Full and Condensed)

Lisa Hulm Reporting

1 COMMISSIONER CHRISTMANN: Good morning,
2 everyone. It is 10:00, November 15, 2024. I call this
3 special meeting of the North Dakota Public Service
4 Commission to order. I'm Randy Christmann, joined by
5 Commissioner Sheri Haugen-Hoffart and Substitute
6 Decisionmaker Judge Tim Dawson. So we have a quorum.

7 And I guess a couple of kind of opening comments
8 from myself. First of all, a lot of you have been to a
9 lot of these meetings or hearings. And I want to
10 commend you because I think the first one that we had
11 was maybe the one over in the Heritage Center. And
12 there's a number of people who, you know, maybe had
13 never been at a Public Service Commission hearing or
14 meeting were there and, I think, expected it to devolve
15 into the kind of meetings that social media has caused
16 much of our nation to turn into where it's a bunch of
17 hollering around and booing and just trying to be as
18 disrespectful as possible in order to garner attention.
19 And we talked about it at the beginning of the meeting.
20 And with just a rare exception, maybe a frustrated
21 moment or something like that, those of you who have
22 been regulars at these things, or even if it's just to
23 one or two, have been very courteous and respectful.

24 And it is something not only on this
25 controversial case, but if you decide to go back and

1 review a video, all of our meetings are on our website.
2 Go and watch. Even on things that are not
3 controversial. We still do it the old-fashioned way
4 where we treat people like we would like them to treat
5 us and we respect one another. And it makes a good way
6 to have dialogue. Of course dialogue is easy when
7 everybody agrees. When there's disagreement, it gets
8 harder.

9 And I think that you all, on a very serious and
10 very divisive case, have shown a lot of really good,
11 old, traditional Christian values that makes me proud to
12 be a North Dakotan. So I want to thank you for that.

13 I also want to point out the case file in this.
14 We get dockets. A company files for -- on a big project
15 like this, it might be one or a couple of big three-ring
16 binders. It's a docket. Later on in the case, an
17 individual or an intervenor or the company might want to
18 just tell us something that was missed. It might be a
19 one-page docket. But each new filing is a docket.

20 We have 776 dockets in this case. And the
21 things that came in binders or packets, if you took all
22 the covers out and just put the paper together, there's
23 18,623 pages. For those of you who are as old as me and
24 remember encyclopedias instead of these darn things,
25 that's about two and a half sets encyclopedias. And if

1 you stacked it end to end, that's almost as tall as
2 Insurance Commissioner Jon Godfread. Yes, over six and
3 a half feet tall.

4 The last thing on opening comments, when it
5 comes to one of these darn things instead of the
6 encyclopedia, it came to my attention only -- just not
7 long ago, like in the last half hour, I'm reading an
8 article out of a major newspaper called "The New York
9 Times." And we are very blessed here in North Dakota.
10 You can find something that you see wrong in our media,
11 but here's what I've seen. They tried to do it right.
12 They aren't just reckless. When they get something
13 wrong, and it's like we all get something wrong maybe
14 sometimes. This is from "The New York Times."

15 "As governor, Mr. Burgum sits on the
16 three-member North Dakota Public Service
17 Commission which is scheduled to meet Friday
18 to vote on the pipeline project."

19 So I don't know where they get their stuff, but
20 if anybody has seen anything drifting into your social
21 media about the Governor being part of this, he's not.
22 We're the decisionmakers here. So that concludes my
23 opening comments.

24 Commissioner Haugen-Hoffart, did you have any?

25 COMMISSIONER HAUGEN-HOFFART: Not at this time.

1 COMMISSIONER CHRISTMANN: And Mr. Dawson?

2 SUBSTITUTE DECISIONMAKER DAWSON: I'm honored to
3 be here today as part of this proceeding and thank you
4 all for being here as well.

5 COMMISSIONER CHRISTMANN: Okay. We have two
6 items on our agenda.

7 So, first of all, I move the Commission approve
8 the March 18th, 2024, and April 3, 2024, special
9 commission meeting minutes.

10 COMMISSIONER HAUGEN-HOFFART: Second.

11 COMMISSIONER CHRISTMANN: Those were distributed
12 too --

13 COMMISSIONER HAUGEN-HOFFART: Yes, correct.

14 COMMISSIONER CHRISTMANN: -- so you got a chance
15 to review them?

16 Okay. Any other discussion?

17 EXECUTIVE DIRECTOR KAHL: I have a motion and a
18 second. Is there any further discussion?

19 Sensing none, all in favor signify by saying
20 aye.

21 COMMISSIONER CHRISTMANN: Aye.

22 COMMISSIONER HAUGEN-HOFFART: Aye.

23 SUBSTITUTE DECISIONMAKER DAWSON: Aye.

24 EXECUTIVE DIRECTOR KAHL: All those opposed,
25 signify by saying nay.

1 Motion is approved.

2 COMMISSIONER CHRISTMANN: Okay. And then I move
3 the Commission adopt the Findings of Fact, Conclusions
4 of Law and Order on SCS Carbon Transport LLC Midwest
5 Carbon Express CO2 Pipeline Project Siting Application,
6 Case No. PU-22-391.

7 COMMISSIONER HAUGEN-HOFFART: Second.

8 COMMISSIONER CHRISTMANN: So I want to explain
9 this order as well as possible. So these orders that we
10 do typically have some preliminary statements, some
11 factual findings, some conclusions of law that we have
12 to make, and then what our order is. And so some of
13 these early preliminary statements, I just want to
14 review the case a little bit.

15 On October 17th of 2022, so slightly over two
16 years ago, Summit Carbon Solutions -- I'm just going to
17 call them "SCS" the rest of the way. I hate all the
18 acronyms, but I'm not saying "Summit Carbon Solutions"
19 every time -- filed applications -- two -- for a
20 certificate of corridor compatibility and the other for
21 a route permit -- and I'll explain that distinction as
22 we go -- concerning about 320 miles of carbon dioxide
23 pipeline. It would be in Burleigh, Cass, Dickey,
24 Emmons, Logan, McIntosh, Morton, Oliver, Richland, and
25 Sargent Counties.

1 And let me just kind of explain for those who
2 have focused mainly on your own areas. So one leg of
3 this kind of starts by Casselton, at the Tharaldson
4 Ethanol plant, and also there's one coming in from
5 Minnesota. I don't recall exactly where because it's
6 not our jurisdiction, but it comes in down by Wahpeton.
7 And then Wahpeton is in Richland County. Casselton is
8 in Cass. Down in western Richland County they come
9 together and merge, and then they flow kind of
10 southeasterly through Sargent and through Dickey
11 Counties and go down, actually angle down into South
12 Dakota for a little ways. There's another leg coming up
13 from South Dakota and before that wherever all. They
14 meet down there, become one, and then it comes up into
15 McIntosh County, crosses just a little corner of Logan
16 County, through a good part of Emmons County, into
17 Burleigh, comes up, crosses the interstate out kind of
18 by the truck stop out east of town, goes up north almost
19 to Baldwin, crosses over, and comes back, crosses the
20 river, goes west very near the Morton and Oliver County
21 lines, which is in most cases probably about seven
22 or eight miles north of the interstate, until you get --
23 it's been a while since I've looked at those maps --
24 maybe about seven or eight miles from New Salem, I
25 think, and then it would start to kind of go strictly in

1 Oliver County kind of northwesterly up to where their
2 proposed sequestration field is.

3 This agency has nothing to do with the
4 sequestration field. That's the Industrial Commission.

5 So a little background on where we're talking
6 about besides in many of your cases near your home.

7 So I mentioned the two things they requested.
8 One is their certificates, but then they also requested
9 to waive procedures and time schedules. And I don't
10 want there to be a perception that this is some weird
11 thing that everybody else has to jump through and
12 they're wanting a waiver on it.

13 Back, like, in the '70s when siting was started,
14 the way it was done back then, companies would come in,
15 they'd get a corridor approved, however wide that was.
16 Then later on -- then they'd first start figuring out
17 where their route, which is actually where the pipeline
18 is going to be, where in that corridor it would be.

19 Well, along the way things changed. It was
20 decided to just consolidate those two things. It's been
21 in literally every case since I've been here. We always
22 do these together. And so that is not an anomaly of any
23 sort.

24 On December 14th, of 2022, Timothy Dawson, the
25 director of the North Dakota Office of Administrative

1 Hearings, was appointed as a substitute decisionmaker
2 for Commissioner Julie Fedorchak who had voluntarily
3 recused herself. She does not have a conflict on this
4 case that's before us. Her potential conflict would
5 have to do with the sequestration field. But we play
6 things very cautiously at the Commission and she decided
7 to voluntarily recuse herself.

8 On February 21st of 2023, we scheduled four
9 separate public hearings for this project. Because it's
10 over 300 miles, we wanted to get out and make sure that
11 it wasn't such a burden on people to come out and be a
12 part of the hearing process, so we scheduled four
13 hearings. They went from in March into May of 2023.
14 Those were in Bismarck, Gwinner, Wahpeton, and Linton.

15 As we were having those, there was some concern
16 that maybe the one in Bismarck had gone so late and we
17 wanted to make sure there was plenty of opportunity for
18 the public and so we actually scheduled a fifth one then
19 for June 2nd of 2023, which was also held. That was
20 also in Bismarck because that's where the one had gone
21 until like, I can't remember, 10 or 10:30 at night, and
22 we just wanted to make sure everyone had a fair chance.

23 The day before that final hearing, on June 1st,
24 SCS filed a motion to declare the Emmons County and the
25 Burleigh County ordinances superseded and preempted. So

1 that wasn't really discussed or dealt with in those
2 hearings because it was brand-new.

3 On June 27th of last year we held a separate
4 hearing on protection of information. That was largely
5 around the plume modeling and safety-type things, things
6 that we typically keep protected so that the bad guys
7 don't have all the information to get a jump start on
8 anything that they would want to do to cause problems.

9 Then on August 4th of last year we issued two
10 orders. One is we granted the protection of that plume
11 modeling information. The second was we denied the
12 application for the certificate of corridor
13 compatibility and for the route permit. We said it did
14 not meet the standards.

15 On August 18th SCS filed a petition for
16 reconsideration and asked for a limited rehearing where
17 we would strictly address the things, the flaws that
18 were highlighted in our order.

19 On September 7th they filed a notice of route
20 adjustments.

21 On September 15th we granted their petition for
22 reconsideration. However, our reconsideration, the
23 scope of it, was not nearly as limited as what they had
24 requested. We delved much more into the whole case, not
25 just the specifics of the denial.

1 On December 21st of last year we held a separate
2 hearing on that previous motion to declare the Burleigh
3 and Emmons County ordinances as superseded and
4 preempted.

5 On February 7th we issued an order declaring
6 that a route permit, based on the law and the
7 Administrative Code of North Dakota that we go by to
8 reach our conclusions, that those conclusions do, in
9 fact, automatically supersede and preempt any local
10 regulations except road use agreements. Those are
11 mentioned specifically in the law. We would only
12 preempt them if we determined they were unreasonably
13 restrictive.

14 So then we got to last March. We scheduled
15 three more public hearings in the April to June time
16 frame. Those were in Mandan, Wahpeton, and Linton.
17 There was some conflicts with at least one of those for,
18 I think, a couple of intervenors; at least one. And so,
19 in addition to those, we scheduled technical hearings
20 for May 28th, May 29th, May 30th, and June 3rd, to make
21 sure that everyone had a chance. The technical hearings
22 were held -- I'm just going by memory. I don't -- I
23 think we ran out of people to testify. I don't think we
24 held them on all those days because it was just
25 finished.

1 A few kind of big details people should know
2 about the project. In the application, they estimated
3 that the cost of the whole project is four and a half
4 billion dollars. In testimony, someone from the company
5 said five and a half billion. I never focused on it
6 because that's really not in our jurisdiction. I don't
7 know if he made a mistake or if inflation has caused it
8 to go up to that amount. I don't know. But the
9 application was at four and a half billion. The North
10 Dakota portion said about 898 million. So almost
11 \$900 million.

12 As part of this process, our process required
13 the company to initiate correspondence with various
14 federal, state, and local agencies. Ten local
15 agencies -- that would be the 10 counties -- 24 state
16 agencies, and 10 federal agencies all were notified of
17 this project and the details of it and given
18 opportunity. Some commented and participated. Some
19 apparently felt it didn't impact their area. But they
20 weren't in the dark. Our process here required SCS to
21 notify and initiate correspondence with 44 agencies.

22 So during our hearings there were a lot of
23 concerns expressed. I'm going to kind of categorize
24 them: issues of eminent domain; foreign ownership;
25 unfair tactics in acquiring easements; safety compliance

1 with PHMSA construction and operation; the policy of
2 permanent sequestration and storage of CO2. And those
3 are things that -- some of these I'd love to have some
4 power over, but I don't. These are things that are
5 outside of our jurisdiction and there's -- it's just the
6 law. They're in other jurisdictions.

7 Two of them I want to address personally a
8 little bit. For those of you who don't know, outside of
9 this job my home is up by Hazen. For the last 20-plus
10 years, I've had a CO2 line -- and I'm not really
11 comparing the two in size, it is much smaller than this
12 one, but it is a high pressure CO2 line less than ten
13 miles from my house. And I am downstream from it in
14 both ways. I am downstream if we have a predominant
15 northwest wind. I'm also downstream in that the creek
16 it crosses ultimately flows within about a hundred feet
17 of my house. And so if there were a guillotine cut, it
18 could very well be there.

19 And so I remember when that was coming in. I
20 was in the State Senate and wondering about what the
21 safety implications were. Because I remember growing up
22 in that area and everybody being in shock about the
23 oxygen plant, the Dakota Gasification plant. Lots of
24 people were in fear, one spark, an oxygen storage
25 facility the size of the one at DGC, if that thing ever

1 exploded, I don't know what it would do. Nobody had the
2 science. But there was speculation it could just wipe
3 out Beulah and Hazen. I don't know. But I choose not
4 to live in fear. But it is a concern.

5 The other thing is with eminent domain. And I'm
6 going to tell -- I've not brought this up in hearings
7 and I'm sorry for occupying a lot of people's time, but
8 this is the time I'm going to get this off my chest. I
9 understand why so many landowners are so offended by the
10 prospect of eminent domain. And I think I understand it
11 better than most people, because my family has lived it.

12 When I was a young person growing up, it was --
13 and I'm not going to say "use." I'm selecting my words
14 carefully. It was abused against my family. And not
15 for a pipeline that now we get to farm over or for a
16 power line that now we get to farm under. I've had
17 experience with those two. The one I'm talking about,
18 they eminent-domained my family, without ever once
19 stopping to negotiate, to build a highway, to take the
20 land, not use it for a secondary purpose, but to take
21 it, build a highway with no culverts so it could also
22 provide flood protection for the city. And we're on the
23 wrong side of the dike so we're in the flood zone now.
24 And back then they didn't have to offer any kind of
25 rate. They came with a check for \$25 an acre. That's

1 what my father got until he went to court and fought.

2 I understand how offensive it is. I also
3 understand we wouldn't have big interstate pipelines, we
4 wouldn't have big power lines. You can almost always
5 find one landowner who -- for who money is not an
6 object. And so I understand that occasionally it's
7 needed, but I damn sure understood it ought never be
8 abused.

9 On February 10th "The Bismarck Tribune" ran an
10 editorial, and one sentence read "If the PSC decides to
11 approve the pipeline, it should encourage Summit to use
12 eminent domain -- it should encourage Summit not to use
13 eminent domain." There I go reading. See, that's when
14 I get in trouble.

15 I certainly do encourage the company not to use
16 eminent domain, at least not more than absolutely
17 necessary. It is something that burdens families for
18 generations. Eminent domain should never be abused.

19 Some other things that we heard about.
20 Commenters asserted that greater setback distances
21 should be considered. But the North Dakota Century
22 Code, the law of our land, says 500 feet of an inhabited
23 rural residence must be the avoidance area unless waived
24 in writing by the owner. The company has assured us --
25 I think it's one, a very small number -- and that the

1 waivers have been granted, or waiver or waivers.

2 Several commenters expressed that the project
3 will cause harm to their drain tile systems. But we
4 also heard testimony from Mr. Ellingson of Ellingson
5 Drainage who installs and works on these. He testified
6 that the company has been hired by SCS to repair or
7 replace any drain tile systems damaged or modified. And
8 Dr. Scherer, who's an associate professor at NDSU,
9 testified that the drain repairs can be done
10 successfully.

11 It was also asserted that the project will cause
12 significant adverse effects on the value of property.
13 However, others provided direct testimony refuting those
14 assertions;

15 A number of commenters mentioned that the
16 project will make them unable to purchase liability
17 insurance due to the risk of a release. SCS has
18 testified and gone on the record, they will hold the
19 liability for a rupture of the project unless the
20 project -- the rupture is caused by a third-party line
21 strike.

22 Along the way then, outside of the hearing
23 process, in addition to that February 7th order on
24 ordinances that I had mentioned, SCS requested that we
25 find that a permit not only automatically supersedes and

1 preempts local zoning ordinances, but even if they do
2 not, that the Emmons and Burleigh County ordinances are
3 superseded and preempted because they are unreasonably
4 restrictive and conflict with state law.

5 Initially, I didn't want to really go there. In
6 talking with attorneys, I think I understand better the
7 point of covering all bases. I'm quite confident this
8 will be litigated along the way. If we were wrong in
9 our conclusion, should everything start all over or
10 should we just make both determinations so the court
11 knows, and however the courts ultimately decide, then
12 they have -- we have weighed in since we have the
13 information to make the decision.

14 So in researching it, as I said, the state law
15 is 500 feet from residences. Our Administrative Code
16 that is put forth by the PSC actually adds to that and
17 includes schools just in case somebody would have
18 thought they can get closer to a school and, well, no
19 one actually lives there. So we've made sure that
20 that's covered as well. But it's 500 feet.

21 Now, if a county came in -- and I'm not speaking
22 for the Commission right now. I'm speaking for myself.
23 If a county came in and said, you know, "Here's the
24 reason why we don't think that's enough and ours is
25 600 feet," or 800 feet or something like -- I'd sure

1 give it a listen. I'd want to know why do you think 500
2 isn't enough but this is. Even if it was double or
3 triple, you know, a thousand or 1,500 feet. But the
4 Emmons County ordinance is 7,920 feet, more than 15
5 times what state law says. Burleigh County's is even
6 more; more than 20 times what the state law says.

7 Now, while I -- I believe, and I'm quite
8 confident the court is going to find that we're
9 interpreting it correctly, that whole thing about
10 whether it's unreasonably restrictive, I believe that
11 strictly applies to the road use agreements. Because
12 that's the one thing that we don't automatically
13 supersede. However, if it was determined that these
14 other ordinances like setback are not automatically
15 superseded, then the question becomes: Are they
16 unreasonably restrictive?

17 While I didn't want to even go into that when we
18 had our initial ruling, I guess we're kind of boxed into
19 a situation where we kind of -- when there's this much
20 difference between the two, I think we need to decide
21 either the Legislature is being unreasonable at 500 feet
22 or the counties are being unreasonable at 15 to 20 times
23 that amount. So I'll get into what this proposed order
24 would conclude when we get into the conclusions of law.

25 A couple more -- just a little -- couple details

1 I forgot to mention about the line in general. Almost
2 2,000 part-time workforce, I don't put a lot into that
3 because I never know for sure, does this part-time mean
4 somebody that has to come in as a specialist for a day,
5 maybe it's not very meaningful to the state. The one
6 that I get more interested in on these kinds of
7 projects, 34 full-time workers for during operations.
8 So it is a large state project.

9 Along the way -- and this is, I think,
10 completely due to our process here. Maybe they'd have
11 done it anyway. We can give them the benefit of the
12 doubt. SCS has filed a new dust control plan. We
13 talked about that at one of our most recent meetings.
14 The dust control plan talked previously about watering
15 gravel roads near residences.

16 And that's been something that has bugged me for
17 30 years, way before I ever even thought about this job.
18 Because, frankly, we can seal our windows and stuff in
19 our houses. To me, it was the cows that I was worried
20 about.

21 Well, they've updated their dust control project
22 and it now -- watering will include, but is not limited
23 to, unpaved county roads near occupied dwellings and at
24 locations where use of such roads is reasonably expected
25 to have an adverse impact to nearby hay production land,

1 livestock, livestock grazing land, or actively growing
2 crops.

3 There's a place where I commend the company and
4 I thank you for that commitment. It's really important
5 to these landowners. And, remember, even when a project
6 has easements, you don't have easements from all the
7 people whose land you're driving by. You're driving by
8 a lot of other people who had no say in it.

9 And, lastly, of kind of some of these highlights
10 of the project, if you will, SCS has stated that they've
11 had meetings with emergency management directors and
12 they made a commitment -- and we have no authority to
13 make them do this except for that on our record they put
14 it into the record and so now we can -- but voluntarily
15 they have committed to providing CO2 monitors, a 50,000
16 grant to each of these 10 counties, plus another
17 thousand dollars per mile to each -- per mile of
18 pipeline in their county to each of the 10 counties.
19 So, you know, that's on average what, 80 to \$90,000 for
20 each of the counties for their emergency services teams.

21 They've committed to not less than a hundred
22 million dollars of liability insurance for the project
23 and not less than an additional 25 million in general
24 liability insurance strictly for the North Dakota
25 portion.

1 There are nine conclusions of law here. A lot
2 of them I don't think most would find interesting.
3 They'll be available on our website. They're not a
4 secret. But I'll highlight two.

5 The Commission concludes that North Dakota
6 Century Code automatically supersedes and preempts any
7 local land use or zoning regulations for a gas or liquid
8 transmission facility except for the road use
9 agreements, and that the ordinances of Burleigh County
10 and Emmons County are unreasonably restrictive on their
11 face under North Dakota Century Code.

12 And the other one, the Commission concludes that
13 adherence to applicable procedures, requirements, and
14 time schedules should be waived. That's important but
15 -- it's an important technicality to the company but,
16 remember, as I said in the beginning, that is every case
17 for decades. It's kind of a technicality, but it's an
18 important hoop legally.

19 That's two of nine. I thought those were the
20 two you would be interested in.

21 The other thing that I think a lot of people are
22 interested in is the one that's not in here, because
23 it's what we're not concluding today that I think a good
24 part of the room thinks we are concluding, and we're
25 not. We are not concluding that SCS is a common carrier

1 nor that they qualify for the use of eminent domain.
2 Those are not in our jurisdiction. It's not part of the
3 siting process. So if they end up using eminent domain,
4 as I imagine would be the only time it would really come
5 up, a court will determine those things.

6 A couple highlights out of the actual order.
7 This proposal, if approved, does in fact say that the
8 certificate of corridor compatibility is issued, the
9 corridor width is 200 feet. They applied for 300 feet.
10 This Commission, on these longer lateral projects,
11 unless there are exceptions for which we receive good
12 evidence of a good need for it, we have been doing
13 200 feet. There have been some exceptions where we have
14 gone more, but we had evidence as to why. We, for my
15 part, didn't get good evidence why more than 200 feet
16 was necessary so this does limit them to a 200-foot
17 corridor.

18 The route permit -- that is where the actual
19 line goes within that corridor -- is issued and the
20 designated route has a construction buffer of 20 feet on
21 each side of the buffer route. Years ago we didn't do
22 that, which meant a pipeline company was out there,
23 there's a big rock or something, they need to deviate a
24 couple feet within their 200-foot corridor, they have to
25 file stuff with us. There's no purpose for that. So we

1 give them a 20-foot buffer in there. More than 20 feet,
2 they need to be telling us.

3 SCS shall comply with all rules and regulations
4 of all agencies having jurisdiction over any phase of
5 the project and shall obtain and file with the
6 Commission prior to beginning construction all lateral
7 licenses and permits for construction of any portion of
8 the project for which the license or permit is required.

9 And the last thing, if I'm neglecting anything,
10 any outstanding procedural motions are denied.

11 I think that's the best explanation I can give
12 of the order proposal.

13 EXECUTIVE DIRECTOR KAHL: I have a motion and a
14 second. Is there any further discussion?

15 COMMISSIONER HAUGEN-HOFFART: Yes.

16 Good morning, everyone. For those of you who do
17 not know, my name is Sheri Haugen-Hoffart and I'm proud
18 to serve on this Public Service Commission. As we
19 conclude our work on the petition for reconsideration of
20 Summit Carbon Solutions' CO2 pipeline, I want to
21 emphasize my unwavering commitment to uphold the law in
22 every decision I make.

23 The Public Service Commission's role is clearly
24 defined to ensure that all siting requirements are met
25 according to the North Dakota Century Code and that

1 every decision we make strictly adheres to these legal
2 guidelines. As your elected representative on this
3 Commission, I am bound to follow the law. Nothing more,
4 nothing less.

5 To the many community members and landowners who
6 attended our hearings, thank you. Your participation
7 brought critical information and insights, and I want to
8 assure you that each concern raised, whether it was
9 about public safety, property rights, or the impacts of
10 eminent domain, we carefully reviewed and weighed. We
11 have taken the time to assure that your voices are not
12 only heard but are integral to our assessment. From day
13 one, my goal has been to fully consider and examine
14 every piece of testimony and evidence presented.

15 It is also essential to address the broad
16 content of carbon management. For over 30 years, North
17 Dakota has managed successfully the CO2 transportation
18 and sequestration projects like the Great Plains
19 Synfuels Plant's CO2 pipeline operating safely and
20 effectively.

21 Our state has a history of reasonable pipeline
22 management, and thousands of miles of pipeline operate
23 under strict state and federal regulations, particularly
24 those established by the Pipeline and Hazardous Material
25 Safety Administration, which we reference as PHMSA.

1 Carbon capture technology incentivized by
2 federal programs is part of a large national strategy to
3 advance energy goals, manage carbon dioxide emissions,
4 and it remains a tool for energy producers and users to
5 develop and expand a marketable commodity.

6 To all the landowners, please know that state
7 law provides protection and legal remedies regarding the
8 use of unfair tactics in acquiring land. Your rights
9 are safeguarded and resources are available should you
10 choose.

11 However, the core of this proceeding is Summit's
12 petition for a siting permit, for a 332-mile CO2
13 pipeline across five North Dakota counties. As a
14 commissioner, my duty is to evaluate this petition
15 solely on the basis of the legal criteria set forth.
16 Commissioner Christmann provided a thorough review of
17 each statutory requirement in this order, and I concur.

18 In closing, I want to reaffirm my commitment to
19 serving North Dakota with integrity and transparency.
20 It is my duty and my conviction to uphold the law, and I
21 will continue to do so with each decision entrusted to
22 me. Thank you.

23 EXECUTIVE DIRECTOR KAHL: Is there any further
24 discussion?

25 SUBSTITUTE DECISIONMAKER DAWSON: I would like

1 to thank Commissioner Christmann and Commissioner
2 Haugen-Hoffart for going through the decision and for
3 the comments you've made. I am not going to add
4 anything to it. I'm going to let the decision, the
5 written decision, speak for itself.

6 EXECUTIVE DIRECTOR KAHL: Is there any further
7 discussion?

8 Sensing none, all in favor signify by saying
9 aye.

10 COMMISSIONER CHRISTMANN: Aye.

11 SUBSTITUTE DECISIONMAKER DAWSON: Aye.

12 COMMISSIONER HAUGEN-HOFFART: Aye.

13 EXECUTIVE DIRECTOR KAHL: All those opposed
14 signify by saying nay.

15 Motion is approved.

16 COMMISSIONER CHRISTMANN: Okay. It's been
17 passed unanimously. I have nothing else on the agenda.

18 Is there anything else that needs to be brought
19 up?

20 COMMISSIONER HAUGEN-HOFFART: No.

21 COMMISSIONER CHRISTMANN: Okay. With that, we
22 are adjourned.

23 -----

24

25

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 February 19, 2026.

Lisa A. Hulm

LISA A. HULM, CET-783

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