

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

## November 15, 2024, Special Meeting

### 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: center;">Case No. PU-22-391</p> <p style="text-align: center;">TRANSCRIPT OF SPECIAL MEETING November 15, 2024</p>	<p>1 review a video, all of our meetings are on our website.</p> <p>2 Go and watch. Even on things that are not</p> <p>3 controversial. We still do it the old-fashioned way</p> <p>4 where we treat people like we would like them to treat</p> <p>5 us and we respect one another. And it makes a good way</p> <p>6 to have dialogue. Of course dialogue is easy when</p> <p>7 everybody agrees. When there's disagreement, it gets</p> <p>8 harder.</p> <p>9       And I think that you all, on a very serious and</p> <p>10 very divisive case, have shown a lot of really good,</p> <p>11 old, traditional Christian values that makes me proud to</p> <p>12 be a North Dakotan. So I want to thank you for that.</p> <p>13       I also want to point out the case file in this.</p> <p>14 We get dockets. A company files for -- on a big project</p> <p>15 like this, it might be one or a couple of big three-ring</p> <p>16 binders. It's a docket. Later on in the case, an</p> <p>17 individual or an intervenor or the company might want to</p> <p>18 just tell us something that was missed. It might be a</p> <p>19 one-page docket. But each new filing is a docket.</p> <p>20       We have 776 dockets in this case. And the</p> <p>21 things that came in binders or packets, if you took all</p> <p>22 the covers out and just put the paper together, there's</p> <p>23 18,623 pages. For those of you who are as old as me and</p> <p>24 remember encyclopedias instead of these darn things,</p> <p>25 that's about two and a half sets encyclopedias. And if</p> <p style="text-align: right;">PAGE 3</p>
<p>1       COMMISSIONER CHRISTMANN: Good morning,</p> <p>2 everyone. It is 10:00, November 15, 2024. I call this</p> <p>3 special meeting of the North Dakota Public Service</p> <p>4 Commission to order. I'm Randy Christmann, joined by</p> <p>5 Commissioner Sheri Haugen-Hoffart and Substitute</p> <p>6 Decisionmaker Judge Tim Dawson. So we have a quorum.</p> <p>7       And I guess a couple of kind of opening comments</p> <p>8 from myself. First of all, a lot of you have been to a</p> <p>9 lot of these meetings or hearings. And I want to</p> <p>10 commend you because I think the first one that we had</p> <p>11 was maybe the one over in the Heritage Center. And</p> <p>12 there's a number of people who, you know, maybe had</p> <p>13 never been at a Public Service Commission hearing or</p> <p>14 meeting were there and, I think, expected it to devolve</p> <p>15 into the kind of meetings that social media has caused</p> <p>16 much of our nation to turn into where it's a bunch of</p> <p>17 hollering around and booing and just trying to be as</p> <p>18 disrespectful as possible in order to garner attention.</p> <p>19 And we talked about it at the beginning of the meeting.</p> <p>20 And with just a rare exception, maybe a frustrated</p> <p>21 moment or something like that, those of you who have</p> <p>22 been regulars at these things, or even if it's just to</p> <p>23 one or two, have been very courteous and respectful.</p> <p>24       And it is something not only on this</p> <p>25 controversial case, but if you decide to go back and</p> <p style="text-align: right;">PAGE 2</p>	<p>1 you stacked it end to end, that's almost as tall as</p> <p>2 Insurance Commissioner Jon Godfread. Yes, over six and</p> <p>3 a half feet tall.</p> <p>4       The last thing on opening comments, when it</p> <p>5 comes to one of these darn things instead of the</p> <p>6 encyclopedia, it came to my attention only -- just not</p> <p>7 long ago, like in the last half hour, I'm reading an</p> <p>8 article out of a major newspaper called "The New York</p> <p>9 Times." And we are very blessed here in North Dakota.</p> <p>10 You can find something that you see wrong in our media,</p> <p>11 but here's what I've seen. They tried to do it right.</p> <p>12 They aren't just reckless. When they get something</p> <p>13 wrong, and it's like we all get something wrong maybe</p> <p>14 sometimes. This is from "The New York Times."</p> <p>15       "As governor, Mr. Burgum sits on the</p> <p>16 three-member North Dakota Public Service</p> <p>17 Commission which is scheduled to meet Friday</p> <p>18 to vote on the pipeline project."</p> <p>19       So I don't know where they get their stuff, but</p> <p>20 if anybody has seen anything drifting into your social</p> <p>21 media about the Governor being part of this, he's not.</p> <p>22 We're the decisionmakers here. So that concludes my</p> <p>23 opening comments.</p> <p>24       Commissioner Haugen-Hoffart, did you have any?</p> <p>25 COMMISSIONER HAUGEN-HOFFART: Not at this time.</p> <p style="text-align: right;">PAGE 4</p>

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<p>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.</p> <p style="text-align: right;">PAGE 5</p>	<p>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</p> <p style="text-align: right;">PAGE 7</p>
<p>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.</p> <p style="text-align: right;">PAGE 6</p>	<p>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</p> <p style="text-align: right;">PAGE 8</p>

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<p>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.</p> <p>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.</p> <p>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.</p> <p>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</p> <p style="text-align: right;">PAGE 9</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p style="text-align: right;">PAGE 11</p>
<p>1 that wasn't really discussed or dealt with in those 2 hearings because it was brand-new.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>19 On September 7th they filed a notice of route 20 adjustments.</p> <p>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.</p> <p style="text-align: right;">PAGE 10</p>	<p>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.</p> <p>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.</p> <p>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</p> <p style="text-align: right;">PAGE 12</p>

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<p>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</p> <p style="text-align: right;">PAGE 13</p>	<p>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</p> <p style="text-align: right;">PAGE 15</p>
<p>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</p> <p style="text-align: right;">PAGE 14</p>	<p>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</p> <p style="text-align: right;">PAGE 16</p>

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<p>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.</p> <p>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.</p> <p>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.</p> <p>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</p> <p style="text-align: right;">PAGE 17</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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,</p> <p style="text-align: right;">PAGE 19</p>
<p>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.</p> <p>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?</p> <p>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</p> <p style="text-align: right;">PAGE 18</p>	<p>1 livestock, livestock grazing land, or actively growing 2 crops.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p style="text-align: right;">PAGE 20</p>

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<p>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.</p> <p>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.</p> <p>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.</p> <p>19 That's two of nine. I thought those were the 20 two you would be interested in.</p> <p>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</p> <p style="text-align: right;">PAGE 21</p>	<p>1 give them a 20-foot buffer in there. More than 20 feet, 2 they need to be telling us.</p> <p>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.</p> <p>9 And the last thing, if I'm neglecting anything, 10 any outstanding procedural motions are denied.</p> <p>11 I think that's the best explanation I can give 12 of the order proposal.</p> <p>13 EXECUTIVE DIRECTOR KAHL: I have a motion and a 14 second. Is there any further discussion?</p> <p>15 COMMISSIONER HAUGEN-HOFFART: Yes.</p> <p>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.</p> <p>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</p> <p style="text-align: right;">PAGE 23</p>
<p>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.</p> <p>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.</p> <p>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</p> <p style="text-align: right;">PAGE 22</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p style="text-align: right;">PAGE 24</p>

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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

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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 February 19, 2026.

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 LISA A. HULM, CET-783

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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

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

## November 15, 2024, Special Meeting

### ND PUBLIC SERVICE COMMISSION

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