

STATE OF NORTH DAKOTA

DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

APH FARMS, ARDEN HAGEROTT,
JONATHAN HAGEROTT, JANEL
OLSON, VALERA HAYEN, KARI
CURRAN, SCOTT IRMEN, MARY JO
IRMEN, LEON MALLBERG,
STAROBA REVOCABLE LIVING
TRUST, LOREN STAROBA, DIANE
STAROBA, JAMES TIEGS,

Appellants,

v.

NORTH DAKOTA PUBLIC SERVICE
COMMISSION, SCS CARBON
TRANSPORT, LLC, JOHN H.
WARFORD, JR. REVOCABLE TRUST,
CHAD WACHTER, CHAD
MOLDENHAUER, CITY OF
BISMARCK, LABORERS DISTRICT
COUNCIL OF MINNESOTA AND
NORTH DAKOTA, EMMONS
COUNTY, and BURLEIGH COUNTY,

Respondents/Appellants.

**RESPONSE TO BRIEF OF
APPELLANT BURLEIGH
COUNTY**

Case No. 08-2024-CV-03622

An administrative appeal from the decisions of the North Dakota Public Service Commission as reflected in a November 15, 2024 *Findings of Fact, Conclusions of Law, and Order*, a February 7, 2024 *Order*, and an August 4, 2023 *Order* on Protection of Information

Consolidated with *Burleigh County v. North Dakota Public Service Commission, et al.*, Case No. 08-2024-CV-03614

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The administrative appeal captioned *Burleigh County v. North Dakota Public Service Commission and SCS Carbon Transport LLC*, Case No. 08-2024-CV-03614 has been consolidated by the Court into the administrative appeal captioned *APH Farms, et al. v. North Dakota Public Service Commission, et al.*, Case No. 08-2024-CV-03622. [Doc. 71] To ensure the record in the proceeding captioned *Burleigh County v. North Dakota Public Service Commission and SCS Carbon Transport LLC*, Case No. 08-2024-CV-03614 is clear, Appellants incorporate by reference *Appellants' Brief* [915] in response to the *Brief of Appellant Burleigh County* [Doc. 918].

Dated this 19th day of March, 2026.

Respectfully submitted,

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