

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

APH Farms, Arden Hagerott, Jonathan Hagerott, Janel Olson, Valera Hayen, Kari Curran, Scott Irmien, Mary Jo Irmien, Leon Mallberg, Staroba Revocable Living Trust, Loren Staroba, Diane Staroba, James Tiegs,

Appellants,

vs.

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,

Appellees.

Case No. 08-2024-CV-03622

And

Burleigh County,

Appellant,

vs.

North Dakota Public Service Commission and SCS Carbon Transport LLC,

Appellees.

**NORTH DAKOTA PUBLIC SERVICE COMMISSION'S
RESPONSE TO BURLEIGH COUNTY'S REQUEST TO RESCHEDULE HEARING**

[¶1] The Court issued an Order dated April 15, 2026, ordering oral argument be set on this appeal. Dkt. No. 957. The Court then issued a “Notice of Electronic Remote-Party Proceeding” on April 15, 2026, for oral argument on May 8, 2026, at 10 am by Zoom. Dkt. No. 958. The North Dakota Public Service Commission (“Commission”) has no objection to Burleigh County’s request to reschedule oral argument. The Commission, however, would request that the Court either set a status conference or instruct the clerk to reach out to the parties to arrive at a mutually agreeable date for oral argument (or instruct counsel for Burleigh County to reach out to counsel for the other parties with available dates). Of the dates proposed by Burleigh County in its request, the undersigned is unavailable June 2-3 because of a previously scheduled jury trial and unavailable June 19 because of a previously scheduled family vacation. The undersigned is available for the proposed June 30 date.

Dated this 21st day of April, 2026.

/s/ Zachary E. Pelham
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