

April 5, 2023

VIA E-MAIL

Mr. Steve Kahl
Executive Secretary Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

**RE: SCS Carbon Transport LLC
Midwest Carbon Express Project
Case No. PU-22-391**

Dear Mr. Kahl:


The North Dakota Public Service Commission ("Commission") has requested certain information relating to the dispersion modeling conducted by SCS Carbon Transport LLC ("Summit") in connection with certain security system plans which Summit is required to prepare and submit to the Pipeline and Hazardous Materials Safety Administration. The security system plans, including the dispersion modeling outputs included therein (the "Information"), relate to Summit's proposed carbon dioxide pipeline which is considered critical infrastructure under both state and federal law. Accordingly, Summit intends to file an application to protect the Information from public disclosure pursuant to § 69-02-09-01 of the North Dakota Administrative Code ("NDAC").

Prior to doing so, however, Summit respectfully submits this written request for the Commission to waive the requirement to file a redacted public version of the Information pursuant to NDAC § 69-02-09-01. The filing of a redacted version of the Information is not possible due to the highly confidential and sensitive nature of the Information and the potential negative consequences which may result from the public disclosure of any part or portion thereof. Accordingly, please forward this request to the Commission for consideration. Assuming the Commission is willing to grant the waiver requested herein, Summit will file the Information together with the application to protect the Information prior to the close of business on Friday, April 7, 2023.

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Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

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Cc: SCS Carbon Transport LLC
Hope L. Hogan, Administrative Law Judge
Zachary Pelham, counsel for PSC
Victor Schock, Director, Public Utilities Division
Randall J. Bakke, counsel for Intervenors
Steven Leibel, counsel for Intervenors
Brian E. Jorde, counsel for Intervenors
Kevin Pranis, LIUNA Minnesota & North Dakota