



KNOLL LEIBEL ^{LLP}
ATTORNEYS AT LAW

April 28, 2023

VIA U.S. MAIL & E-MAIL: ndpsc@nd.gov

Steve Kahl

Executive Secretary

North Dakota Public Service Commission

State Capitol

600 E Boulevard Ave, Dept 408

Bismarck, ND 58505-0480

RE: In the Matter of the Application of SCS Carbon Transport LLC for
Certificate of Corridor Compatibility and Route Permit for the Midwest
Carbon Express
Case No.: PU-22-391

Dear Mr. Kahl:

Enclosed for filing please find the following original documents:

1. Petition to Intervene dated April 28, 2023;
2. Declaration of Service.

This Petition to Intervene is being filed with the North Dakota Public Service Commission (hereinafter "NDPSC") on behalf and at the request of Linda Gayman (hereinafter "Linda") Linda owns land across which SCS Carbon Transport LLC ("hereinafter" SCS") intends to construct a carbon dioxide pipeline. Linda has a direct and substantial interest in these proceedings, as well as legal property rights which may be substantially affected by NDPSC's findings and conclusions. Linda seeks to intervene in this matter for these reasons. Please feel free to call me with any questions.

Sincerely,

KNOLL LEIBEL, LLP

Steven J. Leibel

steve@bismarck-attorneys.com

SJL: rmo

Enclosures

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Petition to Intervene - Linda Gayman

Knoll Leibel, LLP, on behalf of and at the request of Intervenor

Steven J. Leibel

Steven J. Leibel, Partner

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**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

IN THE MATTER OF THE APPLICATION
OF SCS CARBON TRANSPORT LLC FOR
A CERTIFICATE OF CORRIDOR
COMPATIBILITY AND ROUTE PERMIT
FOR THE MIDWEST CARBON EXPRESS
PROJECT IN BURLEIGH, CASS, DICKEY,
EMMONS, LOGAN, MCINTOSH,
MORTON, OLIVER, RICHLAND AND
SARGENT COUNTIES, NORTH DAKOTA

Case No. PU-22-391

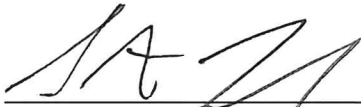
PETITION TO INTERVENE

Pursuant to N.D.A.C. § 69-02-02-05, Linda Gayman, Dickey County, ND. (“Intervenor” or “Affected Landowner”, collectively “Landowner”), by and through her lawyers David Knoll, Steve Leibel, and Brian Jorde, hereby petition to intervene in the above-captioned proceedings. In support of this petition, Landowner states and alleges as follows:

1. The following “Affected Landowner” is an owner and/or interest holder of North Dakota land that has either been approached by Summit or its agents in relation to obtaining survey and examination access to his property and/or in seeking a lease or other agreement for the potential location of a hazardous carbon dioxide pipeline. Upon information and belief Affected Landowner is a person or entity that would be negatively affected by Summit’s proposed hazardous carbon dioxide pipeline should it be approved by all necessary states and obtain the thousands of leases and/or easements necessary to locate such approximate 2,000-mile hazardous pipeline and other related structures on his property, identified as follows:

- a. Linda Gayman, Township 129 North, Range 62 West, Section 30 Dickey County, North Dakota.
2. Affected Landowner owns land across which Summit desires easements for a period of ninety-nine (99) years, which are in effect total takings, for potential locating, construction, maintenance, and operation of a dangerous and hazardous carbon dioxide pipeline.
3. Affected Landowner has a direct and substantial interest in these proceedings, as well as legal property rights which may be substantially affected by the ND Public Service Commission's findings and conclusions in this matter. Affected Landowner is intimately familiar with the land they own and rent and can provide the PSC with specific information related to its routing determination in this proceeding, with respect to his individual lands.
4. Affected Landowner is not adequately represented by existing parties, and his intervention would not unduly broaden the issues or delay the proceedings, particularly given the early nature of the proceedings.
5. Affected Landowner intends to present evidence opposing Summit's requested relief in its Application and Landowner objects and resists the current proposed location of Summit's proposed pipeline.

Dated this 28th day of April, 2023.



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David Knoll (ID 06167)
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Landowner/Intervenor Lawyers

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

IN THE MATTER OF THE APPLICATION
OF SCS CARBON TRANSPORT LLC FOR
A CERTIFICATE OF CORRIDOR
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SARGENT COUNTIES, NORTH DAKOTA

Case No. PU-22-391

DECLARATION OF SERVICE

[1] Charlene Smith declares that I am of legal age and not a party to this action, and that I served the following document(s):

- 1. Petition to Intervene; and**
- 2. Declaration of Service.**

[2] On April 28, 2022, by sending a true and correct copy thereof by electronic means only to the following email addresses, to wit:

John Maurice Schuh Bar ID 08138
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600 E. Boulevard Ave, Dept. 408
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North Dakota Public Service
Commission
ndpsc@nd.gov

[3] and by sending the originals and seven (7) copies of said documents via U.S. Mail, at Bismarck, North Dakota with postage prepaid, to the following:

Steve Kahl
Executive Secretary
North Dakota Public Service Commission
State Capitol
600 E Boulevard Ave, Dept 408
Bismarck, ND 58505-0480

[4] The addresses of each party served are the last reasonably ascertainable e-mail address and post office address of such party.

[5] I declare, under penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Signed on the 28th day of April, 2023 at Bismarck, North Dakota.


Charlene Smith