

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

SCS Carbon Transport LLC
Midwest Carbon Express CO2 Pipeline Project
Siting Application

Case No: PU-22-391
OAH File No: 20230002

**INTERVENOR JOHN H. WARD, JR. AS TRUSTEE OF THE JOHN H.
WARFORD, JR. REVOCABLE TRUST'S REQUEST FOR HEARING**

PLEASE TAKE NOTICE THAT pursuant to N.D.A.C. §§ 69-02-09-(05) & (06) Intervenor John H. Warford, Jr. as Trustee of the John H. Warford, Jr. Revocable Trust (hereinafter "Warford"), hereby requests a hearing on the *Application of SCS Carbon Transport LLC to Protect Information* dated April 21, 2023 ("the *Application to Seal Dispersion Modeling*" or "*Application*"). The basis of Warford's hearing request is set forth in the *Objection to Application of SCS Carbon Transport LLC to Protect Information*, filed herewith. Warford requests a hearing be scheduled at a time and date convenient to the parties, the Administrative Law Judge, and Commissioners of the PSC.

CERTIFICATION OF GOOD-FAITH ATTEMPTS TO MEET & CONFER

Since receiving Summit Carbon's correspondence to the PSC dated April 5, 2023 (docket #166) announcing its intentions to file the instant Application, Warford wrote two separate letters to Summit Carbon, dated April 6 and April 11, 2023. Those letters objected to the Application to Seal Dispersion Modeling, including due to Summit Carbon's knowing and voluntary waiver of any statutory protections for the plume study. Summit Carbon has insisted publicly – including before the PSC – that the plume study essentially proves siting the Carbon Dioxide pipeline near Bismarck and Burleigh County population centers is safe. Summit Carbon responded by letter on April 10, 2023 (attached as Exhibit 3) but deflected and did not address Warford's concerns,

stating instead that there must be some confusion. The letter concedes Summit Carbon is indeed attempting to use the PSC to keep the plume study from the public. Warford's letters offered to meet and confer with Summit Carbon about the objection as required by N.D.A.C. § 69-02-09-05. Summit Carbon ignored those requests and has not made any good-faith effort to meet and confer about its *Application* seeking to keep critical public safety information from the public.

Dated this 1st day of May, 2023.

BAKKE GRINOLDS WIEDERHOLT

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