

May 15, 2023

HAND DELIVERED

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:

Please find enclosed herewith for filing with the North Dakota Public Service Commission, an original and five (5) copies of the following:

1. Response of SCS Carbon Transport LLC to the Interrogatories from Laborers District Council of Minnesota and North Dakota.

Also enclosed herewith, please find a Compact Disc (CD) containing this letter and the above-referenced documents in PDF format.

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/caj
Enclosures

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**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

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
OAH FILE NO. 20230002

**Response of SCS Carbon Transport LLC to the Interrogatories from Laborers District
Council of Minnesota and North Dakota**

SCS Carbon Transport LLC (“SCS”), by and through its attorneys of record, responds to Intervenor Laborers District Council of Minnesota and North Dakota (“LiUNA”) Interrogatories dated May 1, 2023 in the above-captioned proceeding. These responses are made without waiving or intending to waive any objection as to relevance, privilege, or admissibility of any information provided in response to the Interrogatories in any subsequent proceeding of this or any other action on any ground. A partial answer to any Interrogatory that has been objected to, in whole or in part, is not intended to be a waiver of the objection. By responding to the Interrogatories, SCS is not admitting that any aspect of the Interrogatories is factually accurate or relevant to this proceeding.

GLOBAL OBJECTIONS

The following Global Objections apply to each of the Interrogatories—even if not separately restated below in response to a particular Interrogatory.

SCS objects to all Interrogatories to the extent they are beyond the scope of discovery allowed pursuant to Rules 26, 33, 34, and 36 of the North Dakota Rules of Civil Procedure.

SCS object to the Interrogatories because they are unduly burdensome and disproportionate to the needs of this proceeding because they seek irrelevant information.

SCS objects inasmuch as the Interrogatories seek information relating to anything other than SCS's pipeline facilities in North Dakota. Only SCS's North Dakota pipeline facilities are covered by its permit application in this proceeding.

SCS objects inasmuch as the Interrogatories seek information protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, rule, doctrine, or immunity, whether created by statute or common law.

SCS objects inasmuch as the Interrogatories seek information that contains proprietary or confidential business information or is subject to trade-secret protections or that contains information for which SCS owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

SCS objects to all Interrogatories that seek, and disclaims any obligation to identify or furnish, documents or information that LiUNA actually or constructively possesses or to which LiUNA has access through alternative means.

SCS objects inasmuch as the Interrogatories seek information from third parties and information that is not within SCS's possession, custody, control, or personal knowledge of SCS.

SCS objects and responds to the Interrogatories based upon information and documents available as of the date hereof and reserves the right to supplement and amend the responses.

Subject to the foregoing objections and conditions, and subject to the specific additional objections made with respect to each request, SCS responds to LiUNA's Interrogatories as follows:

RESPONSE TO INTERROGATORIES

INTERROGATORY NO. 1:

Please state the name of each person answering these interrogatories and include for each person their name, address and contact information.

RESPONSE:

Lawrence Bender, Fredrikson & Byron, P.A., 1133 College Drive, Suite 1000, Bismarck, ND 598501.

INTERROGATORY NO. 2:

Please provide a complete list of pipeline construction projects currently underway or completed in the last five years that Summit considers to be similar in size and scope to the proposed project, and for which Pumpco Inc. was the prime contractor or a subcontractor with primary responsibility for one or more pipeline spreads. Please provide the following information for each listed project (or spread where Pumpco was not the prime contractor), providing reasonable estimates where exact information cannot reasonably be obtained:

- (a) Name of the Project*
- (b) Name of the Project Owner*
- (c) State(s) and County(ies) where the project is located*
- (d) Length of pipeline and material(s) it was designed to transport*
- (e) Diameter(s) of pipe and pipe material(s)*
- (f) Dates of construction start and completion, if applicable*
- (g) Number of drain tile crossings, where known*
- (h) Percentage of construction labor hours performed by workers who were residents of the state(s) where the pipeline is located.*

RESPONSE:

SCS incorporates by reference its Global Objections set forth above.

SCS objects to this Interrogatory because it seeks information relating to projects other than SCS's pipeline facilities in North Dakota. Only SCS's North Dakota pipeline facilities are covered by its permit application in this proceeding.

SCS objects to this Interrogatory because SCS does not have an obligation to identify or furnish documents or information that LiUNA actually or constructively possesses or to which LiUNA has access through alternative means.

SCS objects to this Interrogatory because it attempts to seek information from third parties and information that is not within SCS's possession, custody, control, or the personal knowledge of SCS.

SCS further objects to this Interrogatory because it is unduly burdensome and disproportionate to the needs of this proceeding because it seeks irrelevant information.

SCS reserves the right to amend or supplement its objections and responses to this Interrogatory.

INTERROGATORY NO. 3:

If not already listed, please provide a complete list of pipeline construction projects currently underway or completed in the last five years that are located in the Northern portion of the United States or Canada (approximately north of 40 degrees latitude) for which Pumpco Inc. was the prime contractor or a subcontractor with primary responsibility for one or more pipeline spreads. Please provide the following information for each listed project (or spread where Pumpco was not the prime contractor), providing reasonable estimates where exact information cannot reasonably be obtained:

(a) *Name of the Project*

(b) *Name of the Project Owner*

- (c) State(s) and County(ies) where the project is located*
- (d) Length of pipeline and material(s) it was designed to transport*
- (e) Diameter(s) of pipe and pipe material(s)*
- (f) Dates of construction start and completion, if applicable*
- (g) Number of drain tile crossings, where known*
- (h) Percentage of construction labor hours performed by workers who were residents of the state(s) where the pipeline is located.*

RESPONSE:

SCS incorporates by reference its Global Objections set forth above.

SCS objects to this Interrogatory because it seeks information relating to projects other than SCS's pipeline facilities in North Dakota. Only SCS's North Dakota pipeline facilities are covered by its permit application in this proceeding.

SCS objects to this Interrogatory because SCS does not have an obligation to identify or furnish documents or information that LiUNA actually or constructively possesses or to which LiUNA has access through alternative means.

SCS objects to this Interrogatory because it attempts to seek information from third parties and information that is not within SCS's possession, custody, control, or the personal knowledge of SCS.

SCS further objects to this Interrogatory because it is unduly burdensome and disproportionate to the needs of this proceeding because it seeks irrelevant information.

SCS reserves the right to amend or supplement its objections and responses to this Interrogatory.

INTERROGATORY NO. 4:

Please list any completed pipeline construction projects not already listed for which Pumpco Inc. was the prime contractor or a subcontractor with primary responsibility for one or more pipeline spreads, and help to form the basis for Summit's judgment that Pumpco can be relied upon to safely and properly build assigned spreads. Please provide the following information for each listed project (or spread where Pumpco was not the prime contractor), providing reasonable estimates where exact information cannot reasonably be obtained:

- (a) Name of the Project*
- (b) Name of the Project Owner*
- (c) State(s) and County(ies) where the project is located*
- (d) Length of pipeline and material(s) it was designed to transport*
- (e) Diameter(s) of pipe and pipe material(s)*
- (f) Dates of construction start and completion, if applicable*
- (g) Number of drain tile crossings, where known*
- (h) Percentage of construction labor hours performed by workers who were residents of the state(s) where the pipeline is located.*

RESPONSE:

SCS incorporates by reference its Global Objections set forth above.

SCS objects to this Interrogatory because it seeks information relating to projects other than SCS's pipeline facilities in North Dakota. Only SCS's North Dakota pipeline facilities are covered by its permit application in this proceeding.

SCS objects to this Interrogatory because SCS does not have an obligation to identify or furnish documents or information that LiUNA actually or constructively possesses or to which LiUNA has access through alternative means.

SCS objects to this Interrogatory because it attempts to seek information from third parties and information that is not within SCS's possession, custody, control, or the personal knowledge of SCS.

SCS further objects to this Interrogatory because it is unduly burdensome and disproportionate to the needs of this proceeding because it seeks irrelevant information.

SCS reserves the right to amend or supplement its objections and responses to this Interrogatory.

Dated this 15th day of May, 2023.

FREDRIKSON & BYRON, P.A.

By: 

LAWRENCE BENDER, ND Bar #03908
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Bismarck, ND 58501
(701) 221-8700
lbender@fredlaw.com

Attorneys for SCS Carbon Transport LLC

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**SCS Carbon Transport LLC
Midwest Carbon Express CO2 Project
Sitting Application**

CASE NO. PU-22-391

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the following:

1. Letter to S. Kahl forwarding documents for filing; and
2. Response of SCS Carbon Transport LLC to the Interrogatories from Laborers District Council of Minnesota and North Dakota.

were, on May 15, 2023, filed with the North Dakota Public Service Commission and served electronically to the following:

Hope L. Hogan
hlhogan@nd.gov

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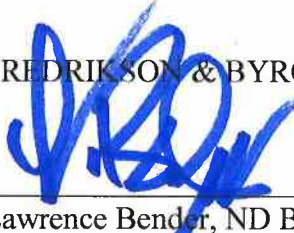
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Kevin Pranis
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Dated this 15th day of May, 2023.

FREDRIKSON & BYRON, P.A.



By: _____

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