



**Bakke  
Grinolds  
Wiederholt**

ATTORNEYS AT LAW

June 1, 2023

**Via Hand-Delivery**

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

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

Dear Mr. Kahl:

Enclosed for filing in Case No. PU-22-391, please find *Intervenor Warford's Motion for Issuance of Hearing Subpoena Request for Expedited Decision, Hearing Subpoena of SCS Carbon Transport LLC, Subpoena to Appear for a Deposition of SCS Carbon Transport LLC, and Certificate of Service*, with seven copies of same.

Please do not hesitate to contact the undersigned if you have any questions about this filing.

Very Truly Yours,

/s/ *Randall J. Bakke*

Randall J. Bakke

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279 PU-22-391 Filed 06/01/2023 Pages: 18

Motion for Issuance of Hearing Subpoena and Request for Expedited Decision  
Intervenor John H. Warford, Jr., as Trustee of Revocable Trust  
Randall J. Bakke, Attorney

Bakke Grinolds Wiederholt, Attorneys

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**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 WARFORD'S MOTION FOR ISSUANCE OF HEARING  
SUBPOENA AND REQUEST FOR EXPEDITED DECISION**

Warford<sup>1</sup> requests the ALJ issue a subpoena to Summit to produce a witness or witnesses to attend the June 2, 2023 PSC hearing in Bismarck, ND to give testimony critical to the Commission's final determination on Summit's *Application*. Warford has previously through the discovery process attempted to elicit from Summit evidence and testimony concerning its (1) investors/members, (2) plume modeling, and (3) agreements with the facilities that have signed on to utilize the pipeline, but Summit has objected, stonewalled, and now has essentially shut down those discovery efforts, at least until sometime after the PSC's June 2nd hearing. And Summit recently advised the ALJ it would not be calling any witnesses at the June 2nd hearing in Bismarck. Additionally, Summit has belatedly filed with the Commission on May 30, 2023 an unsigned document entitled *Bismarck Route Analysis*. This route analysis was requested by the Commission and has been promised for some time by Summit. It is entirely unknown who authored the route analysis, when the analysis was conducted, and other salient details. Summit should be required to provide a witness or witness to explain the route analysis. Based on its actions, it is clear Summit seeks to conduct what should be open and public proceedings entirely in secret and it is equally

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<sup>1</sup> This motion is filed on behalf of Intervenor John H. Warford, Jr. as Trustee of the John H. Warford, Jr. Revocable Trust (hereinafter "Warford") in relation to his efforts to discover evidence from Applicant SCS Carbon Transport LLC ("Summit" or "Summit Carbon") that is relevant to and probative of the pending *Application* and the siting determination before the Commission.

clear it will not willingly divulge any relevant information at all unless compelled to do so. The Commission should not allow Summit to serve as the “gatekeeper” of relevant information. Nor should it allow Summit to escape its obligations to provide complete and candid information and evidence that is unquestionably highly relevant to this first-of-its-kind pipeline carrying supercritical-state carbon dioxide in close proximity to Bismarck.

Alternatively, to the extent the ALJ determines Summit does not have adequate time to prepare a witness or witnesses for the June 2nd hearing, the ALJ should compel Summit to appear for a Rule 30(b)(6) deposition to address the same topics, to be scheduled at a date and time convenient to the witnesses and parties, but prior to the close of the evidentiary portion of these proceedings.

***A. Legal Standard for Subpoenas and Depositions***

Summit concedes in recent briefing that North Dakota’s Rules of Civil Procedure apply to this “adjudicative proceeding” and those Rules . Summit Response (Docket # Not Yet Available) at page 3, page 10, FN 3 (citing N.D.C.C. §38-32-33). Rule 45 of the Rules of Civil Procedure in North Dakota allow for the issuance of subpoenas for presence at hearings, trials, and for depositions, N.D. R. Civ. P. 45. North Dakota’s Rules also allow a party to command another party to attend and give an oral deposition, N.D. R. Civ. P. 30, and provide for corporate parties to give corporate testimony. N.D. R. Civ. P. 30(b)(6). Likewise, the PSC’s administrative code provisions allow the ALJ – upon request of a party – to issue subpoenas for attendance of witnesses at PSC hearings. N.D.A.C. § 69-02-05-03. Oral depositions in lieu of live testimony are also allowed under N.D.A.C. § 69-02-05-02.<sup>2</sup> North Dakota’s Administrative Agencies Practices Act

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<sup>2</sup> While N.D.A.C. § 69-02-05-04 providing for depositions was repealed, Section 69-02-05-02 continues to reference “deposition” and arguably allows for an oral deposition to the extent a

(“the Act”) allows agencies to adopt rules that are not inconsistent with the Act. N.D.C.C. § 28-32-23. The subpoena provisions set forth in the PSC’s administrative code and in North Dakota’s Rules of Civil Procedure are not inconsistent; both allow for subpoenas, oral depositions, and corporate depositions.

***B. Standard for Relevancy of Evidence Generally***

North Dakota’s statute applicable to adjudicative proceedings provides the following definition of relevant evidence:

11. “Relevant evidence” means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the administrative action more probable or less probable than it would be without the evidence.

N.D.C.C. § 28-32-01(11). North Dakota’s Rules of Civil Procedure provide a similar definition for liberal discovery, stating in part:

[ ] Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense, including the existence, description, nature, custody, condition, and location of any documents, electronically stored information, or other tangible things and the identity and location of persons who know of any discoverable matter. For good cause, the court may order the discovery of any matter relevant to the subject matter involved in the action. Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence. [ . . . ]

N.D. R. Civ. P. 26(b)(1). A court has broad discretion to compel discovery, and if appropriate to impose sanctions for discovery abuses. *Vorachek v. Citizens Bank of Lankin*, 421 N.W.2d 45, 50 (N.D. 1988).

***C. The Information Warford Seeks From Summit’s Witness(es) is Relevant to Summit’s Application Under the Factors the Commission Must Consider.***

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Summit Carbon witness is not called to attend a public hearing. Even if Section 69-02-05-04 no longer allows for depositions, N.D.’s Rules of Civil Procedure clearly allow for oral depositions.

The North Dakota statute that governs the Commission's siting determination relevant to Summit's *Application* provides as follows:

The commission is guided by, but is not limited to, the following considerations, when applicable, to aid the evaluation and designation of sites, corridors, and routes:

1. Available research and investigations relating to the effects of the location, construction, and operation of the proposed facility on public health and welfare, natural resources, and the environment.
2. The effects of new gas or liquid energy conversion and gas or liquid transmission technologies and systems designed to minimize adverse environmental effects.
3. The potential for beneficial uses of waste energy from a proposed gas or liquid energy conversion facility.
4. Adverse direct and indirect environmental effects that cannot be avoided should the proposed site or route be designated.
5. Alternatives to the proposed site, corridor, or route that are developed during the hearing process and which minimize adverse effects.
6. Irreversible and irretrievable commitments of natural resources should the proposed site, corridor, or route be designated.
7. The direct and indirect economic impacts of the proposed facility.
8. Existing plans of the state, local government, and private entities for other developments at or in the vicinity of the proposed site, corridor, or route.
9. The effect of the proposed site or route on existing scenic areas, historic sites and structures, and paleontological or archaeological sites.
10. The effect of the proposed site or route on areas that are unique because of biological wealth or because the site or route is a habitat for rare and endangered species.
11. Problems raised by federal agencies, other state agencies, and local entities.

N.D.C.C. § 49-22.1-09. The PSC's rules in relation to applications furthermore require the applicant to set forth the "factual basis demonstrating that the proposed facility is of such length, design, location or purpose that it will produce **minimal adverse effects**." N.D.A.C. § 69-06-06-01(2)(m) (emphasis added).

Warford seeks information from Summit as set forth in the attached *Subpoenas*, summarized as follows:

1. **Dispersion Analysis / Plume Modeling Information** – Directly relevant to several of the above statutory factors, especially the available research and investigations relating to the effects of the location, construction, and operation of the proposed facility on public health and welfare, natural resources, and the environment”, effect on the “public health and welfare, environment and natural resources”, as well as on its effect on the “existing plans of the [] local government, and private entities for other developments at or in the vicinity of the proposed site, corridor, or route.”
2. **Summit Carbon Investor / Member Agreements and Payment Information** – Directly relevant to “problems raised by . . . other state agencies” through the prohibition against foreign land ownership pursuant to legislation effective in August of 2023 including S.B. 2371, Development by a Foreign Adversary – Prohibition and H.B. 1135 Relating to Exceptions to the Acquisition of Agriculture Land by Foreign Governments –
3. **Summit Carbon Pipeline Utilizers (Ethanol Plants, etc.)** – Directly relevant to the direct and indirect economic impacts of the proposed facility, the potential for beneficial uses of waste energy, as well as the several factors above implicating adverse environmental effect that will affect landowners and citizens generally.
4. **Bismarck Route Analysis** – Directly relevant to the “alternatives to the proposed site, corridor, or route that are developed during the hearing process and which minimize adverse effects.”

Summit and Summit alone possesses all of this information that is highly relevant to the Commission’s decision on the pending *Application*. Yet to date, Summit has refused to provide any of this information, and thus must be compelled to provide it. Summit’s hide the ball tactics and complete lack of transparency with the PSC and the public should not be allowed to continue.

#### ***D. Conclusion***

For all of these reasons, Warford respectfully requests his motion for the issuance of a subpoena to Summit be granted, requiring Summit to provide a witness or witnesses at the June 2nd Bismarck hearing to testify to the matters set forth in the attached Subpoena, or alternatively, requiring Summit to provide a witness or witnesses for a Rule 30(b)(6) deposition set for a later date, but prior to the close of the evidentiary portion of these proceedings.

Dated this 15<sup>th</sup> day of June, 2023.

BAKKE GRINOLDS WIEDERHOLT

By: 

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Bradley N. Wiederholt (#06354)  
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Attorneys for Intervenor

**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

**HEARING SUBPOENA OF SCS CARBON TRANSPORT LLC**

**TO:** SCS Carbon Transport LLC, and its attorney Lawrence Bender, Fredrikson & Byron  
P.A., 1133 College Drive, Suite 1000, Bismarck, ND 58501-1215

**PLEASE TAKE NOTICE** that pursuant to Rule 45 of the North Dakota Rules of Civil Procedure, Section 69-02-05-03 of the North Dakota Administrative Code, and other applicable law or rule, SCS Transport LLC shall designate a witness or witnesses to attend the PSC's public hearing scheduled for Friday, June 2, 2023 at 9:00 a.m. Central Time at the Heritage Center & State Museum, Russell Reid Auditorium, 612 E. Boulevard Avenue, Bismarck, ND 58505, for the purposes of providing party testimony concerning the topics identified in the attached *Exhibit A*, incorporated herein by reference.

The testimony may be recorded and/or video recorded by the PSC.

Dated this \_\_\_\_ day of June, 2023.

By: \_\_\_\_\_  
Hope L. Hogan  
Administrative Law Judge  
Office of Administrative Hearings  
2911 N 14th Street, Suite 303  
Bismarck, ND 58503  
(701) 328-3200  
[hlhogan@nd.gov](mailto:hlhogan@nd.gov)



## **EXHIBIT A**

### **Investors and Members in Summit Carbon Solutions<sup>1</sup>**

1. The governing documents<sup>2</sup> of Summit Carbon Solutions, LLC
2. The governing documents<sup>3</sup> of SCS Carbon Transport LLC
3. The governing documents<sup>4</sup> of SCS Carbon Removal LLC
4. The governing documents<sup>5</sup> of SCS Permanent Carbon Storage LLC
5. The members and investors (collectively, “investors”) and the respective investments in and ownership share in each of the foregoing SCS entities, including but not limited to:
  - a. The name and contact information of each investor, whether a natural or corporate person or other entity, and the identity of the SCS entity each such person or entity is invested in
  - b. The place of residence or domicile of each such investor
  - c. The nationality, nation of residence, or nation of domicile of each such investor
  - d. The amount invested by each such investor, including the dollars or other consideration paid or invested, and including any amounts or consideration promised but not paid to date
  - e. The date(s) of each such investment or promise to invest in SCS
  - f. The percentage ownership in each SCS entity held by each such investor
  - g. The formula, calculation method, or other agreement setting forth the amount and timing of past or future payments, consideration, compensation, or other remuneration to each investor arising out of the operation of the pipeline and the source of and/or entity making any such payments<sup>6</sup>
  - h. The formula, calculation method, or other agreement setting forth the amount and timing of future payments, consideration, compensation, or other remuneration to each investor should the pipeline be constructed and is in operation

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<sup>1</sup> The companies identified in request numbers 1 – 4 are referred to collectively as “SCS”.

<sup>2</sup> The term “governing documents” includes but is not limited to any and all articles of organization, bylaws, operating agreements, member agreements, member management agreements, member distribution agreements, member ownership agreements, affiliate agreements, memoranda of understanding, minutes, addenda, exhibits, schedules, and other like and similar company documents and records of SCS.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> The term “pipeline” means the “Summit Carbon Solutions Midwest Carbon Express” pipeline at issue in these proceedings.

6. SCS's due diligence or other processes or protocols in place to ensure no foreign adversary or foreign government is allowed to invest in and/or take a member share in SCS that includes real property ownership in North Dakota

**Payment for Utilization of Pipeline and Permanent Storage; Liability & Indemnity**

7. The federal or state tax program, statute, regulation, or other like or similar program, incentive, or credit SCS anticipates applying for, taking advantage of, or requesting for the operation of the pipeline and/or "permanent storage" of carbon dioxide
8. The rates or other consideration payable<sup>7</sup> by ethanol plants, utilities, other industry, political subdivisions, and/or states to utilize, rent, or purchase pipeline space and/or to reserve the rights to utilize, rent, or purchase pipeline space
9. The rates or other consideration payable by SCS to any ethanol plant, utilities, other industry, political subdivision, and/or state to utilize, rent, or purchase pipeline space and/or to reserve the rights to utilize, rent, or purchase pipeline space
10. The names, contact information of each such utilizer of pipeline space, the amounts paid to SCS to date by each utilizer of pipeline space, and any amounts paid to SCS to date for any reservation of the right for utilization of the pipeline in the future
11. The duration of SCS's liability for the pipeline in North Dakota
12. Any defense and indemnity or similar hold-harmless agreement requiring any person, entity, political subdivision or state to assume liability or responsibility for the pipeline, abandonment of the pipeline, damages due to failures or leaks in the pipeline, or cessation of use of the pipeline for any reason
13. The identities of all ethanol plants or other industry that has signed on with SCS to utilize the pipeline, including but not limited to the following information:
  - a. The name, address, and contact information of the person or entity that owns each such ethanol plant or other industry
  - b. The date each such person or entity signed on with SCS
  - c. The terms of each such entity's agreement with SCS, including but not limited to payment and consideration and the term or duration of the agreement
14. The identities of all ethanol plants or other industry that SCS has approached in an effort to sign them on with SCS to utilize the pipeline, including but not limited to the following information:
  - a. The name, address, and contact information of the person or entity that owns each such ethanol plant or other industry
  - b. The date(s) each such person or entity was approached to sign on with SCS
  - c. The terms of any proposed agreement with SCS, including but not limited to payment and consideration and the term or duration of the agreement

**Plume Studies<sup>8</sup>**

15. Any and all plume studies conducted by or on behalf of SCS, including but not limited to the following kinds of information:

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<sup>7</sup> As used herein "payable" means the future obligation SCS anticipates it or others will have if the pipeline is approved in these proceedings, is constructed and is in operation.

<sup>8</sup> The term "plume study" includes dispersion modeling as that term has been used by Summit Carbon in public hearings and in its briefing before the Commission in these proceedings.

- a. The name, address, and contact information of all persons or entities that performed a plume study at any time
- b. The education, training, and experience of each such person or entity
- c. The total number of plume studies conducted for this pipeline
- d. The total number of plume studies conducted for sections of the pipeline any part of which is located in North Dakota or in any other states
- e. The assumptions and other information SCS provided to the persons or entities that performed each such plume study
- f. The date(s) each such plume study was conducted
- g. The legal description or other identifiable location of the portion or portions of pipeline analyzed in each such plume study
- h. The methodology utilized for each such plume study
- i. The findings and conclusions of each such plume study, as such findings and conclusions relate to negative consequences to or adverse impacts on human life, health and safety
- j. Any video, slides, photographs or media in relation to any plume study

### **Bismarck Route Analysis**

16. Any and all route analyses conducted by or on behalf of SCS, including but not limited to the following kinds of information:

- a. The name, address, and contact information of all persons or entities that performed a route analysis at any time
- b. The education, training, and experience of each such person or entity
- c. The total number of route analyses conducted for this pipeline
- d. The total number of route analyses conducted for sections of the pipeline any part of which is located within 50 miles of the City of Bismarck
- e. The assumptions and other information SCS provided to the persons or entities that performed each such route analysis
- f. The date(s) each such route analysis was conducted
- g. The legal description or other identifiable location of the portion or portions of pipeline analyzed in each such route analysis
- h. The methodology utilized for each such route analysis
- i. The findings and conclusions of each such route analysis, as such findings and conclusions relate to negative consequences to or adverse impacts on human life, health and safety, and environmental health and safety.

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**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

**SUBPOENA TO APPEAR FOR A DEPOSITION OF  
SCS CARBON TRANSPORT LLC**

**TO:** SCS Carbon Transport LLC, and its attorney Lawrence Bender, Fredrikson & Byron  
P.A., 1133 College Drive, Suite 1000, Bismarck, ND 58501-1215

**PLEASE TAKE NOTICE** that pursuant to Rule 30(b)(6) of the North Dakota Rules of Civil Procedure, and other applicable law or rule, SCS Transport LLC shall designate a witness or witnesses to attend a deposition on Thursday, June 22, 2023 at 9:00 a.m. Central Time, or such other time and date as is mutually agreeable, for the purposes of discovery and/or as evidence in this action. Said deposition shall be taken at the offices of Bakke Grinolds Wiederholt, 300 West Century Avenue, Bismarck, ND 58503. The deposition will be before a notary public, or some officer authorized to administer oaths and will be recorded by stenographic means and will be video recorded.

Pursuant to N.D. R. Civ. P. 30(b)(6), SCS Transport LLC is required to designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on its behalf, to appear and attend at the time and place specified above for the purpose of testifying to the following areas of inquiry in accordance with this Notice as set forth in the attached *Exhibit A*.

Dated this \_\_\_\_ day of June, 2023.

By: \_\_\_\_\_  
Hope L. Hogan  
Administrative Law Judge  
Office of Administrative Hearings  
2911 N 14th Street, Suite 303  
Bismarck, ND 58503  
(701) 328-3200  
[hlhogan@nd.gov](mailto:hlhogan@nd.gov)

## **EXHIBIT A**

### **Investors and Members in Summit Carbon Solutions<sup>1</sup>**

1. The governing documents<sup>2</sup> of Summit Carbon Solutions, LLC
2. The governing documents<sup>3</sup> of SCS Carbon Transport LLC
3. The governing documents<sup>4</sup> of SCS Carbon Removal LLC
4. The governing documents<sup>5</sup> of SCS Permanent Carbon Storage LLC
5. The members and investors (collectively, “investors”) and the respective investments in and ownership share in each of the foregoing SCS entities, including but not limited to:
  - a. The name and contact information of each investor, whether a natural or corporate person or other entity, and the identity of the SCS entity each such person or entity is invested in
  - b. The place of residence or domicile of each such investor
  - c. The nationality, nation of residence, or nation of domicile of each such investor
  - d. The amount invested by each such investor, including the dollars or other consideration paid or invested, and including any amounts or consideration promised but not paid to date
  - e. The date(s) of each such investment or promise to invest in SCS
  - f. The percentage ownership in each SCS entity held by each such investor
  - g. The formula, calculation method, or other agreement setting forth the amount and timing of past or future payments, consideration, compensation, or other remuneration to each investor arising out of the operation of the pipeline and the source of and/or entity making any such payments<sup>6</sup>
  - h. The formula, calculation method, or other agreement setting forth the amount and timing of future payments, consideration, compensation, or other remuneration to each investor should the pipeline be constructed and is in operation
6. SCS’s due diligence or other processes or protocols in place to ensure no foreign adversary or foreign government is allowed to invest in and/or take a member share in SCS that includes real property ownership in North Dakota

---

<sup>1</sup> The companies identified in request numbers 1 – 4 are referred to collectively as “SCS”.

<sup>2</sup> The term “governing documents” includes but is not limited to any and all articles of organization, bylaws, operating agreements, member agreements, member management agreements, member distribution agreements, member ownership agreements, affiliate agreements, memoranda of understanding, minutes, addenda, exhibits, schedules, and other like and similar company documents and records of SCS.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

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<sup>6</sup> The term “pipeline” means the “Summit Carbon Solutions Midwest Carbon Express” pipeline at issue in these proceedings.

**Payment for Utilization of Pipeline and Permanent Storage; Liability & Indemnity**

7. The federal or state tax program, statute, regulation, or other like or similar program, incentive, or credit SCS anticipates applying for, taking advantage of, or requesting for the operation of the pipeline and/or “permanent storage” of carbon dioxide
8. The rates or other consideration payable<sup>7</sup> by ethanol plants, utilities, other industry, political subdivisions, and/or states to utilize, rent, or purchase pipeline space and/or to reserve the rights to utilize, rent, or purchase pipeline space
9. The rates or other consideration payable by SCS to any ethanol plant, utilities, other industry, political subdivision, and/or state to utilize, rent, or purchase pipeline space and/or to reserve the rights to utilize, rent, or purchase pipeline space
10. The names, contact information of each such utilizer of pipeline space, the amounts paid to SCS to date by each utilizer of pipeline space, and any amounts paid to SCS to date for any reservation of the right for utilization of the pipeline in the future
11. The duration of SCS’s liability for the pipeline in North Dakota
12. Any defense and indemnity or similar hold-harmless agreement requiring any person, entity, political subdivision or state to assume liability or responsibility for the pipeline, abandonment of the pipeline, damages due to failures or leaks in the pipeline, or cessation of use of the pipeline for any reason
13. The identities of all ethanol plants or other industry that has signed on with SCS to utilize the pipeline, including but not limited to the following information:
  - a. The name, address, and contact information of the person or entity that owns each such ethanol plant or other industry
  - b. The date each such person or entity signed on with SCS
  - c. The terms of each such entity’s agreement with SCS, including but not limited to payment and consideration and the term or duration of the agreement
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**Plume Studies<sup>8</sup>**

15. Any and all plume studies conducted by or on behalf of SCS, including but not limited to the following kinds of information:
  - a. The name, address, and contact information of all persons or entities that performed a plume study at any time
  - b. The education, training, and experience of each such person or entity

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<sup>7</sup> As used herein “payable” means the future obligation SCS anticipates it or others will have if the pipeline is approved in these proceedings, is constructed and is in operation.

<sup>8</sup> The term “plume study” includes dispersion modeling as that term has been used by Summit Carbon in public hearings and in its briefing before the Commission in these proceedings.

- c. The total number of plume studies conducted for this pipeline
- d. The total number of plume studies conducted for sections of the pipeline any part of which is located in North Dakota or any other states
- e. The assumptions and other information SCS provided to the persons or entities that performed each such plume study
- f. The date(s) each such plume study was conducted
- g. The legal description or other identifiable location of the portion or portions of pipeline analyzed in each such plume study
- h. The methodology utilized for each such plume study
- i. The findings and conclusions of each such plume study, as such findings and conclusions relate to negative consequences to or adverse impacts on human life, health and safety
- j. Any video, slides, photographs or media in relation to any plume study

### **Bismarck Route Analysis**

16. Any and all route analyses conducted by or on behalf of SCS, including but not limited to the following kinds of information:

- a. The name, address, and contact information of all persons or entities that performed a route analysis at any time
- b. The education, training, and experience of each such person or entity
- c. The total number of route analyses conducted for this pipeline
- d. The total number of route analyses conducted for sections of the pipeline any part of which is located within 50 miles of the City of Bismarck
- e. The assumptions and other information SCS provided to the persons or entities that performed each such route analysis
- f. The date(s) each such route analysis was conducted
- g. The legal description or other identifiable location of the portion or portions of pipeline analyzed in each such route analysis
- h. The methodology utilized for each such route analysis
- i. The findings and conclusions of each such route analysis, as such findings and conclusions relate to negative consequences to or adverse impacts on human life, health and safety, and environmental health and safety.

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**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

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the following documents:

1. *Intervenor Warford's Motion for Issuance of Hearing Subpoena and Request for Expedited Decision;*
2. *Hearing Subpoena of SCS Carbon Transport LLC;*
3. *Subpoena to Appear for a Deposition of SCS Carbon Transport LLC; and*
4. *Certificate of Service.*

were on June 1, 2023, filed with the North Dakota Public Service Commission and served electronically to the following:

Hope L. Hogan  
[hlhogan@nd.gov](mailto:hlhogan@nd.gov)

John Schuh  
[jschuh@nd.gov](mailto:jschuh@nd.gov)

Lawrence Bender  
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