



**KNOLL LEIBEL** <sup>LLP</sup>  
ATTORNEYS AT LAW

June 1, 2023

VIA U.S. & E-MAIL ONLY: [ndpsc@nd.gov](mailto: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 documents:

1. April 8, 2023 Letter to Public Service Commission from Diann Zajac;
2. May 19, 2023 Letter to Public Service Commission from Diann Zajac; and
3. Declaration of Service.

This letter is being filed with the North Dakota Public Service Commission (hereinafter "NDPSC") on behalf and at the request of Diann Zajac. Diann has a direct and substantial interest in these proceedings, as well as legal property rights which may be substantially affected by NDPCS' findings and conclusions.

Sincerely,

KNOLL LEIBEL LLP

Steven J. Leibel  
[steve@bismarck-attorneys.com](mailto:steve@bismarck-attorneys.com)

SJL: rmo

Enclosures

**296 PU-22-391** Filed: 6/1/2023 Pages: 6  
**April 8 and May 19 Letters from Diann Zajac**

Knoll Leibel, LLP, on behalf of affected party Diann Zajac  
Steven J. Leibel

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**Steven J. Leibel, Partner**

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April 8, 2023

Public Service Committee:

I am speaking on behalf of myself regarding the land that for years has been called Gully's with the 2 legal description of SW Cor. Sec 4, T131N, R51W and S1/4 Cor. Sec 4, T131N, R51N and The South Half of the Northwest Quarter (S1/2NW@1/4) of section Four(4) township one Hundred Thirty-One \*(131) Range fifty-One (51).

This land is very personal to me, at age 5 thru age 16 every Spring and Fall I picked up rocks with parents and 2 brothers. Rational for this was the freezing temperatures assist the rocks to rise to the surface and if caught in the planter or combine would result in costly repairs. Up at 5am, do chores, pack lunch and water and pack into the car to pick up rocks. You can see the rocks today on the hillside southeast corner of the land. Repeated until the whole 180 acres was walked not once but twice before plowing, disking, dragging, and planting.

Also, the Southeast corner has 34 acres of tiling. The tiles were placed in an agreement with the soil conservation wet land in exchanged to relocated the wet land further east on the property. Tiling is expensive, cutting the tiles would take 2 to 3 year to come back to the full draining. During that time the renters expect a reduction in the rent. A loss in rent.

The most personal reason is, I was willing to give up my life for this land. I was 15 years old when I graduated high school (birthday is in August). My dad wanted a nurse in the family so the Monday after graduation I was in classes at the State School of Science LPN program in Wahpeton, North Dakota. While attending classes on Main Street one afternoon my brother pulled up and said he was going to enlist. His rationale was that he was tired of every weekend cleaning the hog barn and that dad was not doing anything. I reminded him that who does the grinding of the feed for the pigs, who gets corn in the trailer so we did not have carry 5 gallon buckets of corn to the middle of the cattle pen, who cleans the grain and bags it for the spring, who takes the livestock to market etc. etc. He would not listen. After school I walked down to the Recruiting Office and asked if he had come in. The recruiter confirmed that he came in. He said he told my brother that his attitude would get him killed and told him to think about it. I went back to the dorms and called my father and explain to him what my brother and the recruiter said. Dad said this was to be just between him and me and I agreed. The next day I was called out of class by my dad who had written a letter to the Recruitment Office offering me to enlist rather than my brother. He asked if I would be willing and I said yes. That afternoon I was called out of class again, this time it was the recruiter. He wanted to know if I agreed with my father's letter and why. I told him without my older brother my parent's would more than likely have to sell the farm and what would they do? All they knew was farming. He looked at me and I told him under 2 conditions. They were that I finish my LPN program since I paid for it from the premiums from my ribbon money for 8 years in 4-H and capturing gophers and getting 25 cent per tail. The second condition was that I did not enlist until I pass the nursing broads for my LPN. He agreed. Passed my broad exam and received my LPN license and went down to the Recruiting Office and told the recruiter that I was ready to enlist. He stated that he buried everything so deep no would fine. First time I have shared this life event with anyone.



There are many unanswered questions from Summit CO2: Why does the farmer have to take liability if the pipeline leaks? How much CO2 are they going to store in the caverns? To much, that it could expand in the freezing temperatures and exploded? What are they doing to prevent the pipelines from leaking? Safety valves? Single pipe or triple? What is to prevent moisture from getting to the CO2? 100% CO2 with water / moisture would make a very strong Carbonic acid killing a person in 3 minutes as well as rendering the useless. How are going to go through rock? Why is it insurance companies do not want to insure the land which has the CO2 pipeline on it? Why did Summit sell 10% of the company to Taiwan and China? Are these people going to have positions in running the company?

North Dakota is an Agricultural State. Why are the powers that be not supporting the farmers? Farmers are the best conservationist of the land. The land is their lively hood.

I do not support SUMMIT CO2 becoming a Public Service Agency. Please Support the Farmers . Thank you.

Sincerely ,

Diann L. Zajac

*Diann L. Zajac 5/20/15*

May 19 2023

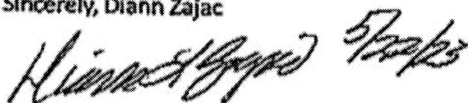
Public Service Commission,

I am writing in opposition of SCS Carbon Transport LLC operating in North Dakota . The following is my experience with them.

1. I attended for first meeting at the Fire Department in Manatdor , North Dakota August of 2021 where the presenter gave an overview of the project and was very vague in his responses to questions. Other farmers brought up the problems they had with the gas pipeline: soil dug up for pipe placement was not replaced fully, clay was mixed with top soil, pipeline keeps raising to the surface due to the frost and has to be pushed down every spring prior to planting and tearing up the field with the equipment. I BELIEVE THIS COMMITTEE NEEDS TO SPEAK TO THE LAND OWNERS WHO HAVE THE GAS PIPELINE ON THEIR PROPERTY. The presenter kept calling the pipeline a common carrier and when I questioned him on it and the use of eminent domain he would not respond. Several farmers stated that they had called the governor and he told them plainly no eminent domain which the governor did say this in a public speech that was recorded.
2. This company has called me 13 times. If you tell them no your name only goes on another list for someone else to call you. I responded 3 times in writing that I was not interested in the project being on my land. They are careless in their research. They sent me letters with my dad's name (my father died in 2004), they served my brother even though the land was in my trust, they were negotiating with my sister to convince me to go along with the project and even asked her to switch quarters with me. Mr. Jorde has a copy of their interactions on email. HOW CAN ONE WORK WITH OR TRUST A COMPANY WHO ALLOLWS THIS TYPE OF DEALING.
3. Presently, Summit only wants to pay by the linear feet for their easement rather than a square foot since they are requesting a 99 year lease for a 50 foot wide easement. With that payment the landowner has to take full liability for the pipeline, yet we have never received any communication as to safety of the pipeline, or how full they are going to fill the caverns. Liquid CO2 freezes at -71 degrees Fahrenheit. This winter the area of storage had -161 degrees. Science tells us that small cracks or holes will freeze faster, quicker than large areas. Freezing like ice cube, expand, rupture or explode. This explosion can cause leaks from rock formation cracks that would not be noticed for weeks and worse devastations. WHY SHOULD THE FARMERS HAVE TO CARRY THE LIABILITY? HOW FREQUENTLY ARE THEY GOING TO THE PIPELINE RATHER THAN JUST LOOK AT A GAUGE? It is Summit's project, they are getting all the profits they should be shouldering the liability. Remember if one does not want to take responsibility, how much faith do they have in their own business? Or is it all about profit for their private investors at the expense of Dakotans? Who will be cleaning up after a leak or explosion? The State?

In closing, farmers are North Dakota's best asset. They respect the land and care for the land with pride.

Sincerely, Diann Zajac





**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

**DECLARATION OF SERVICE**

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

1. **April 8, 2023 Letter to Public Service Commission from Diann Zajac;**
2. **May 19, 2023 Letter to Public Service Commission from Diann Zajac; and**
3. **Declaration of Service.**

[2] On June 1, 2023, 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  
Special Assistant Attorney General  
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[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

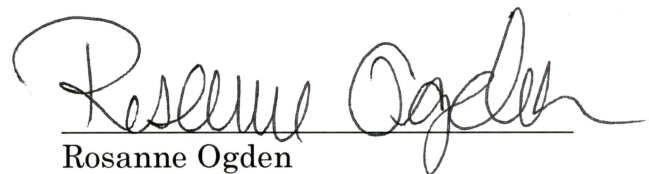
600 E Boulevard Ave, Dept 408

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 1st day of June 2023 at Bismarck, North Dakota.



Rosanne Ogden