

NORTH  
**Dakota** | Administrative Hearings  
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June 6, 2023

John Schuh  
General Counsel  
Public Service Commission  
600 East Boulevard Avenue – Dept. 408  
Bismarck, ND 58505-0480

RE: SCS Carbon Transport LLC / PU-22-391  
Midwest Carbon Express CO2 Pipeline Project Siting Application  
June 2, 2023 hearing – Bismarck  
OAH File No. 20230002

Dear Mr. Schuh:

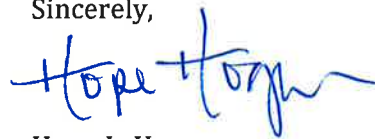
Enclosed please find the following documents which were received at the third SCS Carbon Transport LLC hearing held in Bismarck, North Dakota on June 2, 2023:

1. Audio recording of May 12, 2023 prehearing conference;
2. Attendance sheets (8 pages);
3. Witness list; and
4. Updated exhibit list.

The audio recordings of the hearing were provided to Mr. Hamre on June 5, 2023 for posting on the Commission's docket.

Thank you.

Sincerely,



Hope L. Hogan  
Administrative Law Judge

303 PU-22-391 Filed 06/06/2023 Pages: 19

Enclosures Letter enclosing prehearing conference audio, attendance sheets, witness list and updated exhibit list  
Hope Hogan, ALJ - Office of Administrative Hearings

cc: Zachary Pelham, counsel for PSC (via email)  
Lawrence Bender, counsel for SCS Carbon Transport, LLC (via email)  
Randall Bakke, counsel for Intervenor John Warford (via email)  
Steven Leibel, counsel for Intervenor (via email)  
Brian Jorde, counsel for Intervenor (via email)  
Kevin Pranis, LiUNA Minnesota & North Dakota (via email)

Timothy J. Dawson DIRECTOR

2911 North 14th Street - Suite 303 | Bismarck, North Dakota 58503

PHONE 701-328-3200 | FAX 701-328-3254 | oah@nd.gov | nd.gov/oah

FORMAL HEARING  
JUNE 2, 2023 8:30 A.M  
BISMARCK HERITAGE CENTER  
PU-22-391  
SCS CARBON TRANSPORT, LLC  
MIDWEST CARBON EXPRESS CO2 PIPELINE PROJECT

Name	Address	Testify?
Andrew Struman	114 E Ave E	N
Rose Dotzenrod	7390 Hwy 18, Wyndmere, ND	
Shannon Newmeyer	Minnesota	?
DAN DOTZENROD	7390 Hwy. 18, Wyndmere, ND	No
Linda Lynn Mathum	928 N 32 <sup>nd</sup> St Bis ND	Yes
Carl Heland	11605 Edgewood Dr Bis.	Yes
MARCOLE LEPP	501 ASPEN AVE Bismarck	YES
Terol Gohrick	10619 27 <sup>th</sup> St. NW McGregor N.D. 58135	Yes
Kevin Frederick	12950 2nd Ave SE Menoken N.DAK 58558	NO
KENNETH J. LINK	613 4 <sup>th</sup> ST. N.E. HAZEN ND	NO
Beverly Everett	3033 Greenwood Dr, Bis ND 58503	NO
Gaylynn Becker	4608 Chamberlain Pl, Bismarck, ND 58503	Yes but can't today I did March 14
Kevin Schieve	11101 5 <sup>th</sup> Ave NE Menoken ND 58558	Yes
Kathy Walton	5117 142 <sup>nd</sup> Ave NW, Williston	no
Laura Mastel	4904 Cornice Dr. Bismarck	no
Joe Mastel	4904 Cornice Dr Bismarck also landowner Burleigh	no
Arlene Meiszel	307 Marquette Dr. Bismarck, ND 58504	No
Patricia Leno	2219 E. Blvd. Avenue Bismarck, ND	Possible - if doesn't repeat others
Taron Heitkamp	16045 93rd St SE Wyndmere ND 58081	N

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Name	Address	Testify?
<del>Stedler</del> Steidler	Bismarck	NO
Dremer	Bismarck	NO
Haugen	McLeod	No
Farnes	Bismarck	no
Charles Lucy	Bismarck	No
Pat Andanc	Bismarck	
Shawn Kavajeez	Superior, WI	Yes?
Josh Schultz	Superior, WI	Yes
Michael L. Haupt	Bismarck ND	No
BONNIE L HAUPT	BISMARCK, ND	No
Maileyn Byer	Bismarck ND	yes
Robert Klusman	Bismarck	yes
Con Klusman	Bismarck	yes
Rachelle Herbel	BISMARCK, ND	yes
Jenna Yarlott	Peoria AZ	yes
She Hillerson	Bismarck ND	No
MITCH FLANAGAN	BISMARCK ND	YES
Meredith Gross	Bismarck ND	No
Joe Gross	Bismarck	yes

yes

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Name	Address	Testify?
Bob Fenz	Bismarck	NO
Curtis Jandt	Bismarck (NE Burleigh Co)	NO
Michelle Jandt	Bismarck	YES
KARL RAKOW	Bismarck (NE Towner)	yes
Katherine Hennum	Bismarck	No
Tim Kellar	Bismarck	Yes if possible
WAYNE MARTINESON	Bis	no
Karen Martineson	Bismarck	No
Jerol Gohrick	Mc Gayer	Yes
Morgan Brings Plenty	Eagle Butte SD	no
Bob Miller	Bismarck N.D	NO
Derek Tennyson	Minot ND	NO
BRIAN SHABO	TIOGA	No
Nicole Skabo	Tioga ND	No
Kristal Tennyson	Minot, <del>ND</del> ND	No
CHUCK STEWART	Tioga ND	NO
Fran Stewart	Tioga ND	No
Diane Chepulio	Bismarck, ND	NO
Barbara Koch	Bismarck, ND	No



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Name	Address	Testify?
Don Koch	Bismarck	No
Rick Schimke	Bismarck	NO
Rabin Schimke	Bismarck	NO
Jordan Berakugen	Bismarck	NO
LEE HUSFLOEN	CENTER	NO
Elmer Heupel	New Leipzig 11	NO
Manella Kramer	Bu	No
Gail Carlson	Shyenne + Wilton	No
Allan Stanek	Bismarck	No
Deb Stanek	Bismarck	NO
Valua Hagen	Cogswell	No
LARRY HOGE	BISMARCK	No
Donna Fricke	Bismarck	No
Nadeano Silbermager	Bismarck	No
Aiton NITSENKE	BISMARCK	yes
Marty Beano		already did
Tanya Long	Bismarck	NO
Jamie Sorensen	Bismarck	No
Bill Thomas	Williston	NO

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Name	Address	Testify?
Susan Doppler	5412 Superior Dr, Bismarck ND	Yes
Pam Schenck	825 n. 1st Bismarck, ND	no
Sidney Bailey	Box 79 Fort Yates ND	No
John Pretty Bear	Standing Rock Sioux Tribe	no
Bea Streifel	Bismarck ND 58503	
Shari Neigum	1219 N 15th St Bis ND 58501	NO
AW Rode	Bis	?
Andrew Alexis Varvel	2630 Commons Avenue Bismarck, ND 58503	YES
Kirk Maize	5851 28th st SW Beulah	NO
Kathy Housh Twesten	9521 41st ST NE Bismarck	NO
Bernice Thomas	1006 3rd St. NE Mandan	No against permit

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Name	Address	Testify?
Sidney Bailey	Box 79 Fort Yates, ND	

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[illegible]



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SCS CARBON TRANSPORT, LLC  
MIDWEST CARBON EXPRESS CO2 PIPELINE PROJECT

Name	Address	Testify?
Aue Huntington	811 4th St SW, Mandan	no

WITNESS LIST			
Matter	SCS Carbon Transport LLC Siting Application		PSC Case No. PU-22-391 OAH File NO. 20230002
Hearing	June 2, 2023 (Bismarck)		
	Name	Representation	Address
1	Martin Lepp		
2	Lianne Rockstad		
3	Michelle Jundt		
4	Linda Hagen Mathern		
5	Clint Feland		
6	Lucas Franco	LIUNA	
7	Marilyn Bryan		
8	Roberta Klusmann		
9	Teresa Yarlott		
10	Lon Klusmann		
11	Josh Schultz	Precision Drilling	
12	Shaun Kavajecz	Precision Drilling	
13	Joe Hillerson	Bis-Man Homebuilders Ass.	
14	Scott Skokos	Dakota Resource Council	
15	MaryJo Irmien		
16	Susan Doppler		
17	Connie Erickson		
18	Rachelle Herbel		
19	Tyler Iron Eyes	Standing Rock Tribe	
20	Brian Bitner		

21	Chad Wachter		
22	Karl Rakow		
23	Alton Nitshke		
24	SuAnn Olson		
25	Jackie Andahl		
26	John Lee		
27	Danielle Buckingham		
28	Andrew Varvel		
29	Jeff Magrum		
30	Barbara Koch		
31	Justin Buckingham		
32	John Warford Jr.		
33	Chad Moldenhauer		

# EXHIBIT LIST

Matter	SCS Carbon Transport LLC Siting Application			PSC Case No. PU-22-391 OAH File No. 20230002			
Hearing	March 14, 2023 March 28, 2023 April 11, 2023 May 9, 2023 June 2, 2023			SCS – SCS Carbon Transport LLC JW – John H. Warford, as Trustee, et. al. (Intervenors) SPLJ – SPLJ, LLP, et. al. (Intervenor) BD – Benjamin Dotzenrod LiUNA – Laborers District Council of MN and ND RD – Rose Dotzenrod JT – James Tiegs LS – Loren Staroba KB – Kevin & Ann Bernhardt SL – Steve Laine LG – Linda Gayman MB – Marilyn Bryan RK – Roberta Klusmann LK – Lon Klusmann SD – Susan Doppler RH – Rachelle Herbel			
No.	Description	Mkd	Idd	Ofd	W/D	Adm	Note
1	Application dated 10/17/22 (including appendixes 1-13)	X		SCS		X	
2	Certification Relating to Order Provisions Transmission Facility Siting, J. Powell (dated 03/13/23)	X		SCS		X	
3	SCS Right of Way progress chart	X		SCS		X	
4	SCS Right of Way progress chart 03/27/23	X		SCS		X	
5	Drain Tile FAQs	X		SCS		X	
6	Map (Promontory Point Park)	X		SCS		X	
W100	E. Schovanec letter to J. Warford dated 09/13/21	X		JW		X	
W101	J. Dimeo letter to J. Warford dated 04/02/22	X		JW		X	



W102	Application dated 10/17/22 (without appendixes)	X		JW		X	
W103	Application for Waiver/Reduction of Procedures dated 10/17/22	X		JW		X	
W104	Burleigh Cty Health Statement	X		JW		X	
W105	Notice of Filing and Public Hearings dated 02/01/23	X		JW		X	
W106	NDSPLS letter dated 02/11/23	X		JW		X	
W107	Emmons Cty Ordinance No. 23-01-01 approved 02/07/23	X		JW		X	
W108	J. Skaare letter dated 02/23/23	X		JW		X	
W109	R. Bakke email dated 02/24/23	X		JW		X	
W110	D. Harvey letter filed with Iowa Utilities Bd 02/28/23	X		JW		X	
W111	D. Zegert article: The Gassing of Sartaria, dated 08/26/21	X		JW		X	
W112	ND SHPO letter dated 03/01/23	X		JW		X	
W113	ND Geological Survey letter dated 03/03/23	X		JW		X	
W114	Burleigh Cty proposed ordinance – Hazardous liquid pipeline	X		JW		X	
W115	D. Theurer email dated 03/06/23	X		JW		X	
W115a	J. Boespflug email dated 03/02/23	X		JW		X	
W116	Former Mayors of Bismarck letter dated 03/06/23	X		JW		X	
W117	Order Granting Petition for Intervention - SPLJ, LLP, et al., dated 03/06/23	X		JW		X	
W118	Order Granting Petition for Intervention - Warford dated 03/06/23	X		JW		X	

W119	Bd. of County Commissioners – Dickey Cty. letter 0dated 03/07/23	X		JW		X	
W120	J. Skaare letter dated 03/08/23	X		JW		X	
W121	Burleigh Cty. proposed ordinance – land use for hazardous liquid pipeline	X		JW		X	
W122	C. Wachter letter	X		JW		X	
W123	CO2 Pipelines are Safe advertisement	X		JW		X	
W127	Burleigh County Meeting minutes 05/2/22	X		JW		X	
W128	Burleigh County Meeting minutes 06/6/22	X		JW		X	
W129	Burleigh County Commission Meeting Minutes dated August 1, 2022	X		JW		X	
W130	Burleigh County Meeting minutes 9/7/22	X		JW		X	
W131	Burleigh County Meeting minutes 01/4/23	X		JW		X	
W132	Burleigh County Meeting minutes 01/18/23	X		JW		X	
W134	SCS project overview map	X		JW		X	
W135	SCS 38.86 miles pipeline map	X		JW		X	
W136	SCS 338.98 miles pipeline map	X		JW		X	
W137	Burleigh Cty. Pipeline route as of 05/31/22 map	X		JW		X	
W138	Heritage reserve subdivision map	X		JW		X	
W139	Burleigh Cty. Pipeline route as of 05/31/22 map w/notations	X		JW		X	
W140	SCS aerial map w/notations	X		JW		X	

W141	Burleigh Cty. Proposed and existing pipeline map	X		JW		X	
W142	Warford land ownership map	X		JW		X	
W143	Warford land and pipeline route map	X		JW			
W144	SCS map – Aberdeen and Sioux Falls, SD	X		JW		X	
W145	Burleigh County Land Use Plan 2015	X		JW		X	
W146	DGC – Living & working Near CO2 & SNG pipelines pamphlet	X		JW		X	
W147	PHMSA announcement dated 05/26/22	X		JW		X	
W148	Congressional Research Service report 06/03/22	X		JW		X	
W149	Pipeline Safety Trust news release dated 03/30/22	X		JW		X	
W150	Pipeline Safety Trust – CO2 pipelines article dated 03/30/22	X		JW		X	
W151	Pipeline Safety Trust – regulatory and knowledge gaps article	X		JW		X	
W152	Accufacts Inc. article dated 03/23/22	X		JW		X	
W153	CBC article dated 01/11/2011	X		JW		X	
W154	Global Energy Monitor Wiki article	X		JW		X	
W155	PHMSA accident investigation report dated 05/26/22	X		JW		X	
W156	Memorandum of Surface Easement agreement – Andahl, SCS	X		JW		X	
W157	Easement agreement – Richter, SCS dated 12/23/22	X		JW		X	
W158	Easement agreement – Richter, SCS	X		JW		X	

	dated 06/21/22						
W159	Linde, Safety advice. Carbon Dioxide article	X		JW		X	
W160	Norway Pipeline Plume testing video (zip drive)	X		JW		X	
W161	Photograph of SCBA gear and pricing	X		JW		X	
W162	Summit – Frost Heave Study dated 04/17/23	X		JW		X	
W163	Bakke email dated 04/03/23	X		JW		X	
W164	Summit – Investor list	X		JW		X	
W165	Summit – information handout	X		JW		X	
W166	Grain Handling Safety Coalition – effects of H2S effect time	X		JW		X	
W167	Together 2045 - Bismarck Comprehensive Plan	X		JW		X	
W168	CO2Meter.com – CO2 Gas concentration defined	X		JW		X	
W169	Summit carbon facts from summitcarbonfacts.com	X		JW		X	
W170	Denbury Consent agreement with PHMSA signed 03/23/23	X		JW		X	
W171	Pipeline Safety Trust new release	X		JW		X	
W172	Gerald Briggs Resume	X		JW		X	
W173	Farmers Union insurance letter (Brad Nold)	X		JW		X	
W174	State Farm insurance letter	X		JW		X	
W175	Locations and Types of Reporters map	X		JW		X	
W176	California bill CA SB905	X		JW		X	



W177	Google earth map -Sartaria, MS	X		JW		X	
W178	Google earth map -Sartaria, MS plume (5 pages)	X		JW		X	
W179	Godfrey direct testimony before the South Dakota PUC	X		JW		X	
W180	Silk Road Fund Participates article 08/02/21	X		JW		X	
W181	House Bill 1135	X		JW		X	
W182	Senate Bill 2371	X		JW		X	
W183	Bis-Man Home Builder's Ass. Resolution 05/02/23	X		JW		X	
W184	City of Bismarck Resolution dated 05/09/23	X		JW		X	
W185	Bismarck Public Schools resolution dated 05/22/23	X		JW		X	
W186	Burleigh County Zoning Ordinance adopted 04/17/23	X		JW		X	
W187	SCS letter to Warford dated 05/23/23	X		JW		X	
W188	Warford response to SCS dated 05/30/23	X		JW		X	
W189	SCS right of way progress 05/12/23	X		JW		X	
W190	Advisory petition of citizens of Burleigh County	X		JW		X	
W191	Burleigh County growth map	X		JW		X	
W192	Boeshans email dated 01/04/23	X		JW		X	
W193	Warford land map	X		JW		X	
W194	Silver Ranch division map	X		JW		X	
W195	Heritage Ridge subdivision map	X		JW		X	

W196	Heritage Ridge with The Rand subdivision map	X		JW		X	
W197	Heritage Ridge subdivision lot map	X		JW		X	
W198	Google Earth map with ETA, pipeline	X		JW		X	
W199	Aerial photo of Heritage Reserve	X		JW		X	
PT1	03/13/23 public testimony handouts	X				X	
PT2	04/11/23 public testimony handouts	X				X	
PT 3	05/09/23 public testimony handouts	X				X	
PT4	06/02/23 public testimony handouts	X				X	
BD1	Written statement, maps, and NRCS survey	X		BD		X	
BD2	Schovanec email dated 1/28/22	X		BD		X	
BD3	Bray letter dated 01/20/22	X		BD		X	
BD4	Photograph	X		BD		X	SCS objection – 5 photos offered, only 1 photo admitted
BD5	Dotzenrod Easement Agreement	X		BD		X	
BD6	Reuters Article	X		BD	W		SCS objection
PSC1	Irrigation/Drainage/Water Quality, Thomas Scherer	X		PSC		X	
L1	Northstar Policy Action Report	X		LIUNA		X	
L2	FERC Resource Report 5 – Double E Pipeline, LLC	X		LIUNA		X	
RD1	R. Dotzenrod materials	X		RD		X	SCS objection – Brehm article not admitted
JT1	Photograph	X		JT		X	
LS1	Staroba materials	X		LS		X	

KB1	Maps (2 pages)	X		KB		X	
KB2	Tax statement	X		KB		X	
SL1	Steve & Pam Laine Family Trust, SCS pipeline easement handout	X		SL		X	
SL2	Carbon Dioxide (CO2) Pipeline Safety, 49 CFR Part 195 handout	X		SL		X	
LG1	Maps (3 pages)	X		LG		X	
MB1	Map	X		MB		X	
MB2	Northern State Ins. letter 04/10/23	X		MB		X	
RK1	Photograph pamphlet 06/02/23	X		RK		X	
LK1	Property development info.	X		LK		X	
SD1	Map	X		SD		X	
SD2	State Farm Ins. Letter 05/18/23	X		SD		X	
RH1	Map	X		RH		X	