



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

June 13, 2023

VIA U.S. MAIL & 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. Joinder to Intervenor Warford's Petition for Reconsideration Requesting ALJ to Compel Summit Carbon to Produce Written Discovery and to Attend Rule 30(B)(6) Deposition and Request Expedited Decision;
2. Declaration of Service.

This Joinder Petition is being filed with the North Dakota Public Service Commission (hereinafter "NDPSC") on behalf and at the request of Intervenor represented by Knoll Leibel LLP. Intervenor has a direct and substantial interest in these proceedings, as well as legal property rights which may be substantially affected by NDPSC's findings and conclusions.

Sincerely,

KNOLL LEIBEL LLP

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

SJL: rmo  
Enclosures

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Steven J. Leibel, Partner

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**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, DICKY,  
EMMONS, LOGAN, MCINTOSH,  
MORTON, OLIVER, RICHLAND AND  
SARGENT COUNTIES, NORTH DAKOTA

Case No. PU-22-391

**JOINDER TO INTERVENOR  
WARFORD'S PETITION FOR  
RECONSIDERATION  
REQUESTING ALJ TO  
COMPEL SUMMIT CARBON TO  
PRODUCE WRITTEN  
DISCOVERY AND TO ATTEND  
RULE 30(B)(6) DEPOSITION  
AND REQUEST FOR  
EXPEDITED DECISION**

Intervenors <sup>1</sup> represented by the undersigned counsel (hereinafter "Intervenors"), hereby join in the Petition for Reconsideration (Doc. 297) filed by Intervenor John H. Warford, Jr. (hereinafter "Warford") requesting ALJ to Compel Summit Carbon to Produce Written Discovery and to Attend Rule 30(B)(6) Deposition and Request for Expedited Decision. Intervenors did not serve formal written discovery in reliance on receiving SCS Carbon Transport LLC's (hereinafter "Summit") answers to Warford's discovery. Intervenors believed they would have the opportunity to cross-examine Summit's witness at the Rule 30(B)(6) deposition.

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<sup>1</sup> See Order Granting Petition for Intervention (Doc. 82, 83, 168, 204) and Amended Order Granting Petition for Intervention (Doc. 159).

Dated this 13th day of June, 2023.



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David Knoll (ID 06167)  
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**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  
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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. **Joinder to Intervenor Warford's Petition for Reconsideration Requesting ALJ to Compel Summit Carbon to Produce Written Discovery and to Attend Rule 30(B)(6) Deposition and Request for Expedited Decision;**
2. **Declaration of Service.**

[2] On June 13, 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  
North Dakota Public Service  
Commission  
600 E. Boulevard Ave, Dept. 408  
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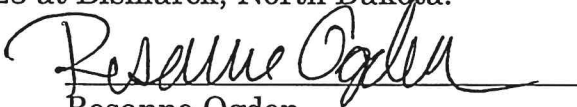
[3] and by sending the originals and seven (7) copies of said documents via U.S. Mail, at Bismarck, North Dakota with postage prepaid, to the following:

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 13th day of June 2023 at Bismarck, North Dakota.

  
Rosanne Ogden