

June 29, 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. Letter regarding Preemption Motion; and
2. Certificate of Service.

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,

/s/Lawrence Bender

LAWRENCE BENDER

LB/cj
Enclosures

June 29, 2023

VIA E-MAIL

Hope L. Hogan
Administrative Law Judge
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, ND 58503

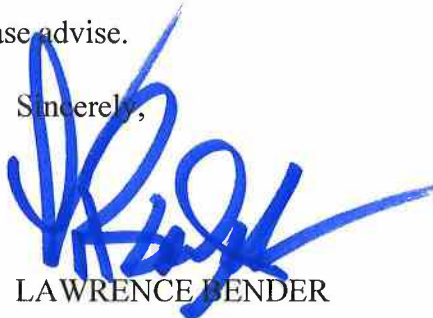
**RE: SCS Carbon Transport LLC
Midwest Carbon Express Project
Case No. PU-22-391
OAH File No. 20230002**

Dear Judge Hogan:

On June 1, 2023, SCS Carbon Transport LLC (“SCS”) filed a motion and supporting brief to declare Emmons County and Burleigh County ordinances superseded and preempted (the “Preemption Motion”). *See* Docket No. 282. SCS supplemented its Preemption Motion on June 14, 2023. *See* Docket No. 338. On June 23, 2023, Mr. Leibel, on behalf of certain landowner intervenors, filed a response to SCS’s Preemption Motion. *See* Docket No. 345. Mr. Bakke, as counsel for intervenors Mr. Warford, Mr. Wachter and Mr. Moldenhauer, has indicated that he will be filing a response to SCS’s Preemption Motion not later than June 30, 2023. Please be advised that SCS, in the interest of judicial economy, intends to file a single reply to each of the intervenor responses not later than ten (10) business days after Mr. Bakke files his response unless otherwise directed by the Commission or the Administrative Law Judge.

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/tjg
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cc: All Parties of Record

**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. Letter regarding Preemption Motion filed June 1, 2023.

were, on June 29, 2023, filed with the North Dakota Public Service Commission and served electronically to the following:

Hope L. Hogan
hlhogan@nd.gov

John Hamre
jghamre@nd.gov

John Schuh
jschuh@nd.gov

Zachary Pelham
zep@pearce-durick.com

Randall J. Bakke
rbakke@bgwattorneys.com

Bradley N. Wiederholt
bwiederholt@bgwattorneys.com

Steven Leibel
steve@bismarck-attorneys.com

David Knoll
david@bismarck-attorneys.com

Brian E. Jorde
bjorde@dominalaw.com

Kevin Pranis
kpranis@liunagroc.com

Dated this 29th day of June, 2023.

FREDRIKSON & BYRON, P.A.

By: /s/Lawrence Bender

Lawrence Bender, ND Bar #03908
1133 College Drive, Suite 1000
Bismarck, ND 58501
lbender@fredlaw.com
(701) 221-8700

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