

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

**ORDER ON BURLEIGH COUNTY'S
PETITION FOR INTERVENTION**

[1] On July 31, 2023, Burleigh County, by and through its Board of County Commissioners, filed a Petition for Intervention in the above referenced case. The Petition indicates intervention is sought to respond to the SCS Carbon Transport LLC's (Summit) Motion to Declare Emmons County and Burleigh County Ordinances Superseded and Preempted. Burleigh County opposes the motion.

[2] On July 31, 2023, via email to the undersigned Administrative Law Judge, Bismarck Intervenors represented by Attorney Randall Bakke indicated no objection to Burleigh County's motion.

[3] On August 1, 2023, the Intervenors collectively represented by Attorneys Steven Leibel and Brian Jorde filed a Response to Burleigh County's motion stating no objection to the motion and that Burleigh County should be allowed to intervene.

[4] No response to Burleigh County's motion was received from Summit, Laborers District Council of Minnesota and North Dakota (LIUNA), or the Public Service Commission (Commission).

[5] On August 4, 2023, the Commission issued its Findings of Fact, Conclusions of Law, and Order in this case. The Commission denied Summit's application. In its order, the Commission

concluded that, “due to this application being denied, the issue of whether the county ordinances are automatically superseded and preempted is moot.” *Order*, p. 11.


[6] Burleigh County sought intervention in this case to address Summit’s motion to preempt local ordinances. The Commission’s order and conclusions on the issue of preemption makes Burleigh County’s request moot.

IT IS HEREBY ORDERED:

[7] The Petition to Intervene filed by Burleigh County is **DENIED** because the issue of preemption has been deemed moot by the Commission.

Dated at Bismarck, North Dakota, this 18 day of August 2023.

State of North Dakota
Public Service Commission

By 

Hope L Hogan
Administrative Law Judge
Office of Administrative Hearings
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Bismarck, North Dakota 58503
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CERTIFICATE OF SERVICE

The undersigned certifies that the original of the **ORDER ON BURLEIGH COUNTY'S PETITION FOR INTERVENTION** was sent by electronic mail and mailed, inside mail, at the State Capitol, on the 18 day of July 2023, to:

John Schuh
Special Assistant Attorney General
North Dakota Public Service Commission
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jschuh@nd.gov

and that true and correct copies of the above document were sent by electronic mail on the 18 day of July 2023, to:

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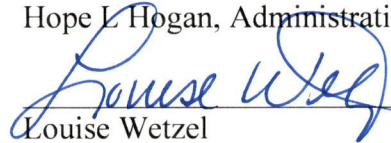
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