

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 LABORERS DISTRICT COUNCIL OF MINNESOTA
AND NORTH DAKOTA'S RENEWED MOTION TO COMPEL DISCOVERY**

[1] On May 1, 2023, Intervenor Laborers District Council of Minnesota and North Dakota (LIUNA) served Applicant SCS Carbon Transport LLC (Summit) with Interrogatories. LIUNA's request contained four interrogatories with one of Summit's proposed construction contractor - Pumpco, Inc. - the subject of the interrogatories. Summit responded to the Interrogatories on May 15, 2023. Summit's response provided no information and only listed multiple objections to the requests for information.

[2] On May 19, 2023, LIUNA filed a motion to compel requesting an order compelling Summit to provide the requested information. On May 26, 2023, Summit filed a response to LIUNA's motion to compel.

[3] On June 1, 2023, the undersigned Administrative Law Judge (ALJ) issued an Order denying the motion to compel. Specifically, the ALJ found that LIUNA failed to certify that a good faith attempt to confer with Summit was made. The ALJ also found LIUNA failed to explain why discovery requests were made so late in the hearing process and how the information is relevant as the Public Service Commission (Commission) has previously found it does not have jurisdiction over contractor selection.

[4] On June 16, 2023, Kevin Pranis, on behalf of LIUNA filed a renewed Motion to Compel Discovery and a Meet and Confer Statement and Certification. On June 22, 2023, Summit filed a Response to the LIUNA's Meet and Confer Statement.

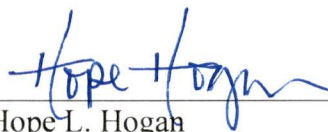
[5] On August 4, 2023, the Commission issued its Findings of Fact, Conclusions of Law, and Order in this case. The Commission denied Summit's application. Specifically regarding LIUNA's assertions "not applicable to the Commission's jurisdiction in siting transmission projects." *Order*, p. 7. Given the Commission's conclusions, the discovery sought by LIUNA is not relevant and the request to compel is moot.

IT IS HEREBY ORDERED:

[6] Intervenor Laborers District Council of Minnesota and North Dakota's Renewed Motion to Compel is **DENIED**.

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

State of North Dakota
Public Service Commission



Hope L. Hogan
Administrative Law Judge
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CERTIFICATE OF SERVICE

The undersigned certifies that the originals of the:

- **ORDER ON LABORERS DISTRICT COUNCIL OF MINNESOTA AND NORTH DAKOTA'S RENEWED MOTION TO COMPEL DISCOVERY; and**
- **ORDER ON INTERVENOR WARFORD'S PETITION FOR RECONSIDERATION REQUESTING ALJ TO COMPEL DISCOVERY**

were sent by electronic mail and mailed, inside mail, at the State Capitol, on the 18 day of August 2023, to:

John Schuh
Special Assistant Attorney General
Public Service Commission
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and that true and correct copies of the above document were sent by electronic mail on the 18 day of August 2023, to:

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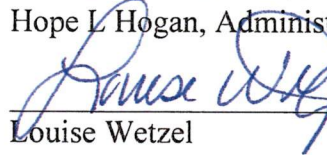
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