

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 INTERVENOR WARFORD'S PETITION FOR
RECONSIDERATION REQUESTING ALJ TO COMPEL DISCOVERY**

[1] On May 3, 2023, Intervenor John H. Warford, Jr. as Trustee of the John H. Warford, Jr. Revocable Trust (Warford) served Applicant SCS Carbon Transport LLC (Summit) with Interrogatories and Request for Production of Documents. Summit responded to the Interrogatories on May 17, 2023. Summit's response provided no information and only listed multiple objections to the requests for information including objections that the requests were untimely, unduly burdensome, and that the requested information was irrelevant or confidential.

[2] On May 16, 2023, Warford served a notice of deposition of Summit pursuant to N.D.R.Civ.P. 30(b)(6).

[3] On May 22, 2023, Warford filed a motion to compel requesting an order compelling Summit to provide the requested information. On May 26, 2023, Summit filed a response to Warford's motion to compel. Summit requests the motion be denied.

[4] On June 1, 2023, the undersigned Administrative Law Judge (ALJ) issued an Order denying the Motion to Compel.

[5] Later on June 1, 2023, Intervenor Warford filed a Petition for Reconsideration. The Petition requests the ALJ issue an order compelling Summit to produce written discovery and to attend the Rule 30(B)(6) deposition. Summit filed a response to the Petition for Reconsideration on June 12, 2023. The Intervenor represented by Attorneys Steven Leibel and Brian Jorde filed a Joinder in the Petition for Reconsideration on June 13, 2023.

[6] 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. Thus, the request for discovery is moot.

IT IS HEREBY ORDERED:

[7] Intervenor Warford's Petition for Reconsideration 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
Office of Administrative Hearings
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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
jschuh@nd.gov

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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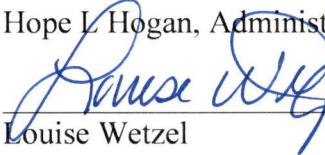
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