



KNOLL LEIBEL ^{LLP}
ATTORNEYS AT LAW

September 12, 2023

VIA U.S. & E-MAIL ONLY: 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. Notice of Additional Evidence; and
2. Declaration of Service.

This Notice is being filed with the North Dakota Public Service Commission (hereinafter "NDPSC") on behalf of the 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

David M. Knoll
david@bismarck-attorneys.com

DMK: rmo

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Notice of Additional Evidence

Enclosures

Knoll Leibel, LLP, on behalf and at the request of Intervenor

David Knoll, Knoll Leibel, LLP

David M. Knoll, 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, DICKEY,
EMMONS, LOGAN, MCINTOSH,
MORTON, OLIVER, RICHLAND AND
SARGENT COUNTIES, NORTH
DAKOTA

Case No. PU-22-391

**NOTICE OF
ADDITIONAL EVIDENCE**

Intervenors represented by the undersigned counsel (hereinafter “Intervenors”), hereby respectfully submit this Notice of Additional Evidence pertaining to SCS Carbon Transport LLC’s *Petition for Reconsideration, Notice of Route Adjustment and Request for Limited Rehearing* dated August 18, 2023.

1. On September 7, 2023, SCS filed a *Reply in Support of Petition for Reconsideration, Notice of Route Adjustment and Request for Limited Hearing*. SCS stated in that reply brief that the basis of its petition for reconsideration is that “the factual situation that existed at the time the

Commission denied Summit's Application has changed and that this change justifies reaching a different conclusion." [Doc. 385], pg. 3.

2. Since the filing of that reply brief, the South Dakota Public Utilities Commission, the equivalent of the North Dakota Public Service Commission, has unanimously rejected SCS's South Dakota application. <https://puc.sd.gov/commission/media/2023/PucHearing09112023.mp3>. SCS presently has no pending application in South Dakota. This fact is relevant to SCS's contention that it would be prejudiced if required to reapply in North Dakota.

Respectfully submitted this 12th day of September, 2023.



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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, DICKEY,
EMMONS, LOGAN, MCINTOSH,
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. Notice of Additional Evidence; and
2. Declaration of Service.**

[2] On September 12, 2023, by sending a true and correct copy thereof by electronic means only to the following email addresses, to wit:

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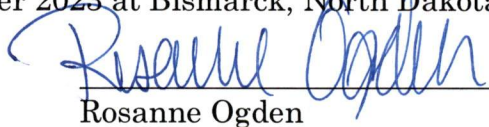
[3] and by sending the originals and seven (7) copies of said documents via U.S. Mail, at Bismarck, North Dakota with postage prepaid, to the following:

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 12th day of September 2023 at Bismarck, North Dakota.


Rosanne Ogden