

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**SCS Carbon Transport LLC
Midwest Carbon Express CO2 Pipeline Project
Siting Application**

Case No. PU-22-391

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

**STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH**

Geralyn S. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **19th day of September 2023**, she deposited in the United States Mail, at Bismarck, North Dakota, **ten** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Order on Petition for Reconsideration with Dissenting Opinion of Commissioner Haugen-Hoffart**

The envelopes were addressed as follows:

**Lawrence Bender
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Bismarck, ND 58501-1215
Cert. No. 7022 3330 0000 1007 9928**

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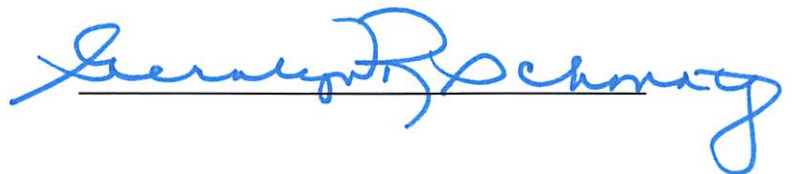
James Curry
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Cert. No. 7022 3330 0000 1007 9997

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Braaten Law Firm
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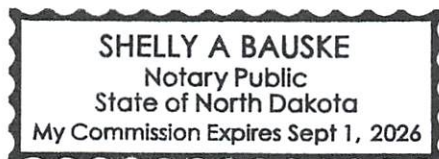
Julie Lawyer
Burleigh County States' Attorney
514 E Thayer Avenue
Bismarck, ND 58501
Cert. No. 7022 3330 0000 7993 4411

The addresses shown are the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **19th day of September 2023**.



SEAL



Notary Public

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**SCS Carbon Transport LLC
Midwest Carbon Express CO2 Pipeline Project
Siting Application**

Case No. PU-22-391

ORDER ON PETITION FOR RECONSIDERATION

September 15, 2023

Preliminary Statement

On October 17, 2022, SCS Carbon Transport LLC (SCS) filed applications for a certificate of corridor compatibility and for a route permit concerning approximately 320 miles of carbon dioxide pipeline ranging from 4.5 to 24-inch diameter and associated facilities in Burleigh, Cass, Dickey, Emmons, Logan, McIntosh, Morton, Oliver, Richland and Sargent Counties, North Dakota (Application).

On August 4, 2023, the Commission issued its Findings of Fact, Conclusions of Law and Order, (Order) denying SCS's Application.

On August 18, 2023, SCS filed a Petition for Reconsideration (Petition).

Discussion

In its Petition, SCS has requested an opportunity to present relevant evidence at a hearing or hearings to demonstrate on the record that it has addressed, or will address, the deficiencies noted in the Commission's August 4, 2023, Order.

In consideration of the North Dakota Administrative Code Section 69-02-01-10, the Commission believes a '...just, speedy, and inexpensive determination of the issues presented' necessitates granting the Petition of SCS.

Order

The Commission Orders SCS Carbon Transport LLC's Petition for Reconsideration is granted. The Commission will determine the procedural schedule and issues to be considered for the rehearing.

PUBLIC SERVICE COMMISSION

dissent

Sheri Haugen-Hoffart
Commissioner

Randy Christmann

Randy Christmann
Chair

Tim Dawson

Timothy J. Dawson
Substitute decisionmaker

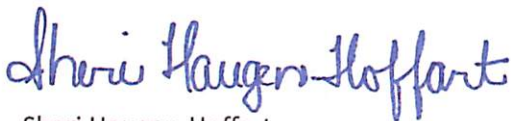
Dissent

In its Petition, SCS requested reconsideration and an opportunity to present evidence and testimony at a limited rehearing to demonstrate that it has addressed the deficiencies noted in the Commission's Order.

In support of its request for reconsideration, SCS submitted that with additional evidence and testimony provided during a limited rehearing, Summit will demonstrate that it has met its burden by meeting the requirements of the Siting Act and Commission regulations. In support of its petition, SCS proposed extensive route adjustments, a reduced corridor, and a litany of deficiencies and reroutes that are or will be remedied by the time of the rehearing. SCS also provided there will be witnesses available at the rehearing to address the deficiencies during the rehearing.

A request for additional hearings and an opportunity to present this evidence could have been submitted at any time prior to the issuance of the Commission Order. The arguments and evidence provided in the Petition could have been presented by SCS during the multiple hearings held over six months that the Commission provided for evaluation of the application. Due to the breadth of changes provided in its petition, a new application was appropriate to address the material changes to the project.

Per N.D. Admin. Code § 69-02-01-10, there still needs to be reasonable justification to grant reconsideration, and I felt SCS Carbon Transport, LLC (SCS) did not meet the burden.



Sheri Haugen-Hoffart
Commissioner