

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 GRANTING PETITION TO INTERVENE

[1] On November 15, 2023, the City of Bismarck (City), filed a Petition to Intervene (Petition) in the above referenced case. The Petition indicates it has legal interest that may be substantially affected by this proceeding specifically the coordinating and managing of emergency services and fire activities throughout Burleigh and adjacent counties; the proximity of the pipeline route to the City's existing boundaries and comprehensive future development plans; and the location of the Missouri River crossing.

[2] On November 16, 2023, the Bismarck Intervenors indicated no objection to the Petition. On November 21, 2023, SCS Carbon Transport LLC filed a Response indicating no objection to the Petition as to the specific issues identified in the Petition.

[3] North Dakota Century Code § 28-32-28 addresses intervention in adjudicative proceedings and provides:

An administrative agency may grant intervention in an adjudicative proceeding to promote the interests of justice if intervention will not impair the orderly and prompt conduct of the proceeding and if the petitioning intervenor demonstrates that the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of statute or rule. The agency may impose conditions and limitations upon intervention. The agency shall give reasonable notice of the intervention to all parties. An administrative agency may adopt rules relating to intervention in an adjudicative proceeding.

[4] The North Dakota Public Service Commission ("Commission") has adopted its own rules relating to intervention. The Commission's rule on intervention provides in part as follows:

Any person with a substantial interest in a proceeding may petition to intervene in that proceeding by complying with this section. An intervention may be granted if the petitioner has a statutory right to be a party to the proceeding; or the petitioner has a legal interest which may be substantially affected by the proceeding, and the intervention would not unduly broaden the issues or delay the proceeding. The commission may impose conditions and limitations on an intervention to promote the interests of justice.

1. **Contents of petition to intervene.** A petition to intervene must be in writing and must set forth the grounds for intervention, the position and interest of the petitioner in the proceeding, what the petitioner would contribute to the hearing, and whether the petitioner's position is in support of or in opposition to the relief sought.

....

N.D. Admin. Code § 69-02-02-05.

[5] The Petition sets forth the grounds for intervention, the position and interest of the Intervenor, what the Intervenor can contribute to the hearing, and the Intervenor's position with respect to the relief sought by the applicant. The Intervenor has presented sufficient information to satisfy the statutory intervention requirements set forth in N.D.C.C. § 28-32-28 and N.D. Admin. Code § 69-02-02-05.

[6] Having considered the written submission of the Intervenor and the applicable statutory provisions and administrative rules, **IT IS HEREBY ORDERED:**

[7] The Petition to Intervene filed by City of Bismarck is **GRANTED**.

[8] The City of Bismarck shall be permitted to appear as an Intervenor in PSC Case No. PU-22-391 to address the issues of emergency response coordination and planning, proximity of the pipeline to City and the City's comprehensive development plan, and location of the Missouri River crossing.

Dated at Bismarck, North Dakota, this 29 day of November 2023.

State of North Dakota
Public Service Commission

By Hope L Hogan
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Administrative Law Judge
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CERTIFICATE OF SERVICE

The undersigned certifies that the original of the **ORDER GRANTING PETITION TO INTERVENE** was sent by electronic mail and mailed, inside mail, at the State Capitol, on the 29 day of November 2023, to:

John Schuh
Special Assistant Attorney General
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and that true and correct copies of the above document were sent by electronic mail on the 29 day of November 2023, to:

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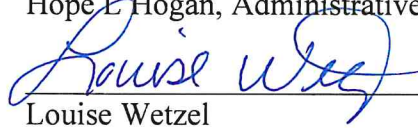
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