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December 27, 2023

John Schuh  
General Counsel  
Public Service Commission  
600 East Boulevard Avenue – Dept. 408  
Bismarck, ND 58505-0480

RE: SCS Carbon Transport LLC / PU-22-391  
Midwest Carbon Express CO2 Pipeline Project Siting Application  
December 21, 2023 – Hearing on preemption motion  
OAH File No. 20230002

Dear Mr. Schuh:

Enclosed please find a copy of the documents distributed during the oral arguments at the December 21, 2023 motion hearing. I consider these illustrative aids to the parties' oral arguments and not hearing exhibits. Thus, I believe they should be added to the Commission's docket for this case, but I do not intend to add them to the official exhibit list. Should you feel otherwise, please let me know. The documents distributed were as follows:

1. Emmons County, represented at the hearing by Attorney Derrick Braaten, provided the following documents:
  - Emmons County Ordinance labeled Electric Transmission facilities and water, gas, oil or coal slurry transmission pipelines (pages number 16 and 17); and
  - N.D.C.C. § 49-22.1-13;
2. The Bismarck Area Intervenors, represented at the hearing by Attorney Randall Bakke, provided documents labeled exhibits W200 through W203 characterized as:
  - W200 – Burleigh County GIS Map of Townships and pipeline route dated 12/20/23;
  - W201 – Burleigh County GIS Map of Townships and pipeline route dated 06/23/23;
  - W202 – Summit Carbon Solutions draft Emergency Response Plan dated 08/28/23; and
  - W203 – Summit Carbon Solutions Initial Response Tactic;
3. Landowner Intervenors, represented at the hearing by Attorney Steven Leibel – provided documents labeled 1 through 6 characterized as:
  - 1 – N.D.C.C. § 49-22.1-13;
  - 2 – N.D.C.C. § 1-02-03;
  - 3 – N.D.C.C. § 49-22.1-01;
  - 4 – N.D.C.C. § 49-22.1-06;
  - 5 – N.D.C.C. § 49-22.1-07; and
  - 6 – 2017 Legislative History of HB 1144.

**428 PU-22-391** Filed: 12/28/2023 Pages: 91  
Letter Enclosing the 21 December 2023 Documents  
Distributed During Oral Arguments

Hope Hogan, ALJ - Office of Administrative Hearings

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Mr. John Schuh  
December 27, 2023

Thank you.

Sincerely,



Hope L. Hogan  
Administrative Law Judge

Enclosures

cc: Zachary Pelham, counsel for PSC (via email)  
Lawrence Bender, counsel for SCS Carbon Transport, LLC (via email)  
Bret Dublinske, counsel for SCS Carbon Transport, LLC (via email)  
Randall Bakke, counsel for Bismarck Area Intervenors (via email)  
Steven Leibel, counsel for Landowner Intervenors (via email)  
Brian Jorde, counsel for Landowner Intervenors (via email)  
Kevin Pranis, LiUNA Minnesota & North Dakota (via email)  
Derrick Braaten, counsel for Emmons County (via email)  
Judy Lawyer, counsel for Burleigh County (via email)  
Patrick Zomer, counsel for City of Bismarck (via email)  
Janelle Combs, counsel for City of Bismarck (via email)