



KNOLL LEIBEL ^{LLP}
ATTORNEYS AT LAW

March 7, 2024

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



ORIGINAL

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. Response to Burleigh County's Petition for Reconsideration; and
2. Declaration of Service.

This Response to Burleigh County's Petition for Reconsideration 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

Steven J. Leibel

steve@bismarck-attorneys.com

SJL: rmo

Enclosures

455 PU-22-391 Filed: 3/7/2024 Pages: 8
Response to Burleigh County's Petition for Reconsideration

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

Steven Leibel, Attorney

Steven J. Leibel, Partner

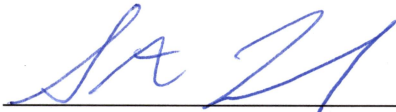
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final order under N.D.C.C. § 28-32-42 because it conclusively determines the rights of the parties under § 49-22.1-13.

CONCLUSION

The Commission has substituted the words “permit and certificate” for the word “permit” in § 49-22.1-13(2)(b). It did not have the authority to do so. Intervenor contend that a “permit” and a “certificate” are not the same thing, and that reconsideration is appropriate. In the alternative, Intervenor respectfully request that the Commission certify that its decision is a final order under N.D.C.C. § 28-32-42 because it conclusively determines the rights of the parties under § 49-22.1-13 so any aggrieved party can seek relief from a court of review.

Dated this 7th day of March, 2024.



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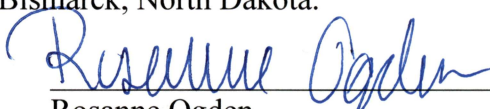
[3] and by sending the originals and seven (7) copies of said documents via U.S. Mail, at Bismarck, North Dakota with postage prepaid, to the following:

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 7th day of March, 2024 at Bismarck, North Dakota.



Rosanne Ogden