

**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**

**March 18, 2024**

**Preliminary Statement**

On February 7, 2024, The Commission issued an Order (Order) finding that North Dakota Century Code (NDCC) Section 49-22.1-13 automatically supersedes and preempts any local land use or zoning regulations, except for road use agreements, for a gas or liquid transmission facility route permit.

On February 27, 2024, Burleigh County filed a Petition for Reconsideration of the Commission's Order.

Also on February 27, 2024, Landowner Intervenor joined Burleigh County's Petition for Reconsideration and requested oral arguments.

On March 1, 2024, SCS Carbon Transport LLC filed a response to Burleigh County's Petition for Reconsideration.

On March 7, 2024, Landowner Intervenor filed a response to Burleigh County's Petition for Reconsideration.

**Discussion**

Burleigh County's February 27, 2024, Petition for Reconsideration argues that the Commission must consider a consolidated application for a certificate of corridor compatibility and permit for construction separately. The Petition for Reconsideration further states that a certificate of corridor compatibility must be issued before a permit for construction may be issued.

Burleigh County's arguments within its Petition for Reconsideration are substantially similar to arguments made during the Commission's December 21, 2023, Hearing on Motion. Therefore, the entirety of Burleigh County's argument has already been considered by the Commission prior to the issuance of its February 7, 2024, Order.

Landowner Intervenor's arguments are similar to those made by Burleigh County in that they do not raise any new arguments that have not already been considered by the Commission prior to the issuance of its February 7, 2024, Order.

Having considered the Petition for Reconsideration, the Commission finds that the arguments provided are a restatement of the considerations provided for the Commission's February 7, 2024, Order.

### Order

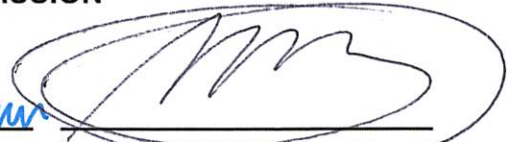
The Commission Orders:

1. Landowner Intervenor's request for oral argument is **DENIED**.
2. Burleigh County's Petition for Reconsideration is **DENIED**.

### PUBLIC SERVICE COMMISSION

  
Sheri Haugen-Hoffart  
Commissioner

  
Randy Christmann  
Chair

  
Timothy J. Dawson  
Substitute decisionmaker