

**-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 **18th day of March 2024**, she deposited in the United States Mail, at Bismarck, North Dakota, **twelve** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

• **Order on Petition for Reconsideration**

The envelopes were addressed as follows:

Lawrence Bender
Fredrikson & Byron, P.A.
1133 College Drive Suite 1000
Bismarck, ND 58501-1215
Cert. No. 9589 0710 5270 1572 7559 10

Brant M. Leonard
Fredrikson & Byron, P. A.
111 E Grand Avenue, Suite 301
Des Moines, IA 50309-1884
Cert. No. 9589 0710 5270 1582 7552 55

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Bradley N. Wiederholt
Bakke Grinolds Wiederholt
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LIUNA Minnesota & North Dakota
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Derek Braaten
Braaten Law Firm
109 N 4th Street, Suite 100
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Cert. No. 9589 0710 5270 1582 7553 23

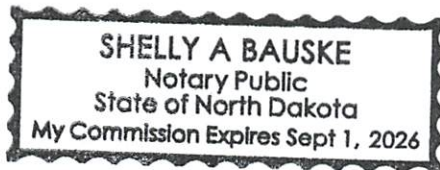
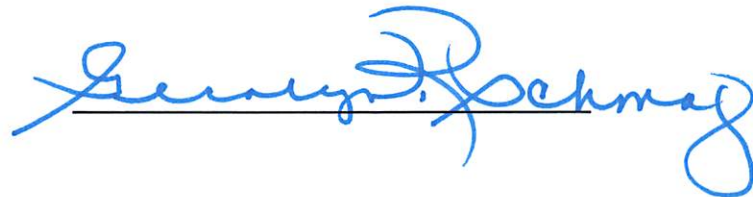
Julie Lawyer
Burleigh County States' Attorney
514 E Thayer Avenue
Bismarck, ND 58501
Cert. No. 9589 0710 5270 1582 7553 30

Patrick Zomer
Moss & Barnett
150 S 5th Street, Suite 1200
Minneapolis, MN 55402
Cert. No. 9589 0710 5270 1582 7553 47

Jannelle Combs
City of Bismarck
221 N 5th Street
Bismarck, ND 58501
Cert. No. 9589 0710 5270 1582 7553 54

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

Subscribed and sworn to before me
this **18th day of March 2024**.


Notary Public

SEAL

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.

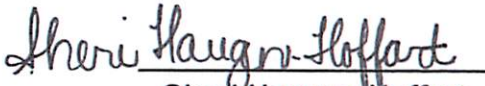
Having considered the Petition for Reconsideration, the Commission finds that the arguments provided are a restatement of the considerations provided for the Commission's February 7, 2024, Order.

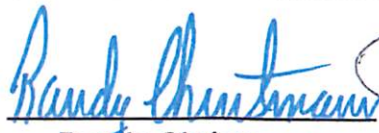
Order

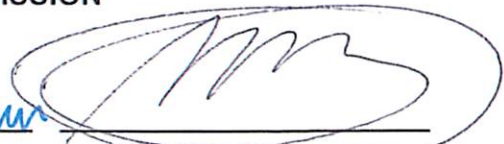
The Commission Orders:

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