



**KNOLL LEIBEL** <sup>LLP</sup>  
ATTORNEYS AT LAW

March 20, 2024

VIA U.S. & E-MAIL ONLY: [ndpsc@nd.gov](mailto: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:

This letter is in response to SCS Carbon Transport LLC's ("Summit") Response to Supplemental Filing Request 3.1.3 to the North Dakota Public Service Commission ("Commission") dated March 4, 2024 (PSC Doc. 452). The information provided in this Response is misleading.

As a beginning point, the original request from the Commission sought "[m]easures taken to address all landowners who testified regarding concerns during the hearings." Supplemental Filing 3.1.3 (emphasis added). Summit's letter suggests that it has addressed all of the Landowners who testified regarding concerns with the pipeline on their property. This would be an incorrect conclusion by the PSC.

I compared Judge Hogan's witness lists and my hearing notes to Summit's response. The following names are Landowner Intervenor who are listed on Judge Hogan's hearing sheets as having testified regarding their concerns with the proposed route and are still affected by the pipeline route based on our route comparisons:

1. Mary Jo Irmen<sup>i</sup> – Burleigh County (June 2, 2023 hearing)
2. Linda Gayman<sup>ii</sup> – Dickey County (May 9, 2023 hearing)
3. James Tiegs<sup>iii</sup> – Dickey County (April 11, 2023 hearing)
4. Valera Hayen<sup>iv</sup> – Sargent County (April 11, 2023 hearing)
5. Staroba Living Trust – Loren Staroba<sup>v</sup> – Richland County (April 11, 2023 hearing); *see also* PSC Doc. 188 (exhibits from Staroba testimony);

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Steven J. Leibel, Partner

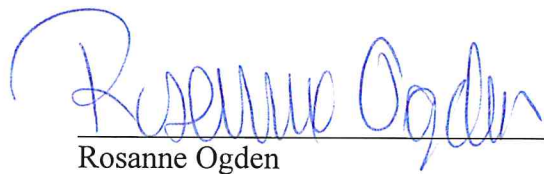
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**Response to Supplemental Filing Request 3.1.3 to  
the North Dakota Public Service Commission dated  
March 4, 2024**

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

Steven Leibel, Attorney

Signed on the 20th day of March, 2024 at Bismarck, North Dakota.

  
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Rosanne Ogden