



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

March 21, 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

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. Petition to Intervene; and
2. Declaration of Service.

This Petition to Burleigh County's Petition for Reconsideration is being filed with the North Dakota Public Service Commission (hereinafter "NDPSC") on behalf of the Intervenors represented by Knoll Leibel LLP. Intervenors have 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](mailto:steve@bismarck-attorneys.com)

SJL: rmo

Enclosures

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Steven J. Leibel, Partner

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Petition to Intervene  
Knoll Leibel, LLP  
Steven J. Leibel

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

IN THE MATTER OF THE APPLICATION  
OF SCS CARBON TRANSPORT LLC FOR  
A CERTIFICATE OF CORRIDOR  
COMPATIBILITY AND ROUTE PERMIT  
FOR THE MIDWEST CARBON EXPRESS  
PROJECT IN BURLEIGH, CASS, DICKY,  
EMMONS, LOGAN, MCINTOSH,  
MORTON, OLIVER, RICHLAND AND  
SARGENT COUNTIES, NORTH DAKOTA

Case No. PU-22-391

**PETITION TO INTERVENE**

Pursuant to N.D.A.C. § 69-02-02-05, Randall Waloch and Karla Waloch, Sargent County, ND; Lugert Land Limited Partnership (Marvin Lugert and Jeanne Lugert), Richland County, North Dakota; and CarolLee Curruth and William Curruth, Dickey County, ND (“Intervenors” and “Sued Landowners” or “Affected Landowners”, all collectively “Landowners”), by and through their lawyers David Knoll, Steve Leibel, and Brian Jorde, hereby petition to intervene in the above-captioned proceedings. In support of this petition, Landowners state and allege as follows:

1. Each of the following persons or entities (“Sued Landowners”) are owners of North Dakota land that were previously sued by SCS Carbon Transport, LLC (“Summit”) and were forced to retain the undersigned legal counsel to defend their property and constitutional rights. The alleged purpose of such lawsuits filed by Summit was to survey and examine such property of Sued Landowners in furtherance of Summit’s goal to contract the construction of a hazardous

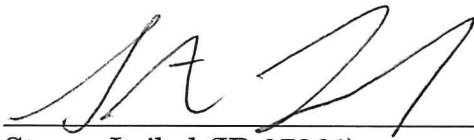
carbon dioxide pipeline on, under, across, and/or through Sued Landowners properties:

- a. Lugert Land Limited Partnership (Marvin Lugert and Jeanne Lugert), Sections 3 and 5 – Twp. 131 N, R. 51W, Richland County, North Dakota
  - b. Randall Waloch and Karla Waloch, Section 14 -Twp. 131 N, R56W, Sargent County, North Dakota
2. The following “Affected Landowners” are owners of North Dakota land that have either been approached by Summit or its agents in relation to obtaining survey and examination access to their property and/or in seeking a lease or other agreement for the potential location of a hazardous carbon dioxide pipeline. Affected Landowners are persons or entities that would be negatively affected by Summit’s proposed hazardous carbon dioxide pipeline should it be approved by all necessary states and obtain the thousands of leases and/or easements necessary to locate such approximate 2,000-mile hazardous pipeline and other related structures:
  - a. CarolLee Curruth, Section 26 – Twp. 126 N, R 63W, Dickey County, North Dakota
3. Sued and Affected Landowners each own land across which Summit desires blanket easements for a period of ninety-nine (99) years, which are in effect total takings, for potential locating, construction, maintenance, and operation of a dangerous and hazardous carbon dioxide pipeline.
4. Sued and Affected Landowners have a direct and substantial interest in these proceedings, as well as legal property rights which may be substantially

affected by the ND Public Service Commission's findings and conclusions in this matter. Sued and Affected Landowners are intimately familiar with the land they own and rent and can provide the PSC with specific information related to its routing determination in this proceeding, with respect to their individual lands.

5. Sued and Affected Landowners are not adequately represented by existing parties, and their intervention would not unduly broaden the issues or delay the proceedings, particularly given the nature of the proceedings.
6. Sued and Affected Landowners intend to present evidence opposing Summit's requested relief in its Application and all Landowners object and resist the current proposed location of Summit's proposed pipeline.

Dated this 21<sup>st</sup> day of March, 2024



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**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

IN THE MATTER OF THE APPLICATION  
OF SCS CARBON TRANSPORT LLC FOR  
A CERTIFICATE OF CORRIDOR  
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EMMONS, LOGAN, MCINTOSH,  
MORTON, OLIVER, RICHLAND AND  
SARGENT COUNTIES, NORTH DAKOTA

Case No. PU-22-391

**DECLARATION OF SERVICE**

[1] Rosanne Ogden declares that I am of legal age and not a party to this action, and that I served the following document(s):

- 1. Petition to Intervene; and**
- 2. Declaration of Service.**

[2] On March 21, 2024, by sending a true and correct copy thereof by electronic means only to the following email addresses, to wit:

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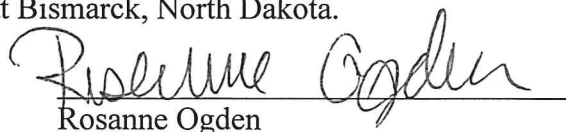
[3] and by sending the originals and seven (7) copies of said documents via U.S. Mail, at Bismarck, North Dakota with postage prepaid, to the following:

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 21st day of March, 2024 at Bismarck, North Dakota.

  
Rosanne Ogden