



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

March 21, 2024



**ORIGINAL**

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. Intervenors' Interrogatories to SCS Carbon Transport, LLC (Set 1); and
2. Declaration of Service.

These Interrogatories and Requests for Production of Documents to SCS Carbon Transport, LLC are 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

**466 PU-22-391** Filed: 3/21/2024 Pages: 16  
**Intervenors' Interrogatories to SCS Carbon Transport, LLC (Set 1)**

Knoll Leibel, LLP, on behalf and at the request of Intervenors  
Steven Leibel, Attorney

**Steven J. Leibel, Partner**

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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  
COMPATIBILITY AND ROUTE PERMIT  
FOR THE MIDWEST CARBON EXPRESS  
PROJECT IN BURLEIGH, CASS, DICKEY,  
EMMONS, LOGAN, MCINTOSH,  
MORTON, OLIVER, RICHLAND AND  
SARGENT COUNTIES, NORTH DAKOTA

Case No. PU-22-391

**INTERVENORS'  
INTERROGATORIES TO SCS  
CARBON TRANSPORT LLC  
(SET 1)**

**TO: SCS CARBON TRANSPORT, LLC, BY AND THROUGH ITS ATTORNEY  
OF RECORD, LAWRENCE BENDER, FREDRIKSON & BYRON, P.A., 1133  
COLLEGE DR., SUITE 1000, BISMARCK, ND 58501:**

YOU WILL PLEASE TAKE NOTICE that Intervenor<sup>1</sup>s represented by the undersigned counsel, requests answers to the within Interrogatory under oath within thirty (30) days after the service of this document, pursuant to the provisions of N.D.A.C. § 69-02-05-12 and Rule 33 of the North Dakota Rules of Civil Procedure, including information and knowledge possessed or obtainable by you, your attorneys, agents, employees and all others in privity with you. This Interrogatory are deemed to be continuing in nature and, if information is discovered or becomes known to you, or to anyone acting on your behalf, after answering the same and before any final hearing, which would change or add to the answers previously given, you are hereby requested and directed to furnish such information to the undersigned, giving timely notice thereof.

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<sup>1 1</sup> See Orders Granting Petition to Intervene (Docs. 82, 83, 159, 168, and 204).

**INTERROGATORY NO. 1:** Please identify all measures taken to address the concerns of Intervenor Mary Jo Irmen, who testified at the June 2, 2023 hearing. By “identify,” Intervenors are asking that SCS Carbon Transport, LLC (hereinafter, “Summit”) identify all studies, reports, analysis, reroutes (both proposed and agreed), negotiations, discussions, or other measures initiated or considered by Summit with respect to Mary Jo and Scott Irmen’s property as reflected on Ex. A.

**ANSWER:**

**INTERROGATORY NO. 2:** Please identify in full and complete detail all reasons, excuses, and justifications why Summit cannot reroute its pipeline around the real property owned by Mary Jo and Scott Irmen as reflected on Ex. A.

**ANSWER:**

**INTERROGATORY NO. 3:** Please identify all measures taken to address the concerns of Intervenor James Tiegs, who testified at the April 11, 2023 hearing. By “identify,” Intervenors are asking that SCS Carbon Transport, LLC (hereinafter, “Summit”) identify all studies, reports, analysis, reroutes (both proposed and agreed),

negotiations, discussions, or other measures initiated or considered by Summit with respect to Mr. Tiegs's property as reflected on Ex. A.

**ANSWER:**

**INTERROGATORY NO. 4:** Please identify in full and complete detail all reasons, excuses, and justifications why Summit cannot reroute its pipeline around the real property owned by Mr. Tiegs as reflected on Ex. A.

**ANSWER:**

**INTERROGATORY NO. 5:** Please identify all measures taken to address the concerns of Intervenor Valera Hayen, who testified at the April 11, 2023 hearing. By "identify," Intervenor is asking that SCS Carbon Transport, LLC (hereinafter, "Summit") identify all studies, reports, analysis, reroutes (both proposed and agreed), negotiations, discussions, or other measures initiated or considered by Summit with respect to Ms. Hayen's property as reflected on Ex. A.

**ANSWER:**



**INTERROGATORY NO. 6:** Please identify in full and complete detail all reasons, excuses, and justifications why Summit cannot reroute its pipeline around the real property owned by Ms. Hayen as reflected on Ex. A.

**ANSWER:**

**INTERROGATORY NO. 7:** Please identify all measures taken to address the concerns of the Staroba Revocable Living Trust, as stated by Loren Staroba, who testified at the April 11, 2023 hearing. By “identify,” Intervenor is asking that SCS Carbon Transport, LLC (hereinafter, “Summit”) identify all studies, reports, analysis, reroutes (both proposed and agreed), negotiations, discussions, or other measures initiated or considered by Summit with respect to the property owned by Staroba Revocable Living Trust as reflected on Ex. A.

**ANSWER:**

**INTERROGATORY NO. 8:** Please identify in full and complete detail all reasons, excuses, and justifications why Summit cannot reroute its pipeline around the real property owned by the Staroba Revocable Living Trust as reflected on Ex. A.

**ANSWER:**

**INTERROGATORY NO. 9:** Please identify all measures taken to address the concerns of Shirley Waloch, who testified at the March 28, 2023 hearing. By “identify,” Intervenors are asking that SCS Carbon Transport, LLC (hereinafter, “Summit”) identify all studies, reports, analysis, reroutes (both proposed and agreed), negotiations, discussions, or other measures initiated or considered by Summit with respect to Ms. Waloch’s property as reflected on Ex. A.

**ANSWER:**

**INTERROGATORY NO. 10:** Please identify in full and complete detail all reasons, excuses, and justifications why Summit cannot reroute its pipeline around the real property owned by Shirley Waloch as reflected on Ex. A.

**ANSWER:**

**INTERROGATORY NO. 11:** Please identify all measures taken to address the concerns of James Rockstad, who submitted written testimony to the PSC [PSC Doc. 272]. By “identify,” Intervenors are asking that SCS Carbon Transport, LLC

(hereinafter, “Summit”) identify all studies, reports, analysis, reroutes (both proposed and agreed), negotiations, discussions, or other measures initiated or considered by Summit with respect to Mr. Rockstad’s property as reflected on Ex. A.

**ANSWER:**

**INTERROGATORY NO. 12:** Please identify in full and complete detail all reasons, excuses, and justifications why Summit cannot reroute its pipeline around the real property owned by James Rockstad as reflected on Ex. A.

**ANSWER:**

**INTERROGATORY NO. 13:** Please identify all measures taken to address the concerns of Diann Zajac, who submitted written testimony to the PSC [PSC Doc. 296]. By “identify,” Intervenors are asking that SCS Carbon Transport, LLC (hereinafter, “Summit”) identify all studies, reports, analysis, reroutes (both proposed and agreed), negotiations, discussions, or other measures initiated or considered by Summit with respect to Ms. Zajac’s property as reflected on Ex. A.

**ANSWER:**

**INTERROGATORY NO. 14:** Please identify in full and complete detail all reasons, excuses, and justifications why Summit cannot reroute its pipeline around the real property owned by Diann Zajac as reflected on Ex. A.

**ANSWER:**

**INTERROGATORY NO. 15:** Please identify in full and complete detail all reasons, excuses, and justifications why Summit cannot reroute its pipeline around the real property owned by Harry L. Malloy Trust No. 2 as reflected on Ex. A.

**ANSWER:**

**INTERROGATORY NO. 16:** Please identify in full and complete detail all reasons, excuses, and justifications why Summit cannot reroute its pipeline around the real property owned by APH Farms as reflected on Ex. A.

**ANSWER:**

**INTERROGATORY NO. 17:** Please identify in full and complete detail all reasons, excuses, and justifications why Summit cannot reroute its pipeline around



the real property owned by Mary Kuehn as reflected on Ex. A.

**ANSWER:**

**INTERROGATORY NO. 18:** Please identify in full and complete detail all reasons, excuses, and justifications why Summit cannot reroute its pipeline around the real property owned by Kari Curran as reflected on Ex. A.

**ANSWER:**

**INTERROGATORY NO. 19:** Please identify in full and complete detail all reasons, excuses, and justifications why Summit cannot reroute its pipeline around the real property owned by Leon Mallberg as reflected on Ex. A.

**ANSWER:**

**INTERROGATORY NO. 20:** Please identify all witnesses you intend to call in support of any reasons, excuses, or justifications why Summit cannot reroute its pipeline around the real property owned by those persons identified on Ex. A.

**ANSWER:**

Dated this 21st day of March, 2024.

*/s/ Steven J. Leibel*  
David Knoll (ID 06167)  
Steven Leibel (ID 07361)  
Knoll Leibel LLP  
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Bismarck, ND 58501  
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Brian E. Jorde  
*Pro Hac Vice* (P02668)  
Domina Law Group  
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402-493-4100 (p)  
[bjorde@dominalaw.com](mailto:bjorde@dominalaw.com)

*Attorneys for Intervenors*

**EXHIBIT A**  
**TO INTERVENORS' INTERROGATORIES TO**  
**SCS CARBON TRANSPORT, LLC (SET 1)**

**Mary Jo Irmen and Scott Irmen**

**Gibbs Township**

The SW1/4 LESS the SE1/4SW1/4 of Section 1, Township 139 North, Range 79 West of the 5<sup>th</sup> P.M., Burleigh County, North Dakota.

**James Tiegs**

Township 129 N, Range 61 W

Section 17

Township 129 N, Range 63 W

Section 27

Dickey County, North Dakota

**Valera Hayen**

Township 130 N, Range 58 W

Section 11: S1/2SW1/4

Section 14: NW1/4NW1/4

Section 15: NE1/4

Sargent County, North Dakota

**Staroba Revocable Living Trust (Diane Staroba and Loren Staroba)**

Part of the E1/2 of Section 35, Beginning at the Northeast corner of Section Thirty-five (35), Township One Hundred Thirty-two (132) North, Range Fifty-one (51) West of the Fifth Principal Meridian; thence West along the Section line common to Sections Thirty-five (35) and Twenty-six (26), Township One Hundred Thirty-two (132) North, Range (51) West of the Fifth Principal Meridian, a distance of 1723.3 feet; thence south a distance of 4316.9 feet to the north line of the Minneapolis, St. Paul and Sault Ste. Marie Railway right-of-way; thence in a Southeasterly direction along the north line of the Minneapolis, St. Paul and Sault Ste. Marie right-of-way to the section line common to Sections Thirty-five (35), Township One Hundred Thirty-two (132) North, Range Fifty-one (51) West of the Fifth Principal Meridian, and Section Two (2), Township One Hundred Thirty-one (131) North, Range Fifty-one (51) West of the Fifth Principal Meridian; thence East along the said Section line a distance of 946.6 feet to the Southeast corner of Section Thirty-five (35), Township One Hundred Thirty-two (132) North, Range Fifty-one (51) West of the

Fifth Principal Meridian; thence North along the Section line common to Sections Thirty-five (35) and Thirty-six (36), Township One Hundred Thirty-two (132) North, Range Fifty-one (51) West of the Fifth Principal Meridian, to the point of beginning. All in Section Thirty-five (35), Township One Hundred Thirty-two (132), Range Fifty-one (51) North, Richland County, North Dakota.

**Shirley Waloch**

**Township 131 North, Range 56 West**

Section 12: SW/4

Section 14: S/2, less and except Mahrer Tract 1 in the SW/4 of Section 14, Township 131 North, Range 56 West of the 5th P.M., described by metes and bounds as follows:

Commencing at the Southwest corner of Section 14, Township 131 North, Range 56 West; thence on a bearing of South 89 degrees 53 minutes 05 seconds East along the South line of Section 14, a distance of 1609.30 feet to the point of beginning; thence North 1 degree 02 minutes 39 seconds West, a distance of 806.46 feet; thence South 84 degrees 43 minutes 37 seconds East, a distance of 577.06 feet; thence South 3 degrees 20 minutes 06 seconds West, a distance of 755.62 feet; thence North 89 degrees 53 minutes 05 seconds West, a distance of 515.96 feet to the point of beginning.

Sargent County, North Dakota

**James Rockstad**

**Township 135 N, Range 51 W**

Section 3: NE1/4

Section 14: SW1/4

**Township 136 N, Range 51 W**

Section 34: S1/2E1/4

Richland County, North Dakota

**Diann Zajac**

**Township 131 N, Range 51 W**

Section 4: NW1/4 and the West 70 Rods of the NE1/4

**Township 132 N, Range 51 W**

Section 33: NW1/4

Richland County, North Dakota



**Harry L. Malloy Trust No. 2 (Howard Malloy)**

TRACT OF LAND LOCATED IN AND BEING PART OF THE SOUTH HALF (S½) OF SECTION SIX (6) AND PART OF THE NORTH HALF (N½) OF SECTION SEVEN (7), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE EIGHTY-ONE (81) WEST OF THE FIFTH PRINCIPAL MERIDIAN, MORTON COUNTY NORTH DAKOTA, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH BOUNDARY LINE OF SECTION SIX (6), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE EIGHTY- ONE (81) WEST WITH THE EAST R/W LINE OF N.D. HIGHWAY NO. 1806; THENCE EAST ALONG SAID SOUTH BOUNDARY LINE A DISTANCE OF 795.88 FEET; THENCE SOUTH 58°12'45" EAST A DISTANCE OF 34.74 FEET; THENCE SOUTH 62°58'45" EAST A DISTANCE OF 152.10 FEET; THENCE SOUTH 73°45'45" EAST A DISTANCE OF 224.13 FEET; THENCE SOUTH 76°25'30" EAST A DISTANCE OF 153.50 FEET; THENCE SOUTH 72° 59'00" EAST A DISTANCE OF 213.56 FEET; THENCE NORTH 79°39'30" EAST A DISTANCE OF 67.39 FEET; THENCE NORTH 57°36'30" EAST A DISTANCE OF 44.05 FEET; THENCE NORTH 46°29'30" EAST A DISTANCE OF 29.93 FEET; THENCE NORTH 26°26'15" EAST A DISTANCE OF 60.43 FEET; THENCE NORTH 6°30'00" EAST A DISTANCE OF 54.75 FEET; THENCE NORTH 5°41 '45" WEST A DISTANCE OF 40.34 FEET; THENCE NORTH 12° 43'30" WEST A DISTANCE OF 245.59 FEET; THENCE NORTH 2°20'00" WEST A DISTANCE OF 91.09 FEET; THENCE NORTH 1°01 '00" WEST A DISTANCE OF 123.50 FEET; THENCE NORTH 3°02'45" EAST A DISTANCE OF 103.54 FEET; THENCE NORTH 11°19'30" EAST A DISTANCE OF 65.68 FEET; THENCE NORTH 36°03'00" EAST A DISTANCE OF 61.35 FEET; THENCE NORTH 54°38'00" EAST A DISTANCE OF 46.47 FEET; THENCE NORTH 73°21'00" EAST A DISTANCE OF 34.55 FEET; THENCE NORTH 88°05' 15" EAST A DISTANCE OF 44.92 FEET; THENCE NORTH 87°50'45" EAST A DISTANCE OF 292.47 FEET; THENCE NORTH 80°05' 15" EAST A DISTANCE OF 83.69 FEET; THENCE NORTH 67°48'30" EAST A DISTANCE OF 68.05 FEET; THENCE NORTH 58°51'15" EAST A DISTANCE OF 173.61 FEET; THENCE NORTH 67°42'00" EAST A DISTANCE OF 94.33 FEET; THENCE NORTH 84° 16'00" EAST A DISTANCE OF 58.11 FEET; THENCE SOUTH 88° 01 '45" EAST A DISTANCE OF 52.33 FEET; THENCE SOUTH 77°17'45" EAST A DISTANCE OF 35.47 FEET; THENCE SOUTH 73°04'00" EAST A DISTANCE OF 254.81 FEET; THENCE SOUTH 71°17'15" EAST A DISTANCE OF 164.22 FEET; THENCE SOUTH 64°44'45" EAST A DISTANCE OF 87.72 FEET; THENCE SOUTH 67°45'00" EAST A DISTANCE OF 226.53 FEET; THENCE SOUTH 64°25'30" EAST A DISTANCE OF 266.68 FEET; THENCE SOUTH 62° 04'30" EAST A DISTANCE OF 124.44 FEET; THENCE SOUTH 49°27'00" EAST A DISTANCE OF 25.53 FEET; THENCE SOUTH 37°25'45" EAST A DISTANCE OF 42.94 FEET; THENCE SOUTH 25°32'30" EAST A DISTANCE OF 50.10 FEET; THENCE SOUTH 12°07'45" EAST A DISTANCE OF 45.21 FEET; THENCE SOUTH 5°22'00" EAST A DISTANCE OF

205.30 FEET; THENCE SOUTH 19°35'15"<sup>11</sup> EAST A DISTANCE OF 23.56 FEET; THENCE SOUTH 30°33' 15" EAST A DISTANCE OF 45.63 FEET; THENCE SOUTH 51°10.'30" EAST A DISTANCE OF 54.56 FEET; THENCE SOUTH 71° 56'30" EAST A DISTANCE OF 27.44 FEET TO THE WESTERLY R/W LINE OF THE BURLINGTON-NORTHERN RAILROAD; THENCE SOUTH 21° 50'15" WEST ALONG SAID WESTERLY R/W LINE A DISTANCE OF 338.41 FEET; THENCE SOUTH 68°09'45" EAST ALONG SAID WESTERLY R/W LINE A DISTANCE OF 50.00 FEET; THENCE SOUTH 21°50'15" WEST ALONG SAID WESTERLY R/W LINE A DISTANCE OF 613.20 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 5779.65 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE LEFT (THE CHORD OF WHICH BEARS SOUTH 21°03'30" WEST) AN ARC DISTANCE OF 157.22 FEET; THENCE SOUTH 73°15'00" WEST A DISTANCE OF 575.49 FEET; THENCE SOUTH 38°18'30" WEST A DISTANCE OF 328.73 FEET; THENCE SOUTH 71°15'00" WEST A DISTANCE OF 771.91 FEET; THENCE SOUTH 59°59'30" WEST A DISTANCE OF 784.05 FEET; THENCE SOUTH 85°43'00" WEST A DISTANCE OF 645.05 FEET; THENCE NORTH 57°08'45" WEST A DISTANCE OF 837.18 FEET TO THE EAST R/W LINE OF N.D. HIGHWAY 1806; THENCE NORTH 00°55'11" EAST ALONG SAID EAST R/W LINE A DISTANCE OF 1628.34 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5654.65 FEET; THENCE NORTHERLY ALONG AID CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS NORTH 1°25'29" EAST) AN ARC DISTANCE OF 99.66 TO THE POINT OF BEGINNING, ALSO KNOWN AS TRACT F.

**APH FARMS (Arden Hagerott, Jonathan Hagerott and Janel Olson)**

Township 140 North, Range 83 West  
Section 10: E1/2  
Section 11: W1/2  
Morton County, North Dakota

**Kari Curran**

The Curran property is located in Sargent County, North Dakota.

**Leon Mallberg**

Township 130 North, Range 57 West  
Section: 6 SE1/4  
Sargent County, North Dakota



**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  
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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. Intervenor's Interrogatories to SCS Carbon Transport, LLC (Set 1); 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:

John Maurice Schuh Bar ID 08138  
Special Assistant Attorney General  
North Dakota Public Service Commission  
600 E. Boulevard Ave, Dept. 408  
Bismarck, ND 58505-0480  
[jschuh@nd.gov](mailto:jschuh@nd.gov)

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Hope Lisa Hogan Bar ID 05982  
Administrative Law Judge  
Office Of Administrative Hearings  
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John Hamre  
Public Service Commission  
State Capitol  
600 E Boulevard Ave., Dept. 408  
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Attorney for the City of Bismarck  
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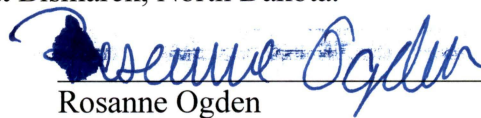
[3] and by sending the originals and seven (7) copies of said documents via U.S. Mail, at Bismarck, North Dakota with postage prepaid, to the following:

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