



**Bakke
Grinolds
Wiederholt**

ATTORNEYS AT LAW

March 27, 2024

Via Hand-Delivery

Steve Kahl
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

**Re: SCS Carbon Transport LLC
Midwest Carbon Express Project
Case No: PU-22-391**

Dear Mr. Kahl:

Enclosed for filing in Case No. PU-22-391, please find the following documents:

1. *Burleigh County's Motion for Continuance; and*
2. *Certificate of Service*, with seven copies of same.

Please do not hesitate to contact the undersigned if you have any questions about this filing.

Very Truly Yours,

/s/ Randall J. Bakke

Randall J. Bakke

Randall J. Bakke*^{Δ+□v}
rbakke@bgwattorneys.com
Shawn A. Grinolds*^o
sgrinolds@bgwattorneys.com
Bradley N. Wiederholt*^o
bwiederholt@bgwattorneys.com
Grant T. Bakke*^x
gbakke@bgwattorneys.com
David R. Phillips*
dphillips@bgwattorneys.com

* Licensed in North Dakota

^o Licensed in Minnesota

^Δ Licensed in South Dakota

⁺ Board Certified Civil Trial
Specialist by National Board
of Trial Advocacy

[□] Fellow-Litigation Counsel of America

^v Board Certified Civil Practice
Advocacy by National Board
of Civil Pretrial Practice Advocacy

^x MBA

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Burleigh County's Motion for Continuance

Burleigh County Board of Commissioners

Randall J. Bakke, Attorney

Bakke Grinolds Wiederholt, Attorneys

P.O. Box 4247 · Bismarck, ND 58502-4247

300 West Century Ave · Bismarck, ND 58503

p 701.751.8188 · f 701.751.7172

www.bgwattorneys.com

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

SCS Carbon Transport LLC
Midwest Carbon Express CO2 Pipeline Project
Siting Application

Case No: PU-22-391
OAH File No: 20230002

BURLEIGH COUNTY'S MOTION FOR CONTINUANCE

I. Introduction

The Commission issued a Notice of Public Hearing (Docket No. 465), indicating a public hearing is scheduled in this matter to begin on April 22, 2024, at 9:00 a.m. Central Time in the Ballroom at the Baymont Inn & Suites in Mandan, North Dakota, with the hearing to focus primarily on portions of the project in Burleigh, Morton, and Oliver Counties, and may extend multiple days. For the reasons discussed below, intervenor Burleigh County respectfully requests pursuant to N.D.A.C. § 69-02-04-03 that the commission continue the hearing¹ until after June 4, 2024.

II. Argument

The attorneys of record representing Burleigh County in this matter, Julie Lawyer and Randall J. Bakke, have unmovable conflicts with the currently scheduled hearing in Mandan the week of April 22, 2024. Ms. Lawyer will be handling a major criminal trial during that time period, and Mr. Bakke will be on the eve of a two-week jury trial in Burleigh County commencing April 29, 2024. Mr. Bakke's case was appealed to the North Dakota Supreme Court and reversed for a

¹ The Notice of Public Hearing (Docket No. 465) also notices a hearing to be held on May 24, 2024 in Wahpeton (focused primarily on adjustments in Dickey, Sargeant, Cass, and Richland Counties) and a hearing to be held on June 4, 2024 in Linton (focused primarily on adjustments in Emmons, Logan, and McIntosh Counties). This Motion for Continuance only seeks a continuance of the hearing in Mandan (focused primarily on portions of the project in Burleigh, Morton, and Oliver Counties), and no continuance request is made as to the other hearings in Wahpeton or Linton.

second jury trial. Thus, there is virtually no possibility the trial will moved again, or that the case will settle. Trial of the case has already been moved twice. To prepare for this trial, Mr. Bakke has over one week of trial preparation required, including the week prior to trial, with meetings scheduled with witnesses in this case. Further, it is the understanding of the undersigned that one or more of the other attorneys of record in this case, including intervenor attorney Brian E. Jorde, may have a conflict with the current hearing dates.

The undersigned has reached out to most of the other intervenor attorneys, and no intervenor has indicated any opposition to this requested continuance.

III. Conclusion

For the foregoing reasons, Burleigh County respectfully requests pursuant to N.D.A.C. § 69-02-04-03 that the commission continue the hearing in Mandan until after June 4, 2024 (the undersigned and Mr. Jorde are available for hearings during the week of June 17-21 if those dates are acceptable.

Dated this 27th day of March, 2024.

BAKKE GRINOLDS WIEDERHOLT

By: /s/ Randall J. Bakke

Randall J. Bakke (#03989)
Bradley N. Wiederholt (#06354)
Special Assistant State's Attorneys for
Burleigh County
300 West Century Avenue
P.O. Box 4247
Bismarck, ND 58502-4247
(701) 751-8188
rbakke@bgwattorneys.com
bwiederholt@bgwattorneys.com

Attorneys for Intervenor Burleigh County

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

SCS Carbon Transport LLC
Midwest Carbon Express CO2 Pipeline Project
Siting Application

Case No: PU-22-391
OAH File No: 20230002

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the following documents:

1. *Filing Letter to Steve Kahl from Randall Bakke dated March 27, 2024; and*
2. *Burleigh County's Motion for Continuance.*

were on March 27, 2024, filed with the North Dakota Public Service Commission and served electronically to the following:

Hope L. Hogan
hlhogan@nd.gov

John Schuh
jschuh@nd.gov

Lawrence Bender
lbender@fredlaw.com

Steven Leibel
steve@bismarck-attorneys.com

Brian E. Jorde
bjorde@dominalaw.com

John Hamre
jghamre@nd.gov

Zachary Pelham
zep@pearce-durick.com

David Knoll
david@bismarck-attorneys.com

Kevin Pranis
kpranis@liunagrocc.com

Brant Leonard
bleonard@fredlaw.com

Bret Dublinske
bdublinske@fredlaw.com

James Curry
jcurry@babstcalland.com

Derrick Braaten
derrick@braatenlawfirm.com

Julie Lawyer
bc08@nd.gov

Patrick Zomer
pat.zomer@lawmoss.com

Dated this 27th day of March, 2024.

BAKKE GRINOLDS WIEDERHOLT

By: /s/ Randall J. Bakke
Randall J. Bakke (#03989)
Bradley N. Wiederholt (#06354)
Special Assistant State's Attorneys for
Burleigh County
300 West Century Avenue
P.O. Box 4247
Bismarck, ND 58502-4247
(701) 751-8188
rbakke@bgwattorneys.com
bwiederholt@bgwattorneys.com

Attorneys for Intervenor Burleigh County