



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

March 27, 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 dated March 27, 2024; and
2. Declaration of Service.

This Petition 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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476 PU-22-391 Filed 03/27/2024 Pages: 6  
Petition to Intervene Dated March 27, 2024  
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, DICKEY,  
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, Mitch Kertzman and Julie Streamer (Kertzman Farm Trust), Emmons County, North Dakota (“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 and Affected Landowners”) are owners of North Dakota land that were 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. Kertzman Farm Trust dated January 1, 2017 (Mitchell Kertzman and Julie Streamer), Section 26 – Twp. 135 N, R. 76W, Emmons County, North Dakota
2. 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.
3. 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.
4. 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.
5. 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 22<sup>nd</sup> day of March, 2024

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David Knoll (ID 06167)  
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*Landowners'/Intervenors' Lawyers*

**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  
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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 dated March 27, 2024; and**
- 2. Declaration of Service.**

[2] On March 27, 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  
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State Capitol  
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Bismarck, ND 58505-0480  
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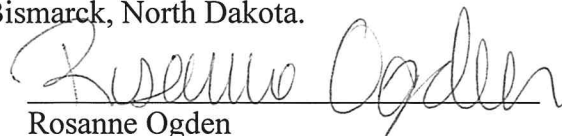
[3] and by sending the originals and seven (7) copies of said documents via U.S. Mail, at Bismarck, North Dakota with postage prepaid, to the following:

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 27th day of March, 2024 at Bismarck, North Dakota.

  
Rosanne Ogden