



KNOLL LEIBEL ^{LLP}
ATTORNEYS AT LAW

March 27, 2024

VIA U.S. & E-MAIL ONLY: 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. Reply to Response of SCS Carbon Transport LLC to Petition to Intervene;
and
2. Declaration of Service.

This Reply 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

SJL: rmo

Enclosures

Steven J. Leibel, Partner

PO Box 858 · 1915 N. Kavaney Drive, Suite 3 · Bismarck, ND 58502-0858
Phone 701-255-2010 · Fax 701-255-1980 · Email steve@bismarck-attorneys.com · www.bismarck-attorneys.com

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Response of SCS Carbon Transport LLC to Petition to Intervene
Knoll Leibel, LLP, on behalf and at the request of Intervenors
Steven Leibel, Attorney

**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

**REPLY TO RESPONSE OF SCS
CARBON TRANSPORT LLC TO
PETITION TO INTERVENE**


Petitioners respectfully submit this Reply to Response of SCS Carbon Transport LLC to Petition to Intervene. In support of this Reply, Petitioners state:

1. The Commission did not grant reconsideration limited to only issues that Summit wants to discuss. Instead, it granted reconsideration to receive additional evidence on deficiencies raised in the August 4, 2023 Order. [Doc. 396]. These deficiencies included the Commission's findings—among other things—that Summit failed to adequately minimize the effects of the project on the welfare of the people and the environment of the state [Doc. 375], ¶ 17, failed to take steps to address outstanding legitimate impacts expressed by landowners during the public comment or demonstrated why a reroute is not feasible [Doc. 375], ¶ 32, and failed to meet its burden that the project will minimize adverse human and environmental impact. [Doc. 375], page 11.

2. Summit's purported limitations are found nowhere in the Order granting reconsideration. [Doc. 396]. They also are not helpful. According to a WPA Intelligence poll recently published by the North Dakota News Cooperative and recently featured in the Bismarck Tribune, 16% of North Dakota citizens believe that Summit's project will

help reduce the effects of climate change. This lack of public support has been borne out in the public hearings—where Summit’s only supporters have been a handful of politicians, investors, and paid spokespersons. Intervenor respectfully submit that the solution to this overwhelming public opposition is not to stifle the input of intervenors with gamesmanship.

Dated this 27th day of March, 2024.



Steven Leibel (ID 07361)
David Knoll (ID 06167)
Knoll Leibel LLP
P.O. Box 858
1915 N. Kavaney Drive, Ste. 3
Bismarck, ND 58501
Ph: (701) 255-2010
steve@bismarck-attorneys.com
david@bismarck-attorneys.com

Landowners’/Intervenors’ Lawyers

Brian E. Jorde
Pro Hac Vice
Domina Law Group
2425 S. 144th St.
Omaha, NE 68144
Ph: 402-493-4100
bjorde@dominalaw.com
NDCO2@dominalaw.com

Landowners’/Intervenors’ Lawyers

**STATE OF NORTH DAKOTA
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IN THE MATTER OF THE APPLICATION
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A CERTIFICATE OF CORRIDOR
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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. Reply to Response of SCS Carbon Transport LLC to Petition to Intervene; 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
Special Assistant Attorney General
North Dakota Public Service Commission
600 E. Boulevard Ave, Dept. 408
Bismarck, ND 58505-0480
jschuh@nd.gov

Lawrence Bender Bar ID 03908
Fredrikson & Byron, P.A.
1133 College Dr., Ste. 1000
Bismarck, ND 58501-1215
lbender@fredlaw.com

Hope Lisa Hogan Bar ID 05982
Administrative Law Judge
Office Of Administrative Hearings
2911 N. 14th St., Ste. 303
Bismarck, ND 58503
hlhogan@nd.gov

Zachary Evan Pelham Bar ID 05904
Pearce Durick PLLC
314 E. Thayer Ave.
P.O. Box 400
Bismarck, ND 58502-0400
zep@pearce-durick.com

John Hamre
Public Service Commission
State Capitol
600 E Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480
jghamre@nd.gov

Brian E. Jorde
Domina Law Group
2425 S 144th St
Omaha NE 68144
bjorde@dominalaw.com

Kevin Pranis
LIUNA Minnesota & North Dakota
81 E Little Canada Rd
St. Paul MN 55117
kpranis@liunagroc.com

Randall J. Bakke Bar ID 03898
Bradley N. Wiederholt Bar ID 06354
Bakke Grinolds Wiederholt
PO Box 4247
Bismarck, ND 58502-4247
rbakke@bgwattorneys.com
bwiederholt@bgwattorneys.com

North Dakota Public Service Commission
ndpsc@nd.gov

Bret A. Dublinske
Fredrickson & Bryon, P.A.
111 E. Grand Ave., Ste. 301
Des Moines, IA 50309-1884
bdublinske@fredlaw.com

James Curry
Babst, Calland, Clements and Zomnir P.C.
jcurry@babstcalland.com

Derrick Braaten
derrick@braatenlawfirm.com

Julie Lawyer
Burleigh County State's Attorney
bc08@nd.gov

Brant Leonard
Frederickson & Byron, P.A.
bleonard@fredlaw.com

Patrick T. Zomer
Attorney for the City of Bismarck
pat.zomer@lawmoss.com

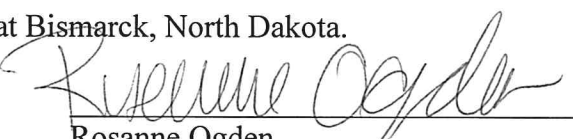
[3] and by sending the originals and seven (7) copies of said documents via U.S. Mail, at Bismarck, North Dakota with postage prepaid, to the following:

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