



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. Joinder in Motion to Continue filed by Burleigh County; and
2. Declaration of Service.

This Joinder in Motion is being filed with the North Dakota Public Service Commission (hereinafter "NDPSC") on behalf of the Intervenor represented by Knoll Leibel LLP. Intervenor has 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

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Joinder in Motion to Continue Filed by Burleigh County
Knoll Leibel, LLP, on behalf and at the request of Intervenor
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

**JOINDER IN MOTION TO
CONTINUE FILED BY
BURLEIGH COUNTY**

Landowner Intervenor hereby join in the Motion to Continue filed by Burleigh County on the following basis:

1. Landowner Intervenor have been primarily represented before the Commission by Brian Jorde at Domina Law Group and Steve Leibel at Knoll Leibel LLP. Landowner Intervenor have no counsel available for the April 22, 2024 hearings.

2. Mr. Jorde is unavailable on April 22, 2024 due to in-person hearings out of state in a different matter. He is also unavailable on April 23, 2024 to attend a hearing in North Dakota due to depositions in a multi-party case out of state that are set for April 24, 2024 and April 25, 2024.

3. Attorney Steve Leibel is unavailable on April 22, 2024 due to being under subpoena as a witness for a two-day evidentiary hearing in Williams County District Court before the Hon. Chas Neff. This hearing is set to begin at 9:00 am on April 23, 2024 and will continue through April 24, 2024. Attorney Dave Knoll, who has not appeared before the Commission on this matter, is similarly unavailable due to a competing hearing in Burleigh County before the Hon. Daniel Borgen on April 22, 2024.

4. Undersigned counsel are not requesting a continuance for the purpose of delay. Both Mr. Jorde and Mr. Leibel are actively working on rescheduling conflicts with the May 24 and June 4 dates. They have done so in the past. As the Commission is aware, Landowner Intervenor have never moved to continue any of the other hearings, and have instead attended and participated through either Mr. Jorde, Mr. Leibel, or a combination of the two, depending on availability. However, the law firms hired by the individual North Dakotans objecting to this project are not multi-state corporations with hundreds of lawyers—Summit had more lawyers at the last public hearing than there are total lawyers in both law firms combined.

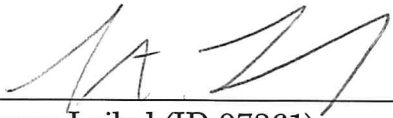
5. Undersigned counsel did not delay in requesting this relief. The April 22, 2024 hearings were set on March 21, 2024 without any input or comment from counsel. Landowner Intervenor move for this relief within four (4) business days.

6. Finally, moving this hearing will not unfairly prejudice any party. The reconsideration was granted to accommodate Summit—not the parties who opposed this pipeline. Furthermore, intervenors are not requesting a lengthy delay. As pointed out in Burleigh County's motion, intervenors are available the entire week of June 17-21. This is only a couple of weeks after the June 4 hearing. In the alternative, these intervenors will also participate in any scheduling conference regarding resetting this matter on a date that works for all parties.

7. Forcing the primary hearing on reconsideration to occur at a time where two intervenors are unrepresented would be fundamentally unfair. For this reason,

Landowner Intervenor object to the April 22, 2024 hearing, and join the motion to continue filed by Burleigh County.

Dated this 27th day of March, 2024.



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Landowners'/Intervenors' Lawyers

**STATE OF NORTH DAKOTA
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IN THE MATTER OF THE APPLICATION
OF SCS CARBON TRANSPORT LLC FOR
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. Joinder in Motion to Continue Filed by Burleigh County; 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:

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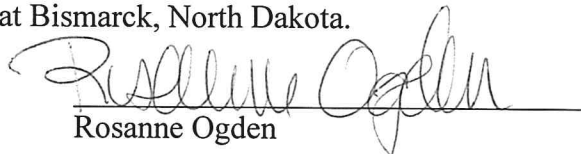
[3] and by sending the originals and seven (7) copies of said documents via U.S. Mail, at Bismarck, North Dakota with postage prepaid, to the following:

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