

April 4, 2024

VIA U.S. MAIL

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

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

Dear Mr. Kahl:

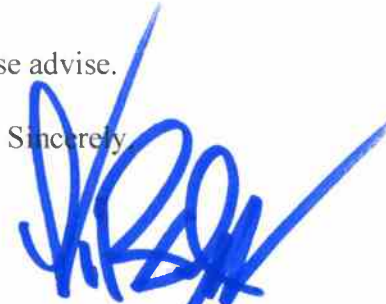
Enclosed herewith, please find the following documents for filing with the North Dakota Public Service Commission ("Commission") in the above-referenced case:

1. Response of SCS Carbon Transport LLC to the Petition to Intervene by Mitch Kertzman and Julie Streamer (Kertzman Farm Trust); and
2. Certificate of Service.

An original and seven (7) copies of the foregoing are enclosed herewith. This letter and the above-described documents have been electronically filed with the Commission by e-mailing copies of the same to ndpsc@nd.gov.

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/tjg
Enclosures
#82037445v1

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

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

OAH FILE NO. 20230002

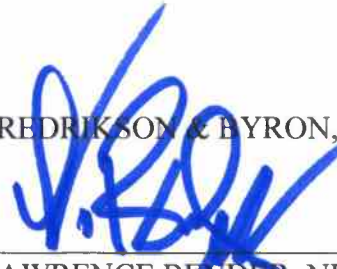
**Response of SCS Carbon Transport LLC to the Petition to Intervene
by Mitch Kertzman and Julie Streamer (Kertzman Farm Trust)**

On March 27, 2024, Mitch Kertzman and Julie Streamer, presumably as Trustees of the Kertzman Farm Trust dated January 1, 2017 (collectively, the “Landowners”), filed a Petition to Intervene in the above-captioned case. *See* Docket No. 464. SCS Carbon Transport LLC (“Summit”) has no objection to the Landowners intervening in this case for the limited purposes of addressing the deficiencies set forth in the August 4, 2024 Order (Docket No. 375) of the North Dakota Public Service Commission (“Commission”). For avoidance of doubt, Summit objects to the Landowners intervening for the purpose of addressing, or attempting to address, matters which (i) are outside of the jurisdiction of the Commission, including, without limitation, private easements matters, eminent domain, safety compliance with PHMSA construction and operation, and permanent sequestration and storage of carbon dioxide,¹ or (ii) any matters in the August 4, 2024 Order (Docket No. 375) of the Commission which the Commission determined Summit has sufficiently addressed.

¹ *See, e.g.,* Docket No. 375, Findings of Fact, ¶ 13.

Dated this 4th day of April, 2024.

FREDRIKSON & BYRON, P.A.



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**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**SCS Carbon Transport LLC
Midwest Carbon Express CO2 Project
Sitting Application**

CASE NO. PU-22-391

CERTIFICATE OF SERVICE

I, the undersigned, being of legal age, hereby certify that a true and correct copy of the following:

1. Letter to S. Kahl forwarding documents for filing; and
2. Response of SCS Carbon Transport LLC to the Petition to Intervene by Mitch Kertzman and Julie Streamer (Kertzman Farm Trust).

was, on April 4, 2024, filed with the North Dakota Public Service Commission and served electronically to the following:

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Dated this 4th day of April, 2024.

FREDRIKSON & BYRON, P.A.

By: 

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