



KNOLL LEIBEL ^{LLP}
ATTORNEYS AT LAW

April 5, 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. Intervenors' Witness List; 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

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

502 PU-22-391 Filed 04/05/2024 Pages: 7

Intervenors' Witness List

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

INTERVENORS' WITNESS LIST

COMES NOW Intervenors¹, represented by the undersigned counsel, respectfully submit this Intervenors' Witness List. Although Landowner Intervenors' counsel is unavailable for the hearings commencing April 22, 2024, for purposes of eliminating any waiver argument that may be made by Summit, Landowner Intervenors reserve the right to call one or more of the following witnesses, absent a stipulation that pre-filed written testimony be admitted into the record, at the time of the to-be-scheduled Technical Hearing which is formally requested by Landowner Intervenors:


- a. Bruce Rastetter, Summit;
- b. Lee Blank, Summit;
- c. James Powell, Summit;
- d. James Pirolli, Summit;
- e. Jon Probst, Summit;
- f. Lisa Cohen, Summit;

¹ See Order Granting Petition to Intervene (Doc. 82, 83, 159, 168, 204) and pending Petitions to Intervene (Docs. 464 and 476).

- g. Micah Rorie, Summit;
- h. Jake Ketzner, Summit;
- i. The author(s) of any document or data provided by Summit to the PSC that has not also been provided in identical format to the Parties in these proceedings. (Note - that the name(s) are unknown as Summit has not revealed this critically important information in public filings, nor have they produced such information despite requests to counsel for Landowner Intervenors);
- j. The author(s) of any redacted or unredacted document or data provided by Summit to the PSC in anyway related to dispersion modeling or vapor dispersion modeling or dispersion analysis in the event of a release of CO2 from the proposed hazardous pipeline, risk analysis or risk assessment of the proposed hazardous pipeline, hazard distances, or dispersion buffers, or similar. (Note - that the name(s) are unknown as Summit has not revealed this critically important information in public filings, nor have they produced such information despite requests to counsel for Landowner Intervenors);
- k. The author(s) of any report, document, or data related to any possible CO2 pipeline route south of Bismarck or Burleigh County. (Note – no such author has been revealed Summit simply stated it did not prefer a southern route.);
- l. Mary Jo Irmen, Landowner Burleigh Co.;
- m. Scott Irmen, Landowner Burleigh Co.;
- n. Howard Malloy, Howard L. Malloy Trust #2 - Landowner Morton Co.;
- o. Jonathan Hagerott, APH Farms - Landowner Morton Co.;
- p. Arden Hagerott, APH Farms - Landowner Morton Co.;
- q. Janel Olson, APH Farms - Landowner Morton Co.;
- r. Phil Riely, Mayor of Watford City;
- s. Gary Tharaldson, Founder Tharaldson Ethanol Plant;
- t. President of Tharaldson Ethanol Plant;

- u. Plant Manager, Tharaldson Ethanol Plant;
- v. Lynn Helms, Director of the North Dakota Department of Mineral Resources;
- w. Dr. Matt Liebman, Emeritus Professor of Agronomy and the former 4 Henry A. Wallace Endowed Chair for Sustainable Agriculture at Iowa State University;
- x. Jack Willingham, Director of Emergency Management, Yazoo City, Mississippi;
- y. Terry Gann, Yazoo City, Mississippi Police Chief;
- z. Dr. Mark Jacobson, Professor of Civil and Environmental Engineering at Stanford University;
- aa. Bill Caram, Pipeline Safety Trust Executive Director;
- bb. Dr. Silvia Secchi, Professor in the Department of Geographical and Sustainability Sciences 6 and Senior Research Fellow in the Environmental Policy Program in the Public Policy 7 Center at the University of Iowa;
- cc. Dr. John Abraham, Professor of Thermal Sciences at the University of St. Thomas School of Engineering; and
- dd. Ryan Clark, Geologists with the Iowa Geological Survey.
- ee. Any witnesses needed to authenticate documents.
- ff. Any rebuttal witnesses not anticipated at this time.
- gg. Intervenors reserve the right to call any witnesses named by Summit and any other Party.
- hh. Intervenors reserve the right to call any witness who offered testimony at any hearing in order to exercise their right of cross-examination as required by N.D.C.C. 28-32-24(5), N.D.C.C. 28-32-25, and N.D.C.C. 28-32-35.

Dated this 5th day of April, 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

Landowner/Intervenor Lawyers

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

Landowner/Intervenor 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
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

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. Intervenors' Witness List; and**
- 2. Declaration of Service.**

[2] On April 5, 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

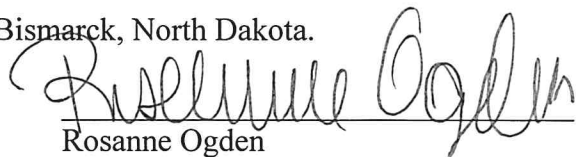
[3] and by sending the originals and seven (7) copies of said documents via U.S. Mail, at Bismarck, North Dakota with postage prepaid, to the following:

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 5th day of April, 2024 at Bismarck, North Dakota.


Rosanne Ogden