

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

**SCS Carbon Transport LLC  
Midwest Carbon Express CO2 Pipeline Project  
Siting Application**

**Case No. PU-22-391**

**ORDER ON MOTION FOR CONTINUANCE**

**April 9, 2024**

**Preliminary Statement**

On March 18, 2024, The Commission discussed scheduling hearings in the proceeding to take place on April 22, 2024, May 24, 2024, and June 4, 2024.

On March 21, 2024, The Commission issued a Notice of Public Hearing scheduling public hearings on the dates discussed on March 18, 2024.

On March 27, 2024, Burleigh County filed a Motion for Continuance of the April 22, 2024 hearing until after June 4, 2024.

Also on March 27, 2024, Landowner Intervenor joined Burleigh County's Motion for Continuance.

On April 1, 2024, SCS Carbon Transport LLC filed a response to Burleigh County's Motion for Continuance.

**Discussion**

Burleigh County's March 27, 2024, Motion for Continuance argues that the attorneys of record for Burleigh County in this proceeding have unmovable conflicts with the currently scheduled hearing in Mandan set to begin April 22, 2024. The motion for continuance did not account for conflicts of all attorneys of record for Burleigh County during the available noticed public hearing dates.

Landowner Intervenor's arguments are similar to those made by Burleigh County in that they do not account for conflicts of all attorneys of record for Landowner Intervenor during the available noticed public hearing dates.

The Commission further identifies that Burleigh County's Motion, joined by the Landowner Intervenor, was not filed timely. The Commission publicly discussed holding dates noticed in its March 21, 2024 Notice of Public Hearing on March 18, 2024. The

movants did not file for continuance until March 27, 2024, well after the venue was confirmed and contracts had been executed.

Both Burleigh County and Landowner Intervenor's arguments failed to demonstrate unavailability for the entire week of April 22-26. However, in order to ensure all parties have a reasonable opportunity to present evidence and cross-examine witnesses, the Commission finds it appropriate to permit an additional virtual technical hearing in the event counsel for Burleigh County or Landowner Intervenor's do not attend the hearing commencing on April 22, 2024. In the event counsel for Burleigh County or Landowner Intervenor's do not attend the hearing, upon request, the Commission will schedule an additional technical hearing to provide an opportunity to present a case and cross-examination. A request for a technical hearing must be filed with the Commission by May 3, 2023. It is anticipated any technical hearing will take place via video conference.

Having considered the Motion for Continuance, the Commission does not find good cause to grant a continuance and issues the following:

### **Order**

The Commission Orders:

1. Burleigh County's Motion for Continuance, which the Landowner Intervenor's joined, is DENIED.
2. If Burleigh County and/or Landowner Intervenor's do not attend the April 22, 2024 public hearing and timely file a request for technical hearing, the Commission will provide an opportunity to participate in a technical hearing.

### **PUBLIC SERVICE COMMISSION**

  
**Randy Christmann**  
Chair