

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-22-391

AFFIDAVIT OF SERVICE BY ELECTRONIC MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **16th day of April 2024**, she sent an electronic message to **17** addresses, each including an electronic copy in portable document format of:

- **Notices of Ex Parte Communications**

The electronic mail was addressed as follows:

Lawrence Bender
Fredrikson & Byron, P. A.
lbender@fredlaw.com

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

Randall Bakke
Bradley Wiederholt
Bakke Grinolds Wiederholt
rbakke@bgwattorneys.com
bwiederholt@bgwattorneys.com

Steven Leibel
David Knoll
Knoll Leibel LLP
steve@bismarck-attorneys.com
david@bismarck-attorneys.com

Brian Jorde
Domina Law Group
bjorde@dominalwa.com

Kevin Pranis
LIUNA Minnesota & North Dakota
kpranis@liunagroc.com

Derrick Braaten
Braaten Law Firm
derrick@braatenlawfirm.com

Julie Lawyer
Burleigh County State's Attorney
Bc08@nd.gov

Patrick Zommer
Moss & Barnett
Pat.Zomer@lawmoss.com

Bret Dublinske
Fredrikson & Byron, P.A.
bdublinkse@fredlaw.com

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

Jannelle Combs
City of Bismarck
jcombs@bismarcknd.gov

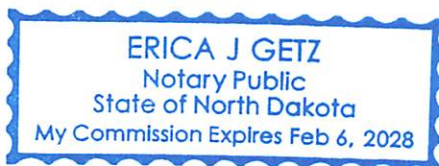
Doug P.
Ex Parte Communicator
douglpjir@aol.com

Marvin Abraham
Ex Parte Communicator
marvinabraham@hotmail.com

Curt Junt
Ex Parte Communicator
curt@envisionnrg.com

The address shown is the respective addressee's last reasonably ascertainable electronic mail addresses.

Subscribed and sworn to before me
this **16th day of April 2024**.

A handwritten signature in blue ink, appearing to read "Eric J. Getz", written over a horizontal line.A handwritten signature in blue ink, appearing to read "Erica J. Getz", written over a horizontal line.
Notary Public

SEAL

Notice of Ex Parte Communication

Case No. PU-22-391

Pursuant to 28-32-37, a person who has a direct or indirect interest in the outcome of the proceeding may not communicate, directly or indirectly regarding any issue in the proceeding while it is pending without notice and opportunity for all parties to participate in the communication. Consistent with the listed section, this document shall be placed in the record.

g) Party or person providing the ex parte communication:

See attached copy of ex parte email communication and list of senders who sent them.

h) Description of all written or oral communications received, all written and oral responses to the communications:

See attached copy of the written communication provided to Commissioner Sheri Haugen-Hoffart, Randy Christmann, and Timothy Dawson by the reply of Marvin Abraham and was also received by a general email account of the Public Service Commission. The written communication was only read by Commissioner Christmann.

i) All responses made written or oral to the ex parte communication:

No response was provided.

Any person desiring to rebut the ex parte communication is allowed to do so upon request within ten days after notice of the communication.

Current Parties, interested persons, and other persons allowed to participate that these matters: SCS Carbon Transport, LLC, Landowner Intervenor, Burleigh County, Emmons County, City of Bismarck, and LIUNA.

Reporting Staff: Brian Johnson

From: curt envisionnrg.com <curt@envisionnrg.com>

Sent: Thursday, April 11, 2024 1:51 PM

To: ndpsc@nd.gov <ndpsc@nd.gov>

Subject: NDPSC April 22, 2024 SCS Public Hearing at Baymont Suites Mandan ND

To: ND PSC Commissioners Christmann and Haugen-Hoffert and Decision-maker Dawson:

It is wholly unfortunate that you could not see your way to accommodating BURLEIGH County's request to reschedule the upcoming Public Hearing date that you all scheduled without coordinating with the Intervenor Attorneys while ensuring there were not only no conflicts with you and your staff but ALSO no conflicts with Summit Carbon Solutions vast number of legal counselors and expert witnesses.

The preferential treatment by you toward Summit throughout this entire Docket and numerous Hearing process has been glaring. All you need do is watch (especially) Commissioner Christmann's treatment of many public witnesses and intervenor witnesses on March 14, May 9 and June 2 2023 and this latest utter disregard (and disrespect) toward Intervenor Emmons and BURLEIGH County with the latter now not able to have its legal counsel available for the April 22, 2024 Public Hearing. It's a violation of duty to the people and a total disregard of due process. It's shameful.

Before setting the dates, how much coordination did you have with Summit, et al versus the Intervenor Attorneys? We want to know - WE THE PEOPLE!

You were elected "By the People" to represent and protect the interests "of the People" - not Summit or any other company that comes before you from out of nowhere to build a complex pipeline full of numerous detrimental impacts and unintended consequences!

Speaking of other companies that come before you - Mr. Christmann has recently criticized MDU for shutting down two of their Coal-fired power plants after which they have now filed a complaint before the FERC over the FX Solutions/Atlas Power crypto mining facility at Williston that is negatively impacting our electric reliability and rates for MDU, Capital Electric Cooperative and many other electricity providers across the state. As one of our state's top regulators, where were you all when MDU proposed shutting down these coal plants? Did you stand up or go public letting them know this was a bad idea? Where were you on looking out for our energy reliability and rates Commissioner Christmann and fellow commissioners? At least MDU is trying to do something about getting to the bottom of what the hell went wrong in the permitting and SPP Grid Impact Study that allowed the 240-260MWh crypto-mining facility to connect to the SPP power pool without assurance of sufficient concomitant generating capacity? And they want to take the crypto-mining facility to 700 MWh's of electric power consumption? What?

I, and hundreds of other area citizens, hereby request that you reschedule the April 22, 2024 Public Hearing AFTER coordinating such date with ALL attorneys and their Expert Witnesses in this Docket, not just Summit.

Best regards,

Curtis Jundt
Bismarck ND

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d) Party or person providing the ex parte communication:

See attached copy of ex parte email communication and list of senders who sent them.

e) Description of all written or oral communications received, all written and oral responses to the communications:

See attached copy of the written communication provided to Commissioner Sheri Haugen-Hoffart, Randy Christmann, and Timothy Dawson from Marvin Abraham which contained an email from Curt Jundt which was not originally sent as an ex parte communication by Mr. Jundt. The written communication was only read by Commissioner Christmann.

f) All responses made written or oral to the ex parte communication:

No response was provided.

Any person desiring to rebut the ex parte communication is allowed to do so upon request within ten days after notice of the communication.

Current Parties, interested persons, and other persons allowed to participate that these matters: SCS Carbon Transport, LLC, Landowner Intervenor, Burleigh County, Emmons County, City of Bismarck, and LIUNA.

Reporting Staff: Brian Johnson

From: Dawson, Timothy J. <tjdawson@nd.gov>
Sent: Friday, April 12, 2024 7:39 AM
To: Schock, Victor F. <vschock@nd.gov>
Subject: FW: NDPSC April 22, 2024 SCS Public Hearing at Baymont Suites Mandan ND

I did not read this because it appeared to be improper communications. Please review and tell me if I should read it.
Tim

From: marvin abraham <marvinabraham@hotmail.com>
Sent: Thursday, April 11, 2024 5:00 PM
To: Haugen-Hoffart, Sheri <shaughenhoffart@nd.gov>; Dawson, Timothy J. <tjdawson@nd.gov>; Christmann, Randel D. <rchristmann@nd.gov>
Subject: Fw: NDPSC April 22, 2024 SCS Public Hearing at Baymont Suites Mandan ND

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

From: marvin abraham <marvinabraham@hotmail.com>
Sent: Thursday, April 11, 2024 4:44 PM
To: curt envisionnrg.com <curt@envisionnrg.com>; ndpsc@nd.gov <ndpsc@nd.gov>
Cc: Marvin Abraham <marvinabraham@hotmail.com>
Subject: Re: NDPSC April 22, 2024 SCS Public Hearing at Baymont Suites Mandan ND

ND PSC Commissioners Christmann, Haugen-Hoffart and Decision Maker Dawson

I am replying to Curt Jundt and you three people with the very same concerns. His letter is very thorough regarding the obvious disrespect for your fellow citizens. You people have total disregard for your fellow citizens that put you in office. If I were you I would be totally ashamed of myself. My parents taught me as a kid to respect your fellow citizens especially the ones that had confidence in you to do the job the people elected you for.
Its is blatantly obvious that there is COLLUSION between Summit and PSC.

The simple fact that you reconsidered the permit tells me there is collusion and you should be ashamed of yourselves. The fact that you totally disregard the MAJOR SAFETY issue of this whole project. You realize you are jeopardizing your lives as well as the lives of the citizens that put you in this very position.

I would be concerned for my life should there be an eruption of this deadly CO2 scam and citizens passed away from this as it would affect the city of Bismarck Mandan and surrounding area for miles.. I would hope you would be prepared for a CLASS ACTION LAWSUIT from many in regard to this scam. Guessing we as taxpayers are already paying a high premium for liability insurance for errors you make with no regards to lives but the fact that this is all a monetary political scam.

And oh by the way Mr. Christman since your term is up, you will not be getting my vote along with several that we communicate regarding your position based on your disrespect

Hoping you three give this some very serious consideration on how you vote and if you value the lives of your loved ones and friends

Marv Abraham
concerned taxpayer of Burleigh county

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b) Description of all written or oral communications received, all written and oral responses to the communications:

See attached copy of the written communication provided to Commissioner Sheri Haugen-Hoffart, Randy Christmann, and Timothy Dawson. The written communication was only read by Commissioner Christmann.

c) All responses made written or oral to the ex parte communication:

No response was provided.

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Reporting Staff: Brian Johnson

From: douglpj@aol.com <douglpj@aol.com>
Sent: Saturday, April 13, 2024 1:04:17 PM
To: Haugen-Hoffart, Sheri <shaughenhoffart@nd.gov>; Christmann, Randel D. <rchristmann@nd.gov>; Dawson, Timothy J. <tjdawson@nd.gov>
Subject: CRITICAL CO2 Pipeline

You don't often get email from douglpj@aol.com. [Learn why this is important](#)

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Commissioners and Mr. Dawson

I am a Burleigh County resident, I live NE of Bismarck. The proposed route is 6 miles north of my house. I am very concerned for my families safety, its not if this pipeline will break but when. You cannot allow this to go through the north part of Bismarck Mandan area. There is approximately 125000 people that could be affected by a break. The area is at a higher elevation, and why hasnt Summit provided a plume study? We all know why because it will follow the low lying area which is the Missouri River into our cities. You as our elected employees and stand in cannot put the safety of Bismarck Mandan citizens in harms way because of \$\$\$\$. This green new deal hoax is not necessary to our oil and gas production. Its all about the 45 tax credits for the establishment good old boys club here in ND. We hear over and over it will be good for our economy (yes a select few) money doesnt buy happiness, quality of life is what is important not having to worry about a critical co2 pipeline exploding. This pipeline is unlike anything we have seen in ND 24 inch 2200 psi, this shouldnt be considered a common carrier it doesnt benefit the people. Our legislators (the new ones) that will be coming in havent had an opportunity to address this issue, there should be no hurry to issue any kind of permit. Randy you said during the special session that our legislators didnt address this. Thats true except Sen. Magrum who is a true patriot! The rest of the rino republicans (the good old boy club) are bought and paid for. I and hundreds of patriots saw this first hand at the Fago Republican Convention, there is an establishment, they have forgot why they have been elected, to serve the people of ND not the powerful wealthy establishment, change is coming not if but when. I will leave you with this, if GOD wanted co2 stored in the ground do you think HE would have done that when HE created the earth? The love of money is the root of ALL evil. Money isnt evil but the LOVE of it is, the power the greed the control and corruption is whats wrong in our world, and thats what we see with this co2 pipeline.

Thankyou for your time. Doug P

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