



KNOLL LEIBEL ^{LLP}
ATTORNEYS AT LAW

May 9, 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. Intervenor's Witness List (Technical Hearing); and
2. Declaration of Service.

This Witness List is being filed with the North Dakota Public Service Commission (hereinafter "NDPSC") on behalf of the Intervenor's represented by Knoll Leibel LLP. These Intervenor's 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

558 PU-22-391 Filed 05/09/2024 Pages: 9
Intervenor's Witness List (Technical Hearing)
Knoll Leibel, LLP, on behalf and at the request of Intervenor's
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, DICKY,
EMMONS, LOGAN, MCINTOSH,
MORTON, OLIVER, RICHLAND AND
SARGENT COUNTIES, NORTH DAKOTA

Case No. PU-22-391

INTERVENORS' WITNESS LIST

COMES NOW Intervenor¹, represented by the undersigned counsel, respectfully submit this Intervenor's Witness List.

Landowner Intervenor will recall for cross-examination the following witnesses at the technical hearing scheduled to commence on May 28, 2024:

- a. Jeff Olson, Summit Carbon Solutions, LLC;

At the April 22, 2024, Hearing Summit stated it would call Mr. Olson during the Technical hearing, and it is therefore anticipated that cross-examination of Jeff Olson will be 30 minutes or less.

- b. Dan Pickering, Pickering Energy Partners; and

It is anticipated that cross examination of Dan Pickering will be 40 minutes.

- c. Wade Boeshans, Summit Carbon Solutions, LLC;

It is anticipated that cross examination of Wade Boeshans will be 40 minutes.

- d. James Powell; Summit Carbon Solutions, LLC;

It is anticipated that cross examination of James Powell will be 65 minutes.

¹ See Orders Granting Petition to Intervene (Doc. 82, 83, 159, 168, 204, 511, and 512).

- e. Jon Schmidt, EXP Energy Service, Inc.

It is anticipated that cross examination of Jon Schmidt will be 25 minutes.

- e. Kevin Pranis, Liuna

It is anticipated that cross examination of Kevin Pranis will be 15 minutes.

- f. Any other Summit Carbon Solutions witnesses necessary; and
- g. Any other Summit Carbon Solution witnesses who may testify at the Technical Hearing.
- h. 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 Intervenor(s));
- i. 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 Intervenor(s));
- j. 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.);

Landowner Intervenor(s) will call the following witnesses following witnesses at the technical hearing scheduled to commence on May 28, 2024, unless the pre-filed testimony, if any of the following witnesses is stipulated to by the other parties:

- a. Liz Garst

It is anticipated that direct exam of Liz Garst will be 30 minutes.

b. Sherri Deal-Tyne

It is anticipated that direct exam of Sherri Deal-Tyne will be 30 minutes.

c. Ted Schettler

It is anticipated that direct exam of Ted Schettler will be 30 minutes.

d. Jason Howard

It is anticipated that direct exam of Jason Howard will be 45 minutes.

e. Neil Dahlquist

It is anticipated that direct exam of Neil Dahlquist will be 30 minutes.

f. Brenda Barr

It is anticipated that direct exam of Brenda Barr will be 30 minutes.

g. Mary Jo Irmen, Landowner Burleigh Co.;

It is anticipated that direct exam of Mary Jo Irmen will be 45 minutes.

h. Howard Malloy, Howard L. Mallow Trust #2 - Landowner Morton Co.;

It is anticipated that direct exam of Howard Malloy will be 40 minutes.

i. Robb Sattler

It is anticipated that direct exam of Robb Sattler will be 30 minutes.

j. Jonathan Hagerott, APH Farms - Landowner Morton Co.;

It is anticipated that direct exam of Jonathan Hagerott will be 40 minutes.

k. Arden Hagerott, APH Farms - Landowner Morton Co.;

It is anticipated that direct exam of Arden Hagerott will be 10 minutes.

l. Janel Olson, APH Farms - Landowner Morton Co.;

It is anticipated that direct exam of Janel Olson will be 25 minutes.

- m. Dr. Matt Liebman, Emeritus Professor of Agronomy and the former 4 Henry A. Wallace Endowed Chair for Sustainable Agriculture at Iowa State University;

It is anticipated that direct exam of Dr. Leibman will be 45 minutes.

- n. Jack Willingham, Director of Emergency Management, Yazoo City, Mississippi;

It is anticipated that direct exam of Jack Willingham will be 45 minutes.

- o. Terry Gann, Yazoo City, Mississippi Police Chief;

It is anticipated that direct exam of Terry Gann will be 30 minutes.

- p. Dr. Mark Jacobson, Professor of Civil and Environmental Engineering at Stanford University;

It is anticipated that direct exam of Dr. Jacobson will be 45 minutes.

- q. Bill Caram, Pipeline Safety Trust Executive Director;

It is anticipated that direct exam of Bill Caram will be 45 minutes.

- r. 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;

It is anticipated that direct exam of Dr. Secchi will be 90 minutes.

- s. Dr. John Abraham, Professor of Thermal Sciences at the University of St. Thomas School of Engineering;

It is anticipated that direct exam of Dr. Abraham will be 90 minutes.

- t. Ryan Clark, Geologists with the Iowa Geological Survey;

It is anticipated that direct exam of Ryan Clark will be 30 minutes.

Landowner Intervenor may call the following witnesses following witnesses at the technical hearing scheduled to commence on May 28, 2024.

- a. Phil Riely, Mayor of Watford City;

It is anticipated that direct exam of Phil Riley will be 20 minutes.

- b. Gary Tharaldson, Founder Tharaldson Ethanol Plant;

It is anticipated that direct exam of Gary Tharaldson will be 45 minutes.

- c. President of Tharaldson Ethanol Plant;

It is anticipated that direct exam of President of Tharaldson will be 25 minutes.

- d. Plant Manager, Tharaldson Ethanol Plant;

It is anticipated that direct exam of Plant Manager of Tharaldson will be 20 minutes.

- e. Lynn Helms, Director of the North Dakota Department of Mineral Resources;

It is anticipated that direct exam of Lynn Helms will be 30 minutes.

- f. Any witnesses needed to authenticate documents;

- g. Any rebuttal witnesses not anticipated at this time;

- h. Intervenor reserve the right to call any witnesses named by Summit and any other Party; and

- i. Intervenor 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 9th day of May, 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. Intervenor's Witness List (Technical Hearing)
2. Declaration of Service.

[2] On May 9, 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@liunagrocc.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

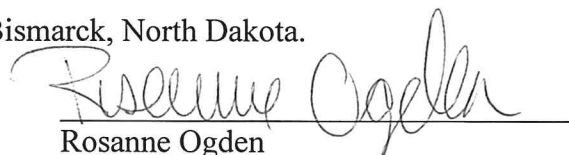
[3] and by sending the originals and seven (7) copies of said documents via U.S. Mail, at Bismarck, North Dakota with postage prepaid, to the following:

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 9th day of May, 2024 at Bismarck, North Dakota.


Rosanne Ogden