



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. Intervenors' Interrogatories and Requests for Production to SCS Carbon Transport LLC (Set 4); and
2. Declaration of Service.

These Interrogatories and Requests are being filed with the North Dakota Public Service Commission (hereinafter "NDPSC") on behalf of the Intervenors represented by Knoll Leibel LLP. These 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

559 PU-22-391 Filed 05/09/2024 Pages: 12

Intervenors' Interrogatories and Requests for Production to SCS Carbon Transport LLC (SET 4)
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'
INTERROGATORIES AND
REQUESTS FOR
PRODUCTION TO SCS
CARBON TRANSPORT LLC
(SET 4)**

**TO: SCS CARBON TRANSPORT, LLC, BY AND THROUGH ITS ATTORNEY
OF RECORD, LAWRENCE BENDER, FREDRIKSON & BYRON, P.A., 1133
COLLEGE DR., SUITE 1000, BISMARCK, ND 58501:**

YOU WILL PLEASE TAKE NOTICE that Intervenor¹ represented by the undersigned counsel, requests answers to the within Interrogatories, Request for Admissions, and Request for Production of Documents under oath within ten (10) business days after service of this document, pursuant to the provisions of N.D.A.C. § 69-02-05-12 and North Dakota Century Code title 49, including information and knowledge possessed or obtainable by you, your attorneys, agents, employees and all others in privity with you. These interrogatories are deemed to be continuing in nature and, if information is discovered or becomes known to you, or to anyone acting on your behalf, after answering the same and before any final hearing, which would change or add to the answers previously given, you are hereby requested and directed to furnish such information to the undersigned, giving timely notice thereof.

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

INTERROGATORIES

INTERROGATORY NO. 1: Is it true you or an affiliated entity will own the CO₂ molecules proposed to be transported from the Tharaldson Ethanol Plant on your proposed hazardous pipeline?

ANSWER:

INTERROGATORY NO. 2: Is it true you or an affiliated entity will own the CO₂ molecules proposed to be transported from the Iowa Ethanol Plants on your proposed hazardous pipeline?

ANSWER:

INTERROGATORY NO. 3: Is it true you or an affiliated entity will own the CO₂ molecules proposed to be transported from the South Dakota Ethanol Plants on your proposed hazardous pipeline?

ANSWER:

INTERROGATORY NO. 4: Is it true you or an affiliated entity will own the CO₂ molecules proposed to be transported from the Nebraska Ethanol Plants on your proposed hazardous pipeline?

ANSWER:

INTERROGATORY NO. 5: Is it true that you take title to CO₂ proposed to be transported on your proposed hazardous pipeline at the “title transfer point” which is the intersection of the ethanol plant and your carbon capture equipment?

ANSWER:

INTERROGATORY NO. 6: Is it true that you or your affiliate will own the carbon capture equipment proposed to be utilized by you or your affiliate at the Tharaldson Ethanol Plant?

ANSWER:

INTERROGATORY NO. 7: Is it true that you or your affiliate will own your proposed pipeline?

ANSWER:

INTERROGATORY NO. 8: Do you agree that PHMSA does not require your plume models, dispersion analysis, risk assessment or analysis, or similar be confidential? If you do not agree, explain why.

ANSWER:

INTERROGATORY NO. 9: Do you agree that no federal agency requires your Plume Models, dispersion analysis, risk assessment or analysis, or similar be deemed confidential? If you do not agree, explain why.

ANSWER:

INTERROGATORY NO. 10: Do you agree that a release of CO₂ from an 8-inch diameter CO₂ pipeline, as you intend to construct in North Dakota, has the potential to produce CO₂ at 40,000 ppm concentration levels at least as far as 1,855 feet from the rupture site? If you do not agree, explain why.

ANSWER:

INTERROGATORY NO. 11: Do you agree that a 24-inch diameter pipeline can transport 15 times as much CO₂ by volume than an 8-inch diameter pipeline of similar length? If you do not agree, explain why.

ANSWER:

INTERROGATORY NO. 12: Do you agree a release of CO₂ from a 24-inch diameter CO₂ pipeline, as you intend to construct in North Dakota, has the potential to produce CO₂ at 40,000 ppm concentration levels at least as far as 3,800 feet from the rupture site? If you do not agree, explain why.

ANSWER:

INTERROGATORY NO. 13: Do you agree that a release of CO₂ from a 24-inch diameter CO₂ pipeline, as you intend to construct in North Dakota, has the potential to produce CO₂ at 40,000 ppm concentration levels at least as far as 4,500 feet from the rupture site? If you do not agree, explain why.

ANSWER:

INTERROGATORY NO. 14: Do you agree that if an Ethanol Plant were to process only corn produced from farms utilizing a winter cover crop, it could reduce its CI Score between an average of 20.4 to 39.1 points? If you do not agree, explain why.

ANSWER:

INTERROGATORY NO. 15: Do you agree that if an Ethanol Plant were to process only corn produced from farms utilizing manure application, it could reduce its CI Score between average of 5.5 to 28.0 points? If you do not agree, explain why.

ANSWER:

INTERROGATORY NO. 16: Do you agree that if an Ethanol Plant were to process only corn produced from farms implementing no-till practices, it could reduce its CI Score between an average of 3.4 to 6.5 points? If you do not agree, explain why.

ANSWER:

INTERROGATORY NO. 17: Do you agree that if an Ethanol Plant were to utilize renewable natural gas (RNG) for 40% of the plant's natural gas needs, it could reduce its CI Score by on average 21 points? If you do not agree, explain why.

ANSWER:

INTERROGATORY NO. 18: List the names, contact information, and titles as applicable to any person who attended any of your so-called safety meetings, including but not limited to any such meeting with any Emergency Managers, first responders, city or county officials of any kind and identify the location and date of such meetings.

ANSWER:

INTERROGATORY NO. 19: For each document, study, report, and similar data discussed or shown to any non-Summit employee during any safety meeting or similar anywhere within North Dakota, state the name or title of such document,

study, report, or similar data, the amount of pages, the date it was created, and the author.

ANSWER:

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1: For any safety meetings or any meetings where Summit or its employees or agents discussed safety, CO2 release, CO2 dispersion, CO2 hazard distances, CO2 plume modeling, CO2 plume or dispersion study, or CO2 dispersion modeling of any kind with any non-Summit employee, produce a true and accurate copy of the records, documents, and data used by Summit at those meetings or shown to the participants of such meetings, or discussed at such meetings.

RESPONSE:

REQUEST NO. 2: Produce true and accurate copies of every request for information and for equipment made by any county, city, township, first responder, Emergency Management personnel, fire department, or similar person or entity.

RESPONSE:

Dated this 9th day of May, 2024.

/s/ Brian E. Jorde

Brian E. Jorde
Pro Hac Vice (P02668)
Domina Law Group
2425 S. 144th St.
Omaha, NE 68144
402-493-4100 (p)
bjorde@dominalaw.com

David Knoll (ID 06167)
Steven Leibel (ID 07361)
Knoll Leibel LLP
P.O. Box 858
1915 N. Kavaney Drive, Ste. 3
Bismarck, ND 58501
Ph: (701) 255-2010
david@bismarck-attorneys.com
steve@bismarck-attorneys.com

Attorneys for Intervenors

**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 Interrogatories and Requests for Production to SCS Carbon Transport LLC (Set 4); and
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@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

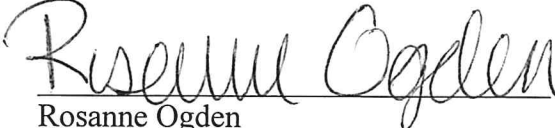
[3] and by sending the originals and seven (7) copies of said documents via U.S. Mail, at Bismarck, North Dakota with postage prepaid, to the following:

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


Rosanne Ogden