

May 14, 2024

VIA U.S. MAIL

Mr. Steve Kahl
Executive Secretary Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

**RE: SCS Carbon Transport LLC
Midwest Carbon Express Project
Case No. PU-22-391**

Dear Mr. Kahl:

Enclosed herewith, please find the following documents for filing with the North Dakota Public Service Commission ("Commission") in the above-referenced case:

1. Response of SCS Carbon Transport LLC to the Testimony of Chad Moldenhauer; and
2. Certificate of Service.

An original and seven (7) copies of the foregoing are enclosed herewith. This letter and the above-described documents have been electronically filed with the Commission by e-mailing copies of the same to ndpsc@nd.gov.

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/tjg
Enclosures
#82488269v1

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

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

OAH FILE NO. 20230002

Response of SCS Carbon Transport LLC to the Testimony of Chad Moldenhauer

SCS Carbon Transport LLC ("Summit"), by and through its attorneys of record, responds to the testimony provided by Chad Moldenhauer at the April 22, 2024 public hearing in Mandan, North Dakota as follows:

1. On April 22, 2024, Mr. Wade Boeshans, Executive Vice-President of Summit Carbon Solutions, LLC, the parent company of Summit, adopted written testimony and testified orally before the North Dakota Public Service Commission describing, among other things, his communications with Chad Moldenhauer, John Warford, and Chad Watcher in August 2023.

2. Specifically, Mr. Boeshans' written testimony provides:

. . . we reached out to some of the Bismarck area intervenors and held meetings to identify and align on specific concerns related to impacts on residential development and property values. We contacted Mr. Moldenhauer, Mr. Warford and Mr. Wachter and met with Mr. Warford and Mr. Watcher on several occasions.

. . . .

I learned that they are not opposed to Summit's project, but they had concerns related to the location of the pipeline, impacts on the future growth of Bismarck and safety concerns. I received valuable input and advice that I included in our plan. I believe they were constructive meetings.

See Docket No. 529 (emphasis added).

3. At the hearing on April 22, 2024, Mr. Boeshans testified:

So after the -- the denial of the previous route, you know, we met as a team, looked at the findings of fact, after which I reached out to the Bismarck Area Intervenors, and I met with or contacted all of them, met with some of them several times to just better understand what -- what their concerns were.

....

And so as I mentioned, had numerous meetings with the -- with the Bismarck Area Intervenors. Again, after that, I learned, you know, really their primary concerns, and you know, got some input on how to address them.

See Docket No. 535 (emphasis added).

4. At the hearing on April 22, 2024, Mr. Moldenhauer confirmed that Mr. Boeshans had communicated with him when Mr. Moldenhauer testified:

And then, you know, on that 23rd e-mail, we decided that we were going to have a meeting on September 7th. Shortly after that 23rd e-mail, I was informed that there was a new route that was posted. The route looked the same, at least as far as northern Bismarck was concerned to the one we had seen prior to the last public hearing. And so I messaged Mr. Boeshans back, and I said, I don't believe that a meeting to determine route feasibility would be appropriate now that Summit has already presented an alternative route in its petition for reconsideration. I will pass on the meeting at this time.

Id.

5. Mr. Moldenhauer further testified that:

Any assertions made by Mr. Boeshans or Summit Carbon Solutions that I participated in their decision to place this route where it is right now is a lie and a complete fabrication.

....

So to -- to say that I was, you know, in cahoots with Summit in generating this new pipeline route is just -- is just inaccurate.

Id.

6. Summit agrees with Mr. Moldenhauer that any assertion that he or the other Bismarck Area Intervenor participated in Summit's decision to place the route at its current location would not be accurate. However, Mr. Boeshans' testimony, both written and oral, is clear that Mr. Boeshans merely asked for Mr. Moldenhauer's and the other Bismarck Area Intervenor's input and listened to their concerns.

Dated this 14th day of May, 2024.


FREDRIKSON & BYRON, P.A.

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**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**SCS Carbon Transport LLC
Midwest Carbon Express CO2 Project
Sitting Application**

CASE NO. PU-22-391

CERTIFICATE OF SERVICE

I, the undersigned, being of legal age, hereby certify that a true and correct copy of the following:

1. Letter to S. Kahl forwarding documents for filing; and
2. Response of SCS Carbon Transport LLC to the Testimony of Chad Moldenhauer.

were, on May 14, 2024, filed with the North Dakota Public Service Commission and served electronically to the following:

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Dated this 14th day of May, 2024.

FREDRIKSON & BYRON, P.A.



By: _____

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