

**Bakke
Grinolds
Wiederholt**

ATTORNEYS AT LAW

May 15, 2024

Via U.S. Mail

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

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

Dear Mr. Kahl:

Enclosed for filing in Case No. PU-22-391, please find the following documents:

1. *Letter from Randall Bakke to Administrative Law Judge Hope Hogan dated May 15, 2024;* and
2. *Certificate of Service*, with seven copies of same.

Please do not hesitate to contact the undersigned if you have any questions about this filing.

Very Truly Yours,

/s/ Randall J. Bakke

Randall J. Bakke

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567 PU-22-391 Filed 05/15/2024 Pages: 5

Letter from Randall Bakke to Administrative Law Judge Hope Hogan dated May 15, 2024
Burleigh County Board of Commissioners
Randall J. Bakke, Attorney

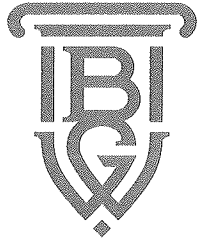
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ATTORNEYS AT LAW

May 15, 2024

Via Email Only

Hope L. Hogan
Administrative Law Judge
Office of Administrative Hearings
2911 North 14th Street, Suite 303
Bismarck, ND 58503

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

Dear Judge Hogan:

In response to Mr. Dublinke's lengthy letter today regarding witnesses who have been identified to testify at the upcoming PSC hearings, it is not our intention to get into a letter writing contest with Mr. Dublinke. However, the topics addressed previously at the April 22, 2024 hearing, and the witnesses presented by Summit at the hearing testified to many matters beyond the four issues identified by Mr. Dublinke in his May 15, 2024 letter. Clearly, we are entitled to fully cross-examine those witnesses, other Summit witnesses, and to present witnesses of our own to address the matters raised by Summit at the April 22, 2024 hearing. Further, until witness testimony is presented, Summit and its attorneys cannot possibly know what topics and matters we intend to address during our cross-examination of the Summit witnesses or through other witnesses. It is surprising that Mr. Dublinke is able to determine from merely looking at names on a witness list what issues and testimony will be addressed and provided by those witnesses without hearing their testimony first. This appears to be a mere attempt to restrict the intervenor's ability to cross-examine Summit's witnesses and otherwise offer evidence and testimony on the matters still at issue regarding Summit's application.

In relation to the time estimates provided, these are mere estimates and our goal is to try to be as efficient as possible in terms of presentation of witness testimony on the scheduled hearing dates. Also, we know that the PSC has often worked late into the evening at the prior hearings to ensure that the parties are allowed to completely present their evidence and witnesses at the hearings, and are hopeful this practice will continue, if necessary.

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In relation to Summit witnesses we intend to call, it is our understanding that the PSC has indicated that Summit must present its witnesses at the scheduled hearing, whether in person or by Zoom. The two new witnesses referenced, Alex Lange and David Daum, are both Summit witnesses we recently learned were significantly involved in Summit's efforts to address the deficiencies the PSC determined were present which resulted in the PSC denying Summit's initial application. For instance, Mr. Lange was significantly involved in providing information to emergency managers and perhaps others in relation to dealing with a CO2 pipeline leak, emergency management preparedness, and other issues. This is also true of Mr. Daum, Summit Director Health, Safety, Security & Environmental. While we disagree that their efforts were transparent or appropriate, their testimony is critical as they are the individuals from Summit who have first hand knowledge on these issues. We have also indicated we intend to call Summit Director, Regulatory Compliance Rod Dillon. We presume Summit is not interested in the PSC considering hearsay testimony from others at Summit who have no or limited direct personal knowledge on the matters at issue in relation to Summit's renewed application.

This email communication is not intended to be comprehensive of our position and arguments in response to Mr. Dublinske's letter and we can certainly answer and address these issues further at the prehearing conference tomorrow.

Thank you for your consideration.

Very Truly Yours,



Randall J. Bakke

cc: John Schuh (via email only)
Lawrence Bender (via email only)
Steven Leibel (via email only)
Brian Jorde (via email only)
Zach Pelham (via email only)
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Patrick Zomer (via email only)

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No: PU-22-391
OAH File No: 20230002

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the following documents:

1. *Filing Letter to Steve Kahl from Randall Bakke dated May 15, 2024; and*
2. *Letter from Randall Bakke to Administrative Law Judge Hope Hogan dated May 15, 2024.*

were on May 15, 2024, filed with the North Dakota Public Service Commission and served electronically to the following:

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Dated this 15th day of May, 2024.

BAKKE GRINOLDS WIEDERHOLT

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