



KNOLL LEIBEL ^{LLP}
ATTORNEYS AT LAW

May 16, 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. Expedited Motion to Appear without Local Counsel; and
2. Declaration of Service.

This Motion is 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

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Expedited Motion to Appear without Local Counsel
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

**EXPEDITED MOTION TO
APPEAR WITHOUT LOCAL
COUNSEL**

[1] COMES NOW Landowner Intervenors¹, represented by their attorneys of record KNOLL LEIBEL LLP (Steven J. Leibel and David Knoll) and DOMINA LAW GROUP (Brian Jorde), and hereby submit this *Expedited Motion to Appear without Local Counsel* at the May 24, 2024 hearing in Wahpeton, North Dakota for the above-entitled action.

[2] Attorney Brian Jorde is admitted *pro hac vice* on behalf of the Landowner Intervenors. Attorneys Steven J. Leibel and David Knoll are North Dakota attorneys designated as associate counsel for Mr. Jorde.

[3] Mr. Jorde intends to appear in person at the Wahpeton hearings on May 24, 2024.

[4] Rule 3(A)(3) of the North Dakota Admission to Practice Rules requires that designated associate counsel appear with Mr. Jorde any time he appears unless excused by the Court. By this motion, Landowner Intervenors respectfully request that

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

Mr. Jorde be allowed to appear at the Wahpeton hearings on May 24, 2024 without designated associate counsel.

[5] As a basis for this motion, Landowner Intervenor state that permitting Mr. Jorde to appear without designated associate counsel is intended to save the costs and fees associated with having Attorney Leibel travel from Bismarck to Wahpeton and attend the hearing.

[6] There will be no prejudice to any party to this proceeding arising from Mr. Jorde appearing without associate counsel. Mr. Jorde is lead counsel for intervenors and has been fully involved in this process. He has demonstrated that he is competent and able to comply with all norms of practice in front of the Commission.

WHEREFORE, Intervenor respectfully request that the Commission issue an expedited Order permitting Attorney Brian Jorde to appear without local counsel (Steven Leibel and David Knoll) for the hearing scheduled on May 24, 2024 in Wahpeton, and for such other relief deemed just and proper.

Dated this 16th day of May, 2024.



Steven Leibel (ID 07361)
David Knoll (ID 06167)
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Landowner/Intervenor Lawyers

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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. Expedited Motion to Appear without Local Counsel; and
2. Declaration of Service.

[2] On May 16, 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

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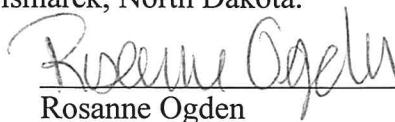
[3] and by sending the originals and seven (7) copies of said documents via U.S. Mail, at Bismarck, North Dakota with postage prepaid, to the following:

Steve Kahl
Executive Secretary
North Dakota Public Service Commission
State Capitol
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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 16th day of May, 2024 at Bismarck, North Dakota.


Rosanne Ogden