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Attorneys and Advisors

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May 21, 2024

VIA E-MAIL AND U.S. MAIL

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

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

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. Notice of Motion for Admission Pro Hac Vice of Mark Schultheis;
2. Motion for Admission Pro Hac Vice of Mark Schultheis;
3. Declaration of Mark Schultheis in Support of Motion for Admission Pro Hac Vice;
4. [Proposed] Order Granting Admission Pro Hac Vice of Mark Schultheis;
and
5. Certificate of Service.

The applicable admission has been paid to the North Dakota State Board of Law Examiners. 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,

/s/ Lawrence Bender

LAWRENCE BENDER

LB/me
Enclosures
#82554056v1

571 PU-22-391 Filed 05/21/2024 Pages: 9
Motion and Notice for Admission of Mark Schultheis
Pro Hac Vice with Proposed Order

SCS Carbon Transport LLC
Lawrence Bender, Fredrikson&Byron, P.A.

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

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

CASE NO. PU-22-391

**NOTICE OF MOTION FOR ADMISSION OF
MARK SCHULTHEIS
*PRO HAC VICE***

[¶ 1] PLEASE TAKE NOTICE that pursuant to Rule 3.2 of the North Dakota Rules of Court and Rule 3 of the North Dakota Rules of Admission to Practice, the undersigned hereby respectfully moves for an Order admitting Mark Schultheis, with the firm of Schultheis White, PLC, to practice on behalf of SCS Carbon Transport LLC for the limited purpose of participating in the above-captioned case.

DATED this 21st day of May, 2024.

FREDRIKSON & BYRON P.A.

By: /s/ Lawrence Bender
LAWRENCE BENDER, ND Bar #03908
304 East Front Ave, Suite 400
Bismarck, ND 58504-5639
Telephone: (701) 221-8700
Facsimile: (701) 221-8750
lbender@fredlaw.com

Attorney for SCS Carbon Transport LLC

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

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

CASE NO. PU-22-391

MOTION FOR ADMISSION PRO HAC VICE OF MARK SCHULTHEIS

1. Pursuant to Rule 3 of North Dakota's Admission to Practice Rules, Applicant SCS Carbon Transport LLC ("Applicant") by and through its counsel, hereby move for and order granting Mark Schultheis, of the firm Schultheis White, PLC, admission to practice pro hac vice in the State of North Dakota for the purposes of representing the Applicant in the above-captioned action.

2. Mark Schultheis is admitted to and is in good standing to appear in: Courts of the State of Iowa (1993) and Eighth Circuit Court of Appeals (1993).

3. Mark Schultheis has not appeared in any North Dakota actions during the last three years, nor has Mark Schultheis registered under Rule 3 of the North Dakota Admission to Practice Rules.

4. Mark Schultheis is not presently subject to any disciplinary proceeding in any jurisdiction and is not under any restriction or probation in the practice of law in any jurisdiction in which he is licensed.

5. Mark Schultheis is not now, nor has he ever been, suspended or disbarred from a court in any jurisdiction.

6. Lawrence Bender, of Fredrikson & Byron, P.A., an attorney licensed to practice law in the State of North Dakota, and counsel of record for the Applicants, will be associated with Mark Schultheis for purposes of the above-captioned action.

7. Filed herewith is the Declaration of Mark Schultheis in Support of Motion for Admission Pro Hac Vice (“Declaration”) evidencing compliance with Rule 3 of North Dakota’s Admission to Practice Rules.

8. A copy of this Motion and the Declaration is being filed with the State Board of Examiners. The requisite fee of Three Hundred Eighty Dollars (\$380.00) for 2024 has also been remitted.

9. WHEREFORE, the undersigned respectfully requests admission of Mark Schultheis for the purposes of representing the Applicants in the above-captioned action.

DATED this 21st day of May, 2024.

FREDRIKSON & BYRON P.A.

By: /s/ Lawrence Bender
Lawrence Bender, ND Bar #03908
1133 College Drive, Suite 1000
Bismarck, ND 58501-1215
lbender@fredlaw.com
Telephone: 701.221.8700
Attorneys for Applicant
SCS Carbon Transport LLC

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

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

CASE NO. PU-22-391

**DECLARATION OF MARK SCHULTHEIS IN SUPPORT OF
MOTION FOR ADMISSION PRO HAC VICE**

STATE OF IOWA)
) SS
COUNTY OF POLK)

Mark Schultheis, deposes and states as follows:

1. I am a partner with Schultheis White, PLC, located 3116 Ingersoll Ave., Suite D, Des Moines, IA 50312. My telephone number is (515) 528-2348. My email address is mas@swlawiowa.com.

2. I have been admitted, and I am in good standing to appear before, the following courts:

- a. State of Iowa (1993);
- b. Eighth Circuit Court of Appeals (1993);

3. I am not presently, nor have I ever been, subject to a public disciplinary proceeding in any jurisdiction.

4. I am not under any restriction or probation in the practice of law in any jurisdiction in which I am licensed.

5. I am not presently nor, have I ever been, suspended or disbarred from a court in any jurisdiction.

6. I have not appeared in any North Dakota actions during the last three years, nor have I registered under Rule 3 of the North Dakota Admission to Practice Rules.

7. Lawrence Bender with the firm of Fredrikson & Byron, P.A., counsel of record for Applicant SCS Carbon Transport LLC in the above-captioned matter, will be associated with me in all phases of this proceeding.

8. The required fee has been paid to the North Dakota State Board of Law Examiners.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 21st day of May, 2024.

/s/ Mark Schultheis

Mark Schultheis, IA Bar AT0007133

Schultheis White, PLC

3116 Ingersoll Ave., Suite D

Des Moines, IA 50312

Telephone: (515) 528-2348

E-Mail: mas@swlawiowa.com

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

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

CASE NO. PU-22-391

ORDER GRANTING ADMISSION PRO HAC VICE OF MARK SCHULTHEIS

1. Pursuant to Rule 3 of North Dakota’s Admission to Practice Rules, the Applicant, SCS Carbon Transport LLC (“Applicant”), by and through its counsel, move the Public Service Commission for an Order granting Mark Schultheis, of the firm Schultheis White, PLC, admission to practice pro hac vice in the State of North Dakota for the purpose of representing the Applicant in the above-captioned action.

2. The Hearing Examiner, having considered the Motion and otherwise being fully advised in this matter, finds that Mark Schultheis has complied with the provisions of Rule 3, and therefore

HEREBY ORDERS that Mark Schultheis be and thereby is admitted to practice pro hac vice before the Public Service Commission for the State of North Dakota for the purpose of representing Applicant in the above-captioned action.

State of North Dakota
Public Service Commission

Hope L. Hogan
Administrative Law Judge
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, ND 58503
Telephone: (701) 328-3200
hlhogan@nd.gov

**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;
2. Notice of Motion for Admission Pro Hac Vice of Mark Schultheis;
3. Motion for Admission Pro Hac Vice of Mark Schultheis;
4. Declaration of Mark Schultheis in Support of Motion for Admission Pro Hac Vice;
and
5. [Proposed] Order Granting Admission Pro Hac Vice of Mark Schultheis

were, on May 21, 2024, filed with the North Dakota Public Service Commission and served electronically to the following:

Hope L. Hogan
hlhogan@nd.gov

John Schuh
jschuh@nd.gov

Zachary Pelham
zep@pearce-durick.com

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Julie Lawyer
bc08@nd.gov

Patrick Zomer
Pat.Zomer@lawmoss.com

Dated this 21st day of May, 2024.

FREDRIKSON & BYRON, P.A.

By: /s/ Lawrence Bender
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#82562335v1