



**KNOLL LEIBEL** <sup>LLP</sup>  
ATTORNEYS AT LAW

May 22, 2024

VIA U.S. MAIL & E-MAIL ONLY: [ndpsc@nd.gov](mailto: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. Motion to Designate Alternate Associate Counsel;
2. Notice of Appearance – Michael Joyner; and
3. Declaration of Service.

This Motion and Notice of Appearance 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](mailto:steve@bismarck-attorneys.com)

SJL: rmo

Enclosures

572 PU-22-391 Filed 05/22/2024 Pages: 7  
Motion to Designate Alternate Associate Counsel  
and Notice of Appearance - Michael Joyner

Knoll Leibel, LLP, on behalf of the Intervenors  
Steven Leibel, Attorney

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Steven J. Leibel, Partner

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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

**MOTION TO DESIGNATE  
ALTERNATE ASSOCIATE  
COUNSEL**

Intervenors<sup>1</sup>, represented by the undersigned counsel, respectfully submit this Motion to Designate Alternate Associate Counsel.

1. Attorney Brian Jorde will be lead counsel for these Intervenors at the May 28-June 3, 2024 technical hearings. It is anticipated that Mr. Jorde will appear remotely.

2. Mr. Jorde is admitted pro hac vice. Attorneys Steve Leibel and David Knoll are Mr. Jorde's designated local associate counsel. The Rules require Mr. Jorde to appear with local associate counsel unless excused. Both Mr. Leibel and Mr. Knoll have scheduling conflicts at various times during the hearing dates. For this reason, Intervenors wish to designate Michael Joyner, an associate attorney at Knoll Leibel LLP, as an additional associate counsel for Mr. Jorde to attend the hearings when Mr. Leibel and Mr. Knoll are unavailable.

3. Designation of an additional associate counsel will not prejudice any party. Attorney Jorde is lead counsel for Intervenors and will handle the hearing,

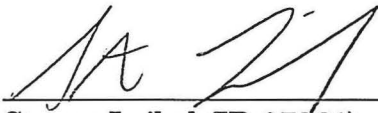
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<sup>1</sup> See Order Granting Petition to Intervene (Doc. 82, 83, 159, 168, 204, 511, and 512).

including the witness examinations, when Mr. Leibel is not present. Mr. Jorde is capable and familiar with the norms and practices of the Commission. In this context, Mr. Joyner's appearance locally will be primarily to assist Mr. Jorde with exhibits and witnesses that Mr. Jorde cannot handle remotely.

WHEREFORE, Intervenors respectfully pray that the Commission designate Mr. Joyner as additional associate counsel for Mr. Jorde, and for such other and further relief deemed just and proper.

Dated this 22nd day of May, 2024.



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

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*Landowner/Intervenor Lawyers*

**STATE OF NORTH DAKOTA  
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Case No. PU-22-391

**NOTICE OF APPEARANCE**

PLEASE TAKE NOTICE that the undersigned attorney, Michael S. Joyner of Knoll Leibel LLP, hereby provides notice and enters an appearance on behalf of Landowner Intervenors<sup>1</sup> in the above-captioned matter. Please direct all communications, pleadings, discovery, and any other related matter to the undersigned.

Dated this 22nd day of May, 2024.

KNOLL LEIBEL LLP

By:  for

\_\_\_\_\_  
Michael S. Joyner (ID 08400)  
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<sup>1</sup> See Order Granting Petition to Intervene (Doc. 82, 83, 159, 168, 204, 511, and 512).

**STATE OF NORTH DAKOTA  
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**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. Motion to Designate Alternate Associate Counsel;
2. Notice of Appearance; and
3. Declaration of Service.

[2] On May 22, 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  
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600 E. Boulevard Ave, Dept. 408  
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[3] and by hand-delivering the originals and seven (7) copies of said documents to the North address listed below, 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 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 22nd day of May, 2024 at Bismarck, North Dakota.

  
Rosanne Ogden