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May 22, 2024

RE: SCS Carbon Transport LLC / PU-22-391
Midwest Carbon Express CO2 Pipeline Project Siting Application
May 28 – June 3, 2024 Technical Hearing
OAH File No. 20230002

Dear Counsel:

Please accept this letter as a follow up to the May 16, 2024 prehearing conference regarding the upcoming technical hearing scheduled to begin on May 28, 2024. As I indicated at the conference, I believe it is necessary to provide some general guidelines for time allowance to ensure an orderly hearing.

The Public Service Commission scheduled this hearing to allow the cross examination of any witnesses that testified at the April 22, 2024 hearing and to allow the intervenors who were unable to attend that hearing to present its witnesses. At the April 22, 2024 hearing SCS Carbon Transport LLC (Summit) requested, and was granted permission, to present one additional witness who was unavailable to testify on April 22nd. Summit estimated that the testimony of this witness will take approximately 15 minutes.

We will begin the hearing with cross examination of the Summit witnesses who testified on April 22, 2024 and testimony from Summit's additional witness. Given the time estimates filed prior to prehearing conference, cross examination and the additional witness should conclude by the end of the first day.

The next two and one-half days will be allotted to the Landowner Intervenors and Burleigh County to present its witnesses. I have set one time block for both intervenors as it is my understanding that a schedule was being made by the two intervenors for calling their witnesses. Burleigh County indicated a desire to call additional Summit representatives to testify. I am not aware of the arrangements that have been made for that testimony. If Burleigh County intends to call additional Summit representatives that testimony will be attributed to this time block.

I am reserving the last one-half day for Summit to present rebuttal testimony. At the prehearing conference, counsel for Summit expressed a desire to provide all rebuttal testimony on the last hearing day in Linton. The Commission previously requested that the Linton and Wahpeton hearing days be reserved for testimony from affected landowners in those areas and for public testimony. The Commission requested the rest of the testimony to be presented during the Bismarck/Mandan hearing days. As such, any rebuttal testimony to Landowner Intervenors and Burleigh County testimony should be provided at the end of the technical hearing. Summit will be permitted to provide additional rebuttal testimony in Linton to respond to any new information provided that day.

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Technical Hearing Procedure

Timothy J. Dawson DIRECTOR

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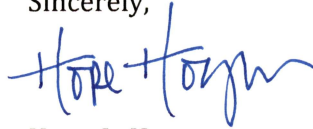
Counsel
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To reiterate what was stated at the prehearing conference, I intend to recess the hearing each day around 5:00 p.m. As normal, we will also take a morning and afternoon break of approximately 15 minutes and a 45-to-60-minute lunch break each day. Please plan your witnesses accordingly.

Additionally, the parties are strongly encouraged to pre-file witness testimony to expedite testimony at the hearing. No public testimony will be allowed at this hearing.

Thank you.

Sincerely,



Hope L. Hogan
Administrative Law Judge

cc: Zachary Pelham, counsel for PSC (via email)
Lawrence Bender, counsel for SCS Carbon Transport, LLC (via email)
Bret Dublinske, counsel for SCS Carbon Transport, LLC (via email)
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