



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

May 27, 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:

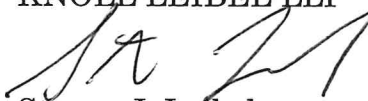
Enclosed for filing please find the following documents:

1. Motion to Strike Testimony of Dan Pickering; 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

SJL: rmo

Enclosures

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Steven J. Leibel, Partner

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585 PU-22-391 Filed 05/27/2024 Pages: 5  
Motion to Strike Testimony of Dan Pickering  
Knoll Leibel, LLP, on behalf of the 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

**MOTION TO STRIKE  
TESTIMONY OF DAN  
PICKERING**

[1] COMES NOW Landowner Intervenors<sup>1</sup>, represented by their attorneys of record KNOLL LEIBEL LLP (Steven J. Leibel) and DOMINA LAW GROUP (Brian E. Jorde), and hereby submits this *Motion to Strike Testimony of Dan Pickering* in the above-entitled action.

[2] The undersigned hereby moves this Commission to strike any prefiled testimony of Mr. Pickering [Doc. 528] related to any economic projections, assumptions, and opinions arising from Applicant's proposed carbon dioxide pipeline, Applicant's proposed carbon dioxide capture scheme, and Applicant's proposed carbon dioxide sequestration or storage for the reasons the Commission has no jurisdiction over any carbon dioxide capture scheme or process, nor does it have any jurisdiction over proposed carbon dioxide sequestration or storage.

[3] At the May 24, 2024, Wahpeton hearing Landowner intervenors attempted to develop evidence to contradict Mr. Pickering's claims and such attempts

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

were objected to by Summit and said objections sustained by the Administrative Law Judge Hope Hogan. Further, no alleged economic benefits of the “project” are relevant to these proceedings.

WHEREFORE, Intervenors respectfully pray that the Commission strike the testimony of Dan Pickering, and for such other and further relief deemed just and proper.

Dated this 27th day of May, 2024.



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**STATE OF NORTH DAKOTA  
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SARGENT COUNTIES, NORTH DAKOTA

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. Motion to Strike Testimony of Dan Pickering; and
2. Declaration of Service.

[2] On May 27, 2024, by sending a true and correct copy thereof by electronic means only to the following email addresses, to wit:

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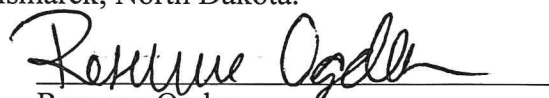
[3] and by mailing the originals and seven (7) copies of said documents to the address listed below, to the following:

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 27th day of May, 2024 at Bismarck, North Dakota.

  
Rosanne Ogden