



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

June 3, 2024

**VIA U.S. & 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. Expedited Motion to Appear without Local Counsel (June 4, 2024 hearing); and
2. Declaration of Service.

This Motion is being filed with the North Dakota Public Service Commission (hereinafter "NDPSC") on behalf of the Intervenor represented by Knoll Leibel LLP. These Intervenor 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

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**Steven J. Leibel, Partner**

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Expedited Motion to Appear without Local Counsel (June 4, 2024 Hearing)  
Knoll Leibel, LLP, on behalf of the Intervenor  
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 Intervenor<sup>1</sup>, 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 June 4, 2024 hearing in Linton, North Dakota for the above-entitled action.

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

[3] Mr. Jorde intends to appear by reliable electronic means at the Linton hearing on June 4, 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 Intervenor respectfully request that

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

Mr. Jorde be allowed to appear by reliable electronic means at the Linton hearing on June 4, 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 Linton 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 by reliable electronic means without local counsel (Steven Leibel and David Knoll) for the hearing scheduled on June 4, 2024 in Linton, and for such other relief deemed just and proper.

Dated this 3rd day of June, 2024.



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

**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  
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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. Expedited Motion to Appear without Local Counsel (June 4, 2024); and
2. Declaration of Service.

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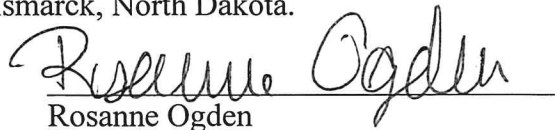
[3] and by sending the originals and seven (7) copies of said documents via U.S. Mail, at Bismarck, North Dakota with postage prepaid, to the following:

Steve Kahl  
Executive Secretary  
North Dakota Public Service Commission  
State Capitol  
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 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 3rd day of June, 2024 at Bismarck, North Dakota.

  
Rosanne Ogden