



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

June 3, 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. Response to Burleigh County's Motion For Reconsideration of Order of Protection on Information (Doc. 364), or in the Alternative, for Leave to Question re Dispersion Model; and
2. Declaration of Service.

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

DMK: rmo  
Enclosures

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**Steven J. Leibel, Partner**

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**605 PU-22-391** Filed: 6/3/2024 Pages: 6  
**Response to Burleigh Cty's Motion for Reconsideration of Order of Protection on Info (Doc 364), or in the Alternative, for Leave to Question re**  
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

**RESPONSE TO BURLEIGH  
COUNTY'S MOTION FOR  
RECONSIDERATION OF  
ORDER OF PROTECTION ON  
INFORMATION (DOC. 364), OR  
IN THE ALTERNATIVE, FOR  
LEAVE TO QUESTION RE  
DISPERSION MODEL**

Intervenors<sup>1</sup>, represented by the undersigned counsel, respectfully submit this response in support of Burleigh County's Motion for Reconsideration of Order of Protection on Information (Doc. 364), or in the Alternative, for Leave to Questions regarding Dispersion Model.

1. These intervenors had previously moved to have the Applicant's dispersion modeling made public on May 1, 2023. That request was denied by the Commission with findings of fact and conclusions of law. (Doc. 364).

2. Burleigh County has moved for reconsideration of that decision. (Doc. 582). As the Commission is aware from questioning attempted by these intervenors, these landowner intervenors agree with Burleigh County in that the Commission should reconsider its *Order on Protected Information (Doc. No. 364)*. Landowner Intervenors also requests that Dispersion Mode be made available to the public.

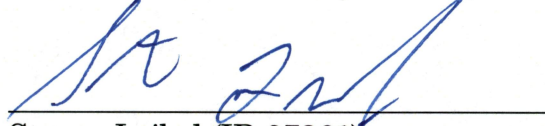
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<sup>1</sup> See Order Granting Petition to Intervene (Doc. 82, 83, 159, 168, 204, 511, and 512).

## CONCLUSION

For the same reasons Burleigh County states in their Motion for Reconsideration (Doc. No. 582), Intervenor request the Commission reconsider its Order on Protection of Information (Doc. No. 364) and unseal and make publicly available Summit's Dispersion Model (Doc. No. 195). Landowner Intervenor join in the Burleigh County's requests for a second technical hearing to be held via reliable electronic means to permit questioning related to the Dispersion Model.

Dated this 3rd day of June, 2024.



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**STATE OF NORTH DAKOTA  
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OF SCS CARBON TRANSPORT LLC FOR  
A CERTIFICATE OF CORRIDOR  
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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. Response to Burleigh County's Motion for Reconsideration of Order of Protection on Information (Doc. 364), or in the Alternative, for Leave to Question re Dispersion Model; 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:

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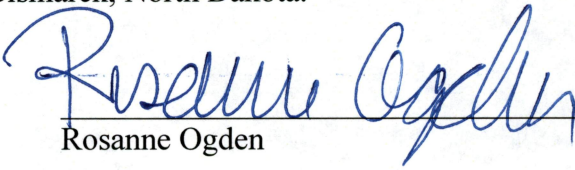
[3] and by sending the originals and seven (7) copies of said documents via U.S. Mail, at Bismarck, North Dakota with postage prepaid, to the following:

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