

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

SCS Carbon Transport LLC  
Midwest Carbon Express CO2 Pipeline Project  
Siting Application

Case No. PU-22-391  
OAH FILE No. 20230002

**ORDER ON LANDOWNER INTERVENORS’  
MOTION TO STRIKE**

[1] On May 27, 2024, the group of intervenors represented by Knoll Leibel LLP and Domina Law Group (Landowner Intervenors), filed a Motion to Strike Testimony of Dan Pickering. Specifically, the Landowner Intervenors request the pre-filed testimony of Dan Pickering “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.” *Motion*, ¶ 2. The rationale for the motion is the Commission’s alleged lack of jurisdiction over carbon dioxide capture scheme or process and sequestration or storage.

[2] Summit filed a responsive brief dated June 6, 2024 in opposition to the motion to strike. Summit argues the motion should be denied because the motion is untimely, Landowner Intervenors were able to cross-examine Mr. Pickering on May 28, 2024, the Commission has jurisdiction over the pipeline which is part of the whole carbon dioxide capture project, the Commission may consider indirect economic impacts of the whole project, and the evidence Landowner Intervenor’s sought to introduce at the May 24, 2024 hearing was duplicative and irrelevant.

[3] The undersigned Administrative Law Judge has reviewed the motion, briefs, and applicable portions of the record. Landowner Intervenors were afforded an opportunity to cross examine Mr. Dan Pickering on May 28, 2024 and presented its own information regarding

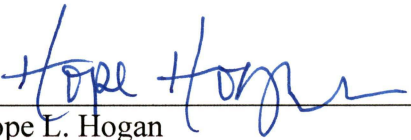
economic benefit. The motion should be denied and the Commission may, given the parameters of its jurisdiction, afford this evidence the weight, if any, it deems reasonable.

**IT IS HEREBY ORDERED:**

[4] Landowner Intervenor's Motion to Strike Testimony of Dan Pickering is **DENIED**.

Dated at Bismarck, North Dakota this 2 day of July 2024.

State of North Dakota  
Public Service Commission

  
\_\_\_\_\_  
Hope L. Hogan  
Administrative Law Judge  
Office of Administrative Hearings  
2911 North 14<sup>th</sup> Street – Suite 303  
Bismarck, North Dakota 58503  
Telephone: (701) 328-3200

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

SCS Carbon Transport LLC  
Midwest Carbon Express CO2 Pipeline Project  
Siting Application

Case No. PU-22-391  
OAH File No. 20230002

**CERTIFICATE OF SERVICE**

The undersigned certifies that the original of the **ORDER ON LANDOWNER INTERVENORS' MOTION TO COMPEL DISCOVERY** and **ORDER ON LANDOWNER INTERVENORS' MOTION TO STRIKE** were mailed, inside mail, at the State Capitol, on the 2 day of July 2024 to:

John Schuh  
Special Assistant Attorney General  
North Dakota Public Service Commission  
[jschuh@nd.gov](mailto:jschuh@nd.gov)

Victor Schock  
North Dakota Public Service Commission  
[vschock@nd.gov](mailto:vschock@nd.gov)

and that true and correct copies of the above document were sent by electronic mail on the 2 day of July 2024 to:

Lawrence Bender  
Tyler Gludt  
Fredrikson & Byron, P.A.  
[lbender@fredlaw.com](mailto:lbender@fredlaw.com)  
[tgludt@fredlaw.com](mailto:tgludt@fredlaw.com)

Zachary Pelham  
Special Assistant Attorney General  
Pearce Durick PLLC  
[zep@pearce-durick.com](mailto:zep@pearce-durick.com)

Randall J. Bakke  
Bradley N. Wiederholt  
Bakke Grinolds Wiederholt  
[rbakke@bgwattorneys.com](mailto:rbakke@bgwattorneys.com)  
[bwiederhold@bgwattorneys.com](mailto:bwiederhold@bgwattorneys.com)

Steven Leibel  
David Knoll  
Knoll Leibel LLP  
[steve@bismarck-attorneys.com](mailto:steve@bismarck-attorneys.com)  
[david@bismarck-attorneys.com](mailto:david@bismarck-attorneys.com)

Brian E. Jorde  
Domina Law Group  
[bjorde@dominalaw.com](mailto:bjorde@dominalaw.com)

Kevin Pranis  
LIUNA Minnesota & North Dakota  
[kpranis@liunagroc.com](mailto:kpranis@liunagroc.com)

Brant M. Leonard  
Fredrikson & Byron, P.A.  
[bleonard@fredlaw.com](mailto:bleonard@fredlaw.com)

Bret A. Dublinske  
Fredrikson & Byron, P.A.  
[bdublinske@fredlaw.com](mailto:bdublinske@fredlaw.com)

James Curry  
Babst, Calland, Clements and Zomnir, P.C.  
[jcurry@babstcalland.com](mailto:jcurry@babstcalland.com)

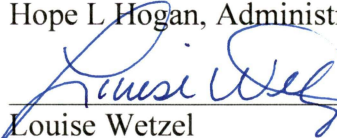
Derrick Braaten  
Braaten Law Firm  
[derrick@braatenlawfirm.com](mailto:derrick@braatenlawfirm.com)

Julie Lawyer  
Burleigh County State's Attorney  
[bco8@nd.gov](mailto:bco8@nd.gov)

Jannelle Combs  
Bismarck City Attorney  
City of Bismarck  
[jcombs@bismarcknd.gov](mailto:jcombs@bismarcknd.gov)

Patrick Zomer  
Moss & Barnett, P.A.  
[Pat.Zomer@lawmoss.com](mailto:Pat.Zomer@lawmoss.com)

OFFICE OF ADMINISTRATIVE HEARINGS  
Hope L Hogan, Administrative Law Judge



---

Louise Wetzel