

May 10, 2024

HAND DELIVERED

Mr. Steve Kahl
Executive Secretary Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

**RE: SCS Carbon Transport LLC
Midwest Carbon Express Project
Case No. PU-22-391**

Dear Mr. Kahl:

Enclosed herewith, please find the following documents for filing with the North Dakota Public Service Commission ("Commission") in the above-referenced case:

1. Response of SCS Carbon Transport LLC to Request for Additional Information; and
2. Certificate of Service.

An original and seven (7) copies of the foregoing are enclosed herewith. This letter and the above-described documents have been electronically filed with the Commission by e-mailing copies of the same to ndpsc@nd.gov.

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/tjg
Enclosures
#82447907v1

May 10, 2024

VIA E-MAIL & HAND DELIVERY

Mr. Steve Kahl
Executive Secretary Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

**RE: Case No. PU-22-391
SCS Carbon Transport LLC
Midwest Carbon Express Project
Response to Request for Additional
Information**

Dear Mr. Kahl:

On April 22, 2024, the North Dakota Public Service Commission ("Commission") held its first public hearing pursuant to its Notice of Public Hearing dated March 21, 2024 (Docket No. 465). During the April 22, 2024 public hearing, Commissioners requested that SCS Carbon Transport LLC ("Summit") provide additional information and/or clarification regarding the following:

1. Table 6.2.8 in Summit's response to Supplemental Filing Request 3.1.1 (Docket No. 435, File No. 220).
 - a. What do the dates signify? Actual or attempted communications?
 - b. What does the "Dispersion Analysis Presented" column indicate? What was presented?
 - c. What was discussed with the emergency management contacts by county?
 - d. What information was requested by each emergency manager?
 - e. Did any of the emergency managers request equipment/training/etc.?
2. Power studies relative to each of the pump stations in North Dakota.
3. Property tax benefit estimates by county.
4. Updated easement acquisition percentages by county.
5. Updated survey completion percentages by county.
6. Dates and language of the six (6) 500-foot setback waivers.

Summit responds as follows:

1. *Table 6.2.8 in Summit's response to Supplemental Filing Request 3.1.1 (Docket No. 435, File No. 220).*
 - a. *What do the dates signify? Actual or attempted communications?*
 - c. *What does the "Dispersion Analysis Presented" column indicate? What was presented?*
 - d. *What was discussed with the emergency management contacts by county?*
 - e. *What information was requested by each emergency manager?*
 - f. *Did any of the emergency managers request equipment/training/etc.?*

RESPONSE:

Summit is approximately two years from operation should it receive all necessary permits and Summit's coordination with emergency managers and first responders is still in the early stages of information sharing. Summit will fulfill and continue its mandatory outreach and training efforts with all required emergency response personnel for the next two years leading up to and continuing during operation of the project.

The dates under the "Date" column in Table 6.2.8 represent the dates on which actual, in-person meetings were held in or for each of the respective counties except where indicated as "(Scheduled)". The "Dispersion Analysis Presented" column indicates the dates on which Summit held in-person meetings with need-to-know emergency response personnel to share confidential information concerning potential releases and a vapor dispersion analysis. As indicated in the written testimony of Mr. James Powell:

"[Summit] shared Summit's dispersion modeling methodology, generic model outputs, Pipeline and Hazardous Materials Safety Administration ("PHMSA") requirements, relative toxicity, potential CO₂ release scenarios, shelter in-place studies, emergency response plan guidelines, and discussed specific training and equipment needs. We also invited emergency managers to CO₂ emergency responder training at Texas A & M University."

See Docket No. 530.

Mr. Powell also indicated in his written testimony that these meetings were not open to the general public:

"because the topics to be covered at the meetings necessitated the sharing of information that would be protected from disclosure to the general public under the

Freedom of Information Act (“FOIA”) and could be considered Sensitive Security Information (“SSI”) under Transportation Security Administration (“TSA”) regulations, which is ordinarily prohibited to be disclosed to the general public,”

and that:

“disclosing this information to emergency responders and others charged with potentially having to respond to a failure of the pipeline does not affect their protection. PHMSA’s regulations, including at 49 CFR 195.402(e), “recommend” or “direct” that coordination with emergency responders be made as appropriate, including if the sensitive information is necessary for the personnel to properly respond to a release. Moreover, these persons have a “need to know” under 49 CFR 1520.11 and are thus covered persons to review such information which may constitute SSI. Specifically, emergency responders qualify as persons who “require access to specific SSI to carry out transportation security activities” under 49 CFR 1520.11(a)(1). If emergency responders receive SSI under this scope, they are prohibited from disclosing such information to other persons without permission from TSA or PHMSA.”

Id.

A summary of the personnel invited to, and who attended, each of these meetings is attached hereto and marked as **Exhibit A**. To further illustrate what Summit discusses with the emergency management personnel, an unredacted copy of the dispersion model PowerPoint presentation utilized (or to be utilized) at each of the meetings set forth on **Exhibit A** is submitted herewith under separate cover marked “PROTECTED INFORMATION – PRIVATE” and subject to the Commission’s August 4, 2023 Protective Order. *See* Docket No. 364. To date, there have not been any requests for additional information, equipment or training by any of the attendees of the emergency response meetings.

2. *Power studies relative to each of the pump stations in North Dakota.*

RESPONSE:

Summit provides the *ND Utility Power Summary* attached hereto and marked as **Exhibit B**. In summary, the North Dakota co-ops supplying power to Summit’s pump stations have reviewed Summit’s incremental load requirements and each co-op has determined that it has ample capacity to serve Summit’s load requirement and/or that that such load requirement did not warrant a full, system-wide study.

3. *Property tax benefit estimates by county.*

RESPONSE:

Summit provides the table attached hereto and marked as **Exhibit C**. The figures set forth on **Exhibit C** represent the estimated taxes that would have been assessed against the pipeline, capture and sequestration facilities but for the exemption set forth in N.D.C.C. § 57-06-17.1, but which will be paid by the state treasurer to each county in accordance with N.D.C.C. § 57-06-17.2.

4. *Updated easement acquisition percentages by county.*

RESPONSE:

Summit provides the table attached hereto and marked as **Exhibit D**. Collectively, Summit has acquired easements for approximately 81% of the current project route. Taking into consideration the additional mileage added due to the various re-routes, this accounts for a 7.3% increase from the percentage Summit had acquired just prior to the Commission's August 4, 2023 Order denying Summit's application.

5. *Updated survey completion percentages by county.*

RESPONSE:

Summit provides the table attached hereto and marked as **Exhibit E**. Collectively, Summit has completed approximately 94% of the total surveys required along the current project route. Summit is currently mobilizing to complete all remaining surveys for the parcels where access has been granted. However, certain landowners have limited Summit's access for survey purposes and Summit has been forced to obtain access through the courts. Summit will continue to survey as soon as it is legally permitted to do so and will coordinate with SHPO to receive concurrence with respect to its cultural resource findings.

6. *Dates and language of the six (6) 500-foot setback waivers.*

RESPONSE:

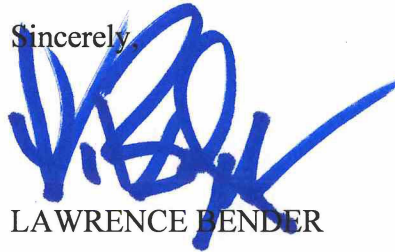
Summit provides the Affidavit of James Powell attached hereto and marked as **Exhibit F**. In summary, Summit has obtained a total of six 500-foot setback waivers, only two of which pertain to occupied or inhabited structures identified as Avoidance Areas pursuant to N.D.C.C. § 49-22.1-03 and N.D.A.C. § 69-06-08-02(2)(e). The remaining four waivers pertain to uninhabited or abandoned barns and farmhouses, and were obtained out of an abundance of caution and in response to concerns raised by Commissioner Christmann at the first Bismarck public hearing on March 14, 2023. The use of "pipelines" (plural) in the setback waivers obtained by Summit is an error. Summit has only obtained easements for a single pipeline and thus will be prohibited from building more than one pipeline regardless of the language in the waivers.

Mr. Steve Kahl
May 10, 2024
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At the request of the Commission, Summit will tender one or more witnesses at one of the upcoming technical or public hearings to address the matters set forth herein. For planning purposes, Summit respectfully requests that the Commission indicate which issues need to be addressed and at which hearing Summit's witness(es) are expected to appear.

Should you have any questions, please advise.

Sincerely,

A handwritten signature in blue ink, appearing to read 'L. Bender', is written over the word 'Sincerely,'.

LAWRENCE BENDER

LB/tjg
Enclosures
#82443295v1

cc: SCS Carbon Transport LLC

EXHIBIT A



Emergency Manager and First Responder Meetings – North Dakota

Dickey County (November 7, 2023)

Invitees:

- Dickey County Director, Emergency Management, Charlie Russell
- City of Ellendale Auditor, Candice Middlestad (did not attend)
- Dickey County Sheriff, Chris Estes
- City of Ellendale Police Chief, Brad Knudson (did not attend)
- Ellendale Fire Chief, Mike Thorpe
- Ellendale Fire, Paul Wedel (did not attend)
- City of Ellendale Mayor, Don Flaherty
- Ellendale Ambulance Chief, Corey Gulke
- Ashley Hospital, Eric Heupel (did not attend)
- Dickey County Commissioner Dean Simek (did not attend)
- Fullerton Fire Chief, Steve Peterson (did not attend)
- Dickey County Commissioner Elect, Brandon Carlson (did not attend)
- Dickey County Commissioner Elect, Kacey Holm (did not attend)
- Dickey County Commissioner, Jerry Walsh (did not attend)
- Dickey County Commissioner, John Hokana (did not attend)
- Dickey County Commissioner, Marke Roberts (did not attend)
- Dickey County Auditor, Wanda Sheppard (did not attend)
- Dickey County Highway Department Supervisor, Jeff Hagen
- Forbes Fire Chief, Ty Bertsch (did not attend)

Burleigh County (November 27, 2023)

Invitees:

- Bismarck Rural Fire Chief, Dustin Theurer
- Burleigh County Commission Chairperson, Brian Bitner
- Burleigh County Director, Emergency Management, Mary Senger
- Burleigh County Sheriff, Kelly Leben
- City of Bismarck Commissioner, Steve Marquardt
- City of Bismarck Emergency Management, Gary Stockert
- City of Bismarck Fire Chief, Joel Boespflug
- City of Bismarck Police Chief, Dave Draovitch
- City of Lincoln Police Chief, Robyn Krile
- Metro Area Ambulance, Dan Schaefer
- Sterling Rural Fire Chief, Suzette Meland
- Wilton Ambulance, LeAnne Domonoske
- Wing Rural Fire Chief, Frank Hein
- Wilton Fire Chief, Wayne Klein (did not attend)

Morton County (November 30, 2023)

Invitees:

- Mandan Fire, Steve Nardello
- Morton County Emergency Management Secretary/Treasurer, Joel Rostberg
- **Mandan Rural Fire Chief, Lynn Gustin (did not attend)**
- Mandan City Administrator, Jim Neubauer
- **Mandan Mayor, Tim Helbling (did not attend)**
- Mandan City Commissioner, Dennis Rohr
- Morton County Commissioner, Nathan Boehm
- Morton County Sheriff, Kyle Kirchmeier
- **Mandan Police Chief, Jason Ziegler (did not attend)**
- **Metro Area Ambulance, Dan Schaefer (did not attend)**
- Morton County Emergency Manager, Patrick Martin

Oliver/Mercer Counties (December 1, 2023)

Invitees:

- **Marcy Sailer, Mercer County Ambulance (Teresa Jahner attended in place of)**
- **Chief Eli Schumann, Beulah Rural Fire Department (Eli Schumann attended in place of)**
- **Dave Layton, Training Officer, Beulah Rural Fire Department (did not attend)**
- Chief Corey Beery, Hazen Rural Fire Department
- **Fire Chief Kenny Rude, Oliver County Rural Fire Protection District (did not attend)**
- Asst Chief JD Hanson, Oliver County Rural Fire Protection District
- Chief Frank Senn, Beulah Police Department
- Chief James Wolff, Hazen Police Department
- **Chief Dave Hilliard, Oliver County Sheriff's Department (Department employee attended – not identified)**
- Liza Taylor, Mercer County Commissioner holding Ambulance Portfolio
- Darrell Berger, Oliver County Commissioner holding LEPC Portfolio

Dickey County (January 9, 2024)

Invitees:

- Dickey County Director, Emergency Management, Charlie Russell
- **City of Oakes Auditor, Zasha Johnson (did not attend)**
- City of Oakes Police Chief, Matt O'Brien
- City of Oakes City Council Member, Robert Hernandez
- City of Oakes City Council Member, Shannon Day
- Oakes Ambulance, Mike Sandy
- **Oakes Hospital, Keith Loepp (did not attend)**
- **Oakes Hospital, Lori Novak (did not attend)**
- **Oakes Hospital, Mary Quandt (did not attend)**
- Oakes Fire Chief, Jerry Hollingsworth
- Oakes Fire, Jed Bopp
- Oakes Fire, Nathan Clobes
- Oakes Fire, Rob Krueger
- Oakes Fire, Zach Marthaller

- Oakes Fire, Jarret Schroeder
- Oakes Fire, Austin Deeim
- Oakes Fire, Jeff Wiek
- Oakes Fire, Dylan Hollingsworth
- Dickey County Commissioner, Brandon Carlson (did not attend)
- Dickey County Commissioner, Marke Roberts (did not attend)
- Dickey County Commissioner, John Hokana (did not attend)

Emmons County (January 24, 2024)

Invitees:

- Emmons County Ambulance, Nolan Anderson
- Emmons County Emergency Management, Mary Senger
- Emmons County Sheriff, Gary Sanders
- Linton Fire Department, Travis Dockter
- Hazelton Fire Department Chief, Derek Beastrom
- Hazelton Fire Department Assistance Chief, Cole Moch
- ND Game and Fish Warden, Erick Schmidt (did not attend)
- ND Highway Patrol District, Trooper Michael Hayen (did not attend)

Richland County (March 5, 2024)

Invitees:

- Richland County Director, Emergency Management, Brett Lambrecht
- Richland County Commissioner, Terry Goerger
- Great Bend Fire, Patrick Gehring
- Great Bend Fire, Jon Herding
- Great Bend Fire, Ron Thorson
- Great Bend Fire, Isaiah Harkes
- Great Bend Fire, Steve Manock
- Christine Fire, Bryan Halvorson
- Christine Fire, Randy Manson
- Barney Fire, Jean Akers
- Barney Fire, Warren Anderson
- Barney Fire, Joe Busch
- Barney Fire, Jim Moffet
- Colfax Fire, Joe Schmit
- Mooreton Fire, Ben Waskosky
- Mooreton Fire, Amanda Ward
- Mantador Fire, Terry Gutzmer
- Mantador Fire, David Foertsch
- Mantador Fire, Dan Glynn
- Mantador Fire, Joel Lingen
- Wyndmere Fire, Aaron Bell
- Wyndmere Fire, Andy Thompson

Sargent County (March 28, 2024)

Invitees:

- Sargent County Emergency Manager, Wendy Willprecht
- Sargent County Commissioner, Mark Breker
- Forman Fire, Clint McLaughlin
- Forman Fire, Mike Keiper
- Forman Fire, Mark Bopp
- Milnor Fire, Randy Johnson
- Milnor Fire, Mike Elenberger
- Milnor Fire & Ambulance, Brian Tayee
- Rutland / Cayuga Fire, Jesse Mahy
- Rutland / Cayuga Fire, Doug Askerooth
- Rutland / Cayuga Fire, Kris Jochim
- Rutland / Cayuga Fire, Zachary Boice
- Gwinner First Responders, Ryan Johnson
- Gwinner Fire, Gary Decker
- Gwinner Fire, Jerry Waswick
- Gwinner Fire, Sam Helm
- Cogswell Fire (did not attend)
- Sargent County Sherriff's office (did not attend)

McIntosh/Logan Counties (May 15, 2024)

Invitees:

- McIntosh County Emergency Manager, Loren Lang
- Logan County Emergency Manager, Daniel Schwartz
- McIntosh County Sheriff, Steve Delzer
- Logan County Sheriff, Andrew Bartholomaeus
- Ashley Fire Chief, Link Golz
- Ashley Ambulance
- Wishek Fire Chief, David Just
- Wishek Ambulance, Jo Vilhauer
- Zeeland Fire Chief, Dean Schumacher
- Lehr Fire Chief, Lane Bader
- Kulm Fire Chief, Doug Hintzman
- McIntosh County Commissioner (to be confirmed)
- Logan County Commissioner (to be confirmed)
- Napoleon Fire

Cass County (May 16, 2024)

Invitees:

- Cass County Emergency Manager, Jim Prochniak
- Cass County Sheriff, Jesse Jahner
- Cass County Sheriff's Chief Deputy, Dean Haaland
- Casselton Fire Chief, John Hejl
- Casselton Ambulance Chief, Ken Krupich
- Cass Commission Chair, Chad Peterson
- Cass County Commissioner, Tony Grindberg
- Cass County Commissioner, Jim Kapitan
- Cass County Highway Department, Brian Busta

EXHIBIT B



ND Utility Power Summary

Facility Load Detail

Facility	County	Utility Company	Running HP (Calculated)	Running KW	Running KVA	Running KWH
Pipeline Pump Stations						
MPS-08	McIntosh	KEM	6,858	5,116	6,091	44,819,533
MPS-09	Burleigh	Capital Electric	7,636	5,696	6,782	49,899,443
MPS-10	Oliver	Roughrider Electric	6,610	4,931	5,867	43,197,373
TPS-04	Richland	Dakota Valley	545	406	471	3,558,750

Summit has discussed power requirements with each utility company that will serve these locations. All utilities require infrastructure upgrades, and Summit will be responsible for all associated capital cost.

The scope of infrastructure upgrades is summarized below:

Mainline Pump Station (MPS-08)

Scope

- Installation of approximately 8-miles of transmission powerline
- Construction of a 10MVA substation near the proposed location of the SCS pump station
 - Approximately 6MVA dedicated to the SCS facility

Projected SCS capital cost: \$5.5 Million

Summary:

KEM, via its engineering firm (IEA), included the load associated with this facility in its Southwest Power Pool (SPP) review; Basin and SPP determined the SCS incremental load did not warrant a full system-wide study.

Mainline Pump Station (MPS-09)

Scope

- Installation of approximately 11.5-miles of transmission powerline
- Construction of a 10 MVA substation near the proposed location of the SCS pump station

Projected SCS capital cost: \$3.4 Million

Summary:

Capital Electric completed an internal study of their distribution system which determined the closest infrastructure that could support the Summit load required extension of the transmission powerline.

Mainline Pump Station (MPS-10)

Scope

- Upgrade existing 115kV/69kV substation
- Installation of new transmission powerline (Engineering in progress; exact routing/mileage to be confirmed)
- Construct a new substation near the location of the proposed SCS pump station
 - Install capacitor banks

Projected SCS capital cost: \$10 Million (to be confirmed)

Summary:

Roughrider Electric, via its engineering firm (IEA), included the load associated with this facility in its SPP review; Basin and SPP determined the SCS load being added to its system did not warrant a full system-wide study.

Trunkline Pump Station (TPS-04)

Scope

- Installation of approximately 1.5 miles of distribution powerline
- Installation of a 750KVA transformer (Summit's pump station site)

Projected SCS capital cost: \$0.8 Million

Summary:

Dakota Valley indicated their system has ample capacity to serve Summit's incremental load. In the fall of 2023, SCS paid \$47,253 for the utility company to install 3-phase direct bury cable that will eventually feed the Summit facility. Summit waived its right to reimbursement.

EXHIBIT C



County Name	Estimated Tax Liability (\$)
Richland	639,821
Burleigh	409,339
Sargent	386,543
Emmons	375,133
Dickey	360,106
McIntosh	336,867
Oliver	1,274,079
Morton	229,442
Cass	418,543
Mercer	675,048
Logan	17,879
TOTAL:	\$5,122,800

EXHIBIT D



SCS ROW Progress as of May 9, 2024						
North Dakota	Parcels	ROW Miles	ROW Miles Executed	ROW Miles Executed %	Parcels Executed	Parcels Executed %
Burleigh	143	50.53	31.82	62.98%	82	57.34%
Cass	63	22.41	19.92	88.86%	56	88.89%
Dickey	96	37.23	29.86	80.22%	73	76.04%
Emmons	102	38.47	30.96	80.46%	76	74.51%
Logan	5	1.83	1.83	100.00%	5	100.00%
McIntosh	110	34.44	32.39	94.05%	100	90.91%
Morton	56	23.55	21.31	90.45%	50	89.29%
Oliver	51	18.39	16.97	92.26%	47	92.16%
Richland	172	65.73	51.15	77.82%	132	76.74%
Sargent	98	39.70	32.38	81.55%	74	75.51%
Grand Total	896	332.29	268.58	80.83%	695	77.57%

EXHIBIT E



ND PSC Reconsideration: Survey Progress as of May 9, 2024

County	Env - Biological	Env - Cultural	Civil - Topographic	Civil - Boundary
Burleigh	90%	92%	82%	67%
Cass	98%	97%	100%	100%
Dickey	81%	81%	83%	96%
Emmons	85%	87%	77%	95%
Logan	100%	100%	100%	100%
McIntosh	98%	98%	98%	100%
Morton	89%	92%	95%	100%
Oliver	98%	99%	100%	100%
Richland	96%	97%	97%	100%
Sargent	99%	98%	98%	100%
Total:	93%	94%	92%	95%

EXHIBIT F

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

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

OAH FILE NO. 20230002

Affidavit of James Powell

STATE OF TEXAS)
) ss:
COUNTY OF HARRIS)

James Powell, being first duly sworn, deposes and states as follows:

1. I am the Chief Operating Officer of Summit Carbon Solutions, LLC, the parent company of SCS Carbon Transport LLC (“Summit”), the applicant in the above-referenced matter, with offices located at 2321 N. Loop Drive, Suite 221, Ames, Iowa 50010.

2. Pursuant to § 49-22.1-03 of the North Dakota Century Code (N.D.C.C.) and § 69-06-08-02(2)(e) of the North Dakota Administrative Code (N.D.A.C.), Summit conducted a detailed analysis to identify all structures located within 500 feet of its proposed pipeline route currently before the North Dakota Public Service Commission (“Commission”).

3. In connection therewith, Summit has identified only two (2) structures which clearly qualify as Avoidance Areas pursuant to N.D.C.C. § 49-22.1-03 and N.C.A.C. § 69-06-08-02(2)(e).

4. The first Avoidance Area structure is located in Section 5, Township 131 North, Range 54 West, Sargent County, North Dakota. This a cabin that is used seasonally for hunting purposes.

Summit obtained a waiver for this structure on July 26, 2022 and said waiver was previously filed with the Commission at Docket No. 85.

5. Prior to the August 4, 2024 Order of the Commission denying Summit's application, this was the only structure along the proposed route which clearly required a waiver from the owner pursuant to N.D.C.C. § 49-22.1-03 and N.C.A.C. § 69-06-08-02(2)(e).

6. The second Avoidance Area structure is located in Section 24, Township 141 North, Range 80 West, Burleigh County, North Dakota. This structure is a residence located along the re-route in Burleigh County. Summit obtained a waiver for this structure on November 15, 2023.

7. On March 14, 2023, the Commission held its first public hearing on Summit's original application in Bismarck, North Dakota.

8. At the March 14, 2023 public hearing, Commissioner Christmann expressed concerns that a barn may be occupied for as many hours as a house and thus may qualify as an Avoidance Area. *See Docket No. 78.*

9. In response to Commissioner Christmann's concerns raised at the March 14, 2023 public hearing, Summit identified three (3) separate barns located within five hundred (500) feet of the pipeline. Two of the barns are located in Burleigh County and one is located in Richland County.

10. Upon investigation, the barns are unoccupied and do not qualify as Avoidance Areas.

11. Nevertheless, and out of an abundance of caution, Summit obtained waivers from the owners of the barns on April 20, 2023, May 26, 2023, and June 23, 2023.

12. Likewise, Summit identified a farmhouse, likely abandoned, located in Section 26, Township 129 North, Range 63 West, Dickey County, North Dakota. Again, to be absolutely sure, Summit obtained a waiver from the owner of this structure on January 9, 2024.

13. In summary, Summit has obtained six 500-foot setback waivers, only two of which are clearly designated Avoidance Areas. The first (Waswick hunting cabin) was identified prior to the Commission's August 4, 2023 Order denying Summit's application and the second (Riskevich residence) was identified subsequent to said Order and in connection with the re-route around the City of Bismarck.

14. The reference to "pipelines" in each setback waiver is an error. Summit has only obtained easements for a single pipeline and thus will be prohibited from building more than one pipeline regardless of the language in the waivers.

DATED this 10th day of May, 2024.

DocuSigned by:

FBDF5E4B03C74A2...
James Powell

Subscribed and sworn to before me this 10th day of May, 2024.

Notary Public
My Commission Expires:_____

#82292142v1

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**SCS Carbon Transport LLC
Midwest Carbon Express CO2 Project
Sitting Application**

CASE NO. PU-22-391

CERTIFICATE OF SERVICE

I, the undersigned, being of legal age, hereby certify that a true and correct copy of the following:

1. Letter to S. Kahl forwarding documents for filing; and
2. Response of SCS Carbon Transport LLC to Request for Additional Information.

were, on May 10, 2024, filed with the North Dakota Public Service Commission and served electronically to the following:

Hope L. Hogan
hlhogan@nd.gov

John Schuh
jschuh@nd.gov

Zachary Pelham
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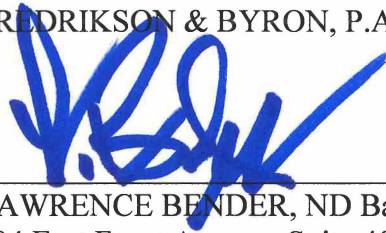
Derrick Braaten
derrick@braatenlawfirm.com

Julie Lawyer
bc08@nd.gov

Patrick Zomer
Pat.Zomer@lawmoss.com

Dated this 10th day of May, 2024.

FREDRIKSON & BYRON, P.A.



By: _____

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#82448025v1