

April 26, 2024

VIA U.S. MAIL

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:

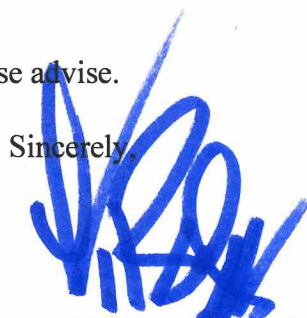
Enclosed herewith, please find the following documents for filing with the North Dakota Public Service Commission ("Commission") in the above-referenced case:

1. SCS Carbon Transport LLC's Response to the City of Bismarck's Second Interrogatory; 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

#82312671v1

**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

Response of SCS Carbon Transport LLC to the City of Bismarck's Second Interrogatory

SCS Carbon Transport LLC ("Summit"), by and through its attorneys of record, responds to the Interrogatory No. 2 submitted by the City of Bismarck ("Bismarck") on April 12, 2024 in the above-captioned proceeding (each a "Discovery Request" and collectively, the "Discovery Requests"). *See* Docket No. 515. Summit's response is made without waiving or intending to waive any objection as to relevance, privilege, or admissibility of any information provided in response to the Discovery Requests in any subsequent proceeding of this or any other action on any ground. A partial answer to any Discovery Request that has been objected to, in whole or in part, is not intended to be a waiver of the objection. By responding to the Discovery Requests, Summit is not admitting that any aspect of the Discover Requests is factually accurate or relevant to this proceeding.

GLOBAL OBJECTIONS

The following Global Objections apply to each of the Discovery Requests—even if not separately restated below in response to a particular Discovery Request.

Summit objects to all Discovery Requests to the extent they seek the discovery of documents and/or information which are privileged for the reasons that they (a) are subject to the

attorney-client privilege; (b) are covered by the “work product” doctrine; and/or (c) were prepared in anticipation of litigation or for trial by or for Summit or its representatives, including its employees, consultants, or agents.

Summit objects to all Discovery Requests to the extent they are beyond the scope of discovery allowed pursuant to Rules 26, 33, 34, and 36 of the North Dakota Rules of Civil Procedure.

Summit objects to all Discovery Requests to the extent they seek identification or production of “all documents” of a particular description. It is impossible to guarantee that all such documents have been identified or located. Summit states, however, that in response to these requests, it has made a diligent search of records kept in the ordinary course of business in those locations likely to contain relevant information.

Summit objects to Intervenor’s definitions and instructions to the extent such definitions and instructions exceed or are inconsistent with the requirements imposed upon Summit under the North Dakota Rules of Civil Procedure, Chapter 28-32 of the North Dakota Century Code, or Section 69-02-05-12 of the North Dakota Administrative Code.

Summit objects to the Discovery Requests because they are unduly burdensome and disproportionate to the needs of this proceeding because they seek irrelevant information.

Summit objects inasmuch as the Discovery Requests seek information relating to anything other than Summit’s pipeline facilities in North Dakota. Only Summit’s North Dakota pipeline facilities are covered by its permit application in this proceeding.

Summit objects inasmuch as the Discovery Requests seek information that contains proprietary or confidential business information or is subject to trade-secret protections or that

contains information for which Summit owes a third party an obligation of confidentiality or privacy, whether contractual or under any federal or state laws or regulations.

Summit objects to all Discovery Requests that seek, and disclaims any obligation to identify or furnish, documents or information that Intervenor actually or constructively possesses or to which Intervenor has access through alternative means.

Summit objects inasmuch as the Discovery Requests seek information from third parties and information that is not within Summit's possession, custody, control, or personal knowledge of Summit.

Summit objects and responds to the Discovery Requests based upon information and documents available as of the date hereof and reserves the right to supplement and amend the responses.

Subject to the foregoing objections and conditions, and subject to the specific additional objections made with respect to each request, Summit responds to Intervenor's Discovery Requests as follows:

RESPONSE TO INTERROGATORIES

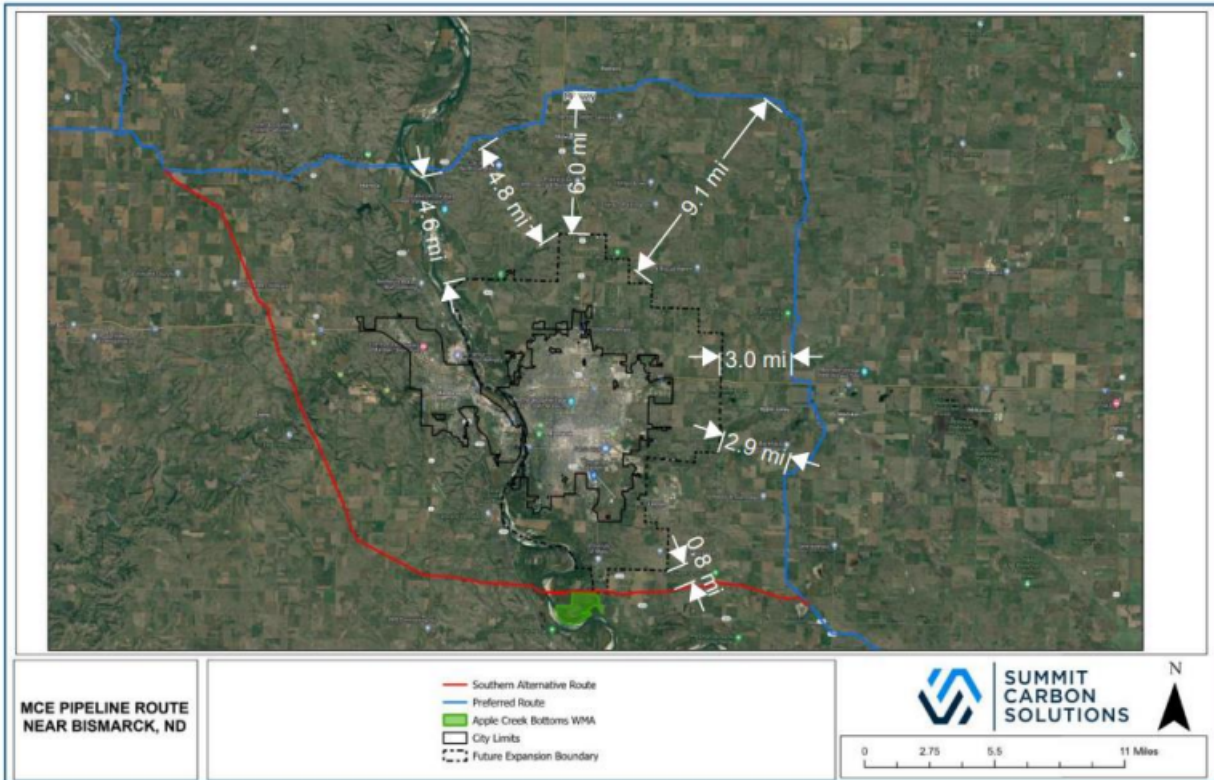
INTERROGATORY NO. 2:

Please admit that the attached Exhibit 1¹ to this interrogatory accurately depicts the distances at the identified locations between: (1) the Preferred Route and the City's Future Expansion Boundary; and (2) the Southern Alternative Route and the City's Future Expansion Boundary. If Summit does not so admit, please provide an equivalent map/figure that accurately identifies the distances between: (1) the Preferred Route and the City's Future Expansion

¹ Exhibit 1 is based in Figure 4 from Summit's January 19, 2024 Bismarck Route Analysis (Revision 2), filed as Docket No. 432 on January 24, 2024.

Boundary; and (2) the Southern Alternative Route and the City's Future Expansion Boundary at approximately these locations.

EXHIBIT 1




RESPONSE TO INTERROGATORY NO. 1:

Summit incorporates by reference its Global Objections set forth above. Subject to and without waiving the foregoing objections, Summit admits that the distances set forth on Exhibit 1 are accurate.

AS TO THE ANSWER TO
INTERROGATORY NO. 2
FROM THE CITY OF BISMARCK:

SCS CARBON TRANSPORT LLC

DocuSigned by:

By: FBDE5E4B03C74A2...
James Powell
Its: Chief Operating Officer

Subscribed and sworn to before me
this ____ day of April, 2024.

My commission expires: _____

AS TO OBJECTIONS:

Dated this 26th day of April, 2024.

FREDRIKSON & BYRON, P.A.

By: 

LAWRENCE BENDER, ND Bar #03908
304 East Front Avenue, Suite 400
Bismarck, ND 58504-5639
(701) 221-8700
lbender@fredlaw.com

Attorneys for SCS Carbon Transport LLC

**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. SCS Carbon Transport LLC's Response to the City of Bismarck's Second Interrogatory.

were, on April 26, 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
zep@pearce-durick.com

Randall J. Bakke
rbakke@bgwattorneys.com

Bradley N. Wiederholt
bwiederholt@bgwattorneys.com

Steven Leibel
steve@bismarck-attorneys.com

David Knoll
david@bismarck-attorneys.com

Brian E. Jorde
bjorde@dominalaw.com

Kevin Pranis
kpranis@liunagroc.com

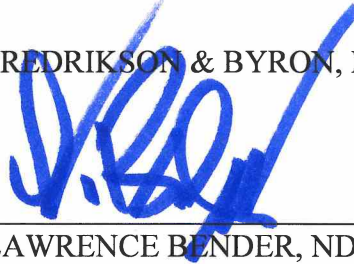
Derrick Braaten
derrick@braatenlawfirm.com

Julie Lawyer
bc08@nd.gov

Patrick Zomer
Pat.Zomer@lawmoss.com

Dated this 26th day of April, 2024.

FREDRIKSON & BYRON, P.A.



By: _____

LAWRENCE BENDER, ND Bar #03908
304 East Front Avenue, Suite 400
Bismarck, ND 58504
(701) 221-8700
lbender@fredlaw.com

#82312679v1