

**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

**Amended and Supplemental Response of SCS Carbon Transport LLC to the
Interrogatories, Request for Admissions, and Request for Production (Set 3) from
Intervenors Represented by Knoll Leibel LLP and Jorde/Domina Law Group**

SCS Carbon Transport LLC ("Summit"), by and through its attorneys of record, hereby amends and supplements its April 11, 2024 responses to Interrogatories Nos. 8 – 18 of the Interrogatories, Request for Admissions, and Request for Production (Set 3) submitted by Intervenors represented by Knoll Leibel LLP and Jorde/Domina Law Group ("Intervenors") on March 28, 2024 in the above-captioned proceeding (each a "Discovery Request" and collectively, the "Discovery Requests"). Summit's amended and supplemental responses are 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. Summit incorporates the Global Objections set forth in Summit's April 11, 2024 response to Set 3 of the Intervenors' Discovery Requests.

698 PU-22-391 Filed: 7/1/2024 Pages: 14
LO Exhibit LO-22 - Summit Supp'l Discovery (Set 3)
Dated 04/18/24 (Dkt. #574)

Knoll Leibel, LLP, on behalf of the Intervenors

**LO #22 – 5/24/24
PU-22-391**

AMENDED AND SUPPLEMENTAL RESPONSES

INTERROGATORY NO. 8:

Identify all existing structures by county, parcel identification number, and type (such as house, barn, school, etc.) located 100 feet or less from your proposed hazardous pipeline route in North Dakota.

AMENDED AND SUPPLEMENTAL RESPONSE:

Summit incorporates by reference its Global Objections set forth above. Specifically, Summit objects to the Discovery Requests because Intervenors have access to the information sought (*see* Mapbook provided at Docket No. 435) and because the Discovery Request is unduly burdensome and disproportionate to the needs of this proceeding because they seek irrelevant information. Moreover, Summit objects to this Discovery Request because the term “structures” is vague and ambiguous.

Without waiving the foregoing objections, Summit states that § 49-22.1-03 of the North Dakota Century Code provides that “areas within five hundred feet [152.4 meters] of an inhabited rural residence must be designated avoidance areas,” and that said avoidance area “may be waived by the owner of the inhabited rural residence in writing.” Furthermore, § 69-06-08-02(2)(e) of the North Dakota Administrative Code provides that areas “within five hundred feet [152.4 meters] of a residence, school, or place of business,” are also designated as avoidance areas which may be waived by the owner of such residence, school or place of business. Summit has, or will, obtain all waivers as required by N.D.C.C. § 49-22.1-03 and N.D.A.C. § 69-06-08-02(2)(e) prior to commencement of construction.

Subject to and notwithstanding the foregoing objections, Summit provides the following supplemental information:

Structure Use Type	0-100 feet	Waiver(s) Obtained
House, Trailer, House that may be business	0	NA
Business, Barn that may be a business	0	NA
School	0	NA
Animal Feeding Operation	0	NA
Church	0	NA
Uninhabited Barn, Garage, or Shed	1	NA
Total	1	

INTERROGATORY NO. 9:

Identify all existing structures by county, parcel identification number, and type located between 101 to 250 feet from your proposed hazardous pipeline route in North Dakota.

AMENDED AND SUPPLEMENTAL RESPONSE:

Summit incorporates by reference its Global Objections set forth above. Specifically, Summit objects to the Discovery Requests because Intervenors have access to the information sought (*see* Mapbook provided at Docket No. 435) and because the Discovery Request is unduly burdensome and disproportionate to the needs of this proceeding because they seek irrelevant information. Moreover, Summit objects to this Discovery Request because the term “structures” is vague and ambiguous.

Without waiving the foregoing objections, Summit states that § 49-22.1-03 of the North Dakota Century Code provides that “areas within five hundred feet [152.4 meters] of an inhabited rural residence must be designated avoidance areas,” and that said avoidance area “may be waived by the owner of the inhabited rural residence in writing.” Furthermore, § 69-06-08-02(2)(e) of the North Dakota Administrative Code provides that areas “within five hundred feet [152.4 meters] of a residence, school, or place of business,” are also designated as avoidance areas which may be waived by the owner of such residence, school or place of business. Summit has, or will, obtain all waivers as required by N.D.C.C. § 49-22.1-03 and N.D.A.C. § 69-06-08-02(2)(e) prior to commencement of construction.

Subject to and notwithstanding the foregoing objections, Summit provides the following supplemental information:

Structure Use Type	101-250 feet	Waiver(s) Obtained
House, Trailer, House that may be business	1	Y
Business, Barn that may be a business	0	NA
School	0	NA
Animal Feeding Operation	0	NA
Church	0	NA
Uninhabited Barn, Garage, or Shed	4	NA
Total	5	

INTERROGATORY NO. 10:

Identify all existing structures by county, parcel identification number, and type located between 251 to 500 feet from your proposed hazardous pipeline route in North Dakota.

AMENDED AND SUPPLEMENTAL RESPONSE:

Summit incorporates by reference its Global Objections set forth above. Specifically, Summit objects to the Discovery Requests because Intervenors have access to the information sought (*see* Mapbook provided at Docket No. 435) and because the Discovery Request is unduly burdensome and disproportionate to the needs of this proceeding because they seek irrelevant information. Moreover, Summit objects to this Discovery Request because the term “structures” is vague and ambiguous.

Without waiving the foregoing objections, Summit states that § 49-22.1-03 of the North Dakota Century Code provides that “areas within five hundred feet [152.4 meters] of an inhabited rural residence must be designated avoidance areas,” and that said avoidance area “may be waived by the owner of the inhabited rural residence in writing.” Furthermore, § 69-06-08-02(2)(e) of the North Dakota Administrative Code provides that areas “within five hundred feet [152.4 meters] of a residence, school, or place of business,” are also designated as avoidance areas which may be waived by the owner of such residence, school or place of business. Summit has, or will, obtain

all waivers as required by N.D.C.C. § 49-22.1-03 and N.D.A.C. § 69-06-08-02(2)(e) prior to commencement of construction.

Subject to and notwithstanding the foregoing objections, Summit provides the following supplemental information:

Structure Use Type	251-500 feet	Waiver(s) Obtained
House, Traller, House that may be business	2	Y
Business, Barn that may be a business	3	Y
School	0	NA
Animal Feeding Operation	0	NA
Church	0	NA
Uninhabited Barn, Garage, or Shed	22	NA
Total	27	

INTERROGATORY NO. 11:

Identify all existing structures by county, parcel identification number, and type located between 501 to 750 feet from your proposed hazardous pipeline route in North Dakota.

AMENDED AND SUPPLEMENTAL RESPONSE:

Summit incorporates by reference its Global Objections set forth above. Specifically, Summit objects to the Discovery Requests because Intervenors have access to the information sought (*see* Mapbook provided at Docket No. 435) and because the Discovery Request is unduly burdensome and disproportionate to the needs of this proceeding because they seek irrelevant information. Moreover, Summit objects to this Discovery Request because the term “structures” is vague and ambiguous.

Without waiving the foregoing objections, Summit states that § 49-22.1-03 of the North Dakota Century Code provides that “areas within five hundred feet [152.4 meters] of an inhabited rural residence must be designated avoidance areas,” and that said avoidance area “may be waived by the owner of the inhabited rural residence in writing.” Furthermore, § 69-06-08-02(2)(e) of the North Dakota Administrative Code provides that areas “within five hundred feet [152.4 meters] of a residence, school, or place of business,” are also designated as avoidance areas which may be

waived by the owner of such residence, school or place of business. Summit has, or will, obtain all waivers as required by N.D.C.C. § 49-22.1-03 and N.D.A.C. § 69-06-08-02(2)(e) prior to commencement of construction.

Subject to and notwithstanding the foregoing objections, Summit provides the following information:

Structure Use Type	501-750 feet
House, Trailer, House that may be business	36
Business, Barn that may be a business	2
School	0
Animal Feeding Operation	1
Church	0
Uninhabited Barn, Garage, or Shed	109
Total	148

INTERROGATORY NO. 12:

Identify all existing structures by county, parcel identification number, and type located between 751 to 1,000 feet from your proposed hazardous pipeline route in North Dakota.

AMENDED AND SUPPLEMENTAL RESPONSE:

Summit incorporates by reference its Global Objections set forth above. Specifically, Summit objects to the Discovery Requests because Intervenors have access to the information sought (*see* Mapbook provided at Docket No. 435) and because the Discovery Request is unduly burdensome and disproportionate to the needs of this proceeding because they seek irrelevant information. Moreover, Summit objects to this Discovery Request because the term “structures” is vague and ambiguous.

Without waiving the foregoing objections, Summit states that § 49-22.1-03 of the North Dakota Century Code provides that “areas within five hundred feet [152.4 meters] of an inhabited rural residence must be designated avoidance areas,” and that said avoidance area “may be waived

by the owner of the inhabited rural residence in writing.” Furthermore, § 69-06-08-02(2)(e) of the North Dakota Administrative Code provides that areas “within five hundred feet [152.4 meters] of a residence, school, or place of business,” are also designated as avoidance areas which may be waived by the owner of such residence, school or place of business. Summit has, or will, obtain all waivers as required by N.D.C.C. § 49-22.1-03 and N.D.A.C. § 69-06-08-02(2)(e) prior to commencement of construction.

Subject to and notwithstanding the foregoing objections, Summit provides the following information:

Structure Use Type	751-1000 feet
House, Trailer, House that may be business	36
Business, Barn that may be a business	2
School	0
Animal Feeding Operation	5
Church	0
Uninhabited Barn, Garage, or Shed	124
Total	167

INTERROGATORY NO. 13:

Identify all existing structures by county, parcel identification number, and type located between 1,001 to 1,500 feet from your proposed hazardous pipeline route in North Dakota.

AMENDED AND SUPPLEMENTAL RESPONSE:

Summit incorporates by reference its Global Objections set forth above. Specifically, Summit objects to the Discovery Requests because Intervenors have access to the information sought (*see* Mapbook provided at Docket No. 435) and because the Discovery Request is unduly burdensome and disproportionate to the needs of this proceeding because they seek irrelevant information. Moreover, Summit objects to this Discovery Request because the term “structures” is vague and ambiguous.

Without waiving the foregoing objections, Summit states that § 49-22.1-03 of the North Dakota Century Code provides that “areas within five hundred feet [152.4 meters] of an inhabited rural residence must be designated avoidance areas,” and that said avoidance area “may be waived by the owner of the inhabited rural residence in writing.” Furthermore, § 69-06-08-02(2)(c) of the North Dakota Administrative Code provides that areas “within five hundred feet [152.4 meters] of a residence, school, or place of business,” are also designated as avoidance areas which may be waived by the owner of such residence, school or place of business. Summit has, or will, obtain all waivers as required by N.D.C.C. § 49-22.1-03 and N.D.A.C. § 69-06-08-02(2)(c) prior to commencement of construction.

Subject to and notwithstanding the foregoing objections, Summit provides the following information:

Structure Use Type	1001-1500 feet
House, Trailer, House that may be business	69
Business, Barn that may be a business	5
School	0
Animal Feeding Operation	0
Church	0
Uninhabited Barn, Garage, or Shed	195
Total	269

INTERROGATORY NO. 14:

Identify all existing structures by county, parcel identification number, and type located between 1,501 to 2,000 feet from your proposed hazardous pipeline route in North Dakota.

AMENDED AND SUPPLEMENTAL RESPONSE:

Summit incorporates by reference its Global Objections set forth above. Specifically, Summit objects to the Discovery Requests because Intervenors have access to the information sought (*see* Mapbook provided at Docket No. 435) and because the Discovery Request is unduly

burdensome and disproportionate to the needs of this proceeding because they seek irrelevant information. Moreover, Summit objects to this Discovery Request because the term “structures” is vague and ambiguous.

Without waiving the foregoing objections, Summit states that § 49-22.1-03 of the North Dakota Century Code provides that “areas within five hundred feet [152.4 meters] of an inhabited rural residence must be designated avoidance areas,” and that said avoidance area “may be waived by the owner of the inhabited rural residence in writing.” Furthermore, § 69-06-08-02(2)(e) of the North Dakota Administrative Code provides that areas “within five hundred feet [152.4 meters] of a residence, school, or place of business,” are also designated as avoidance areas which may be waived by the owner of such residence, school or place of business. Summit has, or will, obtain all waivers as required by N.D.C.C. § 49-22.1-03 and N.D.A.C. § 69-06-08-02(2)(e) prior to commencement of construction.

Subject to and notwithstanding the foregoing objections, Summit provides the following information:

Structure Use Type	1501-2000 feet
House, Trailer, House that may be business	55
Business, Barn that may be a business	2
School	1
Animal Feeding Operation	9
Church	0
Uninhabited Barn, Garage, or Shed	198
Total	265

INTERROGATORY NO. 15:

Identify all existing structures by county, parcel identification number, and type located between 2,001 to 2,500 feet from your proposed hazardous pipeline route in North Dakota.

AMENDED AND SUPPLEMENTAL RESPONSE:

Summit incorporates by reference its Global Objections set forth above. Specifically, Summit objects to the Discovery Requests because Intervenor has access to the information sought (*see* Mapbook provided at Docket No. 435) and because the Discovery Request is unduly burdensome and disproportionate to the needs of this proceeding because they seek irrelevant information. Moreover, Summit objects to this Discovery Request because the term “structures” is vague and ambiguous.

Without waiving the foregoing objections, Summit states that § 49-22.1-03 of the North Dakota Century Code provides that “areas within five hundred feet [152.4 meters] of an inhabited rural residence must be designated avoidance areas,” and that said avoidance area “may be waived by the owner of the inhabited rural residence in writing.” Furthermore, § 69-06-08-02(2)(e) of the North Dakota Administrative Code provides that areas “within five hundred feet [152.4 meters] of a residence, school, or place of business,” are also designated as avoidance areas which may be waived by the owner of such residence, school or place of business. Summit has, or will, obtain all waivers as required by N.D.C.C. § 49-22.1-03 and N.D.A.C. § 69-06-08-02(2)(e) prior to commencement of construction.

Subject to and notwithstanding the foregoing objections, Summit provides the following information:

Structure Use Type	2001-2500 feet
House, Trailer, House that may be business	98
Business, Barn that may be a business	0
School	0
Animal Feeding Operation	4
Church	1
Uninhabited Barn, Garage, or Shed	258
Total	361

INTERROGATORY NO. 16:

Identify all existing structures by county, parcel identification number, and type located between 2,501 to 3,000 feet from your proposed hazardous pipeline route in North Dakota.

AMENDED AND SUPPLEMENTAL RESPONSE:

Summit incorporates by reference its Global Objections set forth above. Specifically, Summit objects to the Discovery Requests because Intervenors have access to the information sought (*see* Mapbook provided at Docket No. 435) and because the Discovery Request is unduly burdensome and disproportionate to the needs of this proceeding because they seek irrelevant information. Moreover, Summit objects to this Discovery Request because the term “structures” is vague and ambiguous.

Without waiving the foregoing objections, Summit states that § 49-22.1-03 of the North Dakota Century Code provides that “areas within five hundred feet [152.4 meters] of an inhabited rural residence must be designated avoidance areas,” and that said avoidance area “may be waived by the owner of the inhabited rural residence in writing.” Furthermore, § 69-06-08-02(2)(e) of the North Dakota Administrative Code provides that areas “within five hundred feet [152.4 meters] of a residence, school, or place of business,” are also designated as avoidance areas which may be waived by the owner of such residence, school or place of business. Summit has, or will, obtain all waivers as required by N.D.C.C. § 49-22.1-03 and N.D.A.C. § 69-06-08-02(2)(e) prior to commencement of construction.

Subject to and notwithstanding the foregoing objections, Summit provides the following information:

Structure Use Type	2501-3000 feet
House, Trailer, House that may be business	98
Business, Barn that may be a business	1
School	0
Animal Feeding Operation	8
Church	0
Uninhabited Barn, Garage, or Shed	319
Total	426

INTERROGATORY NO. 17:

Identify all existing structures by county, parcel identification number, and type located between 3,001 to 3,500 feet from your proposed hazardous pipeline route in North Dakota.

AMENDED AND SUPPLEMENTAL RESPONSE:

Summit incorporates by reference its Global Objections set forth above. Specifically, Summit objects to the Discovery Requests because Intervenors have access to the information sought (*see* Mapbook provided at Docket No. 435) and because the Discovery Request is unduly burdensome and disproportionate to the needs of this proceeding because they seek irrelevant information. Moreover, Summit objects to this Discovery Request because the term “structures” is vague and ambiguous.

Without waiving the foregoing objections, Summit states that § 49-22.1-03 of the North Dakota Century Code provides that “areas within five hundred feet [152.4 meters] of an inhabited rural residence must be designated avoidance areas,” and that said avoidance area “may be waived by the owner of the inhabited rural residence in writing.” Furthermore, § 69-06-08-02(2)(e) of the North Dakota Administrative Code provides that areas “within five hundred feet [152.4 meters] of a residence, school, or place of business,” are also designated as avoidance areas which may be waived by the owner of such residence, school or place of business. Summit has, or will, obtain

all waivers as required by N.D.C.C. § 49-22.1-03 and N.D.A.C. § 69-06-08-02(2)(e) prior to commencement of construction.

Subject to and notwithstanding the foregoing objections, Summit provides the following information:

Structure Use Type	3001-3500 feet
House, Trailer, House that may be business	78
Business, Barn that may be a business	1
School	0
Animal Feeding Operation	3
Church	0
Uninhabited Barn, Garage, or Shed	218
Total	300

INTERROGATORY NO. 18:

Identify all existing structures by county, parcel identification number, and type located between 3,501 to 4,000 feet from your proposed hazardous pipeline route in North Dakota.

AMENDED AND SUPPLEMENTAL RESPONSE:

Summit incorporates by reference its Global Objections set forth above. Specifically, Summit objects to the Discovery Requests because Intervenors have access to the information sought (*see* Mapbook provided at Docket No. 435) and because the Discovery Request is unduly burdensome and disproportionate to the needs of this proceeding because they seek irrelevant information. Moreover, Summit objects to this Discovery Request because the term “structures” is vague and ambiguous.

Without waiving the foregoing objections, Summit states that § 49-22.1-03 of the North Dakota Century Code provides that “areas within five hundred feet [152.4 meters] of an inhabited rural residence must be designated avoidance areas,” and that said avoidance area “may be waived by the owner of the inhabited rural residence in writing.” Furthermore, § 69-06-08-02(2)(e) of the

North Dakota Administrative Code provides that areas “within five hundred feet [152.4 meters] of a residence, school, or place of business,” are also designated as avoidance areas which may be waived by the owner of such residence, school or place of business. Summit has, or will, obtain all waivers as required by N.D.C.C. § 49-22.1-03 and N.D.A.C. § 69-06-08-02(2)(e) prior to commencement of construction.

Subject to and notwithstanding the foregoing objections, Summit provides the following information:

Structure Use Type	3501-4000 feet
House, Trailer, House that may be business	75
Business, Barn that may be a business	3
School	0
Animal Feeding Operation	4
Church	1
Uninhabited Barn, Garage, or Shed	219
Total	302

Dated this 18th day of April, 2024.

FREDRIKSON & BYRON, P.A.

By: 

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