



KNOLL LEIBEL ^{LLP}
ATTORNEYS AT LAW

July 8, 2024

VIA U.S. MAIL & E-MAIL ONLY: 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. E-mail Correspondence between Attorney Bender and Attorney Jorde; and
2. Declaration of Service.

This e-mail correspondence is being filed with the North Dakota Public Service Commission (hereinafter "NDPSC") on behalf of the Intervenors represented by Knoll Leibel LLP. These Intervenors have 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

SJL: rmo
Enclosures

Steven J. Leibel, Partner

PO Box 858 · 1915 N. Kavaney Drive, Suite 3 · Bismarck, ND 58502-0858
Phone 701-255-2010 · Fax 701-255-1980 · Email steve@bismarck-attorneys.com · www.bismarck-attorneys.com

754 PU-22-391 Filed 07/08/2024 Pages: 7

E-mail Correspondence Between Attorney Bender and Attorney Jorde
Knoll Leibel, LLP, on behalf of the Intervenors
Steven Leibel, Attorney

Subject: FW: Staroba

From: Brian Jorde
Sent: Monday, July 1, 2024 10:45 AM
To: Bender, Lawrence <LBender@fredlaw.com>
Cc: NDCO2 <NDCO2@dominalaw.com>; Gludt, Tyler <TGludt@fredlaw.com>; Dublinske, Bret <BDublinske@fredlaw.com>
Subject: RE: Staroba

Lawerence:

1. Your email is appreciated but leads us nowhere productive.
2. Your email confirms you pass along my client's requests to Summit, but because Summit does not care and insists and rejecting simple requests of communications including legal counsel, nothing is ever accomplished.
3. You can have Mr. Boeshans email me direct if Summit wants to have any productive dialogue as to the Starobas. We remain ready, willing, and able to have conversation about solutions.
4. The ball is and has always been in Summit's court.
5. We wait to hear from Summit.

Respectfully,
Brian

Brian E. Jorde
Lawyer
DOMINALAW Group pc llo
www.dominalaw.com

This message is protected by 18 USC Sec 2510-21. Unauthorized use is subject to statutory sanctions. No waiver of any evidentiary privilege is intended. Our tax comments or advice cannot be used for any evasive, illegal or fraudulent purpose. Domina Law Group pc llo.

From: Bender, Lawrence <LBender@fredlaw.com>
Sent: Monday, July 1, 2024 10:37 AM
To: Brian Jorde <BJorde@dominalaw.com>
Cc: NDCO2 <NDCO2@dominalaw.com>; Gludt, Tyler <TGludt@fredlaw.com>; Dublinske, Bret <BDublinske@fredlaw.com>
Subject: RE: Staroba

Brian:

I have not ignored your correspondence. Each time I receive an email, or a letter attached to an email, you send regarding your wishes as to this matter, I forward the same on to my client. And, I have no communications with your clients. I do not know what communications your clients may have with your clients.

[STAFF BIOGRAPHIES](#) [PRACTICE AREAS](#) [CONTACT US](#)

Fredrikson

Main - 701-221-8700

Lawrence Bender
Attorney

lbender@fredlaw.com

Fredrikson & Byron, P.A.
304 East Front Avenue
Suite 400
Bismarck, ND 58504-5639

[Biography](#) | [Download My Contact Info as V-Card](#)
WWW.FREDLAW.COM

****This is a transmission from the law firm of Fredrikson & Byron, P.A. and may contain information which is privileged, confidential, and protected by the attorney-client or attorney work product privileges. If you are not the addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this transmission in error, please destroy it and notify us immediately at our telephone number (701) 221-8700.****

Fredrikson's Bismarck office is moving.

Please note that as of March 25, 2024, our new address is:

Fredrikson & Byron, P.A.
304 East Front Ave, Suite 400
Bismarck, ND 58504-5639
Main: 701.221.8700

From: Brian Jorde <BJorde@dominalaw.com>
Sent: Monday, July 1, 2024 10:25 AM
To: Dublinske, Bret <BDublinske@fredlaw.com>
Cc: Bender, Lawrence <LBender@fredlaw.com>; NDCO2 <NDCO2@dominalaw.com>; Gludt, Tyler <TGludt@fredlaw.com>
Subject: RE: Staroba- ND

CAUTION: EXTERNAL E-MAIL

Gentlemen:

1. Your client called my client again today, July 1, 2024.
2. You obviously ignored by correspondence and request below – which is consistent with how you and your client have dealt with us for over a year.

3. We are happy to listen to Mr. Boeshans proposal and work with Summit to find an acceptable solution. He can contact me to set a time where we can all talk via phone or zoom.
4. I will wait to hear from or let me know if I should simply talk directly to Mr. Boeshans as he offered during the PSC hearings.

Respectfully,
Brian

Brian E. Jorde
Lawyer
DOMINALAW Group pc llo
www.dominalaw.com

This message is protected by 18 USC Sec 2510-21. Unauthorized use is subject to statutory sanctions. No waiver of any evidentiary privilege is intended. Our tax comments or advice cannot be used for any evasive, illegal or fraudulent purpose. Domina Law Group pc llo.

From: Brian Jorde
Sent: Wednesday, June 19, 2024 9:59 AM
To: Dublinske, Bret <BDublinske@fredlaw.com>
Cc: Bender, Lawrence <LBender@fredlaw.com>; NDCO2 <NDCO2@dominalaw.com>
Subject: Staroba- ND

Gentlemen:

1. Yesterday, my clients, the Staroba's received a voicemail from Wade Boeshans.
2. We believe the compromise as submitted to you previously, made an exhibit at the PSC Wahpeton hearing, and reattached here is self-explanatory.
3. If there are questions about the attached please funnel them through me and I will work with my clients and respond to you.

Respectfully,
Brian

Brian E. Jorde
Lawyer
DOMINALAW Group pc llo
www.dominalaw.com

This message is protected by 18 USC Sec 2510-21. Unauthorized use is subject to statutory sanctions. No waiver of any evidentiary privilege is intended. Our tax comments or advice cannot be used for any evasive, illegal or fraudulent purpose. Domina Law Group pc llo.

**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

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. E-mail Correspondence between Attorney Bender and Attorney Jorde; and
2. Declaration of Service.

[2] On July 8, 2024, by sending a true and correct copy thereof by electronic means only to the following email addresses, to wit:

John Maurice Schuh Bar ID 08138
Special Assistant Attorney General
North Dakota Public Service Commission
600 E. Boulevard Ave, Dept. 408
Bismarck, ND 58505-0480
jschuh@nd.gov

Lawrence Bender Bar ID 03908
Fredrikson & Byron, P.A.
1133 College Dr., Ste. 1000
Bismarck, ND 58501-1215
lbender@fredlaw.com

Hope Lisa Hogan Bar ID 05982
Administrative Law Judge
Office Of Administrative Hearings
2911 N. 14th St., Ste. 303
Bismarck, ND 58503
hlhogan@nd.gov

Zachary Evan Pelham Bar ID 05904
Pearce Durick PLLC
314 E. Thayer Ave.
P.O. Box 400
Bismarck, ND 58502-0400
zep@pearce-durick.com

John Hamre
Public Service Commission
State Capitol
600 E Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480
jghamre@nd.gov

Brian E. Jorde
Domina Law Group
2425 S 144th St
Omaha NE 68144
bjorde@dominalaw.com

Kevin Pranis
LIUNA Minnesota & North Dakota
81 E Little Canada Rd
St. Paul MN 55117
kpranis@liunagroc.com

Randall J. Bakke Bar ID 03898
Bradley N. Wiederholt Bar ID 06354
Bakke Grinolds Wiederholt
PO Box 4247
Bismarck, ND 58502-4247
rbakke@bgwattorneys.com
bwiederholt@bgwattorneys.com

North Dakota Public Service Commission
ndpsc@nd.gov

Bret A. Dublinske
Fredrickson & Bryon, P.A.
111 E. Grand Ave., Ste. 301
Des Moines, IA 50309-1884
bdublinske@fredlaw.com

James Curry
Babst, Calland, Clements and Zomnir
P.C.
jcurry@babstcalland.com

Derrick Braaten
derrick@braatenlawfirm.com

Julie Lawyer
Burleigh County State's Attorney
bc08@nd.gov

Brant Leonard
Frederickson & Byron, P.A.
bleonard@fredlaw.com

Patrick T. Zomer
Attorney for the City of Bismarck
pat.zomer@lawmoss.com

Michael Joyner
michael@bismarck-attorneys.com

[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

[5] The addresses of each party served are the last reasonably ascertainable e-mail address and post office address of such party.

[6] I declare, under penalty of perjury under the law of North Dakota, that the foregoing is true and correct.

Signed on the 8th day of July, 2024 at Bismarck, North Dakota.


Rosanne Ogden