



**KNOLL LEIBEL** <sup>LLP</sup>  
ATTORNEYS AT LAW

September 16, 2024

**VIA U.S. MAIL & E-MAIL ONLY:** [ndpsc@nd.gov](mailto: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. Objection to Lawrence Bender's Letter dated September 13, 2024;
2. Attachment 1 – CA Specialty Letter; and
3. Declaration of Service.

The enclosed Objection and Attachment are 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

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SJL: rmo

Enclosures

**769 PU-22-391** Filed: 9/16/2024 Pages: 7

**Objection to Lawrence Bender's Letter Dated  
September 13, 2024 and Attachment 1 - CAC  
Specialty Letter**

Knoll Leibel, LLP, on behalf of the Intervenors

Steven Leibel, Attorney

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**Steven J. Leibel, Partner**

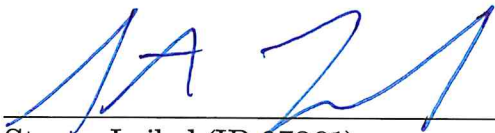
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contingent nature of any commitment upon facts known as of July 1, 2024, without going on to disclose such material facts. The letter states that CAC Specialty “believes” securing \$100M of general liability limit insurance “is possible.” The letter also hedges by reminding us the “insurance marketplace is fluid and can materially fluctuate over time. This fluidity could negatively impact the placement of SCS’s general liability coverage.”

Summit tells the PSC that Summit “will have” \$100M of insurance in place. This is different than what Summit’s insurance broker says. This representation by Summit continues the multi-year theme of Summit’s witnesses or counsel claiming one thing but the evidence showing another.

Dated this 16th day of September, 2024.



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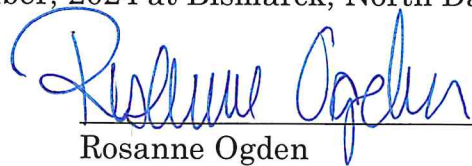
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*Landowner/Intervenor Lawyers*

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

Signed on the 16th day of September, 2024 at Bismarck, North Dakota.

  
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Rosanne Ogden