

September 30, 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: Case No. PU-22-391  
SCS Carbon Transport LLC  
Midwest Carbon Express Project**

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. Letter regarding liability insurance; and
2. Certificate of Service.

An original and seven (7) copies of this letter and the above-referenced documents 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](mailto:ndpsc@nd.gov).

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/tjg  
#84006333v1

cc: SCS Carbon Transport LLC

September 30, 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: Case No. PU-22-391  
SCS Carbon Transport LLC  
Midwest Carbon Express Project**

Dear Mr. Kahl:

On September 13, 2024, SCS Carbon Transport LLC (“Summit”), at the request of the North Dakota Public Service Commission (“Commission”), filed a letter indicating that Summit “will have not less than \$100,000,000.00 in general liability insurance in place prior to commencing construction” of Summit’s pipeline project (“Project”). *See* Docket No. 767.

On September 16, 2024, counsel for Landowner Intervenor, Mr. Brian Jorde, filed an objection to Summit’s September 13, 2024 letter accusing Summit (and counsel for Summit) of intentionally misleading the Commission about Summit’s ability to obtain liability insurance. *See* Docket No. 769. Specifically, Mr. Jorde references a letter from CAC Specialty to the Iowa Utilities Commission (“IUC”) and isolates words like “believe” and “possible” from said letter to suggest Summit may not be able to obtain \$100,000,000.00 in general liability coverage. *Id.* However, despite Mr. Jorde’s feeble attempts to confuse the Commission, the bottom line is that Summit must (pursuant to the June 25, 2024 Order of the IUC) procure such coverage prior to commencing construction of the Project, whether from CAC Specialty or one or more other providers. Accordingly, Summit’s statement that it “will have not less than \$100,000,000.00 in general liability insurance in place prior to commencing construction of the Project” is 100% accurate.

Notwithstanding the foregoing, Commission staff has requested that Summit clarify whether Summit’s \$100,000,000.00 liability coverage is limited to North Dakota, or whether such coverage extends to the entirety of the Project. At the time Summit filed its September 13, 2024 (Docket No. 767), Summit had not yet determined the amounts of liability insurance coverage it would have in place beyond the \$100,000,000.00 required by the IUC. It is important to note that regardless of insurance coverage limits, Summit has provided a full indemnity to landowners in the easement agreements with landowners. Liability insurance is a business risk management measure. Based on Summit’s risk tolerance, industry insurance benchmarks, and the relative diameter and miles of pipeline in Iowa (~700 miles) and North Dakota (~300 miles), Summit

Mr. Steve Kahl  
September 30, 2024  
Page 2

intends to obtain an additional \$25,000,000.00 in general liability insurance coverage for that portion of the Project in North Dakota prior to the commencement of construction thereof.

Should you have any questions, please advise.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. BENDER", with a long, sweeping flourish extending to the right.

LAWRENCE BENDER

LB/tjg  
#84006246v1

cc: 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. Letter regarding liability insurance.

were, on September 30, 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  
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derrick@braatenlawfirm.com

Julie Lawyer  
bc08@nd.gov

Patrick Zomer  
Pat.Zomer@lawmoss.com

Dated this 30th day of September, 2024.

FREDRIKSON & BYRON, P.A.

A handwritten signature in blue ink, appearing to read 'L. Bender', is written over a horizontal line.

By: \_\_\_\_\_

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

#84006422v1