



**Bakke
Grinolds
Wiederholt**

ATTORNEYS AT LAW

October 1, 2024

Via U.S. Mail & Email

Steve Kahl
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

**Re: SCS Carbon Transport LLC
Midwest Carbon Express Project
Case No: PU-22-391**

Dear Mr. Kahl:

Enclosed for filing in Case No. PU-22-391, please find the following documents:

1. *Email to Lawrence Bender from the undersigned dated October 1, 2024 regarding Summit liability insurance and indemnity issues;*
2. *Certificate of Service, with seven copies of same.*

Please do not hesitate to contact the undersigned if you have any questions about this filing.

Very Truly Yours,

/s/ Randall J. Bakke

Randall J. Bakke

Randall J. Bakke*^{Δ+DV}
rbakke@bgwattorneys.com
Shawn A. Grinolds*^o
sgrinolds@bgwattorneys.com
Bradley N. Wiederholt*^o
bwiederholt@bgwattorneys.com
Grant T. Bakke*^x
gbakke@bgwattorneys.com
David R. Phillips*
dphillips@bgwattorneys.com

* Licensed in North Dakota

^o Licensed in Minnesota

^Δ Licensed in South Dakota

+ Board Certified Civil Trial
Specialist by National Board
of Trial Advocacy

□ Fellow-Litigation Counsel of America

v Board Certified Civil Practice
Advocacy by National Board
of Civil Pretrial Practice Advocacy

x MBA

772 PU-22-391 Filed: 10/1/2024 Pages: 6
**Email to Lawrence Bender from Randall Bakke Dated
October 1, 2024 Regarding Summit Liability
Insurance and Indemnity Issues**

Burleigh County Board of Commissioners

Randall J. Bakke, Attorney

Bakke Grinolds Wiederholt, Attorneys

P.O. Box 4247 · Bismarck, ND 58502-4247

300 West Century Ave · Bismarck, ND 58503

p 701.751.8188 · f 701.751.7172

www.bgwattorneys.com

From: [Randall Bakke](#)
To: [Bender, Lawrence](#)
Cc: [zep@pearce-durick.com](#); [david@bismarck-attorneys.com](#); [kpranis@liunagroc.com](#); [bc08@nd.gov](#); [steve@bismarck-attorneys.com](#); [BJorde@dominalaw.com](#); [derrick@braatenlawfirm.com](#); [Zomer, Patrick T.](#); [Kate Finck](#); [Sarah Martin](#)
Subject: Re: SCS Carbon Transport LLC - Case No. PU-22-391
Date: Tuesday, October 1, 2024 9:55:02 AM
Attachments: [SCS Carbon Transport - PU-22-391 - Cover Ltr RE Liability Insurance\(84008378.1\)-c.pdf](#)
[SCS Carbon Transport - PU-22-391 - Ltr RE Liability Insurance\(84008384.1\)-c.pdf](#)
[SCS Carbon Transport - PU-22-391 - COS Ltr RE Liability Insurance\(84008426.1\)-c.pdf](#)
[Outlook-BGW Logo C.png](#)
[Outlook-BGW Logo C.png](#)
[Outlook-BGW Logo C.png](#)

Dear Mr. Bender,

Thank you for copying me on your submission to the PSC dated September 30, 2024, regarding liability insurance for Summit. On behalf of Burleigh County, I hereby request a copy of the described liability insurance policy for Summit in the amount of \$100,000,000.00 in general liability coverage. I also note that in your letter you assert as follows:

"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."

I am assuming this a new development as it is contrary to the evidence presented to the PSC. I request a copy of the aforementioned written communication to landowners from Summit verifying "Summit has provided a full indemnity to landowners in the easement agreements with landowners".

Prior to your letter, it was our understanding, on behalf of Burleigh County, that Summit is only agreeing to indemnify landowners for the wrongdoing of Summit, not fully indemnity which would encompass accidental strikes or damage to the pipeline, third-party actions damaging or causing a release, damage occasioned due to negligence or other fault by the landowner, etc.

We would also request that you provide the documents that we have requested to the PSC for filing.

I look forward to hearing from you.

Randall J. Bakke

Certified Civil Trial Specialist – National Board of Trial Advocacy

Fellow-Litigation Counsel of America

Board Certified Civil Practice Advocacy



300 West Century Avenue

PO Box 4247

Bismarck, ND 58502-4247

Phone: (701) 751-8188

Fax: (701) 751-7172

rbakke@bgwattorneys.com

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From: Hughes, Bethany <BHughes@fredlaw.com>

Sent: Monday, September 30, 2024 3:08 PM

To: ndpsc@nd.gov <ndpsc@nd.gov>

Cc: hlhogan@nd.gov <hlhogan@nd.gov>; zep@pearce-durick.com <zep@pearce-durick.com>; Brad Wiederholt <bwiederholt@bgwattorneys.com>; david@bismarck-attorneys.com <david@bismarck-attorneys.com>; kpranis@liunagroc.com <kpranis@liunagroc.com>; bc08@nd.gov <bc08@nd.gov>; jschuh@nd.gov <jschuh@nd.gov>; Randall Bakke <rbakke@bgwattorneys.com>; steve@bismarck-attorneys.com <steve@bismarck-attorneys.com>; BJorde@dominalaw.com <BJorde@dominalaw.com>; derrick@braatenlawfirm.com <derrick@braatenlawfirm.com>; Zomer, Patrick T. <Pat.Zomer@lawmoss.com>; David Phillips <dphillips@bgwattorneys.com>; Bender, Lawrence <LBender@fredlaw.com>; Nagel, Kimberly <KNagel@fredlaw.com>; Etter, Mary <MEtter@fredlaw.com>

Subject: SCS Carbon Transport LLC - Case No. PU-22-391

Attached hereto for filing in the above-captioned matter, please find the following:

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

An original and seven (7) copies of the same have been mailed to the North Dakota Public Service Commission on today's date.

Thanks,

Bethany Hughes

Legal Administrative Assistant/Paralegal

Fredrikson & Byron, P.A.

304 East Front Ave, Suite 400, Bismarck, ND 58504-5639

Direct: 701-221-8641 | Main: [701.221.8700](tel:701.221.8700) | Fax: 701-221-8750

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

SCS Carbon Transport LLC
Midwest Carbon Express CO2 Pipeline Project
Siting Application

Case No: PU-22-391
OAH File No: 20230002

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the following documents:

1. *Filing Letter to Steve Kahl from Randall Bakke dated October 1, 2024; and*
2. *Email to Lawrence Bender from Randall Bakke dated October 1, 2024 regarding Summit liability insurance and indemnity issues.*

were on October 1, 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

Lawrence Bender
lbender@fredlaw.com

Steven Leibel
steve@bismarck-attorneys.com

Brian E. Jorde
bjorde@dominalaw.com

David Knoll
david@bismarck-attorneys.com

Zachary Pelham
zep@pearce-durick.com

Brant Leonard
bleonard@fredlaw.com

Kevin Pranis
kpranis@liunagroc.com

James Curry
jcurry@babstcalland.com

Bret Dublinske
bdublinske@fredlaw.com

Julie Lawyer
bc08@nd.gov

Derrick Braaten
derrick@braatenlawfirm.com

Patrick Zomer
pat.zomer@lawmoss.com

Dated this 1st day of October, 2024.

BAKKE GRINOLDS WIEDERHOLT

By: /s/ Randall J. Bakke
Randall J. Bakke (#03989)
Bradley N. Wiederholt (#06354)
Special Assistant State's Attorneys for
Burleigh County
300 West Century Avenue
P.O. Box 4247
Bismarck, ND 58502-4247
(701) 751-8188
rbakke@bgwattorneys.com
bwiederholt@bgwattorneys.com

Attorneys for Intervenor Burleigh County