

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

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

Case No. PU-22-391

AFFIDAVIT OF SERVICE BY ELECTRONIC MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **17th day of December 2024**, she sent an electronic message to **14** addresses, each including an electronic copy in portable document format of:

- **Notice of Ex Parte Communication**

The electronic mail was addressed as follows:

Lawrence Bender  
Fredrikson & Byron, P. A.  
[lbender@fredlaw.com](mailto:lbender@fredlaw.com)

Brant Leonard  
Fredrikson & Byron, P.A.  
[bleonard@fredlaw.com](mailto:bleonard@fredlaw.com)

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Bradley Wiederholt  
Bakke Grinolds Wiederholt  
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Kevin Pranis  
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[kpranis@liunagroc.com](mailto:kpranis@liunagroc.com)

Derrick Braaten  
Braaten Law Firm  
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Julie Lawyer  
Burleigh County State's Attorney  
[Bc08@nd.gov](mailto:Bc08@nd.gov)

Patrick Zommer  
Moss & Barnett  
[Pat.Zomer@lawmoss.com](mailto:Pat.Zomer@lawmoss.com)

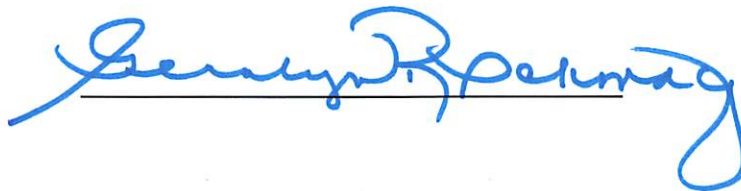
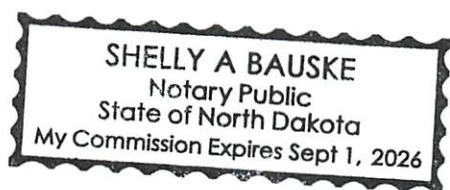
Bret Dublinske  
Fredrikson & Byron, P.A.  
[bdublinkse@fredlaw.com](mailto:bdublinkse@fredlaw.com)

James Curry  
Babst, Calland, Clements & Zomnir, P.C.  
[jcurry@babstcalland.com](mailto:jcurry@babstcalland.com)

Jannelle Combs  
City of Bismarck  
[jcombs@bismarcknd.gov](mailto:jcombs@bismarcknd.gov)

The address shown is the respective addressee's last reasonably ascertainable electronic mail addresses.

Subscribed and sworn to before me  
this **17th day of December 2024**.

A handwritten signature in blue ink, appearing to read "Jeremy R. Penning", written over a horizontal line.A handwritten signature in blue ink, appearing to read "Shelly A. Bauske", written over a horizontal line.  
Notary Public

SEAL

## **Notice of Ex Parte Communication**

**Case No. PU-22-391**

Pursuant to 28-32-37, a person who has a direct or indirect interest in the outcome of the proceeding may not communicate, directly or indirectly regarding any issue in the proceeding while it is pending without notice and opportunity for all parties to participate in the communication. Consistent with the listed section, this document shall be placed in the record.

**a) Party or person providing the ex parte communication:**

See attached copy of ex parte email communication and list of senders who sent them.

**b) Description of all written or oral communications received, all written and oral responses to the communications:**

See attached copy of the written communication provided from Commissioner Sheri Haugen-Hoffart to Kay Lacoe regarding closing statement review/edits

**c) All responses made written or oral to the ex parte communication:**

See attached copy of ex parte email communication

Any person desiring to rebut the ex parte communication is allowed to do so upon request within ten days after notice of the communication.

Current Parties, interested persons, and other persons allowed to participate that these matters: SCS Carbon Transport, LLC, Landowner Intervenor, Burleigh County, Emmons County, City of Bismarck, and LIUNA.

Reporting Staff: Commissioner Sheri Haugen-Hoffart

\*\*\*\*\* **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. \*\*\*\*\*

Sent from my iPad

Begin forwarded message:

**From:** Kay LaCoe <[klacoe@gmail.com](mailto:klacoe@gmail.com)>  
**Date:** November 4, 2024 at 1:59:27 PM CST  
**To:** Sheri Haugen-Hoffart <[sherihaugen66@hotmail.com](mailto:sherihaugen66@hotmail.com)>  
**Subject:** Re: SCS-Confidential ---

I added this to your document but IDK if it'll automatically show up or not:

**Statement by Public Service Commissioner Sheri Haugen-Hoffart on Summit Carbon Solutions CO2 Pipeline Project Reconsideration**

As we conclude our work on the Reconsideration of the Summit Carbon Solutions CO2 pipeline project, I want to emphasize my unwavering commitment to upholding the law in every decision I make. The Public Service Commission's role is clearly defined: to ensure that all siting requirements are met according to the North Dakota Century Code, and that every decision we make strictly adheres to these legal guidelines. As your elected representative on this Commission, I am bound to follow the law—nothing more and nothing less.

To the many community members and landowners who attended our hearings, thank you. Your participation brought forward crucial insights, and I want to reassure you that each concern raised—whether it was about public safety, property rights, or the impacts of eminent domain—was carefully reviewed and weighed. We have taken time to ensure that your voices are not only heard but are integral to our assessment. From day one, my goal has been to fully consider and examine every piece of testimony and evidence presented.

It is also essential to address the broader context of carbon management. For over 30 years, North Dakota has managed carbon successfully, with CO2 transportation and sequestration projects like the Great Plains Synfuels Plant's CO2 pipeline operating safely and effectively. Our state has a history of responsible pipeline management, and thousands of miles of pipelines operate under strict federal and state regulations, particularly those established by the Pipeline and Hazardous Materials Safety Administration (PHMSA). Carbon capture technology, incentivized by federal programs, is part of a larger national strategy to advance energy goals, manage carbon dioxide emissions, and it remains a tool for energy producers and users to develop and expand a marketable commodity.



However, at the core of this proceeding is Summit's petition for a siting permit for a 320-mile CO2 pipeline across five North Dakota counties. As a Commissioner, my duty is to evaluate this petition solely on the basis of the legal criteria set forth. Chair Christmann provided a thorough review of each statutory requirement in our order, and I am fully in agreement with this approach.

To all landowners, please know that state law provides protections and legal remedies regarding the use of eminent domain. Your rights are safeguarded, and resources are available should any issues arise.

In closing, I want to reaffirm my commitment to serving North Dakota with integrity and transparency. It is my duty—and my conviction—to uphold the law, and I will continue to do so with each decision entrusted to me. Thank you.

On Mon, Nov 4, 2024 at 11:50 AM Sheri Haugen-Hoffart <[sherihaugen66@hotmail.com](mailto:sherihaugen66@hotmail.com)> wrote:  
Notes while I was on the plane....just some initial thoughts/outline. Do NOT hold back.

Sheri

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This transmission, email and any files transmitted with it, may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential under federal or state law. If you are not the intended recipient of this message, you may not use, disclose, print, copy or disseminate this information. If you have received this transmission in error, notify the sender (only) and delete the message. This message may also be subject to disclosure under the North Dakota Open Records Laws.