

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

APH Farms, et al,

Case No. 08-2024-CV-03622

Appellants,

vs.

North Dakota Public Service Commission, et al,

Appellees.

And

Burleigh County,

Case No. 08-2024-CV-03614

Appellant,

vs.

North Dakota Public Service Commission and
SCS Carbon Transport LLC,

Appellees.

Reply Brief in Support of Motion to Consolidate

[¶1] The Public Service Commission moved to consolidate *APH Farms, et al. vs. North Dakota Public Service Commission, et al.*, Case No. 08-2024-CV-03622, and *Burleigh County vs. North Dakota Public Services Commission and SCS Carbon Transport LLC*, Case No. 08-2024-

CV-03614, on June 24, 2025. Dkt. No 98, Case No. 08-2024-CV-03622 & Dkt. No. 56, Case No. 08-2024-CV-03614. All parties have filed responses indicating they do not oppose the motion. The Court should consolidate the Burleigh County appeal (Case No. 08-2024-CV-03614) with the APH Farms appeal (Case No. 08-2024-CV-03622) before Judge Nesvig.

[¶2] Further, since filing the motion to consolidate, the Commission received an extension request from the court reporter preparing the voluminous transcripts. See Ex. A, Email dated July 7, 2025. Given the volume of the hearings, the Commission requests that the Court allow additional time to the Commission to certify the record given the court reporter needs additional time to prepare the transcripts. The Commission requests until November 21, 2025, to file and certify the administrative record with the district court. A revised proposed order granting consolidation and allowing for the extension of time to certify the record is filed with this reply brief.

Dated this 9th day of July, 2025.

/s/ Zachary E. Pelham
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