



November 15, 2023

***Via Electronic Mail & Hand Delivery***

Mr. Steve Kahl  
Executive Director  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480  
[ndpsc@nd.gov](mailto:ndpsc@nd.gov)

Dear Mr. Kahl:

In Re: Joint Transfer Application – Certificate of Corridor  
Compatibility and Route Permit

Please find enclosed eight copies of the following documents for filing with the Commission:

- Dakota Gasification Company and Dakota Carbon Services LLC, Joint Application for Transfer of Certificate of Corridor Compatibility and Route Permit and corresponding Exhibit Nos. 1-3.

Pursuant to N.D.C.C. § 49-22.1-21(4), a check in the amount of \$600.00 is also enclosed for the Commission's administrative filing fee. The original cost of the project is set forth in Case No. PU-21-150.

Dakota Gasification Company and Dakota Carbon Services LLC would appreciate the Commission taking action on this matter as quickly as possible, ideally before the end of the year. Please feel free to contact me with any questions. Thank you.

Sincerely,

Casey Jacobson  
Senior Counsel

Cj/lc

Enclosures

1 **PU-23-347** Filed: 11/16/2023 Pages: 9  
**Application for Transfer of Corridor No. 223 & Route  
No. 233, based on name change**

Dakota Gasification Company  
Casey Jacobson, Senior Counsel



STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

In the matter of the Joint Application of  
Dakota Gasification Company and  
Dakota Carbon Services LLC for a  
Transfer of the Certificate of Corridor  
Compatibility No. 223 and Route  
Permit No. 223 for the Carbon Dioxide  
Gas Pipeline, Mercer County,  
North Dakota

Case No. PU-21-150

---

**JOINT APPLICATION FOR TRANSFER  
OF CERTIFICATE OF CORRIDOR COMPATIBILITY AND ROUTE PERMIT**

---

Pursuant to NDCC Chapter 49-22.1 and N. D. Admin. Code Article 69-06, Dakota Gasification Company (“DGC”), and Dakota Carbon Services LLC (“DCS”), respectfully submit this Joint Application for a transfer of the Certificate of Corridor Compatibility and Route Permit issued to DGC for the Carbon Dioxide Gas Pipeline project in Case No. PU-21-150.

**A. Statutory Authority**

The transfer of a certificate of corridor compatibility and route permit are authorized under NDCC § 49-22-07 and NDAC § 69-06-01-02(4). Pursuant to these provisions, the Commission, upon determination that an application for the transfer of a certificate or permit or an application is complete, shall hold a public hearing on an application for the transfer of a certificate, if, following publication of a notice of opportunity for a public hearing in the official newspaper in the County in which the facility is located, an interested person requests and demonstrates good cause for a public hearing, or the Commission upon its own motion determines there is good cause for a public hearing.

**B. Background**

By Findings of Fact, Conclusions of Law and Order dated July 28, 2021, Case No. PU-21-150, the Commission issued a Certificate of Corridor Compatibility, Number 223 and Route Permit Number 233 to DGC for the construction, operation and maintenance of a

carbon dioxide gas pipeline and associated facilities project in Mercer County, North Dakota.

**C. Application for Transfer of Certificate of Corridor Compatibility**

DGC and DCS now submit this joint application for a transfer of the Certificate of Corridor Compatibility issued to DGC in Case No. PU-21-150 to DCS. In support thereof, DGC and DCS, state as follows:

1. DGC is a North Dakota corporation duly authorized to do business in North Dakota and is a subsidiary of Basin Electric Power Cooperative.
2. DCS is a foreign corporation duly authorized to do business in the State of North Dakota, which certificate of good standing is attached as well (Exhibit A) as DCS's Certificate of Formation from the Delaware Secretary of State (Exhibit B) and is incorporated herein by reference.
3. DCS was formed as a project company to utilize the Section 45Q tax credits of the Inflation Reduction Act of 2022.
4. DCS is currently a subsidiary of DGC. It is expected that DGC will sell its Class A membership in DCS in the near future, and at that point, DGC will remain as a minority owner. The majority owner will be Astor Investments Inc..
5. DGC will continue to operate the carbon dioxide gas pipeline and associated facilities project.
6. DCS states that it has the financial and technical qualifications to own the carbon dioxide pipeline and associated facilities.
7. This application is made pursuant to the provisions of NDCC § 49-22-7, NDCC 49-22-13(2) and NDAC §§ 69-06-01-02(3).
8. The Commission's Findings of Fact and Conclusions of Law in its July 28, 2021 Order issuing the Certificate of Corridor Compatibility and Route Permit to DGC

in Case No. PU-21-150 constitutes a sufficient legal basis for the transfer of the Certificate of Corridor Compatibility to DCS. The Commission having concluded, among other things: the Project is of such a design, location and purpose that it will produce minimal adverse affects as defined by NDCC § 49-22-05.2; the application submitted by DGC met the corridor evaluation criteria required by NDCC Chapter 49-22; the location, construction, and operation of the Dakota Carbon Services LLC Project will produce only minimal adverse affects on the environment and upon the welfare of the citizens of North Dakota; the Dakota Carbon Services LLC Project is compatible with environmental preservation and the efficient use of resources; and the Dakota Carbon Services LLC Project will minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.

9. DCS assumes the rights and obligations of the Commission's Findings of Fact and Conclusions of Law in its July 28, 2021 Order issuing the Certificate of Corridor Compatibility and Route Permit, originally issued to DGC in Case No. PU-21-150 and agrees to comply with the terms and conditions of the Certificate, Permit and Order.

WHEREFORE, DGC and DCS respectfully request that the Commission, following publication of a notice of opportunity for a public hearing in the official newspaper in the county in Mercer County and, unless there is both a request by an interested person and a showing of good cause:

1. Deem this Application complete and publish a notice of opportunity for public hearing once in the official newspaper of Mercer County, North Dakota.
2. Grant the transfer of the Certificate of Corridor Compatibility No. 233 and Route Permit No. 233 issued in Case No. PU-21-150 from DGC to DCS for the rights and obligations of the Certificate of Corridor Compatibility and Route Permit.
3. Grant such other relief as the Commission shall deem appropriate.

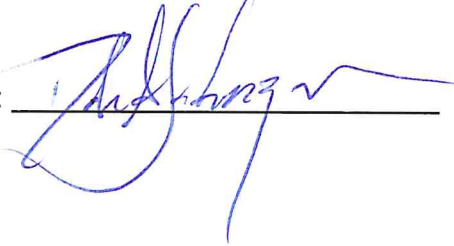
Dated this 15 day of November 2023.

Respectfully submitted,

DAKOTA GASIFICATION COMPANY

By: 

DAKOTA CARBON SERVICES LLC

By: 



4. DCS was formed as a project company to utilize the Section 45Q tax credits of the Inflation Reduction Act of 2022. DCS is currently a subsidiary of DGC but it is expected that DGC will sell its Class A membership in DCS in the near future to Astor Investments Inc.
5. DCS agrees to assume the rights and obligations of DGC with respect to the Certificate and Permit, and to comply with the terms and conditions of the Certificate, Permit, and Order.

DATED this 15<sup>th</sup> day of November 2023.



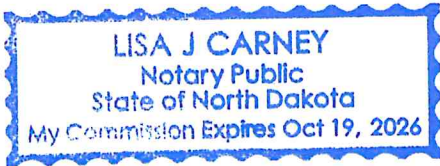
\_\_\_\_\_  
Todd Brickhouse  
President  
Dakota Carbon Services LLC

STATE OF NORTH DAKOTA )  
  )  
COUNTY OF BURLEIGH )

The foregoing instrument was acknowledged before me this 15 day of November 2023, by Todd Brickhouse the President of Dakota Carbon Services LLC.



\_\_\_\_\_  
Notary Public  
My Commission Expires: 10/19/26



# *State of North Dakota*

## SECRETARY OF STATE



### Certificate of Good Standing of DAKOTA CARBON SERVICES LLC

SOS Control ID#: 0006463316

Certificate #: 024350120-1

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that, according to the records of this office,

DAKOTA CARBON SERVICES LLC

a Limited Liability Company - Business - Foreign was formed under the laws of DELAWARE and filed with this office effective November 6, 2023. This entity has, as of the date set forth below, complied with all applicable North Dakota laws.

**ACCORDINGLY**, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing.

**DATE:** November 7, 2023

A handwritten signature in black ink that reads "Michael Howe".

Michael Howe  
Secretary of State

# State Of Delaware

## Entity Details

11/7/2023 10:06:08AM

File Number: 2562223

Incorporation Date / Formation Date: 10/31/2023

Entity Name: DAKOTA CARBON SERVICES LLC

Entity Kind: Limited Liability Company

Entity Type: General

Residency: Domestic

State: DELAWARE

Status: Good Standing

Status Date: 10/31/2023

### Registered Agent Information

Name: CORPORATION SERVICE COMPANY

Address: 251 LITTLE FALLS DRIVE

City: WILMINGTON

Country:

State: DE

Postal Code: 19808

Phone: 302-636-5401