

September 15, 2023

The Public Service Commission convened in the Pioneer Room, State Capitol, Judicial Wing, Ground Floor, Bismarck, North Dakota, on September 15, 2023, 3:00 p.m. Present were Commissioners Christmann and Haugen-Hoffart. Substitute Decision Maker Dawson participated by telephone and authorized John Schuh to sign on his behalf.

Case No. PU-22-391
SCS Carbon Transport LLC
Midwest Carbon Express CO2 Pipeline
Project
Siting Application

Mr. Christmann: I move the Commission adopt the Order on Petition for Reconsideration in SCS Carbon Transport LLC, Midwest Carbon Express CO2 Pipeline Project, Siting Application, Case No. PU-22-391.

Mr. Dawson: I second the motion.

Ms. Haugen-Hoffart: I move to substitute a motion to adopt the Order on Petition for Reconsideration denying reconsideration in SCS Carbon Transport LLC, Midwest Carbon Express CO2 Pipeline Project, Siting Application, Case No. PU-22-391.

Motion Not Seconded; Motion Failed

Roll Call: Mr. Christmann votes "Aye".

Ms. Haugen-Hoffart votes "Nay".

Mr. Dawson votes "Aye".

Dissenting Opinion
Commissioner Sheri Haugen-Hoffart

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Dissent

In its Petition, SCS requested reconsideration and an opportunity to present evidence and testimony at a limited rehearing to demonstrate that it has addressed the deficiencies noted in the Commission's Order.

In support of its request for reconsideration, SCS submitted that with additional evidence and testimony provided during a limited rehearing, Summit will demonstrate that it has met its burden by meeting the requirements of the Siting Act and Commission regulations. In support of its petition, SCS proposed extensive route adjustments, a reduced corridor, and a litany of deficiencies and reroutes that are or will be remedied by the time of the rehearing. SCS also provided there will be witnesses available at the rehearing to address the deficiencies during the rehearing.

A request for additional hearings and an opportunity to present this evidence could have been submitted at any time prior to the issuance of the Commission Order. The arguments and evidence provided in the Petition could have been presented by SCS during the multiple hearings held over six months that the Commission provided for evaluation of the application. Due to the

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Dissenting Opinion Continued
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breadth of changes provided in its petition, a new application was appropriate to address the material changes to the project.

Per N.D. Admin. Code § 69-02-01-10, there still needs to be reasonable justification to grant reconsideration, and I felt SCS Carbon Transport, LLC (SCS) did not meet the burden.



Sheri Haugen-Hoffart
Commissioner

ATTEST

THE COMMISSION ADJOURNED AT 3:55 P.M.



Executive Secretary



RANDY CHRISTMANN, CHAIR