

June 24, 2022

HAND DELIVERED

Mr. Steve Kahl
Executive Secretary/Director of Administration
North Dakota Public Service Commission
600 E Blvd Ave Dept 408
Bismarck, ND 58505-0480

**RE: SCS Carbon Transport LLC
Acceptance under NDCC §49-19-12**

Dear Mr. Kahl:

Pursuant to the provisions of Section 49-19-12 of North Dakota Century Code, please find enclosed herewith an original and five (5) copies of the SCS Carbon Transport LLC Acceptance of Provisions of North Dakota Century Code §49-19-12.

Also enclosed herewith is a CD containing this letter and the above-referenced document in PDF format.

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/kl
Enclosures

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1 PU-22-260 Filed 06/24/2022 Pages: 3
Acceptance of Provisions of N.D.C.C. Section 49-19-12
SCS Carbon Transport LLC
Lawrence Bender, Fredrikson&Byron, P.A.

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1133 College Drive, Suite 1000
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Exhibit B

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

In the Matter SCS Carbon Transport LLC)
Acceptance of Provisions of North Dakota)
Century Code § 49-19-12)

Case No. _____

**ACCEPTANCE OF PROVISIONS OF
NORTH DAKOTA CENTURY CODE § 49-19-12**

Upon approval by the North Dakota Public Service Commission (“Commission”) for construction of a proposed carbon dioxide (“CO₂”) pipeline project, SCS Carbon Transport LLC (“SCS”) will own and operate a pipeline located within the State of North Dakota and will be engaged in the business of transporting CO₂ for others by such pipeline in accordance with the definition of a common carrier. *See* N.D.C.C. § 49-19-01.

North Dakota Century Code § 49-19-12 provides in relevant part that “[e]very common pipeline carrier which shall have filed with the commission its acceptance of the provisions of this chapter has, subject to chapter 32-15, the right and power of eminent domain in the exercise of which it may enter upon and condemn the land, right of way, easements, and property of any person necessary for the construction, maintenance, or authorization of its pipeline.”

SCS, pursuant to North Dakota Century Code § 49-19-12, as a common carrier, accepts the provisions of Chapter 49-19 of the North Dakota Century Code. This acceptance by SCS is hereby filed with the Commission.

Dated this 24th day of June, 2022.

SCS Carbon Transport LLC

James Pirolli, Chief Commercial Officer

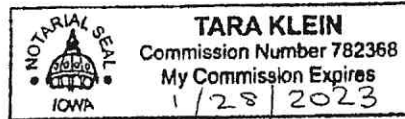
STATE OF IOWA

)

)ss.

COUNTY OF STORY

)



The foregoing instrument was acknowledged before me this 24th day of June, 2022, by James Pirolli, Chief Commercial Officer of SCS Carbon Transport LLC, a limited liability company, on behalf of the company.

Notary Public

My Commission Expires: 1/28/2023

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF EMMONS

SOUTH CENTRAL JUDICIAL DISTRICT

SCS Carbon Transport LLC,

Petitioner,

v.

Bruce E. Doolittle,

Respondent.

Case No. _____

**AFFIDAVIT OF MICAH RORIE IN
SUPPORT OF PETITION FOR ENTRY TO
SURVEY**

STATE OF SOUTH DAKOTA)
) ss.
COUNTY OF MINNEHAHA)

Micah Rorie, being first duly sworn, deposes and states:

1. Affiant is the Senior Director – Land Services for Summit Carbon Solutions, LLC, an affiliate of the above-captioned Petitioner SCS Carbon Transport LLC (“Summit”), and makes this affidavit for and on its behalf.

2. Affiant is familiar with Summit’s business operations and the planning, regulatory approval, construction, and operation of the carbon dioxide transmission pipeline to be owned and operated by Summit (the “Pipeline”). This affidavit based on personal knowledge.

3. Summit is a limited liability company organized and in good standing under the laws of the State of Delaware and authorized to do business as a foreign limited liability company in the State of North Dakota.

4. Upon information and belief, Respondent Bruce E. Doolittle (“Doolittle”) is the record owner of the lands located in Emmons County, North Dakota more particularly described on **Exhibit A** attached hereto.

5. Summit is proposing to construct the Midwest Carbon Express pipeline system (“the Pipeline”), an approximately 2,000-mile long carbon dioxide transmission pipeline system ranging from four (4) to twenty-four (24) inches in diameter. The Pipeline will provide capacity to transport as much as twelve (12) million tons of carbon dioxide per year from ethanol plants located in Iowa, Nebraska, Minnesota, South Dakota and North Dakota. The carbon dioxide will ultimately be injected into a secure geologic storage facility located in North Dakota. A copy of a map showing the proposed route of the Pipeline through North Dakota is attached as **Exhibit B**.

6. The Pipeline is necessary to reduce carbon dioxide emissions and offers ethanol and other industrial plants a viable option to capture and permanently store carbon dioxide emissions because, unlike North Dakota, most states do not have proven subsurface geologic formations capable of economically storing the volume of carbon dioxide produced by such plants.

7. The Pipeline also represents the safest mode for transporting carbon dioxide. As compared to rail and truck transportation, pipelines are the safest and most efficient means to transport hazardous liquids, according to statistics compiled by the United States Department of Transportation. Pipelines are heavily regulated and are subject to intense scrutiny and oversight. Time and time again, pipelines have proven to be the safest and most reliable form of transporting hazardous liquids. A Fact Sheet describing the Pipeline and some of the benefits it will provide is attached and marked as **Exhibit C**.

8. Before beginning construction of the Pipeline, Summit needs to obtain regulatory approval from the North Dakota Public Service Commission (“the PSC”). To do so, it must identify a suitable route that meets the PSC’s criteria and also allows for efficient and cost-

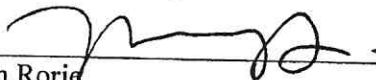
effective construction and operation of the pipeline. Using public and private data sets and GIS mapping software, Summit has identified a proposed route for the Pipeline. However, it needs access to the land itself in order to further evaluate the proposed route's suitability. Summit will gather additional data by conducting civil route surveys, archeological surveys, environmental (wetlands, wildlife, plants, etc.) surveys, geotechnical surveys, and other surveys and examinations as necessary.

9. Several months ago, Summit, by and through its affiliate Summit Carbon Solutions, LLC, began seeking permission from landowners to enter onto their property to conduct the necessary surveys. Although the vast majority of landowners voluntarily permitted Summit to enter onto their land, some, including Doolittle, refused.

10. Doolittle's land, described in Paragraph 4, above, is expected to be crossed by the Pipeline, and Summit needs to enter onto that land to complete its surveys. Despite its good faith efforts to negotiate entry, Doolittle has repeatedly refused, saying that he will not allow Summit to enter onto his land. Summit needs to complete its surveys on Doolittle's land as soon as possible in order to file its application with the PSC in October of 2022 and to obtain a certificate of corridor compatibility and route permit in the first quarter of 2023, as planned.

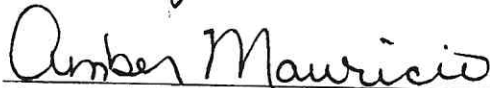
11. The surveys and examinations to be conducted by Summit will have little, if any, impact on Doolittle's property. However, Summit will proceed with the surveys in a manner that is compatible with the greatest public benefit and the least private injury, compensate landowners or tenants for damages caused by survey activities, and comply with other reasonable restrictions imposed by the Court.

Dated this 18th day of August, 2022.



Micah Rorie
Senior Director – Land Services
Summit Carbon Solutions, LLC

Subscribed and sworn to before me this 18th day of August, 2022



Notary Public
My Commission Expires: _____ My Commission Expires Jan 26, 2028

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