

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

Fallkirk Mining Company
Revision No. 13, Permit NAFK-9601

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Case No. RC-08-640

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PUBLIC SERVICE COMMISSION
APPLICATION FOR HEARING BY DAKOTA RESOURCE COUNCIL

Pursuant to N.D.C.C. § 38-14.1-30, Dakota Resource Council (“DRC”) hereby applies for a formal hearing in the above-captioned proceedings. In support of this application, DRC states and alleges as follows:

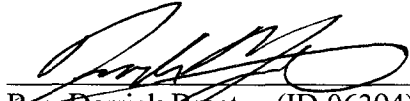
1. DRC is a grassroots, member-run organization. Its membership includes numerous persons who are directly affected by the surface mining of coal in North Dakota. DRC has a 31-year history of engagement in surface mining reclamation issues in the state.
2. DRC has members with farming operations directly affected by Fallkirk’s mining operations.
3. On August 1, 2008, Fallkirk Mining Company (“Fallkirk”) filed a “Revision [] to Change the Postmining Land use on 428 Acres” (“Revision”).
4. On August 3, 2009, DRC filed comments on the Revision, resisting the revision of post-mining land use on 86 acres of what was previously cropland. DRC, on behalf of its members and particularly those who farm near the Fallkirk mining operations and are or may be adversely affected by the Revision approval, asserted and maintains that the 86 acres should not be revised to a recreational post-mining land use, and should instead be reclaimed to agricultural land use.

5. DRC received notice of the Revision approval on March 16, 2010. Said notice states “[a]ny person with an interest that is adversely affected by this decision has 30 days to request a formal hearing with the Commission following publication of the revision approval notice.”
6. In accordance with the March 16, 2010 notice and N.D.C.C. § 38-14.1-30, DRC hereby requests that the PSC schedule a formal hearing on these matters.

Respectfully submitted,

SARAH VOGEL LAW PARTNERS

Dated this 9th day of April, 2010.


By: Derrick Braaten (ID 06394)
222 North 4th Street
Bismarck, ND 58501-4004
Telephone: 701-221-2911
Fax: 701-221-5842
Attorneys for Dakota Resource Council