

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Falkirk Mining Company
Revision 13, Permit NAFK-9601
Approval**

Case No. RC-08-640

NOTICE OF FORMAL HEARING

May 12, 2010

Preliminary Statement

On August 1, 2008, the Falkirk Mining Company applied for a permit revision to change the post-mining land use on lands within Permit No. NAFK-9601 for the Falkirk Mine near Underwood. Revision No. 13 changes the post-mining land use to recreational use on 428 acres surrounding Coal Lake located in the W $\frac{1}{2}$ of Section 25, SE $\frac{1}{4}$ of Section 26, and N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 35, all in T146N, R82W, McLean County. A written agreement has been executed to transfer these lands to the North Dakota Department of Transportation to eliminate the No-Mow areas within the rights-of-way of state highways in McLean County.

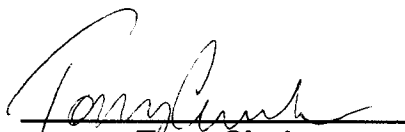
On March 10, 2010, the Public Service Commission conditionally approved Revision No. 13 to Permit No. NAFK-9601 subject to the right of any person with an interest that is or may be adversely affected to request a formal hearing. On April 9, 2010, the Commission received a request for a Formal Hearing in the matter from the Dakota Resource Council about the change in post-mining land use on 86 acres previously approved as cropland.

Notice of Formal Hearing

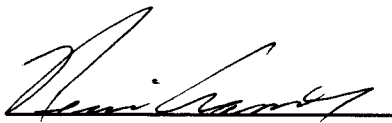
Notice is hereby given that the captioned matter is set for a Formal Hearing, commencing at 9:00 a.m. CDT, on July 1, 2010, in the Public Service Commission's Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota.

If you require any auxiliary aids, such as readers, signers, or Braille materials, please notify the Commission, at (701) 328-2400, or Relay North Dakota TTY: 1-800-366-6888 at least 24 hours prior to the hearing.

PUBLIC SERVICE COMMISSION



**Tony Clark
Commissioner**



**Kevin Cramer
Chairman**



**Brian P. Kalk
Commissioner**