



ND Department of Transportation  
608 East Boulevard Avenue  
Bismarck, ND 58505-0700

The Honorable Wayne Stenehjem  
North Dakota Attorney General  
600 E. Boulevard Ave.  
Dept. 125  
Bismarck, ND 58505

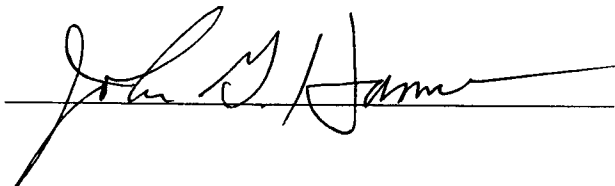
Dakota Resource Council  
PO Box 1095  
Dickinson, ND 58602

ND Game & Fish Department  
100 N. Bismarck Expressway  
Bismarck, ND 58501-5095

Ladd Erickson  
McLean County State's Attorney  
P.O. Box 1108  
Washburn, ND 58577-1108

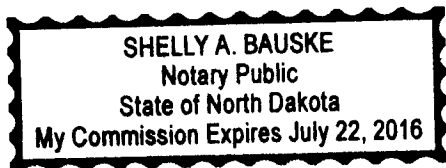
Each address shown is each respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this 15 day of October, 2010.



Handwritten signature of John D. Ham over a horizontal line.

**S E A L**



Handwritten signature of Shelly A. Bauske over a horizontal line, with the text "Notary Public" printed below.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Dakota Resource Council

Appellant,

vs.

North Dakota Public Service Commission,  
McLean County, North Dakota  
Department of Transportation, and North  
Dakota Game and Fish Department and  
Falkirk Mining Company,

Appellees

PSC Case No. RC-08-640

CIVIL NO. 08-10-C-02329

NOTICE OF APPEARANCE

Notice is hereby given that Illona A. Jeffcoat-Sacco, Special Assistant Attorney General, will be appearing in the captioned matter on behalf of the Public Service Commission.

All further notices, pleadings, and other material relevant to this action should be served upon the undersigned.

Dated this 15 day of October, 2010.



Illona A. Jeffcoat-Sacco  
Special Assistant Attorney General  
State Bar ID No. 03315  
North Dakota Public Service Commission  
600 E. Boulevard Avenue, Dept 408  
Bismarck, ND 58505  
(701) 328-2407

Attorney for North Dakota Public Service Commission

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

_____	)	
Dakota Resource Council	)	CIVIL NO. 08-10-C-02329
	)	
Appellant,	)	
	)	
vs.	)	
	)	NOTICE TO APPELLANT OF
	)	ESTIMATED COSTS
	)	
North Dakota Public Service Commission,	)	
McLean County, North Dakota	)	
Department of Transportation, and North	)	
Dakota Game and Fish Department and	)	
Falkirk Mining Company,	)	
	)	
Appellees	)	
_____	)	
PSC Case No. RC-08-640	)	
	)	
_____	)	

**TO: Derrick Braaten, Sarah Vogel Law Partners, 222 North 4<sup>th</sup> Street, Bismarck, ND 58501-4004, Attorney for Appellant Dakota Resource Council.**

Under N.D.C.C. § 28-32-44(2) when a Public Service Commission decision is appealed, the Public Service Commission shall notify the appellant of the estimated costs of preparing and filing the record. The appellant must then pay the Public Service Commission the amount estimated. If the actual costs are more than the estimated costs, the appellant must pay the difference. If the actual costs are less than the estimated costs, the Public Service Commission will refund the difference.

**PLEASE TAKE NOTICE** that because the record is provided in an electronic format, and at no cost, the costs for preparing and filing the record have not been

estimated. The electronic record has been prepared as indicated in the Certificate of Record, a copy of which is included in this filing. If you believe that any additional documents should be certified to the Court as part of the record, please let the undersigned know within 10 days of the date of this Notice.

Dated this 15 day of October, 2010.



Illona A. Jeffcoat-Sacco  
Special Assistant Attorney General  
State Bar ID No. 03315  
North Dakota Public Service Commission  
600 E. Boulevard Avenue, Dept 408  
Bismarck, ND 58505  
(701) 328-2407  
(701) 328-2410 fax  
[ijs@nd.gov](mailto:ijs@nd.gov)

Attorney for North Dakota Public Service Commission

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Dakota Resource Council

Appellant,

vs.

North Dakota Public Service Commission,  
McLean County, North Dakota  
Department of Transportation, and North  
Dakota Game and Fish Department and  
Falkirk Mining Company,

Appellees

PSC Case No. RC-08-640

CIVIL NO. 08-10-C-02329

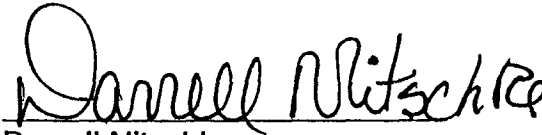
CERTIFICATION

TO: Ms. Debra Simenson  
Clerk of District Court  
Burleigh County District Court  
P.O. Box 1055  
Bismarck, ND 58502-1055

I, the undersigned, as Executive Secretary of the Public Service Commission of the State of North Dakota and Custodian of the records thereof, do hereby certify that the enclosed compact disc includes a true and correct electronic copy of each document, beginning with the Commission Motion conditionally approving the permit revision and ending with the Notice of Appeal, filed and docketed in **Falkirk Mining Company, Revision 13, Permit NAFK-9601, Approval, Public Service Commission Case No. RC-08-640**, each of which appears of record and is on file in the office of the

Public Service Commission of the State of North Dakota. Documents included in this Certified Record are identified on the attached docket card for this case.

**IN WITNESS WHEREOF**, I have set my hand and affixed the seal of the Public Service Commission in the city of Bismarck, North Dakota, this 15 day of October, 2010.



Darrell Nitschke  
Executive Secretary  
Public Service Commission  
State of North Dakota  
600 E. Boulevard Avenue, Dept 408  
Bismarck, ND 58505  
(701) 328-2400

(SEAL)

FIC-08-640

**Falkirk Mining Company**

Status:Open

Description: **Revision No. 13, Permit NAFK - 9601**  
Case Type: Approval Portfolio: KJC  
Date Filed: 8/1/2008 Advisory Staff: Stephen A. Schroeder  
Category: ? Docket Count: 54

Doc	Filed	Description	Pages:	Exhibit:	Certified to Court
1	8/1/2008	<b>Revision Filed to Change the Postmining Land use on 428 Acres</b> By: Falkirk Mining Company by Joe Clarke	4		<input type="radio"/> Yes <input checked="" type="radio"/> No
2	8/25/2008	<b>Completeness Deficiency Letter Sent to Falkirk</b> By: Public Service Commission by Steve Schroeder	2		<input type="radio"/> Yes <input checked="" type="radio"/> No
3	5/18/2009	<b>Response to August 25th Completeness Deficiency Letter Submitted</b> By: Falkirk Mining Company by Joe Clarke	7		<input type="radio"/> Yes <input checked="" type="radio"/> No
4	5/29/2009	<b>Application Deemed Complete</b> By: Public Service Commission by Steve Schroeder	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
5	5/29/2009	<b>Copies to the Application Sent to Advisory Committee Members</b> By: Public Service Commission by Steve Schroeder	4		<input type="radio"/> Yes <input checked="" type="radio"/> No
6	6/4/2009	<b>Affidavit of Service by First Class Mail</b> By: Public Service Commission	4		<input type="radio"/> Yes <input checked="" type="radio"/> No
7	6/10/2009	<b>Comments Filed by the State Engineer</b> By: State of North Dakota - Office of the State Engineer by Dwight Comfort	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
8	6/16/2009	<b>Copies of State Engineer's Letter and Application Forms sent to Falkirk</b> By: Public Service Commission by Mike Berg	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
9	7/15/2009	<b>Comments Filed</b> By: North Dakota Parks & Recreation Department by Jesse Hanson	4		<input type="radio"/> Yes <input checked="" type="radio"/> No
10	7/27/2009	<b>Technical Deficiency Letter Sent to Falkirk</b> By: Public Service Commission by Steve Schroeder	4		<input type="radio"/> Yes <input checked="" type="radio"/> No
11	8/3/2009	<b>Comments Filed</b> By: Dakota Resource Council by Mark Trechock	4		<input type="radio"/> Yes <input checked="" type="radio"/> No
12	8/13/2009	<b>Affidavit of Newspaper Publication Filed</b> By: Falkirk Mining Company by Diana Edinger	20		<input type="radio"/> Yes <input checked="" type="radio"/> No
13	8/27/2009	<b>Response to the Technical Deficiency Letter Filed</b> By: Falkirk Mining Company by Joe Clarke	6		<input type="radio"/> Yes <input checked="" type="radio"/> No
14	10/9/2009	<b>Fourth Technical Deficiency Letter Sent to DWC</b> By: Public Service Commission by Bruce Beechie	2		<input type="radio"/> Yes <input checked="" type="radio"/> No
15	10/14/2009	<b>Second Technical Deficiency Letter Sent to Falkirk</b> By: Public Service Commission by Steve Schroeder	2		<input type="radio"/> Yes <input checked="" type="radio"/> No
16	1/28/2010	<b>Response to October 14th Deficiency Letter Filed</b> By: Falkirk Mining Company by Randy Crooke	2		<input type="radio"/> Yes <input checked="" type="radio"/> No
17	3/4/2010	<b>Staff Memorandum</b> By: Public Service Commission Staff by Steve Schroeder, Dean Moos, Jim Deutsch	2		<input type="radio"/> Yes <input checked="" type="radio"/> No
18	3/10/2010	<b>Commission Motion Conditionally Approving Revision No. 13 to Surface Coal 1 Mining Permit No. NAFK-9601</b> By: Public Service Commission			<input checked="" type="radio"/> Yes <input type="radio"/> No
19	3/10/2010	<b>Notice of Permit Revision Approval</b> By: Public Service Commission	1		<input checked="" type="radio"/> Yes <input type="radio"/> No

Doc	Filed	Description	Pages:	Exhibit:	Certified to Court
20	3/10/2010	Revision of Permit to Engage in Surface Coal Mining & Reclamation Operations By: Public Service Commission			<input checked="" type="radio"/> Yes <input type="radio"/> No
21	3/10/2010	Surface Coal Mining & Reclamation Permit Conditions By: Public Service Commission	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
22	4/9/2010	Application for Formal Hearing By: Dakota Resource Council by Derrick Braaten, Sarah Vogel Law	2		<input checked="" type="radio"/> Yes <input type="radio"/> No
23	4/15/2010	Request for Administrative Law Judge By: Public Service Commission	4		<input checked="" type="radio"/> Yes <input type="radio"/> No
24	4/19/2010	Letter Designating Allen C. Hoberg as Administrative Law Judge By: Office of Administrative Hearings by Allen C. Hoberg	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
25	4/16/2010	Email re. Waiver of right to hearing within 30 Days By: Falkirk Mining Company by Brian Bjella, Crowley Fleck PLLP	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
26	4/16/2010	Email re. Waiver of right to hearing within 30 Days By: Dakota Resource Council by Derrick Braaten, Sarah Vogel Law	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
27	5/5/2010	Memorandum By: Public Service Commission Staff by Jim Deutsch	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
28	5/12/2010	Commission Motion Issuing Notice of Formal Hearing By: Public Service Commission	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
29	5/12/2010	Notice of Formal Hearing By: Public Service Commission	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
30	6/14/2010	Request to Intervene By: McLean County State's Attorney by Ladd Erickson	2		<input checked="" type="radio"/> Yes <input type="radio"/> No
31	6/15/2010	Petition to Intervene By: North Dakota Department of Transportation / North Dakota Game and Fish Dept. by Zachary Smith,	4		<input checked="" type="radio"/> Yes <input type="radio"/> No
32	6/16/2010	Commission Motion adopting Order Granting Interventions By: Public Service Commission	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
33	6/16/2010	Order Granting Interventions By: Public Service Commission	2		<input checked="" type="radio"/> Yes <input type="radio"/> No
34	7/2/2010	Letter closing OAH file By: Office of Administrative Hearings by Allen Hoberg	1		<input type="radio"/> Yes <input checked="" type="radio"/> No
35	7/6/2010	Invoice #132384 Order 27976-10063PRO \$145.28 By: North Dakota Newspaper Association	1		<input checked="" type="radio"/> Yes <input type="radio"/> No
36	7/6/2010	Affidavit of Publication with tear sheets By: North Dakota Newspaper Association	5		<input checked="" type="radio"/> Yes <input type="radio"/> No
37	7/1/2010	Exhibit 1 By: Dakota Resource Council	2		<input checked="" type="radio"/> Yes <input type="radio"/> No
38	7/1/2010	Exhibit 3 By: Dakota Resource Council	22		<input checked="" type="radio"/> Yes <input type="radio"/> No
39	7/1/2010	Exhibit 4 By: Dakota Resource Council	43		<input checked="" type="radio"/> Yes <input type="radio"/> No
40	7/1/2010	Exhibit 5 By: Dakota Resource Council	41		<input checked="" type="radio"/> Yes <input type="radio"/> No

10/15/2010

Doc	Filed	Description	Pages:	Exhibit:	Certified to Court
41	7/1/2010	Exhibit I-1 By: Intervenor - McLean County	1	<input checked="" type="radio"/>	Yes <input type="radio"/> No
42	7/1/2010	Exhibit I-2 By: Intervenor - North Dakota Department of Transportation	46	<input checked="" type="radio"/>	Yes <input type="radio"/> No
43	7/1/2010	Exhibit I-3 By: Intervenor - North Dakota Game and Fish Dept.	2	<input checked="" type="radio"/>	Yes <input type="radio"/> No
44	7/19/2010	Proposed Findings of Fact, Conclusions of Law and Order By: Falkirk Mining Company by Brian Bjella, CrowleyFleck, PLLP	8	<input checked="" type="radio"/>	Yes <input type="radio"/> No
45	7/23/2010	Proposed Findings of Fact, Conclusions of Law and Order By: Dakota Resource Council by Derrick Braaten, Sarah Vogel Law Partner	8	<input checked="" type="radio"/>	Yes <input type="radio"/> No
46	8/24/2010	Commission Motion adopting the formal hearing Order to approve Revision No. 13 By: Public Service Commission		<input checked="" type="radio"/>	Yes <input type="radio"/> No
47	8/24/2010	Findings of Fact, Conclusions of Law and Order By: Public Service Commission	7	<input checked="" type="radio"/>	Yes <input type="radio"/> No
48	8/26/2010	Affidavit of Certified Mailing By: Public Service Commission	9	<input checked="" type="radio"/>	Yes <input type="radio"/> No
49	9/24/2010	APPEAL - Notice of Appeal, Specification of Error and undertaking in the amount of \$250 By: Dakota Resource Council by Derrick Braaten, SarahVogelLaw Partners		<input checked="" type="radio"/>	Yes <input type="radio"/> No
50	10/1/2010	APPEAL - Notification of Assignment and Case Number By: Burleigh County District Court	1	<input type="radio"/>	Yes <input checked="" type="radio"/> No
51	9/28/2010	APPEAL - Demand for change of Judge filed with District Court By: Dakota Resource Council by Derrick Braaten, SarahVogelLaw Partners	3	<input type="radio"/>	Yes <input checked="" type="radio"/> No
52	9/30/2010	APPEAL - Order Granting Demand for Change of Judge By: Burleigh County District Court	1	<input type="radio"/>	Yes <input checked="" type="radio"/> No
53	10/1/2010	APPEAL - Order for Change of Judge By: Burleigh County District Court	1	<input type="radio"/>	Yes <input checked="" type="radio"/> No
54	7/1/2010	Electronic Hearing Record from July 1, 2010 Hearing By: Public Service Commission	1	<input checked="" type="radio"/>	Yes <input type="radio"/> No