



Public Service Commission

State of North Dakota

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30 December 2010

Mr. Allen C. Hoberg
Office of Administrative Hearings
1707 North 9th Street, Lower Level
Bismarck, ND 58501

Re: BNI Coal, Ltd.
Bond Release 7, Permit BNCR -8106
Approval
Case No. RC-08-694

Dear Mr. Hoberg:

Enclosed is a request for an Administrative Law Judge in the captioned case. A Notice of Hearing has not yet been issued but when it is available it will be forwarded to your office.

The Administrative Law Judge will serve as a substantive law judge to conduct the hearing and issue recommended Findings of Fact, Conclusions of Law and Order. The hearing will be electronically recorded.

If you have any questions, please contact me. Thank you. _____

Best regards,

Illona A. Jeffcoat-Sacco
General Counsel

enclosure
c: w/encl. Jay Volk, BNI Coal, Ltd.
Jeff Reinke -(via email)- jjjmac@westriv.com

20 RC-08-694 Filed: 12/30/2010 Pages: 3
Request for Administrative Law Judge



REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION
 NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS
 SFN 17819 (Rev. 03-2001)

Name of Agency, Board, or Commission
 North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the BNI Coal, Ltd. Bond Release 7, Permit BNCR-8106 Approval - PSC Case No. RC-08-694

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code Chapter 38-14.1 (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:
 On 24 November 2010 the NDPSA issued a Release of Bond for Surface Coal Mining & Reclamation Operations in case No. RC-08-694.

On 27 December 2010 Jeff Reinke requested a Formal Hearing regarding the matter of water replacement on his property.

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

AGENCY See attached	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number

Additional Comments
 This case is in its early stages and a Notice of Hearing has not yet been issued.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person Ilona A. Jeffcoat-Sacco, General Counsel	Date 30 December 2010
Signature of Requesting Person <i>x Ilona A. Jeffcoat Sacco</i>	Telephone Number 701-328-2407

Attachment
 Request for ALJ
 30 December 2010

BNI Coal, Ltd.
 Bond Release 7, Permit BNCR -8106
 Approval
 Case No. RC-08-694

AGENCY	Address	Telephone Number
North Dakota Public Service Commission	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-328-2400
Representation Mark Gruman Legal Counsel	Address Same as above	Telephone Number 701-328-2421
Illona A. Jeffcoat-Sacco General Counsel		701-328-2407
PARTY BNI Coal, Ltd. Contact: Jay Volk	Address 2360 35 th Ave. SW Center, ND 58530	Telephone Number 701-794-8736
Representation Not yet assigned	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number