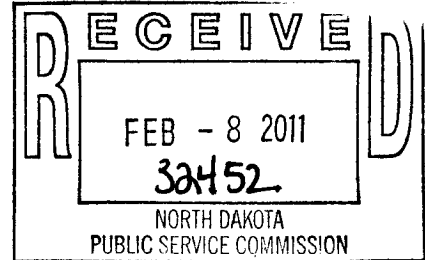


**FAX COVER SHEET**



**FAX TO:**

Lawrence Bender  
James Deutsch and Mark Grumann

**MESSAGE:** Notice of Prehearing Conference in the matter of BNI Coal, Ltd.

\*\*\*\*\*

**FAX FROM:**

Allen C. Hoberg  
Office of Administrative Hearings  
2911 North 14<sup>th</sup> Street – Suite 303  
Bismarck, ND 58503  
Telephone Number: (701) 328-3200  
Fax Number: (701) 328-3254

FROM DIRECTOR - RECLAMATION DIV.

Date: \_\_\_\_\_

Action: \_\_\_\_\_

Info. Only: \_\_\_\_\_

Info & File: \_\_\_\_\_

\*\*\*\*\*

**NUMBER OF PAGES SENT INCLUDING COVER SHEET: 4**

**DATE SENT:** February 8, 2011

**IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL:**

Louise

(701) 328-3200

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

**BNI Coal, Ltd.**  
**Bond Release 7, Permit BNCR-8106**  
**Approval**

**Case No. RC-08-694**  
**OAH File No. 20110003**

**NOTICE OF PREHEARING CONFERENCE**

YOU ARE HEREBY NOTIFIED that a prehearing conference on this matter will be held on February 9, 2011, beginning at 9:30 a.m. The prehearing conference will be a telephone conference call originating from the administrative law judge's (ALJ's) office. The ALJ will at that time call Mr. Bender at telephone number (701) 221-4020; Mr. Deutsch and Mr. Grumann at telephone number (701) 328-2400; and Mr. Reinke at telephone number (701) 794-3167, unless otherwise notified.

The purpose of this prehearing conference is for the parties to discuss with the ALJ matters involved in this administrative action, including discovery, issues, witnesses, documentary evidence, anticipated motions, and other preliminary matters. Opportunity will be given to parties to discuss any of the problems confronting them. The prehearing conference will be digitally recorded, and will be conducted in an informal manner.

At the conclusion of the prehearing conference, the ALJ may issue a prehearing order reflecting any action taken at the prehearing conference and giving direction as to the procedures or issues for the hearing.

Attendance at the prehearing conference is necessary to result in an orderly and timely disposition of this matter. Your cooperation is appreciated.

Dated at Bismarck, North Dakota, this 10 day of February 2011.

State of North Dakota  
Public Service Commission

By: 

Allen C. Hoberg  
Administrative Law Judge  
Office of Administrative Hearings  
2911 North 14<sup>th</sup> Street -- Suite 303  
Bismarck, North Dakota 58503  
Telephone: (701) 328-3200

**AMERICANS WITH DISABILITIES ACT NOTIFICATION:** A party shall promptly notify the Public Service Commission in writing if the party has a disability which will require auxiliary aids or services at the prehearing conference so that the Public Service Commission can make appropriate accommodation prior to the prehearing conference. Any request for an interpreter at the prehearing conference must also be made in writing to the Public Service Commission. Any request for aids, services, or an interpreter should be as specific as possible about what is required by the party. Also, please send a copy of the notice or request to the administrative law judge.

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

**BNI Coal, Ltd.**  
**Bond Release 7, Permit BNCR-8106**  
**Approval**

**Case No. RC-08-694**  
**OAH File No. 20110003**

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the **NOTICE OF PREHEARING CONFERENCE** was sent by facsimile or electronic mail on the 8 day of February 2011, to:

Lawrence Bender  
Fredrikson & Byron, PA  
FAX No. (701) 221-4040

James Deutsch and Mark Grumann  
Public Service Commission  
FAX No. (701) 328-2410

Jeff Reinke  
Email: [jjjmac@westriv.com](mailto:jjjmac@westriv.com)

OFFICE OF ADMINISTRATIVE HEARINGS  
Allen C. Hoberg, Administrative Law Judge

  
Louise Wetzel