

PUBLIC SERVICE COMMISSION

RECEIVED

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

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

FEB 28 2011

PUBLIC SERVICE COMMISSION

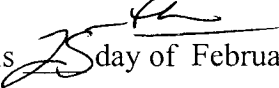
NOTICE OF SECOND PREHEARING CONFERENCE

YOU ARE HEREBY NOTIFIED that a prehearing conference on this matter will be held on March 1, 2011, beginning at 10:00 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 the disposition of this matter in light of Mr. Reinke's apparent refusal to sign the Stipulation and Agreement offered by BNI Coal. Other matters may be discussed should it be determined that this matter may not be disposed of by dismissal. Opportunity will be given to parties to discuss any problems or concerns 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 recommended order of dismissal to the Commission or he may issue another order or notice reflecting any action taken at the prehearing conference and giving direction as to the further disposition of this matter should it proceed to 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  day of February 2011.

State of North Dakota
Public Service Commission

By: 

Allen C. Hoberg
Administrative Law Judge
Office of Administrative Hearings
2911 North 14th 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 true and correct copies of the **NOTICE OF SECOND PREHEARING CONFERENCE** were sent regular mail on the 25 day of February 2011, to:

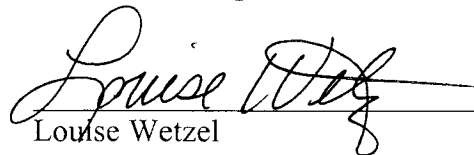
Lawrence Bender
Fredrikson & Byron, PA
200 North 4th Street – Suite 150
Bismarck, ND 58501-3879

Jeff Reinke
223 Bridge Avenue
Center, ND 58530

and that a true and correct copy of the above document was mailed, inside mail, on the 25 day of February 2011, to:

James Deutsch and Mark Grumann
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505

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


Louise Wetzel