



# Public Service Commission

## State of North Dakota

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May 7, 2009

Ms. Donna Frey  
Retail Department  
Bank of North Dakota  
Bismarck, ND 58505

RE: Account No. 4503019, ND Public Service Commission  
Escrow Account for the Dakota Westmoreland Corp., NOV 0804

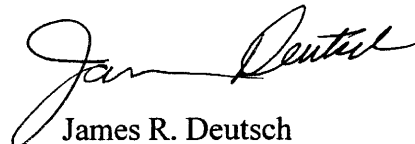
Dear Ms. Frey:

The Public Service Commission opened an escrow account at the Bank of North Dakota (Account No. 4503019) for the \$1,500 paid by Dakota Westmoreland Corp. as the proposed penalty for Notice of Violation No. 0804, Case No. RC-08-927. On March 11<sup>th</sup>, the Commission adopted the Hearing Officer's Recommended Informal Conference Order affirming the violation and the \$1,500 penalty. Dakota Westmoreland had thirty days to appeal this decision by requesting a formal hearing on the matter; however, no hearing was requested. Therefore, the escrow account can now be closed and the funds returned to the Commission for depositing in the State's general fund. We request that a check for \$1,500, plus the accrued interest, be issued to the Public Service Commission.

Thank you for your assistance on this matter.

Sincerely,

  
Darrell Nitschke  
Executive Secretary

  
James R. Deutsch  
Director  
Reclamation Division

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