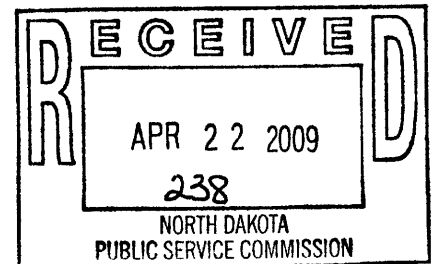


B & C Concrete Pumping, Inc.
1502 West Broadway
Williston, ND 58801
701-570-1818



April 21, 2009

Jim Deutsch
North Dakota Public Service Commission
Abandoned Mine Lands Division
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

Dear Mr. Deutsch

I am contesting the qualification of Agri Industries for the 2009 Abandoned Mine lands Grouting Project.

In the Prequalification Package under 2.0 Evaluation Criteria II. Experience it states:

The contractor (or project superintendent) will be evaluated on the **successful completion of at least one (1) project involving performance of rotary drilling, coring, grout formulation and grout injection.** The contractor should list and describe with sufficient detail at least one (1) project completed by their firm (or the project superintendent) during the last ten (10) years that demonstrates the ability to provide the required drilling, grout injection and coring techniques applicable to abandoned underground mine reclamation.

In the Prequalification Package under 2.0 Evaluation Criteria III. Resumes of Key Personnel it states:

The project supervisor or superintendent who will represent the contractor during work performed at this AML project and who will have the ultimate authority to direct the field operations performed by their firm shall have completed at least one (1) similar grouting project. The grout pump operator(s) who will be assigned to the project work shall have at least one (1) year experience with the equipment to be used for the contract work or similar equipment.

Agri Industries does not have any person, subcontractor or combination there of, that can fill all of the above qualifications. In fact Agri Industries can not even qualify for the rotary drilling as they have not done a project like this in the last 10 years, if ever.

McCody Concrete Products who is to supply the grout for Agri Industries has never formulated grout for a project like this.

Hughes Concrete Pumping who is to supply the grout injection has only been pumping concrete for 2 years. They do not have a pump at this time that will work for grout injection. How can they possibly have one year experience on the equipment they would use? They have never done a job like this nor do they have the equipment to do it.

With the above facts in evidence Agri Industries only qualification is that they own a drilling rig and can drill a hole. They never should have been prequalified for this job. Their bid should not be considered.

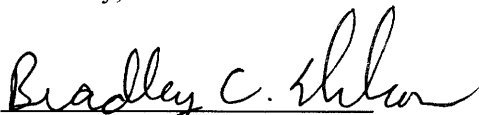
This year the project will be around houses, this is the hardest type of project as it has the potential to damage peoples' homes. The subcontractor for Agri Industries has absolutely no experience with pressure grouting underground mines, do you really want him pumping by a house? The AML division by not following its own rules will leave its self open to legal action if private property damage occurs.

B & C Concrete Pumping, Inc. has done jobs for the Public Service Commission for the last 9 years. Some of the jobs were so small and remote that no one would submit a reasonable bid . B & C Concrete Pumping, Inc. submitted reasonable bids and completed these jobs. Now that there is a large job in B & C's back yard the AML division has seen fit to qualify an unqualified bidder to bid against them. This is not right!

The prequalification procedure was put in place for a reason, so that contractors would have the necessary experience before attempting one of these projects. The qualifications were changed in 2000 so that a contractor only had to have experience on one job, before that it was two jobs. Now you are changing it so a contractor does not have to have any experience? The AML division has lost sight of the prequalification goal.

I realize that you want to get more bidders but this is not the way to do it. The difference between B & C's bid and Agri Industries is only 3.4%. Is this enough of a difference to take this big a risk?

Sincerely,



Bradley C. Nelson, President
701-570-1818