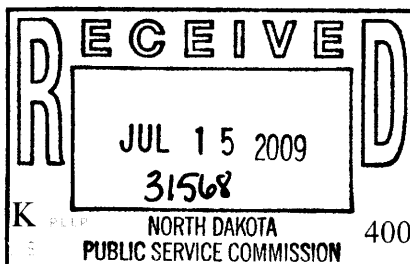


C R O W L E Y F L E C K



Brian R. Bjella
400 East Broadway, Suite 600
P.O. Box 2798
Bismarck, ND 58502-2798
701.223.6585
bbjella@crowleyfleck.com

July 14, 2009

FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

Mr. James R. Deutsch
Director
Reclamation Division
North Dakota Public
Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

Dear Mr. Deutsch:

In re: NOV 0903
Our File No. 32-154-000

We are writing on behalf of our client, The Falkirk Mining Company ("Falkirk").

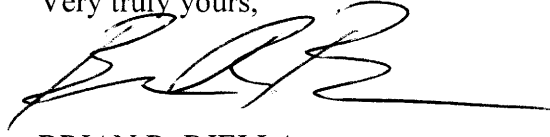
On the morning of July 10, 2009, a letter was hand delivered to the Public Service Commission whereby Falkirk has requested a formal hearing before the Commission with respect to NOV 0903. On the afternoon of July 10, 2009, your letter of same date was emailed to Mr. Joe Clarke, Environmental Manager for The Falkirk Mining Company requesting a remedial action plan.

As a result of Falkirk's request for a formal hearing, all matters pertaining to NOV 0903 will now be heard by the Commission at the hearing. Thus, we believe it is legally inappropriate for Falkirk to respond to your request for a remedial action plan. Should NOV 0903 be terminated or vacated, there will be no necessity for Falkirk to file a remedial action plan.

We have advised Falkirk personnel to have no further contact with the Reclamation Division with respect to NOV 0903 while the appeal is pending.

Should you have any questions concerning the foregoing matters, please contact the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read 'B. R. Bjella', with a long horizontal flourish extending to the right.

BRIAN R. BJELLA

bw

cc:

Darrell Nitschke
Executive Director
North Dakota Public
Service Commission