

SCANNED

Date 7-16-09

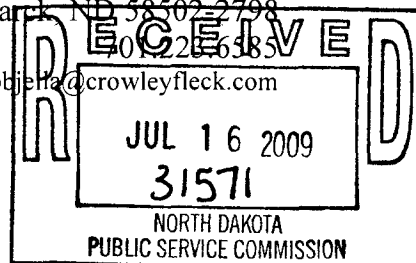
File Crowley-71509-30day-waiver (31571)

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July 15, 2009

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

FROM DIRECTOR - RECLAMATION DIV.

Date: 7-16-09

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

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

Info & File: NOV 0903

On July 10, 2009, on behalf of The Falkirk Mining Company ("Falkirk"), we requested a formal hearing before the Commission with respect to NOV 0903.

Pursuant to North Dakota Century Code § 38-14.1-30(3) a hearing must be held within thirty (30) days of the request for a formal hearing. You and I have had discussions the last several days in an attempt to schedule the hearing on a mutually acceptable date.

As a result, Falkirk hereby agrees to waive the requirement that the hearing be held within thirty days of its request for the formal hearing. We understand the hearing has been scheduled for September 9 at 1:30 p.m. in the PSC meeting room.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to call.

Very truly yours,

BRIAN R. BJELLA

bw

cc: Darrell Nitschke  
Executive Director  
North Dakota Public  
Service Commission