



Public Service Commission
State of North Dakota

COMMISSIONERS

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Brian P. Kalk

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Fax 701-328-2410
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22 July 2009

Mr. Allen C. Hoberg
Office of Administrative Hearings
1707 North 9th Street, Lower Level
Bismarck, ND 58501

Re: Falkirk Mining Company
Notice of Violation No. 0903
Violation
Case No. RC-09-316

Dear Mr. Hoberg:

Enclosed is a request for an Administrative Law Judge in the captioned case. The hearing has been tentatively scheduled for September 9 at 1:30 p.m. in the PSC meeting room. When a Notice of Hearing is issued a copy will be sent to your office.

The Administrative Law Judge will serve as a procedural law judge and the hearing will be electronically recorded.

If you have any questions, please contact me. Thank you.

Best regards,

Illona A. Jeffcoat-Sacco
General Counsel

Enclosures
c: w/encl.

Joe Clarke, Environmental Manager, Falkirk Mine
Brian R. Bjella- bbjella@crowleyfleck.com

9 RC-09-316 Filed: 7/22/2009 Pages: 3
Letter Requesting ALJ

Public Service Commission

Illona A. Jeffcoat-Sacco



REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION
 NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS
 SFN 17819 (Rev. 03-2001)

Name of Agency, Board, or Commission
 North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the Falkirk Mining Company - Notice of Violation No. 0903 - Violation
Case No. RC-09-316

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code Chapter 38-14.1 (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:
 Nature of Violation: Topsoil was removed from a previously reclaimed area prior to approval of a revision application that contained plans for the re-location of a primary haul road through the area.

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

| | | |
|------------------------|---------|------------------|
| AGENCY See attached | Address | Telephone Number |
| Representation | Address | Telephone Number |
| PARTY | Address | Telephone Number |
| Representation | Address | Telephone Number |
| PARTY | Address | Telephone Number |
| Representation | Address | Telephone Number |

Additional Comments
 The hearing has been tentatively scheduled for September 9 at 1:30 p.m. in the PSC meeting room.
 When a Notice of Hearing is issued a copy will be sent to your office.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

| | |
|--|----------------------------------|
| Typed or Printed Name and Title of Requesting Person Illona A. Jeffcoat-Sacco | Date 22 July 2009 |
| Signature of Requesting Person x | Telephone Number 701-328-2407 |

Attachment
Request for ALJ
22 July 2009

Falkirk Mining Company
Notice of Violation No. 0903
Violation
Case No. RC-09-316

| AGENCY | Address | Telephone Number |
|---|---|---|
| North Dakota Public Service Commission | 600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480 | 701-328-2400 |
| Representation Illona Jeffcoat-Sacco Annette Bendish | Address Same as above | Telephone Number 701-328-2407 701-328-2421 |
| PARTY The Falkirk Mining Co. | Address P.O. Box 1087 Underwood, ND 58576-1087 | Telephone Number 701-442-5751 |
| Representation Brian R. Bjella Crowley Fleck, PLLP | Address P.O. Box 2798 Bismarck, ND 58502-2798 | Telephone Number 701-223-6585 |