



Public Service Commission

State of North Dakota

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November 17, 2009

Mr. D. Randall Crooke
Environmental Manager
Falkirk Mining Company
PO Box 1087
Underwood, ND 58576-1087

RE: Order in Case No. RC-09-316, Notice of Violation No. 0903

Dear Mr. Crooke:

Enclosed is a copy of the Findings of Fact, Conclusions of Law and Order that the Commission issued November 12th vacating Notice of Violation No. 0903 issued to the Falkirk Mining Company on June 17, 2009. The order includes concurring and dissenting statements issued by two of the Commissioners. Also enclosed is a check for \$350.31 to refund the amount of the proposed penalty that was being held in escrow at the Bank of North Dakota pending the outcome of the formal hearing that was held on September 9th. This check includes the interest that was earned on the funds while they were held in escrow.

If you have any questions, please contact our office.

Sincerely,

James R. Deutsch
Director
Reclamation Division

Enclosures

cc: Brian Bjella
Jeff Fleischman

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Copy of Order and Refund Check Sent to Falkirk