



Public Service Commission

State of North Dakota

COMMISSIONERS

Kevin Cramer
Tony Clark
Brian P. Kalk

Executive Secretary
Darrell Nitschke

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

Re: Falkirk Mining Company
Revision No. 19, Permit NAFK-9503
Case No. RC-10-14

Dear Mr. Hoberg:

Enclosed is a request for an Administrative Law Judge in the captioned case. The Commission has scheduled an informal conference for May 17, 2010, at 1:30 p.m. CDT in the Commission hearing room, State Capitol, 12th Floor, Bismarck, North Dakota 58505.

A copy of the Notice of Informal Conference is enclosed. The Administrative Law Judge will serve as a substantive administrative law judge, and will issue recommended findings of fact, conclusions of law, and order. The conference will be recorded.

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

Best regards,

Ilona A. Jeffcoat-Sacco
General Counsel

Enclosures
c: w/encl.

Paul Azure
Randall Crooke

19 RC-10-14 Filed: 4/23/2010 Pages: 4
Letter with request for Administrative Law Judge

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Falkirk Mining Company
Revision No. 19, Permit NAFK-9503
Approval**

Case No. RC-10-14

NOTICE OF INFORMAL CONFERENCE

April 21, 2010

Preliminary Statement

On December 31, 2010, the Public Service Commission received the application for Revision No. 19 to Surface Coal Mining Permit NAFK-9503 from the Falkirk Mining Company. As part of this revision, Falkirk proposes to mine additional lands in Sections 15, 21, 22, 28, and 33, T145N, R83W, resulting in changes to the post-mining topography and reclamation schedules for lands within the permit. This revision also updates business entity and environmental information and other operations and reclamation plans in the permit.

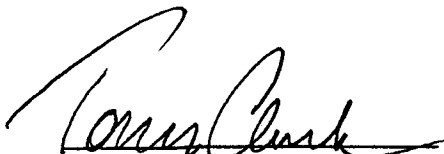
On March 23, 2010, the Commission received a request for an Informal Conference from a person with concerns about the listing of subsurface owners on lands within the permit and the newspaper notice for this application.

Notice of Informal Conference

Notice is hereby given that the captioned matter is set for an Informal Conference, commencing at 1:30 p.m. CDT, on May 17, 2010, in the Public Service Commission's Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota.

If you require any auxiliary aids, such as readers, signers, or Braille materials, please notify the Commission, at (701) 328-2400, or Relay North Dakota TTY: 1-800-366-6888 at least 24 hours prior to the hearing.

PUBLIC SERVICE COMMISSION


Tony Clark
Commissioner


Kevin Cramer
Chairman


Brian P. Kalk
Commissioner



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, Revision No. 19, Permit NAFK-9503 - Case No. RC-10-14

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code 38-14.1-19 (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:
 As part of the revision, Falkirk Mining Co. proposes to mine additional lands resulting in changes to the post-mining topography and reclamation schedules for lands within the permit.

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 Commission has scheduled an informal conference for May 17, 2010 at 1:30 p.m. CDT in the Commission hearing room, State Capitol, 12th Floor, Bismarck, North Dakota 58505.

(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, General Counsel	Date 23 April 2010
Signature of Requesting Person X	Telephone Number 701-328-2407

Mr. Allen C. Hoberg
Office of Administrative Hearings
Request for ALJ
April 23, 2010

Agency North Dakota Public Service Commission	Address 600 E. Boulevard Ave. Dept. 408 Bismarck, ND 58505	Telephone Number 701-258-2400
Representation Annette Bendish	Address Same as above	Telephone Number 701-328-2421
PARTY Mr. D. Randall Crooke Environmental Manager Falkirk Mining Company	Address P.O. Box 1087 Underwood, ND 58576-1087	Telephone Number 701-442-5751
PARTY Mr. Paul Azure	Address P.O. Box 165 Fairmount, ND 58030	Telephone Number 701-474-5538