



# Public Service Commission

## State of North Dakota

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September 1, 2010

Mr. Shawn Merritt  
Smith Contracting, Inc.  
3841 Wynne Ave.  
Butte, MT 59710

Dear Mr. Merritt:

The Public Service Commission has asked you numerous times, including Aug. 3, 4, 9, 13, 19, 23, 26 and 31 to dewater the pit water from work areas 13-15. Buechler/Velva AML Project Specifications, Page 28, Section 300, B. Water Management, 2. Construction Requirements, Sentence 5 states: "Except for the dikes to be established for pumping operations no dirt shall be pushed into the pit until the water has been removed from the pit." To assure additional mud is not created, no soil shall be pushed into the pit water and all pit water shall be dewatered from work areas 13-15 prior to September 7, 2010.

If you have any questions, please contact me.

Sincerely,

Mark Knell  
Project Manager  
AML Division, NDPSC