



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
Web: [www.nd.gov/psc](http://www.nd.gov/psc)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone 701-328-2400  
Toll Free 1-877-245-6685  
Fax 701-328-2410  
TDD 800-366-6888 or 711

February 11, 2011

Ms. Nancy Eberts  
4436 119M Ave. SW  
South Heart, ND 58655

Dear Ms. Eberts:

We received your letter dated February 1 requesting a formal hearing on South Heart Coal, LLC's application for Surface Coal Mining Permit No. SHSH-1001. This is to inform you that this is not the appropriate time to request a formal hearing on this application pursuant to the permit application review process set out in the reclamation law. The reclamation law allows interested persons to request an 'Informal Conference' with the applicant and the Commission after a permit application is deemed complete. This is stated in the newspaper advertisement being published by the applicant and in the notices we sent out to surface owners within the proposed permit area and numerous government agencies. If necessary, please refer to the informal conference procedures under North Dakota Century Code Section 38-14.1-19. A "Formal Hearing" can be requested following the informal conference and after the Commission makes a decision on the application. Unless I hear back from you, we will consider your February 1 letter a request for an informal conference on the South Heart Coal permit application.

Also, this is to let you know that an informal conference on the application will not be scheduled until the public comment period ends on this application. The public comment period will end in mid March. Considering the newspaper notices that we must publish before the informal conference is held, it is unlikely that the conference will be held until mid April at the earliest. You will be sent a copy of the informal conference notice as soon as it is scheduled.

If you have any questions, please let me know.

Sincerely,

Jim Deusch  
Director  
Reclamation Division

cc: Rich Southwick  
Stark County Auditor



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February 11, 2011

Mr. Gordon Krance  
12470 41<sup>st</sup> St SW  
South Heart, ND 58655

Dear Mr. Krance:

We received your letter dated February 1 requesting a formal hearing on South Heart Coal, LLC's application for Surface Coal Mining Permit No. SHSH-1001. This is to inform you that this is not the appropriate time to request a formal hearing on this application pursuant to the permit application review process set out in the reclamation law. The reclamation law allows interested persons to request an 'Informal Conference' with the applicant and the Commission after a permit application is deemed complete. This is stated in the newspaper advertisement being published by the applicant and in the notices we sent out to surface owners within the proposed permit area and numerous government agencies. If necessary, please refer to the informal conference procedures under North Dakota Century Code Section 38-14.1-19. A "Formal Hearing" can be requested following the informal conference and after the Commission makes a decision on the application. Unless I hear back from you, we will consider your February 1 letter a request for an informal conference on the South Heart Coal permit application.

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Sincerely,

Jim Deutsch  
Director  
Reclamation Division

cc: Rich Southwick  
Stark County Auditor



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February 11, 2011

Mr. Ken Kudrna  
11961 41<sup>st</sup> St SW  
South Heart, ND 58655

Dear Mr. Kudrna:

We received your letter dated February 1 requesting a formal hearing on South Heart Coal, LLC's application for Surface Coal Mining Permit No. SHSH-1001. This is to inform you that this is not the appropriate time to request a formal hearing on this application pursuant to the permit application review process set out in the reclamation law. The reclamation law allows interested persons to request an 'Informal Conference' with the applicant and the Commission after a permit application is deemed complete. This is stated in the newspaper advertisement being published by the applicant and in the notices we sent out to surface owners within the proposed permit area and numerous government agencies. If necessary, please refer to the informal conference procedures under North Dakota Century Code Section 38-14.1-19. A "Formal Hearing" can be requested following the informal conference and after the Commission makes a decision on the application. Unless I hear back from you, we will consider your February 1 letter a request for an informal conference on the South Heart Coal permit application.

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February 11, 2011

Ms. Mary Hodell  
11890 27<sup>th</sup> St SW  
Dickinson, ND 58601

Dear Ms. Hodell:

We received your letter dated February 1 requesting a formal hearing on South Heart Coal, LLC's application for Surface Coal Mining Permit No. SHSH-1001. This is to inform you that this is not the appropriate time to request a formal hearing on this application pursuant to the permit application review process set out in the reclamation law. The reclamation law allows interested persons to request an 'Informal Conference' with the applicant and the Commission after a permit application is deemed complete. This is stated in the newspaper advertisement being published by the applicant and in the notices we sent out to surface owners within the proposed permit area and numerous government agencies. If necessary, please refer to the informal conference procedures under North Dakota Century Code Section 38-14.1-19. A "Formal Hearing" can be requested following the informal conference and after the Commission makes a decision on the application. Unless I hear back from you, we will consider your February 1 letter a request for an informal conference on the South Heart Coal permit application.

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February 11, 2011

Mr. Frank A. Hurt  
Box 14  
South Heart, ND 58655

Dear Mr. Hurt:

We received your letter dated February 1 requesting a formal hearing on South Heart Coal, LLC's application for Surface Coal Mining Permit No. SHSH-1001. This is to inform you that this is not the appropriate time to request a formal hearing on this application pursuant to the permit application review process set out in the reclamation law. The reclamation law allows interested persons to request an 'Informal Conference' with the applicant and the Commission after a permit application is deemed complete. This is stated in the newspaper advertisement being published by the applicant and in the notices we sent out to surface owners within the proposed permit area and numerous government agencies. If necessary, please refer to the informal conference procedures under North Dakota Century Code Section 38-14.1-19. A "Formal Hearing" can be requested following the informal conference and after the Commission makes a decision on the application. Unless I hear back from you, we will consider your February 1 letter a request for an informal conference on the South Heart Coal permit application.

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February 11, 2011

Ms. Lucy Hurt  
Box 14  
South Heart, ND 58655

Dear Ms. Hurt:

We received your letter dated February 1 requesting a formal hearing on South Heart Coal, LLC's application for Surface Coal Mining Permit No. SHSH-1001. This is to inform you that this is not the appropriate time to request a formal hearing on this application pursuant to the permit application review process set out in the reclamation law. The reclamation law allows interested persons to request an 'Informal Conference' with the applicant and the Commission after a permit application is deemed complete. This is stated in the newspaper advertisement being published by the applicant and in the notices we sent out to surface owners within the proposed permit area and numerous government agencies. If necessary, please refer to the informal conference procedures under North Dakota Century Code Section 38-14.1-19. A "Formal Hearing" can be requested following the informal conference and after the Commission makes a decision on the application. Unless I hear back from you, we will consider your February 1 letter a request for an informal conference on the South Heart Coal permit application.

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