



Public Service Commission

State of North Dakota

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Kevin Cramer
Tony Clark
Brian P. Kalk

Executive Secretary
Darrell Nitschke

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12 April 2011

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

Re: South Heart Coal, LLC
Permit SHSH-1001
Application
PSC Case No. RC-10-77

Dear Mr. Hoberg:

Enclosed is a request for an Administrative Law Judge in the captioned case. There will be an informal conference on 28 June 2011, beginning at 10:00 a.m., MDT, in the Beck Auditorium, Dickinson State University, Dickinson, North Dakota with an evening session beginning at 7:00 p.m., MDT for those unable to attend the daytime session. The hearing will continue at the same location beginning at 9:00 a.m., MDT, on 29 June 2011, if necessary. A Notice of Informal Conference is enclosed.

The Administrative Law Judge will serve as a substantive law judge and issue recommended Findings of Fact, Conclusions of Law, and Order. The informal conference will be electronically recorded.

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

Best regards,

Illona A. Jeffcoat-Sacco
General Counsel

enclosure
c: w/encl. Lawrence Bender

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**South Heart Coal LLC
Permit No. SHSH-1001
Application**

Case No. RC-10-77

NOTICE OF INFORMAL CONFERENCE

April 6, 2011

Preliminary Statement

On March 29, 2010, the Public Service Commission received the application for Surface Coal Mining Permit SHSH-1001 from South Heart Coal LLC to permit 4,581.4 acres for its proposed South Heart Lignite Mine. The proposed mine will be located southwest of South Heart in Stark County.

The Commission has received numerous requests for an Informal Conference on this application with concerns about the possible effects of mining on the environment and nearby property owners.

Notice of Informal Conference

Notice is hereby given that the captioned matter is set for an Informal Conference, commencing at 10:00 a.m., MDT, on June 28, 2011, in the Beck Auditorium located on the Dickinson State University campus, Dickinson, North Dakota. An evening session will begin at 7:00 p.m., MDT, for those unable to attend the daytime session. The hearing will continue at the same location beginning at 9:00 a.m., MDT, on June 29, 2011, if necessary.

If you require any auxiliary aids, such as readers, signers, or Braille materials, please notify Darrell Nitschke, Executive Secretary, Public Service 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


**Kevin Cramer
Commissioner**


**Tony Clark
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 South Heart Coal, LLC, Permit Application SHSH-1001
 PSC Case No. RC-10-77

(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:
 The Commission has received numerous requests for an Informal Conference on this permit application for 4,581.4 acres for South Heart Coal's proposed lignite mine. We are asking the ALJ to issue recommended finds of fact, conclusions of law, and order.

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
 There will be an informal conference on 28 June 2011, 10:00 a.m., MDT, in the Beck Auditorium, DSU, Dickinson, ND with an evening session at 7:00 p.m. MDT. The hearing will continue at the same location beginning at 9:00 a.m., MDT, on 29 June 2011, if necessary.

(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 Ilona A. Jeffcoat-Sacco, General Counsel	Date 12 April 2011
Signature of Requesting Person x	Telephone Number 701-328-2407

Attachment
 Request for ALJ
 12 April 2011

South Heart Coal, LLC
 Permit SHSH-1001
 Application
 PSC Case No. RC-10-77

AGENCY	Address	Telephone Number
North Dakota Public Service Commission	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-328-2400
Representation Illona A. Jeffcoat-Sacco General Counsel	Address Same as above	Telephone Number 701-328-2407
Mark Gruman Legal Counsel		701-328-2421
PARTY South Heart Coal, LLC	Address 601 Jefferson Street Suite 3600 Houston, TX 77002	Telephone Number 713-751-7500
Representation Lawrence Bender Fredrikson & Byron, P.A.	Address P.O. Box 1855 Bismarck, ND 58502-1855	Telephone Number 701-221-4020
PARTY	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number