

June 16, 2011

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JUN 17 2011

Commissioner Brian P. Kalk
Public Service Commission
State of North Dakota
600 East Boulevard Ave. Dept. 408
Bismarck, ND 58505

PUBLIC SERVICE COMMISSION

Dear Commissioner Kalk:

In 2008 and 2009, you accepted two large campaign contributions from Corbin Robertson, the managing partner of the entity that owns Great Northern Power Development, of which South Heart Coal is a subsidiary. Robertson's donations were over 3% of your \$159, 836 campaign funds in 2008. To put this in perspective, a supporter who contributed the same percentage of Obama's 2008 campaign funds would have donated over \$25 million.

Contributions to Kalk Campaign by South Heart Financially Interested Party:

Contributing Party	Contribution Amount	Date
Corbin Robertson	\$500	5/1/2009
Corbin Robertson	\$5000	8/24/2008

We believe that these contributions by Robertson, who has a direct financial interest in the South Heart development currently before the Commission, create a conflict of interest for you. The Public Service Commission has adopted a policy addressing conflicts of interest which provides:

No commissioner, commission employee, or agent, shall participate in a commission decision if a conflict of interest, real or apparent, would be involved. A conflict would arise when the commissioner, the employee or agent, any member or his immediate family, his partner or an individual firm or organization which employs or is about employ the commissioner, commission employee, his immediate family member, or partner has a financial or other interest directly and substantially affected by the commission decision.

Memorandum to P.S.C. staff, December 15, 1987.

We feel that your acceptance of significant campaign contributions from an individual with ownership stakes in South Heart Coal constitutes a real or apparent conflict of interest barred by the PSC's own policy. We therefore respectfully request that, in light of the public appearance of a conflict of interest in this

important matter, you recuse yourself from any further deliberation on issues related to the proposed development at South Heart.

Sincerely yours,

Mary Hodell
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