



Public Service Commission
State of North Dakota

COMMISSIONERS

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27 May 2010

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

Re: BNI Coal, Ltd.
Notice of Violation No. 1001
Case No. RC-10-143

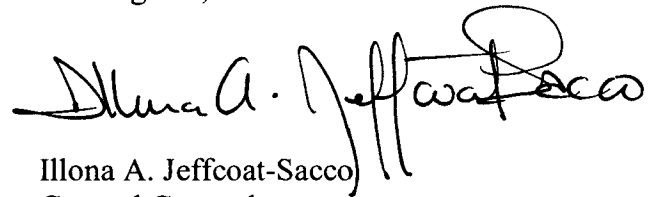
Dear Mr. Hoberg:

Enclosed is a request for an Administrative Law Judge in the captioned case. An Informal Conference is tentatively scheduled for 29 June 2010, at 1:30 p.m. CDT, in the Public Commission's Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota. When the Notice of Informal Conference is issued, a copy will be forwarded to your office.

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 electronically recorded.

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

Best regards,



Illona A. Jeffcoat-Sacco
General Counsel

enclosure
c: w/encl. Jay Volk



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 BNI Coal, Ltd., Notice of Violation No. 1001, PSC Case No. RC-10-143

(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:
 A representative of the Public Service Commission conducted an inspection of the mine and found violation(s) of the statute, rules, permit condition(s), or section(s) of the approved operations and reclamation plan.

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
 An Informal Conference is tentatively scheduled for 29 June 2010, at 1:30 p.m. CDT, in the Public Commission's Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota. When the Notice of Informal Conference is issued, a copy will be forwarded to your office.

(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 27 May 2010
Signature of Requesting Person x	Telephone Number 701-328-2407

Attachment
Request for ALJ
27 May 2010

BNI Coal, Ltd.
Notice of Violation No. 1001
Case No. RC-10-143

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	Address Same as above	Telephone Number 701-328-2407
PARTY BNI Coal, Ltd Contact name: Jay Volk	Address 2360 35 th Ave. SW. Center, ND 58530-9499	Telephone Number 701-222-8828
Representation No attorney designated	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number