

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**BNI Coal, Ltd.
Notice of Violation No. 1001
Violation**

Case No. RC-10-143

NOTICE OF INFORMAL CONFERENCE

June 2, 2010

Preliminary Statement

On May 4, 2010, the Public Service Commission's Reclamation Division issued Notice of Violation 1001 to BNI Coal, Ltd. for erosion around a culvert that they installed through a section line road between Sections 6 and 7, T141N, R84W, in Oliver County. This culvert is part of Diversion 6-1 which was constructed by BNI to divert water from a drainageway that previously flowed through a mine area.

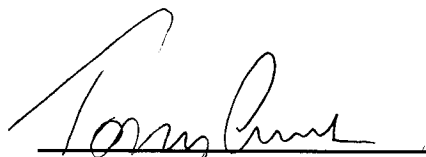
On May 18, 2010, the Commission received a request for an Informal Conference from BNI in the matter.

Notice of Informal Conference

Notice is hereby given that the captioned matter is set for an Informal Conference, commencing at 1:30 p.m. CDT, on June 29, 2010, in the Public Service Commission's Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota.

If you require any auxiliary aids, such as readers, signers, or Braille materials, please notify the 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



**Tony Clark
Commissioner**



**Kevin Cramer
Chairman**



**Brian P. Kalk
Commissioner**