



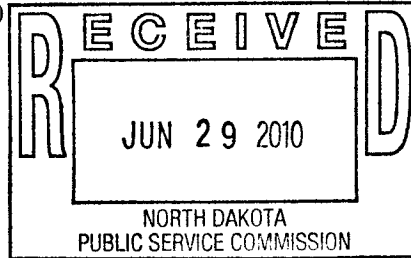
**OFFICE OF ADMINISTRATIVE HEARINGS**

STATE OF NORTH DAKOTA  
1707 North 9th Street  
Bismarck, North Dakota 58501-1882

Allen C. Hoberg  
DIRECTOR

701-328-3260  
Fax 701-328-3254  
oah@nd.gov  
www.nd.gov/oah

June 28, 2010



Ms. Illona A. Jeffcoat-Sacco  
General Counsel  
Public Service Commission  
600 East Boulevard Avenue  
Bismarck, ND 58505

Re: BNI Coal, Ltd. Notice of Violation No. 1001  
Case No. RC-10-143  
OAH No. 20100185

Dear Ms Jeffcoat-Sacco:

On May 27, 2010, you requested the designation of an administrative law judge from the Office of Administrative Hearings to conduct an informal hearing in the matter of BNI Coal, Ltd. I was designated as administrative law judge to conduct the hearing, to make recommended findings of fact and conclusions of law, and to issue a recommended order. Although the informal hearing on this matter was scheduled for June 29, 2010, it is canceled. I have been informed that the request for an informal hearing by BNI Coal, Ltd. is withdrawn. I understand that the agency will issue the appropriate order, if necessary.

I am closing our file on this matter and returning that portion of the record I have in my possession to you for filing with the official agency record of this matter.

If this matter has not been disposed of and a hearing is required, please make a new request for the designation of an administrative law judge for this matter using the appropriate OAH administrative law judge request form.

Thank you for your attention to this matter.

Sincerely,

Allen C. Hoberg  
Administrative Law Judge

ACH/lmw

Encl.

cc: Jay Volk, BNI Coal, Ltd.