



Public Service Commission

State of North Dakota

COMMISSIONERS

Kevin Cramer
Tony Clark
Brian P. Kalk

Executive Secretary
Darrell Nitschke

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

Re: Coteau Properties Company
Notice of Violation No. 1004
Violation
Case No. RC-10-598

Dear Mr. Hoberg:

Enclosed is a request for an Administrative Law Judge in the captioned case. A Public Hearing is scheduled to begin 17 December 2010, at a time and location to be determined. When a Notice of Hearing is available it will be forwarded to your office.

The Administrative Law Judge will serve as a procedural law judge and the hearing 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. Joe Friedlander

600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
Web: www.nd.gov/psc
E-mail: ndpsc@nd.gov
Phone 701-328-2400
Toll Free 1-877-245-6685
Fax 701-328-2410
TDD 800-366-6888 or 711

5 November 2010



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 Coteau Properties Company - Notice of Violation No. 1004
RC-10-598

(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:
 Nature of violation: NDAC 69-05.2-24-01(2)(a) which requires mine operators to control or prevent erosion and siltation from haulroads.
 NDAC 69-05.2-16-08(1)(c) which requires mine operators to use appropriate sediment control measures to minimize erosion.

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
 A Public Hearing is scheduled to begin 17 December 2010, at a time and location to be determined.
 When a Notice of Hearing is available it 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 Illona A. Jeffcoat -Sacco, General Counsel | Date 5 November 2010 |
| Signature of Requesting Person x <i>Illona A. Jeffcoat Sacco</i> | Telephone Number 701-328-2407 |

Attachment
 Request for ALJ
 5 November 2010

Coteau Properties Company
 Notice of Violation No. 1004
 Violation
 Case No. RC-10-598

| AGENCY | Address | Telephone Number |
|--|--|---|
| North Dakota Public Service Commission | 600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480 | 701-328-2400 |
| Representation Mark Gruman Legal Counsel | Address Same as above | Telephone Number 701-328-2421 |
| Illona A. Jeffcoat-Sacco General Counsel | | 701-328-2407 |
| PARTY Joe Friedlander Coteau Properties Company | Address 204 County Rd. 15 Beulah, ND 58523-9475 | Telephone Number 701-258-2200 |
| Representation Not yet assigned | Address | Telephone Number |
| PARTY | Address | Telephone Number |
| Representation | Address | Telephone Number |
| PARTY | Address | Telephone Number |
| Representation | Address | Telephone Number |