

in order to review the Complaint and relevant facts, confer with NDPSC, and prepare a comprehensive answer and/or response to the Complaint.

4. The Plaintiff's claims further relate to NDPSC's implementation of a complicated regulatory program created in the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. §§ 1201, *et seq.* ("SMCRA"). Specifically, SMCRA establishes a balance of power and authority between the states and the federal government concerning the regulation of coal mining. Plaintiff's claims relate to the manner in which NDPSC has implemented SMCRA for the entirety of the thirty-plus years that NDPSC has assumed control of the regulatory program. The additional time respectfully requested is necessary for NDPSC to evaluate the validity of such challenges and the factual history underlying each of the challenged regulatory actions.

WHEREFORE, Defendant North Dakota Public Service Commission respectfully requests that this Court grant an enlargement of time of forty (40) days, through and including September 10, 2012, in which to file an answer or other responsive pleading to the Complaint.

DATED: July 23, 2012.

Respectfully submitted,

**STATE OF NORTH DAKOTA
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Service Commission*

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2012, the foregoing Unopposed Motion for Enlargement of Time to Respond to Complaint was served electronically to all counsel of record through the Court's ECF System.

s/ Paul M. Seby

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Brandner, Tara B.

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