



Public Service Commission
State of North Dakota

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Randy Christmann
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25 November 2014

Wade Mann, Director
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, ND 58503

Re: Coyote Creek Mining Company, LLC
Permit NACC-1302
Application
PSC Case No. RC-13-850

Dear Mr. Mann:

Enclosed is a request for an Administrative Law Judge in the captioned case. The hearing is scheduled to begin at 11:00 a.m. CST, 19 December 2014, in the Public Service Commission's Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota. A copy of the Notice of Formal Hearing is enclosed.

The Administrative Law Judge will serve as a procedural law judge and the hearing will be electronically recorded.

It is our understanding that Brian Bjella will be representing Coyote Creek Mining Company, LLC and Baumstark Braaten Law Partners will be representing Casey Voigt.

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

Best regards,

Illona A. Jeffcoat-Sacco
General Counsel

enclosure

c: w/encl. Brian Bjella
Derrick Braaten
Donn Steffen



REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION
NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS
 SFN 17819 (Rev. 06-2007)

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 Coyote Creek Mining Company, LLC, Permit No. NACC-1302, PSC Case No. RC-13-850

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code Section 38-14.1-30 (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:
 On 24 November 2014 we recieved a request for hearing on decision for Permit No. NACC-1302

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 28-32-31(5). See NDCC 54-57-04.
- 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
 The hearing is scheduled for 11:00 a.m. CST, 19 December 2014, in the Public Service Commission's Hearing Room
 A copy of the Notice is attached.

(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 11/25/2014
Signature of Requesting Person X <i>Illona A. Jeffcoat-Sacco</i>	Telephone Number (701) 328-2407

Attachment
 Request for ALJ
 25 November 2014

Coyote Creek Mining Company, LLC
 Permit NACC-1302
 Application
 PSC Case No. RC-13-850

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 General Counsel	Address Same as above	Telephone Number 701-328-2407
PARTY Coyote Creek Mining Company, LLC attn: Don Steffen	Address 6502 17 th St. SW Zap, ND 58580	Telephone Number 701-873-7800
Representation Brian R. Bjella, Crowley Fleck, PLLP (Pending Notice of Appearance)	Address CROWLEY FLECK 400 East Broadway, Suite 600 P.O. Box 2798 Bismarck, ND 58502-2798	Telephone Number 701-224-7532
PARTY Casey Voigt	Address PO Box 454 Beulah, ND 58523	Telephone Number 701-873-2211
Representation Derrick Braaten Baumstark Braaten Law Partners (Pending Notice of Appearance)	Address Baumstark Braaten Law Partners 109 N. 4th St. Suite 100 Bismarck, ND 58501	Telephone Number 701-221-2911
PARTY	Address	Telephone Number
Representation	Address	Telephone Number

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Coyote Creek Mining Company, L.L.C.
Permit NACC-1302
Application**

Case No. RC-13-850

NOTICE OF FORMAL HEARING

November 25, 2014

Preliminary Statement

On November 1, 2013, Coyote Creek Mining Company, L.L.C. applied for Surface Coal Mining Permit No. NACC-1302 for a new mine approximately ten miles southwest of Beulah, North Dakota. The permit application covers 8,091.511 acres of land located in all or portions Sections 6 and 7, T142N, R88W; Sections 1, 2, 3, 11, and 12, T142N, R89W; Sections 19, 30, and 31, T143N, R88W; and Sections 23, 24, 25, 26, 27, 34, 35, and 36, T143N, R89W, all in Mercer County.


On October 22, 2014, the Public Service Commission conditionally approved Permit No. NACC-1302, subject to the right of any person with an interest that is or may be adversely affected to request a formal hearing. On November 24, 2014, the Commission received a request for a Formal Hearing in the matter from Mr. Casey Voigt, a landowner in the permit area. Mr. Voigt has concerns with the size of the permit area, the reclamation practices that would be used on land to be mined, and his loss in agricultural production.

Notice of Formal Hearing


Notice is hereby given that the captioned matter is set for a Formal Hearing, commencing at 11:00 a.m. CST, on December 19, 2014, 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


**Randy Christmann
Commissioner**


**Brian P. Kalk
Chairman**


**Julie Fedorchak
Commissioner**