



Public Service Commission
State of North Dakota

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13 May 2015

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

Re: Coyote Creek Mining Company, LLC
Revision No. 1 for Permit NACC-1302
Approval

Case No. RC-14-846

Dear Mr. Mann:

Enclosed is a request for an Administrative Law Judge in the captioned case. A Notice was issued 11 May 2015 and a copy is enclosed. A Motion to acknowledge the issuance of the Notice is on the agenda for today's Commission meeting.

The Administrative Law Judge will serve as a substantive law judge and issue recommended Findings of Fact, Conclusions of Law, and Order.

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

Best regards,

Illona A. Jeffcoat-Sacco
General Counsel

enclosure
c: w/encl. JJ England
Don Steffen
Don Morrison

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Coyote Creek Mining Company, LLC
Revision No. 1 to Permit NACC-1302
Approval**

Case No. RC-14-846

NOTICE OF INFORMAL CONFERENCE

May 11, 2015

Preliminary Statement

On December 17 2014, the Public Service Commission received the application for Revision No. 1 to Surface Coal Mining Permit NACC-1302 from Coyote Creek Mining Company, L.L.C. to add 352.105 acres to the permit for a primary haul road and coal handling facilities for its Coyote Creek Mine south of Zap in Mercer County.

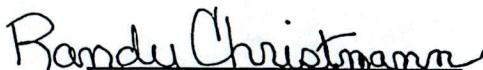
The Commission received requests for an Informal Conference on this application from the Dakota Resource Council and Casey Voigt with concerns about air quality and fugitive dust emissions from the proposed mine facilities.

Notice of Informal Conference


Notice is hereby given that the captioned matter is set for an Informal Conference, commencing at 9:00 a.m., CDT, on June 2, 2015, Public Service Commission 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**


**Julie Fedorchak
Chairman**


**Brian P. Kalk
Commissioner**



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, Revision No. 1 for Permit NACC-1302, Approval
PSC Case No. RC-14-846

(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:
 On 11 May 2015 the Public Service Commission received two requests for an informal conference on this application with concerns about air quality and fugitive dust emissions from the proposed mine facilities.

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
 A Notice of Informal Conference was issued 11 May 2015. The ALJ will serve as a substantive law judge and issue recommended Findings of Fact, Conclusions of Law, and Order.

(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 5/13/2015
Signature of Requesting Person X	Telephone Number (701) 328-2407

Attachment
 Request for ALJ
 13 May 2015

Re: Coyote Creek Mining Company, LLC
 Revision No. 1 for Permit NACC-1302
 Approval

Case No. RC-14-846

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
Casey Furey Legal Counsel		701-328-4078
PARTY Coyote Creek Mining Company, LLC attn. Don Steffen	Address 6502 17 th St. SW Zap, ND 58580	Telephone Number 701-873-7800
Representation To be determined	Address	Telephone Number
PARTY Casey Voigt	Address PO Box 454 Beulah, ND 58523	Telephone Number 701-873-2211
Representation JJ England, Attorney	Address Baumstark Braaten Law Partners 109 N. 4 th St. Suite 100 Bismarck, ND 58501	Telephone Number 701-221-2911
PARTY Dakota Resource Council	Address Don Morrison Executive Director Dakota Resource Council 1200 Missouri Ave., Ste. 102 Bismarck, ND 58501	Telephone Number 701-224-8587
Representation To be determined	Address	Telephone Number