



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian P. Kalk

Executive Secretary
Darrell Nitschke

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

3 September 2015

Darrell Nitschke
Director of Administration
North Dakota Public Service Commission
600 E. Blvd. Ave. Dept. 408
Bismarck, ND 58505-0480
dnitschk@nd.gov

via e-mail only

Re: Coyote Creek Mining Company, LLC
Notice of Violation No. 1502
Violation
Case No. RC-15-495

Dear Mr. Nitschke:

The Public Service Commission Advocacy Staff requests that the Commission consider certain evidence provided to the Commission with this letter, after the close of the hearing. The evidence that we request you consider is the Conference Officer Manual of the Office of Surface Mining, Department of the Interior. This manual is linked here:

<http://www.osmre.gov/LRG/docs/directive374.pdf>

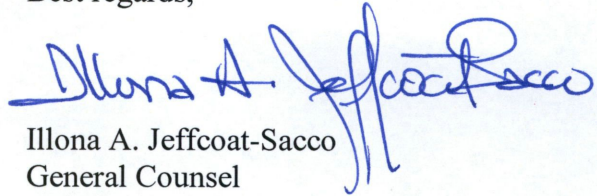
The Commission has authority to consider evidence provided after the record is closed under the provisions and conditions found in N.D.C.C. section 28-32-25. Advocacy staff informed Coyote Creek Mining Company and advisory staff of this request this afternoon, and asked the company to stipulate to the admission, but the company's attorney is out of the office through 4 September and so is not available to respond.

If the evidence is considered by the Commission, advocacy staff would draw the Commission's attention to pages 57 and 58 of the document (starting on p. 59 of the pdf), which provide guidelines and instruction regarding the negligence standard incorporated into the enforcement provisions of state and federal coal mining and reclamation program.

Advocacy staff requests that only the electronic version of this document be admitted. However, if the Commission or others want a paper copy of the document to be provided for the record, advocacy staff will be happy to do so.

Thank you for your consideration of this request.

Best regards,



Illona A. Jeffcoat-Sacco
General Counsel

- c Brian R. Bjella (bbjella@crowleyfleck.com)
- Casey A. Furey (cfurey@bopprelawfirm.com)
- Deutsch, James R. (jdeutsch@nd.gov)
- Moos, Dean K. (dmoos@nd.gov)
- Wade Mann (wmann@nd.gov)