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January 20, 2020

Via Electronic Mail & U.S. Mail

Mr. Steve Kahl
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

Re: Case No. RC-19-189 (Docket No. 173)
Case No. RC-19-190 (Docket No. 188)

Dear Mr. Kahl:

CCMC is writing to address a blatant mischaracterization contained within Casey and Julie Voigts' Closing Arguments and Proposed Findings of Fact, Conclusions of Law, and Order (hereinafter "Voigt Closing") in the above-referenced proceedings. The mischaracterization was made relating to an issue that the Voigts elected not to address at the informal conference or at the formal hearing. Instead, they chose to slip the statement into the Voigt Closing when it appeared CCMC would not have an opportunity to respond. CCMC is unsure of the appropriate procedural mechanism to respond, object, or even raise this issue. However, because of the egregious nature of this mischaracterization, CCMC is compelled to bring this issue to the attention of the parties involved through this letter, as the most effective means. CCMC submits this letter to the interested parties for consideration and further treatment as deemed appropriate.

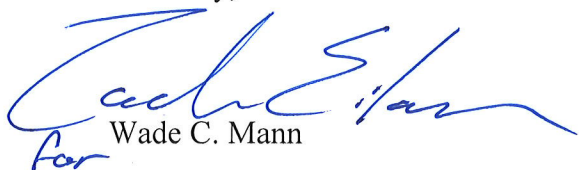
In Paragraph 8 on Page 4 of the Voigt Closing they state that "[t]his remains as a very concerning issue (it is currently the subject of both a North Dakota Department of Environmental Quality and United States Environmental Protection Agency investigation)" (emphasis added). This statement by the Voigts' attorneys that the relationship between CCMC and Coyote Station is the subject of a DEQ and an EPA investigation is a gross mischaracterization of the facts and intentionally misleading. There is no investigation – period. CCMC is aware that the Coyote Station co-owners are seeking a renewal of the power plant's Title V operating permit. The DEQ is developing a record of decision in that matter. CCMC's understanding is that the EPA will ultimately review the DEQ decision as part of normal government review procedures. The Voigts' reference to an "investigation" flatly mischaracterizes the nature of that matter and serves no good faith purpose.

Characterizing such a proceeding as an "investigation" is akin to characterizing the current proceeding as an "investigation," which would be entirely inappropriate. This action by the

Voigts' attorney to intentionally mislead the Commission, the ALJ, members of the public, and the record into believing that there exists some sort of investigation of impropriety is entirely inappropriate and should not be tolerated. This is not even a substantive issue before the Commission in this proceeding, making the statement completely unnecessary and yet another example of a collateral attack attempting to publicly embarrass CCMC through intentional mischaracterization.

It is deeply concerning that the Voigts' attorneys are comfortable making intentionally misleading statements on an issue not even before the Commission in these proceedings. CCMC believes that this misleading statement made after the hearing in order to avoid a response from CCMC is inappropriate. This statement should be stricken and the Voigts' credibility on this issue should be weighed accordingly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wade C. Mann". The signature is fluid and cursive, with a large initial "W" and "M".

for
Wade C. Mann

WCM/lh

cc: Derrick Braaten (via email & U.S. Mail)
JJ England (via email & U.S. Mail)
Carey Goetz (via email & U.S. Mail)
John Schuh (via email & U.S. Mail)
Hope Hogan (via email & U.S. Mail)
Chris Friez (via email)