



Public Service Commission

State of North Dakota

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28 August 2019

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

Re: Coyote Creek Mining Company, L.L.C.
Renewal 1 to Permit NACC-1302
Application

Case No. PU-19-189

Coyote Creek Mining Company, L.L.C.
Revision 9 to Permit NACC-1302
Application

Case No. PU-19-190

Dear Mr. Dawson:

Enclosed is a request for an Administrative Law Judge for the captioned two cases. The cases are in the early stages and a Notice of Hearing has not yet been issued. We anticipate that the two cases will be consolidated for Hearing. When a Notice is issued we will forward it to your office.

The Administrative Law Judge will serve as a procedural law judge. If you have any questions, please contact me. Thank you.

Best regards,

John Schuh
General Counsel

enclosures
c: w/encl. via email only
Wade Mann (wmann@crowleyfleck.com)
JJ England (jj@braatenlawfirm.com)
Derrick Braaten (derrick@braatenlawfirm.com)

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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, L.L.C., Renewal 1 to Permit NACC-1302, Application, PSC
Case No. RC-19-189 and Coyote Creek Mining Company, L.L.C., Revision 9 to Permit NACC-1302, Case No. RC-19-190

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in N.D.C.C. 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 August 26, 2019, Casey and Julie Voigt filed objections (citing seven issues) to the applications for Revision No. 9 and Renewal No. 1 to Surface Coal Mining Permit NACC-1302 and requested an informal hearing.

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.

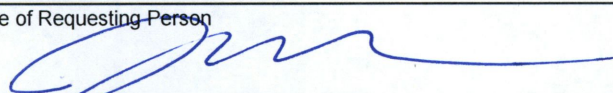
PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.

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 Hearing has not yet been issued. When a Notice is issued we will forward it to your office. We anticipate that the two cases will be consolidated for hearing.

(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 John Schuh, General Counsel	Date 8/28/2019
Signature of Requesting Person 	Telephone Number (701) 328-2421

X

Attachment
Request for ALJ
28 Aug. 2019

Re: Coyote Creek Mining Company, L.L.C.
Renewal 1 to Permit NACC-1302
Application

Case No. PU-19-189

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Revision 9 to Permit NACC-1302
Application

Case No. PU-19-190

AGENCY	Address	Telephone Number
North Dakota Public Service Commission	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-328-2400
Representation John Schuh General Counsel	Address Same as above	Telephone Number 701-328-2421
PARTY Coyote Creek Mining Company, L.L.C.	Address 5340 Legacy Dr. Bldg. 1 Suite 300 Plano, TX 75024	Telephone Number 972-448-5400
Representation Wade Mann Crowley Fleck, PLLP (pending Notice of Appearance)	Address Crowley Fleck, PLLP 400 East Broadway, Suite 600 P.O. Box 2798 Bismarck, ND 58502-2798	Telephone Number 701-223-6585
PARTY Casey and Julie Voigt	Address	Telephone Number
Representation JJ England & Derrick Braaten (pending Notice of Appearance)	Address Braaten Law Firm 109 North 4th St., Suite 100 Bismarck, ND 58501	Telephone Number 701-221-2911