



Public Service Commission State of North Dakota

COMMISSIONERS

Brian Kroshus
Julie Fedorchak
Randy Christmann

Derrick Braaten
Counsel for Casey and Julie Voigt
109 North 4th Street, Suite 100
Bismarck, ND 58501
derrick@braatenlawfirm.com

Wade C. Mann
Counsel for Coyote Creek
100 West Broadway, Suite 250
P.O. Box 2798
Bismarck, ND 58502
wmann@crowleyfleck.com

RE: RC-19-189 and RC-19-190

Dear Mr. Braaten and Mr. Mann:

The Commission received the Voigt's November 20, 2019 Formal Hearing Request and Coyote Creek's November 25, 2019 Letter Re Formal Hearing Issues in Case Nos. RC-19-189 and RC-19-190. The Commission discussed the filings on December 3, 2019 during the administrative portion of its regular meeting and requested updated filings from the parties.

The Formal Hearing Request provided that the issues are those that were raised during the informal conference process, including reclamation and reclamation liability, dust control, water erosion, the presence of an alluvial valley floor, and road closures/access issues. Coyote Creek Mine responded that they are prepared to address the issues raised in the Formal Hearing Request and the matters surrounding the Order approving the revision and renewal of Permit NACC-1302.

While there is great flexibility with an informal process, more particularity is required for petitions or complaints that result in a formal hearing and are subject to judicial review. The Commission requests that the parties provide an updated filing with more specificity in issue, allegation, and relief sought. Please provide this update by December 9th.

Sincerely,

John M. Schuh
Special Assistant Attorney General – North Dakota PSC
600 E Boulevard Dept. 408
Bismarck, ND 58505-0480
(701) 328-2421
jschuh@nd.gov

cc. ALJ Hope Hogan (hlhogan@nd.gov)
JJ England (jj@braatenlawfirm.com)

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480

Web: www.psc.nd.gov

E-mail: ndpsc@nd.gov

via email only Phone: 701-328-2400

ND Toll Free: 1-877-245-6685

Fax: 701-328-2410

TDD: 800-366-6888 or 711

82 RC-19-190 Filed 12/03/2019 Pages: 1
Letter requesting updated filings

Public Service Commission
John Schuh, General Counsel

71 RC-19-189 Filed 12/03/2019 Pages: 1

Letter requesting updated filings
Public Service Commission
John Schuh, General Counsel