



BRAATEN
Law Firm

January 21, 2020

Via Email and Hand Delivery

Mr. Steve Kahl
Executive Director
North Dakota Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58503-0659
ndpsc@nd.gov

**Re: PSC Case Nos. RC-19-189 and RC-19-190 – Response to January 20, 2020
letter from Coyote Creek Mining Company**

Dear Mr. Kahl:

I write to briefly respond to CCMC's January 20, 2020 letter to the Commission.

Regarding CCMC's specific concerns about the use of the word "investigation," it is accurate that Coyote Station and CCMC are the subject of state and federal investigations of Coyote Station's contractual control over CCMC. These investigations are ongoing. The renewal of Coyote Station's air permit has been on hold for the past year pending the completion of these investigations. To confirm these facts, Jim Semerad (Director of NDDEQ's Air Quality Division) and Monica Morales (Director of USEPA Region 8's Air Quality and Radiation Program) may be helpful contacts. Their phone numbers are 701-328-5179 and 303-312-6936.

The Voigts stand by every word of their closing argument. The Voigts must reiterate, though, that the Voigts did not raise the issue of Coyote Station's contractual control over CCMC at the formal hearing and provided no evidence on this issue. CCMC took it upon itself to discuss this issue in ¶ 18 of its reply brief in support of its motion for attorneys' fees, which it filed after the formal hearing had ended.¹ Therefore, the Voigts briefly reiterated in their closing argument that the Voigts believe that this remains a very serious issue and that the Voigts may raise this issue directly with the Commission at a later date.

¹ CCMC saw it fit to file this reply brief even though the PSC's and OAH's rules do not provide for reply briefs—rather, they only provide for a brief filed by the movant and a response from the respondent. N.D.A.C. §§ 69-02-02-08, 69-05.2-01-07, 98-02-02-08.

192 RC-19-190 Filed: 1/21/2020 Pages: 2
**Response to 20 Jan. 2020 letter from Attorney Mann
to PSC**

Casey and Julie Voigt
JJ England - Braaten Law Firm

177 RC-19-189 Filed: 1/21/2020 Pages: 2
**Response to 20 Jan. 2020 letter from Attorney Mann
to PSC**

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Steve Kahl
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Respectfully,

A handwritten signature in black ink, appearing to read "JJ England". The signature is fluid and cursive, with a long horizontal stroke at the end.

JJ England
Counsel for Casey and Julie Voigt

Cc: The Honorable Judge Hogan (via USPS and e-mail to hlhogan@nd.gov)
John Schuh (via USPS and e-mail to jschuh@nd.gov)
Wade Mann (via USPS and e-mail to wmann@crowleyfleck.com)
Casey and Julie Voigt