

Moos, Dean K.

From: Schuh, John M.
Sent: Friday, June 07, 2019 12:38 PM
To: Clyde Eisenbeis
Cc: Moos, Dean K.; Brinkman, Zanna A.
Subject: Response to your questions

Mr. Eisenbeis,

I apologize if I missed portions of your previous questions. Below are my responses.

- > Will I be asked to speak during the discussion on my Formal Citizen
- > Complaint? Will I be given the opportunity to speak?

See previous response.

- > How will the meeting be conducted administratively? I am interested in a brief overview of the meeting protocol.

See previous response.

- > In addition, please provide an overview on how Reclamation Division regulations are administered per NDAC 69-05.2-28-01 Inspection and enforcement - Requests for inspections.

We are not permitted to provide legal advice. However, the following is a link to North Dakota Administrative Code Section 69-05.2-28-01 for your review. <https://www.legis.nd.gov/information/acdata/pdf/69-05.2-28.pdf>.

- > It appears the PSC is not implementing subsection b. and subsection c.
- > under section 4 of NDAC 69-05.2-28-01. Please advise.

I believe the Reclamation Division is carefully processing as best as they can discern from what you provided. You should receive a response after the Commission has reviewed and determined how best to proceed.

- > I request an informal meeting to review the Reclamation Division "complaint response" document.

>

The Reclamation Division may meet with you if they feel it is necessary. I will leave that to the Reclamation Division.

- > Please email to me the Reclamation Division "complaint response"
- > document, one week prior to all relevant meetings pursuant to NDAC 69-05.2-28-02.

>

North Dakota Administrative Code section 69-05.2-28-02 requests an informal review by the Commission. The response to your filing will come upon the Commission having the opportunity to review and discuss how it intends to respond.

- > I would like to have the complaint process explained. A brief summary would be preferred.

We are not permitted to provide legal advice. However, the following is a link to a document provided by the Commission website regarding filing a formal complaint. https://www.psc.nd.gov/docs/ysk/GO-2-Filing-Formal-Complaint_.pdf

Respectfully,

6 RC-19-191 Filed 06/07/2019 Pages: 3

Email from John Schuh to Eisenbeis regarding procedural matters of filing
Public Service Commission
John Schuh, General Counsel

John

-----Original Message-----

From: Clyde Eisenbeis <cte677@gmail.com>
Sent: Wednesday, June 5, 2019 3:11 PM
To: Schuh, John M. <jschuh@nd.gov>
Cc: Moos, Dean K. <dmoos@nd.gov>; Fleischman, Jeffrey <jfleischman@osmre.gov>; David Berry <dberry@osmre.gov>; Brinkman, Zanna A. <zbrinkman@nd.gov>; Jeffcoat-Sacco, Illona <ijs@nd.gov>
Subject: Re: OSMRE Formal Citizen Complaint Meetings

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

This does not respond to all of my requests. Thanks!

Clyde

On Tue, Jun 4, 2019 at 5:00 PM Schuh, John M. <jschuh@nd.gov> wrote:

>
> Mr. Eisenbeis,
>
> Thank you for your email. Staff asked that I respond to your email since I am involved with the agenda process. Regular meetings are primarily for the Commission to conduct public business on behalf of the agency. To the extent needed, the Commission also discusses matters with Staff.
>
> With a few exceptions, the public or companies are generally not provided an opportunity to speak during these meetings. The Commission will likely discuss the manner in which to address the filing. If extensive discussion is warranted, the Commission may schedule discussion on a later date to explore the matter more thoroughly.
>
> You are welcome to attend the meeting in person, however, there is also an opportunity to listen to the Commission's regular meetings via webcast if you prefer.
>
> Sincerely,
>
> John M. Schuh
> NDPSC
>
>
>
>

> -----Original Message-----

> From: Clyde Eisenbeis <cte677@gmail.com>
> Sent: Monday, June 3, 2019 6:37 AM
> To: Moos, Dean K. <dmoos@nd.gov>
> Cc: Fleischman, Jeffrey <jfleischman@osmre.gov>; David Berry <dberry@osmre.gov>; Brinkman, Zanna A. <zbrinkman@nd.gov>; Jeffcoat-Sacco, Illona <ijs@nd.gov>; Schuh, John M. <jschuh@nd.gov>
> Subject: OSMRE Formal Citizen Complaint Meetings

> ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

>

> Hi Dean,
>
> I plan to attend the Commission's Regular Meeting on 12 Jun 2019 at 10am.
>
> Will I be asked to speak during the discussion on my Formal Citizen
> Complaint? Will I be given the opportunity to speak?
>
> How will the meeting be conducted administratively? I am interested in a brief overview of the meeting protocol.
>
> In addition, please provide an overview on how Reclamation Division regulations are administered per NDAC 69-05.2-28-01 Inspection and enforcement - Requests for inspections.
>
> It appears the PSC is not implementing subsection b. and subsection c.
> under section 4 of NDAC 69-05.2-28-01. Please advise.
>
> I request an informal meeting to review the Reclamation Division "complaint response" document.
>
> Please email to me the Reclamation Division "complaint response"
> document, one week prior to all relevant meetings pursuant to NDAC 69-05.2-28-02.
>
> I would like to have the complaint process explained. A brief summary would be preferred.
>
> It is important to understand that I am not an expert in the NDAC and NDCC docs. Let me know if you spot any errors.
Thanks!
>
> Clyde
>
> _____
> This transmission, email and any files transmitted with it, may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential under federal or state law. If you are not the intended recipient of this message, you may not use, disclose, print, copy or disseminate this information. If you have received this transmission in error, notify the sender (only) and delete the message. This message may also be subject to disclosure under the North Dakota Open Records Laws.
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