



Public Service Commission

State of North Dakota

COMMISSIONERS

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Sheri Haugen-Hoffart
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19 July 2023

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

Re:
BNI Coal, Ltd.
Revision 8, Permit BNCR-1101
Application
Case No. RC-20-438

Dear Mr. Dawson:

Enclosed is a request for an Administrative Law Judge for the captioned case. The Commission has not yet issued a Notice of Hearing. When a Notice is issued, we will forward it to your office.

The Administrative Law Judge will serve as a substantive law judge and the hearing will be electronically recorded.

If you have any questions, please contact me. Thank you.

Best regards,

A handwritten signature in blue ink, appearing to read "John Schuh".

John Schuh
General Counsel

enclosures

c: w/encl. Doug Sheets (dscheetz@bnicoal.com)
Brian Dresser (dresser82@hotmail.com)
Dave and Debra Berger (dberger@westriv.com)



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 BNI Coal, Ltd., Revision 8, Permit BNCR-1101, Application
PSC Case No. RC-20-438

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code 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 July 18 & 19, 2023, Brian Dresser and Dave & Debra Berger, respectively, requested an Informal Conference on the application stating several concerns

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.

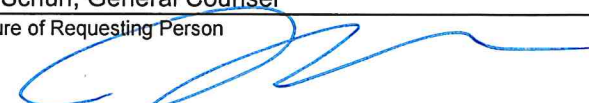
PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.

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	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
 The Informal Conference is scheduled on August 17, 2023, in the Public Service Commission Hearing Room.
 Once the Notice of Hearing has been issued, it will be forwarded to your office.

(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 7/19/2023
Signature of Requesting Person 	Telephone Number (701) 328-2421

X

Attachment
Request for ALJ
17 July 2023

Re:
BNI Coal, Ltd.
Revision 8, Permit BNCR-1101
Application
Case No. RC-20-438

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 600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	Telephone Number 701-328-2421 701-328-2407
PARTY Brian Dresser	Address 2574 37 th Ave SW Center, ND 58530	Telephone Number 701-301-0021
PARTY Dave and Debra Berger	Address 2531 37 th Ave SW Center, ND 58530	Telephone Number 701-220-8862
PARTY BNI Coal, Ltd.	Address 2360 35 th Ave SW Center, ND 58530	Telephone Number 701-355-5588