



Public Service Commission  
State of North Dakota

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1 September 2022

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

Re: Coyote Creek Mining Company, L.L.C.  
Revision 12, Permit NACC-1302  
Application

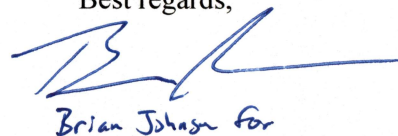
Case No. RC-22-233

Dear Mr. Dawson:

Enclosed is a request for an Administrative Law Judge for the captioned case. A Notice of Informal Conference is enclosed.

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

Best regards,



John Schuh  
General Counsel

enclosures

c: w/encl. via email: Casey Voigt ([vvranch4@westriv.com](mailto:vvranch4@westriv.com))  
Derrick Braaten ([derrick@braatenlawfirm.com](mailto:derrick@braatenlawfirm.com))  
Desirae Zaste ([desirae@braatenlawfirm.com](mailto:desirae@braatenlawfirm.com))  
Jeremy Eckroth ([Jeremy.Eckroth@nacoal.com](mailto:Jeremy.Eckroth@nacoal.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 Coyote Creek Mining Company, L.L.C., Revision 12, Permit NACC-1302, Application

PSC Case No. RC-22-233

(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 29 Aug. 2022, Coyote Creek mining Company, L.L.C. filed Comments of Casey Voigt & Julie Voigt, Objection,

and Request for Informal Hearing on the application stating concerns on a variety of matters including topsoil respread depths

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

The Informal Conference is scheduled at 9:30 a.m., CDT on September 26, 2022, in the Public Service Commission

Hearing Room. The Notice is attached.

(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

9/1/2022

Signature of Requesting Person

X  Brian Johnson *Signum for John Schuh*

Telephone Number

(701) 328-2421

Attachment  
 Request for ALJ  
 1 September 2022

Re: Coyote Creek Mining Company, L.L.C.  
 Revision 12, Permit NACC-1302  
 Application

Case No. RC-22-233

<b>AGENCY</b>	<b>Address</b>	<b>Telephone Number</b>
North Dakota Public Service Commission	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-328-2400
<b>Representation</b> John Schuh General Counsel  Brian Johnson Legal Counsel	<b>Address</b> 600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	<b>Telephone Number</b> 01-328-2421  701-328-2407
<b>PARTY</b> Casey Voigt & Julie Voigt	<b>Address</b> PO Box 454 Beulah, ND 58523	<b>Telephone Number</b> 701-873-2211
<b>Representation</b> Derrick Braaten	<b>Address</b> 109 North 4th Street Suite 100 Bismarck, ND 58501	<b>Telephone Number</b> 701-221-2911
<b>PARTY</b> Coyote Creek Mining Company, L.L.C.	<b>Address</b> 6502 17th St. SW Zap, ND 58580	<b>Telephone Number</b> 701-873-7800
<b>Representation</b> To be determined	<b>Address</b>	<b>Telephone Number</b>

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Coyote Creek Mining Company, LLC**  
**Revision 12, Permit NACC-1302**  
**Application**

**Case No. RC-22-233**

**NOTICE OF INFORMAL CONFERENCE**

**August 31, 2022**

**Preliminary Statement**

On March 17, 2022, the Public Service Commission received the application for Revision No. 12 to Surface Coal Mining Permit NACC-1302 from Coyote Creek Mining Company, L.L.C. for its Coyote Creek Mine south of Zap in Mercer County. Revision No. 12 changes the post mine topography on 280 acres in Sections 6 and 7, T142N, R88W and Section 1, T142N, R89W. The introductory, legal, financial, compliance information, environmental, operations and reclamation sections have been revised.

The Commission received a request for an Informal Conference on the application from Casey and Julie Voigt with concerns about dust, projected topsoil and subsoil respread depths, reclamation variances, and the timing of revegetation.

**Notice of Informal Conference**

Notice is hereby given that the captioned matter is set for an Informal Conference, commencing at 9:30 a.m., CDT, on September 26, 2022, Public Service Commission Hearing Room, 12<sup>th</sup> Floor, State Capitol, Bismarck, North Dakota.

If you require any auxiliary aids, such as readers, signers, or Braille materials, please notify the Commission, at (701) 328-2400, or Relay North Dakota TTY: 1-800-366-6888 at least 24 hours prior to the hearing.

**PUBLIC SERVICE COMMISSION**

  
**Steve Kahl**  
**Executive Director**

Coyote Creek Mine\Permits\NACC - 1302\Revisions & Renewals\No. 12\Informal Conference\Ntc\_Informal\_Conference\_8-31-22