

Thompson, Pamela J.

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Sent: Tuesday, July 18, 2023 4:14 PM
To: Thompson, Pamela J.
Subject: Filing Accepted for Case: 08-2023-CV-01338; Casey Voigt, et al. vs. North Dakota Public Service Commission, et al.; Envelope Number: 5273108

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**North Dakota
Court System**

Filing Accepted

Envelope Number: 5273108
Case Number: 08-2023-CV-01338
Case Style: Casey Voigt, et al. vs. North Dakota
Public Service Commission, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file copy of the document filed by clicking on the below link.

| Filing Details | |
|----------------------------|--|
| Court | Burleigh County |
| Case Number | 08-2023-CV-01338 |
| Case Style | Casey Voigt, et al. vs. North Dakota Public Service Commission, et al. |
| Date/Time Submitted | 7/18/2023 2:01 PM CST |
| Date/Time Accepted | 7/18/2023 4:13 PM CST |
| Accepted Comments | |
| Filing Type | Exhibit |
| Filing Description | CR Exhibit 21 - Request for ALJ |
| Activity Requested | EFileAndServe |
| Filed By | Pamela Thompson |
| Filing Attorney | John Schuh |

| Document Details | |
|---------------------------------|-------------------------------------|
| Lead Document | CR Exhibit 21 - Request for ALJ.pdf |
| Lead Document Page Count | 4 |
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Public Service Commission

State of North Dakota

COMMISSIONERS

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Randy Christmann
Sheri Haugen-Hoffart

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Fax: 701-328-2410
TDD: 800-366-6888 or 711

1 September 2022

Timothy Dawson, Director
Office of Administrative Hearings
2911 North 14th 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,

A handwritten signature in black ink, appearing to read "Brian Johnson for".

John Schuh
General Counsel

enclosures

c: w/encl. via email: Casey Voigt (vv ranch4@westriv.com)
Derrick Braaten (derrick@braatenlawfirm.com)
Desirae Zaste (desirae@braatenlawfirm.com)
Jeremy Eckroth (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.**

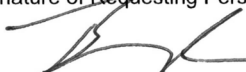
PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.

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 <i>Signum for John Schuh</i> | 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

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

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 resprad 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, 12th 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