



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

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4 August 2022

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

Re: Public Service Commission
Clyde Eisenbeis
Complaint

Case No. RC-22-339

Dear Mr. Dawson:

Enclosed is a request for an Administrative Law Judge for the captioned case. The case is in its early stages and a Notice of Hearing has not yet been issued. When the Notice is issued we will forward it to your office.

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

Best regards,

John Schuh
General Counsel

enclosures

c: w/encl. via email: Clyde Eisenbeis (cte677@gmail.com)
Wade Mann (wmann@crowleyfleck.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 Public Service Commission, Clyde Eisenbeis, Complaint, PSC Case No. RC-22-339

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in N.D.C.C. 38-14.1 & N.D.A.C. 69-05.2 (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 August 3, 2022, Mr. Eisenbeis filed a Formal Complaint with the Public Service Commission alleging, in part, that a coal mining sedimentation pond discharged which caused damage to farmland.

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
 A Notice of Hearing has not yet been issued. When a Notice is issued we will forward it 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 8/4/2022
Signature of Requesting Person 	Telephone Number (701) 328-2421

X

Attachment
Request for ALJ
4 August 2022

Re: Public Service Commission
Clyde Eisenbeis
Complaint

Case No. RC-22-339

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 Mr. Clyde Eisenbeis	Address 2819 Horgan Drive Bismarck, ND 58503	Telephone Number 641-660-5195
Representation To Be Determined	Address	Telephone Number
PARTY North American Coal Corporation	Address 2000 Schafer Street Bismarck, ND 58502-5500	Telephone Number 701-258-2200
Representation Wade Mann (pending Notice of Appearance)	Address Crowley Fleck, PLLP PO Box 2798 Bismarck, ND 58502-2798	Telephone Number 701-203-6585