

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Clyde Eisenbeis  
Complaint**

**Case No. RC-22-339**

**NOTICE OF FORMAL HEARING**

**August 8, 2022**

**Preliminary Statement**

The Public Service Commission (Commission) received a Formal Complaint on August 3, 2022, a revised Formal Complaint on August 4, 2022, and a request for a Formal Hearing on August 5, 2022, from Clyde Eisenbeis, Allen Eisenbeis, and JoAnn Crabtree (Eisenbeis family) who own land adjacent to The Coteau Properties Company's Freedom Mine Surface Coal Mining Permit No. NACT-9501 that covers 6,525.7 acres of land located in portions of Sections 30, 31, and 32, T146N, R87W; Sections 14, 15, 16, 22, 23, 25, 26, 27, 34, 35, and 36, T146N, R88W in Mercer County. Permit No. NACT-9501 was approved by the Public Service Commission on April 3, 1996. All coal has been removed and the permit is in reclamation status.

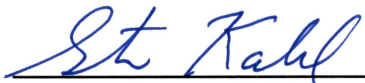
The Eisenbeis family alleges the mine installed a path for surface water to flow onto their property in the NW1/4 of Section 34, T146N, R88W; the mine restricted access to farmland by modifying the county road ditch and diversion outside the permit area without proper permits; that pond overflows and discharges caused erosion and flooding; that mine operations resulted in the loss of acreage and crop income; that surface water from ponds and discharges is seeping into the groundwater which is raising the water table and contaminating the aquifer with sulfur; and other related concerns as stated in the August 4<sup>th</sup> Formal Complaint. The complaint cites North Dakota Century Code 38-14.1-01, 38-14.1-01(1), 38-14.1-02, 38-14.1-02(17), 38-14.1-02(19), 38-14.1-02(34), 38-14.1-02(35)(a) and (b), 38-14.1-14, 38-14.1-14(1), 38-14.1-21(3)(c), 38-14.1-24, and 38-14.1-24(8); North Dakota Administrative Code 69-5.2-01, 69-05.2-01-02, and 69-05.2-01-02(1); and Policy Memorandum 6, Activities Covered by Surface Coal Mining Permits.

**Notice of Formal Hearing**

Notice is hereby given that the captioned matter is set for a Formal Hearing, commencing at **8:30 a.m. CST**, on **September 1, 2022**, in the Public Service Commission's 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**



**Steven Kahl  
Executive Director**