

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Casey and Julie Voigt
v. Coyote Creek Mining Company, LLC
Complaint**

Case No. RC-23-348

**AFFIDAVIT OF SERVICE BY
CERTIFIED MAIL**

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

Jill Miller deposes and says that she is over the age of 18 years and not a party to this action and on, **the 30th day of November, 2023**, she deposited in the United States Mail, Bismarck, North Dakota, **5** certified mail envelopes, postage prepaid, all securely sealed and each containing:

NOTICE OF FORMAL HEARING

The envelopes were addressed as follows.

See Attached List

To the best of affiant's knowledge each address shown is the respective addressee's last reasonably ascertainable post office address.

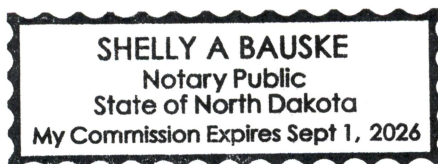


Subscribed and sworn to before me
this 30th day of November, 2023



Notary Public

S E A L



Casey and Julie Voigt
v. Coyote Creek Mining Company, LLC
Case No. RC-23-348
Affidavit of Service
Notice of Formal Hearing
Page 2 of 2

Jeremy Eckroth
Coyote Creek Mining Company, LLC
6502 17th St. SW
Zap, ND 58523
Cert. No. 7021 2720 0003 0053 7391

Derrick Braaten
Braaten Law Firm
109 North 4th Street, Suite 100
Bismarck, ND 58501
Cert. No. 7021 2720 0003 0053 7414

Wade Mann
Crowley-Fleck, PLLP
100 West Broadway, Suite 250
Bismarck, ND 58501
Cert. No. 7021 2720 0003 0053 7421

Hope L. Hogan
Office of Administrative Hearings
2911 N 14th St. Suite 303
Bismarck, ND 58503
Cert. No. 7021 2720 0003 0053 7438

Casey & Julie Voigt
PO Box 454
Beulah, ND 58523
Cert. No. 7021 2720 0003 0053 7407

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Casey and Julie Voigt
v. Coyote Creek Mining Company, LLC
Complaint**

Case No. RC-23-348

NOTICE OF FORMAL HEARING

November 30, 2023

Preliminary Statement

The Public Service Commission (Commission) received a request for a Formal Hearing on November 22, 2023 from Casey and Julie Voigt, who are landowners in the permit area at the Coyote Creek Mine in Mercer County. The Voigts are concerned with the terms of their lease agreement with Coyote Creek Mining Company, methods used to calculate the projected suitable plant growth material (SPGM) respread depths, SPGM respread depths for property owned or ranched by the Voigts, and the future productivity of their soil.

Notice of Formal Hearing

Notice is hereby given that the captioned matter is set for a Formal Hearing, commencing at 9:00 a.m., CST, on December 22, 2023, 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\Landowner Complaints\2023\Ntc_Formal_Hearing_11-30-23



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

sent via email and certified mail

November 30, 2023

Mr. Jeremy Eckroth
Environmental Manager
Coyote Creek Mining Company, LLC
6502 17th St. SW
Zap, ND 58523
Jeremy.Eckroth@nacoal.com

RE: Notice of Formal Hearing, Voigt Complaint, Case No. RC-23-348

Dear Mr. Eckroth:

Enclosed is the Notice of Formal Hearing regarding the Formal Complaint submitted on November 22, 2023 by Casey and Julie Voigt. The hearing will be held December 22, 2023 in the Commission Hearing Room on the 12th floor of the State Capitol beginning at 9:00 a.m. CST.

Please contact me if you have any questions.

Sincerely,

Jonathan Emmer
Director
Reclamation Division

Enclosure

Coyote Creek Mine\Landowner Complaints\2023\Ltrs_hearing_notice_11-30-23



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

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sent via email and certified mail

November 30, 2023

Casey and Julie Voigt
PO Box 454
Beulah, ND 58523
vvranch4@westriv.com

RE: Notice of Formal Hearing, Voigt Complaint, Case No. RC-23-348

Dear Casey and Julie:

Enclosed is the Notice of Formal Hearing regarding the Formal Complaint submitted on November 22, 2023 by Casey and Julie Voigt. The hearing will be held December 22, 2023 in the Commission Hearing Room on the 12th floor of the State Capitol beginning at 9:00 a.m. CST.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Emmer".

Jonathan Emmer
Director
Reclamation Division

Enclosure

Coyote Creek Mine\Landowner Complaints\2023\Ltrs_hearing_notice_11-30-23



Public Service Commission

State of North Dakota

COMMISSIONERS

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sent via email and certified mail

November 30, 2023

Derrick Braaten
Attorney-at-Law
109 North Fourth Street Suite 100
Bismarck, ND 58501
derrick@braatenlawfirm.com

RE: Notice of Formal Hearing, Voigt Complaint, Case No. RC-23-348

Dear Mr. Braaten:

Enclosed is the Notice of Formal Hearing regarding the Formal Complaint submitted on November 22, 2023 by Casey and Julie Voigt. The hearing will be held December 22, 2023 in the Commission Hearing Room on the 12th floor of the State Capitol beginning at 9:00 a.m. CST.

Please contact me if you have any questions.

Sincerely,

Jonathan Emmer
Director
Reclamation Division

Enclosure

cc via email only: Desirae Zaste (desirae@braatenlawfirm.com)

Coyote Creek Mine\Landowner Complaints\2023\Ltrs_hearing_notice_11-30-23



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
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ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

sent via email and certified mail

November 30, 2023

Mr. Wade Mann
Attorney-at-Law
100 West Broadway Suite 250
Bismarck, ND 58501
wmann@crowleyfleck.com

RE: Notice of Formal Hearing, Voigt Complaint, Case No. RC-23-348

Dear Mr. Mann:

Enclosed is the Notice of Formal Hearing regarding the Formal Complaint submitted on November 22, 2023 by Casey and Julie Voigt. The hearing will be held December 22, 2023 in the Commission Hearing Room on the 12th floor of the State Capitol beginning at 9:00 a.m. CST.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Jonathan Emmer".

Jonathan Emmer
Director
Reclamation Division

Enclosure



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

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TDD: 800-366-6888 or 711

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November 30, 2023

Ms. Hope Hogan
Administrative Law Judge
2911 North 14th Street
Suite 303
Bismarck, ND 58503
hlhogan@nd.gov

RE: Notice of Formal Hearing, Voigt Complaint, Case No. RC-23-348

Dear Ms. Hogan:

Enclosed is the Notice of Formal Hearing regarding the Formal Complaint submitted on November 22, 2023 by Casey and Julie Voigt. The hearing will be held December 22, 2023 in the Commission Hearing Room on the 12th floor of the State Capitol beginning at 9:00 a.m. CST.

Please contact me if you have any questions.

Sincerely,

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Jonathan Emmer
Director
Reclamation Division

Enclosure