



Public Service Commission

State of North Dakota

COMMISSIONERS

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17 January 2024

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

Re:
Westmoreland Beulah Mining LLC
Notice of Violation 2301
Violation
Case No. RC-23-355

Dear Mr. Dawson:

Enclosed is a request for an Administrative Law Judge for the above captioned case. The Commission has not yet issued a Notice of Hearing. When the Notice is issued, we will forward it to your office. The hearing will be held near or at the mine.

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 e-mail only: Juris Ore (jore@westmoreland.com)
Jesse Noel (jnoel@westmoreland.com)
Todd Briggs (TBriggs@westmoreland.com)
Jeff Fleischman (jfleischman@osmre.gov)
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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 Westmoreland Beulah Mining LLC, Notice of Violation 2301, Violation, PSC Case
No. RC-23-355

(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 11 December 2023, the North Dakota Public Service Commission filed a notice of violation issued to Westmoreland Beulah Mining LLC for violating a permit condition.

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. We will forward the Notice to you once it is available. The hearing will be held near or at the mine.

(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 1/17/2024
Signature of Requesting Person 	Telephone Number (701) 328-2421

X

Attachment
Request for ALJ
17 January 2024

Re:
Westmoreland Beulah Mining LLC
Notice of Violation 2301
Violation
Case No. RC-23-355

AGENCY North Dakota Public Service Commission	Address 600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	Telephone Number 701-328-2400
Representation John Schuh General Counsel		701-328-2421
PARTY Westmoreland Beulah Mining LLC	Address 6204 13 th Street SW Beulah, ND 58523	Telephone Number 701-380-9166
Representation Jesse Noel, Director, Environmental & Regulatory Affairs		