

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Coyote Creek Mining Company, L.L.C.
Revision 13, Permit NACC-1302
Renewal 2, Permit NACC-1302
Applications

Case No. RC-24-244
Case No. RC-24-245

OAH File No. 20240452

**CASEY AND JULIE VOIGT’S OBJECTION TO COYOTE CREEK MINING
COMPANY, L.L.C.’S MOTION TO SUPPLEMENT THE RECORD**

January 2, 2025

Casey and Julie Voigt, (“the Voigts”) by and through the undersigned counsel, submit this objection to Coyote Creek Mining Company, LLC’s (“the Mine”) Motion to Supplement the Record (PSC Docket #82).

A formal hearing was held on December 13, 2024. At the formal hearing, counsel for the Voigts requested to submit written closing arguments. The Mine did not agree, and its counsel stated, “The Mine does not agree to that. I think it’s – we can do oral closings now and there is really no need for anything after the fact.” (PSC Docket #56, 4:47:21-31) (emphasis added). The Mine now submits its Motion to supplement the record “after the fact” as an attempt to refute testimony at the formal hearing, submit additional evidence in which the Voigts do not have the opportunity to cross-examine the witnesses, and again to complain about the Voigts allegedly not identifying the issues in sufficient detail to meet the demands of the Mine. The double-speak and double-standards sought by the Mine should not be granted and further accommodated by the Commission.

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Findings of Fact, Conclusions of Law and Order have been entered as of December 30, 2024. (PSC Docket #98). In the PSC Findings, the Revision and Renewal was granted and there is no need to submit additional evidence.

The Mine failed to cite any authority for its Motion to submit additional evidence. Pursuant to N.D. Admin. Code 69-02-06, the Mine should have filed “a petition to reopen the proceeding for the purpose of taking additional evidence”. The Mine failed to file a petition to reopen the proceeding and its motion is invalid as the Order has now been issued.

The Voigts object to the Motion to Supplement the Record given that the Mine indicated there was “no need for anything after the fact”, the Mine has not filed its pleading pursuant to the rules, the PSC has issued its Order in favor of the Mine, and the Voigts are again not given a fair opportunity to submit any additional evidence or cross-examine any witnesses regarding the declaration, photos, and camera footage provided to the PSC.

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