



November 26, 2024

Via Email Only

John Schuh
Special Assistant Attorney General
North Dakota Public Service Commission
600 E. Boulevard Ave, Dept. 408
Bismarck, ND 58505-0480
jschuh@nd.gov

**Re: Coyote Creek Mining Company, LLC Revision 13, Permit NACC-1302 and
Renewal 2, Permit NACC-1302 Applications
Case Nos. RC-24-244 and RC-24-245**

John:

You sent me a letter demanding that I provide “a clear and concise statement of the claims, including non-compliance or violation of applicable statutes or rules, and relief sought by the Voigts.” I have conducted significant research and I am unable to find the legal authority on which you rely for this statement. Indeed, it appears you have mistaken the nature of a formal hearing on a renewal for a SMCRA permit with an enforcement proceeding. It does appear however that compliance with your demand could have the effect of making it easier for the Mine to collect attorneys’ fees against the Voigts for their involvement in public participation processes required by SMCRA.

Finally, you sent this demand with less than a week allowed for me to respond, and that week was the lead up to the Thanksgiving holiday. I am writing to let you know that I will not comply with your demand on the timeline provided, but would appreciate it if you can provide me the legal authority by which you made your demand before the holiday because I have not been able to find it myself.

Sincerely,

Derrick Braaten

39 RC-24-245 Filed 11/26/2024 Pages: 1
Response Letter from Derrick Braaten Regarding Updating Filing Request
Braaten Law Firm
Derrick Braaten

cc: Casey and Julie Voigt

53 RC-24-244 Filed 11/26/2024 Pages: 1
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