

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Coyote Creek Mining Company, LLC**  
**Revision 13, Permit NACC-1302**  
**Renewal 2, Permit NACC-1302**  
**Application**

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

**AFFIDAVIT OF SERVICE BY CERTIFIED, AND ELECTRONIC 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 **12th day of December 2024**, she deposited in the United States Mail at Bismarck, North Dakota, **five** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Order on Specification of Issues**

The envelopes were addressed as follows:

Mr. Jeremy Eckroth  
Coyote Creek Mining Company, LLC  
6502 17<sup>th</sup> St. SW  
Zap, ND 58580  
**Cert. No. 9589 0710 5270 0129 6564 51**

Casey and Julie Voigt  
PO Box 454  
Beulah, ND 58523  
**Cert. No. 9589 0710 5270 0129 6564 68**

Derrick Braaten  
109 North 4<sup>th</sup> Street, Suite 100  
Bismarck, ND 58501  
**Cert. No. 9589 0710 5270 0129 6564 75**

Wade Mann  
100 West Broadway, Suite 250  
PO Box 2798  
Bismarck, ND 58501  
**Cert. No. 9589 0710 5270 0129 6564 82**

Hope Hogan  
Administrative Law Judge  
2911 N 14<sup>th</sup> St. Suite 303  
Bismarck, ND 58503  
**Cert. No. 9589 0710 5270 0129 6564 99**

The electronic mail was addressed as follows:

Jeremy Eckroth  
Coyote Creek Mining Company, LLC  
[Jeremy.Eckroth@nacoal.com](mailto:Jeremy.Eckroth@nacoal.com)

Casey and Julie Voigt  
[vvranch2@westriv.com](mailto:vvranch2@westriv.com)

Derrick Braaten  
Braaten Law Firm  
[derrick@braatenlawfirm.com](mailto:derrick@braatenlawfirm.com)

Wade Mann  
Crowley Fleck PLLP  
[wmann@crowleyfleck.com](mailto:wmann@crowleyfleck.com)

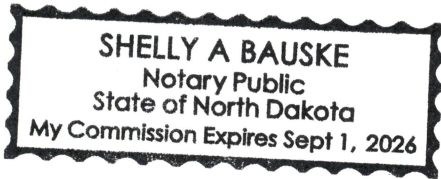
Hope Hogan  
Office of Administrative Hearings  
[lhogan@nd.gov](mailto:lhogan@nd.gov)


Jeffrey Fleischman  
Office of Surface Mining  
[jfleischman@osmre.gov](mailto:jfleischman@osmre.gov)

Each address shown is the respective addressee's last reasonably ascertainable post office and electronic mailing address.

Subscribed and sworn to before me  
this **12th day of December 2024.**

  
\_\_\_\_\_



  
\_\_\_\_\_  
Notary Public

SEAL

**STATE OF 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**  
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**ORDER ON SPECIFICATION OF ISSUES**

**December 12, 2024**

**Preliminary Statement**

Coyote Creek Mining Company L.L.C. (Coyote Creek) during a prehearing conference call requested to limit the Issues to the issues stated in the Written Comments of Casey and Julie Voigt.

**Discussion**

On June 18, 2024, Coyote Creek filed Revision Application Filed to Update Mining and Reclamation Plans for the Next Five-Year Permit Term in RC-24-244, and Renewal Application Filed to Extend the Permit Term Another Five-Years, until October 22, 2029.

On August 26, 2024, the Voigts' filed Written Comments of Casey and Julie Voigt in both cases. The issues raised by the Voigts' were regarding selecting reference areas, relocation of a road, testing depth of graded spoil, and the Commission's commentary significantly reducing public participation.

On November 15, 2024, the Voigts filed a Formal Hearing request in both cases. The request was to address concerns about reclamation practices, testing and sampling practices, reclamation success, general review of the permit, and concerns from the landowners.

On November 21, 2024, the PSC filed a Formal Hearing Updating Filing Request and Letter Requesting Updated Filings in both cases.

On November 27, 2024, a Response Letter from Derrick Braaten Regarding Updating Filing Request was filed. Mr. Braaten stated he would not comply with the demand on the timeline provided and asked for legal authority for the demand as he was not able to find any. Mr. Braaten also stated that complying with the demand could have the effect of making it easier for the Mine to collect attorneys' fees against the Voigts.

On November 27, 2024, the Public Service Commission Filed a Response Letter to Derrick Braaten Regarding Braaten's 11-26-2024 Response outlining the authority and reasoning for the request.

On December 11, 2024, a prehearing conference was held with the parties. During the conference Coyote Creek objected to the Voigts' raising any issues outside of their August 26, 2024, comment letter due to the lack of notice by the Voigts' and not filing a clear and concise statement of their claims.

### Order

The Commission Orders the hearing topics to be limited to new issues or concerns not previously raised at a formal hearing about reclamation practices, reclamation success, general review of the permit, testing and sampling practices, and land owner concerns unless there is new evidence regarding any issues raised in previous formal hearings.

#### PUBLIC SERVICE COMMISSION

Absent

Sheri Haugen-Hoffart  
Commissioner

Randy Christmann  
Randy Christmann  
Chair

Julie Fedorchak  
Julie Fedorchak  
Commissioner