



Public Service Commission

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16 January 2026

Hope L. Hogan, Director
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, ND 58503

Re:
Falkirk Mining Company
Revision 39, Permit NAFK-9503
Application
Case No. RC-25-254

Dear Ms. Hogan:

Enclosed is a request for an Administrative Law Judge for the captioned case. Per our recent conversation with the OAH, the date of February 11, 2026, has been reserved.

Additionally, a Notice of Informal Conference is enclosed.

The Administrative Law Judge will serve as a substantive law judge, and the informal conference will be electronically recorded.

If you have any questions, please contact me. Thank you.

Best regards,


Christopher Martens
General Counsel

Enclosures

c: w/encl. via e-mail only

Jason Sauer (Jason.sauer.fl@gmail.com)
Steve Burke (steve.burke@nacoal.com)
Jason Frye (Jason.frye@nacoal.com)
Wade Mann (wmann@crowleyfleck.com)



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 Falkirk Mining Company, Revision 39, Permit NAFK-9503, Application, PSC Case No.

RC-25-254

(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 15 January 2026, Jason Sauer requested an informal conference.

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 | Address | Telephone Number |
| See attached | | |
| 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 Informal Conference is enclosed. Per our conversation with the OAH on January 15, 2026, the date of

February 11, 2026 has been reserved.

(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

Christopher Martens, Special Assistant Attorney General

Date

1/16/2026

Signature of Requesting Person

X

Telephone Number

(701) 328-7660

Attachment
Request for ALJ
16 January 2026

Re:
Falkirk Mining Company
Revision 39, Permit NAFK-9503
Application
Case No. RC-25-254

| | | |
|---|---|---|
| AGENCY North Dakota Public Service Commission Representation Christopher Martens General Counsel | Address 600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480 | Telephone Number 701-328-2400 701-328-7660 |
| PARTY Jason Sauer | Address 722 N. Halifax Drive Ormond Beach, FL 32176- 4706 | Telephone Number 701-202-2316 |
| PARTY Falkirk Mining Company Representation Wade Mann | Address 2801 1 st Street SW PO Box 1087 Underwood, ND 58576 Crowley Fleck PLLP 100 West Broadway, Suite 250 PO Box 2798 Bismarck, ND 58501 | Telephone Number 701-442-5751 701-223-6585 |

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Falkirk Mining Company
Revision 39, Permit NAFK-9503
Application

Case No. RC-25-254

NOTICE OF INFORMAL CONFERENCE

January 16, 2026

Preliminary Statement

On September 18, 2025 the Public Service Commission received the applications for Revision 39 and Renewal 6 to Surface Coal Mining Permit NAFK-9503 from The Falkirk Mining Company for its Falkirk Mine located southwest of Underwood, North Dakota in McLean County. Revision 39 identifies the next five-year coal removal subareas that will be mined during the next five-year permit term and updates the mining and reclamation plans prior to the permit renewal. The five-year permit renewal allows The Falkirk Mining Company to continue to operate within the existing permit area until April 17, 2031.

On January 15, 2026, the Commission received a request from Jason Sauer for an Informal Conference on the application for Revision 39, citing concerns related to the applicant's ability to restore land productivity, soil handling, hydrological balance, and property rights.

Notice of Informal Conference

Notice is hereby given that the captioned matters are set for an Informal Conference, commencing at **9:00 a.m. CST, on February 11, 2026, 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



Brian Johnson
Executive Secretary