

Public Service Commission Formal Complaint Addendum

2-Sep-2022

Complaint to: North Dakota Public Service Commission

Farmland: T146N R88W S34 NW1/4 in Mercer County, north of Beulah, North Dakota

Complainants: Clyde Eisenbeis, Allen Eisenbeis, JoAnn Crabtree

Respondent: North American Coal

- 1) After thinking more about NDCC and NDAC I do not find anything that states the adjacent land must be coal mining related.
- 2) I was surprised that Sarah Flath made the statement, while under oath, that in 2012 my Mom said it was ok to dig the diversion ditch.

When Jerry Becker called me in the fall of 2011, he was friendly. He wanted to establish a friendship. He knew about Mom's Alzheimer's and knew I had Power of Attorney.

Why would Jerry Becker tell Sarah Flath that he called my Mom in 2012? Jerry Becker was calling me because he knew of the situation.

Sarah Flath should be asked "who" told her that my Mom said it was ok to deepen the diversion ditch in 2012? If Sarah Flath is unable to provide a name, is that perjury?

Is stating that what you said, was told to you by someone else, a loophole that makes it not perjury?

- 3) I should have asked Sarah Flath, which paragraphs in her letter were told to her by other people.
- 4) I received an email about "28-32-24 Evidence to be considered by an agency – Official notice". This is a controlling provision which specifically says that the administrative law judge or PSC can accept the emails and other items as evidence.