



**NEWS RELEASE**  
**October 22, 2013**

**\*\*For Immediate Release\*\***  
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## **U.S. DISTRICT COURT UPHOLDS COMMISSION'S AUTHORITY**

In a significant win today for the North Dakota Public Service Commission, U.S. District Judge Daniel Hovland issued a 21 - page decision denying the Sierra Club and Dakota Resource Council's lawsuit against the Secretary of the Interior which sought to strip the Commission of its regulatory authority. The Sierra Club and DRC claimed that a Commissioner's acceptance of campaign contributions, which are allowed under North Dakota law, conflicted with the federal Surface Mining Control & Reclamation Act (SMCRA) and that the Secretary should replace the entire North Dakota surface mining program with a federal program. The Commission intervened in the suit to defend its authority.

Judge Hovland recognized that the Secretary of the Interior approved North Dakota's approved surface mining program in 1980, and that North Dakota's program has since contained regulatory provisions that prohibit employees of the PSC from accepting gifts or anything of monetary value from coal companies or coal mining operations. The Court noted that the Commissioners' acceptance of campaign contributions from individuals or political action committees was not unlawful under State or federal law. The Court also found that there was no basis for the DRC and Sierra Club to have brought their case against the Secretary of the Interior.

The Court recognized the authority of North Dakota to regulate its own ethics and campaign finance requirements. Judge Hovland explained that, "SMCRA exhibits extraordinary deference to the States," and that the Secretary has found no reason to challenge North Dakota's authority to implement its approved SMCRA program. The Commission is satisfied that there has been no impropriety on the part of any Commissioners – past or present.

"The Commission is very pleased with the Court's thorough decision on the law," said Commission Chair Brian Kalk. "The Court's decision validates that the Commission and individual Commissioners have complied not only with its SMCRA program, but with the state's campaign finance laws."

Commissioner Julie Fedorchak noted. "Our reclamation program has an outstanding environmental record and is a model for the nation. The Court's decision today allows the state and the Public Service Commission to retain our authority for this program, which is a very positive outcome for the people of our state."

Commissioner Randy Christmann noted that “Judge Hovland’s decision affirms what I have seen at work at the Commission: a commitment to ensuring that surface mining is done responsibly in our state, in accordance with state regulations and to ethically represent the interests of the people of North Dakota.”

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