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- 1) All of the relevant documents can be found on my website - <https://Ethics.FoxPing.com>. Let me know if this is, or is not, acceptable?
- 2) While I am not an attorney, I do know that damaging someone else's property is a crime.
 - a. Suppose a neighbor's pool overflows and floods your basement.
 - b. The neighbor does not repair the damage.
 - c. The neighbor digs a ditch on your lawn to protect your basement.
 - d. The neighbor digs a ditch across your driveway, which blocks access to your garage.
 - e. The neighbor writes a letter claiming that you said it was ok to dig ditches on your property.
 - f. The state of ND would take the neighbor to court as these actions are a crime.
- 3) A North American Coal (NAC) pond overflowed onto Mom's farmland in 2011.
 - a. NAC should have paid Mom, and the farmland renter, for the crop loss.
 - b. NAC should have been required, by the PSC, to obtain a permit, per NDCC, NDAC, and PSC Memorandum (referenced in the Formal Complaint to the PSC), because the pond overflow disturbed the land.
 - c. NDCC 38-14.1-02 (35 b) "Such areas shall also include any **adjacent land** the use of which is **incidental** to any such activities".
 - d. NDAC 69-05.2-01-02 (1) "**Adjacent** area means **land located outside the affected area or permit area**".
- 4) NAC intentionally dug ditches that removed farmland and blocked access to the farmland, without a permit.
 - a. Intentionally damaging land is a crime.
 - b. In addition, it violates the sections of NDCC / NDAC (that relate to coal mining) which protects adjacent land.
 - c. The PSC statement that this action is not related to coal mining is not true. If the pond had not been installed in that location, none of these problems would have occurred.
- 5) Paragraphs 3 and 4 - ditto in 2014.

- 6) The PSC inspected the farmland and took photos, with dates, that document the NAC damages. Those photos are in the Formal Complaint. The PSC knew what NAC was doing.
- 7) I did not realize, until the spring of 2016, that pond water was being discharged into the farmland creek. This pond water discharge also flooded farmland.
 - a. I moved back to ND in Oct 2015. I did not look at the farmland then. Mom was in a nursing home.
 - b. Addendum 3 shows the correlation between pond water discharge and water table elevation level increase. That water table elevation level was eventually higher than the farmland elevation.
- 8) NAC claims that I agreed to have farmland destroyed and to block access to the farmland.
 - a. Who would agree to that?
- 9) NAC claims that Mom (who had Alzheimer's) agreed is equally bad.
 - a. Suppose someone burned down your Mom's house.
 - b. Then the arsonist claimed that your Mom said it was ok.
 - c. Plus, it is a private matter between the arsonist and your Mom.
 - d. Would that be ok?
- 10) NAC made statements on the witness stand, at the PSC hearing, that a NAC letter is accurate
 - a. Is this a perjury loophole to state anything you want, then claim that this what someone else told you?
- 11) Is the PSC allowed to ignore NDCC / NDAC that protects people and their property?
- 12) How did North American Coal know that the PSC would ignore NDCC and not require a permit?
- 13) If the NDCC contents had nothing about coal mining, damaging someone else's property is still a crime.

The state of ND should investigate and file criminal charges against North American Coal.

Best Regards,

