

May 21, 2025

VIA EMAIL TO: Molson@bepc.com, Ryan.McClure@dot.gov et al.

Ms. Maggie Olson, Esq.
Counsel for Dakota Gasification Company
1717 East Interstate Avenue
Bismark, ND 58503-0564

Mr. Ryan McClure, Esq.
Counsel for the Agency
Pipeline and Hazardous Materials Safety Administration (PHMSA)
1200 New Jersey Ave., S.E.
Washington, DC 20590

Re: PHMSA CPF No.: 3-2024-036-NOPV, Dakota Gasification Company, Notice of Hearing and Order Regarding Prehearing Statement

Dear Ms. Olson and Mr. McClure,

In accordance with 49 C.F.R. § 190.211, a hearing will be held regarding the Notice of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order issued by PHMSA in the above referenced case. **The hearing will take place on August 5, 2025, beginning at 9:30 a.m.** Eastern Time. The hearing will be held virtually via Microsoft Teams. Hearing login information will be provided later.

Each party is directed to submit to the presiding official and the other party by email a **pre-hearing statement, due no later than July 23, 2025**, including the following information:

1. A statement of facts
2. A list of all agreed upon facts
3. Defenses (by Respondent)
4. A witness list including a description and anticipated length of each witness' anticipated testimony. The description must be sufficient to show how the anticipated testimony may prove or disprove a fact significant to the case.
5. A copy of all exhibits with an index identifying the documents. All exhibits must be marked for identification in the lower right corner of each page. Documents already in the case file should not be included.

The parties must confer regarding item 2 above. Failure to submit items 4 and 5 above may result in disallowance of that evidence at the hearing. The parties may supplement their hearing exhibits or witness list with fair notice to the other party and the presiding official.

A brief pre-hearing conference may be held 7-10 days prior to the hearing if the presiding official deems it appropriate.

The presiding official strongly recommends that a court reporter transcribe the hearing. If Respondent elects to transcribe the hearing, Respondent should notify the presiding official (with copy to the other party) as soon as practicable.

The Agency is required to be represented by counsel for these proceedings.

Regards,

Dolores Francis
Presiding Official