

NEWS RELEASE

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North Dakota Groups Challenge PSC Commissioners' Bias

After accepting campaign contributions from those they regulate, Commissioners Cramer and Kalk refuse to step down; groups file intent to sue

BISMARCK – Today, two North Dakota citizen groups filed a 60-day notice of intent to file a federal civil lawsuit to remove Public Service Commissioners Kevin Cramer and Brian Kalk from deliberations on the South Heart Coal mining permit because they have accepted campaign contributions from officials of the coal mining company. Dakota Resource Council and the Dacotah Chapter of the Sierra Club are also asking that Commissioners Cramer and Kalk return the campaign contributions.

“When public officials take money from those who will benefit from their decisions, it means our government isn’t working the way it should.” said Wayde Schafer, spokesperson for the Dacotah Chapter of the Sierra Club. “The commissioners have ignored our requests since last July to follow the law and recuse themselves voluntarily. We are now taking the next step to make sure that mining companies don’t have the opportunity to simply buy their way into a permit.

The 60-day notice letter, sent by Dakota Resource Council (DRC) and the Dacotah Chapter of the Sierra Club, seeks to compel the Office of Surface Mining (OSM) to enforce federal mining laws. The Surface Mining Control and Reclamation Act (SMCRA) explicitly prohibits state PSC commissioners from accepting campaign contributions from anyone coming before the PSC for a permit. Sierra Club and DRC are challenging the state’s failure to get OSM’s approval for several changes to the state surface mining program that fall well below federal standards, which are designed to protect the environment.

Seven months ago, the groups publically requested Commissioners Cramer and Kalk remove themselves from the deliberations. This request was ignored by the commissioners.

Kalk and Cramer received at least \$16,600 in campaign contributions from August 2008 through October 2010 from Corbin Robertson, owner of Great Northern Power Development, which owns South Heart Coal. The contributions were made through others associated with the company and Robertson’s family.

“It’s hard to see how there can be an unbiased and fair decision on the South Heart coal project when two of the three PSC commissioners have taken money from the coal company” said Wayne Fisher of rural South Heart.

North Dakota has no ethics oversight body, a situation that appears to be unique to North Dakota among the 50 states, and recently received an “F” rating in the State Integrity Investigation from the Center for Public Integrity, Public Radio International, and Global Integrity.

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