

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE COMMISSIONER OF NATURAL RESOURCES

In the Matter of the Permit Application No.
86-6226 of American Iron

FIRST PREHEARING ORDER

A prehearing conference was held August 8, 2005, at the Office of Administrative Hearings in Minneapolis, Minnesota. David P. Iverson and Jill Schlick, Assistant Attorneys General, 900 Bremer Tower, 445 Minnesota Street, St. Paul, MN 55101-2127, appeared on behalf of the Department of Natural Resources. Elizabeth H. Schmiesing, Faegre & Benson LLP, 220 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402-3901, appeared on behalf of American Iron & Supply Co.

Based upon the discussion and agreements during the prehearing conference, the Administrative Law Judge makes the following:

ORDER

1. Discovery may commence immediately and shall be completed by December 30, 2005.
2. American Iron shall file a motion regarding whether the Department has properly classified the nature of American Iron's permit application under Minnesota Rules by November 14, 2005. The Department will file a response to the motion by November 28, 2005. Oral argument on the motion will be held December 6, 2005, at 1:30 p.m. at the Office of Administrative Hearings. It is likely that the motion will be certified to the Commissioner of Natural Resources.
3. All discovery except as to experts shall be completed by December 30, 2005.
4. Any additional motion shall be filed by January 31, 2006. Replies to any such motion shall be filed by February 14, 2006. Oral argument on any such motion shall be held February 17, 2006, at 1:30 p.m. at the Office of Administrative Hearings.
5. A conference shall be held in the spring of 2006 to schedule discovery regarding experts and the hearing.

Dated this 10th day of August, 2005

s/Steve M. Mihalchick
STEVE M. MIHALCHICK
Administrative Law Judge