

M O T I O N

March 26, 2008

**BNI Coal, Ltd.
Revision No. 22, Permit BNCR-9702
Approval**

Case No. RC-07-461

I move the Commission conditionally approve Revision No. 22 to Surface Coal Mining Permit No. BNCR-9702, held by BNI Coal, Ltd. for the Center Mine, to allow additional mining within the existing permit area and update other information and mining and reclamation plans in the permit. I further move the approval of the bond stipulation that reduces Collateral Bond CB-9702-01 to zero.

SAS & JRD

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