

February 3, 2011

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PUBLIC SERVICE COMMISSION

HAND DELIVERED

Allen C. Hoberg, Director
Office of Administrative Hearings
2911 N. 14th Street – Suite 303
Bismarck, ND 58503

**RE: Case No. RC-08-694
BNI Coal, Ltd.
Bond Release 7
Permit BNCR-8106**

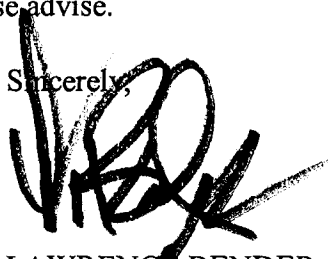
Dear Judge Hoberg:

Please find enclosed herewith a Notice of Appearance and Certificate of Service of BNI Coal, Ltd. in the above-captioned matter.

Please also accept this letter as a request to hold an informal pretrial conference relative to this matter early next week. In my view, a brief informal pretrial conference may assist in expediting the formal hearing process on this matter scheduled for Friday, February 11, 2011.

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/mpg

cc: Mr. James R. Deutsch (*Hand Delivered*)
Mr. Jeff Reinke (*U.S. Mail*)
Mr. Darrell Nitschke (*Hand Delivered*)
Mr. Jay Volk (*U.S. Mail*)
Mr. Mark E. Gruman (*Hand Delivered*)

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RC-08-694 Filed: 2/3/2011
Notice of Appearance

Pages: 3

STATE OF NORTH DAKOTA
NORTH DAKOTA PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Bond Release 7, Permit BNCR-8106
Approval

Case No. RC-08-694

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE, that the undersigned attorneys will appear in the above entitled action for the applicant, BNI Coal, Ltd.

The undersigned attorney requests that copies of all papers be served upon us at the address below.

DATED this 3rd day of February, 2011.

FREDRIKSON & BYRON, P.A.

By 

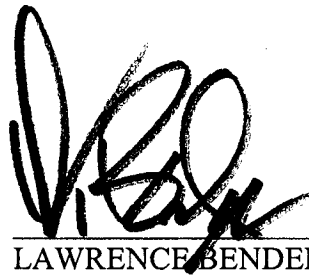
LAWRENCE BENDER, nd Bar #03908
Attorneys for Applicaant, BNI Coal, Ltd.
200 North 3rd Street, Suite 150
Post Office Box 1855
Bismarck, North Dakota 58502-1855
(701) 221-4021

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 3rd day of February, 2011, a true and correct copy of the foregoing document was forward via U.S. Mail to the following:

Mr. Jeff Reinke
225 Bridge Ave.
Center, ND 58530

Mr. Mark E. Gruman
Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505

A handwritten signature in black ink, appearing to read 'L. Bender', is written over a horizontal line. The signature is stylized and cursive.

LAWRENCE BENDER