

APPROVED

DATE: 3-24-11

MOTION

March 24, 2011

**BNI Coal, Ltd.
Bond Release No. 7, Permit BNCR-8106
Approval**

Case No. RC-08-694

I move the Commission adopt the hearing officer's Recommended Order of Dismissal for the formal hearing that was requested in Case No. RC-08-694, Bond Release No. 7 to Surface Coal Mining Permit BNCR-8106 held by BNI Coal, Ltd. for the Center Mine, making the bond release effective December 27, 2010.

Caslib\080694\motion.docx