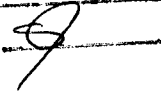


APPROVED

DATE: 7-8-09


MOTION

July 8, 2009

**BNI Coal, Ltd.
Bond Release No. 1, Permit BNCR-8006
Approval**

Case No. RC-08-695

I move the Commission approve Bond Release No. 1 for Surface Coal Mining Permit No. BNCR-8006, held by BNI Coal, Ltd. for the Center Mine, to release all reclamation liabilities on 210.25 acres located in the E½ of Section 26, T142N, R84W, Oliver County. The bond release will become effective August 10, 2009, unless a formal hearing is requested.

SAS & JRD

Caselib\080695\motion.doc