

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.  
Revision No. 25, Permit BNCR-9702  
Application

Case No. RC-08-889

AFFIDAVIT OF SERVICE BY  
FIRST CLASS MAIL

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

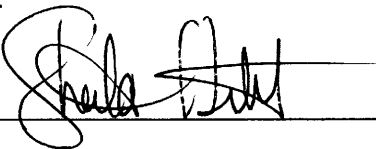
Sheila Hibi deposes and says that she is over the age of 18 years and not a party to this action and on, the 16<sup>th</sup> day of January, 2009, she deposited in the United States Mail, Bismarck, North Dakota, 20 envelopes by standard first-class mail, postage prepaid, 7 certified mail envelopes, postage prepaid, and 7 inside mail envelopes, all securely sealed and each containing:

NOTICE OF RECEIPT OF PERMIT REVISION APPLICATION FOR  
SURFACE COAL MINING AND RECLAMATION OPERATIONS

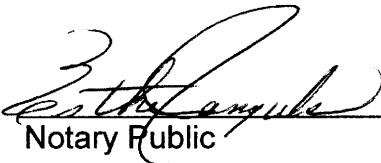
The envelopes were addressed as follows.

See Attached Lists

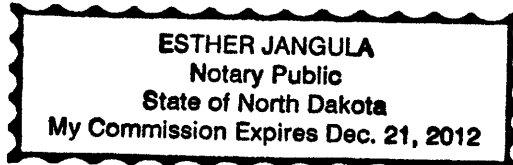
To the best of affiant's knowledge each address shown is the respective addressee's last reasonably ascertainable post office address.

  
\_\_\_\_\_

Subscribed and sworn to before me  
this 16<sup>th</sup> day of January, 2009

  
\_\_\_\_\_  
Notary Public

SEAL



**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**BNI Coal, Ltd.**  
**Revision No. 25, Permit BNCR-9702**  
**Application**

**Case No. RC-08-889**

**NOTICE OF RECEIPT OF REVISION APPLICATION**

**January 14, 2009**

BNI Coal has filed a revision application to Surface Coal Mining Permit BNCR-9702 to expand the limits of mining plans in portions of Sections 21, 28, and 32, T142N, R84W, Oliver County, and to change the limited mine plan, the extended mine plan, the reclamation plan including the reclamation schedule and variances, and the post-mining topography, land use, and slope analysis. The revision also updates the legal and financial sections of the permit.

The revision application and surface coal mining and reclamation permit may be inspected at:

Public Service Commission  
State Capitol  
Bismarck, North Dakota 58505-0480

Oliver County Auditor  
County Courthouse  
Center, North Dakota 58530

You may submit written comments or objections on the proposed permit revision application and its effects on the environment and on surface owners of the land in the permit area. You may request an informal conference with the Commission and the applicant on the revision application. The reasons for requesting an informal conference must be stated in the request. Written comments, objections, or requests for informal conference must be made by March 6, 2009.

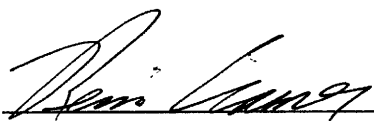
If there is an informal conference, you may request a formal administrative hearing on the Commission ruling on the application. Your request for a formal hearing must be made within thirty days of the Commission ruling on the application.

Written comments, objections, or requests for informal conferences should be addressed to the Public Service Commission, 600 East Boulevard Ave., Dept. 408, Bismarck, North Dakota 58505-0480.

For more information you may contact the Public Service Commission at 701-328-2400.

**PUBLIC SERVICE COMMISSION**

  
\_\_\_\_\_  
**Tony Clark**  
**Commissioner**

  
\_\_\_\_\_  
**Kevin Cramer**  
**President**

  
\_\_\_\_\_  
**Brian P. Kalk**  
**Commissioner**

**Mailing lists for Notice of Revision Application - local (Oliver County), state and federal agencies plus advisory committee members**

**Use standard lists  
Regular First Class, mailing affidavit**

**Certified mailings to the following surface owners:**

Patricia Pella  
PO Box 33405           7007 2560 0001 6052 5309  
Seattle, WA 98133

Lavonne Arthur  
2322 St. Croix St.       7007 2560 0001 6052 5293  
Kissimmee, FL 34741

Yonne Langseth  
PO Box 629  
Rapid City, SD 57701   7007 2560 0001 6052 5286

Jeanette Lange  
3515 NE 156<sup>th</sup> St  
Lake Park Forest, WA 98155   7007 2560 0001 6052 5279

Virginia Miller  
401 E North St  
Harvey, ND 58341       7007 2560 0001 6052 5262

Jacqueline Gullickson  
1895 33<sup>rd</sup> Ave SW  
Center, ND 58530       7007 2560 0001 6052 5255

Tom & Kathleen Lipp  
4744 Thornburg Drive  
Bismarck, ND 58504     7007 2560 0001 6052 5248