

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Otter Creek Mining Company, L.L.C.  
Permit NAOC-0802  
Application

Case No. RC-08-940

AFFIDAVIT OF SERVICE BY  
FIRST CLASS MAIL

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

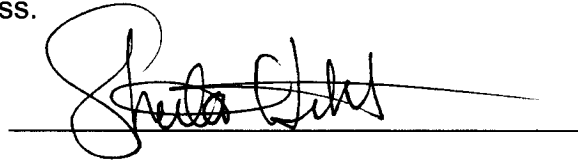
Sheila Hibl deposes and says that she is over the age of 18 years and not a party to this action and on, the 19<sup>th</sup> day of April, 2010, she deposited in the United States Mail, Bismarck, North Dakota, 22 envelopes by standard first-class mail, postage prepaid, 22 certified mail envelopes, postage prepaid, and 6 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

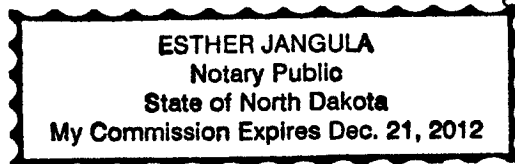
To the best of affiant's knowledge each address shown is the respective addressee's last reasonably ascertainable post office address.



Subscribed and sworn to before me  
this 19<sup>th</sup> day of April, 2010

  
Notary Public

SEAL



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

**Otter Creek Mining Company, L.L.C.**  
**Permit NAOC-0802**  
**Application**

**Case No. RC-08-940**

**NOTICE OF RECEIPT OF PERMIT APPLICATION**

**April 19, 2010**

The Otter Creek Mining Company, L.L.C. has filed an application for Surface Coal Mining Permit NAOC-0802 to conduct surface coal mining and reclamation operations at its proposed Otter Creek Mine on lands located in:

All or portions of Sections 5 and 6, T142N, R84W; and Sections 1 and 2, T142N, R85W; and Sections 20, 29, 31, and 32, T143N, R84W; and Sections 35 and 36, T143N, R85W of Oliver County, North Dakota, containing 5,490.1 acres.

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

Public Service Commission  
State Capitol, 13<sup>th</sup> Floor  
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 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 permit 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 June 7, 2010.

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 E Boulevard Ave. Dept. 408, Bismarck, North Dakota 58505-0480. For more information you may contact the Public Service Commission at 701-328-2400.

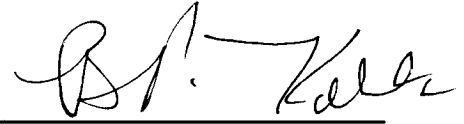
**PUBLIC SERVICE COMMISSION**



**Tony Clark  
Commissioner**



**Kevin Cramer  
Chairman**



**Brian P. Kalk  
Commissioner**

**Mailing lists for Notice of Permit Application – Otter Creek Mine - local (Oliver County), state and federal agencies and Advisory Committee members – Application for Permit NAOC-0802**

**use standard lists  
regular First Class mail, mailing affidavit**

**Mailing list for Surface owners by CERTIFIED MAIL – ALSO INCLUDED CITIZEN PARTICIPATION BROCHURE WITH THE MAILING TO SURFACE OWNERS**

Chris and Nicole Albers  
1770 40<sup>th</sup> Ave. SW  
Center, ND 58530  
7008 2810 0000 4606 3919

Kent and Deborah Albers  
1775 40<sup>th</sup> Ave. SW  
Center, ND 58530  
7008 2810 0000 4606 3971

Lyle and Claudia Albers  
4379 19<sup>th</sup> St. SW  
Hannover, ND 58563  
7008 2810 0000 4606 4039

Burton Beckman  
1670 Highway 31  
New Salem, ND 58563  
7008 2810 0000 4606 3926

Dennis and Lucinda Beckman  
4291 17<sup>th</sup> St. SW  
Hannover, ND 58563  
7008 2810 0000 4606 3988

Preston and Norma Beckman  
4293 17<sup>th</sup> St. SW  
New Salem, ND 58563  
7008 2810 0000 4606 4046

Wayne and Loretta Beckman  
1734 Highway 31  
Hannover, ND 58563  
7008 2810 0000 4606 3933

Kevin and Penny Hoesel  
4451 18<sup>th</sup> St. SW  
New Salem, ND 58563  
7008 2810 0000 4606 3995

Alice and Laurence Hoesel  
3370 County road 84  
New Salem, ND 58563  
7008 2810 0000 4606 4053

Carter J. and Barbara J. Berg  
1691 40<sup>th</sup> Ave. SW  
Center, ND 58530  
7008 2810 0000 4606 3940

Dale and Cynthia Berg  
4290 19<sup>th</sup> St. SW  
New Salem, ND 58563  
7008 2810 0000 4606 4008

Larry and Dawn R. Bornemann  
4361 19<sup>th</sup> St. SW  
Hannover, ND 58563  
7008 2810 0000 4606 4060

Howard Bubel and John Bubel  
1875 40<sup>th</sup> Ave. SW  
Center, ND 58530  
7008 2810 0000 4606 3957

John and Mary Bubel  
R.R. 1 Box 8  
Center, ND 58530  
7008 2810 0000 4606 4015

Mike Ginther  
4381 18<sup>th</sup> St. SW  
Hannover, ND 58563  
7008 2810 0000 4606 4077

Loren and Kristen Henke  
2134 Highway 31  
New Salem, ND 58563  
7008 2810 0000 4606 3964

Randy and Susan Henke  
4235 20<sup>th</sup> St. SW  
Stanton, ND 58571  
7008 2810 0000 4606 4022

MR MARCUS WELLS JR., CHAIRMAN  
THREE AFFILIATED TRIBES BUS COUNCIL  
404 FRONTAGE RD  
NEW TOWN ND 58763

7008 2810 0000 4606 4084

MYRA PEARSON, CHAIRPERSON  
SPIRIT LAKE TRIBAL COUNCIL  
PO BOX 359  
FORT TOTTEN ND 58335-0359

7008 2810 0000 4606 4091

MR RON HIS HORSE IS THUNDER  
CHAIRMAN  
STANDING ROCK TRIBAL BUS OFFICE  
ADMIN SERVICE CTR BLDG #1  
FORT YATES ND 58538

7009 1680 0001 2689 5716

MR RICHARD MARCHELLAIS, CHAIRMAN  
TURTLE MOUNTAIN BAND OF CHIPPEWA  
PO BOX 900  
BELCOURT ND 58316-0900

7009 1680 0001 2689 5723

MR RAY K. EDER CHAIRMAN  
FORT PECK TRIBES  
PO BOX 1027  
POPLAR MT 59255

7009 1680 0001 2689 5730