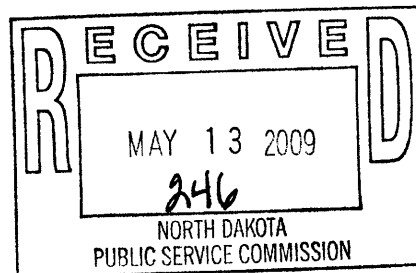




NOTICE TO AWARD
PUBLIC SERVICE COMMISSION
ABANDONED MINE LANDS DIVISION
 SFN 51732 (Rev. 05-2000)



TO

Name Kern & Tabery, Inc.			
Address 222 SE 1st Street, Ste 3	City Wadena	State MN	Zip Code 56482

Project Description Excavation of spoil piles and backfilling of highwalls and pits from an abandoned surface mine generally located within Sections 8 and 16, T144N, R87W west of Hazen, North Dakota.

The Commission as owner has considered the bid submitted by you for the above described work in response to its advertisement for bids dated March 3, 2009, and the invitation for bids.

You are hereby notified that your bid has been accepted in the amount of Five hundred eighty-six thousand forty and zero dollars (\$586,040.00)

You are required by the invitation for bids to execute the contract and furnish the required performance and payment; bonds and certificate of tax clearance within ten (10) calendar days from the date of this notice to you.

If you fail to execute the contract and furnish the bonds and certificate within ten (10) days from receipt of this notice, the owner shall be entitled to consider all your rights arising out of acceptance of your bid as abandoned and as a forfeiture of your bid bond. The owner shall be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this notice to the owner.

Date May 5, 2009

ND PUBLIC SERVICE COMMISSION

President <i>[Signature]</i>
Commissioner <i>[Signature]</i>
Commissioner <i>[Signature]</i>

ATTEST:

Executive Secretary <i>[Signature]</i>

ACKNOWLEDGEMENT OF NOTICE

Receipt of the above NOTICE TO AWARD is hereby acknowledged by: <i>Kern + Tabery Inc.</i>

Date May 7, 2009
By <i>[Signature]</i>
Title President - Treasurer

Witness to Signature <i>[Signature]</i>
Witness to Signature <i>[Signature]</i>