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**PUBLIC SERVICE COMMISSION**

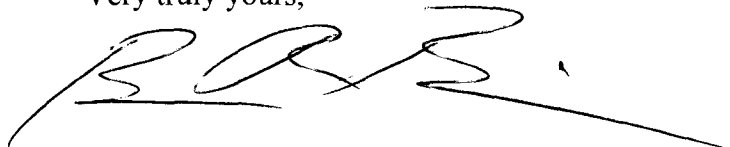
Mr. Darrell Nitschke  
Executive Director  
NORTH DAKOTA PUBLIC  
SERVICE COMMISSION  
600 E. Boulevard Avenue, Dept. 408  
Bismarck, ND 58505-0480

Dear Mr. Nitschke:

In re: Dakota Resource Council, et al.  
vs. GTLE Dakota Plant 1 LLC  
Case No. RC-09-032  
Our File No. 41-638-001 (28878)

Enclosed is the original Affidavit of Robert R. French; a copy was sent on Friday as an attachment to the Brief in Support of Motion to Dismiss for Failure to State a Claim Upon Which Relief can be Granted, or in the Alternative, Motion for Summary Judgment.

Very truly yours,



BRIAN R. BJELLA

bw  
Enc.

18 RC-09-32 Filed: 4/15/2009 Pages: 4  
Original Affidavit of Robert R. French

GTLE Dakota Plant 1, LCC

Brian Bjella, Crowley Fleck PLLP

BILLINGS BISMARCK BOZEMAN HELENA KALISPELL MISSOULA WILLISTON

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5. That should the coal from any mine prove amenable to the beneficiation process, then the process would be licensed to a developer to build a commercial scale facility.
6. That the GTLE coal beneficiation plant is currently under construction, with construction having commenced on 14 October 2008. To date, the construction of the plant is approximately 50% percent complete, with GTLE having committed to the expenditure of approximately \$11 million dollars of proposed total project cost of \$15 million dollars.
7. That GTLE intends to open and operate the coal beneficiation facility as soon as construction is completed, currently estimated for the summer of 2009.
8. That GTLE will operate its coal beneficiation facility whether or not any proposed mine is ever opened at South Heart whether by Great Northern Project Development LP or any other mining entity.
9. That GTLE is currently engaged in contract negotiations with Center Coal Company of Center, North Dakota, to process coal which Center Coal Company purchases from the BNI Center Mine. The purpose of the processing would be to enhance the combustion capability and environmental quality of the coal. In addition, GTLE has received a letter from the President of the BNI mine indicating that it has the capability to deliver to the GTLE facility between 100,000 and 300,000 tons of coal per year.
10. That GTLE has conducted coal beneficiation trials at its pilot plant in Colorado with overseas parties who have expressed an interest in shipping bulk volumes of coal to the GTLE facility to conduct bulk scale production trials, in order to confirm the application of the GTLE coal beneficiation technology to the overseas parties' coals.
11. GTLE is not a mining company. It does not own coal resources, nor does it own leases or contracts that will allow it to become a mining company.

