

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

**BNI Coal, Ltd.
Renewal No. 5, Permit BNCR-8202
Application**

Case No. RC-09-142

NOTICE OF RECEIPT OF RENEWAL APPLICATION

May 5, 2009

BNI Coal, Ltd. has filed an application to renew Surface Coal Mining Permit BNCR-8202 and extend the term permit another five years. A permit revision application was also filed to update business entity and property ownership information and mining and reclamation plans in the existing permit area located in:

Portions of Sections 22 and 26, T142N, R84W, all in Oliver County, containing 886.48 acres.

The five-year permit renewal will allow BNI to continue mining and reclamation operations in Permit No. BNCR-8202 until July 31, 2014.

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

Public Service Commission
13th Floor State Capitol
Bismarck, North Dakota 58505-0480

Oliver County Auditor
County Courthouse
Center, North Dakota 58530

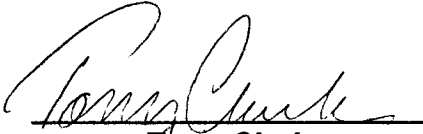
You may submit written comments or objections on the proposed permit renewal application and the effects on the environment and on surface owners of the land in the permit area. You may request an informal conference with the Commission and the applicant on the renewal application. The reasons for requesting an informal conference must be stated in the request. Written comments, objections, or requests for an informal conference must be made by June 22, 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