

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. RC-09-142

AFFIDAVIT OF SERVICE BY
FIRST CLASS MAIL

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

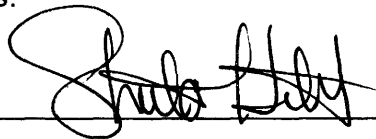
Sheila Hibel deposes and says that she is over the age of 18 years and not a party to this action and on, the 5th day of May, 2009, she deposited in the United States Mail, Bismarck, North Dakota, 21 envelopes by standard first-class mail, postage prepaid, 2 certified mail envelopes, postage prepaid, and 6 inside mail envelopes, all securely sealed and each containing:

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


The envelopes were addressed as follows.

See Attached Lists

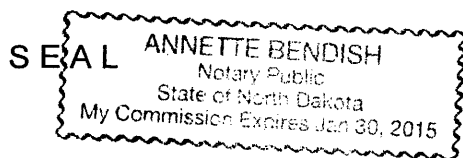
To the best of affiant's knowledge each address shown is the respective addressee's last reasonably ascertainable post office address.



Subscribed and sworn to before me
this 5th day of May, 2009



Notary Public



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

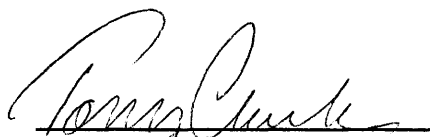
You may submit written comments or objections on the proposed permit renewal application and the effects on the environment and on surface owners of the land in the permit area. You may request an informal conference with the Commission and the applicant on the renewal application. The reasons for requesting 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

Mailing lists for Notice of Renewal Application – local, state, and federal agencies and Advisory Committee members

Use standard lists

Regular first class mail, mailing affidavit

Surface owners to be notified by CERTIFIED MAIL:

Dorothy Light 7008 1140 0002 6250 4884
Center, ND 58530

Arnold and Ruby Meyhoff 7008 1140 0002 6250 4891
2114 38th Ave SW
Center, ND 58530-9787