

APPROVED

DATE: 5-20-09
[Signature]

MOTION

May 20, 2009

**Dakota Westmoreland Corporation
Notice of Violation No. 0902
Violation**

Case No. RC-09-176

I move the Commission assess a proposed penalty for Notice of Violation No. 0902 issued to the Dakota Westmoreland Corporation at the Beulah Mine and schedule an informal conference in the matter.

GAW & JRD

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