

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Revision No. 27, Permit BNCR-9702
Application

Case No. RC-09-204

AFFIDAVIT OF SERVICE BY
FIRST CLASS MAIL

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

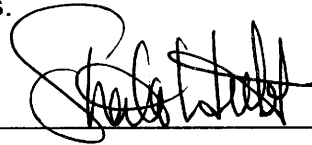
Sheila Hibi deposes and says that she is over the age of 18 years and not a party to this action and on, the 24th day of June, 2009, she deposited in the United States Mail, Bismarck, North Dakota, 21 envelopes by standard first-class mail, postage prepaid, 8 certified mail envelopes, postage prepaid, and 6 inside mail envelopes, all securely sealed and each containing:

NOTICE OF RECEIPT OF PERMIT REVISION 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.

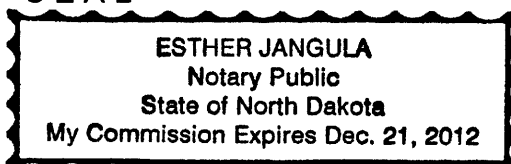


Subscribed and sworn to before me
this 24th day of June, 2009



Notary Public

SEAL



Mailing lists for Notice of Revision Application - local (Oliver County), state and federal agencies and Advisory Committee members

Use standard lists

Regular First Class, mailing affidavit

Certified mailings to the following surface owners:

Brenda Schwalbe 7008 1140 0002 6250 1029
3160 25th Street
Center, ND 58530

Phyllis Vandenburg 7008 1140 0002 6250 2507
7005 47th Avenue
Flasher, ND 58535

John Yantzer 7008 1140 0002 6250 2514
1908 12th Ave SE
Mandan, ND 58554

Howard Skager 7008 1140 0002 6250 5027
P O Box 382
Wellington, CO 80549

Nathan Skager 7008 1140 0002 6250 4983
120 Bundy Road
Lavina, MT 59046

Jardene Moss 7008 1140 0002 6250 4976
858 Lynch Drive
Billings, MT 59105

Karla Walter 7008 1140 0002 6250 4969
Box 661
Park City, MT 59063

Claudine Pickett 7008 1140 0002 6250 4952
24 Maier Road
Billings, MT 59101

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Revision No. 27, Permit BNCR-9702
Application

Case No. RC-09-204

NOTICE OF RECEIPT OF REVISION APPLICATION

June 24, 2009

BNI Coal, Ltd. has filed an application for Revision No. 27 to Surface Coal Mining Permit BNCR-9702 to revise the coal removal line to include the federal coal tract in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T142N, R84W. This revision also updates the extended mine plan map, the post-mining topographic contour map, and other sections of the permit.

The approximate 40-acre area affected by the proposed coal removal change is located in:

The NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T142N, R84W, Oliver County.

The revision application and surface coal mining and reclamation permit may be inspected at:

Public Service Commission
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 revision application and its 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 revision application. The reasons for requesting an informal conference must be stated in the request. Written comments, objections, or requests for informal conference must be made by August 24, 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, State Capitol, 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

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