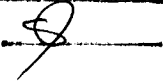


APPROVED

DATE: 1-27-10


MOTION

January 27, 2010

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

Case No. RC-09-204

I move the Commission conditionally approve Revision No. 27 to Surface Coal Mining Permit No. BNCR-9702, held by BNI Coal, Ltd. for the Center Mine, to extend mining onto a federal coal tract within the existing permit area and to update other information and plans in the permit.

SAS & JRD

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