

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. RC-09-204

REVISION OF PERMIT TO ENGAGE IN
SURFACE COAL MINING AND RECLAMATION OPERATIONS

January 27, 2010

Based on the application for **Revision Number 27 to Permit Number BNCR-9702** received **May 19, 2009**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application submitted on May 19, 2009, is complete and accurate and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code;
2. A performance bond in the amount of \$24,386,439 is sufficient for the proposed mining and reclamation operations in the consolidated bond area that includes this permit; and
3. The Commission's other findings that were made when the permit was issued remain applicable to the revised operation and reclamation plans.

Revision Number 27 to Permit Number BNCR-9702 is hereby conditionally granted to BNI Coal, Ltd. to extend mining onto a 40-acre federal coal tract within the permit area, modify reclamation plans to include this additional mining, and to update the extended mine plan and other information in this permit as described in the revision application received May 19, 2009.

The approved revision is subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, the conditions of the approved permit, and any additional or revised permit conditions listed on attached PSC Reclamation Form - 3. Pursuant to Section 38-14.1-23 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, this revision was found to be a significant alteration to the previously approved permit.

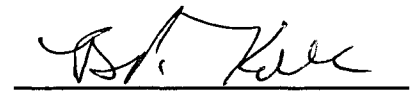
PUBLIC SERVICE COMMISSION



Tony Clark
Commissioner



Kevin Cramer
Chairman



Brian P. Kalk
Commissioner