

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Falkirk Mining Company
Bond Release No. 3, Permit NAFK-9601
Approval

Case No. RC-09-260

RELEASE OF BOND
FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS

December 10, 2009

Based on the application for **Partial Bond Release Number 3 for Permit Number NAFK-9601**, received June 5, 2009, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. Attached to the Application for Release of Bond were copies of all letters sent by the Permittee as required by NDCC §38.14.1-17(1)(b). Affidavits of publication for the advertisement required by NDCC §38.14.1-17(1)(a) have now been filed and have been made part of the Application for Release of Bond. The last date of publication was July 23, 2009.
2. On July 6, 2009, the Commission conducted an inspection and evaluation of the reclamation work involved, as required by NDCC §38.14.1-17(3). The surface owner, agent, or lessee was given notice of the bond release inspection and had the opportunity to participate with the Commission in making the inspection.

In accordance with NDCC §38.14.1-17, Bond Release No. 3 is hereby granted to The Falkirk Mining Company effective January 11, 2010, unless a formal hearing is requested. Partial bond release is approved for the amount of \$1,091,614.41 for the 614.6 acres shown on the attached map. The areas are located in:

Portions of Sections 25 and 36, T146N, R82W, and portions of Sections 30 and 31, T146N, R81W, McLean County. Part of the bond liabilities are released on 614.6 acres for the completion of backfilling, grading, and soil replacement.

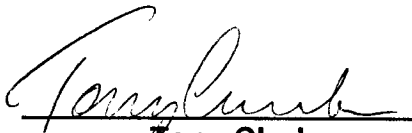
This decision to release part of the bond is made for the following reasons:

The requirements for backfilling and grading and soil replacement have been achieved in accordance with the approved reclamation plan and applicable reclamation laws and rules.

IMPORTANT – PLEASE READ

1. If bond release has been approved, actual release of bond shall not occur until the effective date of this decision. If a formal hearing is requested on this bond release decision by a person with a valid legal interest or by the head of any state or local government agency with appropriate jurisdiction, the actual release of bond may not occur until after a final decision is issued following the formal hearing. A request for formal hearing by any such person must be filed with the Public Service Commission within 30 days of this bond release decision.
2. If bond release has been disapproved or if you are unsatisfied with the amount of bond approved for release, you have the right to request a formal hearing regarding this decision by filing an application for a hearing with the Public Service Commission within 30 days of the date of this decision.

PUBLIC SERVICE COMMISSION



Tony Clark
Commissioner



Kevin Cramer
Chairman



Brian P. Kalk
Commissioner

