

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Revision No. 32, Permit BNCR-9702
Approval

Case No. RC-10-80

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

July 28, 2010

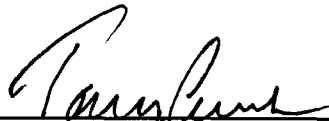
Based on the application for **Revision Number 32 to Permit Number BNCR-9702 received March 30, 2010**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application submitted on March 30, 2010, 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. The Commission's other findings that were made when the permit was issued remain applicable to the revised operation and reclamation plans.


Revision Number 32 to Permit Number BNCR-9702 is hereby granted to BNI Coal, Ltd. to identify the coal removal subareas that will be mined during the next permit term and to update legal and ownership information, surface water management plans, and mining and reclamation plans for the next five-year permit term as described in the revision application received March 30, 2010.

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