

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**BNI Coal, Ltd.  
Revision No. 32, Permit BNCR-9702  
Renewal No. 2, Permit BNCR-9702  
Application**

**Case No. RC-10-80  
Case No. RC-10-81**

**AFFIDAVIT OF SERVICE BY  
FIRST CLASS MAIL**

**STATE OF NORTH DAKOTA**

**COUNTY OF BURLEIGH**

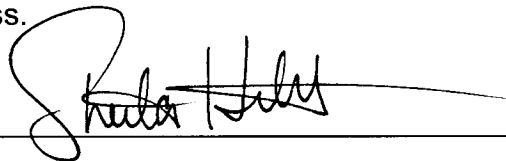
**Sheila Hibi** deposes and says that she is over the age of 18 years and not a party to this action and on, the 13<sup>th</sup> day of **May, 2010**, she deposited in the United States Mail, Bismarck, North Dakota, **21** envelopes by standard first-class mail, postage prepaid, **22** certified mail envelopes, postage prepaid, and **6** inside mail envelopes, all securely sealed and each containing:

**NOTICE OF RECEIPT OF RENEWAL AND REVISION APPLICATIONS  
FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS**

The envelopes were addressed as follows.

See Attached Lists

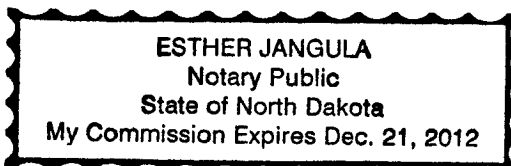
To the best of affiant's knowledge each address shown is the respective addressee's last reasonably ascertainable post office address.

  
\_\_\_\_\_

Subscribed and sworn to before me  
this 13<sup>th</sup> day of **May, 2010**

  
\_\_\_\_\_

**S E A L**



**Notary Public**

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**BNI Coal, Ltd.**  
**Revision No. 32, Permit BNCR-9702**  
**Renewal No. 2, Permit BNCR-9702**  
**Application**

**Case No. RC-10-80**  
**Case No. RC-10-81**

**NOTICE OF RECEIPT OF RENEWAL AND REVISION APPLICATIONS**

**May 12, 2010**

BNI Coal, Ltd. has applied to renew Surface Coal Mining Permit BNCR-9702 and update legal, financial, and operation plans to continue surface coal mining and reclamation operations in the existing permit area located in:

All or portions of Sections 3, 4, 5, 6, 7, 8, 9, and 10, T141N, R84W; and Sections 21, 27, 28, 31, 32, 33, and 34, T142N, R84W, all in Oliver County, containing 6,342.05 acres.

The five-year permit renewal will allow BNI to continue mining and reclamation operations in Permit No. BNCR-9702 until August 2, 2015. Revision No. 32 identifies areas that will be mined during the next permit term and updates the legal and financial section, mining and reclamation plans and other information in this permit.

The renewal and revision applications 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 renewal and revision applications and their 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 renewal and revision applications. 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 June 28, 2010.

If there is an informal conference, you may request a formal administrative hearing on the Commission ruling on the applications. Your request for a formal hearing must be made within thirty days of the Commission ruling on the applications.

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**  
Chairman

  
\_\_\_\_\_  
**Brian P. Kalk**  
Commissioner

**Mailing lists for Notice of Renewal & Revision Applications - local, state and federal agencies and Advisory Committee members**

**use standard lists**

**regular First Class mail, mailing affidavit**

Patricia Pella  
P.O. Box 33405  
Seattle, WA 98133  
7008 2810 0000 4606 4107

Melvin Arthur  
2322 St. Croix St.  
Kissimmee, FL 34741  
7008 2810 0000 4606 4114

Yonne Langseth  
P.O. Box 629  
Rapid City, SD 57701  
7008 2810 0000 4606 4121

Jeanette Lange  
3515 NE 156th St.  
Lake Park Forest, WA 98155  
7008 2810 0000 4606 4138

Virginia Miller  
401 E North St.  
Harvey, ND 58341  
7008 2810 0000 4606 4145

Jacqueline Gullickson  
1895 33rd Ave SW  
Center, ND 58530  
7008 2810 0000 4606 4152

Kenneth Barnhardt  
510 N 23rd Avenue  
Bozeman, MT 59715  
7008 2810 0000 4606 4169

Helen Pflieger  
105 Division St.  
Mandan, ND 58554  
7008 2810 0000 4606 4176

Dennis Barnhardt  
17 Benteen Drive  
Lincoln, ND 58504  
7008 2810 0000 4606 4183

Keith Dahl  
2515 41 Avenue SW  
Center, ND 58530  
7008 2810 0000 4606 4190

Brenda Schwalbe  
3160 25th St.  
Center, ND 58530  
7009 1680 0001 2689 5365

Phyllis Vandenburg  
7005 47th Avenue  
Flasher, ND 58535  
7008 2810 0000 4606 4282

Eugene Yantzer  
2745 18th St SW  
Center, ND 58530  
7008 2810 0000 4606 4275

John Yantzer  
1908 12th Ave SE  
Mandan, ND 58554  
7008 2810 0000 4606 4268

Tom & Kathleen Lipp  
4744 Thornburg Drive  
Bismarck, ND 58504  
7008 2810 0000 4606 4251

Arnold Torgerson  
4143 East Cochise St.  
Phoenix, AZ 85028  
7008 2810 0000 4606 4244

Arlyce Muth  
110 2nd St NE  
Dilworth, MN 56529  
7008 2810 0000 4606 4237

Wilbert & Marie Mosbrucker  
P.O. Box 73  
Center, ND 58530  
7008 2810 0000 4606 4220

Minnkota Power Cooperative  
P.O. Box 13200  
Grand Forks, ND 58208  
7008 2810 0000 4606 4213

Kenneth & Darlene Reinke  
3841 25th St SW  
Center, ND 58530  
7008 2810 0000 4606 4206

Kenneth Mosbrucker  
403 9th Ave NE  
Mandan, ND 58554  
7009 1680 0001 2689 5372

Marion Reinke Life Estate  
P.O. Box 43  
Center, ND 58530  
7009 1680 0001 2689 5389