

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**BNI Coal, Ltd.
Revision No. 9, Permit BNCR-9401
Renewal No. 3, Permit BNCR-9401
Application**

**Case No. RC-10-113
Case No. RC-10-112**

**AFFIDAVIT OF SERVICE BY
FIRST CLASS MAIL**

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

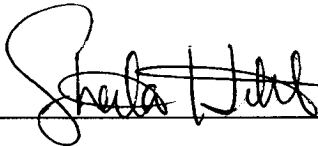
Sheila Hibi deposes and says that she is over the age of 18 years and not a party to this action and on, **the 18th day of May, 2010**, she deposited in the United States Mail, Bismarck, North Dakota, **21** envelopes by standard first-class mail, postage prepaid, **7** certified mail envelopes, postage 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.

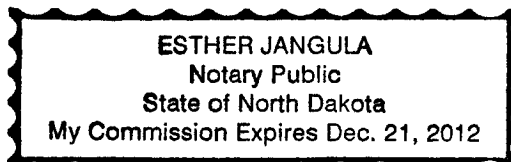


Subscribed and sworn to before me
this **18th** day of **May, 2010**



Notary Public

S E A L



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Revision No. 9, Permit BNCR-9401
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NOTICE OF RECEIPT OF RENEWAL AND REVISION APPLICATIONS

May 18, 2010

BNI Coal, Ltd. has filed applications to renew Surface Coal Mining Permit BNCR-9401 for another five years and to update legal, financial, and operation and reclamation plans in the existing permit area located in:

Portions of Sections 5 and 8, T141N, R83W, all in Oliver County, containing 254.7 acres.

The five-year permit renewal will allow BNI to continue mining and reclamation operations in Permit No. BNCR-9401 until August 16, 2015. Revision No. 9 updates mining and reclamation plans and other information and identifies areas that will be mined during the next permit term.

The renewal and revision application 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

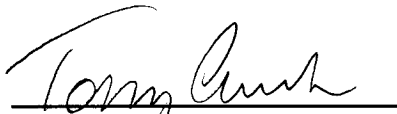
You may submit written comments or objections on the proposed permit renewal and revision application and its effects on the environment and on surface owners of the land in the permit area. You may request an informal conference with the Commission and the applicant on the renewal and revision application. 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 July 9, 2010.

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

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 and Revision Applications - local, state and federal agencies and Advisory Committee members

use standard lists

regular First Class mail, mailing affidavit

Minnkota Power Cooperative

P.O. Box 13200

Grand Forks, ND 58208

7009 1680 0001 2689 5464

Larry & Virginia Schmidt

RR 2 Box 238

Center, ND 58530

7009 1680 0001 2689 5457

Delphine Vetter

RR 1 Box 45

Linton, ND 58552

7009 1680 0001 2689 5440

Danita Deichert

3009 Bayside Drive

Mandan, ND 58554

7009 1680 0001 2689 5433

David H. Erhardt

13906 Round Oak Court

Houston, TX 77059

7009 1680 0001 2689 5426

Doretta Bornemann

RR 1 Box 187

Hazen, ND 58545

7009 1680 0001 2689 5419

Dean P. Erhardt

120 Tennessee Walker Way

St. Peters, MO 63376

7009 1680 0001 2689 5402