

**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**

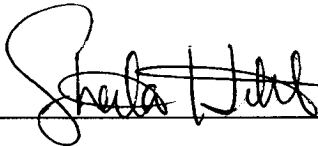
**Sheila Hibi** deposes and says that she is over the age of 18 years and not a party to this action and on, **the 18<sup>th</sup> day of May, 2010**, she deposited in the United States Mail, Bismarck, North Dakota, **21** envelopes by standard first-class mail, postage prepaid, **7** certified mail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

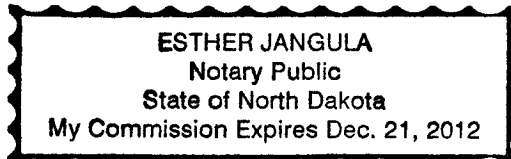
  
\_\_\_\_\_

Subscribed and sworn to before me  
this **18<sup>th</sup>** day of **May, 2010**

  
\_\_\_\_\_

Notary Public

S E A L



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

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

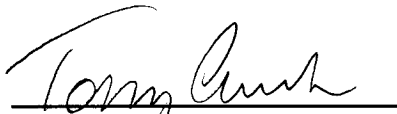
You may submit written comments or objections on the proposed permit renewal and revision application and its effects on the environment and on surface owners of the land in the permit area. You may request an informal conference with the Commission and the applicant on the renewal and revision application. 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 5404

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