

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNI Coal, Ltd.
Revision No. 9, Permit BNCR-9401
Approval

Case No. RC-10-113

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

August 4, 2010

Based on the application for **Revision Number 9 to Permit Number BNCR-9401 received April 16, 2010**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application submitted on April 16, 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. A performance bond in the amount of \$695,060 is sufficient for the proposed mining and reclamation operations proposed in this permit; and
3. The Commission's other findings that were made when the permit was issued remain applicable to the revised operation and reclamation plans.

Revision Number 9 to Permit Number BNCR-9401 is hereby granted to BNI Coal, Ltd. to identify the next five-year coal removal subarea and to update legal and ownership information and mining and reclamation plans for the next five-year permit term as described in the revision application received April 16, 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