

APPROVED

DATE: 6-2-10
[Signature]

MOTION

June 2, 2010

**BNI Coal, Ltd.
Notice of Violation No. 1001
Violation**

Case No. RC-10-143

I move the Commission assess a proposed penalty for Notice of Violation No. 1001 issued to BNI Coal, Ltd. and issue a notice of informal conference in the matter.

DKM, SAS & JRD

Recdata/dkm/bni/NOV1001 Motion