

Keli Beard - DTE discussion

From: Keli Beard
To: Beard, Keli
Date: 12/14/2005 10:54 AM
Subject: DTE discussion

Carolyn Depp called Mary Ann. DTE thinks there are many problems with the proposed finding we provided them. For example, in our finding, we said that DTE receives all of its coal from mines. DTE says, they do not receive coal from mines, but instead, from coal handlers. I don't know what the difference. In the contract, DTE blacked out the party from whom it purchases coal, but it refers to it as "Seller's Mine."

DTE is also convinced that it is an "end users" because it sells a synfuel product. BLAH.

DTE is giving the finding to Blaine Bernard (I think) at Holmes, Roberts & Owens to review. I guess Blaine said that he would look at it in January. Mary Ann is going to send DTE a letter and inform them that it has a few days to provide more accurate factual information and also have an opportunity to meet, but that the Division will be making a final decision soon.

I think it is very important to not allow DTE to set the time schedule and drag its feet. DTE could drag this along for months if not a year.

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January 10, 2006

Mr. E. Blaine Rawson
Holme Roberts & Owen, LLP
299 South Main Street
Suite 1800
Salt Lake City, Utah 84111-2263

Re: *DTE Utah Synfuels, LLC*
Proposed Draft Finding Requiring Permit

Dear Mr. Rawson:

On December 9, 2005, the Utah Division of Oil, Gas & Mining ("Division") sent DTE Utah Synfuels, LLC ("DTE") a Draft Finding in which the Division proposed requiring DTE to obtain a permit from the Division in accordance with the Coal Mining and Reclamation Act, Utah Code Ann. § 40-10-1 et seq. The Division was supposed to meet with DTE on December 13, however, DTE cancelled because of concerns it had with the Draft Finding. DTE indicated that you would provide the Division with a response.

The Division needs to complete its finding to determine whether DTE will be required to obtain a permit. If DTE has any additional information or legal analysis it would like the Division to consider, please submit that information to the Division by February 3, 2006. If you have any questions, please feel free to contact me at (801) 538-7486 or [kelibeard@utah.gov](mailto:kelibear@utah.gov).

Sincerely,

Keli Beard
Assistant Attorney General

cc. Mary Ann Wright, Associate Director, Mining
Caroline Depp
Grant Laws