

0002

LAW OFFICES OF  
**VAN COTT, BAGLEY, CORNWALL & MCCARTHY**  
 A PROFESSIONAL CORPORATION  
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 TELEPHONE (801) 532-3333  
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 TELEX 453149

DENISE A. DRAGOO

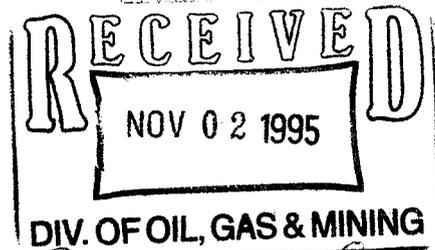
Direct Dial  
(801) 237-0465

ADDRESS ALL CORRESPONDENCE TO  
 POST OFFICE BOX 45340  
 84145-0450

**HAND DELIVERED**

November 1, 1995

Ms. Pamela Grubaugh-Littig  
 UTAH DIVISION OF OIL, GAS & MINING  
 355 West North Temple  
 3 Triad Center, Suite 350  
 Salt Lake City, Utah 84180-1203



RE: Dispute of Ownership or Control Link -- Sunnyside Coal Company

*Copy from Lowell, Tom  
 ACT/005/007 #4 Mitchell,  
 Randy*

Dear Ms. Littig:

On behalf of BXG, Inc., we respectfully request that you correct the Applicant Violator System ("AVS") consistent with the procedures set forth at 30 C.F.R. § 773.24 to clarify that there is no ownership or control link between BXG, Inc. and Sunnyside Coal Company. The Division of Oil, Gas & Mining recently conducted an AVS applicant evaluation which incorrectly shows BXG, Inc. in an ownership or control relationship with Sunnyside Coal Company. Enclosed is an affidavit dated October 23, 1995, executed by F. Jerome McGarey, Secretary of BXG, Inc. This affidavit confirms that BXG's records show that at no time has BXG, Inc. purchased the stock or held any interest in or held any control over Sunnyside Coal Company, Sunnyside Mines, Inc, or Peak to Peak Productions, Inc.

Please review this affidavit and let me know if you need anything further to clarify this matter with the AVS. Once you have updated the AVS system, we would appreciate written confirmation that BXG, Inc. is not considered to be linked to Sunnyside Coal Company, Sunnyside Mines, Inc. or Peak to Peak Productions, Inc. In this regard, we would appreciate an applicant evaluation form from the AVS regarding Sunnyside Coal Company which does not list Sunnyside Coal Company.

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Thank you for your assistance in this matter.

Very truly yours,

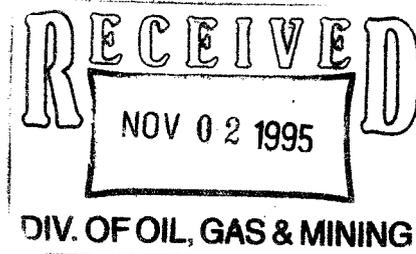
A handwritten signature in black ink, appearing to read "Denise A. Dragoo". The signature is written in a cursive style with a large, looped initial "D" and a horizontal line extending to the right.

Denise A. Dragoo

DAD:jmc:89456

Enclosure

cc: David Corman  
F. Jerome McGarey



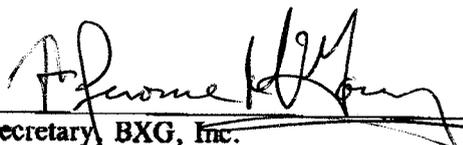
**AFFIDAVIT**

STATE OF COLORADO )  
 ) : ss.  
 COUNTY OF ADAMS )

The undersigned, F. JEROME MCGAREY, being first duly sworn,  
 deposes and states that:

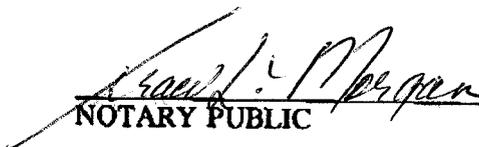
1. I am the corporate secretary of BXG, Inc. and I have access to and control of the corporate records for BXG, Inc.
2. BXG, Inc.'s records show that at no time has BXG, Inc. purchased the stock of or held any interest in or control over Sunnyside Coal Company, Sunnyside Mines, Inc. or Peak to Peak Productions, Inc.

DATED this 23rd day of OCTOBER, 1995.

  
 Secretary BXG, Inc.

STATE OF COLORADO )  
 ) : ss.  
 COUNTY OF ADAMS )

The foregoing instrument was subscribed and sworn to before me, a notary public, this 23rd day of OCTOBER, 1995.

  
 NOTARY PUBLIC  
*term expires 7-27-98*