

0014

cc: PJL
INCOMING
007001

BANK ONE, NA
COMMERCIAL BANKING GROUP

FACSIMILE TRANSMITTAL SHEET

| | |
|---|--|
| TO: Pam | FROM: Cally Johnson |
| COMPANY: Department of Natural Resources | DATE: October 24, 2003 |
| FAX NUMBER: 359-3940 | TOTAL NO. OF PAGES INCLUDING COVER: 2 |
| PHONE NUMBER: | SENDER'S TELEPHONE NUMBER: 801-481-5531 |
| RE: M.B.S.C., L.L.C. | SENDER'S FAX NUMBER: 801-481-5351 |

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Amendment showing the evergreen clause.

If you need anything else please give me a call.

Thanks,

APR-24-2003 09:08



**BANK ONE, NA - 1717 MAIN STREET, 11TH FLOOR, DALLAS, TEXAS 75201
TELEPHONE 1-888-525-9395
AMENDMENT TO LETTER OF CREDIT NUMBER STL20510**

DATE: APRIL 23, 2003

**APPLICANT:
M.B.S.C., L.L.C. ON BEHALF OF HIAWATHA COAL COMPANY, INC.
3212 SOUTH STATE STREET
SALT LAKE CITY, UTAH 84105**

**BENEFICIARY:
STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 WEST NORTH TEMPLE, SUITE 1210
SALT LAKE CITY, UTAH 84114**

AMENDMENT NUMBER ONE (1)

GENTLEMEN:

PLEASE BE ADVISED THAT THE SUBJECT LETTER OF CREDIT HAS BEEN AMENDED AS FOLLOWS:

- **APPLICANT'S NAME IS AMENDED TO:
M.B.S.C., L.L.C. ON BEHALF OF HIAWATHA COAL COMPANY, INC.**
- **INSERT EVERGREEN LANGUAGE AS FOLLOWS:
IT IS A CONDITION OF THIS LETTER OF CREDIT THAT IT SHALL BE AUTOMATICALLY EXTENDED WITHOUT AMENDMENT, FOR ADDITIONAL ONE-YEAR PERIODS FROM THE PRESENT OR ANY FUTURE EXPIRATION DATE, UNLESS WE NOTIFY YOU IN WRITING BY REGISTERED MAIL OR OVERNIGHT COURIER, AT LEAST THIRTY (30) DAYS PRIOR TO THE THEN CURRENT EXPIRATION DATE, THAT WE ELECT NOT TO EXTEND THIS LETTER OF CREDIT FOR AN ADDITIONAL ONE-YEAR PERIOD.**

THIS AMENDMENT IS TO BE CONSIDERED AS PART OF THE ABOVE CREDIT AND MUST BE ATTACHED THERETO.

ALL OTHER TERMS AND CONDITIONS OF THE CREDIT REMAIN UNCHANGED.

BANK ONE, NA


AUTHORIZED SIGNATURE

SS: