

Urgent

For

Pam Grubaugh-Littig

Date

7/3/97

Time

While You Were Out

M

Lisa Pierce

Of

Phone

801 637 2358

Work
Ph#

AREA CODE

NUMBER

EXTENSION

Telephoned

Please Call

Came To See You

Will Call Again

Returned Your Call

Wants To See You

Message

Called Asking for you or
Jim Carter. She left a message
on my ~~answering~~ Voice Message
Can call Ph# 801-637-4872
after 5PM

Signed _____

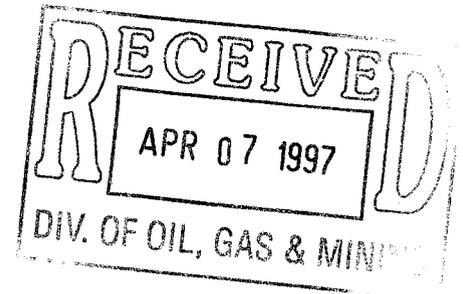


CHAPTER 2
LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION

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April 7, 1997



APPENDIX 2-5

AVS DATA - TODD KISCADEN

JACKAL MINING COMPANY

130 HIBBARD STREET
PIKEVILLE, KENTUCKY 41501

March 21, 1997

Mr. Cindy Gibbs
Natural Resources and Environmental
Protection Cabinet
Department of Surface Mining
Reclamation and Enforcement
Division of Permits
#2 Hudson Hollow Complex
Frankfort, Kentucky 40601

RE: Entity Reference File No. 011029, OC #1
Type: Original Entity Reference File(Form MPA-01)

Dear Cindy,

Please find enclosed the original and three (3) copies of the above referenced application which contains the Permittee Information for a Mining Permit (Form MPA-01).

If you should have any questions, please do not hesitate to contact me.

Respectfully,

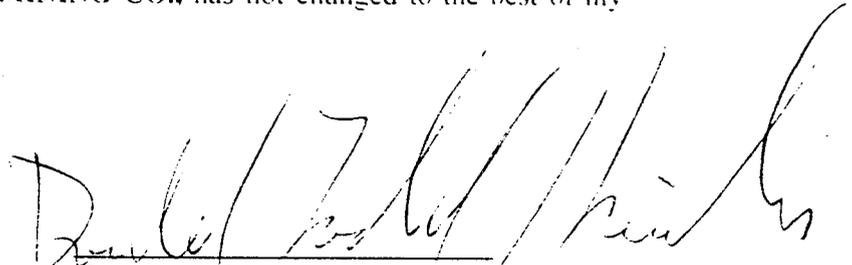


Tammy A. Slone-Sizemore
Engineering Technician

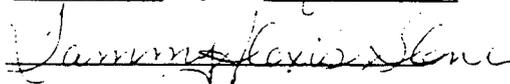
enclosures

AFFIDAVIT

I, **DONALD TODD KISCADEN**, having the authority to sign permits and related documents for **JACKAL MINING CO.**, P. O. Box 1409, 512 Esco Road, Pikeville, Kentucky 41501 do hereby swear and/or affirm that the Ownership and Control Information submitted in the documents, and/or forms associated with Entity Reference File 011029, OC #1 for **JACKAL MINING CO.**, has not changed to the best of my knowledge.


(Signature, Title)
President

I, hereby acknowledge that this instrument was signed by **DONALD TODD KISCADEN**, on this 21st day of March, 1997.


NOTARY PUBLIC

My Commission Expires: 4/10/2000

PERMITTEE INFORMATION FOR A MINING PERMIT

This form clearly identifies the applicant for a mining permit. This form must be filed in conjunction with MPA-03 for all Original and Amendment permit applications.

PERMIT NUMBER ENTITY REFERENCE FILE
011029, OC #1
DSMRE ID NUMBER 011029

1. Identification of Applicant and Owners' Interests

1.1 Applicant Name JACKAL MINING COMPANY
Mailing Address P. O. BOX 1409
If P.O. Box, indicate Street Address 512 ESCO ROAD
City PIKEVILLE State KENTUCKY Zip 41501
Telephone No. (606) 639-8585
Employer ID No. 61-1166695
Coal Severance Tax No. 062238

1.2 Identify resident agent, in Kentucky, for service of process:

Name DONALD TODD KISCADEN
Mailing Address P. O. BOX 1409
If P.O. Box, indicate Street Address 512 ESCO ROAD
City PIKEVILLE State KENTUCKY Zip 41501
Telephone No. (606) 639-8585
Employer ID No. NOT APPLICABLE Social Security No. 231-66-6615

1.3 Identify individual who will pay the federal abandoned mine land reclamation fees:

Name DONALD TODD KISCADEN
Mailing Address P. O. BOX 1409
If P.O. Box, indicate Street Address 512 ESCO ROAD
City PIKEVILLE State KENTUCKY Zip 41501
Telephone No. (606) 639-8585
Employer ID No. NOT APPLICABLE Social Security No. 231-66-6615

1.4 Type of Application: Original Amendment No. 1

1.5 Indicate legal structure of applicant:

Single Proprietorship (I)
 Partnership (P)
Is applicant a Limited Partnership? YES NO
 Corporation (C) List State of Incorporation KENTUCKY
 Association (A)
 Other (O)

1.6 Attach notarized copies of the documents which establish the legal structure of the applicant and check below the type of documents submitted.

- Notarized copy of "Certificate of Existence Domestic Corporation" or other appropriate document from the Secretary of State. Also attach a notarized copy of the most recently filed annual report (In-State Corporation).
REFERENCE ATTACHMENT 1.6 A (1), 1.6.A. (2), ETC.
- Notarized copy of "Certificate of Authorization Foreign Corporation" and a notarized copy of most recently filed annual report (out-of-State Corporation).
- Notarized copy of Partnership Agreement (Partnership).
- Notarized copy of "Certificate of Limited Partnership" (Limited partnership).

1.7 If business is to be conducted under an assumed name, attach a copy of the "Certificate of Assumed Name" and list the county where that name is registered. _____ Identify attached certificate as "Attachment 1.7.A".

N/A

1.8 If applicant is a single proprietorship, list owner: _____ N/A

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Beginning date of ownership _____

1.9 If applicant is a partnership, list all partners. If any partner listed below is a business entity and not an individual, also complete item 1.13 for that entity.

N/A

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Ownership/Control relationship to applicant _____
 Location in organizational structure _____
 Percent of ownership _____
 Official title within partnership _____
 Beginning date of ownership _____



I do hereby attest that this is a true and exact copy of the original document.

Colley C. Smith

**BOB BABBAGE
SECRETARY OF STATE**

Notary Public
My Commission Expires 07, 09, 99
State of Kentucky

**STATEMENT OF CHANGE
OF REGISTERED OFFICE OR REGISTERED AGENT
OR BOTH**

RECEIVED & FILED
APR 14 9 26 AM 1992
SECRETARY OF STATE
BOB BABBAGE
COLUMBIA, KY

Pursuant to the provisions of Kentucky Revised Statutes Chapters 271B or 273, the undersigned corporation organized in the state of KENTUCKY submits the following statement for the purpose of changing its registered office or registered agent or both in the Commonwealth of Kentucky:

The name of the corporation JACKAL MINING CO.

Street address of its present registered office 130 HIBBARD STREET, PIKEVILLE, KY

Street address of registered office is hereby changed to 154 COLLEGE STREET, P.O. BOX 1409, PIKEVILLE, KY 41502-1409

Name of present registered agent _____

Name of registered agent is hereby changed to _____

STATE OF KENTUCKY
COUNTY OF PIKE

CLERK'S CERTIFICATE OF LODGMENT AND RECORD
12:51 P.M.

I, LILLIAN PEARL ELLIOTT, County Clerk for the County and State aforesaid, certify that the foregoing Change of Office Or Agent was on the 11th day of June, 1992. lodged for record, whereupon the same with the foregoing and this certificate have been duly recorded in my office.

WITNESS my hand this 12th day of June, 1992.

LILLIAN PEARL ELLIOTT, Clerk

BY: *[Signature]* D.C.

Commonwealth of Kentucky

Department of State

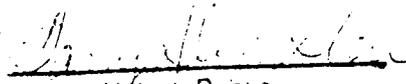
Secretary of State

BREMER EHLER
FRANKFORT, KENTUCKY

CERTIFICATE

I, BREMER EHLER, Secretary of State for the Commonwealth of Kentucky, do certify that the foregoing writing has been carefully compared by me with the original record thereof, now in my official custody as Secretary of State and remaining on file in my office, and found to be a true and correct copy of ARTICLES OF INCORPORATION OF JACKAL MINING CO. FILED AUGUST 23, 1989.

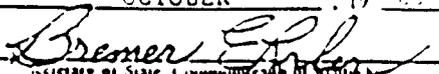
I do hereby attest
that this is a true
and exact copy of
the original document.


Notary Public
My Commission Expires _____
State of Kentucky

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed my official seal.

Done at Frankfort this 27TH day of

OCTOBER, 19 89


Secretary of State, Commonwealth of Kentucky

BY: JB

RECEIVED AND FILED
AUG 23 1989

ARTICLES OF INCORPORATION DATE
OF TIME 10:25 am
JACKAL MINING CO. AMOUNT \$50.00

ERNEST EHRLER
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY

KNOWN BY ALL THESE PRESENTS: TS

The undersigned, TODD KISCADEN of BOX 110 ARROWHEAD ESTATES ROAD, PIKEVILLE AND JIM REED, BOX 131 REED HOLLOW ROAD, PIKE County, Kentucky, do hereby form a private corporation under the laws of the State of Kentucky.

ARTICLE I

The name and address of the corporation shall be:

JACKAL MINING CO.
130 HIBBARD STREET
PIKEVILLE, KENTUCKY 41501

ARTICLE II

The duration of the corporation shall be perpetual.

ARTICLE III

The purpose of the corporation shall be to transact any or all lawful business for which corporations may be incorporated in the State of Kentucky.

ARTICLE IV

The aggregate number of shares of stock which the corporation is authorized to issue shall be 100 shares of common stock of no par value. Each share shall have equal voting rights.

ARTICLE V

In the event any shareholder wishes to sell his or her stock, the right of first refusal must be tendered, pro rata, to the other shareholders at least 60 days before any sale shall be consummated.

ARTICLE VI

The address of the registered office of the corporation shall be: 130 HIBBARD STREET, PIKEVILLE, KENTUCKY 41501 and the name and address of it's registered agent shall be TODD KISCADEN, 130 HIBBARD STREET, PIKEVILLE, KENTUCKY 41501.

I do hereby attest
that this is a true
and exact copy of
the original document.

I do hereby attest
that this is a true
and exact copy of
the original document.

[Signature]
Notary Public
My Commission Expires 4/11/99
State of Kentucky

Conley C. Smith
Notary Public
My Commission Expires 07.09.99
State of Kentucky

ARTICLE VII

The initial Board of Directors of the Corporation shall consist of two (2) directors, and the directors are to serve until the first annual meeting of the shareholders of the corporation, or until their successors are elected and qualified as:

TODD KISCADEN
BOX 109
ARROWHEAD ESTATES ROAD
PIKEVILLE, KENTUCKY 41501

JIM REED
BOX 131
REED HOLLOW ROAD
PIKEVILLE, KENTUCKY

The number of directors thereafter shall be as the Bylaws of the Corporation may provide from time to time.

ARTICLE VIII

The name and address of the incorporators are:

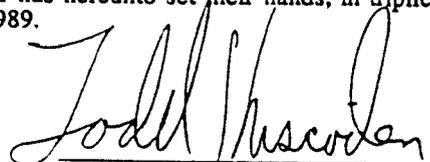
TODD KISCADEN
BOX 109
ARROWHEAD ESTATES ROAD
PIKEVILLE, KENTUCKY 41501

JIM REED
BOX 131
REED HOLLOW ROAD
PIKEVILLE, KENTUCKY

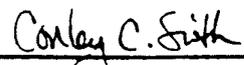
ARTICLE IX

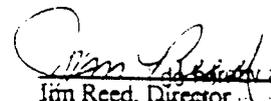
The private property of the shareholders shall not be liable for any debts, liabilities, or obligations of the corporation.

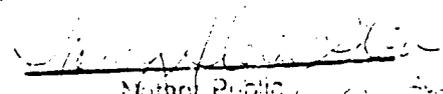
IN WITNESS WHEREOF, the incorporator has hereunto set their hands, in triplicate originals, this 15th day of August, 1989.


Todd Kiscaden, Director

I do hereby attest
that this is a true
and exact copy of
the original document.


Notary Public
My Commission Expires 07/09/99
State of Kentucky


Jim Reed, Director
and exact copy of
the original document.

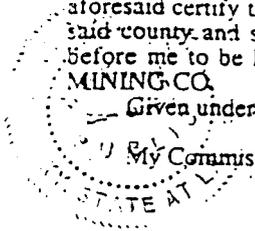

Notary Public
My Commission Expires 07/09/99

STATE OF KENTUCKY
COUNTY OF PIKE

Shawn K. Roman, a notary public for the county and state aforesaid certify that the foregoing Articles of Incorporation were this day produced to me in said county and state by TODD KISCADEN, incorporator, and acknowledged by him/her before me to be his/her free act and deed, individually and as incorporator of JACKAL MINING CO.

Given under my hand this 15th day of August, 1989.

My Commission expires December 3, 1992.



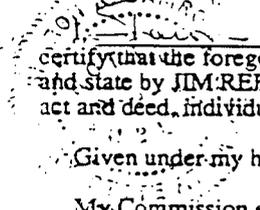
Shawn K. Roman
NOTARY PUBLIC

STATE OF KENTUCKY
COUNTY OF PIKE

Shawn K. Roman, a notary public for the county and state aforesaid certify that the foregoing Articles of Incorporation were this day produced to me in said county and state by JIM REED, incorporator, and acknowledged by him/her before me to be his/her free act and deed, individually and as incorporator of JACKAL MINING CO.

Given under my hand this 15th day of August, 1989.

My Commission expires December 3, 1992.



Shawn K. Roman
NOTARY PUBLIC

STATE OF KENTUCKY
COUNTY OF PIKE

9:42AM

Clerk's Certificate of Lodgment and Record

I, LILLIAN PEARL ELLIOTT, County Clerk for the County and State aforesaid, certify that the foregoing ^{Articles of} Incorporation was on the 22nd day of September, 1989, lodged for record, whereupon the same with the foregoing and this certificate have been duly recorded in my office.

Witness my hand this 25th day of September

1989.

LILLIAN PEARL ELLIOTT, Clerk

By Donna Wheeler, D.C.

I do hereby attest that this is a true and exact copy of the original document.

William J. [Signature]
Notary Public
My Commission Expires 12/31/90
State of Kentucky

COMMONWEALTH OF KENTUCKY
JOHN Y. BROWN III, SECRETARY OF STATE
ANNUAL REPORT

See Reverse Side for Filing Instructions

RECORD # 0262354

DUE JUNE 30, 1996

(4) FILING FEE
15.00

(1) EXACT CORPORATE NAME AND PRINCIPAL OFFICE ADDRESS:

JACKAL MINING CO.
P. O. BOX 1409
PIKEVILLE, KY 41502-0000

I do hereby attest
that this is a true
and exact copy of
the original document.

Sammy Lewis Stone
Notary Public

My Commission Expires 4.10.2000
State of Kentucky

(5) STATE OR COUNTRY OF INCORPORATION

KY

(6) DATE OF INCORPORATION OR AUTHORIZATION TO TRANSACT BUSINESS

08/23/1989

(2) PRINCIPAL OFFICE ADDRESS IS HEREBY CHANGED TO:

[Empty box for principal office address change]

(3) REGISTERED AGENT AND REGISTERED OFFICE ADDRESS:

TODD KISCADEN
512 ESCO RD.
PIKEVILLE, KY 41501-0000

(7) PLEASE MAIL A STATEMENT OF CHANGE FORM TO:

[Empty lines for mailing address]

PLEASE TYPE OR PRINT THE NAMES AND BUSINESS ADDRESSES OF THE CORPORATION'S CURRENT PRINCIPAL OFFICERS.

PRESIDENT TODD KISCADEN 512 ESCO ROAD PIKEVILLE KY 41501

VICE PRESIDENT _____

SECRETARY TODD KISCADEN 512 ESCO ROAD PIKEVILLE KY 41501

TREASURER TODD KISCADEN 512 ESCO ROAD PIKEVILLE KY 41501

PLEASE TYPE OR PRINT THE NAMES AND BUSINESS ADDRESSES OF THE CORPORATION'S DIRECTORS.

Directors are required to be listed. No listing of directors is verification that the corporation has dispensed with the board of directors. Non-profit corporations must list three (3) or more directors. See Filing Instructions on reverse side.

BOARD OF DIRECTORS TODD KISCADEN 512 ESCO ROAD PIKEVILLE Y 41501

I VERIFY THAT INFORMATION IN THIS ANNUAL REPORT IS CURRENT AS OF THE DATE THIS REPORT IS EXECUTED.

AUTHORIZED SIGNATURE *Todd Kiscaden* TITLE PRES DATE 6-28-96

CERTIFICATE OF PROFESSIONAL SERVICE CORPORATION: In addition to the annual report content requirement, there shall be included a list of names and addresses of all shareholders of the professional service corporation and the president shall sign the certificate below.

CERTIFICATE OF PROFESSIONAL SERVICE CORPORATION

I, President of said corporation, do certify that all of the shareholders, not less than one half of the directors, and all officers other than secretary and treasurer of the professional service corporation are duly qualified as provided in KRS Chapter 274 and a copy of such annual report has been filed with the regulating board that licenses the shareholders described in this statement.

PRESIDENT'S SIGNATURE _____

1.9 (continued) Page 2 of 2

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Location in organizational structure _____
Percent of ownership _____
Official title within partnership _____
Beginning date of ownership _____

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Location in organizational structure _____
Percent of ownership _____
Official title within partnership _____
Beginning date of ownership _____

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Location in organizational structure _____
Percent of ownership _____
Official title within partnership _____
Beginning date of ownership _____

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Location in organizational structure _____
Percent of ownership _____
Official title within partnership _____
Beginning date of ownership _____

1.10 If the applicant's legal structure is other than a single proprietorship or a partnership, provide all the information set forth below for: Stockholders (SH) owning ten (10) percent or more of any class of voting stock; Officers [President (PRS), Vice President (VP), Secretary (SEC), Treasurer (TRS)], Directors (DIR), and any other person performing a function similar to a Director. If any person listed below is a business entity and not an individual, also complete item 1.13 for that entity.

Name DONALD TODD KISCADEN
Mailing Address P. O. BOX 1409
If P.O. Box, indicate Street Address 512 ESCO ROAD
City PIKEVILLE State KENTUCKY Zip 41501
Telephone No. (606) 639-8585 Social Security No. 231-66-6615
Employer ID No. NOT APPLICABLE
Ownership/Control relationship to applicant OWNER
Location in organizational structure PRESIDENT/SECRETARY/TREASURER
Official title within corporation PRESIDENT/SECRETARY/TREASURER
Percent of ownership 100%
Beginning date of ownership 08/23/1989
Beginning date of affiliation 08/23/1989

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Location in organizational structure _____
Official title within corporation _____
Percent of ownership _____
Beginning date of ownership _____
Beginning date of affiliation _____

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Location in organizational structure _____
Official title within corporation _____
Percent of ownership _____
Beginning date of ownership _____
Beginning date of affiliation _____

1.10 (continued) page 2 of 2

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Location in organizational structure _____
Official title within corporation _____
Percent of ownership _____
Beginning date of ownership _____
Beginning date of affiliation _____

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Location in organizational structure _____
Official title within corporation _____
Percent of ownership _____
Beginning date of ownership _____
Beginning date of affiliation _____

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Location in organizational structure _____
Official title within corporation _____
Percent of ownership _____
Beginning date of ownership _____
Beginning date of affiliation _____

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Location in organizational structure _____
Official title within corporation _____
Percent of ownership _____
Beginning date of ownership _____
Beginning date of affiliation _____

1.11 Identify every person owning or controlling the coal to be mined under a lease, sublease, or other contract, and having the right to receive the coal after mining. Also, identify every person owning or controlling the coal to be mined under lease, sublease, or other contract and having authority to determine the manner in which the surface coal mining operation is conducted. If none, check box: [X]. If any person listed below is a business entity and not an individual, also complete item 1.13 for that entity.

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Beginning date of affiliation _____

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Beginning date of affiliation _____

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Beginning date of affiliation _____

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Beginning date of affiliation _____

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Beginning date of affiliation _____

1.12 Identify below all persons who have the authority or ability to commit the financial, real estate or working resources of the applicant who are not otherwise identified as owners, officers, or directors of the applicant. If none, check box: [X]. If any person listed below is a business entity and not an individual, also complete item 1.13 for that entity.

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Beginning date of affiliation _____

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Beginning date of affiliation _____

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Beginning date of affiliation _____

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Beginning date of affiliation _____

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to applicant _____
Beginning date of affiliation _____

ITEM 1.13 page 2 of 2

Complete this item whenever a business entity (rather than an individual) is listed in items 1.9, 1.10, 1.11, 1.12, or 1.13. Check the box below which corresponds to the item number in which the entity is found. N/A

Check appropriate box [] 1.9 [] 1.10 [] 1.11 [] 1.12 [] 1.13

Name of entity _____
List below the owners and controllers of parent entity. If any person listed is a business entity and not an individual, also complete an item 1.13 for that entity.

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to parent entity _____
Location in organizational structure _____
Percent of ownership _____
Official title within organization _____
Beginning date of ownership _____
Beginning date of affiliation _____

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to parent entity _____
Location in organizational structure _____
Percent of ownership _____
Official title within organization _____
Beginning date of ownership _____
Beginning date of affiliation _____

Name _____
Mailing Address _____
If P.O. Box, indicate Street Address _____
City _____ State _____ Zip _____
Telephone No. (____) _____ Social Security No. _____
Employer ID No. _____
Ownership/Control relationship to parent entity _____
Location in organizational structure _____
Percent of ownership _____
Official title within organization _____
Beginning date of ownership _____
Beginning date of affiliation _____

1.14 List all permits issued within the five (5) years preceding the date of this application for surface coal mining operations in the United States owned or controlled by the applicant and/or any person identified in items 1.8, 1.9, 1.10, 1.11, 1.12, or 1.13.

Name of Applicant or Person: Donald Todd Kiscaden

Permittee AgipCoal, USA Employer ID No. 61-1093839
 Address P.O. Box 565
 City Huntington State West Virginia Zip 25710

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
880-5069	Ky	KDSMRE	15-16744	08/08/89

Name of Applicant or Person: Donald Todd Kiscaden

Permittee Black Dragon Mining Company Employer ID No. 61-1175888
 Address P.O. Box 1409 512 Esco Road
 City Pikeville State Kentucky Zip 41501

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
898-5556	Ky	KDSMRE	15-17091	09/29/92
898-5161	Ky	"	15-13906	05/14/85

1.14 (continued) page 2 of 8

Name of Applicant or Person: Donald Todd Kiscaden
Black Mountain
 Permittee Mining Company Employer ID No. 61-1211533
 Address P.O. Box 1409 512 Esco Road
 City Pikeville State Kentucky Zip 41501

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA-NO. ISSUED
120-1390	Va	DMLR	44-04593	02/07/92
807-5056	Ky	KDSMRE	15-16695	02/21/86

Name of Applicant or Person: Donald Todd Kiscaden
Branham & Baker
 Permittee Coal Company, Inc. Employer ID No. 61-0594344
 Address P.O. Box 271 148 South Lake Drive
 City Prestonsburg State Kentucky Zip 41653

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA-NO. ISSUED
898-5310	Ky	KDSMRE	15-16501	10/13/88
898-5508	Ky	"	15-16115	07/28/87
898-5587	Ky	"	15-17249	06/29/92
898-5820	Ky	"	15-02091	11/28/88
898-5821	Ky	"	15-17726	11/28/88

1.14 (continued) page 3 of 8

Name of Applicant or Person: Donald Todd Kiscaden

Permittee CAS-Coal, Inc. Employer ID No. 61-1166693
 Address P.O. Box 1409 512 Esco Road
 City Pikeville State Kentucky Zip 41501

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
U501091	WV	WVDEP	46-08019	04/18/91

Name of Applicant or Person: Donald Todd Kiscaden

Permittee Enoxy Coal, Inc. Employer ID No. 61-1093839
 Address P.O. Box 565
 City Huntington State West Virginia Zip 25710

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
880-5042	Ky	KDSMRE	15-16505	01/31/89

1.14 (continued) page 4 of 3

Name of Applicant or Person: Donald Todd Kiscaden
 Permittee Jackal Mining Co. Employer ID No. 61-1166695
 Address P.O. Box 1409 512 Esco Road
 City Pikeville State Kentucky Zip 41501

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
698-5018	Ky	KDSMRE	15-04244	09/19/84
898-5497	Ky	"	15-04244	10/19/89

Name of Applicant or Person: Donald Todd Kiscaden
Kiah Creek
 Permittee Mining Co. Employer ID No. 61-1155442
 Address P.O. Box 1409 512 Esco Road
 City Pikeville State Kentucky Zip 41501

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
898-5365	Ky	KDSMRE	15-16616	05/04/89
898-5191	Ky	"		
		Transferred To:		
898-5441	Ky	KDSMRE	15-16923	08/03/90

1.14 (continued) page 5 of 3

Name of Applicant or Person: Donald Todd Kiscaden
K.T.K. Mining and
 Permittee Construction Company Employer ID No. 61-1093839
 Address P.O. Box 1409 512 Esco Road
 City Pikeville State Kentucky Zip 41501

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
880-5131	Ky	KDSMRE	15-15665	06/30/86
880-6064	Ky	"	15-16308	05/25/88
880-5074	Ky	"	15-16505	11/08/88
880-5042	Ky	"	15-16505	01/31/89
880-0180	Ky	"	15-15991	12/04/85

Name of Applicant or Person: Donald Todd Kiscaden
Mordor Mining
 Permittee Corporation Employer ID No. 61-1191412
 Address P.O. Box 271 148 South Lake Drive
 City Prestonsburg State Kentucky Zip 41653

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
898-5516	Ky	KDSMRE	15-13906	04/05/90
898-5517	Ky	"	15-16857	04/05/90

1.14 (continued) page 6 of 3

Name of Applicant or Person: Donald Todd Kiscaden
Panther Land
 Permittee Corporation Employer ID No. 61-1149472
 Address P.O. Box 271 148 South Lake Drive
 City Prestonsburg State Kentucky Zip 41653

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
898-5480	Ky	KDSMRE	15-17190	05/18/92

Name of Applicant or Person: Donald Todd Kiscaden
 Permittee Raven Mining Co. Employer ID No. 61-1169066
 Address P.O. Box 1409 512 Esco Road
 City Pikeville State Kentucky Zip 41502

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
880-5061	Ky	KDSMRE	15-16743	10/30/91
880-5069	Ky	"	15-16744	08/08/89
880-5084	Ky	"	15-16744	11/06/89
880-5086	Ky	"	15-16832	08/06/91
880-5089	Kv	"	15-17250	06/22/92

1.14 (continued) page 7 of 3

Name of Applicant or Person: Donald Todd Kiscaden

Permittee Sidewinder Mining Co. Employer ID No. 61-1166697

Address P.O. Box 1409 512 Esco Road

City Pikeville State Kentucky Zip 41501

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
898-9054	Ky	KDSMRE	15-14468	07/13/87

Name of Applicant or Person: Donald Todd Kiscaden

SMK Mining and Construction

Permittee Company, Incorporated Employer ID No. 61-1093840

Address P.O. Box 1409 512 Esco Road

City Pikeville State Kentucky Zip 41501

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
U-3012-90	WV	WVDEP	46-08014	03/28/91

1.14 (continued) page 3 of 3

Name of Applicant or Person: Donald Todd Kiscaden
Tennessee Construction
 Permittee Company Employer ID No. 61-1121352
 Address P.O. Box 1409 512 Esco Road
 City Pikeville State Kentucky Zip 41501

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
898-8043	Ky	KDSMRE	15-06733	10/19/89

Name of Applicant or Person: _____
 Permittee _____ Employer ID No. _____
 Address _____
 City _____ State _____ Zip _____

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED

1.15 List all permit applications pending for surface coal mining operations in the United States owned or controlled by the applicant and/or any person identified in items 1.8, 1.9, 1.10, 1.11, 1.12, or 1.13.

Name of Applicant or Person: Donald Todd Kiscaden
Branham & Baker
 Applicant Coal Company, Inc. Employer ID No. 61-0594344
 Address P.O. Box 271 148 South Lake Drive
 City Prestonsburg State Kentucky Zip 41653

APPLICATION NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
898-5609	Ky	KDSMRE	15-17798	06/04/96
898-5721	Ky	"	15-17786	05/09/96

Name of Applicant or Person: Donald Todd Kiscaden
Tennessee Construction
 Applicant Company Employer ID No. 61-1121352
 Address P.O. Box 1409 512 Esco Road
 City Pikeville State Kentucky Zip 41501

APPLICATION NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
898-5891	Ky	KDSMRE	Pending	Pending

1.15 (continued) page 2 of 2

Name of Applicant or Person: _____

Applicant _____ Employer ID No. _____

Address _____

City _____ State _____ Zip _____

APPLICATION NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED

Name of Applicant or Person: _____

Applicant _____ Employer ID No. _____

Address _____

City _____ State _____ Zip _____

APPLICATION NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED

1.16 Violation Information

(a) Has the applicant or any person listed in items 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, or any subsidiary, affiliate, or person controlled by or under common control with the applicant:

(1) Had a federal or state coal mining permit suspended or revoked in the five (5) years preceding the date of this application?
[] YES [X] NO. If "YES" complete the following:

Name of Applicant or Person _____
Permittee _____
Permit No. _____ Date of Issuance _____
Regulatory authority suspending or revoking the permit _____
State _____

Stated reason for action _____

Current status of permit _____
(If administrative or judicial proceedings initiated, provide the following:)

Date _____ Location _____

Type _____

Current status of proceedings: _____

Name of Applicant or Person _____

Permittee _____

Permit No. _____ Date of Issuance _____

Regulatory authority suspending or revoking the permit _____

State _____

Stated reason for action _____

Current status of permit _____

(If administrative or judicial proceedings initiated, provide the following:)

Date _____ Location _____

Type _____

Current status of proceedings: _____

Name of Applicant or Person _____

Permittee _____

Permit No. _____ Date of Issuance _____

Regulatory authority suspending or revoking the permit _____

State _____

Stated reason for action _____

Current status of permit _____

(If administrative or judicial proceedings initiated, provide the following:)

Date _____ Location _____

Type _____

Current status of proceedings: _____

1.16(a) (continued)

- (2) Forfeited a reclamation performance bond or a security deposited in lieu of a bond? [] YES [X] NO.
If "YES", complete the following:

Name of Applicant or Person _____
Permittee _____
Permit No. _____ Date of Issuance _____
Regulatory authority forfeiting bond or security _____
State _____

Stated reason for action _____

Current status of bond or security _____
(If administrative or judicial proceedings initiated, provide the following:)

Date _____ Location _____

Type _____

Current status of proceedings: _____

Name of Applicant or Person _____
Permittee _____
Permit No. _____ Date of Issuance _____
Regulatory authority forfeiting bond or security _____
State _____

Stated reason for action _____

Current status of bond or security _____
(If administrative or judicial proceedings initiated, provide the following:)

Date _____ Location _____

Type _____

Current status of proceedings: _____

Name of Applicant or Person _____
Permittee _____
Permit No. _____ Date of Issuance _____
Regulatory authority forfeiting bond or security _____
State _____

Stated reason for action _____

Current status of bond or security _____
(If administrative or judicial proceedings initiated, provide the following:)

Date _____ Location _____

Type _____

Current status of proceedings: _____

1.16 (continued)

- (b) Has the applicant been issued a notice of violation in connection with any surface coal mining and reclamation operation during the three (3) years preceding the date of this application for violation of SMCRA, KRS Chapter 350, any federal law, rule or regulation pertaining to air or water environmental protection, or any state law, rule or regulation enacted pursuant to federal law, rule or regulation pertaining to air or water environmental protection? [X] YES [] NO. If yes, provide the following information:

Name to whom violation was issued Jackal Mining Company
 Permit (or other identifying) No. 898-5497
 MSHA No. 15-04244 Date MSHA No. Issued 10/19/89
 Violation ID No. 057671
 Issuing regulatory authority Surface Mining Reclamation Office (Pikeville)
 Date violation issued 3/17/94
 Description of alleged violation 405 KAR 18:060 (HR)
 Abatement actions taken Abated
 Date of abatement actions 4/28/95
 Type of proceedings (Administrative or Judicial) Administrative
 Date of proceedings _____
 Status of proceedings _____
 Location of proceedings _____

Name to whom violation was issued Jackal Mining Company
 Permit (or other identifying) No. 898-5497
 MSHA No. 15-04244 Date MSHA No. Issued 10/19/89
 Violation ID No. 057675
 Issuing regulatory authority Surface Mining Reclamation Office (Pikeville)
 Date violation issued 1/25/95
 Description of alleged violation 405 KAR 7:040 (OD)
 Abatement actions taken Abated
 Date of abatement actions 9/18/95
 Type of proceedings (Administrative or Judicial) Administrative
 Date of proceedings _____
 Status of proceedings _____
 Location of proceedings _____

1.16(b) (continued) page 1 of 3

Name to whom violation was issued Jackal Mining Company
 Permit (or other identifying) No. 898-5497
 MSHA No. 15-04244 Date MSHA No. Issued 10/19/89
 Violation ID No. 51-0090
 Issuing regulatory authority Surface Mining Reclamation Office (Pikeville)
 Date violation issued 10/28/94
 Description of alleged violation 405 KAR 8:010 (OD)

Abatement actions taken Abated

Date of abatement actions 04/28/95
 Type of proceedings (Administrative or Judicial) Administrative
 Date of proceedings N/A
 Status of proceedings N/A
 Location of proceedings N/A

Name to whom violation was issued Jackal Mining Company
 Permit (or other identifying) No. 898-5497
 MSHA No. 15-04244 Date MSHA No. Issued 10/19/89
 Violation ID No. 51-0325
 Issuing regulatory authority Surface Mining Reclamation Office (Pikeville)
 Date violation issued 1/25/95
 Description of alleged violation 405 KAR 7:040 (OD)

Abatement actions taken Abated

Date of abatement actions 09/18/95
 Type of proceedings (Administrative or Judicial) Administrative
 Date of proceedings N/A
 Status of proceedings N/A
 Location of proceedings N/A

Name to whom violation was issued Jackal Mining Company
 Permit (or other identifying) No. 898-5497
 MSHA No. 15-04244 Date MSHA No. Issued 10/19/89
 Violation ID No. 51-0478
 Issuing regulatory authority Surface Mining Reclamation Office (Pikeville)
 Date violation issued 5/15/95
 Description of alleged violation 405 KAR 18:230 (OT)

Abatement actions taken Abated

Date of abatement actions 06/09/95
 Type of proceedings (Administrative or Judicial) Administrative
 Date of proceedings N/A
 Status of proceedings N/A
 Location of proceedings N/A

Reference Pages 16.1, 16.2, 16.3, etc. for additional information.

1.16(b) (continued) page 2 of 3

Name to whom violation was issued Jackal Mining Company
 Permit (or other identifying) No. 898-5497
 MSHA No. 15-04244 Date MSHA No. Issued 10/19/89
 Violation ID No. 51-0580
 Issuing regulatory authority Surface Mining Reclamation Office (Pikeville)
 Date violation issued 9/13/95
 Description of alleged violation 405 KAR 18:230 (AC)

Abatement actions taken Abated

Date of abatement actions 10/24/95
 Type of proceedings (Administrative or Judicial) Administrative
 Date of proceedings N/A
 Status of proceedings N/A
 Location of proceedings N/A

Name to whom violation was issued Jackal Mining Company
 Permit (or other identifying) No. 898-5497
 MSHA No. 15-04244 Date MSHA No. Issued 10/19/89
 Violation ID No. 51-0742
 Issuing regulatory authority Surface Mining Reclamation Office (Pikeville)
 Date violation issued 2/22/96
 Description of alleged violation 405 KAR 7:040 (OD)

Abatement actions taken Abated

Date of abatement actions 2/28/97
 Type of proceedings (Administrative or Judicial) Administrative
 Date of proceedings N/A
 Status of proceedings N/A
 Location of proceedings N/A

Name to whom violation was issued Jackal Mining Company
 Permit (or other identifying) No. 898-5497
 MSHA No. 15-04244 Date MSHA No. Issued 10/19/89
 Violation ID No. 51-0830
 Issuing regulatory authority Surface Mining Reclamation Office (Pikeville)
 Date violation issued 4/22/96
 Description of alleged violation 405 KAR 18:120 (UE)

Abatement actions taken Abated

Date of abatement actions 05/22/96
 Type of proceedings (Administrative or Judicial) Administrative
 Date of proceedings N/A
 Status of proceedings N/A
 Location of proceedings N/A

1.16(b) (continued) page 3 of 3

Name to whom violation was issued Jackal Mining Company
 Permit (or other identifying) No. 898-5497
 MSHA No. 15-04244 Date MSHA No. Issued 10/19/89
 Violation ID No. 51-0836
 Issuing regulatory authority Surface Mining Reclamation Office (Pikeville)
 Date violation issued 6/27/96
 Description of alleged violation 405 KAR 7:040 (OD)

Abatement actions taken Abated

Date of abatement actions 02/28/97
 Type of proceedings (Administrative or Judicial) Administrative
 Date of proceedings N/A
 Status of proceedings N/A
 Location of proceedings N/A

Name to whom violation was issued _____
 Permit (or other identifying) No. _____
 MSHA No. _____ Date MSHA No. Issued _____
 Violation ID No. _____
 Issuing regulatory authority _____
 Date violation issued _____
 Description of alleged violation _____

Abatement actions taken _____

Date of abatement actions _____
 Type of proceedings (Administrative or Judicial) _____
 Date of proceedings _____
 Status of proceedings _____
 Location of proceedings _____

Name to whom violation was issued _____
 Permit (or other identifying) No. _____
 MSHA No. _____ Date MSHA No. Issued _____
 Violation ID No. _____
 Issuing regulatory authority _____
 Date violation issued _____
 Description of alleged violation _____

Abatement actions taken _____

Date of abatement actions _____
 Type of proceedings (Administrative or Judicial) _____
 Date of proceedings _____
 Status of proceedings _____
 Location of proceedings _____

1.16 (continued)

- (c) List all unabated cessation orders, and all unabated air and water quality notices of violation, received prior to the date of this application by any surface coal mining and reclamation operation owned or controlled by either the applicant or by any person identified in items 1.8, 1.9, 1.10, 1.11, 1.12, or 1.13. If none, check box: [X].

Name of Applicant or Person _____

Name to whom violation was issued _____

Permit (or other identifying) No. _____

MSHA No. _____ Date MSHA No. Issued _____

Violation ID No. _____

Issuing regulatory authority _____

Date violation issued _____

Description of alleged violation _____

Abatement actions taken _____

Date of abatement actions _____

Type of proceedings (Administrative or Judicial) _____

Date of proceedings _____

Status of proceedings _____

Location of proceedings _____

Name of Applicant or Person _____

Name to whom violation was issued _____

Permit (or other identifying) No. _____

MSHA No. _____ Date MSHA No. Issued _____

Violation ID No. _____

Issuing regulatory authority _____

Date violation issued _____

Description of alleged violation _____

Abatement actions taken _____

Date of abatement actions _____

Type of proceedings (Administrative or Judicial) _____

Date of proceedings _____

Status of proceedings _____

Location of proceedings _____

1.16(c) (continued) page 2 of 2

Name of Applicant or Person _____

Name to whom violation was issued _____

Permit (or other identifying) No. _____

MSHA No. _____ Date MSHA No. Issued _____

Violation ID No. _____

Issuing regulatory authority _____

Date violation issued _____

Description of alleged violation _____

Abatement actions taken _____

Date of abatement actions _____

Type of proceedings (Administrative or Judicial) _____

Date of proceedings _____

Status of proceedings _____

Location of proceedings _____

Name of Applicant or Person _____

Name to whom violation was issued _____

Permit (or other identifying) No. _____

MSHA No. _____ Date MSHA No. Issued _____

Violation ID No. _____

Issuing regulatory authority _____

Date violation issued _____

Description of alleged violation _____

Abatement actions taken _____

Date of abatement actions _____

Type of proceedings (Administrative or Judicial) _____

Date of proceedings _____

Status of proceedings _____

Location of proceedings _____

Name of Applicant or Person _____

Name to whom violation was issued _____

Permit (or other identifying) No. _____

MSHA No. _____ Date MSHA No. Issued _____

Violation ID No. _____

Issuing regulatory authority _____

Date violation issued _____

Description of alleged violation _____

Abatement actions taken _____

Date of abatement actions _____

Type of proceedings (Administrative or Judicial) _____

Date of proceedings _____

Status of proceedings _____

Location of proceedings _____

1.17 List all other licenses, permits, or approvals needed to conduct the proposed coal mining operation.

NOTE: The Cabinet is not responsible for informing applicants of other required licenses, permits, or approvals.

N/A - ENTITY REFERENCE FILE ONLY

(a) Mine Safety and Health Administration (MSHA)

Name _____
MSHA ID No. _____
Date of Issuance/Denial _____

(b) Kentucky Department of Mines and Minerals

Name _____

SEAM NAME	STATE FILE NO.	LICENSE NO.	DATE OF ISSUANCE/DENIAL

(c) Kentucky Division of Water (KPDES)

Name _____
Is Application Pending [] Yes [] No
If No, ID No. _____
and Date of Issuance/Denial _____

(d) Other

Type of Authorization _____
Name of Agency _____
Agency Address _____
Name _____
ID No. _____
Date of Issuance/Denial _____

Type of Authorization _____
Name of Agency _____
Agency Address _____
Name _____
ID No. _____
Date of Issuance/Denial _____

* N/A - ENTITY REFERENCE FILE ONLY

- 1.18 List names and complete addresses of all surface owners within the proposed permit area. Include all legal and equitable owners of record, holders of record of any leasehold interest, and any purchaser or record under a real estate contract. If additional pages are needed, identify as "Item 1.18 Continued".

N/A

- 1.19 List the names and complete addresses of all mineral owners of the proposed permit area. Include all legal and equitable owners, holders of record of any leasehold interest and any purchaser of record under a real estate contract. If additional pages are needed, identify as "Item 1.19 Continued".

N/A

- 1.20 If any surface or mineral owner listed above has a legal structure other than a single proprietorship (individual), list the names of principals, officers and resident agent for each. If additional pages are needed, identify as "Item 1.20 Continued".

N/A

- 1.21 List names and complete addresses of owners of record of all surface area contiguous to any part of proposed permit area. If additional pages are needed, identify as "Item 1.21 Continued".

N/A

- 1.22 List names and complete addresses of owners of record of all mineral rights contiguous to any part of proposed permit area. If additional pages are needed, identify as "Item 1.22 Continued".

N/A

1.23 Will the mine operator(s) of the proposed permit be different from the applicant? [] YES [X] NO. If YES, identify the operator(s) below and also submit Form MPA-02, "Operator Information," completed by the operator(s). A separate form MPA-02 must be completed by each operator, other than the applicant, that will conduct surface coal mining operations on this permit.

Name of Operator _____
Employer ID No. _____

Name of Operator _____
Employer ID No. _____

Name of Operator _____
Employer ID No. _____

1.24 Signature of Applicant or Authorized Agent

The undersigned, being first duly sworn, states that he/she has read all the information provided in Form MPA-01, Permittee Information for a Mining Permit, of this application and has found it to be true and correct. The undersigned further acknowledges that any information provided or omitted herein for the purpose of defrauding or misleading the Natural Resources and Environmental Protection Cabinet may result in criminal charges being instituted pursuant to applicable state laws.

Applicant Company Name JACKAL MINING COMPANY

Name of Applicant or Agent
Whose Signature Appears Below DONALD TODD KISCADEN

Title PRESIDENT Telephone (606) 639-8585

Signature of Applicant or Agent* Donald Todd Kiscaden

Date of signature 3/13/97

Subscribed and sworn to before me by DONALD TODD KISCADEN,

This the 13TH Day of MARCH, 1997.

Notary Public Jammy Alexis Stone

My Commission Expires 4/10/2000 State in which Commissioned KENTUCKY

***NOTE:** If signer is other than president or secretary of a corporation, attach a notarized copy of power of attorney, or resolution of board of directors which grants signer the legal authority to represent the applicant in this application. (Does not apply to a single proprietorship or partnership.)

APPENDICES

APPENDIX 2-1	LEASE DOCUMENT
APPENDIX 2-2	NEWSPAPER ACKNOWLEDGEMENT
APPENDIX 2-3	RIGHT-OF-WAY APPLICATION
APPENDIX 2-4	AVS DATA - SCOTT KISCADEN
APPENDIX 2-5	AVS DATA - TODD KISCADEN

CHAPTER 2

LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION

2.1 Scope

The information contained in this section is intended to fulfill the requirements of R645-301-100 and to ensure that all relevant information on the ownership and control of the mining activities is supplied to the regulatory agency(s).

2.2 Identification of Interests

2.2.1 Permit Application and Mine Operator

The permit applicant and mine operator is Horizon Coal Corporation, 15215 Fox Chase Lane, Abingdon, VA 24210, (540) 628-2691.

2.2.2 Applicant's Resident Agent

The resident agent who will accept service of process is:

Denise Dragoon
Van Cott, Bagley, Cornwall and McCarthy
50 South Main Street, Suite 1600
Salt Lake City, Utah 84111
(801) 532-3333
(801) 237-0465 (Direct)
(801) 534-0058 (FAX)

Correspondence pertaining to mining operations should be addressed to:

Bradley J. Bourquin, P.E.
1131 S. Dover Street
Lakewood, CO 80232
(303) 989-4242
(303) 989-4230 (FAX)

2.2.3 Applicant's Business Entity

Horizon Coal Corporation (Horizon) is a corporation registered in the State of Virginia, qualified to do business in Utah.

2.2.4 Names and Addresses of Corporate Officers and Directors

OFFICER	TITLE	ADDRESS
Scott Kiscaden	President	Horizon Coal Corporation 15215 Fox Chase Lane Abingdon, VA 24210 (540) 628-2691
Todd Kiscaden	Secretary	Horizon Coal Corporation 15215 Fox Chase Lane Abingdon, VA 24210 (540) 628-2691

2.2.5 Principal Shareholder, Owned or Controlled

All shares of Horizon Coal Corporation are owned by K & K Holding Company, Inc., 15215 Fox Chase Lane, Abingdon, VA 24210. K & K Holding Company, Inc. is owned by Scott and Todd Kiscaden (100% Stockholders).

2.2.6 Prior Business Identification, Options/Bids on Contiguous Lands

Horizon has filed for "lease by application" on Federal coal lands (T13S, R8E, Sections 6, 7, 8, 9, 17, and 18) located to the north of the areas they are currently leasing.

2.2.7 Permit Status

K & K Holding Company, Inc. (K & K) has no other mining permits or operations. However, Scott and Todd Kiscaden, officers of K & K are currently officers and directors of other mining companies holding mine permits. Data pertaining to these companies are contained in Appendices 2-4 and 2-5.

2.2.8 Mine Safety and Health Administration Identification Number

The MSHA numbers were issued April 20, 1995, by the Department of Labor to Horizon Coal Corporation.

MSHA identification numbers follow:

Horizon No. 1 Mine MSHA Number 42-02074

Horizon No. 2 Mine MSHA Number 42-02075 (Not opening at present time)

2.2.9 Abandoned Mine Land Reclamation Fee

The abandoned mine land reclamation fee will be paid by Horizon Coal Corporation.

2.3 Compliance Information

2.3.1 Permit Suspensions or Revocations

No permits issued to Horizon have been suspended or revoked.

2.3.2 Bond or Security Forfeitures

The applicant has no bond or security forfeitures.

2.3.3 Environmental Protection Violation Notices

K & K has no other mining permits or operations. Scott and Todd Kiscaden of K & K are currently officers and directors of other mining companies holding mine permits. Data pertaining to these companies are contained in Appendices 2-4 and 2-5.

HORIZON COAL CORPORATION - PERMIT ACT 007/020			
Date	Number	Violation	Action
10/30/96	96-35-1-2	1 of 2 - Control or prevention of runoff outside permit area.	Abated 11/4/96
		2 of 2 - Placement of coal waste in proposed reclamation channel.	Vacated 1/97
10/31/96	96-26-4-3	1 of 3 - Parking vehicles outside disturbed area.	Abated 10/31/96
		2 of 3 - Storage of materials outside of permit area.	Abated 10/31/96
		3 of 3 - Not removing topsoil according to MRP and exposing soil to potential contaminants.	Abated 10/31/96

2.4 Right of Entry and Operation Information

Horizon Coal Corporation bases its right to enter and undertake coal mining on: 1) a lease from Hidden Splendor Resources, Ltd. and 2) a Right-of-Way from U.S. Bureau of Land Management.

The documentation pertaining to the lease from Hidden Splendor can be found in Appendix 2-1. The Hidden Splendor lease document describes a lease of fee coal and a sublease of federal coal. The federal coal lease SL 0630311 has expired.

Horizon has a Right-of-Way through BLM lands to facilitate mining coal from fee lands. Horizon stipulates that it will mine only fee coal and federal coal within the Right-of-Way. The right-of-way application can be found in Appendix 2-3.

2.5 Relationship to Area Designated Unsuitable for Mining

The permit area is not located within an area designated as unsuitable for mining under R645-103-400, nor has any petitions been filed with the Utah Division of Oil, Gas and Mining under R645-103-420 that could affect the proposed permit area (see Plate 1-1). No surface operations or facilities are located within 300 feet of an occupied dwelling or within 100 feet of a cemetery. A public road right-of-way passes through the permit area and provides access to public property. Coal haulage activities will occur within 100 feet of the public road right-of-way where the permit area road joins a public county road (see Appendix 3-1).

2.6 Permit Term

The Horizon No. 1 Mine is proposed for a 5 year term under the Permanent Regulatory Program for 5 years. Chapter 3.3, Operational Plan, discusses the extent of underground mining activities to be conducted over the 5 year permit term.

2.7 Personal Injury and Property Damage Insurance

The public liability insurance requirements outlined in R645-301-890 will be acquired when permitting is complete and will be maintained in full force during the life of the permit. Verification then will be provided.

2.8 Performance Bond

Horizon Coal Corporation will provide a performance bond in an amount determined by the Division as provided in R645-301-830. Upon receipt of the bond, proof of the bond will be filed with the Division.

2.9 Other Licenses and Permits

Licenses and permits needed to conduct a coal mining operation are listed below.

LICENSES & PERMITS
HORIZON NO. 1

Permit	Issuing Authority (Address)
Division of Oil, Gas, & Mining	355 West North Temple 3 Triad Center, Suite 350 Salt Lake City, Utah 84180-1203
Construction & Air Quality BAQE-336-91	Division of Air Quality 288 No. 1640 West P.O. Box 16690 Salt Lake City, Utah 84116-0690
Construction, Sedimentation Pond and Drainage System	Division of Water Pollution Control 288 No. 1460 West P.O. Box 16690 Salt Lake City, Utah 84116-0690
Water Rights (Being leased)	Division of Water Rights 453 S. Carbon Avenue Price, Utah 84501
Construction Sewer Facilities	Southeastern Utah Health District Silvagni Building 6 East Main Street Price, Utah 84501
Carbon County Planning & Zoning	Carbon County Courthouse Price, Utah 84501
UPDES (UTG040019)	State of Utah Department of Environmental Quality Water Quality Division 288 No. 1460 West Salt Lake City, Utah 84114-4870

MSHA (see Section 2.2.8)

U.S. Department of Labor
Mine Safety and Health Administration
P.O. Box 25367
Denver, Colorado 80225

Employer Identification No. 54-1755528

2.10 Location of Public Office for Filing Application

A copy of this permit application is on file with the Utah Division of Oil, Gas and Mining (UDOGM), 355 West North Temple, 3 Triad Center, Salt Lake City, Utah.

A copy of the filing fee receipt is located in Appendix 2-2.

2.11 Newspaper Advertisement and Proof of Publication

Pursuant to R645.117.200, a newspaper advertisement was placed in the Sun Advocate April 25, May 2, 9 and 16, 1991 giving public notice of the Blue Blaze Coal Company's submittal of a mining application. Advertising verification documents are located in Appendix 2-2.

The lands within the Horizon Permit Boundary are described below:

Township 13 South, Range 8 East, SLM, Utah

Section 8: SE1/4SW1/4, SW1/4NW1/4SW1/4SE1/4, W1/2SW1/4SW1/4SE1/4
Section 17: NW1/4NE1/4, S1/2NW1/4, N1/2NW1/4SW1/4, NE1/4SW1/4,
NW1/4SE1/4, N1/2SE1/4SW1/4, N1/2SW1/4SE1/4,
W1/2W1/2SW1/4NE1/4

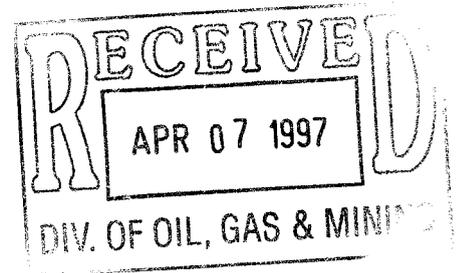
The permit boundary contains 317.5 acres. The disturbed area boundary contains 9.15 acres.

2.12 Contiguous Ownership

See Chapter 4.

Chapter 2, Legal, Financial, Compliance
Horizon Coal Corporation

April 7, 1997



APPENDIX 2-4

AVS DATA - SCOTT KISCADEN

PERMITTEE INFORMATION FOR A MINING PERMIT

This form clearly identifies the applicant for a mining permit. This form must be filed in conjunction with MPA-03 for all Original and Amendment permit applications.	PERMIT NUMBER <u>ENITY REFERENCE FILE</u>
	DSMRE ID NUMBER <u>000339</u> OC # <u>3</u>

1. Identification of Applicant and Owners' Interests

1.1 Applicant Name BRANHAM & BAKER COAL COMPANY, INC.
Mailing Address P. O. BOX 271
If P.O. Box, indicate Street Address 148 SOUTH LAKE DRIVE
City PRESTONSBURG State KENTUCKY Zip 41653
Telephone No. (606) 886-6300
Employer ID No. 61-0594344
Coal Severance Tax No. 06900

1.2 Identify resident agent, in Kentucky, for service of process:

Name DONN CHICKERING
Mailing Address P. O. BOX 271
If P.O. Box, indicate Street Address 148 SOUTH LAKE DRIVE
City PRESTONSBURG State KENTUCKY Zip 41653
Telephone No. (606) 886-6300
Employer ID No. 007-36-3964 Social Security No. 007-36-3964

1.3 Identify individual who will pay the federal abandoned mine land reclamation fees:

Name DONN CHICKERING
Mailing Address P. O. BOX 271
If P.O. Box, indicate Street Address 148 SOUTH LAKE DRIVE
City PRESTONSBURG State KENTUCKY Zip 41653
Telephone No. (606) 886-6300
Employer ID No. 007-36-3964 Social Security No. 007-36-3964

1.4 Type of Application: Original Amendment No. _____
ENITY REFERENCE FILE 000339 OC # 3

1.5 Indicate legal structure of applicant:

Single Proprietorship (I)
 Partnership (P)
Is applicant a Limited Partnership? YES NO
 Corporation (C) List State of Incorporation KENTUCKY
 Association (A)
 Other (O) _____

1.6 Attach notarized copies of the documents which establish the legal structure of the applicant and check below the type of documents submitted.

Notarized copy of "Certificate of Existence Domestic Corporation" or other appropriate document from the Secretary of State. Also attach a notarized copy of the most recently filed annual report (In-State Corporation).

Notarized copy of "Certificate of Authorization Foreign Corporation" and a notarized copy of most recently filed annual report (out-of-State Corporation).

Notarized copy of Partnership Agreement (Partnership).

Notarized copy of "Certificate of Limited Partnership" (Limited partnership).

1.7 If business is to be conducted under an assumed name, attach a copy of the "Certificate of Assumed Name" and list the county where that name is registered. _____ Identify attached certificate as "Attachment 1.7.A".

N/A

1.8 If applicant is a single proprietorship, list owner: N/A

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Beginning date of ownership _____

1.9 If applicant is a partnership, list all partners. If any partner listed below is a business entity and not an individual, also complete item 1.13 for that entity. N/A

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Ownership/Control relationship to applicant _____
 Location in organizational structure _____
 Percent of ownership _____
 Official title within partnership _____
 Beginning date of ownership _____

**COMMONWEALTH OF KENTUCKY
JOHN Y. BROWN III, SECRETARY OF STATE
ANNUAL REPORT**

(See Reverse Side for Filing Instructions)

RI J# 0005649

DUE JUNE 30, 1996

(4) FILING FEE

15.00

1) EXACT CORPORATE NAME AND PRINCIPAL OFFICE ADDRESS:

BRANHAM & BAKER COAL COMPANY, INC.
148 SOUTH LAKE DR.
PRESTONSBURG, KY. 41653

I do hereby attest
that this is a true
and exact copy of
the original document.

Conley C. Smith

Notary Public
My Commission Expires 07.09.99
State of Kentucky

(5) STATE OR COUNTRY OF INCORPORATION

KY

2) PRINCIPAL OFFICE ADDRESS IS HEREBY CHANGED TO:

P.O. Box 271
148 South Lake Drive
Prestonsburg, KY 41653

(6) DATE OF INCORPORATION OR AUTHORIZATION TO TRANSACT BUSINESS

01/08/1962

3) REGISTERED AGENT AND REGISTERED OFFICE ADDRESS:

DOWN CHICKERING
148 SOUTH LAKE DR.
PRESTONSBURG, KY. 41653

(7) PLEASE MAIL A STATEMENT OF CHANGE FORM TO:

Changes made to the registered agent or registered office cannot be made on this form
See Filing Instructions on reverse side

PLEASE TYPE OR PRINT THE NAMES AND BUSINESS ADDRESSES OF THE CORPORATION'S CURRENT PRINCIPAL OFFICERS.
IF SOLE OFFICER, PLEASE CHECK

PRESIDENT	<u>Scott Kisendan</u>	<u>SAME</u>
VICE PRESIDENT	<u>Robert Mayfield ; Mike Castle</u>	<u>SAME</u>
SECRETARY	<u>MIKE Castle</u>	<u>SAME</u>
TREASURER	<u>Mike Castle</u>	<u>SAME</u>

PLEASE TYPE OR PRINT THE NAMES AND BUSINESS ADDRESSES OF THE CORPORATION'S DIRECTORS.

Directors are required to be listed. No listing of directors is verification that the corporation has dispensed with the board of directors. Non-profit corporations must list three (3) or more directors. See Filing Instructions on reverse side.

BOARD OF DIRECTORS	<u>DOWN A. Chickering, CEO</u>	<u>SAME</u>
--------------------	--------------------------------	-------------

I VERIFY THAT INFORMATION IN THIS ANNUAL REPORT IS CURRENT AS OF THE DATE THIS REPORT IS EXECUTED.

AUTHORIZED SIGNATURE *Robert Mayfield* TITLE VP DATE 6/20/96

PROFESSIONAL SERVICE CORPORATIONS ONLY: In addition to the annual report content requirement, there shall be included a list of names and addresses of all shareholders of the professional service corporation and the president shall sign the certificate below.

CERTIFICATE OF PROFESSIONAL SERVICE CORPORATION

I, President of said corporation, do certify that all of the shareholders, not less than one half of the directors, and all officers other than secretary and treasurer of the professional service corporation are duly qualified as provided in KRS Chapter 274 and a copy of such annual report has been filed with the regulating board that licenses the shareholders described in this statement.

PRESIDENT'S SIGNATURE _____



OFFICE OF THE SECRETARY OF STATE
CERTIFICATE OF EXISTENCE
DOMESTIC CORPORATION

BOB SABBAGE, Secretary of State of the Commonwealth of Kentucky do hereby certify that according to the records in the office of the Secretary of State of the Commonwealth of Kentucky FRANHAM BAKER FODDER COMPANY, INC.

is a corporation organized and existing under the laws of the Commonwealth of Kentucky, whose date of incorporation is JANUARY 9, 1962 and whose period of duration is PERPETUAL

I further certify that said corporation has paid all fees due and owing to the office of the Secretary of State of the Commonwealth of Kentucky to date; has delivered to the Secretary of State its most recent annual report, as required by KRS 272.10-210 or 272.3671, and has not filed articles of dissolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at Frankfort, Kentucky, this 27TH day of JANUARY 19 63

Bob Sabbage
BOB SABBAGE
Secretary of State
Commonwealth of Kentucky

I do hereby attest
that this is a true
and exact copy of
the original document.

Wiley C. Smith
Notary Public
My Commission Expires 07, 09, 99
State of Kentucky

1.9 (continued) Page _____ of _____

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Ownership/Control relationship to applicant _____
 Location in organizational structure _____
 Percent of ownership _____
 Official title within partnership _____
 Beginning date of ownership _____

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Ownership/Control relationship to applicant _____
 Location in organizational structure _____
 Percent of ownership _____
 Official title within partnership _____
 Beginning date of ownership _____

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Ownership/Control relationship to applicant _____
 Location in organizational structure _____
 Percent of ownership _____
 Official title within partnership _____
 Beginning date of ownership _____

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Ownership/Control relationship to applicant _____
 Location in organizational structure _____
 Percent of ownership _____
 Official title within partnership _____
 Beginning date of ownership _____

1.10 If the applicant's legal structure is other than a single proprietorship or a partnership, provide all the information set forth below for: Stockholders (SH) owning ten (10) percent or more of any class of voting stock; Officers [President (PRS), Vice President (VP), Secretary (SEC), Treasurer (TRS)], Directors (DIR), and any other person performing a function similar to a Director. If any person listed below is a business entity and not an individual, also complete item 1.13 for that entity.

Name DONN CHICKERING
 Mailing Address P. O. BOX 271
 If P.O. Box, indicate Street Address 148 SOUTH LAKE DRIVE
 City PRESTONSBURG State KENTUCKY Zip 41653
 Telephone No. (606) 886-6300 Social Security No. 007-36-3964
 Employer ID No. 007-36-3964
 Ownership/Control relationship to applicant OWNS 100% OF VOTING STOCK
 Location in organizational structure DIRECTOR AND CEO
 Official title within corporation DIRECTOR AND CEO
 Percent of ownership 0%
 Beginning date of ownership N/A
 Beginning date of affiliation 10/09/75

Name SCOTT KISCADEN
 Mailing Address P. O. BOX 271
 If P.O. Box, indicate Street Address 148 SOUTH LAKE DRIVE
 City PRESTONSBURG State KENTUCKY Zip 41653
 Telephone No. (606) 886-6300 Social Security No. 231-66-6617
 Employer ID No. 231-66-6617
 Ownership/Control relationship to applicant PRESIDENT - NO OWNERSHIP
 Location in organizational structure PRESIDENT
 Official title within corporation PRESIDENT
 Percent of ownership 0%
 Beginning date of ownership N/A
 Beginning date of affiliation 2/15/93

Name ROBERT MAYFIELD
 Mailing Address P. O. BOX 271
 If P.O. Box, indicate Street Address 148 SOUTH LAKE DRIVE
 City PRESTONSBURG State KENTUCKY Zip 41653
 Telephone No. (606) 886-6300 Social Security No. 406-80-0917
 Employer ID No. 406-80-0917
 Ownership/Control relationship to applicant VICE-PRESIDENT - NO OWNERSHIP
 Location in organizational structure VICE-PRESIDENT OF OPERATIONS
 Official title within corporation VICE-PRESIDENT OF OPERATIONS
 Percent of ownership 0%
 Beginning date of ownership N/A
 Beginning date of affiliation 2/15/93

1.10 (continued) page ___ of ___

Name MICHAEL CASTLE
 Mailing Address P. O. BOX 271
 If P.O. Box, indicate Street Address 148 SOUTH LAKE DRIVE
 City PRESTONSBURG State KENTUCKY Zip 41653
 Telephone No. (606) 886-6300 Social Security No. 401-94-2698
 Employer ID No. 401-94-2698
 Ownership/Control relationship to applicant VICE-PRESIDENT OF FINANCE/SEC./TREAS.
 Location in organizational structure V.P./SEC./TREAS.
 Official title within corporation V.P./SEC./TREAS.
 Percent of ownership 0%
 Beginning date of ownership N/A
 Beginning date of affiliation 2/15/93

Name QUAKER COAL COMPANY, INC.
 Mailing Address P. O. BOX 271
 If P.O. Box, indicate Street Address 148 SOUTH LAKE DRIVE
 City PRESTONSBURG State KENTUCKY Zip 41653
 Telephone No. (606) 886-6300 Social Security No. _____
 Employer ID No. 23-1945179
 Ownership/Control relationship to applicant PARENT COMPANY OF BRANHAM & BAKER
 Location in organizational structure SUBSIDIARY OF QUAKER HOLDING COMPANY, I
 Official title within corporation PARENT COMPANY OF BRANHAM & BAKER COAL COMPANY, I
 Percent of ownership 100%
 Beginning date of ownership 10/09/75
 Beginning date of affiliation 10/09/75

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Ownership/Control relationship to applicant _____
 Location in organizational structure _____
 Official title within corporation _____
 Percent of ownership _____
 Beginning date of ownership _____
 Beginning date of affiliation _____

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Ownership/Control relationship to applicant _____
 Location in organizational structure _____
 Official title within corporation _____
 Percent of ownership _____
 Beginning date of ownership _____
 Beginning date of affiliation _____

1.11 Identify every person owning or controlling the coal to be mined under a lease, sublease, or other contract, and having the right to receive the coal after mining. Also, identify every person owning or controlling the coal to be mined under lease, sublease, or other contract and having authority to determine the manner in which the surface coal mining operation is conducted. If none, check box: [X]. If any person listed below is a business entity and not an individual, also complete item 1.13 for that entity.

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Ownership/Control relationship to applicant _____
 Beginning date of affiliation _____

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Ownership/Control relationship to applicant _____
 Beginning date of affiliation _____

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Ownership/Control relationship to applicant _____
 Beginning date of affiliation _____

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Ownership/Control relationship to applicant _____
 Beginning date of affiliation _____

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Ownership/Control relationship to applicant _____
 Beginning date of affiliation _____

1.12 Identify below all persons who have the authority or ability to commit the financial, real estate or working resources of the applicant who are not otherwise identified as owners, officers, or directors of the applicant. If none, check box: [X]. If any person listed below is a business entity and not an individual, also complete item 1.13 for that entity.

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Ownership/Control relationship to applicant _____
 Beginning date of affiliation _____

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Ownership/Control relationship to applicant _____
 Beginning date of affiliation _____

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Ownership/Control relationship to applicant _____
 Beginning date of affiliation _____

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Ownership/Control relationship to applicant _____
 Beginning date of affiliation _____

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Ownership/Control relationship to applicant _____
 Beginning date of affiliation _____

ITEM 1.13 page 1 of 3

Complete this item whenever a business entity (rather than an individual) is listed in items 1.9, 1.10, 1.11, 1.12, or 1.13. Check the box below which corresponds to the item number in which the entity is found.

Check appropriate box [] 1.9 [X] 1.10 [] 1.11 [] 1.12 [] 1.13

Name of entity QUAKER COAL COMPANY, INC.

List below the owners and controllers of parent entity. If any person listed is a business entity and not an individual, also complete an item 1.13 for that entity.

Name DONN CHICKERING
 Mailing Address P. O. BOX 271
 If P.O. Box, indicate Street Address 148 SOUTH LAKE DRIVE
 City PRESTONSBURG State KENTUCKY Zip 41653
 Telephone No. (606) 886-6300 Social Security No. 007-36-3964
 Employer ID No. 007-36-3964
 Ownership/Control relationship to parent entity OWNS 100% OF VOTING STOCK
 Location in organizational structure DIRECTOR AND CEO
 Percent of ownership 0%
 Official title within organization DIRECTOR AND CEO
 Beginning date of ownership N/A
 Beginning date of affiliation 10-09-75

Name SCOTT KISCADEN
 Mailing Address P. O. BOX 271
 If P.O. Box, indicate Street Address 148 SOUTH LAKE DRIVE
 City PRESTONSBURG State KENTUCKY Zip 41653
 Telephone No. (606) 886-6300 Social Security No. 231-66-6617
 Employer ID No. 231-66-6617
 Ownership/Control relationship to parent entity PRESIDENT - NO OWNERSHIP
 Location in organizational structure PRESIDENT
 Percent of ownership 0%
 Official title within organization PRESIDENT
 Beginning date of ownership N/A
 Beginning date of affiliation 2/15/93

Name ROBERT MAYFIELD
 Mailing Address P. O. BOX 271
 If P.O. Box, indicate Street Address 148 SOUTH LAKE DRIVE
 City PRESTONSBURG State KENTUCKY Zip 41653
 Telephone No. (606) 886-6300 Social Security No. 406-80-0917
 Employer ID No. 406-80-0917
 Ownership/Control relationship to parent entity VICE-PRESIDENT- NO OWNERSHIP
 Location in organizational structure VICE-PRESIDENT OF OPERATIONS
 Percent of ownership 0%
 Official title within organization VICE-PRESIDENT OF OPERATIONS
 Beginning date of ownership N/A
 Beginning date of affiliation 2/15/93

ITEM 1.13 page 2 of 3

Complete this item whenever a business entity (rather than an individual) is listed in items 1.9, 1.10, 1.11, 1.12, or 1.13. Check the box below which corresponds to the item number in which the entity is found.

Check appropriate box [] 1.9 [X] 1.10 [] 1.11 [] 1.12 [] 1.13

Name of entity CONTINUED

List below the owners and controllers of parent entity. If any person listed is a business entity and not an individual, also complete an item 1.13 for that entity.

Name MICHAEL CASTLE

Mailing Address P. O. BOX 271

If P.O. Box, indicate Street Address 148 SOUTH LAKE DRIVE

City PRESTONSBURG State KENTUCKY Zip 41653

Telephone No. (606) 886-6300 Social Security No. 401-94-2698

Employer ID No. 401-94-2698

Ownership/Control relationship to parent entity VICE - PRESIDENT OF FINANCE/SEC./TREAS.

Location in organizational structure V. P. /SEC./TREAS.

Percent of ownership 0%

Official title within organization V.P./SEC./TREAS.

Beginning date of ownership N/A

Beginning date of affiliation 2/15/93

Name QUAKER HOLDING COMPANY, INC.

Mailing Address P. O. BOX 271

If P.O. Box, indicate Street Address 148 SOUTH LAKE DRIVE

City PRESTONSBURG State KENTUCKY Zip 41653

Telephone No. (606) 886-6300 Social Security No. N/A

Employer ID No. _____

Ownership/Control relationship to parent entity OWNS 100% OF QUAKER COAL COMPANY

Location in organizational structure OWNS 100% OF QUAKER COAL COMPANY

Percent of ownership 100%

Official title within organization PARENT COMPANY OF QUAKER COAL COMPANY, INC.

Beginning date of ownership 2/15/93

Beginning date of affiliation 2/15/93

Name _____

Mailing Address _____

If P.O. Box, indicate Street Address _____

City _____ State _____ Zip _____

Telephone No. (____) _____ Social Security No. _____

Employer ID No. _____

Ownership/Control relationship to parent entity _____

Location in organizational structure _____

Percent of ownership _____

Official title within organization _____

Beginning date of ownership _____

Beginning date of affiliation _____

ITEM 1.13 page 3 of 3

Complete this item whenever a business entity (rather than an individual) is listed in items 1.9, 1.10, 1.11, 1.12, or 1.13. Check the box below which corresponds to the item number in which the entity is found.

Check appropriate box [] 1.9 [X] 1.10 [] 1.11 [] 1.12 [] 1.13

Name of entity QUAKER HOLDING COMPANY, INC.

List below the owners and controllers of parent entity. If any person listed is a business entity and not an individual, also complete an item 1.13 for that entity.

Name DONN CHICKERING
 Mailing Address P. O. BOX 271
 If P.O. Box, indicate Street Address 148 SOUTH LAKE DRIVE
 City PRESTONSBURG State KENTUCKY Zip 41653
 Telephone No. (606) 886-6300 Social Security No. 007-36-3964
 Employer ID No. 007-36-3964
 Ownership/Control relationship to parent entity OWNS 100% OF VOTING STOCK
 Location in organizational structure PRESIDENT
 Percent of ownership 100%
 Official title within organization PRESIDENT
 Beginning date of ownership 2/15/93
 Beginning date of affiliation 2/15/93

Name SCOTT KISCADEN
 Mailing Address P. O. BOX 271
 If P.O. Box, indicate Street Address 148 SOUTH LAKE DRIVE
 City PRESTONSBURG State KENTUCKY Zip 41653
 Telephone No. (606) 886-6300 Social Security No. 231-66-6617
 Employer ID No. 231-66-6617
 Ownership/Control relationship to parent entity SEC./TREAS.-NO OWNERSHIP
 Location in organizational structure SEC./TREAS.
 Percent of ownership 0%
 Official title within organization SEC./TREAS.
 Beginning date of ownership N/A
 Beginning date of affiliation 2/15/93

Name _____
 Mailing Address _____
 If P.O. Box, indicate Street Address _____
 City _____ State _____ Zip _____
 Telephone No. (____) _____ Social Security No. _____
 Employer ID No. _____
 Ownership/Control relationship to parent entity _____
 Location in organizational structure _____
 Percent of ownership _____
 Official title within organization _____
 Beginning date of ownership _____
 Beginning date of affiliation _____

PERMIT NUMBER ENTITY REFERENCE FILE

1.14 List all permits issued within the five (5) years preceding the date of this application for surface coal mining operations in the United States owned or controlled by the applicant and/or any person identified in items 1.8, 1.9, 1.10, 1.11, 1.12, or 1.13.

Name of Applicant or Person: BRANHAM & BAKER COAL COMPANY, INC.

Permittee BRANHAM & BAKER COAL COMPANY, INC. Employer ID No. 61-0594344
 Address P. O. BOX 271, 148 SOUTH LAKE DRIVE
 City PRESTONSBURG State KENTUCKY Zip 41653

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
436-8005	KY	DEPARTMENT OF SURFACE MINING RECLAMATION AND ENFORCEMENT	15-11870	04/26/79
436-8007	KY	" " " "	15-11870	04/26/79
AM. #1 436-5206	KY	" " " "	15-15123	03/20/85
898-0380	KY	" " " "	15-17742	01/15/96
860-0336	KY	" " " "	15-17579	08/09/94
836-5325	KY	" " " "	15-16615	10/18/89
AM. #1 898-0419	KY	" " " "	15-17659	04/13/95

Name of Applicant or Person: BRANHAM & BAKER COAL COMPANY, INC.

Permittee PANTHER LAND CORPORATION Employer ID No. 61-1149472
 Address P. O. BOX 271, 148 SOUTH LAKE DRIVE
 City PRESTONSBURG State KENTUCKY Zip 41653

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
898-5463	KY	DEPARTMENT OF SURFACE MINING RECLAMATION AND ENFORCEMENT	15-13906	04/05/90
898-5470	KY	" " " "	15-17092	10/21/91
898-5480	KY	" " " "	15-17092	10/21/91
898-8054	KY	" " " "	15-14468	10/21/91
898-5485	KY	" " " "	JOB NOT ACTIVATED	

1.14 (continued) page 1 of 10

Name of Applicant or Person: DONN CHICKERING

Permittee HARRISON MINING CORPORATION Employer ID No. 341643621

Address P. O. BOX 176

City CADIZ State OHIO Zip 43907

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
RO 426/6	OH	DEPARTMENT OF SURFACE MINING RECLAMATION AND ENFORCEMENT	33-03349	8/15/90
DO 426	OH	" " " "	33-03349	10/22/84
DO 426/1	OH	" " " "	33-03349	03/12/92

Name of Applicant or Person: DONN CHICKERING

Permittee BRANHAM & BAKER COAL COMPANY, INC Employer ID No. 0594344

Address P. O. BOX 271, 148 SOUTH LAKE DRIVE

City PRESTONSBURG State KENTUCKY Zip 41653

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
898-5823	KY	DEPARTMENT OF SURFACE MINING RECLAMATION AND ENFORCEMENT	15-16857	04/05/90
898-5822	KY	" " " "	15-13906	01/27/83
898-0479	KY	" " " "	PENDING	PENDING

PERMIT NUMBER ENTITY REFERENCE FILE

1.14 (CONTINUED)

Page 3 of 10

Name of Applicant or Person: DONN CHICKERING

Permittee: BRANHAM & BAKER COAL COMPANY, INC. INC., Employer ID No. 61-0594344

Address: P. O. BOX 271, 148 SOUTH LAKE DRIVE

 PRESTONSBURG State: KENTUCKY ZIP: 41653

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
		DEPARTMENT OF SURFACE MINING		
		RECLAMATION AND ENFORCEMENT		
436-5204	KY	" " " "	15-13995	4/6/83
436-5206	KY	" " " "	15-15123	3/20/85
477-5018	KY	" " " "	15-08909	1/27/84
477-5021	KY	" " " "	15-15054	1/15/90
477-5046	KY	" " " "	15-08909	1/27/84
477-5050	KY	" " " "	15-16316	3/3/88
477-5051	KY	" " " "	15-16316	3/3/88
477-5052	KY	" " " "	15-16735	10/10/89
477-5054	KY	" " " "	15-08909	1/27/84
477-7002	KY	" " " "	Haul Road Only	
698-8013	KY	" " " "	Job Not Activated	
813-0133	KY	" " " "	15-07782	2/28/89
813-0136	KY	" " " "	15-07782	2/28/89
813-0149	KY	" " " "	15-07782	3/30/89
877-0159	KY	" " " "	15-17834	8/30/96
877-8003	KY	" " " "	15-16168	2/28/89

Name of Applicant or Person: DONN CHICKERING

Permittee: BRANHAM & BAKER COAL COMPANY, INC. Employer ID No. 61-0594344

Address: P. O. BOX 271, 148 SOUTH LAKE DRIVE

PRESTONSBURG State: KENTUCKY ZIP: 41653

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
		DEPARTMENT OF SURFACE MINING		
813-7005	KY	RECLAMATION AND ENFORCEMENT	Haul Road	
813-7006	KY	" " " "	Haul Road	
836-0023	KY	" " " "	Hollowfill Only	
836-0069	KY	" " " "	15-13962	1/25/89
836-0162	KY	" " " "	15-13962	4/19/88
836-0171	KY	" " " "	15-16154	5/15/87
836-0179 AM. #3	KY	" " " "	15-13962	3/1/83
836-0179	KY	" " " "	15-13962	3/1/83
836-5079	KY	" " " "	15-13962	4/19/88
836-5106	KY	" " " "	15-16320	4/25/86
877-5001	KY	" " " "	15-08909	1/31/84
KY-090	KY	" " " "	15-17008	1/2/91

PERMIT NUMBER ENTY REFERENCE FILE

1.14 (CONTINUED)

Page 5 of 10

Name of Applicant or Person: DONN CHICKERING

Permittee: BRANHAM & BAKER COAL COMPANY, INC. Employer ID No. 61-0594344

Address: P. O. BOX 271, 148 SOUTH LAKE DRIVE

 PRESTONSBURG State: KENTUCKY ZIP: 41653

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
		DEPARTMENT OF SURFACE MINING		
877-5016	KY	RECLAMATION AND ENFORCEMENT	15-08909	1/25/82
877-8002	KY	" " " "	15-09399	3/3/89
898-0303	KY	" " " "	15-17008	1/2/91
898-0303 ^{AM.} _{#1}	KY	" " " "	15-17008	1/2/91
898-0304	KY	" " " "	15-16940	8/30/90
898-0350	KY	" " " "	15-17249	6/19/92
898-0351	KY	" " " "	Job Not Activated	
898-0367	KY	" " " "	15-16025	5/18/87
898-0372	KY	" " " "	15-12787	5/4/81
898-5508	KY	" " " "	15-16115	7/28/87
898-5509	KY	" " " "	15-16115	7/28/87
898-5587	KY	" " " "	15-17249	6/29/92
898-5588	KY	" " " "	15-15912	7/27/90
898-5602	KY	" " " "	15-11529	9/5/78
898-5603	KY	" " " "	15-12081	10/18/79
898-5604	KY	" " " "	15-10989	12/27/77
898-5605	KY	" " " "	15-16150	9/3/87
898-5606	KY	" " " "	15-13652	8/20/82
898-5607	KY	" " " "	15-03195	4/10/75

PERMIT NUMBER ENTITY REFERENCE FILE

1.14 (CONTINUED)

Page 6 of 10

Name of Applicant or Person: DONN CHICKERING

Permittee: BRANHAM & BAKER COAL COMPANY, INC. Employer ID No. 61-0594344

Address: P. O. BOX 271, 148 SOUTH LAKE DRIVE

 PRESTONSBURG State: KENTUCKY ZIP: 41653

PERMIT NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
		DEPARTMENT OF SURFACE MINING		
		RECLAMATION AND ENFORCEMENT		
898-5609	KY	" " " "	Job Not Activated	
898-5611	KY	" " " "	Job Not Activated	
898-9062	KY	" " " "	15-12177	12/13/79
898-8069	KY	" " " "	15-12177	12/13/79
898-0366	KY	" " " "	15-15338	8/27/85
898-5608	KY	" " " "	15-12807	4/2/81
898-8067	KY	" " " "	15-16270	12/23/87
898-5821	KY	" " " "	15-11726	11/28/88
898-5680	KY	" " " "	15-17505	2/18/94
898-0454	KY	" " " "	PENDING	PENDING
898-5840	KY	" " " "	15-12296	4/23/80
898-5841	KY	" " " "	15-14496	3/1/84
898-5842	KY	" " " "	15-12625	11/24/80
898-5843	KY	" " " "	15-16183	10/10/87
898-5344	KY	" " " "	15-16945	8/1/90
898-5845	KY	" " " "	15-14421	9/1/84
898-5846	KY	" " " "	15-13022	7/1/81
898-5847	KY	" " " "	15-16569	2/1/89
898-5848	KY	" " " "	15-16880	5/1/90
898-5849	KY	" " " "	15-13808	11/1/82
898-9083	KY	" " " "	15-11545	9/6/78

1.15 List all permit applications pending for surface coal mining operations in the United States owned or controlled by the applicant and/or any person identified in items 1.8, 1.9, 1.10, 1.11, 1.12, or 1.13.

Name of Applicant or Person: BRANHAM & BAKER COAL COMPANY, INC.

Applicant BRANHAM & BAKER COAL COMPANY, INC Employer ID No. 61-0594344
 Address P. O. BOX 271, 148 SOUTH LAKE DRIVE
 City PRESTONSBURG State KENTUCKY Zip 41653

APPLICATION NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
898-5878	KY	DEPT. OF SURFACE MINING RECLAMATION AND ENFORCEMENT	PENDING	PENDING
AM. #1 860-0336	KY	" " " "	15-17579	08/09/94
M.R. #1 877-0159	KY	" " " "	15-17834	08/30/96
AM. #2 898-0380	KY	" " " "	15-17742	01/15/96
AM. #2 898-0351	KY	" " " "	15-17008	01/02/91
AM. #1 898-5721	KY	" " " "	15-17786	05/09/96

Name of Applicant or Person: Branham & Baker Coal Company, Inc.

Applicant Panther Land Corporation Employer ID No. 61-1149472
 Address P. O. Box 271, 148 South Lake Drive
 City Prestonsburg State Kentucky Zip 41653

APPLICATION NUMBER	STATE	REGULATORY AUTHORITY	MSHA NUMBER	DATE MSHA NO. ISSUED
AM. #2 898-8054	KY	DEPT. OF SURFACE MINING RECLAMATION AND ENFORCEMENT	15-14468	10/21/91

FILED

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET
FILE NO. DCA-19257-110

1993
OFFICE OF ADMINISTRATIVE SERVICES

NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET

AGREEMENT

BRANHAM & BAKER COAL COMPANY, INC.

* * * * *

WHEREAS, the Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet (hereinafter "the Cabinet"), and Branham & Baker Coal Company, Inc. (hereinafter "Branham & Baker"), together also hereinafter referenced as "the parties," hereby enter into this Agreement (hereinafter "Comprehensive Agreement");

WHEREAS, the United States Office of Surface Mining Reclamation and Enforcement (hereinafter "OSM"), received a citizens' complaint on August 19, 1992, alleging that surface mining permits had been improvidently issued to Brannam & Baker and its related entities because of their ownership and control of an entity with outstanding violations, to wit: Deep River Mining Co. Permit No. 077-5013 (hereinafter "Deep River");

WHEREAS, based on information available to it the Cabinet alleges that Deep River was owned or controlled by Branham & Baker, as defined in 405 KAR 6:001, Section 1(70);

WHEREAS, if it did own or control surface coal mining sites, Brannam & Baker, its parent, subsidiary and affiliate corporations and entities, their directors, officers, shareholders owning ten percent (10%) or more of any class of their voting stock, and

agents (collectively "the Branham & Baker Entities") could be ineligible (permit blocked) pursuant to KRS 350.130(3), KRS 350.085(6), 405 KAR 8:010, Section 13(4) and 30 CFR 773.15, to obtain permits or begin another operation in Kentucky, pursuant to KRS 350.085(6), KRS 350.130(3) and 405 KAR 8:010, Section 13(4), on account of outstanding failure to abate cessation orders, unabated imminent harm cessation orders, unpaid civil penalties, bond forfeitures, delinquent AML reclamation fees and unabated air or water environmental protection violations incurred in connection with the surface coal mining operations, and would be subject to permit suspension or revocation pursuant to 405 KAR 8:010, Section 25;

WHEREAS, the parties desire to resolve the issue of ownership and control sanctions as against the Branham & Baker Entities and to avoid costly and lengthy litigation by way of this Comprehensive Agreement and the site-specific agreed orders entered pursuant to it;

NOW, THEREFORE, in consideration of the premises recited herein and the promises to be performed by Branham & Baker, the parties hereby enter into this Comprehensive Agreement upon the following terms and conditions:

I. IDENTIFICATION OF OWNED OR CONTROLLED SITES

A. **Initial Ownership and Control List.** The Cabinet alleges that the following mine site (hereinafter "the Initial List") is owned or controlled by Branham & Baker as defined in 405 KAR 8:001, Section 1(70). Branham & Baker agrees to identify any other such

sites as hereinafter set forth.

1. Deep River

77-6010

B. **Comprehensive Ownership and Control List:** The Cabinet and Branham & Baker agree that Branham & Baker shall tender to the Cabinet within thirty (30) days from the date the Secretary of the Cabinet signs this Comprehensive Agreement a list (hereinafter "the Comprehensive List") of all surface coal mining operations (including contract mining) known to Branham & Baker and conducted in the Commonwealth of Kentucky for any Branham & Baker Entity where the surface mining permit was issued in the name of some entity other than Branham & Baker since May 3, 1978, the effective date of the federal Surface Mining Control and Reclamation Act. Such list shall be complete and accurate to the best of Branham & Baker's knowledge and information. The Cabinet shall add sites to this list, based on any additional information which the Cabinet may obtain. The Cabinet shall provide Branham & Baker with such additional information.

C. **Detailed Information Required.** The Comprehensive List shall include the following information for every site identified if known:

1. The permit number;
2. The name of the permittee;
3. The name of each operator or contractor on the site if different than the permittee, with beginning and ending dates;
4. The Mine Safety Health and Administration (MSHA)

number;

5. The Kentucky Department of Mines and Minerals
(DMM) File Number and the DMM License Number;

D. **Identification of Violators.** Following Brannam & Baker's production of the Comprehensive List, the parties agree to promptly meet and discuss the composition of the Comprehensive List, including identification of sites having unabated violations, bond forfeitures or outstanding civil penalties (hereinafter "Violators"). The parties agree that if they are unable to agree on the composition of the Comprehensive List, they reserve all rights, remedies and defenses they may have as to the sites on which they disagree. A list of Violators (hereinafter "the Violators List") shall then be compiled. The parties shall attempt to resolve their respective positions concerning the Violators List through mutual agreement. The parties agree that if they are unable to agree on the composition of the Violators List they will negotiate site-specific agreed orders, as hereinafter set forth, with respect to the Violators on which they do agree (hereinafter "Agreed Upon Violators"), reserving all rights, remedies and defenses they may have as to the Violators on which they disagree.

E. **Document Inspection.** Branham & Baker shall make available to the Cabinet for inspection and copying any contract mining agreements, amendments thereto, and correspondence between Branham & Baker Entities and its contractors relating to the sites on the Comprehensive List or the Initial List.

F. **Other Access.** Nothing contained herein is intended to

limit the Cabinet's access under state law or regulation to additional information including but not limited to that which is maintained by the Branham & Baker Entities.

II. AGREEMENTS AS TO IDENTIFIED SITES

A. **Site Specific Agreed Orders.** Upon the parties agreeing on the Comprehensive List and the compilation of the Violators List, the parties agree to enter into specific agreed orders pertaining to each Agreed Upon Violator (hereinafter "Site-Specific Agreed Orders") which provide for on-ground reclamation, abatement of all violations whether cited or not, payment of civil penalties, and payment of administrative costs incurred by the Division of Abandoned Lands in connection with its reclamation of the Agreed Upon Violator (hereinafter "DAL costs").

B. **Agreed Upon Violators Needing Reclamation and Having Outstanding Penalties.** For Agreed Upon Violators which need reclamation and abatement measures, the following provisions shall be included in the Site-Specific Agreed Orders, without limitation:

1. **Reclamation Plan.**

a. The parties agree that Branham & Baker shall submit to the Cabinet a detailed reclamation plan prepared by a registered professional engineer within forty five (45) calendar days after the signing of the Site-Specific Agreed Order by the Secretary of the Cabinet. The Cabinet agrees to review said reclamation plan in a timely manner and to notify Branham &

Baker of the Cabinet's approval or of any deficiencies in the reclamation plan. Branham & Baker agrees to cure deficiencies in the proposed reclamation plan within ten (10) business days from the Cabinet's notice of such deficiencies.

- b. The parties agree that the reclamation plan shall contain, at a minimum, the following:
- (1) Evidence of written consent of all affected landowners expressly granting Branham & Baker permission to enter and perform reclamation operations, or other evidence of Branham & Baker's right of entry;
 - (2) A detailed reclamation map;
 - (3) Provisions for sediment control, water treatment and any other measures necessary to abate and alleviate the adverse environmental consequences associated with reclamation of the site;
 - (4) Provisions for a pre-blast survey and the blasting plan, if blasting is necessary for reclamation;
 - (5) Provisions for obtaining additional fill to be used to cover coal seams, close portals and eliminate highwalls;

- (6) Provisions for achieving the post-mining land use for which the site was originally permitted;
- (7) Provisions for a monthly monitoring of surface and groundwater;
- (8) Provisions for obtaining a Kentucky Pollution Discharge Elimination System (KPDES) permit from the Division of Water, Department for Environmental Protection, Natural Resources and Environmental Protection Cabinet, for point source discharges. Alternatively, Branham & Baker shall provide the Cabinet with an express Statement of Agreement binding Branham & Baker to the terms of the KPDES permit(s) previously issued by the Cabinet for the specific site and the maintenance of all applicable water quality standards throughout Branham & Baker's performance of the terms of the Site-Specific Agreed Order.
- (9) Public liability insurance coverage in compliance with the provisions of 405 KAR 10:030, Section 4, and in compliance with Section II.B.3. herein;
- (10) Reasonable time deadlines within which to

begin and complete all specific aspects of the reclamation plan.

c. Branham & Baker's on-ground implementation of the reclamation plan shall not begin before the Cabinet's approval of the plan.

d. In the event the parties are unable to agree on a reclamation plan, the Site-Specific Agreed Order shall become null and void. The parties hereby reserve any rights, remedies and defenses they may have in such event.

2. Performance Bond.

a. Within ten (10) days after the Cabinet's approval of a Site-Specific Agreed Order's reclamation plan, Branham & Baker shall execute and deliver to the Cabinet a performance bond reflecting its promise to comply with the requirements of the Site-Specific Agreed Order and its reclamation plan. Such bond shall conform to the provisions of 405 KAR 10:030. Such bond shall be for an amount equal to the cost of reclaiming the particular site to the appropriate reclamation standard (as hereinafter provided) as estimated by the Cabinet. The parties acknowledge that it may be necessary to agree as to various

reclamation options discussed in the estimate.

- b. Such bonds shall be executed in the form reflected in Attachment A. Such bonds shall be delivered to :

Ms. Judy Mason, Supervisor
Bond Release & Forfeiture Section
Division of Field Services
#2 Hudson Hollow
Frankfort, Kentucky 40601

- c. Self bonding by Branham & Baker will not be accepted by the Cabinet.

3. **Public Liability Insurance Coverage.**

- a. Prior to commencing on-ground reclamation, Branham & Baker shall obtain and submit proof of public liability insurance coverage for the reclamation operations to be conducted under the Site-Specific Agreed Order.
- b. The amount, duration, conditions and terms of this insurance shall conform to 405 KAR 10:030, Section 4, and certification of such coverage to the Cabinet shall be in the form reflected in Attachment B.
- c. In the event that the policy of public liability insurance becomes ineffective for any reason whatsoever, Branham & Baker agrees to notify the Cabinet of such development and obtain replacement coverage within ten (10) days of loss of original coverage.

Replacement coverage shall be in conformance with the amount, duration, conditions and terms as provided above.

4. **Extensions**

- a. Brannam & Baker may request an extension of time for any reason set forth in 405 KAR 12:020, Section 2(4)(b), a copy of which is attached hereto and incorporated herein by reference as Attachment C, in which to complete performance of the terms of the Site-Specific Agreed order or its reclamation plan, provided that such request is in writing by an authorized representative of Brannam & Baker and is submitted at least ten (10) calendar days prior to the specified deadline for completion of performance. Such request shall be submitted to the Director of the Division of Field Services, Department for Surface Mining Reclamation and Enforcement, #2 Hudson Hollow, Frankfort, Kentucky 40601, with copies of such request to be sent simultaneously to the Commissioner of the Department of Law, Fifth Floor, Capital Plaza Tower, Frankfort, Kentucky 40601 and to the Regional Administrator of the applicable regional office of DSMRE.

- b. Upon receipt of a written request, the Cabinet may for any reason set forth in 405 KAR 12:020, Section 2(4)(b) accord Branham & Baker an extension of time of sufficient duration to allow the completion of the performance required by the terms of the Site-Specific Agreed Order or its reclamation plan.
- c. Refusal of any request shall be at the discretion of the Cabinet but shall be subject to review in an administrative hearing upon request by Branham & Baker.
- d. If a land owner refuses to allow Branham & Baker access to the site, or to allow Branham & Baker to perform the required reclamation work, Branham & Baker will file and diligently pursue the necessary legal procedures to allow it access to perform the required work. Branham & Baker's obligation to complete the required reclamation will be suspended until Branham & Baker has successfully completed any necessary legal proceedings in order to allow it access to the site. If legal proceedings under this provision are initiated, Branham & Baker agrees to diligently and fully prosecute the same in a court of competent jurisdiction. In the event Branham & Baker is required to

initiate legal proceedings to gain access to a site. Branham & Baker shall complete all reclamation work on the site within three (3) months of the entry of an Order authorizing access to the site.

5. Scope of Liability.

- a. Branham & Baker agrees that it shall be responsible for any violation arising from the performance of reclamation by Branham & Baker or anyone acting on Branham & Baker behalf under the Site-Specific Agreed Order, whether the violation is a result of an act or a failure to act. Nothing herein is intended to deny Branham & Baker's right to pursue any administrative relief which may be available to it.
- b. Inspections of reclamation work shall be conducted by personnel from the applicable regional office or other Cabinet personnel. The site shall be considered an inspectable unit by the Cabinet for inspection and tracking purposes.
- c. Mine Inspection Reports, Non-Compliances, Cessation Orders and Penalty Assessments shall be mailed to:

Branham & Baker Coal Co., Inc.
148 South Lake Drive

6. **Applicable Regulations.**

The parties agree that the performance standards in effect at the time the site was mined shall be applicable to the implementation of, and compliance with, the site specific Agreed Order and its reclamation plan. The parties also agree that the permanent program regulations shall apply to any administrative or procedural matters which may arise, including, but not limited to: temporary relief, assessment and adjudication of civil penalties, or bond forfeiture proceedings.

7. **Coal Extraction Prohibited.**

Extraction of coal under a Site-Specific Agreed Order is prohibited.

8. **Bond Release.**

The performance bond which Branham & Baker posts to insure performance of the reclamation plan will remain in effect until such time as the applicable standards for bond release are achieved or until it is determined that Branham & Baker shall have no further responsibilities for reclamation under the Site-Specific Agreed Order and reclamation

plan. At appropriate times, Brannam & Baker may apply for Phase I, II and III releases on permanent program sites or grading and final releases on interim program sites, at which time the Cabinet will apply the respective bond release standards in determining the amount of any bond release.

9. **Civil Penalties.**

- a. Branham & Baker agrees to pay (i) the sum of Seven Hundred Fifty Dollars (\$750) for any Cessation Order issued to the Agreed Upon Violator prior to October 3, 1988, (ii) sixty percent (60%) of any outstanding civil penalty assessed for any Non-Compliance issued to the Agreed Upon Violator and (iii) sixty percent (60%) of any civil penalty assessed for any Cessation Order issued to the Agreed Upon Violator after October 3, 1988.
- b. The parties will negotiate and include in the Site-Specific Agreed Order a payment schedule for the civil penalties set above. Remittance shall be made by cashier's or certified check or money order, payable to the Kentucky State Treasurer and delivered to:

Ms. Janet Kerrick
Office of Administrative Hearings
Natural Resources and Environmental
Protection Cabinet

35-36 Fountain Place
Frankfort, Kentucky 40601

10. **Breach of Site-Specific Agreed Order.**

a. The terms of the Site-Specific Agreed Order shall be strictly construed and the failure by Branham & Baker to strictly comply with any of them shall constitute a breach, including without limitation:

- (1) failure to timely submit a reclamation plan;
- (2) failure to timely cure deficiencies in a reclamation plan;
- (3) commencement of implementation of a reclamation plan prior to approval;
- (4) failure to comply with the terms of a reclamation plan;
- (5) failure to timely post a performance bond;
- (6) failure to obtain, certify or maintain liability insurance;
- (7) failure to timely comply with a Non-Compliance or Cessation Order issued for a violation arising from the performance of a reclamation plan; provided, however, that no breach shall be deemed to exist pending any administrative or judicial review of the fact of such violations;

- (8) extraction of coal from the site covered by the Site-Specific Agreed Order; and
- (9) failure to timely pay civil penalties or DAL costs.

b. The Cabinet shall mail written notice of breach of the Site-Specific Agreed Order by certified mail, return receipt requested to:

Branham & Baker Coal Co., Inc.
148 South Lake Drive
Prestonsburg, Kentucky 41653

If the notice is unclaimed, refused or otherwise not received, the Cabinet shall be deemed to have satisfied its notice obligation if the mailing is properly addressed.

- c. Branham & Baker shall have thirty (30) days from the date notice of breach is mailed in which to cure such breach.
- d. If Branham & Baker does not cure the breach within thirty (30) days, the Cabinet shall be entitled to pursue any administrative or judicial remedy provided for in KRS Chapters 224 and 350.
- e. The Site-Specific Agreed Order shall be governed by and construed in accordance with the laws of the Commonwealth of Kentucky and shall not be modified except in writing as

agreed to by the parties.

11. Effect of Site-Specific Agreed Order.

- a. The parties agree that upon execution and filing of a Site-Specific Agreed Order, and so long as Branham & Baker remains in compliance therewith, the Cabinet shall consider any violations on the specific site to be in the process of being corrected. Furthermore, the Cabinet shall consider the Branham & Baker Entities not to be permit blocked in Kentucky on account of such violations.
- b. Any permits, amendments, revisions, renewals, transfers or successor permits subsequently issued to the Branham & Baker Entities, or any entities of which they are owners or controllers as defined in 405 KAR 8:001, Section 1(70), shall be expressly conditioned on compliance with the terms of the Site-Specific Agreed Order.
- c. Payment of the civil penalties, as provided herein, and the release of the applicable performance bond shall constitute satisfaction of the Site-Specific Agreed Order and resolution of the Branham & Baker Entities' link to outstanding Non-Compliances, Cessation Orders and Cabinet Orders pertaining to the

Agreed Upon Violator and shall resolve all other sanctions which the Cabinet might otherwise impose against the Branham & Baker Entities arising from the violations cited or adjudicated therein, including without limitation, bond forfeitures, patterns of violations, civil penalties and permit blocks.

- d. Nothing contained in the Site-Specific Agreed Order is intended to constitute an admission of liability by Branham & Baker and the Site-Specific Agreed Order shall be inadmissible against Branham & Baker in any proceeding by the Cabinet against Branham & Baker, except an administrative or judicial proceeding for the enforcement of the Site-Specific Agreed Order.

C. Agreed Upon Violators Having Only Outstanding Civil Penalties. For Agreed Upon Violators on which the performance bonds have been completely released, the applicable provisions of Section II.B.9. through 11. above, shall be included in the Site-Specific Agreed Orders, without limitation. Reclamation plans will not be required for Agreed Upon Violators having only outstanding civil penalties.

D. Sites Having Incurred DAL Costs. For Agreed Upon

Violators on which the Cabinet has incurred DAL costs, Branham & Baker shall reimburse the Cabinet in full. Reclamation plans will not be required for Agreed Upon Violators requiring only DAL costs reimbursement.

E. **Multiple Agreed Upon Violators.** At the parties discretion, more than one Agreed Upon Violator may be addressed in any Site-Specific Agreed Order.

III. SITE-SPECIFIC AGREEMENT FOR DEEP RIVER

A. The Cabinet alleges that Deep River is a Violator identified pursuant to Section I above and the parties desire to resolve, as part of this Comprehensive Agreement, potential ownership and control sanctions arising from the following violations:

1. **Non-Compliance No. 042041 and Cessation Order No. 040076.**
 - a. The above-referenced Non-Compliance was issued to Deep River on November 20, 1984, for violations of: 405 KAR 3:100, failure to return the highwall to AOC, and 405 KAR 3:080, failure to establish vegetative cover on the permitted area.
 - b. Cessation Order No. 040076 was issued on January 11, 1985 for failure to abate this Non-Compliance.
 - c. A final Order of the Cabinet's Secretary was entered on July 2, 1985, ordering Deep River

to pay to the Cabinet civil penalties totaling Twenty-Five Thousand One Hundred Dollars (\$25,100.00) for the violations cited in the above Non-Compliance. Two Hundred Fifty Eight dollars (\$258.00) has been paid on said penalties.

2. Forfeiture of Performance Bond for Permit No. 077-5013

- a. The performance bond posted for the permit was forfeited by the Cabinet on May 3, 1985.
- b. The bond funds were spent by DAL in 1986 to perform reclamation measures on the site. DAL incurred administrative costs in connection with that reclamation in the amount of eight hundred forty-eight dollars and forty cents (\$848.40).

B. Reclamation. The parties recognize that additional reclamation is required on Deep River. Branham & Baker agrees to reclaim the entire affected area of Deep River. The affected area is defined as the permitted area and all off-permit disturbances. Reclamation of Deep River will be performed in accordance with the terms of Section II.B. of this Comprehensive Agreement, and will correct all unabated violations, whether cited or not.

C. Civil Penalties. Branham & Baker agrees to pay the sum of Two Thousand Three Hundred Ten Dollars (\$2,310.00) as settlement of the outstanding, unpaid civil penalties owed by Deep River as a result of the above-listed violations. Said sum has been

calculated in accordance with Section II.B.9.a. Branham & Baker shall pay to the Cabinet said sum within thirty (30) days of the signing of this Comprehensive Agreement by the Secretary of the Cabinet. Said payment shall be made in accordance with the provisions of Section II.B.9.b. of this Comprehensive Agreement.

D. **DAL Costs.** Branham & Baker shall pay to the Cabinet the sum of Eight Hundred Forty-Eight Dollars and Forty Cents (\$848.40) as reimbursement of DAL costs associated with Deep River. Payment will be made within thirty (30) days after the Secretary of the Cabinet signs this Comprehensive Agreement by certified or cashier's check or money order payable to the Kentucky State Treasurer.

IV. BREACH; EFFECT OF COMPREHENSIVE AGREEMENT

A. The terms of the Comprehensive Agreement shall be strictly construed and the failure to strictly comply with any of them shall constitute a breach. The breach of any Site-Specific Agreed Order entered pursuant to Section II hereof shall constitute a breach of the Comprehensive Agreement.

B. The Cabinet shall mail written notice of breach of the Comprehensive Agreement as provided in Section II.B.10. herein, which mailing, if properly addressed, shall constitute sufficient notice.

C. Branham & Baker shall have thirty (30) days from the date notice of breach is mailed in which to cure such breach.

D. If Branham & Baker does not cure the breach within thirty (30) days, the Cabinet shall be entitled to pursue any

administrative or judicial remedy provided for in KRS Chapters 224 and 250.

E. So long as Branham & Baker remains in compliance with this Comprehensive Agreement and all Site-Specific Agreed Orders the Cabinet agrees that it will not impose a permit block under KRS 350.085(6), KRS 350.130(3) or 405 KAR 8:010, Section 13(4), or seek other sanctions against the Branham & Baker Entities during the time period described above and during extensions thereof, for any Violator site identified pursuant to Section I of this Comprehensive Agreement, and any additional time period required to complete any reclamation or payment plans contained in any Site-Specific Agreed Order negotiated pursuant to Section II or III of the Comprehensive Agreement.

F. Any permits, amendments, revisions, renewals, transfers, or successor permits issued to the Branham & Baker Entities subsequent to the effective date of this Comprehensive Agreement shall be conditioned upon compliance with all obligations set forth in this Comprehensive Agreement.

G. Nothing contained in this Comprehensive Agreement is intended to constitute an admission of liability by Branham & Baker or an admission that it owned or controlled Deep River and this Comprehensive Agreement shall be inadmissible against Branham & Baker in any proceeding by the Cabinet against Branham & Baker, except an administrative or judicial action for the enforcement of the Comprehensive Agreement or for the enforcement of any Site-Specific Agreed Order.

H. Neither the Comprehensive Agreement nor any Site-Specific Agreed Order entered pursuant hereto shall constitute a statement of policy or bind the Cabinet concerning other actions.

V. MISCELLANEOUS PROVISIONS

A. Branham & Baker expressly waives its right to an administrative hearing as to violations cited in any of the Non-Compliances and Cessation Orders or civil penalties covered by this Agreement, except as provided in Section II.B.5.a.

B. Nothing contained in this Comprehensive Agreement shall create, enlarge, modify or limit any right, interest or obligation of any person not a party hereto without the express written consent of such person and of the parties hereto.

C. The parties agree that this Comprehensive Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Kentucky and shall not be modified except in writing as agreed to by the parties.

D. The terms of this Comprehensive Agreement shall have no force or effect until such time as the Secretary of the Cabinet or his designee signs this Comprehensive Agreement and it is entered as a final Order of the Secretary.

AGREED TO BY:

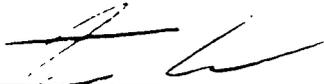
BRANHAM & BAKER COAL COMPANY, INC.

BY: Robert Mansfield

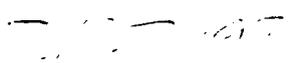
5.26-93
DATE

ITS: Vice Pres.

APPROVAL RECOMMENDED BY:



Hon. Stuart W. Cobb
Attorney
Department of Law



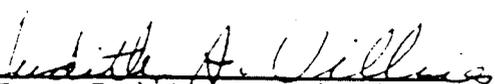
Date



David H. Rosenbaum
Commissioner
Department for Surface
Mining Reclamation and
Enforcement

5/27/93

Date



Hon. Judith A. Villines
Commissioner
Department of Law

5/27/93

Date

File No. OCA-19257-115

ORDER

Upon recommendation of the Department of Law and the Department for Surface Mining Reclamation and Enforcement, Natural Resources and Environmental Protection Cabinet, this AGREEMENT is hereby entered as a final Order this the 28th day of May, 1993.

NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET



PHILLIP J. SHEPHERD, SECRETARY

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing AGREEMENT was mailed postage pre-paid, to the following this 28~~th~~ day of May, 1993:

Branham & Baker Coal Co., Inc.
148 South Lake Drive
Prestonsburg, Kentucky 41653

Hon. Charles Baird
Baird, Baird, Baird & Jones, P.S.C.
415 Second Street
P.O. Box 351
Pikeville, Kentucky 41502

and hand-delivered to:

Hon. Stuart W. Cobb, Esq.
Natural Resources and
Environmental Protection Cabinet
Department of Law
Fifth Floor, Capital Plaza Tower
Frankfort, Kentucky 40601



DOCKET COORDINATOR

DISTRIBUTION:

Lisa Coomes, DOL
Commissioner, DSMRE
Director, Division of Field Services
Director, Division of Permits
Assistant Director, Division of Permits, O & C Branch
Prestonsburg Regional Office
Order File

tew3/93

Deep River Mining Company is listed in this section as being owned or controlled by Branham and Baker and is being listed under protest and without admitting any ownership or control of Deep River Mining. In fact, Branham and Baker expressly denies it owned or controlled Deep River Mining Company and is presently contesting such ownership and control in a proceeding pending before the Interior Board of Land Appeals. Branham and Baker reserves its right to amend or supplement this list consistent with a final ruling on the above appeal.

1.16 (continued)

- (b) Has the applicant been issued a notice of violation in connection with any surface coal mining and reclamation operation during the three (3) years preceding the date of this application for violation of SMCRA, KRS Chapter 350, any federal law, rule or regulation pertaining to air or water environmental protection, or any state law, rule or regulation enacted pursuant to federal law, rule or regulation pertaining to air or water environmental protection? [X] YES [] NO. If YES, provide the following information:

Name to whom violation was issued (BRANHAM & BAKER COAL COMPANY, INC.)
 Permit (or other identifying) No. BEVERLY MINING CORPORATION 436-8005
 MSHA No. 15-11870 Date MSHA No. Issued 4/26/79
 Violation ID No. 046664
 Issuing regulatory authority SURFACE MINING RECLAMATION AND ENFORCEMENT
 Date violation issued OCTOBER 1, 1993
 Description of alleged violation 405 KAR 16:220/18:230 (AC)
405 KAR 16:170/18:170 (AP)
 Abatement actions taken ABATED
 Date of abatement actions OCTOBER 5, 1993
 Type of proceedings (Administrative or Judicial) ADMINISTRATIVE
 Date of proceedings _____
 Status of proceedings _____
 Location of proceedings _____

Name to whom violation was issued BRANHAM & BAKER COAL COMPANY, INC.
 Permit (or other identifying) No. 898-5602
 MSHA No. 15-11529 Date MSHA No. Issued 09/05/78
 Violation ID No. 059066
 Issuing regulatory authority SURFACE MINING RECLAMATION AND ENFORCEMENT
 Date violation issued OCTOBER 4, 1993
 Description of alleged violation 401 KAR 18:070 (WQ)
 Abatement actions taken ABATED
 Date of abatement actions OCTOBER 20, 1993
 Type of proceedings (Administrative or Judicial) ADMINISTRATIVE
 Date of proceedings _____
 Status of proceedings _____
 Location of proceedings _____

1.16(b) (continued) page 1 of 38

Name to whom violation was issued BRANHAM & BAKER COAL COMPANY, INC.
 Permit (or other identifying) No. 836-5106
 MSHA No. 15-13962 Date MSHA No. Issued 04/19/88
 Violation ID No. 046285
 Issuing regulatory authority SURFACE MINING RECLAMATION AND ENFORCEMENT
 Date violation issued OCTOBER 21, 1993
 Description of alleged violation 405 KAR 7:040 (OD)
 Abatement actions taken ABATED
 Date of abatement actions MARCH 1, 1994
 Type of proceedings (Administrative or Judicial) ADMINISTRATIVE
 Date of proceedings _____
 Status of proceedings _____
 Location of proceedings _____

Name to whom violation was issued BRANHAM & BAKER COAL COMPANY, INC.
 Permit (or other identifying) No. 836-0179
 MSHA No. 15-13962 Date MSHA No. Issued 02/08/90
 Violation ID No. 046286
 Issuing regulatory authority SURFACE MINING RECLAMATION AND ENFORCEMENT
 Date violation issued NOVEMBER 22, 1993
 Description of alleged violation 405 KAR 8:010 (OT) - 405 KAR 16:220 (AC)
 Abatement actions taken ABATED
 Date of abatement actions NOVEMBER 24, 1993
 Type of proceedings (Administrative or Judicial) ADMINISTRATIVE
 Date of proceedings _____
 Status of proceedings _____
 Location of proceedings _____

Name to whom violation was issued BRANHAM & BAKER COAL COMPANY, INC.
 Permit (or other identifying) No. 698-8040
 MSHA No. 15-06390 Date MSHA No. Issued 2/1/90
 Violation ID No. 057583
 Issuing regulatory authority SURFACE MINING RECLAMATION AND ENFORCEMENT
 Date violation issued 10/21/93
 Description of alleged violation 405 KAR 16:070/401 KAR 5:065 (WQ)
 Abatement actions taken ABATED
 Date of abatement actions 10/22/93
 Type of proceedings (Administrative or Judicial) ADMINISTRATIVE
 Date of proceedings _____
 Status of proceedings _____
 Location of proceedings _____

PERMIT NUMBER: ENITY REFERENCE FILE

1.16 (B) CONTINUED

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	498-5438		
MSHA NO.	15-16678	Date MSHA No. Issued	7/31/89
Violation ID No.	057351		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	12/13/93		
Description of alleged violation	405 KAR 18:190 (BG)		
Abatement actions taken	Abated		
Date of abatement actions	6/20/94		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings	N/A		
Status of proceedings	N/A		
Location of proceedings	N/A		

PERMIT NUMBER: ENITY REFERENCE FILE

1.16 (B) CONTINUED

PAGE 3 OF 38

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	BEVERLY MINING CORPORATION 436-8007		
MSHA NO.	15-11870	Date MSHA No. Issued	4/26/79
Violation ID No.	046669		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	December 27, 1993		
Description of alleged violation	405 KAR 16:120/18:120 (UE)		
Abatement actions taken	Abated		
Date of abatement actions	February 22, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-0351		
MSHA NO.	15-17008	Date MSHA No. Issued:	1/2/91
Violation ID No.	V94-HAZ-0005		
Issuing regulatory authority	Department for Environmental Protection		
Date violation issued	January 13, 1994		
Description of alleged violation	401 KAR 63:010 Section 3 (1) F		
Abatement actions taken	Abated		
Date of abatement actions	January 24, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

PERMIT NUMBER: ENITY REFERENCE FILE

1.16 (B) CONTINUED

PAGE 4 OF 38

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.
Permit (or other identifying) No.	CHLOE CREEK DEVELOPMENT CORP. 498-5438
MSHA No. 15-16238	Date MSHA No. Iss sued: 11/12/87
Violation ID. No.	057617
Issuing regulatory authority	Surface Mining Reclamation and Enforcement
Date violation issued	February 14, 1994
Description of alleged violation	405 KAR 18:060 (HR) - 405 KAR 7:040 (OD)
Abatement actions taken	Abated
Date of abatement actions	December 19, 1994
Type of proceeding (Administrative or Judicial)	Administrative
Date of proceedings	
Status of proceedings	
Location of proceedings	

1.16 (B) CONTINUED

PAGE 5 OF 38

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	BEVERLY MINING C Issued:		
MSHA NO.	15-11870	Date MSHA No. Issued	4/26/79
Violation ID No.	046719		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	March 3, 1994		
Description of alleged violation	405 KAR 16:070/18:070 (WQ)		
Abatement actions taken	Abated		
Date of abatement actions	March 9, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	CHLOE CREEK DEVELOPMENT CORP. 898-5106		
MSHA NO.	15-15667	Date MSHA No. Issued:	6/30/86
Violation ID No.	057714		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	March 7, 1994		
Description of alleged violation	405 KAR 18:090 (SC)		
Abatement actions taken	Abated		
Date of abatement actions	March 18, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

1.16 (B) CONTINUED

PAGE 6 OF 38

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	836-5106	Issued:	
MSHA NO.	15-13962	Date MSHA No. Issued	4/19/88
Violation ID No.	046308		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	March 13, 1994		
Description of alleged violation	405 KAR 16:070/18:070 (WQ)		
	405 KAR 5:065 (EL) - 405 KAR 6:060/18060 (HR)		
Abatement actions taken	Abated		
Date of abatement actions	March 14, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	477-5013	Issued:	
MSHA NO.	15-12104	Date MSHA No. Issued:	3/22/82
Violation ID No.	074452		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	March 16, 1994		
Description of alleged violation	405 KAR 16:220 (AC)		
Abatement actions taken	Abated		
Date of abatement actions	May 17, 1994- July 29, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

PERMIT NUMBER: ENITY REFERENCE FILE

1.16 (B) CONTINUED

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	877-0055	Issued:	
MSHA NO.	15-08909	Date MSHA No. Issued	6/9/88
Violation ID No.	074453		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	March 16, 1994		
Description of alleged violation	405 KAR 7:040 (O		
Abatement actions taken	Abated		
Date of abatement actions	May 17, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	CHLOE CREEK DEVELOPMENT CORP. 498-5438		
MSHA NO.	15-16678	Date MSHA No. Issued:	7/31/89
Violation ID No.	057750		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	March 16, 1994		
Description of alleged violation	405 KAR 18:210 (OT)		
Abatement actions taken	Abated		
Date of abatement actions	December 19, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

PERMIT NUMBER: ENITY REFERENCE FILE

1.16 (B) CONTINUED

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	836-0171	Issued:	
MSHA NO.	15-16154	Date MSHA No. Issued	5/15/87
Violation ID No.	046309		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	March 23, 1994		
Description of alleged violation	405 KAR 16:220 (A)		
Abatement actions taken	Abated		
Date of abatement actions	June 8, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-0372	Issued:	
MSHA NO.	15-12787	Date MSHA No. Issued:	5/4/81
Violation ID No.	057808		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	March 29, 1994		
Description of alleged violation	405 KAR 16:220 (AC) - 405 KAR 16:190 (BG) 405 KAR 7:040 (OD)		
Abatement actions taken	Abated		
Date of abatement actions	July 6, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

1.16 (B) CONTINUED

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-5607	Issued:	
MSHA NO.	15-03195	Date MSHA No. Issued	4/1/75
Violation ID No.	057385		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	March 29, 1994		
Description of alleged violation	405 KAR 18:230 (AC) - 405 KAR 18:150 (QW) 405 KAR 18:090 (SC)		
Abatement actions taken	Abated		
Date of abatement actions	April 18, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	836-0179	Issued:	
MSHA NO.	15-13962	Date MSHA No. Issued:	4/19/88
Violation ID No.	046310		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	March 30, 1994		
Description of alleged violation	405 KAR 7:040 (OD)		
Abatement actions taken	Abated		
Date of abatement actions	March 7, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

1.16 (B) CONTINUED

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	836-5106		
MSHA NO.	15-13962	Date MSHA No. Issued	4/19/88
Violation ID No.	046311		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	March 31, 1994		
Description of alleged violation	405 KAR 16:070/401 KAR 5:065 (WQ)		
	405 KAR 16:060 (HR)		
Abatement actions taken	Abated		
Date of abatement actions	April 5, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-0350		
MSHA NO.	15-17249	Date MSHA No. Issued:	6/19/92
Violation ID No.	057673		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	March 31, 1994		
Description of alleged violation	405 KAR 7:040 (OD) - 405 KAR 16:070 (WQ)		
	405 KAR 16:060 (HR)		
Abatement actions taken	Abated		
Date of abatement actions	May 3, 1994-July 6, 1994-August 23, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

PERMIT NUMBER: ENITY REFERENCE FILE

1.16 (B) CONTINUED

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	436-5204		
MSHA NO.	15-13995	Date MSHA No. Issued	4/6/83
Violation ID No.	046734		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	April 13, 1994		
Description of alleged violation	405 KAR 18:230 (A		
Abatement actions taken	Abated		
Date of abatement actions	May 20, 1994-June 10, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	813-7006		
MSHA NO.	N/A (Haul Road)	Date MSHA No. Issued:	N/A
Violation ID No.	074440		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	April 20, 1994		
Description of alleged violation	405 KAR 16:190 (BG) 405 KAR 7:040 (OT)		
Abatement actions taken	Vacated and Removed from Records By SMR & E Inspectors		
Date of abatement actions	June 20, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

1.16 (B) CONTINUED

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-0350		
MSHA NO.	15-17249	Date MSHA No. Issued	6/19/92
Violation ID No.	057865		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	April 27, 1994		
Description of alleged violation	405 KAR 16:090 (S)		
	405 KAR 16:070 (WQ)		
Abatement actions taken	Abated		
Date of abatement actions	May 2, 1994-June 29, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	836-0179		
MSHA NO.	15-13962	Date MSHA No. Issued:	4/19/88
Violation ID No.	047038		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	May 4, 1994		
Description of alleged violation	405 KAR 16:030 (SM)-405 KAR 16:090 (SC)		
	405 KAR 16:130 (DS)		
Abatement actions taken	Abated		
Date of abatement actions	May 14, 1994-May 28, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

1.16 (B) CONTINUED

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-5313		
MSHA NO.	15-16114	Date MSHA No. Issued	7/28/87
Violation ID No.	51-0000		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	May 17, 1994		
Description of alleged violation	405 KAR 18:090/4		
Abatement actions taken	Abated		
Date of abatement actions	June 6, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	836-0179		
MSHA NO.	15-13962	Date MSHA No. Issued:	4/19/88
Violation ID No.	41-0001		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	June 1, 1994		
Description of alleged violation	405 KAR 16:190 (BG)		
	405 KAR 16:090 (SC)		
Abatement actions taken	Abated		
Date of abatement actions	July 1, 1994-August 3, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

1.16 (B) CONTINUED

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	436-8005		
MSHA NO.	15-11870	Date MSHA No. Issued	4/26/79
Violation ID No.	41-0422		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	June 6, 1994		
Description of alleged violation	401 KAR 16:070/1 401 KAR 5:065 (FL)		
Abatement actions taken	Abated		
Date of abatement actions	June 19, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	836-0179		
MSHA NO.	15-13962	Date MSHA No. Issued:	4/19/88
Violation ID No.	41-0002		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	July 1, 1994		
Description of alleged violation	405 KAR 7:040 (OD)		
Abatement actions taken	Abated		
Date of abatement actions	March 7, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

PERMIT NUMBER: ENITY REFERENCE FILE

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	836-0179		
MSHA NO.	15-13962	Date MSHA No. Issued	4/19/88
Violation ID No.	41-0003		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	July 18, 1994		
Description of alleged violation	405 KAR 7:040 (Q)		
Abatement actions taken	Abated		
Date of abatement actions	March 7, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	436-8007		
MSHA NO.	15-11870	Date MSHA No. Issued:	4/26/79
Violation ID No.	41-0429		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	August 10, 1994		
Description of alleged violation	405 KAR 16:080 (DV)		
	405 KAR 16:140 (DC)		
Abatement actions taken	Abated		
Date of abatement actions	August 26, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

1.16 (B) CONTINUED

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	860-0336		
MSHA NO.	15-17579	Date MSHA No. Issued	8/9/94
Violation ID No.	31-0078		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	August 11, 1994		
Description of alleged violation	405 KAR 16:030 (SM)-405 KAR 16:220 (AC)		
	405 KAR 10:010 (OT)		
Abatement actions taken	Abated		
Date of abatement actions	August 12, 1994-September 11, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-0350		
MSHA NO.	15-17249	Date MSHA No. Issued:	6/19/92
Violation ID No.	51-0086		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	August 23, 1994		
Description of alleged violation	405 KAR 8:010 (OM)		
	405 KAR 16:130 (DS)		
Abatement actions taken	Abated		
Date of abatement actions	December 21, 1994/January 17, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

1.16 (B) CONTINUED

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	836-0179/101-1240-DUST		
MSHA NO.	15-13962	Date MSHA No. Issued	4/19/88
Violation ID No.	V94-HAZ-0073		
Issuing regulatory authority	Department for Environmental Protection		
Date violation issue	August 14, 1994		
Description of alleged violation	401 KAR 63:010 SECT. 3 (a) (f)		
Abatement actions taken	Abated		
Date of abatement actions	September 9, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	836-0179		
MSHA NO.	15-13962	Date MSHA No. Issued:	4/19/88
Violation ID No.	41-0005		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	September 13, 1994		
Description of alleged violation	405 KAR 16:170 (AP)		
Abatement actions taken	Abated		
Date of abatement actions	September 13, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	877-0055		
MSHA NO.	15-08909	Date MSHA No. Issued	1/25/82
Violation ID No.	71-0004		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	September 16, 1994		
Description of alleged violation	405 KAR 16:190 (EC)		

Abatement actions taken	Abated		
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Date of abatement actions	October 20, 1994	Administrative	
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Type of proceeding (Administrative or Judicial)			
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Date of proceedings			
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Status of proceedings			
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Location of proceedings			
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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-5602		
MSHA NO.	15-11529	Date MSHA No. Issued:	9/5/78
Violation ID No.	51-0213		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	September 20, 1994		
Description of alleged violation	405 KAR 18:070 (WQ)		

Abatement actions taken	Abated		
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Date of abatement actions	October 10, 1994		
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Type of proceeding (Administrative or Judicial)	Administrative		
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Date of proceedings			
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Status of proceedings			
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Location of proceedings			
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1.16 (B) CONTINUED

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-8069		
MSHA NO.	15-12177	Date MSHA No. Issued	12/13/79
Violation ID No.	51-0214		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	September 20, 1994		
Description of alleged violation	405 KAR 18:070 (WQ)		

Abatement actions taken

Date of abatement actions	October 10, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-0303		
MSHA NO.	15-17008	Date MSHA No. Issued:	1/2/91
Violation ID No.	51-0224		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	September 28, 1994		
Description of alleged violation	405 KAR 16:120 (UE)		

Abatement actions taken Abated

Date of abatement actions	November 2, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

1.16 (B) CONTINUED

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-0351		
MSHA NO.	15-17008	Date MSHA No. Issued	1/2/91
Violation ID No.	51-0306		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	November 14, 1994		
Description of alleged violation	405 KAR 7:040 (OD)		
	405 KAR 16:220 (AC)		
Abatement actions taken	Abated		
Date of abatement actions	January 19, 1995/February 14, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	101-1240 DUST/836-0179		
MSHA NO.	15-13962	Date MSHA No. Issued:	4/19/88
Violation ID No.	V94-HAZ-0122		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	November 29, 1994		
Description of alleged violation	405 KAR 63:010 SECT		

Abatement actions taken	Abated		
Date of abatement actions	September 2, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	698-8040		
MSHA NO.	15-06390	Date MSHA No. Issued	2/1/90
Violation ID No.	51-0302		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	December 8, 1994		
Description of alleged violation	405 KAR 16:070 (WQ)		
Abatement actions taken	Abated		
Date of abatement actions	December 9, 1994		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	860-0336		
MSHA NO.	15-17579	Date MSHA No. Issued:	8/9/94
Violation ID No.	31-0180		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	January 4, 1995		
Description of alleged violation	405 KAR 20:060 (SS)		
Abatement actions taken	Abated		
Date of abatement actions	January 2, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

1.16 (B) CONTINUED

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-5508		
MSHA NO.	15-16115	Date MSHA No. Issued	7/28/87
Violation ID No.	51-0158		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	March 22, 1995		
Description of alleged violation	405 KAR 7:040 (OD)		
Abatement actions taken	Abated		
Date of abatement actions	June 22, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	836-0179		
MSHA NO.	15-13962	Date MSHA No. Issued:	4/19/88
Violation ID No.	41-0007		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	March 7, 1995		
Description of alleged violation	405 KAR 7:040 (OD)		
Abatement actions taken	Abated		
Date of abatement actions	March 7, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

1.16 (B) CONTINUED

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	698-8040		
MSHA NO.	15-06390	Date MSHA No. Issued	2/1/90
Violation ID No.	51-0369		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	March 8, 1995		
Description of alleged violation	405 KAR 16:220/18:230 (AC)		
Abatement actions taken	Abated		
Date of abatement actions	March 27, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-0350		
MSHA NO.	15-17249	Date MSHA No. Issued:	6/19/92
Violation ID No.	51-0327		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	March 21, 1995		
Description of alleged violation	405 KAR 18:090 (SC)		
Abatement actions taken	Abated		
Date of abatement actions	July 7, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	101-3300-DUST		
MSHA NO.	Date MSHA No. Issued		
Violation ID No.	V95-HAZ-0025		
Issuing regulatory authority	Department for Environmental Protection		
Date violation issue	March 22, 1995		
Description of alleged violation	401 KAR 63:010		
	Dusty Yards and Haul Roads		
Abatement actions taken	Written Reply stating corrective actions		
Date of abatement actions	March 29, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-5680		
MSHA NO.	15-17505	Date MSHA No. Issued:	2/18/94
Violation ID No.	51-0466		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	March 28, 1995		
Description of alleged violation	405 KAR 16:070 (WQ)		
	405 KAR 20:060 (SS)		
Abatement actions taken	Abated		
Date of abatement actions	May 30, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-0350		
MSHA NO.	15-17249	Date MSHA No. Issued	6/19/92
Violation ID No.	51-0476		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	March 28, 1995		
Description of alleged violation	405 KAR 7:040 (O		
Abatement actions taken	Abated		
Date of abatement actions	September 22, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	836-0179		
MSHA NO.	15-13962	Date MSHA No. Issued:	4/19/88
Violation ID No.	41-0008		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	April 4, 1995		
Description of alleged violation	405 KAR 7:040 (OD)		
Abatement actions taken	Abated		
Date of abatement actions	April 14, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	836-0179		
MSHA NO.	15-13962	Date MSHA No. Issued	4/19/88
Violation ID No.	41-0009		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	April 13, 1995		
Description of alleged violation	405 KAR 7:040 (O)		

Abatement actions taken			
Date of abatement actions			
Type of proceeding (Administrative or Judicial)			
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	836-0179		
MSHA NO.	15-13962	Date MSHA No. Issued:	4/19/88
Violation ID No.	41-0010		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	May 3, 1995		
Description of alleged violation	405 KAR 7:040 (OD)		

Abatement actions taken	Abated		
Date of abatement actions	May 3, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-0350		
MSHA NO.	15-17249	Date MSHA No. Issued	6/19/92
Violation ID No.	51-0479		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	June 5, 1995		
Description of alleged violation	405 KAR 7:040 (OD)		
Abatement actions taken	Abated		
Date of abatement actions	September 11, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	KY-090		
MSHA NO.	15-17008	Date MSHA No. Issued:	1/2/91
Violation ID No.	95-083-135-001		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	June 23, 1995		
Description of alleged violation	405 KAR 16:080 SECT. 1		
Abatement actions taken			
Date of abatement actions			
Type of proceeding (Administrative or Judicial)			
Date of proceedings			
Status of proceedings			
Location of proceedings			

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	860-0336		
MSHA NO.	15-17579	Date MSHA No. Issued	8/9/94
Violation ID No.	41-0498		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	July 17, 1995		
Description of alleged violation	405 KAR 7:040 (O		
Abatement actions taken	Abated		
Date of abatement actions	September 28, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	836-0179		
MSHA NO.	15-13962	Date MSHA No. Issued:	4/19/88
Violation ID No.	41-0705		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	August 7, 1995		
Description of alleged violation	405 KAR 20:060 (SS)		
Abatement actions taken	Abated		
Date of abatement actions	September 14, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-0303		
MSHA NO.	15-17008	Date MSHA No. Issued	1/21/91
Violation ID No.	51-0123		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	September 1, 1995		
Description of alleged violation	405 KAR 16:060 (H)		
Abatement actions taken	Vacated and removed from permit record by DSMRE 5/30/96		
Date of abatement actions			
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	813-0149		
MSHA NO.	15-07782	Date MSHA No. Issued:	3/30/89
Violation ID No.	41-0697		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	November 6, 1995		
Description of alleged violation	405 KAR 16:190		
Abatement actions taken	Abated		
Date of abatement actions	December 5, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	836-0179		
MSHA NO.	15-13962	Date MSHA No. Issued	4/19/88
Violation ID No.	41-0737		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	November 7, 1995		
Description of alleged violation	405 KAR 16:070 (
	401 KAR 5:065 (FL)		
Abatement actions taken	Abated		
Date of abatement actions	November 8, 1995		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	836-0162		
MSHA NO.	15-13962	Date MSHA No. Issued:	4/19/88
Violation ID No.	41-0708		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	November 28, 1995		
Description of alleged violation	405 KAR 24:040 (OT)		
Abatement actions taken			
Date of abatement actions			
Type of proceeding (Administrative or Judicial)			
Date of proceedings			
Status of proceedings			
Location of proceedings			

1.16 (B) CONTINUED

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	KY-068		
MSHA NO.	15-13480	Date MSHA No. Issued	
Violation ID No.	96-081-068-001		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	January 23, 1996		
Description of alleged violation	KRS 350:060 SEC 95-87- of the SMCRA		
Abatement actions taken			
Date of abatement actions			
Type of proceeding (Administrative or Judicial)			
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-0380		
MSHA NO.	15-17742	Date MSHA No. Issued:	1/15/96
Violation ID No.	51-0519/051940		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	January 31, 1996		
Description of alleged violation	405 KAR 16:220 (AC) 405 KAR 16:090 (SC) - 405 KAR 8:030 (OT)		
Abatement actions taken	Abated		
Date of abatement actions	March 5, 1996		
Type of proceeding (Administrative or Judicial)			
Date of proceedings			
Status of proceedings			
Location of proceedings			

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-0380		
MSHA NO.	15-17742	Date MSHA No. Issued	1/15/96
Violation ID No.	51-0519		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	January 31, 1996		
Description of alleged violation	405 KAR 16:220 (A 405 KAR 8:030 (OT) 405 KAR 16:090 (SC)		
Abatement actions taken	Abated		
Date of abatement actions	March 5, 1996		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-0149		
MSHA NO.	25-07782	Date MSHA No. Issued:	3/30/89
Violation ID No.	51-0642		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	March 28, 1996		
Description of alleged violation	405 KAR 7:040 (OD)		
Abatement actions taken	Abated		
Date of abatement actions	6/26/96		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-5587		
MSHA NO.	15-17249	Date MSHA No. Issued	6/29/92
Violation ID No.	51-0831		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	29-Apr-96		
Description of alleged violation	405 KAR 18:230 (AC)		
	405 KAR 18:120 (UE) - 405 KAR 7:040 (OD)		
Abatement actions taken			
Date of abatement actions	5/29/96		
Type of proceeding (Administrative or Judicial)			
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-5829		
MSHA NO.	15-17710	Date MSHA No. Issued:	
Violation ID No.	51-0930		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	5/9/96		
Description of alleged violation	405 KAR 18:230 (AC) - 405 KAR 18:050(TH)		
	405 KAR 18:130 (DS) - 405 KAR 18:080 (DV)		
Abatement actions taken			
Date of abatement actions			
Type of proceeding (Administrative or Judicial)			
Date of proceedings			
Status of proceedings			
Location of proceedings			

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	698-8040		
MSHA NO.	15-06390	Date MSHA No. Issued	2/1/90
Violation ID No.	51-0705		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	15-May-96		
Description of alleged violation	405 KAR 16:220/18:230 (AC)		

Abatement actions taken	Abated		
Date of abatement actions	5/16/96		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-0303		
MSHA NO.	15-17008	Date MSHA No. Issued:	1/2/91
Violation ID No.	51-0126		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	5/23/96		
Description of alleged violation	405 KAR 16:090 (S)		

Abatement actions taken	Abated		
Date of abatement actions	6/25/96		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

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Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-0303		
MSHA NO.	15-17008	Date MSHA No. Issued	1/2/91
Violation ID No.	51-0854		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	28-May-96		
Description of alleged violation	405 KAR 16:070 (WQ)		
	401 KAR 5:065 (EL)		
Abatement actions taken	Abated		
Date of abatement actions	6/4/96		
Type of proceeding (Administrative or Judicial)	Administrative		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-5611		
MSHA NO.		Date MSHA No. Issued:	
Violation ID No.	51-0855		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	6/25/96		
Description of alleged violation	405 KAR 8:090 (SC)		
Abatement actions taken			
Date of abatement actions			
Type of proceeding (Administrative or Judicial)			
Date of proceedings			
Status of proceedings			
Location of proceedings			

1.16 (B) CONTINUED

PAGE 36 OF 38

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.
Permit (or other identifying) No.	898-5721
MSHA NO.	Date MSHA No. Issued
Violation ID No.	51-0834
Issuing regulatory authority	Surface Mining Reclamation and Enforcement
Date violation issue	25-Jun-96
Description of alleged violation	405 KAR 7:040 (OD)

Abatement actions taken

Date of abatement actions

Type of proceeding (Administrative or Judicial)

Date of proceedings

Status of proceedings

Location of proceedings

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-5821		
MSHA NO.	15-17726	Date MSHA No. Issued:	11/28/88
Violation ID No.	51-0888		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	7/19/96		
Description of alleged violation	405 KAR 18:070 (WQ)		
	405 KAR 18:060 (HR)		

Abatement actions taken

Date of abatement actions

Type of proceeding (Administrative or Judicial)

Date of proceedings

Status of proceedings

Location of proceedings

1.16 (B) CONTINUED

PAGE 37 OF 38

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	836-0179		
MSHA NO.	15-13962	Date MSHA No. Issued	4/19/88
Violation ID No.	41-0743		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	26-Aug-96		
Description of alleged violation	405 KAR 16:120 (UE)		

Abatement actions taken

Date of abatement actions

Type of proceeding (Administrative or Judicial)

Date of proceedings

Status of proceedings

Location of proceedings

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-0454		
MSHA NO.		Date MSHA No. Issued:	
Violation ID No.	51-0975		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	8/29/96		
Description of alleged violation	405 KAR 16:720 (Access Road)		

Abatement actions taken Abated

Date of abatement actions September 3, 1996

Type of proceeding (Administrative or Judicial) Administrative

Date of proceedings

Status of proceedings

Location of proceedings

PERMIT NUMBER: ENITY REFERENCE FILE

1.16 (B) CONTINUED

PAGE 38 OF 38

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	898-0380		
MSHA NO.	15-17742	Date MSHA No. Issued	1/15/96
Violation ID No.	51-0813		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issue	9/23/96		
Description of alleged violation	405 KAR 7:040 (OD)		
Abatement actions taken	Pending		
Date of abatement actions	Pending		
Type of proceeding (Administrative or Judicial)	Pending		
Date of proceedings			
Status of proceedings			
Location of proceedings			

Name to whom violation was issued	BRANHAM & BAKER COAL COMPANY, INC.		
Permit (or other identifying) No.	836-0179		
MSHA NO.	15-13962	Date MSHA No. Issued:	4/19/88
Violation ID No.	41-0751		
Issuing regulatory authority	Surface Mining Reclamation and Enforcement		
Date violation issued	9/25/96		
Description of alleged violation	405 KAR 7:040 (OD)		
Abatement actions taken	Pending		
Date of abatement actions	Pending		
Type of proceeding (Administrative or Judicial)	Pending		
Date of proceedings			
Status of proceedings			
Location of proceedings			

1.16 (continued)

- (c) List all unabated cessation orders, and all unabated air and water quality notices of violation, received prior to the date of this application by any surface coal mining and reclamation operation owned or controlled by either the applicant or by any person identified in items 1.8, 1.9, 1.10, 1.11, 1.12, or 1.13. If none, check box: [X].

Name of Applicant or Person _____

Name to whom violation was issued _____

Permit (or other identifying) No. _____

MSHA No. _____ Date MSHA No. Issued _____

Violation ID No. _____

Issuing regulatory authority _____

Date violation issued _____

Description of alleged violation _____

Abatement actions taken _____

Date of abatement actions _____

Type of proceedings (Administrative or Judicial) _____

Date of proceedings _____

Status of proceedings _____

Location of proceedings _____

Name of Applicant or Person _____

Name to whom violation was issued _____

Permit (or other identifying) No. _____

MSHA No. _____ Date MSHA No. Issued _____

Violation ID No. _____

Issuing regulatory authority _____

Date violation issued _____

Description of alleged violation _____

Abatement actions taken _____

Date of abatement actions _____

Type of proceedings (Administrative or Judicial) _____

Date of proceedings _____

Status of proceedings _____

Location of proceedings _____

- 1.18 List names and complete addresses of all surface owners within the proposed permit area. Include all legal and equitable owners of record, holders of record of any leasehold interest, and any purchaser or record under a real estate contract. If additional pages are needed, identify as "Item 1.18 Continued".

SITE SPECIFIC

- 1.19 List the names and complete addresses of all mineral owners of the proposed permit area. Include all legal and equitable owners, holders of record of any leasehold interest and any purchaser of record under a real estate contract. If additional pages are needed, identify as "Item 1.19 Continued".

SITE SPECIFIC

- 1.20 If any surface or mineral owner listed above has a legal structure other than a single proprietorship (individual), list the names of principals, officers and resident agent for each. If additional pages are needed, identify as "Item 1.20 Continued".

SITE SPECIFIC

- 1.21 List names and complete addresses of owners of record of all surface area contiguous to any part of proposed permit area. If additional pages are needed, identify as "Item 1.21 Continued".

SITE SPECIFIC

- 1.22 List names and complete addresses of owners of record of all mineral rights contiguous to any part of proposed permit area. If additional pages are needed, identify as "Item 1.22 Continued".

SITE SPECIFIC

1.23 Will the mine operator(s) of the proposed permit be different from the applicant? [] YES [X] NO. If YES, identify the operator(s) below and also submit Form MPA-02, "Operator Information," completed by the operator(s). A separate form MPA-02 must be completed by each operator, other than the applicant, that will conduct surface coal mining operations on this permit.

Name of Operator _____
Employer ID No. _____

Name of Operator _____
Employer ID No. _____

Name of Operator _____
Employer ID No. _____

1.24 Signature of Applicant or Authorized Agent

The undersigned, being first duly sworn, states that he/she has read all the information provided in Form MPA-01, Permittee Information for a Mining Permit, of this application and has found it to be true and correct. The undersigned further acknowledges that any information provided or omitted herein for the purpose of defrauding or misleading the Natural Resources and Environmental Protection Cabinet may result in criminal charges being instituted pursuant to applicable state laws.

Applicant Company Name BRANHAM & BAKER COAL COMPANY, INC.

Name of Applicant or Agent
Whose Signature Appears Below Robert Mayfield

Title Vice-President Telephone (606) 886-6300

Signature of Applicant or Agent* Robert Mayfield

Date of signature September 17, 1996

Subscribed and sworn to before me by Robert Mayfield,

This the 17TH Day of SEPTEMBER, 1996.

Notary Public Conley C. Smith

My Commission Expires 7/9/99 State in which Commissioned KY

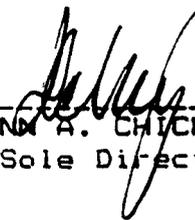
*NOTE: If signer is other than president or secretary of a corporation, attach a notarized copy of power of attorney, or resolution of board of directors which grants signer the legal authority to represent the applicant in this application. (Does not apply to a single proprietorship or partnership.)

BRANHAM & BAKER COAL CO., INC.

Written Consent of Sole Director

The undersigned, being the sole director of Branham & Baker Coal Co., Inc., a Kentucky Corporation, (the "Company"), hereby consents to the taking of the following actions and the adoption of the following resolutions without a meeting in accordance with Section 271B.3-210 of the Kentucky Business Corporation Act and agrees that such actions and resolutions shall have the same force and effect as though duly taken and adopted by a unanimous vote at a meeting of the directors duly called and legally held:

RESOLVED, that Robert Mayfield is hereby given the authority to sign for any permits, agreed orders, and/or any other legal documents that relate to the Department of Surface Mining and Reclamation. This authority is perpetual in nature and shall continue as Robert Mayfield is employed by Branham & Baker Coal Co., Inc.

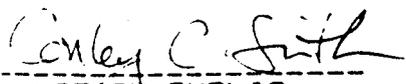


DONNA A. CHICKERING,
Sole Director

Dated: 4/29/92

I, Cowley C. Smith, hereby affirm that this is a true and accurate copy of the original.

MY COMMISSION EXPIRES: 07/09/99



NOTARY PUBLIC

PERMIT TRACKING FORM

- Permit Amendment(INS)
 Exploration Permit(INS)
 N.O.V. (INS)
 D.O.
 Permit Transfer
 Incidental Boundary Change
 Permit Midterm (MT)
 Permit Renewal (PR)
 New Permit
 Significant Revision (SR)
 Bond Release (BR)

DATE RECEIVED 4/7/97 Title of Proposal: Permit Transfer Description: # Copies Required 6 # Copies Received	By: PGL (Initial)	PERMIT NUMBER ACT/007/020 PERMIT CHANGE # 97PT PERMITTEE HORIZON COAL CO. MINE NAME HORIZON	
---	--------------------------	--	--

PERMIT CHANGE APPLICATION SENT TO SLC DATE: LETTER TO PERMITTEE:

<input type="checkbox"/> 15 DAY INITIAL RESPONSE TO PERMIT CHANGE APPLICATION OR INITIAL COMPLETENESS REVIEW	DATE DUE	DATE DONE	LETTER TO PERMITTEE:
<input type="checkbox"/> Notice of Affidavit of Publication. (If change is a Significant Revision, New Permit or Permit Transfer)	DATE DUE:	DATE DONE	PUBLIC COMMENT RECEIVED:

PRICE REVIEW TRACKING	REVIEW		SLC REVIEW TRACKING	REVIEW	
	DUE	DONE		DUE	DONE
<input type="checkbox"/> Lead <input type="checkbox"/> Generalist			<input type="checkbox"/> Lead		
<input type="checkbox"/> Administrative			<input type="checkbox"/> Administrative		
<input type="checkbox"/> Land Use/AQ			<input type="checkbox"/> Land Use/AQ		
<input type="checkbox"/> Biology			<input type="checkbox"/> Biology		
<input type="checkbox"/> Engineering			<input type="checkbox"/> Engineering		
<input type="checkbox"/> Geology			<input type="checkbox"/> Geology		
<input type="checkbox"/> Soils			<input type="checkbox"/> Soils		
<input type="checkbox"/> Hydrology			<input type="checkbox"/> Hydrology		

TA Review Due Date:	Permittee Response Due <input type="checkbox"/> Stipulation <input type="checkbox"/> Condition <input type="checkbox"/> No Requirements	Date:	DIVISION DECISION LETTER <input type="checkbox"/> APPROVE <input type="checkbox"/> DENY
TA Review Done Date:	Response Received	Date:	Date:

COORDINATED REVIEWS	PHONE CONTACT	SENT	DUE	RECEIVED	ADDITIONAL TRACKING	Date:
<input type="checkbox"/> OSMRE (C)					PUBLIC HEARING	
<input type="checkbox"/> US Forest Service					LETTER FROM COMPLIANCE SUPER.	
<input type="checkbox"/> BLM (C)					AVS COMPLETED	
<input type="checkbox"/> US FWS (L, NA)					APPROVAL EFFECTIVE DATE	
<input type="checkbox"/> BLM, SLC (C)					APPROVED COPY TO FILE	
<input type="checkbox"/> UT SHPO (L, NA)					APPROVED COPY TO PERMITTEE	
<input type="checkbox"/> UT DEQ (L)					APPROVED COPY TO PFO/SLC	
<input type="checkbox"/> UT Water Rights (L)					APPROVED COPY TO AGENCIES	
<input type="checkbox"/> UT Wildlife Resources(L)					CHIA MODIFIED	
<input type="checkbox"/> UT SITLA					UPDATE MASTER TA DONE/NEEDED	

PRICE FIELD OFFICE COMMENTS:	SLC OFFICE COMMENTS:
------------------------------	----------------------

EARTHFAK ENGINEERING, INC.
7324 So. Union Park Avenue
Suite 100
Midvale, Utah 84047



Phone: (801) 561-1555
Fax: (801) 561-1861

FROM: Vicky Bailey

TO: PAM GRUBAUGH - LITTK

COMPANY: UDOGM

FAX NUMBER: _____

DATE: 4-8-97 TIME: 7:52

NUMBER OF PAGES: (including this page) 2

PAM,

COULD YOU READ AND GIVE PERMISSION FOR
US TO PUBLISH THIS NOTICE. WE WOULD
LIKE TO GET IT IN TODAY SO THAT IT
CAN APPEAR IN THURSDAYS PAPER.

THANK YOU

Vicky

CALL ME WITH ANY CHANGES OR
REVISIONS - 561-1555

Public Notice
Application for Permit Transfer
Horizon Coal Corporation
Horizon No. 1 Mine

Notice is hereby given that Horizon Coal Corporation, on or about April 7, 1997 submitted an "Application for Permit Transfer" for Permit ACT/007/020 covering operations for the Horizon No. 1 Mine, to the State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining. The current owner, Cumberland Resources Corporation, P.O. Box 2540, Wise, Virginia, 24273 transferred ownership and control of Horizon Coal Corporation to K & K Holding Company, LLC, 15215 Fox Chase Lane, Abingdon, Virginia, 24210 on or about March 27, 1997.

Approval by the Division of Oil, Gas and Mining, will allow coal mining operations to continue in the permit areas. The lands involving activities are located in Carbon County. The mine portals are located 14 miles west of Price, Utah in the Gordon Creek-Consumers Canyon area. The permit area lies within the USGS Jump Creek, Utah 7.5 minute quadrangle.

The permit area includes land in the following:

Township 13 South, Range 8 East, SLM, Utah

Section 8: SE1/4SW1/4
Section 17: NW1/4NE1/4, S1/2NW1/4, N1/2NW1/4SW1/4, NE1/4SW1/4,
NW1/4SE1/4, N1/2SE1/4SW1/4, N1/2SW1/4SE1/4
Containing 300 acres more or less.

and includes a Federal Coal Right-of-Way described as follows:

Section 8: SW1/4NW1/4SW1/4SE1/4, W1/2SW1/4SW1/4SE1/4
Section 17: W1/2W1/2SW1/4NE1/4
Containing 18 acres more or less.

Copies of the complete permit application for transfer are available for public inspection at the Carbon County Clerk's Office, Carbon County Court House, 120 Main Street, Price, Utah 84501 and at the Utah Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Salt Lake City, Utah 84114-5801.

Written comments, objections, and requests for informal conferences regarding the "Application for Permit Transfer" must be submitted within 30 days of the date of the publications of this notice, to the Utah Coal Regulatory Program, 1594 West North Temple, Suite 1210, Salt Lake City, Utah 84114-5801.

Draft (3) 4/4/97

Public Notice
Application for Permit Transfer
Horizon Coal Corporation
Horizon No. 1 Mine

Notice is hereby given that Horizon Coal Corporation, 15215 Fox Chase Lane, Abbingdon, Virginia, 24210, on or about April 7, 1997 submitted an Application for Permit Transfer for Permit No. ACT/007/020, covering operations for the Horizon No. 1 Mine, to the State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining. The current owner, Cumberland Resources Corporation, P.O. Box 2540, Wise, Virginia, 24273 transferred ownership and control of Horizon Coal Corporation to K & K Holding Company, LLC on or about March 27, 1997.

Approval by the Division of Oil, Gas and Mining, will allow coal mining operations to continue in the permit areas. The lands involving activities are located in Carbon County. The mine portals are located 14 miles west of Price, Utah in the Gordon Creek-Consumers Canyon area. The permit area lies within the USGS Jump Creek, Utah 7.5 minute quadrangle.

The permit area includes lands in the following:

T.13S, R.8E., SLM, Utah, Sec. 8, SE1/4SW1/4, SEC 17, NW1/4NE1/4, W1/2SE1/4, SE1/4SE1/4, S1/2NW1/4, N1/2SW1/4, SE1/4SW1/4. Containing 400 acres, more or less.

The permit area includes a Federal Coal Right-of-Way described as follows:

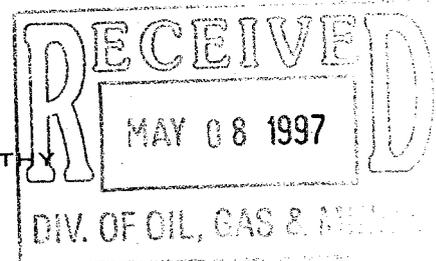
T.13S, R.8E., SLM, Utah, Section 8, SW1/4SW1/4SE1/4, Section 17, NE1/4SW1/4NE1/4, SE1/4SW1/4NE1/4, NE1/4NE1/4NW1/4. Containing 40 acres, more or less.

Copies of the complete application for transfer are available for public inspection at the Carbon County Clerk's Office, Carbon County Court House, 120 Main Street. Price, Utah 84501 and at the Utah Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Salt Lake City, Utah 82114-5801.

Written comments, objections, and requests for informal conference regarding the Application for Permit Transfer must be submitted, within 30 days of the date of the publication of this notice, to the Utah Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Box 155801, Salt Lake City, Utah 84114-5801.

Published in the Sun Advocate April xx, 1997.

LAW OFFICES OF
VAN COTT, BAGLEY, CORNWALL & MCCARTHY
A PROFESSIONAL CORPORATION
SUITE 1600
50 SOUTH MAIN STREET
SALT LAKE CITY, UTAH 84144-0450
TELEPHONE (801) 532-3333
FACSIMILE (801) 534-0058



DENISE A. DRAGOO

DIRECT DIAL: (801) 237-0465

ADDRESS ALL CORRESPONDENCE TO
POST OFFICE BOX 45340
84145-0340

VIA FACSIMILE

CONFIRMATION OF
FACSIMILE

(801) 359-3940

May 7, 1997

Ms. Pamela Grubaugh-Littig
Utah Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114-5801

Copy Pam (all)

RE: *Horizon Coal Corporation; Coal Mine Permit No. ACT/007/020* #4

Dear Pam:

Enclosed is the Certificate of Liability Insurance for Horizon Coal Corporation. This Certificate is submitted in response to permit transfer requirements at R645-303-300. If this form is satisfactory, we will forward the original Certificate for your files.

In addition, we are currently preparing the Reclamation Agreement and replacement Surety Bond for execution by K&K Holding Co., Inc.

Please call if you have any questions.

Very truly yours,

Denise A. Dragoo

DAD:jmc:140456

Enclosure

cc: Mike Gipson
Vicky Bailey

ACORD. CERTIFICATE OF INSURANCE

DATE (MM/DD/YY)
5/07/97

PRODUCER

Acordia ReagerHarris
Lexington Green Two, Suite 410
3201 Nicholasville Road
Lexington, KY 40503-3311
606-273-8600

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

- COMPANY
A Federal Insurance Company
- COMPANY
B
- COMPANY
C
- COMPANY
D

INSURED

Horizon Coal Corporation
15215 Foxchase Lane
Abingdon, VA 24210

COVERAGE

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOT WITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT	3710-46-32	4/01/97	4/01/98	GENERAL AGGREGATE \$ 2000000
					PRODUCTS-COMP/OP AGG \$ 1000000
					PERSONAL & ADV INJURY \$ 1000000
					EACH OCCURRENCE \$ 1000000
					FIRE DAMAGE (Any one fire) \$ 100000
					MED EXP (Any one person) \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT \$
					BODILY INJURY (Per person) \$
					BODILY INJURY (Per accident) \$
					PROPERTY DAMAGE \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$
					OTHER THAN AUTO ONLY:
					EACH ACCIDENT \$
	EXCESS LIABILITY <input type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM				AGGREGATE \$
					EACH OCCURRENCE \$
					AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY THE PROPRIETARY/PARTNERS/EXECUTIVE OFFICERS ARE <input type="checkbox"/> INCL <input type="checkbox"/> EXCL				STATUTORY LIMITS
					EACH ACCIDENT \$
					DISEASE - POLICY LIMIT \$
					DISEASE - EACH EMPLOYEE \$
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

Permit #007/020, Horizon Mine #1, Certificate holder is listed as additional insured and lesser as their interest may appear. This policy includes coverage for Property Damage & Personal Injury resulting from use of explosives.

CONTACT INFORMATION

Utah Dept of Natural Resources
Div. of Oil, Gas & Mining
1504 W. North Temple, Ste 1210
P.O. Box 195801
Salt Lake City, UT 84114-5801

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL IMMEDIATELY MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT.

EXCESS LIABILITY: UMBRELLA FORM: WORKERS COMPENSATION: STATUTORY LIMITS: DISEASE - POLICY LIMIT: DISEASE - EACH EMPLOYEE: \$

AUTHORIZED REPRESENTATIVE

Richard W. Kottfield 091314000

Certificate of Liability Insurance
Issued To:
State of Utah
Department of Natural Resources
Division of Oil, Gas and Mining
--oo0oo--

THIS IS TO CERTIFY THAT:

ACORDIA REAGER HARRIS
(Name of Insurance Company)

HAS ISSUED TO: HORIZON COAL CORPORATION

CERTIFICATE OF INSURANCE:

3710-46-32
(Policy Number)

04/01/97
(Effective Date)

UNDER THE FOLLOWING TERMS AND CONDITIONS:

Per R645-301-890 Terms and Conditions for Liability Insurance:

- A. The **DIVISION** shall require the **PERMITTEE** to submit as part of its Permit a certificate issued by an insurance company authorized to do business in the State of Utah certifying that the applicant has a public liability insurance policy in force for the surface coal mining and reclamation operations for which the Permit is sought. Such policy shall provide for personal injury and property damage protection in an amount adequate to compensate any persons injured or property damaged as a result of the surface coal mining and reclamation operations, including the use of explosives, and who are entitled to compensation under the applicable provisions of state law. Minimum insurance coverage for bodily injury and property damage shall be \$300,000 for each occurrence and \$500,000 aggregate.
- B. The policy of Liability Insurance shall be maintained in full force during the life of the Permit or any renewal thereof, including the liability period necessary to complete all reclamation operations under this chapter.
- C. The policy shall include a rider requiring that the insurer notify the Division whenever substantive changes are made in the policy including any termination or failure to renew.

IN ACCORDANCE WITH THE ABOVE TERMS AND CONDITIONS, and the Utah Code Annotated 40-10-1, et seq., the Insurance Company hereby attests to the fact that coverage for said Permit Application is in accordance with the requirements of the State of Utah and agrees to notify the Division of Oil, Gas and Mining in writing of any substantive change, including cancellation, failure to renew, or other material change. No change shall be effective until at least thirty (30) days after such notice is received by the Division. Any change unauthorized by the Division is considered a breach of the **RECLAMATION AGREEMENT** and the Division may pursue remedies thereunder.

UNDERWRITING AGENT:

RICHARD W. HATFIELD
(Agent's Name)

(606) 273-6600
(Phone)

McDONOUGH, CAPERTON INSURANCE GROUP
(Company Name)

Lexington Green Two, 3201 Nicholasville Road, Suite 410, Lexington, KY 40503-3311
(Mailing Address) (City, State, Zip Code)

The undersigned affirms that the above information is true and complete to the best of his/her knowledge and belief, and that he/she is an authorized representative of the above-named insurance company. (An **Affidavit of Qualification** must be completed and attached to this form for each authorized agent or officer.)

(see attached original Certificate of Insurance
(Date, Signature and Title of Authorized Agent of Insurance Company)

Signed and sworn to before me by _____

this _____ day of _____, 19_____.

(Signature)

My Commission Expires: _____
(Date)

PUBLIC NOTICE

Union is accepting bids on the following
by 54 mobile Home VIN# 02940303L
Ton 4x4 Pick Up VIN# 1GCDK14K2MZ140484
ansam VIN# 1G2FW87F9FL641354
4x4 Pick Up Vin# 2FTHF26GBRCA38132
Credit Union office between the hours of 10:00 a.m. and 5:00 p.m. at
n.
ur bid forms and sign the bid sheet on the bill board, at Carbon Credit
h or mail to P.O. Box 719 Price, Utah 84501.
ject to rejection. Bids will begin on April 15th, 1997 at
April 29th, 1997 at 5:30 p.m.
Sun Advocate April 15 and 17, 1997.

REQUEST FOR PROPOSALS

will accept proposals from Licensed Utah Contractors to construct 2
at the Carbon County Fairgrounds. The plans, specifications, and
proposal are available at the office of the Carbon County Building
ness hours. This project is a part of the County Master Plan for the
all be submitted in a sealed envelope to Robert Pero, Clerk/Auditor
house, 120 East Main, Price, Utah 84501, no later than 5:00 PM.
e proposals will be opened Wednesday, May 7, 1997 at the regular
d aloud. The successful contractor shall be required to submit a bond
n County reserves the right to reject all proposals if no satisfactory
Sun Advocate April 17, 22 and 24, 1997.

PUBLIC NOTICE

ion is accepting bids on the following:
MDO1SXCW126824
edit Union office between the hours of 10:00 a.m. and 5:00 p.m. at
ur bid forms and sign the bid sheet on the bill board, at Carbon Credit
or mail to P.O. Box 719 Price, Utah 84501.
ject to rejection. Bids will begin on April 15th, 1997 at 9:00 a.m. and
at 5:30 p.m.
un Advocate April 15 and 17, 1997.

NOTICE TO WATER USERS

received the following Application(s) to Change Water in Carbon
n SLB&M).
to an application must file a Protest stating the reasons for the
aring before the State Engineer, persons must request a hearing in
must be filed in duplicate with the State Engineer, 1594 West North
ity, Utah 84114, (801-538-7240) on or before MAY 7, 1997. (PRO-
LEGIBLE WITH A RETURN ADDRESS). These are informal
Rule R655-6-2 of the Division of Water Rights.
of Diversion = POD; Place of Use = POU; Nature of Use = USE)
a Utah Power & Light Company propose(s) to change the POD,
ced by 91-198, 199, 224, 342, 344, 356, 766, 1812, 1813, 1814,
QUANTITY: 25.88 cfs. SOURCE: Price River and (2) Wells. POD:
6 in. well 1523 ft. deep (2) N 1026 E 1334 from W1/4 Cor, Sec 22,
eep (3) S 46 E 649 from N1/4 Cor, Sec 35, T12S, R9E. POINT(S)
649 from N1/4 Cor, Sec.35, T12S, R9E., Source: Price River.
boiler feed and other associated uses at the Carbon Plant. POU:
E.
QUANTITY: 25.88 cfs. SOURCE: Price River and (2) Wells. POD:
r, 20 in. well 2130 ft. deep (2) N 949 E 645 from N1/4 Cor, Sec 22,
eep (3) N 1488 W 751 from S1/4 Cor, Sec 26, Source: Price River
c 35, T12S, R9E., Source: Price River. (Castle Gate) POINT(S)
N 751 from S1/4 Cor, Sec 26, Source: Price River (2) S 46 E 649
9E, Source: Price River. USE: Municipal: IN Price River Water

PUBLIC NOTICE

APPLICATION FOR PERMIT TRANSFER HORIZON COAL CORPORATION HORIZON NO. 1 MINE

*Sold Brod on
4/22/97.*

Notice is hereby given that Horizon Coal Corporation, on or about April 7, 1997
submitted an "Application for Permit Transfer" for Permit ACT/007/020 covering operations for the
Horizon No. 1 Mine, to the State of Utah, Department of Natural Resources, Division of Oil, Gas
and Mining. The current owner, Cumberland Resources Corporation, P.O. Box 2540, Wise,
Virginia, 24273 transferred ownership and control of Horizon Coal Corporation to K & K Holding
Company, LLC, 15215 Fox Chase Lane, Abingdon, Virginia, 24210 on or about March 27, 1997.

Approval by the Division of Oil, Gas and Mining, will allow coal mining operations to
continue in the permit areas. The lands involving activities are located in Carbon County. The mine
portals are located 14 miles west of Price, Utah in the Gordon Creek-Consumers Canyon area.
The permit area lies within the USGS Jump Creek, Utah 7.5 minute quadrangle.

The permit area includes land in the following:

Township 13 South, Range 8 East, SLM Utah
Section 8: SE1/4 SW1/4
Section 17: NW1/4 NE1/4, S1/2 NW1/4, N1/2 NW 1/4 SW1/4, NE1/4 SW1/4,
NW1/4 SE1/4, N1/2 SE1/4 SW1/4, N1/2 SW1/4 SE1/4
Containing 300 acres more or less.

and includes a Federal Coal Right-of-Way described as follows:

Section 8: SW1/4 NW1/4 SW1/4 SE1/4, W1/2 SW1/4 SW1/4 SE1/4
Section 17: W1/2 W1/2 SW1/4 NE1/4
Containing 18 acres more or less.

Copies of the complete permit application for transfer are available for public inspec-
tion at the Carbon County Clerk's Office, Carbon County Court House, 120 Main Street, Price,
Utah 84501 and at the Utah Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210,
Salt Lake City, Utah 84114-5801.

Written comments, objections, and requests for informal conferences regarding the
"Application for Permit Transfer" must be submitted within 30 days of the date of the publications
of this notice, to the Utah Coal Regulatory Program, 1594 West North Temple, Suite 1210, Salt
Lake City, Utah 84114-5801.

Published in the Sun Advocate April 10, 15, 17, 22, 24, 29 and May 1, 6, 8 and 13,
1997.

EXHIBIT "A"

NOTICE OF TRUSTEE'S SALE

The following described real property will be sold at public auction to the highest bidder
payable in lawful money of the United States on the 1st day of May, 1997, at 11:00 a.m., at the
East front door of the main entrance of the County Courthouse, 149 E. 100 So., Price, UT 84501,
in the County of Carbon, State of Utah, for the purpose of foreclosing a trust deed held by GE
Capital Mortgage Services, Inc., as the current Beneficiary, executed by Joe Fabela and Monica
Fabela, Husband and Wife, as Trustor, recorded April 29, 1994 as Entry No. 44694, in Book 343,
at Page 532, of the official records of Carbon County, Utah, given to secure an indebtedness in
favor of Bank of Utah, by reason of certain obligations secured thereby.

Notice of Default was recorded December 10, 1996, as Entry No. 57879, in Book 382,
at Page 51, of said official records.

Trustee will sell at public auction to highest bidder without warranty as to title,
possession or encumbrances, the following described property:

ALL OF LOT 22, CASTLE HEIGHTS SUBDIVISION, PLAT 1, ACCORDING TO THE
OFFICIAL PLAT THEREOF.

Tax Serial No. 1-2305-22

Property Address: 1631 Pinion Circle, Price, UT 84501

The undersigned disclaims any liability for any error in the street address.

The present owner of the property is reported to be: Joe Fabela and Monica Fabela
Bidders must be prepared to tender to the trustee a \$5,000.00 cashier's check at the
sale and a cashier's check for the balance of the purchase price within 24 hours after the sale.
DATED this 2nd day of April, 1997.

First Southwestern Title Agency of Utah, Inc.
/s/DON H. MEINHOLD, President

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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

1594 West North Temple, Suite 1210

Box 145801

Salt Lake City, Utah 84114-5801

801-538-5340

801-359-3940 (Fax)

801-538-7223 (TDD)

June 16, 1997

To: File

From: Pamela Grubaugh-Littig, Permit Supervisor 

Re: Compliance Review for Section 510 (c) Findings, Horizon Coal Corporation, Horizon Mine, ACT/007/020, Folder #3, Carbon County, Utah

As of the writing of this memo, there are no NOVs or COs which are not corrected or in the process of being corrected. There are also no finalized Civil Penalties which are outstanding and overdue in the name of Horizon Coal Corporation. Horizon Coal Corporation does not have a demonstrated pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

Two of the officers of K and K Holding Company (Scott Kiscaden and Todd Kiscaden) are also owners and controllers of White Oak Mining Company. White Oak Mining Company entered into a Settlement Agreement on March 26, 1997 for unpaid abandoned mine reclamation fees. All of these delinquent fees must be paid by September 30, 1997.



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

June 16, 1997

To: File

From: Pamela Grubaugh-Littig, Permit Supervisor 

Re: Compliance Review for Section 510 (c) Findings, Horizon Coal Corporation, Horizon Mine, ACT/007/020, Folder #3, Carbon County, Utah

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EARTHFAX ENGINEERING, INC.
7324 So. Union Park Avenue
Suite 100
Midvale, Utah 84047



Phone: (801) 561-1555
Fax: (801) 561-1861

FROM: Vicky BAILEY
TO: PAM GRUBAUGH - LITTLE
COMPANY: UDOGM
FAX NUMBER: _____
DATE: 4-8-97 TIME: 7:52
NUMBER OF PAGES: (including this page) 2

PAM,

COULD YOU READ AND GIVE PERMISSION FOR
US TO PUBLISH THIS NOTICE. WE WOULD
LIKE TO GET IT IN TODAY SO THAT IT
CAN APPEAR IN THURSDAYS PAPER.

THANK YOU

Vicky

CALL ME WITH ANY CHANGES OR
REVISIONS - 561-1555

Draft (3) 4/4/97

Public Notice
Application for Permit Transfer
Horizon Coal Corporation
Horizon No. 1 Mine

application (Current permittee)

Notice is hereby given that Horizon Coal Corporation, 15215 Fox Chase Lane, Abbingdon, Virginia, 24210, on or about April 7, 1997 submitted an Application for Permit Transfer for Permit No. ACT/007/020, covering operations for the Horizon No. 1 Mine, to the State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining. The current owner, Cumberland Resources Corporation, P.O. Box 2540, Wise, Virginia, 24273 transferred ownership and control of Horizon Coal Corporation to K & K Holding Company, LLC on or about March 27, 1997.

Approval by the Division of Oil, Gas and Mining, will allow coal mining operations to continue in the permit areas. The lands involving activities are located in Carbon County. The mine portals are located 14 miles west of Price, Utah in the Gordon Creek-Consumers Canyon area. The permit area lies within the USGS Jump Creek, Utah 7.5 minute quadrangle.

The permit area includes lands in the following:

T.13S, R.8E., SLM, Utah, Sec. 8, SE1/4SW1/4, SEC 17, NW1/4NE1/4, W1/2SE1/4, SE1/4SE1/4, S1/2NW1/4, N1/2SW1/4, SE1/4SW1/4. Containing 400 acres, more or less.

The permit area includes a Federal Coal Right-of-Way described as follows:

T.13S, R.8E., SLM, Utah, Section 8, SW1/4SW1/4SE1/4, Section 17, NE1/4SW1/4NE1/4, SE1/4SW1/4NE1/4, NE1/4NE1/4NW1/4. Containing 40 acres, more or less.

Copies of the complete application for transfer are available for public inspection at the Carbon County Clerk's Office, Carbon County Court House, 120 Main Street Price, Utah 84501 and at the Utah Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Salt Lake City, Utah 82114-5801.

Written comments, objections, and requests for informal conference regarding the Application for Permit Transfer must be submitted, within 30 days of the date of the publication of this notice, to the Utah Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Box 155801, Salt Lake City, Utah 84114-5801.

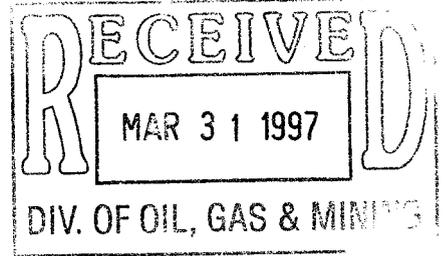
Published in the Sun Advocate April xx, 1997.

Cumberland Resources Corporation
Post Office Box 2560
Wise, Virginia 24293
540.679.0804

Mary Ann -
FVI
PAM
#1

March 27, 1997

Mr. James W. Carter, Director
Utah Division of Oil, Gas & Mining
1594 W. North Temple, Suite 1210
Box 145801
Salt Lake City, UT 84114-5801



Re: Horizon Mine, ACT/007/020, Folder #²~~A~~, Carbon County, Utah

Copy Ann, Joe,
PAM
FAX Bill & PEO

Dear Mr. Carter:

The Division's Coal Regulatory Program Directive number ADM-004 specifies that certain information be furnished upon a change of ownership or control of a permittee. The purpose of this letter is to fulfill Horizon Coal Corporation's obligations under this directive. Since the name of the permittee will not change, this is not a permit transfer and should be processed pursuant to steps B through F of the Division Procedure as set forth in the Directive.

Effective March 27, 1997, Cumberland Resources Corporation will transfer ownership of 100% of its stock in the permittee to K & K Holding Company, Inc., whose officers are Scott Kiscaden, President and Todd Kiscaden, Vice President. Please make the appropriate entries on your records to reflect this change, noting that the permittee will not be owned or controlled by Cumberland Resources Corporation (or its officers and directors) after that date.

Mr. Scott Kiscaden will be in touch with you shortly with respect to substituting new insurance certificates and reclamation bonds for the existing ones. Should you have any questions or need further information at this time, please contact Mr. Kiscaden at the address shown on the permittee file.

Very truly yours,
CUMBERLAND RESOURCES CORPORATION

By *Richard Gilliam*
Richard Gilliam, President

K & K HOLDING COMPANY, INC.

By *Scott Kiscaden*
Scott Kiscaden, President

Mail

Exhibit "B" - BONDING AGREEMENT
SURETY BOND

Permit Number: 007/020

SURETY BOND
(NON-FEDERAL COAL)

BOND NUMBER: 400JU4131

--00000--

THIS SURETY BOND entered into and by and between the undersigned PERMITTEE/PRINCIPAL, and SURETY, hereby jointly and severally bind ourselves, our heirs, administrators, executors, successors and assigns unto the State of Utah, Division of Oil, Gas and Mining (DIVISION), and the penal sum of (\$ 209,200.00) (Surety Bond Amount) for the timely performance of reclamation responsibilities of the surface disturbance described in Exhibit "A" of this Reclamation Agreement. Surety Company has performed due diligence to its satisfaction the basis for the Surety Bond amount, including without limitation inspection of the Area described in Exhibit "A".

This SURETY BOND shall remain in effect until all of the PERMITTEE's/PRINCIPAL's reclamation obligation have been met and released by the DIVISION and is conditioned upon faithful performance of all of the requirements of the Act, the applicable regulations and rules, the approved permit and the PAP as approved by the Division.

The SURETY will not cancel this bond at any time for any reason, including non-payment of premium or bankruptcy of the Principal during the period of liability.

The SURETY and their successors and assigns, agree to guarantee the obligation and to indemnify, defend, and hold harmless the DIVISION and from any and all expenses which the DIVISION and may sustain as a result of the PERMITTEE's /PRINCIPAL's failure to comply with the condition(s) of the reclamation obligation.

The SURETY will give prompt notice to the PERMITTEE/PRINCIPAL and to the DIVISION of any notice received or action alleging the insolvency or bankruptcy of the SURETY, or alleging any violations or regulatory requirements which could result in suspension or revocation of the SURETY's license.

Upon incapacity of the SURETY by reason of bankruptcy, or suspension or revocation of license, the Permittee shall be deemed to be without bond coverage in violation of state and federal law and subject to enforcement in accordance with SMCRA, the Act, and the applicable regulations and rules.

The terms for release or adjustment of this BOND are as written and agreed to by the DIVISION and the PERMITTEE/PRINCIPAL in the RECLAMATION AGREEMENT, (effective date of Oct., 10, 1996) incorporated by reference herein, to which this SURETY AGREEMENT has been attached as Exhibit "B".

Exhibit "B" - BONDING AGREEMENT
SURETY BOND

IN WITNESS WHEREOF, The PERMITTEE/PRINCIPAL has hereunto set its signature and seal
this 8th day of October, 19 96.

HORIZON COAL CORPORATION

PERMITTEE/PRINCIPAL

By: Rich Gilliam

Title: PRESIDENT

State of Tennessee)

County of Knox)ss:

IN WITNESS WHEREOF, the SURETY has hereto set its signature and seal this 8th
day of October, 19 96.

Subscribed and sworn to before me this 8th day of October, 19 96

Elizabeth A. Hartzberg
Print Name

Elizabeth A. Hartzberg
Notary Public

My Commission Expires: November 29, 19 99

ST. PAUL FIRE AND MARINE INSURANCE COMPANY
SURETY

By: Janice H. Fennell
Title: Janice H. Fennell, Attorney-in-Fact

State of Tennessee)

County of Knox)ss:

ACCEPTED BY THE STATE OF UTAH:

[Signature]
Director - Division of Oil, Gas and Mining

NOTE: An AFFIDAVIT OF QUALIFICATION must be completed and attached to this form for each authorized agent of officer. Where one signs by virtue of Power of Attorney for a company, such Power of Attorney must be filed with this Agreement. If the PERMITTEE is a corporation, the Agreement shall be executed by its duly authorized officer

Certificate of Liability Insurance
Issued To:
State of Utah
Department of Natural Resources
Division of Oil, Gas and Mining
-oo00o-

THIS IS TO CERTIFY THAT:

The Fidelity & Casualty Company of New York

(Name of Insurance Company)

180 Maiden Lane, New York, NY 10038

(Home Office Address of Insurance Company)

HAS ISSUED TO:

Horizon Coal Corporation

(Name of Permittee)

Horizon No.1 Mine

(Mine Name)

007/020

(Permit No.)

CERTIFICATE OF INSURANCE

MCL002783

(Policy Number)

8/12/96

(Effective Date)

UNDER THE FOLLOWING TERMS AND CONDITIONS:

Per R645-301-890 Terms and Conditions for Liability Insurance:

- A. The **DIVISION** shall require the **PERMITTEE** to submit as part of its permit application a certificate issued by an insurance company authorized to do business in the state of Utah certifying that the applicant has a public liability insurance policy in force for the surface coal mining and reclamation operations for which the Permit is sought. Such policy shall provide for personal injury and property damage protection in an amount adequate to compensate any persons injured or property damaged as a result of the surface coal mining and reclamation operations, including the use of explosives and who are entitled to compensation under the applicable provisions of state law. Minimum insurance coverage for bodily injury and property damage shall be \$300,000 for each occurrence and \$500,000 aggregate.
- B. The policy shall be maintained in full force during the life of the permit or any renewal thereof, including the liability period necessary to complete all reclamation operations under this chapter.
- C. The policy shall include a rider requiring that the insurer notify the Division whenever substantive changes are made in the policy including any termination or failure to renew.

IN ACCORDANCE WITH THE ABOVE TERMS AND CONDITIONS, and the Utah Code Annotated 40-10-1 seq., the Insurance Company hereby attests to the fact that coverage for said Permit Application is in accordance with the requirements of the State of Utah and agrees to notify the Division of Oil, Gas and Mining in writing of any substantive change, including cancellation, failure to renew, or other material change. No change shall be effective until at least thirty (30) days after such notice is received by the Division. Any change unauthorized by the Division is considered a breach of the RECLAMATION AGREEMENT and the Division may pursue remedies thereunder.

UNDERWRITING AGENT:

Samuel F. Robinson, Jr.
(Agent's Name)

423-450-3358
(Phone)

Sedgwick James of TN, Inc.
(Company Name)

P. O. Box 19810
(Mailing Address)

Knoxville, TN 37939-2810
(City, State, Zip Code)

The undersigned affirms that the above information is true and complete to the best of his/her knowledge and belief, and that he/she is an authorized representative of the above-named insurance company. (An Affidavit of Qualification must be completed and attached to this form for each authorized agent or officer.)

Oct. 8, 1996 Sam F. Robinson, Jr. Sr. Vice-President
(Date, Signature and Title of Authorized Agent of Insurance Company)

Signed and sworn to before me by Samuel F. Robinson, Jr.

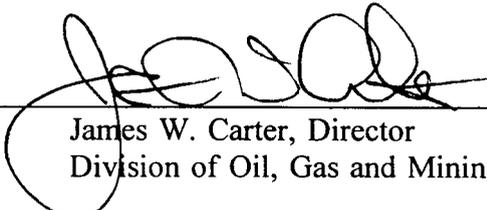
this 8th day of October, 1996.

Katherine R. Shoemaker
(Signature)

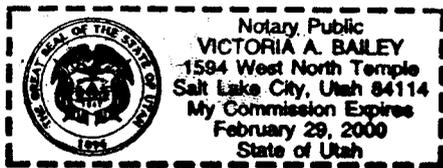
My Commission Expires: NOV 01 1996
(Date)

**AFFIDAVIT OF QUALIFICATION
DIRECTOR
--ooOOoo--**

I, James W. Carter, being first duly sworn under oath, deposes and says that he is the Director of the Division of Oil, Gas and Mining, Department of Natural Resources, State of Utah; and that he is duly authorized to execute and deliver the foregoing obligations; and that said **DIRECTOR** is authorized to execute the same by authority of law on behalf of the State of Utah.

(Signed) 
James W. Carter, Director
Division of Oil, Gas and Mining

Subscribed and sworn to before me this 11th day of October, 19 96.




Notary Public

My Commission Expires:
February 29, 2000.

Attest:

STATE OF Utah)
COUNTY OF SALT LAKE) ss:

"**Temporary Diversion**" means a diversion of a stream, or overland flow, which is used during coal exploration or coal mining and reclamation operations and not approved by the Division to remain after reclamation as part of the approved postmining land use.

"**Temporary Impoundment**" means an impoundment used during coal mining and reclamation operations, but not approved by the Division to remain as part of the approved postmining land use.

"**Ton**" means 2,000 pounds avoirdupois (.90718 metric ton).

"**Topsoil**" means the A and E soil horizon layers of the four major soil horizons.

"**Toxic-Forming Materials**" means earth materials or wastes which, if acted upon by air, water, weathering, or microbiological processes are likely to produce chemical or physical conditions in soils or water that are detrimental to biota or uses of water.

"**Toxic Mine Drainage**" means water that is discharged from active or abandoned mines or other areas affected by coal exploration or coal mining and reclamation operations which contains a substance that through chemical action or physical effects is likely to kill, injure, or impair biota commonly present in the area that might be exposed to it.

"**Transfer, Assignment, or Sale of Permit Rights**" means a change in ownership or other effective control over the right to conduct coal mining and reclamation operations under a permit issued by the Division.

"**UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES**" means coal mining and reclamation operations incident to the extraction of coal by underground methods including a combination of (a) underground extraction of coal or in situ processing, construction use, maintenance, and reclamation of roads, above-ground repair areas, storage areas, processing areas, shipping areas, areas upon which are sited support facilities including hoist and ventilating ducts, areas utilized for the disposal and storage of waste, and areas on which materials incident to underground mining operations are placed; and (b) underground operations such as underground construction, operation, and reclamation of shafts, adits, underground support facilities, in situ processing, and underground mining, hauling, storage, and blasting.

"**Underground Development Waste**" means waste-rock mixtures of coal, shale, claystone, siltstone, sandstone, limestone, or related materials that are excavated, moved, and disposed of from underground workings in connection with UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES.

"**Undeveloped Rangeland**" means, for purposes of ALLUVIAL VALLEY FLOORS, lands where the use is not specifically controlled and managed.

"**Unwarranted Failure to Comply**" means the failure of the permittee to prevent the occurrence of any violation of the State Program or any permit condition due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit of the Act due to indifference, lack of diligence, or lack of reasonable care.

"**Upland Areas**" means, with respect to ALLUVIAL VALLEY FLOORS, those geomorphic features located outside the floodplain and terrace complex such as isolated higher terraces, alluvial fans, pediment surfaces, landslide deposits, and surfaces covered with residuum, mud flows, or debris flows, as well as highland areas underlain by bedrock and covered by residual weathered material or debris deposited by sheetwash, rillwash, or windblown material.

"**Valid Existing Rights**" means (a) for haul roads (i) a recorded right of way, recorded easement, or a permit for a coal haul road recorded as of August 3, 1977, or (ii) any other road in existence as of August 3, 1977; (b) a person possesses valid existing rights if the person proposing to conduct coal mining and reclamation operations can demonstrate that property rights to the coal had been acquired prior to August 3, 1977 and that the coal is both needed for, and immediately adjacent to, an ongoing coal mining and reclamation operation which existed on August 3, 1977. A determination that coal is "needed for" will be based upon a finding that the extension of mining is essential to make the coal mining and reclamation operation as a whole economically viable; (c) where an area comes under the protection of 40-10-24 of the Act after August 3, 1977, valid existing rights will be found if on the date the protection comes into existence, a validly authorized coal mining and reclamation operation exists on that area; and (d) interpretation of the terms of the document relied upon to establish the rights to which the standard of portions (a) and (c) of this definition applies will be based either upon applicable Utah statutory or case law concerning interpretation of documents conveying mineral rights or, where no applicable Utah law exists, upon the usage and custom at the time and place it came into existence.

"**Valley Fill**" means a fill structure consisting of any material, other than organic material, that is placed in a valley where side slopes of the existing valley, measured at the steepest point, are greater than 20 degrees, or where the average slope of the profile of the valley from the toe of the fill to the top of the fill is greater than ten degrees.

"**Violation, Failure, or Refusal**" means for the purposes of R645-402, (1) A violation of a condition of a permit issued under the State Program, or (2) A failure or refusal to comply with any order issued under UCA 40-10-22, or any order incorporated in a final decision issued under UCA 40-10-20(2) or R645-104-500.

"**Violation Notice**" means any written notification from a governmental entity of a violation of law, whether by letter, memorandum, legal or administrative pleading, or other written communication.

"**Water Table**" means the upper surface of a zone of saturation where the body of ground water is not confined by an overlying impermeable zone.

"**Willfully**" means for the purposes of R645-402, that an individual acted (1) either intentionally, voluntarily, or consciously, and (2) with intentional disregard or plain indifference to legal requirements in authorizing, ordering, or carrying out a corporate permittee's action or omission that constituted a violation, failure, or refusal.

"**Willful Violation**" means an act or omission which violates the State Program or any permit condition, committed by a person who intends the result which actually occurs.

R645-100-300. Responsibility.

310. The Division is responsible for the regulation of coal mining and reclamation operations and coal exploration under the approved State Program on non-federal and non-Indian lands in accordance with the procedures in the R645 Rules.

320. The Division, through a cooperative agreement, exercises certain authority relating to the regulation of coal mining and reclamation operations on federal lands in accordance with 30 CFR Part 745.



State of Utah
 Department of Natural Resources
 Division of Oil, Gas and Mining
Coal Regulatory Program Directive

Directive Number:

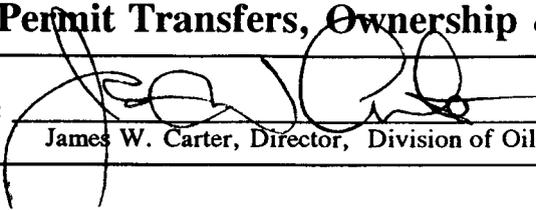
ADM - 004

Supersedes:

N/A

Subject: **Permit Transfers, Ownership & Control Changes**

Approved:


 James W. Carter, Director, Division of Oil, Gas, and Mining

On:

7/14/95

ABSTRACT

The Utah Coal Regulatory Program requires permit transfers pursuant to R645-303-300: "No transfer, assignment, or sale of rights granted by a permit will be made without the prior written approval of the Division". Transfer contemplates movement of permit rights from one entity or person (permittee) to another, separate person or entity (permittee). Mergers, stock transfers, board and officer changes that do not require a change in permittee are not transfer of permit rights, only changes in ownership and control of the leadership in the permitted entity.

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1. Executive Summary and Purpose

Clarification of DOGM's position on permit transfers, corporate mergers, and ownership and control changes. A method for documenting the Division's findings is set forth in the procedure section of this directive.

2. Regulatory Basis

R645-303-300 thru 360.

300. Transfer, Assignment, or Sale of Permit Rights.
310. General Information. No transfer, assignment, or sale of rights granted by a permit will be made without the prior written approval of the Division.
320. Application Requirements. An applicant for approval of the transfer, assignment, or sale of permit rights will:
321. Provide the Division with an application for approval of the proposed transfer, assignment, or sale including:
- 321.100. The name and address of the existing permittee and permit number or other identifier;
- 321.200. A brief description of the proposed action requiring approval; and
- 321.300. The legal, financial, compliance, and related information required by R645-301-100 for the applicant for approval of the transfer, assignment, or sale of permit rights;
322. Advertise the filing of the application in a newspaper of general circulation in the locality of the operations involved, indicating the name and address of the applicant, the permittee, the permit number or other identifier, the geographic location of the permit, and the address to which written comments may be sent; and
323. Obtain appropriate performance bond coverage in an amount sufficient to cover the proposed operations, as required under R645-301-800.
330. Public Participation. Any person having an interest which is or may be adversely affected by a decision on the transfer, assignment, or sale of permit rights, including an official of any federal, state, or local government agency, may submit written comments on the

application to the Division within 30 days of the advertisement publication described under R645-303-322.

340. Criteria for Approval. The Division may allow a permittee to transfer, assign, or sell permit rights to a successor, if it finds in writing that the successor:

341. Is eligible to receive a permit in accordance with R645-300-132 and R645-300-133;

342. Has submitted a performance bond or other guarantee, or obtained the bond coverage of the original permittee, as required by R645-301-800; and

343. Meets any other requirements specified by the Division.

350. Notification.

351. The Division will notify the permittee, the successor, commentators, and the Office of its findings.

352. The successor will immediately provide notice to the Division of the consummation of the transfer, assignment, or sale of permit rights.

360. Continued Operation Under Existing Permit. The successor in interest will assume the liability and reclamation responsibilities of the existing permit and will conduct the coal mining and reclamation operations in full compliance with the State Program and the terms and conditions of the existing permit, unless the applicant has obtained a new or revised permit as provided in the R645-200, R645-300, R645-301, R645-302-100 through R645-302-290, R645-302-310, R645-302-310, R645-302-320, and R645-303.

Federal counterpart: 30 CFR 774.17.

3. Definitions

A. "Ownership and Control (O&C)" means, for the purpose of this directive, being an officer or director of an entity linked to the permittee, being the operator of a surface coal mining operation, having the ability to commit the financial or real property assets or working resources of an entity, being the general partner in a partnership, by record owning 10-50% of an entity, having the contractual authority to determine the manner in which a permittee conducts coal mining and reclamation operations.

B. "Permit Transfer" means, for the purposes of this directive, a permitting action resulting in a change in the

name of the permittee of a coal mining and reclamation operation regulated by the Division of Oil, Gas and Mining that requires prior approval with R645-303-310 through 360 by the Division.

C. "Permittee" means a person holding, or required by the Act or the R645 rules to hold, a permit to conduct coal mining and reclamation operations issued by the Division pursuant to the state program or under the Cooperative Agreement pursuant to Section 523 of P.L. 95-87, by the Director of the Office and the Division.

D. "Person" means an individual, Indian tribe when conducting coal mining and reclamation operations on non-Indian lands, partnership, association, society, joint venture, joint-stock company, firm, company, corporation, cooperative or other business organization, and any agency, unit, or instrumentality of federal, state, or local government including any publicly owned corporation of federal, state, or local governments.

4. Policy

A. The Division must enter ownership and control information into the OSM Applicant Violator System (AVS) system to verify whether, upon a change of ownership and control, the subject permit is improvidently issued.

B. Corporate mergers shall be treated as ownership and control changes (not permit transfers) when there is no proposed change in the permittee's name.

C. Corporate mergers that result in a change in the name of the permittee will be processed as permit transfers, under R645-303-310-360.

D. This directive will be reviewed for modification upon:

- (1) A finding by the Office of Surface Mining (OSM) that implementation of contained policies and procedures are less effective than federal requirements existing at the time the directive is signed; or
- (2) Upon modification of 30 CFR 774.17, transfer, sale and assignment of permit rights.

5. Procedure

Permittee Submittal:

A. To begin a permit transfer the legal and financial information (R645-301-100) for the new permittee should be submitted to the Division in a format to insert into the approved Mining and Reclamation Plan. The name of the existing permittee and description of the proposed action (permit transfer) can be included in a separate permit transfer document. A permit change form should be completed for the permit transfer.

B. Advertisement of the proposed permit transfer is published once in a newspaper of general circulation in the locality of the operations involved. This advertisement must include the name and address of the applicant, the permittee, the permit number, and geographic location of the permit and at the address to which written comments may be sent (Division of Oil, Gas, and Mining, 3 Triad Center, Suite 350, Salt Lake City, Utah 84180-1203). A 30-day comment period follows the advertisement. If there are written protests, an informal conference will be held.

C. There is also the requirement for public liability insurance (R645-301-389), posting of a reclamation bond (R645-301-800), and completion of the Reclamation Agreement.

Division Procedure:

A. When the Division has reason to believe that an ownership or control change has occurred, a division order will be sent to the permittee requiring an update of ownership and control information within 30 days of receipt of the order.

- (1) Ownership and control changes which have occurred and are found by the Division on the basis of this directive to require a permit transfer, shall be the subject of a notice of violation to the permittee.
- (2) Ownership and control changes that are found by the Division not to be permit transfers shall be processed via steps B through F below.

B. Within 10 working days of receipt of updated ownership and control information, the Division will enter the updated O&C information into the OSM AVS system, and will query the system for potential permit blocks.

C. If the query of the AVS system does not recommend a permit block, the Division will make a written finding substantiating the date of the AVS query and the results.

D. If the AVS query results in a conditioned approval, the Division will make a finding that a permit block was not recommended by AVS at the time of the query.

E. If the AVS query results in a block, the Division will make a written finding to that effect, accompanied by a hindrance violation issued to the operator. The Division will notify the OSM Field Office that it has reason to believe that it has an improvidently issued permit situation at hand, and shall describe the Division's action plan to rectify the improvidently issued permit.

F. Resolution of the improvidently issued permit shall be made in the form of a written finding.

6. Delegated Responsibilities

A. Accountability for entry of ownership and control data into AVS: Coal Permit Coordinator.

B. Recommendation from AVS: Preparation of Findings and Division's action plans if an improvident permit is issued.

C. Signing of findings documents: Associate Director, Mining.

7. Documentation/Distribution

Written findings described in Section 4A(1) through (6).

8. Reporting Requirements

The Division will notify the permittee, the successor, commentators, and OSM of its findings for the permit transfer.

9. References

None.

10. Effect on Other Documents

No previous Division Directive or Policy.

11. Division Contact/Work Group

Drafted by Lowell P. Braxton, Pamela Grubaugh-Littig.

12. Key Words

Permit Transfer, Ownership and Control Change, Applicant Violator System (AVS), Improvidently Issued Permit, Corporate Merger.

13. Appendices

None.

```

132567 ( WHITE OAK MINING & CONSTR CO I )
* |
  |--098332 ( KISCADEN, SCOTT M )
  |--101329 ( WAYMENT, MARK )
* |
  |--105030 ( KISCADEN, DONALD TODD )
  |--142079 ( BROWN, LARRY C )
  |--132567 ( WHITE OAK MINING & CONSTR CO I )

```

PRV_SCR(F3) ENTITY(F6) FIND_ENT(F7)
 ■ avsdg

08:33

Applicant Evaluation Applicant Violator System 10-Jun-1997 08:32:15

State : UT	Permit No : ACT007020	Appl No : ACT007020
Applicant : 137728(HORIZON COAL CORP)		Seqno : 0

01	02	03	04	05	06	07	08	09	10 (Level)	Records Retrieved : 8
----	----	----	----	----	----	----	----	----	------------	-----------------------

```

137728 ( HORIZON COAL CORP )
  |--066360 ( GILLIAM, RICHARD B )
  |--066362 ( GILLIAM, LESLIE F )
  |--098332 ( KISCADEN, SCOTT M )
  |--105030 ( KISCADEN, DONALD TODD )
  |--143782 ( K & K HOLDING CO INC )
    |--098332 ( KISCADEN, SCOTT M )
    |--105030 ( KISCADEN, DONALD TODD )

```

PRV_SCR(F3) ENTITY(F6) FIND_ENT(F7)
 ■ avsdg

08 33

State : UT	Permit No. : ACT007001	Seq No. : 2
Permittee ID/Name : 132567 (WHITE OAK MINING & CONSTR CO INC)		

Violid/Name	: 132567 (WHITE OAK MINING & CONSTR CO INC)		
MSHA ID	: 4201280	MSHA Seq No. : 21	Mine Type : U
Delinquent Date	: 12/31/96	Bill Status : 03	Year/Qtr : 1996/4
Amount Due	: \$37,153.94		

PRV_SCR(F3) QUIT(F4) ENTITY(F6) PERMIT(F7)

■ avsdg

14:54

TELEFAX

Applicant/Violator System Office

2679 Regency Road
Lexington, Kentucky 40503Telefax Number - 606/233-2699
Toll Free Number - 1-800-643-9748Date: 4-23-973 Number of Pages To Follow

Sending To:

PAM Grubaugh-Littig

Telefax Number:

801-359-3940

From:

Keith HARRISON

Telephone Number:

606-233-2861Subject or Message: *Hope this is OK. Let me
know if you have any questions.**KH*

April 7, 1997

APPENDICES

APPENDIX 2-1	LEASE DOCUMENT
APPENDIX 2-2	NEWSPAPER ACKNOWLEDGEMENT
APPENDIX 2-3	RIGHT-OF-WAY APPLICATION
APPENDIX 2-4	AVS DATA - SCOTT KISCADEN
APPENDIX 2-5	AVS DATA - TODD KISCADEN

H/11

Jaron

*Jaron -
Were you going to have someone
review this...*

#1

[One problem -
page 2-3 AML needs
"person"
R645-301-112.230

H/11

*Bill -
for Horizon*

*These are pages
for the permit transfer
to KSK...*

*Any problems? please
let me know.*

2-iii

Fax Bill Malencik, PKO

MT - Jaron

CHAPTER 2

LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION

2.1 Scope

The information contained in this section is intended to fulfill the requirements of R645-301-100 and to ensure that all relevant information on the ownership and control of the mining activities is supplied to the regulatory agency(s).

2.2 Identification of Interests

2.2.1 Permit Application and Mine Operator

The permit applicant and mine operator is Horizon Coal Corporation, 15215 Fox Chase Lane, Abingdon, VA 24210, (540) 628-2691

2.2.2 Applicant's Resident Agent

The resident agent who will accept service of process is:

Denise Drago
Van Cott, Bagley, Cornwall and McCarthy
50 South Main Street, Suite 1600
Salt Lake City, Utah 84111
(801) 532-3333
(801) 237-0465 (Direct)
(801) 534-0058 (FAX)

Correspondence pertaining to mining operations should be addressed to:

Bradley J. Bourquin, P.E.
1131 S. Dover Street
Lakewood, CO 80232
(303) 989-4242
(303) 989-4230 (FAX)

2.2.3 Applicant's Business Entity

Horizon Coal Corporation (Horizon) is a corporation registered in the State of Virginia, qualified to do business in Utah.

2.2.4 Names and Addresses of Corporate Officers and Directors

OFFICER	TITLE	ADDRESS
Scott Kiscaden	President	Horizon Coal Corporation 15215 Fox Chase Lane Abingdon, VA 24210 (540) 628-2691
Todd Kiscaden	Secretary	Horizon Coal Corporation 15215 Fox Chase Lane Abingdon, VA 24210 (540) 628-2691

2.2.5 Principal Shareholder, Owned or Controlled

All shares of Horizon Coal Corporation are owned by K & K Holding Company, Inc., 15215 Fox Chase Lane, Abingdon, VA 24210. K & K Holding Company, Inc. is owned by Scott and Todd Kiscaden (100% Stockholders).

2.2.6 Prior Business Identification, Options/Bids on Contiguous Lands

Horizon has filed for "lease by application" on Federal coal lands (T13S, R8E, Sections 6, 7, 8, 9, 17, and 18) located to the north of the areas they are currently leasing.

2.2.7 Permit Status

K & K Holding Company, Inc. (K & K) has no other mining permits or operations. However, Scott and Todd Kiscaden, officers of K & K are currently officers and directors of other mining companies holding mine permits. Data pertaining to these companies are contained in Appendices 2-4 and 2-5.

2.2.8 Mine Safety and Health Administration Identification Number

The MSHA numbers were issued April 20, 1995, by the Department of Labor to Horizon Coal Corporation.

MSHA identification numbers follow:

Horizon No. 1 Mine MSHA Number 42-02074

Horizon No. 2 Mine MSHA Number 42-02075 (Not opening at present time)

2.2.9 Abandoned Mine Land Reclamation Fee

The abandoned mine land reclamation fee will be paid by Horizon Coal Corporation.

2.3 Compliance Information

2.3.1 Permit Suspensions or Revocations

No permits issued to Horizon have been suspended or revoked.

2.3.2 Bond or Security Forfeitures

The applicant has no bond or security forfeitures.

2.3.3 Environmental Protection Violation Notices

K & K has no other mining permits or operations. Scott and Todd Kiscaden of K & K are currently officers and directors of other mining companies holding mine permits. Data pertaining to these companies are contained in Appendices 2-4 and 2-5.

HORIZON COAL CORPORATION - PERMIT ACT 007/020			
Date	Number	Violation	Action
10/30/96	96-35-1-2	1 of 2 - Control or prevention of runoff outside permit area	Abated 11/4/96
		2 of 2 - Placement of coal waste in proposed reclamation channel.	Vacated 1/97
10/31/96	96-26-4-3	1 of 3 - Parking vehicles outside disturbed area.	Abated 10/31/96
		2 of 3 - Storage of materials outside of permit area.	Abated 10/31/96
		3 of 3 - Not removing topsoil according to MRP and exposing soil to potential contaminants.	Abated 10/31/96

2.4 Right of Entry and Operation Information

Horizon Coal Corporation bases its right to enter and undertake coal mining on: 1) a lease from Hidden Splendor Resources, Ltd. and 2) a Right-of-Way from U.S. Bureau of Land Management.

The documentation pertaining to the lease from Hidden Splendor can be found in Appendix 2-1. The Hidden Splendor lease document describes a lease of fee coal and a sublease of federal coal. The federal coal lease SL 0630311 has expired.

Horizon has a Right-of-Way through BLM lands to facilitate mining coal from fee lands. Horizon stipulates that it will mine only fee coal and federal coal within the Right-of-Way. The right-of-way application can be found in Appendix 2-3.

2.5 Relationship to Area Designated Unsuitable for Mining

The permit area is not located within an area designated as unsuitable for mining under R645-103-400, nor has any petitions been filed with the Utah Division of Oil, Gas and Mining under R645-103-420 that could affect the proposed permit area (see Plate 1-1). No surface operations or facilities are located within 300 feet of an occupied dwelling or within 100 feet of a cemetery. A public road right-of-way passes through the permit area and provides access to public property. Coal haulage activities will occur within 100 feet of the public road right-of-way where the permit area road joins a public county road (see Appendix 3-1).

2.6 Permit Term

The Horizon No. 1 Mine is proposed for a 5 year term under the Permanent Regulatory Program for 5 years. Chapter 3.3, Operational Plan, discusses the extent of underground mining activities to be conducted over the 5 year permit term.

2.7 Personal Injury and Property Damage Insurance

The public liability insurance requirements outlined in R645-301-890 will be acquired when permitting is complete and will be maintained in full force during the life of the permit. Verification then will be provided.

2.8 Performance Bond

Horizon Coal Corporation will provide a performance bond in an amount determined by the Division as provided in R645-301-830. Upon receipt of the bond, proof of the bond will be filed with the Division.

2.9 Other Licenses and Permits

Licenses and permits needed to conduct a coal mining operation are listed below.

LICENSES & PERMITS
HORIZON NO. 1

Permit	Issuing Authority (Address)
Division of Oil, Gas, & Mining	355 West North Temple 3 Triad Center, Suite 350 Salt Lake City, Utah 84180-1203
Construction & Air Quality BAQE-336-91	Division of Air Quality 288 No. 1640 West P.O. Box 16690 Salt Lake City, Utah 84116-0690
Construction, Sedimentation Pond and Drainage System	Division of Water Pollution Control 288 No. 1460 West P.O. Box 16690 Salt Lake City, Utah 84116-0690
Water Rights (Being leased)	Division of Water Rights 453 S. Carbon Avenue Price, Utah 84501
Construction Sewer Facilities	Southeastern Utah Health District Silvagni Building 6 East Main Street Price, Utah 84501
Carbon County Planning & Zoning	Carbon County Courthouse Price, Utah 84501
UPDES (UTG040019)	State of Utah Department of Environmental Quality Water Quality Division 288 No. 1460 West Salt Lake City, Utah 84114-4870

MSHA (see Section 2.2.8)

U.S. Department of Labor
Mine Safety and Health Administration
P.O. Box 25367
Denver, Colorado 80225

Employer Identification No. 54-1755528

2.10 Location of Public Office for Filing Application

A copy of this permit application is on file with the Utah Division of Oil, Gas and Mining (UDOGM), 355 West North Temple, 3 Triad Center, Salt Lake City, Utah.

A copy of the filing fee receipt is located in Appendix 2-2.

2.11 Newspaper Advertisement and Proof of Publication

Pursuant to R645.117.200, a newspaper advertisement was placed in the Sun Advocate April 25, May 2, 9 and 16, 1991 giving public notice of the Blue Blaze Coal Company's submittal of a mining application. Advertising verification documents are located in Appendix 2-2.

The lands within the Horizon Permit Boundary are described below:

Township 13 South, Range 8 East, SLM, Utah

Section 8: SE1/4SW1/4, SW1/4NW1/4SW1/4SE1/4, W1/2SW1/4SW1/4SE1/4
Section 17: NW1/4NE1/4, S1/2NW1/4, N1/2NW1/4SW1/4, NE1/4SW1/4,
NW1/4SE1/4, N1/2SE1/4SW1/4, N1/2SW1/4SE1/4,
W1/2W1/2SW1/4NE1/4

The permit boundary contains 317.5 acres. The disturbed area boundary contains 9.15 acres.

2.12 Contiguous Ownership

See Chapter 4.

VAN COTT, BAGLEY, CORNWALL & McCARTHY
A Professional Corporation
50 South Main Street, Suite 1600
P.O. Box 45340
Salt Lake City, Utah 84145
Telephone: (801) 532-3333

DATE: _____
TIME: _____
OPERATOR: _____

Telecopy No. (801) 534-0058
FACSIMILE COVER LETTER

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

NAME: PAMELA GRUBAUGH-LITTIG
CITY/STATE: SLC, UT
TELECOPY NO: (801) 359-3940
CONFIRMATION NO: (801) 538-5327

*ok per
Jan Morgan*

FROM:

NAME: DENISE A. DRAGOO
CITY/STATE: Salt Lake City, Utah
RE: HORIZON COAL CORPORATION: ASSIGNMENT OF CD
COMMENT: PLEASE REVIEW AND LET ME KNOW IF IT MEETS WITH YOUR APPROVAL. THANKS

TOTAL NUMBER OF PAGES: 6 (INCLUDING COVER LETTER)

DATE: June 5, 1997
TIME: _____

ORIGINAL WILL NOT FOLLOW

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE

PHONE: (801) 532-3333, Ext. 495, Julie McKenzie

Client Name: Kiscaden

Client No.: 27147

Matter No.: 57919

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Permit Number: ACT/007/020

Expiration Date: 10/10/2001

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 WEST NORTH TEMPLE, SUITE 1210
SALT LAKE CITY, UTAH 84115-5801
(801) 538-5340

ASSIGNMENT OF CERTIFICATE OF DEPOSIT

—oo00oo—

WHEREAS, on the _____ day of June, 1997, HORIZON COAL CORPORATION, P.O. Box 599, Helper, Utah 84526, Permittee of Mine Permit No. ACT/007/020, herein "HORIZON" or "PERMITTEE," executed the following described certificates of deposit: _____ to secure timely performance of reclamation responsibilities under this Reclamation Agreement.

NOW, THEREFORE, to satisfy the requirements of R645-301-860.213, the undersigned, HORIZON, as PERMITTEE, hereby assigns the principal from the above-described certificates of deposit described above to "The State of Utah, Division of Oil, Gas and Mining ("Division")." Interest from the certificates of deposit in excess of principal shall be paid to Horizon Coal Corporation, c/o Scott Kiscaden, 158 South Lake Drive, Prestonburg, Kentucky 41653.

THE CONDITION OF THE ABOVE ASSIGNMENT is such that the principal amount shall:

- (a) be assigned to the Division in writing and upon the books of the institution issuing such certificates;
- (b) individually not exceed \$100,000, or the maximum insurable amount as determined by F.D.I.C. or F.S.L.I.C.;
- (c) be conditioned upon the Issuing Institution waiving all rights of set-off or liens which it has or may have against those certificates of deposit;
- (d) be deposited in sufficient amounts so that liquidation of those certificates of deposit prior to maturity would provide the required bond amount;
and
- (e) the assignment shall remain in full force and effect until released in writing by the Division.

THIS ASSIGNMENT shall be valid throughout any maturity redemption period as designated by the Issuing Institution, and shall also automatically renew itself when the certificates of deposit are renewed.

Exhibit "B"
Assignment of Certificate of Deposit
Page 2

IN WITNESS WHEREOF, the PERMITTEE has hereunto set its signature and seal this _____ day of _____, 1997.

HORIZON COAL CORPORATION, PERMITTEE

BY: _____

TITLE: _____

IN WITNESS WHEREOF, the ISSUING INSTITUTION has hereunto set its signature and seal this _____ day of _____, 1997.

(ISSUING INSTITUTION)

BY: _____

TITLE: _____

IN WITNESS WHEREOF, the DIVISION has hereunto set its signature and seal this _____ day of _____, 1997.

UTAH DIVISION OF OIL, GAS AND MINING

BY: _____

TITLE: _____

Exhibit "B"
Assignment of Certificate of Deposit
Page 3

ACKNOWLEDGMENT OF CORPORATION - PERMITTEE

On this ____ day of _____, 1997, before me, a Notary Public in and for the County of _____, in the State of _____, appeared _____ to me personally known who, being by me duly sworn, did say that he/she is _____ of HORIZON COAL CORPORATION (PERMITTEE) named in and which executed the within instrument, and that the seal affixed to said instrument is the corporation seal of said corporation, and that said instrument was signed, sealed and delivered in behalf of said corporation by authority of its Board of Directors, and he/she as such officer, acknowledged said instrument to be the free act and deed of said corporation for the uses and purposes of said instrument as therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day, month and year aforesaid.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

Exhibit "B"
Assignment of Certificate of Deposit
Page 4

ACKNOWLEDGMENT OF ISSUING INSTITUTION

On this ____ day of _____, 1997, before me, a Notary Public in and for the County of _____, in the State of _____, appeared _____ to me personally known who, being by me duly sworn, did say that he/she is _____ of _____, the ISSUING INSTITUTION named in and which executed the within instrument, and that the seal affixed to said instrument is the corporation seal of said corporation, and that said instrument was signed, sealed and delivered in behalf of said corporation by authority of its Board of Directors, and he/she as such officer, acknowledged said instrument to be the free act and deed of said corporation for the uses and purposes of said instrument as therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day, month and year aforesaid.

MY COMMISSION EXPIRES:

NOTARY PUBLIC

Exhibit "B"
Assignment of Certificate of Deposit
Page 5

ACKNOWLEDGMENT OF THE UTAH DIVISION OF OIL, GAS AND MINING

On this ____ day of _____, 1997, before me, a Notary Public in and for the County of _____, in the State of _____, appeared _____ to me personally known who, being by me duly sworn, did say that he/she is _____ of THE STATE OF UTAH, DIVISION OF OIL, GAS AND MINING, named in and which executed the within instrument, and that the seal affixed to said instrument is the seal of said Division, and that said instrument was signed, sealed and delivered in behalf of said Division by authority of _____, and he/she as such officer, acknowledged said instrument to be the free act and deed of said Division for the uses and purposes of said instrument as therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day, month and year aforesaid.

MY COMMISSION EXPIRES:

NOTARY PUBLIC

EARTHFAX ENGINEERING, INC.
 7324 So. Union Park Avenue
 Suite 100
 Midvale, Utah 84047



Phone: (801) 561-1555
 Fax: (801) 561-1861

FROM: Vicky Bailey
 TO: PAM GRUBAUGH - LITTIG
 COMPANY: UDOGM
 FAX NUMBER: _____
 DATE: 5/6/97 TIME: 2:26
 NUMBER OF PAGES: (including this page) 2

PAM, Revised Page #1 of Chapter 2.

CALL ME

THANKS

Vicky

Chapter 2, Legal, Financial, Compliance
Horizon Coal Corporation

April 7, 1997

CHAPTER 2

LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION

2.1 Scope

The information contained in this section is intended to fulfill the requirements of R645-301-100 and to ensure that all relevant information on the ownership and control of the mining activities is supplied to the regulatory agency(s).

2.2 Identification of Interests

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The permit applicant and mine operator is Horizon Coal Corporation, 15215 Fox Chase Lane, Abingdon, VA 24210, (540) 628-2691

2.2.2 Applicant's Resident Agent

The resident agent who will accept service of process is:

Denise Dragoo
Van Cott, Bagley, Cornwall and McCarthy
50 South Main Street, Suite 1600
Salt Lake City, Utah 84111
(801) 532-3333
(801) 237-0465 (Direct)
(801) 534-0058 (FAX)

A copy of correspondence pertaining to mining operations should also be addressed to:

Vicky Bailey
7324 South Union Park Avenue
Midvale, UT 84047
(801) 561-1555
(801) 561-1586 (FAX)

2.2.3 Applicant's Business Entity

Horizon Coal Corporation (Horizon) is a corporation registered in the State of Virginia, qualified to do business in Utah.

VAN COTT, BAGLEY, CORNWALL & McCARTHY

A Professional Corporation
50 South Main Street, Suite 1600
P.O. Box 45340
Salt Lake City, Utah 84145
Telephone: (801) 532-3333

DATE: _____

TIME: _____

OPERATOR: _____

Telecopy No. (801) 534-0058

FACSIMILE COVER LETTER**PLEASE DELIVER THE FOLLOWING PAGE(S) TO:**

NAME: PAMELA GRUBAUGH-LITTIG
CITY/STATE: SLC, UT
TELECOPY NO: (801) 359-3940
CONFIRMATION NO: (801) 538-5327

FROM:

NAME: DENISE A. DRAGOO
CITY/STATE: Salt Lake City, Utah
RE: HORIZON COAL CORPORATION
COMMENT: CERTIFICATE OF LIABILITY INSURANCE FOR COAL MINE PERMIT NO. ACT/007/020

TOTAL NUMBER OF PAGES: (INCLUDING COVER LETTER)**DATE:** May 7, 1997**TIME:** _____**ORIGINAL WILL FOLLOW**

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE**PHONE: (801) 532-3333, Ext. 495, Julie McKenzie**

Client Name: Kiscaden

Client No.: 27147

Matter No.: 57919

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LAW OFFICES OF
VAN COTT, BAGLEY, CORNWALL & MCCARTHY
A PROFESSIONAL CORPORATION
SUITE 1600
60 SOUTH MAIN STREET
SALT LAKE CITY, UTAH 84144-0450
TELEPHONE (801) 533-3333
FACSIMILE (801) 534-0058

DENISE A. DRAGOO

DIRECT DIAL: (801) 237-0465

ADDRESS ALL CORRESPONDENCE TO
POST OFFICE BOX 45340
84145-0340

VIA FACSIMILE

(801) 359-3940

May 7, 1997

Ms. Pamela Grubaugh-Littig
Utah Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114-5801

RE: Horizon Coal Corporation; Coal Mine Permit No. ACT/007/020

Dear Pam:

Enclosed is the Certificate of Liability Insurance for Horizon Coal Corporation. This Certificate is submitted in response to permit transfer requirements at R645-303-300. If this form is satisfactory, we will forward the original Certificate for your files.

In addition, we are currently preparing the Reclamation Agreement and replacement Surety Bond for execution by K&K Holding Co., Inc.

Please call if you have any questions.

Very truly yours,



Denise A. Dragoo

DAD:jmc:140456

Enclosure

cc: Mike Gipson
Vicky Bailey

APORD. CERTIFICATE OF INSURANCE

DATE (MM/DD/YY)
5/07/97

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

PRODUCER
 Accordia ReagerHarris
 Lexington Green Two, Suite 410
 3201 Nicholasville Road
 Lexington, KY 40503-3911
 806-279-8800

INSURED
 Harizon Coal Corporation
 15215 Foxchess Lane
 Abingdon, VA 24210

- COMPANIES AFFORDING COVERAGE**
- COMPANY **A** Federal Insurance Company
 - COMPANY **B**
 - COMPANY **C**
 - COMPANY **D**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	3710-46-32	4/01/97	4/01/98	GENERAL AGGREGATE \$ 2000000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OP AGG \$ 1000000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				PERSONAL & ADY INJURY \$ 1000000
	<input type="checkbox"/> OWNERS & CONTRACTORS PROT				EACH OCCURRENCE \$ 1000000
					FIRE DAMAGE (Any one fire) \$ 100000
					MED EXP (Any one person) \$
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT \$
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE \$
	<input type="checkbox"/> HIRED AUTOS				
	<input type="checkbox"/> NON-OWNED AUTOS				
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY: \$
					EACH ACCIDENT \$
					AGGREGATE \$
	EXCESS LIABILITY				EACH OCCURRENCE \$
	<input type="checkbox"/> UMBRELLA FORM				AGGREGATE \$
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM				\$
	WORKERS COMPENSATION AND EMPLOYERS LIABILITY				STATUTORY LIMITS \$
	THE PROPRIETOR/PARTNER/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL				EACH ACCIDENT \$
	OTHER				DISEASE - POLICY LIMIT \$
					DISEASE - EACH EMPLOYEE \$

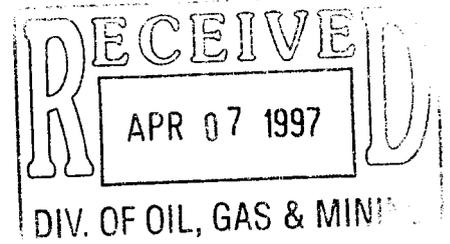
DESCRIPTION OF OPERATIONS, LOCATIONS, VEHICLES AND OTHER ITEMS
 Permit #007/020, Harizon Mine #1, Certificate holder is listed as additional insured and lessor as their interest may appear. This policy includes coverage for Property Damage & Personal Injury resulting from use of explosives.

Utah Dept of Natural Resources
 Div. of Oil, Gas & Mining
 1594 W. North Temple, Ste 1210
 P.O. Box 195001
 Salt Lake City, UT 84114-5501

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL IMMEDIATELY MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT.
 AUTHORIZED REPRESENTATIVE
Richard W. Hatfield 91314000

Horizon Coal Corporation

15215 Fox Chase Lane
Abingdon, VA 24210



April 7, 1997

James W. Carter, Director
Utah Division of Oil, Gas and Mining
1594 West North Temple Suite 1210
Box 145801
Salt Lake City, UT 84114-5801

RE: Horizon Mine, ACT/007/020, Folder #5, Carbon County, Utah
Application for Permit Transfer

Dear Mr. Carter:

X
#2
Copy file
ad BAN

Effective March 26, 1997, ownership of 100% the stock in the permittee, Horizon Coal Corporation was transferred from Cumberland Coal Corporation to K & K Holding Company, Inc. Horizon Coal Corporation hereby applies to the Division of Oil, Gas and Mining for a Permit Transfer for this change of ownership and control of the permittee.

In support of this application, Horizon Coal Corporation submits:

- 1) Revised legal, financial, compliance, and related information required by R645-301-100.
- 2) A draft legal notice for publication in the Sun Advocate newspaper for review by DOGM.

K & K Holding Company will provide a replacement reclamation bond and insurance coverage for the permit to complete the approval of this application.

Sincerely,

A handwritten signature in cursive script that reads "Bradley J. Bourquin".

Bradley J. Bourquin
Project Manager

2.2.9 Abandoned Mine Land Reclamation Fee

The abandoned mine land reclamation fee will be paid by:

Scott Kiscaden
15215 Fox Chase Lane
Abingdon, VA 24210
(540) 628-2691

2.3 Compliance Information

2.3.1 Permit Suspensions or Revocations

No permits issued to Horizon have been suspended or revoked.

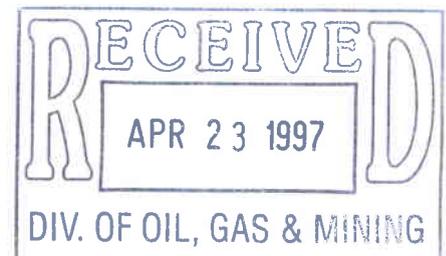
2.3.2 Bond or Security Forfeitures

The applicant has no bond or security forfeitures.

2.3.3 Environmental Protection Violation Notices

K & K has no other mining permits or operations. Scott and Todd Kiscaden of K & K are currently officers and directors of other mining companies holding mine permits. Data pertaining to these companies are contained in Appendices 2-4 and 2-5.

HORIZON COAL CORPORATION - PERMIT ACT 007/020			
Date	Number	Violation	Action
10/30/96	96-35-1-2	1 of 2 - Control or prevention of runoff outside permit area	Abated 11/4/96
		2 of 2 - Placement of coal waste in proposed reclamation channel.	Vacated 1/97
10/31/96	96-26-4-3	1 of 3 - Parking vehicles outside disturbed area.	Abated 10/31/96
		2 of 3 - Storage of materials outside of permit area.	Abated 10/31/96
		3 of 3 - Not removing topsoil according to MRP and exposing soil to potential contaminants.	Abated 10/31/96



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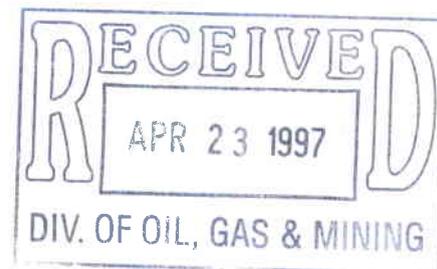
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		3 of 3 - Not removing topsoil according to MRP and exposing soil to potential contaminants.	Abated 10/31/96



State :	Permit No :	Appl No :
Applicant : 143782(K & K HOLDING CO INC)		Seqno :

SYSTEM RECOMMENDATION IS BASED ON ENTITY OFT		
SYSTEM RECOMMENDATION	: COND ISSUE	04/21/97
PREVIOUS SYSTEM RECOMMENDATION :		

Records retrieved : 1

ST	PERMIT	RP ID	SEQ	VTTYPE	VIOLNO	VIOLDATE
UT	ACT007001	132567	2	AML		12/31/96

REPORTS (F9)

PRV_SCR (F3)

VIOL (F4)

EVOFT (F5)

VOFT (F6)

CHOICES (F10)

■ avsdg

15:31

132567 White Oak

Entity Eval.

White Oak

Grand Valley produces some coal

A Colorado mine, which was bought in 1994 by coal operators Scott and Todd Kiscaden (CO 7/4/94), started operations again recently to turn out test coal for Deseret Generation & Transmission Co-op.

The deep mine, which has been idle since long before the Kiscadens bought it, is in Garfield County, about 15 miles off a Union Pacific main line. The fact that coal has to be trucked to rail has been a big impediment for this operation. The mine works under the name Grand Valley Coal.

Scott Kiscaden told *Coal Outlook* that since Deseret has recently decided to resume full operations at its own mine and not take coal on the outside market (CO 3/17), the market at Deseret has about dried up. He will try to keep the mine open by making sales to other customers. He said he is working with unnamed parties to build a rail line up to the mine.

The big attraction of this property is a 24-foot thick coal seam with "wonderful" geologic conditions, including no faults or intrusions, Kiscaden added.

coal outlook

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703-816-8635

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coalout@pasha.com



That will depend on market coal prices, and it is possible that current coals out of Utah/Colorado and even coal from the Midwest could be fired there.

Of note, in relation to sulfur emissions the two plants will be considered as still part of ComEd's system. For example, if a higher-sulfur coal out of the Midwest is used at Kincaid, ComEd will have to turn over to Dominion the requisite number of SO₂ emissions credits to keep the plant in compliance with the 1990 Clean Air Act.

Long also said ComEd is wide open to coal tolling deals. Nuclear plants run first on the ComEd system, and coal plants provide swing electricity. So Kincaid ran at only a 33.9% capacity factor last year, and State Line ran at 43%. Considering a coal plant in theory, depending on the condition of equipment, can run at roughly an 80% capacity factor, there is a lot of room for extra coal burn. Some extra burn might come due to off-system sales by ComEd itself, but Long said ComEd is open to deals, including coal tolling agreements, presented by power marketers.

There is some possibility of sales of ComEd's other coal-fired plants. Long said the Illinois General Assembly might pass a utility deregulation bill this year. Only after that can ComEd reasonably look at whether other plant sales are advisable, he added.

Diversified sues TVA over contract dispute

Diversified Energy of Knoxville, Tenn., has filed a lawsuit against the Tennessee Valley Authority over cancellation of a 1990 coal supply contract.

In a complaint filed in U.S. District Court in Knoxville, Diversified seeks almost \$22 million in payment for undelivered coal, claiming TVA wrongfully terminated the contract in 1993.

In a related matter, trial is set to begin April 29 in federal court on a 28-count indictment against Diversified President Randy Edgemon, former TVA fuel transportation official Daniel Bradshaw and Norman Darrell Hill, a Bradshaw associate. The three are charged with bribery, conspiracy, making false statements, and obstruction of justice in connection with three TVA contracts awarded to Diversified (CO 5/8/95).

Last week's civil complaint asks the court to find that TVA's 1993 termination of the contract invoked a section of the agreement which requires TVA to pay Diversified \$14 for each ton of coal remaining to be delivered under the minimum schedule. With 1.57 million tons undelivered, that would amount to \$21.98 million, the suit states.

Alternatively, Diversified requests the court to find that TVA breached the contract by failing to negotiate as required "and award such damages as may be proven."

The case concerns a 1986 TVA contract which Diversified purchased from B&A Coal in August 1990 to supply coal to the John Sevier plant. The coal was to be railed from Sigmon Coal's properties in Virginia at a rate of 6,000 tons/wk, increasing to 10,000 tons/wk in 1991. The contract was to have run through March 1996.

The contract contained a reopener provision, the complaint says, which either party could invoke three months prior to March 19, 1993, "for the purpose of negotiating price and other terms and conditions of the remaining portion of the maximum commitment." According to the complaint, TVA fuels official Marion Duncan invoked the provision in December 1992 but refused to hold negotiations. Diversified attempted to set up a meeting, the complaint says, but TVA Vice President Gregory Vincent terminated that contract in March 1993, along with three others, citing alleged payoffs from Edgemon to Bradshaw (CO 4/19/93).

Diversified promptly sued TVA, but a federal judge deferred action until the parties had a chance to settle out of court (CO 4/26/93). An agreement announced in 1994 combined two contracts into one and continued a third

From: Sherry Wilson <SWILSON@lexgw.osmre.gov>
To: NRDOMAIN.NROGM(PGRUBAUG)
Date: 9/11/96 11:43am
Subject: Reply back on the AVS questions

Hi Pam - I am sorry it has taken me so long to get back to you on the information you faxed on August 27, 1996 concerning the AVS data questions I had asked you about. If you will remember, someone on your staff looked into each entity I had listed and put together a summary for you on each. From that information I have made the following updates in AVS or suggested updates.

1. Entities for Garfield Coal, Alfred Foster, Ken Laningham, J. Michael McClanahan. I have removed all of these entities in AVS with the exception of Garfield Coal. Garfield is somehow related to some unseen records in the AVS and must be deleted by our computer support staff. I have referred problem to them.

2. Lawrence D. Mitchell, Jr. I agree with your conclusions that Mitchell should be added to NRG Sunnyside's OFT in the AVS. It is okay to update.

3. Julie A. Jorgensen - Julie Jorgensen is now an officer on NRG Energy's OFT in AVS. No updates were made by us. Also, we do not have any information on end dates for Jorgensen.

4. Entities related to the Tucker's and Quartraro's. As suggested in your conclusions, these entities will be deleted from the AVS. Again, we will have to refer these to our computer systems support staff for deletion since they are tied to some unseen record in the AVS.

5. Entities for Bookout and TD Barrow - let's just leave the way they are in AVS right now, since I don't have any additional information.

Lastly, you also faxed me some information on White Oak Mining & Construction (entity 132567). I could not find any documentation supporting Don Chickering (entity 112328) association with White Oak. I have removed Chickering from White Oak's OFT in AVS as requested.

Looks like we have taken care of everything. The only thing left to do is for you all to add Lawrence D. Mitchell Jr. to NRG Sunnyside's OFT in AVS.

I really appreciate your help in cleaning some of this up. thanks

9/12

✓ Mary Beth -
Would you
please update.
Mx.
PAM

August 21, 1996

Pam:

In response to Sherry and the AVS questions:

JD
Garfield Coal Co. and entities: This was input to AVS based on their letter of 7/10/95 in response to DOGM's letter of 9/30/93 (sure takes them a long time to respond!) regarding corporate reorganization and Garfield addressing outlined deficiencies.

We wrote Garfield on 7/21/95 requesting further AVS information - they never responded. If Sherry concurs we can simply remove this from AVS and save our file for future reference in case Garfield ever does pursue mining activity.

*SEE COMMENT
in file*
Lawrence D. Mitchell, Jr. - I do not have this entity listed under NRG Energy, Inc. nor under Main Sunnyside Inc. I do show him listed as 'ASC' in Parsons Corp.

Our problem with Sunnyside Cogeneration was getting EIN numbers for subsidiaries they listed, getting a corrected company structure chart then updating. Sunnyside also kept submitting listings marked '5th draft' - then submitted in 11/95 (pages 100-1 thru 100-27) marked 'Final'.

JD *NRG Sunnyside*
The 1995 Annual Report lists a *JD* Ronald J. Will as 'PRS'. This entity was not on previous listings so am assuming he was elected as of 4/1/96. In any event he will need to be added to NRG Sunnyside Inc list (page 100-23) and also to AVS.

3. Julie A. Jorgensen - I have her listed on the Final draft (page 100-22) as 'VP' effective 12/6/94. We do not have any information that she has been 'end dated'. If AVS has information to contrary we need to verify with SCA.
4. Tucker's and Quatraro's - I do not know how these people got listed in AVS. They put in a legal bid to buy Sunnyside Coal Company. They then did not follow through and DOGM sued the Tucker Group and Whitmore, LC (case 94-12794 CEM) on 5/5/95 for breach.

I do not believe they should have been included in AVS. There is no AVS listing for a 'Tucker Group' (which I do not think is a company, simply a reference to the entire Tucker 'clan') nor is there a Whitmore LC. Based on above I'd say they could be removed from AVS unless we need to keep for some reason.

5. Could Sherry give me any information as to what company J F Bookout and T D Barrow might be associated with? I show all with different addresses.

Bookout has a 'J F Bookout (Houston)' and 'John F Bookout (Netherlands)'. Barrow are both 'T D Barrow' one with Houston and other Cleveland.

From: Sherry Wilson <SWILSON@lexgw.osmre.gov>
To: NRDOMAIN.NROGM(PGRUBAUG)
Date: 8/20/96 12:48pm
Subject: AVS data

Hi Pam - I hope you got the information I faxed yesterday on Cyprus Amax. I noticed later that I had reversed your last name. I apologize for that. Anyway, this message is concerning something entirely different.

We are in the process of doing some routine checks on data in the AVS. We are trying to eliminate duplicate entities, get rid of any entities that are not connected to any companies or permits and any other problems we may see. However, we are not making changes to the data without first talking with the originators of the data. When you get a chance, I am in no hurry on this, would you take a look at the following data and give me your opinion on each.

Entities without OFT's or tied to any permits:

- ①
139050 Garfield Coal Co.
139051 Alfred Foster
139052 Ken Laningham
139053 J. Michael McClanahan

Should these entities possibly be tied to Garfield Coal? Or do you even need them in the AVS since they are not tied to any permits?

- ② 137632 Lawrence D. Mitchell, Jr. Should he be linked to 137617 - The Parsons Corp or to 138185 Main Sunnyside Inc or both? Right now he is not linked to any companies or permits.

- ③ 137513 Julie A. Jorgensen Should she be an officer of NRG Energy Inc. 120419?

These entities are not associated with any companies or permits:

- ④
136999 Clay Tucker
137000 Daniel Tucker
137001 Sharon Tucker
137002 Paul Quatraro
137003 Kay Quatraro

Do we need to keep them in AVS or can we get rid of them?

Entities 137306 & 127926 J F Bookout - do you think these are one and the same?

- ⑤ Entities 062411 & 137305 T D Barrow - do you think these are one and the same?

As I said earlier, there is no hurry on this. Thanks for your help. Call me at 606-233-2793 if you have any questions.

Entity ID / Name : 132567(WHITE OAK MINING & CONSTR CO Related ID / Name :
--

Locked :

Records retrieved : 10

Rel Ent	Name	Desc	Begin date	End date	Source	Hold
098332	KISCADEN, SCOTT M	DIR	07/01/93		PSBAV08	
098332	KISCADEN, SCOTT M	PRS	07/01/93		PSBAV08	
098332	KISCADEN, SCOTT M	SH	07/01/93		PSBAV08	
101329	WAYMENT, MARK	VP	08/07/94		sraut069	
105030	KISCADEN, DONALD TODD	DIR	07/01/93		PSBAV08	
105030	KISCADEN, DONALD TODD	SEC	07/01/93		PSBAV08	
105030	KISCADEN, DONALD TODD	SH	07/01/93		PSBAV08	
142079	BROWN, LARRY C	TRS	04/20/95		sraut069	
081792	VAN HOOSER, BOYD KEITH	DIR	07/01/93	04/10/95	avsky01a	
081792	VAN HOOSER, BOYD KEITH	TRS	07/01/93	04/10/95	avsky01a	

ADD (F5)

SEARCH (F2) PRV_SCR (F3) QUIT (F4) ENTITY (F6) CHOICES (F10)

■ avsdg

14:17

Entity ID / Name : 132567(WHITE OAK MINING & CONSTR CO
Related ID / Name :

Locked : Records retrieved : 11

Rel Ent	Name	Desc	Begin date	End date	Source	Hold
098332	KISCADEN, SCOTT M	DIR	07/01/93		PSBAV08	
098332	KISCADEN, SCOTT M	PRS	07/01/93		PSBAV08	
098332	KISCADEN, SCOTT M	SH	07/01/93		PSBAV08	
101329	WAYMENT, MARK	VP	08/07/94		sraut069	
105030	KISCADEN, DONALD TODD	DIR	07/01/93		PSBAV08	
105030	KISCADEN, DONALD TODD	SEC	07/01/93		PSBAV08	
105030	KISCADEN, DONALD TODD	SH	07/01/93		PSBAV08	
112328	CHICKERING, DONN	VP	07/01/93		PSBAV08	
142079	BROWN, LARRY C	TRS	04/20/95		sraut069	
081792	VAN HOOSER, BOYD KEITH	DIR	07/01/93	04/10/95	avsky01a	
081792	VAN HOOSER, BOYD KEITH	TRS	07/01/93	04/10/95	avsky01a	

ADD (F5)
 SEARCH (F2) PRV_SCR (F3) QUIT (F4) ENTITY (F6) CHOICES (F10)

avsdg

12 00

8/27
 Sherry said she will get documentation for

8/16 Checking and send or delete him as necessary.

Sherry

I talked to John Walter today about Don Chubing. Apparently Don has not been an owner or controller @ White Oak. He is a Mine operator some where. John @ W.O. 448-9413 Let me know if this works

Post-it* Fax Note	7671	Date	8/27/9	# of pages	3
To	Sherry Wilson	From	PAM G-L		
Co./Dept	W.S.O	Co.	DOG M		
Phone #		Phone #	801-538-5268		
Fax #	1-606-233-2699	Fax #			

Thanks!

WHITE OAK MINING AND CONSTRUCTION CO.

1	112328	Chickering, Donn - AVS lists as 'VP' effective 7/1/93. White Oak does not list in their 'September 1994' Table 112.100 'Officers and Director's, White Oak'
2	<i>OK</i> <i>8/13/96</i>	Wayment, Mark - I need to verify if the Wayment in AVS is same as listed as White Oak officer. The only Wayment in AVS lives in Little Rock, AR - White Oak indicates address as Helper. If Wayment previously lived in AR - need to update AVS info.
3	<i>OK</i> <i>8/13/96</i>	Brown, Larry - AVS has about 8 'Larry Brown's' - White Oak will need to provide an address, middle name (if applicable) and a SS number to match against AVS list. <i>142079</i>

Mary Beth
5/12
Please update.
me.
THM

Larry C. Brown

SS # = 528-56-5012

Given to Ken
8/6-

He will request the info.

use Helper as address for -
if not accurate
pls provide correct one.

Entity Maintenance

Applicant Violator System
Lock :

06-Aug-1996 12:42:08

Entity ID : 101329

Mode : UPDATE

Last Name / Co. : WAYMENT, MARK

First Name :

Mid :

Alias :

EIN or SSN :

Comments :

Address Details

Addresses retrieved : 1

Street	City	St	Zip	Phone
10 FOX RUN DR	LITTLE ROCK	AR	72209	5014555183

SAVE (F5)

DELETE (F8)

PRV_SCR (F3)

QUIT (F4)

CHOICES (F10)

■ avsdg

10:37

112. IDENTIFICATION OF INTERESTS

White Oak mining & Construction Co., Inc. ("White Oak") is the mine operator on the subject properties shown on Map 100. White Oak's address is Scofield Route, Helper, Utah 84526. White Oak's telephone number is (801) 637 - 9201 and Fax number is (801) 448 - 9456.

Map 100. PERMIT AREA BASE MAP**112.100 STATUS OF PERMITTEE**

White Oak is a Nevada corporation. The capital stock of White Oak is wholly owned and controlled by Todd Kiscaden (50%), Scofield Route, Helper, Utah 84526 and Scott Kiscaden (50%), R. R. T. 8, Box 105, Abbingdon, Virginia 24210-8656. Tables showing White Oak's officers and directors are shown below. Mr. Kieth VanHooser resigned as Treasurer effective 4-20-95.

TABLE 112.100**OFFICERS AND DIRECTORS, WHITE OAK**

Scott Kiscaden	President & Director	7-1-93 to Present
Todd Kiscaden	Secretary & Director	7-1-93 to Present
Mark Wayment	Vice President	8-7-94 to Present
Larry Brown	Treasurer	4-20-95 to Present

112.200. RESIDENT AGENT

The resident agent of the Applicant for the purpose of service of notices and orders related to operations under this Mining and Reclamation Plan (MRP) and the individual who will pay the abandoned mine lands fee is:

Mark Wayment - Mine Manager
 Scofield Route
 Helper, Utah 84526

Phone (801) 637 - 9201

The resident agent of the permittee pursuant to the laws of the State of Utah for service of civil process is:

Alexander H. Walker, Jr.
 57 West 200 South, Suite 400
 Salt Lake City, Utah, 84101-1632

Phone (801) 364 - 1228

112.300 OWNERSHIP

The following is a list of affiliated mines and mining companies for each person who is an owner or controller of White Oak Mining and Construction Co., Inc. Mark Wayment and Larry Brown are not and have not previously been owners or controllers of any mines or mining companies.

Scott Kiscaden**Mines Permitted**

Permittee

Branham & Baker Coal Company, Inc.

FEIN

61-0594344

Permit #	State	Regulatory Authority	MSHA #	DATE
436-8005	KY	Dept. of Surface Mining R & E	15-11870	04/26/79
436-8007	KY	Dept. of Surface Mining R & E	15-11870	04/26/79
436-5206 AM 1	KY	Dept. of Surface Mining R & E	15-15123	03/20/85
898-0380	KY	Dept. of Surface Mining R & E	Pending	Pending
860-0336	KY	Dept. of Surface Mining R & E	Pending	Pending
836-5325	KY	Dept. of Surface Mining R & E	15-16615	10/18/89
898-5310	KY	Dept. of Surface Mining R & E	15-16501	10/13/88
898-5315	KY	Dept. of Surface Mining R & E	15-16168	09/18/87
698-8040	KY	Dept. of Surface Mining R & E	15-06390	02/01/90
898-9006	KY	Dept. of Surface Mining R & E	15-06390	02/01/90
898-9010	KY	Dept. of Surface Mining R & E	15-06390	02/01/90
498-5437	KY	Dept. of Surface Mining R & E	15-02940	11/28/70
498-5438	KY	Dept. of Surface Mining R & E	15-16678	07/31/89
498-5446	KY	Dept. of Surface Mining R & E	15-16102	07/20/87
898-5082	KY	Dept. of Surface Mining R & E	15-14503	07/13/90
898-5313	KY	Dept. of Surface Mining R & E	15-16114	07/28/87
498-5420	KY	Dept. of Surface Mining R & E	15-14204	09/07/83
898-5106	KY	Dept. of Surface Mining R & E	15-15667	06/30/86
808-0410	KY	Dept. of Surface Mining R & E	15-17659	04/19/93
898-9080	KY	Dept. of Surface Mining R & E	15-11726	09/29/89
898-5820	KY	Dept. of Surface Mining R & E	15-02091	11/28/88
898-5929	KY	Dept. of Surface Mining R & E	15-17710	
436-5118	KY	Dept. of Surface Mining R & E	15-08909	01/27/84
436-5204	KY	Dept. of Surface Mining R & E	15-13995	04/06/83
436-5206	KY	Dept. of Surface Mining R & E	15-15123	03/20/85
477-5018	KY	Dept. of Surface Mining R & E	15-08909	01/27/84
477-5021	KY	Dept. of Surface Mining R & E	15-15054	01/15/90
477-5046	KY	Dept. of Surface Mining R & E	15-08909	01/27/84
477-5050	KY	Dept. of Surface Mining R & E	15-16316	03/03/88
477-5051	KY	Dept. of Surface Mining R & E	15-16316	03/03/88
477-5052	KY	Dept. of Surface Mining R & E	15-16735	10/10/89
477-5054	KY	Dept. of Surface Mining R & E	15-08909	01/27/84
477-7002	KY	Dept. of Surface Mining R & E	Haul Road Only	

WO

Page 100 - 3 of 44

August 1996

TOTAL P.02



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

AVS file

June 21, 1996

Mark Wayment, Mine Manager
White Oak Mining and Construction
Scofield Route
Helper, Utah 84526

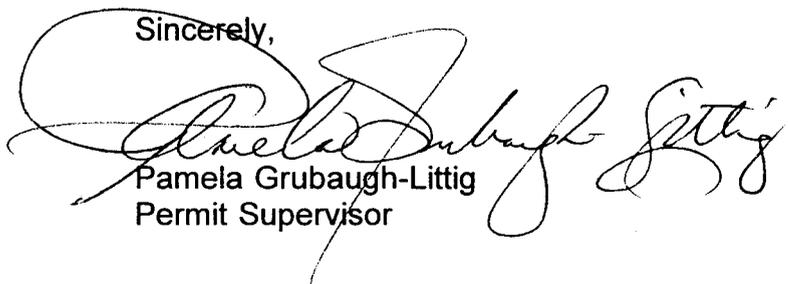
Re: Legal and Financial Information Updates Required, White Oak Mine #1 and #2, White Oak Mining Construction Co. Inc., ACT/007/001, Folder #2, Carbon County, Utah

Dear Mr. Wayment:

There are discrepancies with the legal and financial information currently in the White Oak Mine #1 and #2 plan, see attached. The annual report for 1995 indicated that there were no changes. Please update this information by July 22, 1996.

If you have any questions, please call me or Ken Wyatt.

Sincerely,


Pamela Grubaugh-Littig
Permit Supervisor

Enclosure
cc: Ken Wyatt



WHITE OAK MINING AND CONSTRUCTION CO.

1	112328	Chickering, Donn - AVS lists as 'VP' effective 7/1/93. White Oak does not list in their 'September 1994' Table 112.100 'Officers and Director's, White Oak'
2	081792	Van Hooser, Boyd Keith - AVS lists as 'DIR' and "TRS' with termination date for both as 4/10/95. White Oak lists VanHooser as "TRS' effective 7/1/93 to present.

Entity ID / Name : 132567(WHITE OAK MINING & CONSTR CO Related ID / Name :
--

Locked :

Records retrieved : 9

Rel Ent	Name	Desc	Begin date	End date	Source	Hold
098332	KISCADEN, SCOTT M	DIR	07/01/93		PSBAV08	
098332	KISCADEN, SCOTT M	TRS	07/01/93		PSBAV08	
098332	KISCADEN, SCOTT M	SH	07/01/93		PSBAV08	
105030	KISCADEN, DONALD TODD	DIR	07/01/93		PSBAV08	
105030	KISCADEN, DONALD TODD	SEC	07/01/93		PSBAV08	
105030	KISCADEN, DONALD TODD	SH	07/01/93		PSBAV08	
112328	CHICKERING, DONN	VP	07/01/93		PSBAV08	
081792	VAN HOOSER, BOYD KEITH	DIR	07/01/93	04/10/95	avsky01a	
081792	VAN HOOSER, BOYD KEITH	TRS	07/01/93	04/10/95	avsky01a	

ADD (F5)

SEARCH (F2) PRV_SCR (F3) QUIT (F4) ENTITY (F6) CHOICES (F10)

■ avsdg

112. IDENTIFICATION OF INTERESTS.

White Oak Mining & Construction Co., Inc. ("White Oak"), is the mine operator on the subject properties shown on Map 100. White Oak's address is P.O. Box 60, Scofield Route, Helper, Utah, 84526. White Oak's telephone number is (801) 637-9200.

Map 100. PERMIT AREA BASE MAP

112.100. STATUS OF PERMITTEE 132567

White Oak is a Nevada corporation. The capital stock of White Oak is wholly owned and controlled by Todd Kiscaden (50%), Scofield Route, Helper, Utah 84526, and Scott Kiscaden (50%), R.R.T. 8, Box 105, Abbingdon, Virginia 24210-8656. Tables showing White Oak's officers and directors are shown below:

**TABLE 112.100
OFFICERS & DIRECTORS, WHITE OAK**

WHITE OAK MINING & CONSTRUCTION CO., INC.		
Scott Kiscaden	President and Director	7-1-93 to Present
Todd Kiscaden	Secretary and Director	7-1-93 to Present
Keith VanHooser	Treasurer	7-1-93 to Present

112.200. RESIDENT AGENT

The resident agent of Applicant for the purpose of service of notices and orders related to operations under this Mining and Reclamation Plan (MRP) and the individual who will pay the abandoned mine lands fee is:

Mark Wayment - Mine Manager
Scofield Route
Helper, Utah 84526
(801) 637-9200

The resident agent of Permittee pursuant to the laws of the State of Utah for service of civil process is:

Alexander H. Walker, Jr.
57 West 200 South, Suite 400
Salt Lake City, Utah 84101-1632
(801) 364-1228

112.300. OWNERSHIP

1. Scott Kiscaden - President, Director
White Oak Mining & Construction Co., Inc.
RRT8 Box 105
Abbington, Virginia 24210-8656

Other Mining Operations:

Beverly Mining Corporation
Employer I.D. # 61-0952631
148 South Lake Drive
Prestonburg, Kentucky 41653

Chloe Development Corporation
Employer I.D. # 75-1308191
148 South Lake Drive
Prestonburg, Kentucky 41653

Harrison Mining Corporation
Employer I.D. # 341643621
P.O. Box 176
Cadiz, Ohio 43907

Mordor Mining Corporation
Employer I.D. # 61-1191412
148 South Lake Drive
Prestonburg, Kentucky 41653

Standard Elkhorn Minerals Corp.
Employer I.D. # 61-1020627
148 South Lake Drive
Prestonburg, Kentucky 41653

Quaker Coal Company, Inc.
Employer I.D. # 23-1945179
148 South Lake Drive
Prestonburg, Kentucky 41653

2. Donald Todd Kiscaden
Secretary, Director
Scofield Route
Helper, Utah 84526

Other Mining Operations:

Agip Coal, USA
Employer I.D. # 61-1093839
P.O. Box 565
Huntington, West Virginia 25710

Branham & Baker Coal Company, Inc.
Employer I.D. # 61-0594344
148 South Lake Drive
Prestonburg, Kentucky 41653

Coal Preparation, Inc.
Employer I.D. # 61-0993241
148 South Lake Drive
Prestonburg, Kentucky 41653

Harrison Processing Corporation
Employer I.D. # 341643619
P.O. Box 250
Hopedale, Ohio 43976

Panther Land Corporation
Employer I.D. # 61-1149472
148 South Lake Drive
Prestonburg, Kentucky 41653

St. Johnsburry Mining Corporation
Employer I.D. # 61-0860941
148 South Lake Drive
Prestonburg, Kentucky 41653

Black Dragon Mining Company
Employer I.D. # 61-1175888
P.O. Box 1409
154 College Street
Pikeville, Kentucky 41501

Black Mountain Mining Company
Employer I.D. # 61-1211533
P.O. Box 1409
154 College Street
Pikeville, Kentucky 41501

Enoxy Coal, Inc.
Employer I.D. # 61-1093839
P.O. Box 565
Huntington, West Virginia 25710

Jackal Mining Company
Employer I.D. # 61-1166695
P.O. Box 1409
154 College Street
Pikeville, Kentucky 41501

Kinvest
Employer I.D. # 61-1070545
R.R.T. 8, Box 105
Abbington, Virginia 24210-8656

KTK Mining & Construction Company
Employer I.D. # 61-1093839
P.O. Box 1409
154 College Street
Pikeville, Kentucky 41501

Panther Land Corporation
Employer I.D. # 61-1166693
148 South Lake Drive
Prestonburg, Kentucky 41653

Raven Mining Co.
Employer I.D. # 61-1169066
P.O. Box 1409
154 College Street
Pikeville, Kentucky 41501

SMK Mining & Construction Co., Inc.
Employer I.D. # 61-1093840
P.O. Box 1409
154 College Street
Pikeville, Kentucky 41501

CAS-Coal, Inc.
Employer I.D. # 61-1166693
P.O. Box 1409
154 College Street
Pikeville, Kentucky 41501

Grand Valley Coal Co.
Employer I.D. # 25-1690010
P.O. Box 70
Loma, Colorado 81524

Kiah Creek Mining Co.
Employer I.D. # 61-1155442
P.O. Box 1409
154 College Street
Pikeville, Kentucky 41501

Knott County Coal Company
Employer I.D. # 61-1155442
P.O. Box 2805
U.S. 23N
Pikeville, Kentucky 41502

Lightning Construction Company
Employer I.D. # 61-1123615
P.O. Box 1409
154 College Street
Pikeville, Kentucky 41501

Quaker Coal Company, Inc.
Employer I.D. # 23-1945179
148 South Lake Drive
Prestonburg, Kentucky 41653

Sidewinder Mining Company
Employer I.D. # 61-1166697
P.O. Box 1409
154 College Street
Pikeville, Kentucky 41501

Standard Elkhorn Mining Corporation
Employer I.D. # 61-1020627
148 South Lake Drive
Prestonburg, Kentucky 41653

Tennessee Construction Company
Employer I.D. # 61-1121352
P.O. Box 1409
154 College Street
Pikeville, Kentucky 41501

3. Boyd Keith VanHooser
P.O. Box 1409
154 College Street
Pikeville, Kentucky 41501

Other Mining Companies:

Black Dragon Mining Company
Employer I.D. # 61-1175888
P.O. Box 1409
154 College Street
Pikeville, Kentucky 41501

Black Mountain Mining Company
Employer I.D. # 61-1211533
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154 College Street
Pikeville, Kentucky 41501

KTK Mining & Construction Company
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Sidewinder Mining Company
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Pikeville, Kentucky 41501

Tennessee Construction Company
Employer I.D. # 61-1121352
P.O. Box 1409
154 College Street
Pikeville, Kentucky 41501

112.400. OTHER OPERATIONS

White Oak has not operated any surface coal mining operation in the United States within the five years preceding the date of this MRP. The officers, directors and shareholders of White Oak have operated underground coal mining operations during the stated time periods under the following corporate names. A listing of those mines, associated permit numbers and regulatory agencies responsible for the permits is shown below:

Entity Maintenance

Applicant Violator System

20-Jun-1996 10:52:30

Lock :

Entity ID : 132567

Mode : UPDATE

Last Name / Co. : WHITE OAK MINING & CONSTR CO INC

First Name :

Mid :

Alias :

EIN or SSN :

Comments :

Address Details

Addresses retrieved : 2

Street	City	St	Zip	Phone
PO BOX 60 148 S LAKE DR	HELPER PRESTONBURG	UT	84526	8014489420
		KY	41653	6068862751

SAVE (F5)

DELETE (F8)

PRV_SCR (F3)

QUIT (F4)

CHOICES (F10)

■ avsdg

08:47



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

June 21, 1996

Mark Wayment, Mine Manager
White Oak Mining and Construction
Scofield Route
Helper, Utah 84526

Re: Legal and Financial Information Updates Required, White Oak Mine #1 and #2, White Oak Mining Construction Co. Inc., ACT/007/001, Folder #2, Carbon County, Utah

Dear Mr. Wayment:

There are discrepancies with the legal and financial information currently in the White Oak Mine #1 and #2 plan, see attached. The annual report for 1995 indicated that there were no changes. Please update this information by July 22, 1996.

If you have any questions, please call me or Ken Wyatt.

Sincerely,

A handwritten signature in cursive script, reading "Pamela Grubaugh-Littig".

Pamela Grubaugh-Littig
Permit Supervisor

Enclosure

cc: Ken Wyatt



WHITE OAK MINING AND CONSTRUCTION CO.

1	112328	Chickering, Donn - AVS lists as 'VP' effective 7/1/93. White Oak does not list in their 'September 1994' Table 112.100 'Officers and Director's, White Oak'
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Entity ID / Name : 132567(WHITE OAK MINING & CONSTR CO Related ID / Name :
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Locked :

Records retrieved : 9

Rel Ent	Name	Desc	Begin date	End date	Source	Hold
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098332	KISCADEN, SCOTT M	PRS	07/01/93		PSBAV08	
098332	KISCADEN, SCOTT M	SH	07/01/93		PSBAV08	
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105030	KISCADEN, DONALD TODD	SEC	07/01/93		PSBAV08	
105030	KISCADEN, DONALD TODD	SH	07/01/93		PSBAV08	
112328	CHICKERING, DONN	VP	07/01/93		PSBAV08	
081792	VAN HOOSER, BOYD KEITH	DIR	07/01/93	04/20/95	avsky01a	
081792	VAN HOOSER, BOYD KEITH	TRS	07/01/93	04/20/95	avsky01a	

ADD (F5)

SEARCH (F2) PRV_SCR (F3) QUIT (F4) ENTITY (F6) CHOICES (F10)

■ avsdg

*Lang Beth - 6/18
Is White
Oak current? Tom*

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Map 100. PERMIT AREA BASE MAP

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Todd Kiscaden	Secretary and Director	7-1-93 to Present
Keith VanHooser	Treasurer	7-1-93 to Present

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Scofield Route
Helper, Utah 84526
(801) 637-9200

The resident agent of Permittee pursuant to the laws of the State of Utah for service of civil process is:

Alexander H. Walker, Jr.
57 West 200 South, Suite 400
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(801) 364-1228

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Abbingdon, Virginia 24210-8656

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Prestonburg, Kentucky 41653

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Employer I.D. # 75-1308191
148 South Lake Drive
Prestonburg, Kentucky 41653

Harrison Mining Corporation
Employer I.D. # 341643621
P.O. Box 176
Cadiz, Ohio 43907

Mordor Mining Corporation
Employer I.D. # 61-1191412
148 South Lake Drive
Prestonburg, Kentucky 41653

Standard Elkhorn Minerals Corp.
Employer I.D. # 61-1020627
148 South Lake Drive
Prestonburg, Kentucky 41653

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Scofield Route
Helper, Utah 84526

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154 College Street
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P.O. Box 1409
154 College Street
Pikeville, Kentucky 41501

Grand Valley Coal Co.
Employer I.D. # 25-1690010
P.O. Box 70
Loma, Colorado 81524

Kiah Creek Mining Co.
Employer I.D. # 61-1155442
P.O. Box 1409
154 College Street
Pikeville, Kentucky 41501

Knott County Coal Company
Employer I.D. # 61-1155442
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U.S. 23N
Pikeville, Kentucky 41502

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Employer I.D. # 61-1123615
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154 College Street
Pikeville, Kentucky 41501

Quaker Coal Company, Inc.
Employer I.D. # 23-1945179
148 South Lake Drive
Prestonburg, Kentucky 41653

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Employer I.D. # 61-1166697
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Pikeville, Kentucky 41501

Standard Elkhorn Mining Corporation
Employer I.D. # 61-1020627
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Prestonburg, Kentucky 41653

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Employer I.D. # 61-1121352
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3. Boyd Keith VanHooser
P.O. Box 1409
154 College Street
Pikeville, Kentucky 41501

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Pikeville, Kentucky 41501

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Employer I.D. # 61-1211533
P.O. Box 1409
154 College Street
Pikeville, Kentucky 41501

KTK Mining & Construction Company
Employer I.D. # 61-1093839
P.O. Box 1409
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Pikeville, Kentucky 41501

Sidewinder Mining Company
Employer I.D. # 61-1166697
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Pikeville, Kentucky 41501

Tennessee Construction Company
Employer I.D. # 61-1121352
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Entity Maintenance

Applicant Violator System

20-Jun-1996 10:52:30

Lock :

Entity ID : 132567

Mode : UPDATE

Last Name / Co. : WHITE OAK MINING & CONSTR CO INC

First Name :

Mid :

Alias :

EIN or SSN :

Comments :

Address Details

Addresses retrieved : 2

Street	City	St	Zip	Phone
PO BOX 60 148 S LAKE DR	HELPER	UT	84526	8014489426 ?
	PRESTONBURG	KY	41653	6068862751

SAVE (F5)

DELETE (F8)

PRV_SCR (F3)

QUIT (F4)

CHOICES (F10)

■ avsdg

08:47

Mail Pam Grubaugh 7/20 8:43a Shell Oil

Attachments (Tab next attachment)

MESSAGE

From: Pam Grubaugh-Litti
To: DHaddock
Date: Thursday, July 20, 1995 8:43 am
Subject: Shell Oil

Yesterday you gave me some information about "rumors" of Royal Dutch Shell having 10% ownership in White Oak. I called Mark Wayment and asked him about this. He said he wishes that they did but the ownership is still the same with Scott and Todd. FYI....

CC: LBraxton

◀ Previous Next ▶ [] Private Close
1 Move 2 Delete 3 Save 4 Forward 5 Resend 6 Info 7 More Actions...

Mail Pam Grubaugh 7/20 8:43a Shell Oil

Attachments (Tab next attachment)

MESSAGE

From: Pam Grubaugh-Litti
To: DHaddock
Date: Thursday, July 20, 1995 8:43 am
Subject: Shell Oil

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◀ Previous Next ▶ [] Private Close
1 Move 2 Delete 3 Save 4 Forward 5 Resend 6 Info 7 More Actions...

Mail Pam Grubaugh 7/20 8:43a Shell Oil

Attachments (Tab next attachment)

MESSAGE

From: Pam Grubaugh-Litti
To: DHaddock

* * *

* ** TRANSMIT CONFIRMATION REPORT ** *

+ * *

* Journal No. : 006 *

* Receiver : 606+233+2850 *

* Transmitter : DIV OIL GAS & MINING *

* Date : Apr 18,95 12:47 *

* Document : 02 pages *

* Time : 01'09" *

* Mode : G3 NORMAL *

* Result : OK *

+ * *



State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
 Governor
 Ted Stewart
 Executive Director
 James W. Carter
 Division Director

355 West North Temple
 3 Triad Center, Suite 350
 Salt Lake City, Utah 84180-1203
 801-538-5340
 801-359-3940 (Fax)
 801-538-5319 (TDD)

UTAH DIVISION OF OIL, GAS AND MINING
 FACSIMILE COVER SHEET

DATE: April 18, 1995
 FAX # 1-606-233-2699
 ATTN: Keith Harrison
 COMPANY: ALSO
 FROM: JAM G-L
 DEPARTMENT: DOGMA
 NUMBER OF PAGES BEING SENT (INCLUDING THIS ONE): 2

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We are sending from a Murata facsimile machine. Our telecopier number is (801) 359-3940.

MESSAGES:

We've tried to correct the date
on "Issue Date" - but we're unable
to: - should be 5/27/94.

Would you please fix this.
RK
JAM

Important: This message is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return this original message to us at the above address via regular postal service. Thank you.

State : UT	Permit No : ACT007001	SeqNo : 1
Permittee : 132567(WHITE OAK MINING & CONSTR CO INC)	Appl No : ACT007001	

Permit Data			
Issue Date : 05/27/19	Previous Permit No : ACT007001		
Expiration Date : 08/24/1999	Total Acres Permitted :		
Bond Status : A	MSHA IDs	4201280	
Bond Forfeiture Date :	(1)		
Bond Forfeiture Amount : \$0.00			

Desc	Entity (OPR, B6, CON, ...)	Beg Date	End Date	Source
OPR	132567(WHITE OAK MINING & CONSTR CO INC)	05/27/94		sraut068
OPR	101828 (VALLEY CAMP OF UTAH INC)		05/27/94	sraut068

SAVE (F5)

ENTITY (F2) PRV_SCR (F3) QUIT (F4) APPL (F9) CHOICES (F10)

■ avsdg

09 30

*May Beth -
Did you
Here you
able to fix this?
MS*

when I go into this & try and update it gives me an error msg of " This is a previous appl/permit. you can not make it current".

The AVS book does not specify if we can update any of this except for - Bond Status + Entity Beg./end dates. maybe we should ask Ky.?

State : UT	Permit No : ACT007001	SeqNo : 2
	Appl No : ACT007001	
Permittee : 132567(WHITE OAK MINING & CONSTR CO INC)		

Permit Data			
Issue Date	: 05/27/94	Previous Permit No	: ACT007001
Expiration Date	: 08/24/1999	Total Acres Permitted	:
Bond Status	: A		
Bond Forfeiture Date	:	MSHA IDs	4201280
Bond Forfeiture Amount	: \$0.00	(1)	

Desc	Entity (OPR, B6, CON, ...)	Beg Date	End Date	Source
OPR	132567(WHITE OAK MINING & CONSTR CO INC)			sraut068
OPR	132567(WHITE OAK MINING & CONSTR CO INC)	05/27/94		sraut068
OPR	101828 (VALLEY CAMP OF UTAH INC)		05/27/94	sraut068

SAVE (F5) DELETE (F8)
 ENTITY (F2) PRV_SCR (F3) QUIT (F4) APPL (F9) CHOICES (F10)

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11:54

Lock :

Entity ID : 132567

Mode : VIEW

Last Name / Co. : WHITE OAK MINING & CONSTR CO INC

First Name :

Mid :

Alias :

EIN or SSN :

Comments :

Address Details

Addresses retrieved : 2

Street	City	St	Zip	Phone
PO BOX 60	HELPER	UT	84526	8014489420
148 S LAKE DR	PRESTONBURG	KY	41653	6068862751

PRV_SCR(F3)

QUIT(F4)

CHOICES(F10)

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14 39

State : UT	Permit No :	Appl No :
Permittee : 132567(WHITE OAK MINING & CONSTR CO INC)		
Applicant :		

Records retrieved : 2

St	Permit No	Appl No	SeqNo	Per Id	App Id	Type	Status
UT	ACT007001	ACT007001	1	132567	132567	T	I
UT	ACT007001	ACT007001	2	132567	132567	R	I

ADD (F5) A/R/T (F7)

SRCH (F2) PRV_SCR (F3) QUIT (F4) ENTITY (F6) CHOICES (F10)

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12 36

State : UT	Appl No : ACT007001	SeqNo : 2
Applicant : 132567(WHITE OAK MINING & CONSTR CO INC)		

Application Data			
Mine Name	: WHITE OAK MINE #1 & #2		
County	: SALT LAKE		
Status	: I	Appl Type : R	Indian Land : N
Action Date	: 03/22/95	Mine Life : 0	MSHA IDs 4201280
Prev Appl No	: ACT007001		(1)
Acres	:	Latitude :	Longitude :

Desc	Entity (OPR, B6, CON, ...)	Beg Date	End Date	Source
OPR	132567(WHITE OAK MINING & CONSTR CO INC)			sraut068
OPR	132567(WHITE OAK MINING & CONSTR CO INC)	05/27/94		sraut068
OPR	101828 (VALLEY CAMP OF UTAH INC)		05/27/94	sraut068

SAVE(F5) DELETE(F8) ENTITY(F11)
 OFT(F2) PRV_SCR(F3) QUIT(F4) PERMIT(F9) CHOICES(F10)

■ avsdg

State : UT	Permit No : ACT007001	SeqNo : 2
	Appl No : ACT007001	
Permittee : 132567(WHITE OAK MINING & CONSTR CO INC)		

Permit Data			
Issue Date	: 05/27/94	Previous Permit No	: ACT007001
Expiration Date	: 08/24/1999	Total Acres Permitted	:
Bond Status	: A		
Bond Forfeiture Date	:	MSHA IDs	4201280
Bond Forfeiture Amount	: \$0.00	(1)	

Desc	Entity (OPR, B6, CON, ...)	Beg Date	End Date	Source
OPR	132567(WHITE OAK MINING & CONSTR CO INC)			sraut068
OPR	132567(WHITE OAK MINING & CONSTR CO INC)	05/27/94		sraut068
OPR	101828 (VALLEY CAMP OF UTAH INC)		05/27/94	sraut068

SAVE (F5) DELETE (F8)
 ENTITY (F2) PRV_SCR (F3) QUIT (F4) APPL (F9) CHOICES (F10)

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Entity ID / Name : 132567(WHITE OAK MINING & CONSTR CO Related ID / Name :
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Locked : Records retrieved : 9

Rel Ent	Name	Desc	Begin date	End date	Source	Hold
081792	VAN HOOSER, BOYD KEITH	DIR	07/01/93		PSBAV08	
081792	VAN HOOSER, BOYD KEITH	TRS	07/01/93		PSBAV08	
098332	KISCADEN, SCOTT M	DIR	07/01/93		PSBAV08	
098332	KISCADEN, SCOTT M	PRS	07/01/93		PSBAV08	
098332	KISCADEN, SCOTT M	SH	07/01/93		PSBAV08	
105030	KISCADEN, DONALD TODD	DIR	07/01/93		PSBAV08	
105030	KISCADEN, DONALD TODD	SEC	07/01/93		PSBAV08	
105030	KISCADEN, DONALD TODD	SH	07/01/93		PSBAV08	
112328	CHICKERING, DONN	VP	07/01/93		PSBAV08	

ADD (F5)

SEARCH (F2) PRV_SCR (F3) QUIT (F4) ENTITY (F6) CHOICES (F10)

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13:54