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# TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

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May 19, 2010

TO: Internal File

THRU: Kevin Lundmark, Team Lead *KLW*

FROM: Angela Nance, Business Analyst *AN*

RE: Change in Ownership and Control, Andalex Resources, Inc., Wildcat Mine, C/007/0033, Task ID #3533

## SUMMARY:

On April 19, 2010, the Division of Oil, Gas & Mining (the Division) received an application to revise the ownership and control information for the Wildcat Loadout.

Deficiencies have been identified that must be addressed prior to Division approval.

### **R645-301-112.330:**

#### • **Murray Energy Corporation**

1. The AVS database shows a Begin Date of 08/01/08 for **Robert D. Moore, V.P.** This does not match the Begin Date of 12/17/04 listed in the submittal. *Please address this discrepancy.*
2. The AVS database shows a Begin Date of 9/11/07 for **Robert D. Moore, CFO.** This does not match the Begin Date of 04/23/07 listed in the submittal. *Please address this discrepancy.*
3. The AVS database shows an End Date of 8/27/09 for **Andrew D. Weissman, Director.** The submittal does not indicate an End Date. *Please address this discrepancy.*
3. The AVS database shows the following officers as active, however, this information is not listed in the submittal. *Please address this discrepancy.*

VanBever, G.	Assistant Treasurer	10/22/07
Cornelius, B.	Vice President	08/01/08
Forrelli, John	Vice President	09/11/07
Heidelback, Roy	Vice President	09/11/07
Murray, Robert	Vice President	09/11/07
Murray, Roy	Vice President	09/11/07

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- **UtahAmerican Energy, Inc.**

1. The submittal indicates an End Date of 12/11/09 for **Peter J. Vuljanic, Interim President**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
2. The AVS database shows David Hibbs as a Director with a Begin Date of 12/11/09. This information is not listed in the submittal. *Please address this discrepancy.*
3. The footnote indicates that Coal Resources, Inc. is incorrectly listed as a shareholder of UEI in the AVS database. AVS does not show a link between Coal Resources, Inc. and UEI. *This footnote should be removed.*

- **Andalex Resources, Inc.**

1. The submittal indicates an End Date of 11/05/09 for **P. Bruce Hill, President and CEO**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
2. The submittal indicates and End Date of 11/05/09 for **P. Bruce Hill, Director**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

- **AMCA Coal Leasing, Inc.**

1. The submittal indicates that **David W. Hibbs, President** began on 12/11/09. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
2. The submittal shows **Peter J. Vuljanic, Interim President** with a Begin Date of 11/06/09 and an End Date of 12/11/09. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
3. The submittal indicates an End Date of 11/05/09 for **P. Bruce Hill, Director**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

- **Andalex Resources Management, Inc.**

1. The submittal indicates that **David W. Hibbs, President** began on 12/11/09. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
2. The submittal shows **Peter J. Vuljanic, Interim President** with a Begin Date of 11/06/09 and an End Date of 12/11/09. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

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3. The submittal indicates an End Date of 11/05/09 for **P. Bruce Hill, President and CEO**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
4. The submittal indicates an End Date of 11/05/09 for **P. Bruce Hill, Director**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

- **Genwal Resources, Inc.**

1. The submittal indicates that **David W. Hibbs, President** began on 12/11/09. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
2. The submittal shows **Peter J. Vuljanic, Interim President** with a Begin Date of 11/06/09 and an End Date of 12/11/09. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
3. The submittal indicates a Begin Date of 12/16/06 for **P. Bruce Hill, President**. The AVS database shows a Begin Date of 12/14/94. *Please address this discrepancy with a Secretary's Certificate.*
4. The submittal indicates an End Date of 11/05/09 for **P. Bruce Hill, CEO**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
5. The submittal indicates an End Date of 11/05/09 for **P. Bruce Hill, Director**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
6. The submittal shows a Begin Date of 12/16/06 for **Robert D. Moore, Treasurer and Michael O. McKown, Secretary**. The AVS database shows a Begin Date of 2/16/06. *Please address this discrepancy.*
7. The submittal shows an End Date of 08/18/06 for **Douglas H. Smith, Former Director**. AVS shows an End Date of 12/16/06. *Please address this discrepancy.*
8. The submittal shows an End Date of 05/17/05 for **John Bradshaw, VP**. AVS shows 05/18/05. *Please address this discrepancy.*

- **West Ridge Resources, Inc.**

1. The submittal indicates that **David W. Hibbs, President** began on 12/11/09. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
2. The submittal shows **Peter J. Vuljanic, Interim President** with a Begin Date of 11/06/09 and an End Date of 12/11/09. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

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3. The submittal indicates an End Date of 11/05/09 for **P. Bruce Hill, President and CEO**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
  4. The submittal shows a Begin Date of 08/18/06 for **Douglas H. Smith, President**. AVS shows a begin date of 4/15/98. *Please address this discrepancy.*
  5. The submittal indicates an End Date of 11/05/09 for **P. Bruce Hill, Director**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
  6. The submittal shows a Begin Date of 04/01/98 for **Peter B. Green, Ronald C. Beedie, and Douglas H. Smith**. AVS shows a Begin Date of 12/13/94. *Please address this discrepancy with a Secretary's Certificate.*
  7. The submittal shows a Begin Date of 04/15/98 for **Peter B. Green and Samuel C. Quigley**. AVS shows a Begin Date of 01/09/95. *Please address this discrepancy with a Secretary's Certificate.*
  8. *Please address the typo on the End Date for Douglas H. Smith, Former President.*
- **AMCOAL Holdings, Inc.**
    1. The submittal indicates a revised date of 2/14/05, yet the latest update is listed as 3/1/05. *Please update the Revised Date.*
  - **The American Coal Company**
    1. The submittal indicates a revised date of 2/14/05, yet the latest update is listed as 3/1/05. *Please update the Revised Date.*
  - **Avonmore Rail Loading, Inc.**
    1. The submittal indicates a Vacant position for President. AVS indicates **Bruce Hill, President** with a Begin Date of 06/25/01. *Please address this discrepancy.*
    2. The submittal indicates a revised date of 2/14/05, yet the latest update is listed as 3/1/05. *Please update the Revised Date.*
  - **Belmont Coal, Inc.**
    1. The submittal indicates a Begin Date of 01/02/02 for **Maynard St. John, Vice President**. AVS indicates a Begin Date of 01/02/01. *Please address this discrepancy.*

- **Canterbury Coal Company**
  1. The submittal indicates that **James R. Turner, Jr.** is the Assistant Secretary with a Begin Date of 06/01/08. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
  2. AVS indicates that **Elmer Mottillo** is the Assistant Secretary with a Begin Date of 01/10/03. This information is not in the submittal. *Please address this discrepancy.*
  3. The submittal indicates a revised date of 3/6/07, yet the latest update is listed as 6/1/08. *Please update the Revised Date.*
  
- **Coal Resources Holdings Co.**
  1. Robert Eugene Murray is not listed in AVS as being a 20% shareholder.
  
- **Coal Resources, Inc.**
  1. AVS shows Begin Dates for Directors **Robert E. Murray (01/28/88)**, **Henry W. Fayne (09/11/07)**, **Andrew Weissman (09/11/07)**, and **Richard L. Lawson (09/11/07)**. This information is not in the submittal. *Please address this discrepancy.*
  
- **Energy Resources, Inc.**
  1. AVS shows an End Date of 05/30/08 for **Elmer A. Mottillo, Treasurer**. This information is not in the submittal. *Please address this discrepancy.*
  2. AVS shows **James Turner Jr., Treasurer** with a Begin Date of 05/30/08. This information is not in the submittal. *Please address this discrepancy.*
  3. The submittal indicates a revised date of 2/14/05, yet the latest update is listed as 3/1/05. *Please update the Revised Date.*
  
- **KenAmerican Resources, Inc.**
  1. AVS shows **Mark Nelson, President** with a Begin Date of 03/18/09. This information is not in the submittal. *Please address this discrepancy.*
  2. AVS indicates an End Date of 12/08/08 for **Robert N. Sandidge, President**. This information is not in the submittal. *Please address this discrepancy.*
  
- **Maple Creek Mining, Inc.**
  1. AVS shows **Robert Kudlawiec** as **President** with a Begin Date of 09/12/08. This information is not listed in the submittal. *Please address this discrepancy.*
  2. AVS shows and End Date of 09/11/08 for **Paul B. Piccolini, President**. This information is not listed in the submittal. *Please address this discrepancy.*

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3. *Please include a Revised Date on this page.*
- **Monvalley Transportation Center, Inc.**
    1. AVS shows a Begin Date of 08/28/05 for **Robert E. Murray, Director**. This information is not in the submittal. *Please address this discrepancy.*
    2. *Please include a Revised Date on this page.*
  - **OhioAmerican Energy Incorporated**
    1. AVS shows an End Date of 12/01/07 for **D. Michael Jamison, President**. This information is not in the submittal. *Please address this discrepancy.*
  - **The Ohio Valley Coal Company**
    1. AVS shows a Begin Date of 03/10/95 for **Robert E. Murray, Director**. This information is not in the submittal. *Please address this discrepancy.*
  - **Ohio Valley Resources, Inc.**
    1. AVS shows a Begin Date of 11/01/99 for **Robert E. Murray, Director**. This information is not in the submittal. *Please address this discrepancy.*
    2. The submittal indicates a Vacant position for Secretary. AVS shows **Michael Gardner** in this position. *Please address this discrepancy.*
    3. The submittal indicates a revised date of 3/6/07, yet the latest update is listed as 05/01/07. *Please update the Revised Date.*
  - **The Ohio Valley Transloading Company**
    1. The submittal indicates a revised date of 3/6/07, yet the latest update is listed as 05/01/07. *Please update the Revised Date.*
  - **The Oklahoma Coal Company**
    1. AVS shows a Begin Date of 04/17/92 for **Robert E. Murray, Director**. This information is not in the submittal. *Please address this discrepancy.*
  - **Oneida Coal Company, Inc.**
    1. AVS shows a Begin Date of 02/18/92 for **Robert E. Murray, Director**. This information is not in the submittal. *Please address this discrepancy.*

- **PennAmerican Coal, Inc.**
  1. AVS shows **P. Bruce Hill, President** with a a Begin Date of 06/25/01. This information is not in the submittal. *Please address this discrepancy.*
  
- **Pennsylvania Transloading, Inc.**
  1. AVS shows a Begin Date of 11/18/88 for **Robert E. Murray, Director**. This information is not in the submittal. *Please address this discrepancy.*
  
- **Pinski Corp.**
  1. The submittal shows the President and General Manager as Vacant. AVS shows **P. Bruce Hill** in this position with a Begin Date of 09/05/00. *Please address this discrepancy.*
  
- **Spring Church Coal Company**
  1. AVS shows a **P. Bruce Hill** as President with a Begin Date of 06/25/01. The submittal shows Robert D. Moore as President with a Begin Date of 05/26/07. *Please address this discrepancy.*
  2. AVS shows **Robert D. Moore** as Secretary with a Begin Date of 06/25/01. The submittal shows Michael O. McKown as Secretary with a Begin Date of 05/26/07. *Please address this discrepancy.*
  3. AVS shows **Elmer Mottillo** as Assistant Secretary with a Begin Date of 01/02/03. The submittal shows James R. Turner, Jr. as Assistant Secretary with a Begin Date of 06/01/08. *Please address this discrepancy.*
  4. The submittal indicates a revised date of 2/14/05, yet the latest update is listed as 06/01/08. *Please update the Revised Date.*
  
- **Sunburst Resources, Inc.**
  1. The submittal indicates a revised date of 3/7/07, yet the latest update is listed as 05/01/07. *Please update the Revised Date.*
  
- **TDK Coal Sales, Incorporated**
  1. AVS indicates an End Date of 05/30/08 for **Elmer A. Mottillo, Treasurer**. This information is not listed in the submittal. *Please address this discrepancy.*
  2. AVS shows **James Turner, Jr.** as Treasurer with a Begin Date of 05/30/08. This is not listed in the submittal. *Please address this discrepancy.*

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3. The submittal indicates a revised date of 02/14/05, yet the latest update is listed as 3/1/05. *Please update the Revised Date.*

- **UMCO Energy, Inc.**

1. AVS indicates an End Date of 09/11/08 for **Paul B. Piccolini, President**. This information is not listed in the submittal. *Please address this discrepancy.*
2. AVS shows **Robert Kudlawiec** as President with a Begin Date of 09/12/08. This is not listed in the submittal. *Please address this discrepancy.*
3. The submittal indicates a revised date of 3/6/07, yet the latest update is listed as 05/01/07. *Please update the Revised Date.*

- **West Virginia Resources, Inc.**

1. AVS shows an End Date of 12/01/07 for **Anne Besece, Treasurer and Secretary**. This information is not listed in the submittal. *Please address this discrepancy.*
2. AVS shows an End Date of 10/02/06 for **Robert L. Putsock, Assistant Secretary**. This information is not reflected in the submittal. *Please address this discrepancy.*
3. AVS shows **Robert Putsock, Secretary and Treasurer** with a Begin Date of 12/01/07. This information is not in the submittal. *Please address this discrepancy.*
4. AVS shows **Charles Shestak, Vice President** with a Begin Date of 10/02/06. This information is not reflected in the submittal. *Please address this discrepancy.*

**RECOMMENDATION:**

The application should not be approved until the above-listed corrections have been made.