

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

August 12, 2010

TO: File

THRU: Kevin Lundmark, Team Lead *KWL*

FROM: Angela Nance, Business Analyst *AN*

RE: Division Order Response, Andalex Resources, Inc., Wildcat Mine, C/007/0033, Task ID #3593

SUMMARY:

On July 15, 2010, the Division received the response to the Wildcat Division Order. This memo will address the review of the Ownership and Control information that was submitted as part of the response.

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

R645-301-112.330:

- **Murray Energy Corporation**

1. The AVS database shows **Robert D. Moore, President** with a Begin Date of 4/23/07. This information is not listed in the submittal. *Please address this discrepancy.*

- **UtahAmerican Energy, Inc.**

1. The submittal indicates a Begin Date of 11/05/09 for **David W. Hibbs, Director**. This information does not match the Begin Date listed in AVS (12/11/09). *Please address this discrepancy with a Secretary's Certificate.*

- **Andalex Resources, Inc.**

1. The submittal shows **David W. Hibbs, President and Director** with a Begin Date of 12/11/09. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

TECHNICAL MEMO

2. The submittal indicates and End Date of 11/05/09 for **P. Bruce Hill, President and Director**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
 3. The submittal shows **Peter J. Vuljanic, Intern President** with a Begin Date of 11/06/09 and an End Date of 12/11/09. This information is not in AVS.
- **AMCA Coal Leasing, Inc.**
 1. The submittal indicates that **David W. Hibbs, President and Director** 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, President and 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 and Director** 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.*
 4. The submittal indicates an End Date of 11/05/09 for **P. Bruce Hill, President, CEO and Director**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
 4. The submittal indicates a Begin Date of 8/18/06 for **Robert D. Moore, Treasurer** and **Michael O. McKown, Secretary**. The AVS shows a Begin Date of 12/16/06. *Please address this discrepancy with a Secretary's Certificate.*
 - **Genwal Resources, Inc.**
 1. The submittal indicates that **David W. Hibbs, President and Director** 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.*

TECHNICAL MEMO

3. The submittal indicates an End Date of 11/05/09 for **P. Bruce Hill, President, CEO and Director**. 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 **Robert D. Moore, Treasurer and Michael O. McKown, Secretary**. The AVS database shows a Begin Date of 2/16/06. *Please address this discrepancy.*
 5. 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.*
 6. 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 and Director** 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, President, CEO and Director**. 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 **Robert D. Moore, Treasurer and Michael O. McKown, Secretary**. AVS shows a begin date of 12/16/06. *Please address this discrepancy with a Secretary's Certificate.*
 - **AMCOAL Holdings, Inc.**
 1. The submittal indicates an End Date of 10/03/09 for **P. Bruce Hill, V.P.** This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
 - **The American Coal Sales Company**
 1. The AVS indicates an End Date of 3/01/05 for **Edwin D. Lane, Vice President**. This information is not listed in the submittal. *Please address this discrepancy.*
 2. The submittal indicates an End Date of 1/03/06 for **Duane A. Smith, Assistant Treasurer**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

TECHNICAL MEMO

- **American Compliance Coal, Inc.**

1. The submittal indicates an End Date of 5/31/08 for **Elmer A. Mottillo, Assistant Treasurer**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
2. The submittal indicates that **Robert L. Putsock** is the **Assistant Treasurer** with a Begin Date of 6/01/08. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

- **American Energy Corporation**

1. The submittal indicates **Robert L. Putsock** is the **Assistant Treasurer** with a Begin Date of 1/27/04. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

- **Anchor Longwall and Rebuild, Inc.**

1. The submittal indicates an End Date of 1/03/06 for **Duane A. Smith, Assistant Secretary**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

- **Avonmore Rail Loading, Inc.**

1. The submittal indicates an End Date of 5/31/08 for **Elmer A. Mottillo, Assistant Secretary**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
2. The submittal indicates that **James R. Turner, Jr.** is the **Assistant Secretary** with a Begin Date of 5/31/08. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

- **Belmont Coal, Inc.**

1. The submittal indicates that **Robert E. Murray** is a **Director** with a Begin Date of 12/15/06. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
2. The AVS indicates that **Robert D. Moore** is a **Director** with a Begin Date of 12/15/06. *Please address this discrepancy with a Secretary's Certificate.*

- **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.*

- **Coal Resources Holdings Co.**

1. The submittal indicates a Begin Date of 3/01/05 for **Robert E. Murray, President.** The AVS shows a Begin Date of 6/27/03. *Please address this discrepancy with a Secretary's Certificate.*
2. The submittal indicates a Begin Date of 1/28/05 for **Michael D. Loiacono, Treasurer.** The e AVS shows a Begin Date of 6/27/03. *Please address this discrepancy with a Secretary's Certificate.*
3. The submittal indicates a Begin Date of 11/06/09 for **Michael O. McKown, Secretary.** The AVS shows a Begin Date of 11/01/05. *Please address this discrepancy with a Secretary's Certificate.*

- **Coal Resources, Inc.**

1. The submittal indicates a Begin Date of 6/27/03 for **Michael D. Loiacono, Treasurer.** The AVS shows a Begin Date of 1/28/05. *Please address this discrepancy with a Secretary's Certificate.*
2. The submittal indicates a Begin Date of 9/01/07 for **Robert D. Moore, Senior Vice President & CFO.** The AVS shows a Begin Date of 4/23/07. *Please address this discrepancy with a Secretary's Certificate.*
3. The submittal indicates a Begin Date of 7/16/07 for **Michael O. McKown, Vice President, General Counsel and Secretary.** The AVS shows a Begin Date of 11/01/05. *Please address this discrepancy with a Secretary's Certificate.*
4. The submittal indicates a Begin Date of 10/22/07 for **G. Christopher Van Bever, Assistant Secretary.** This date is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
5. The submittal indicates an End Date of 10/21/03 for **Robert E. Murray, Shareholder.** This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
6. The submittal indicates a Begin Date of 5/24/88 for **Robert E. Murray, Director.** The AVS shows a Begin Date of 1/29/88. *Please address this discrepancy with a Secretary's Certificate.*
7. The submittal indicates a Begin Date of 2/05 for **Henry W. Fayne, Director.** The AVS shows a Begin Date of 9/11/07. *Please address this discrepancy with a Secretary's Certificate.*

TECHNICAL MEMO

8. The submittal indicates a Begin Date of 2/05 for **Richard L. Lawson, Director**. The AVS shows a Begin Date of 9/11/07. *Please address this discrepancy with a Secretary's Certificate.*
 9. The submittal indicates a Begin Date of 10/20/03 for **Andrew Weissman, Director**. The AVS shows a Begin Date of 9/11/07. Also, the submittal indicates an End Date of 8/27/09. This information is not in AVS. *Please address these discrepancies with a Secretary's Certificate.*
- **Consolidation Land Company**
 1. The submittal shows **Robert L. Putsock, Assistant Secretary** with a Begin Date of 6/08/08. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
 2. The submittal indicates an End Date of 5/31/08 for **Elmer A. Mottillo, Assistant Secretary**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
 - **Energy Resources, Inc.**
 1. The submittal shows a Begin Date of 6/01/08 for **James R. Turner, Treasurer**. The AVS shows a Begin Date of 5/30/08. *Please address this discrepancy with a Secretary's Certificate.*
 2. The submittal shows a Begin Date of 4/03/91 for **Charles E. Shestak, Assistant Secretary**. The AVS shows a Begin Date of 7/16/91. *Please address this discrepancy with a Secretary's Certificate.*
 - **Maple Creek Mining, Inc.**
 1. AVS shows a Begin Date of 11/15/94 for **Robert E. Murray, Director**. This date is not shown in the submittal. *Please address this discrepancy.*
 - **Monvalley Transportation Center, Inc.**
 1. The submittal shows a Begin Date of 08/28/05 for **Robert E. Murray, Director**. AVS shows a Begin Date of 8/28/95. *Please address this discrepancy.*
 - **OhioAmerican Energy Incorporated**
 1. AVS shows an End Date of 7/15/09 for **Mark D. Nelson, Vice President**. This information is not shown in the submittal. *Please address this discrepancy.*

2. The submittal indicates an End Date of 6/01/08 for **Elmer A. Mottillo, Assistant Treasurer**. The AVS shows an End Date of 6/30/08. *Please address this discrepancy.*
 3. The AVS shows **Charles Kapp, V.P., Manager** with a Begin Date of 7/15/07. This information is not in the submittal. *Please address this discrepancy.*
- **Oneida Coal Company, Inc.**
 1. The submittal shows a Begin Date of 2/18/92 for **Robert E. Murray, Director**. The AVS shows a Begin Date of 2/28/92. *Please address this discrepancy.*
 - **PennAmerican Coal, Inc.**
 1. AVS shows **P. Bruce Hill, President** with a Begin Date of 06/25/01. This information is not in the submittal. *Please address this discrepancy.*
 2. The submittal indicates that **Robert D. Moore** is **President** with a Begin Date of 8/28/07. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
 - **Pennsylvania Transloading, Inc.**
 1. The submittal shows **Paul B. Piccolini** as **President** with a Begin Date of 4/28/06 and 9/01/08. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
 - **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.*

TECHNICAL MEMO

- **TDK Coal Sales, Incorporated**

1. The submittal indicates a Begin Date of 6/01/08 for **James R. Turner, Jr., Treasurer**. The AVS shows a Begin Date of 5/30/08. *Please address this discrepancy.*

- **West Virginia Resources, Inc.**

1. The submittal shows a Begin Date of 12/21/07 for **Charles Shestak, Vice President**. The AVS shows a Begin Date of 10/02/06. *Please address this discrepancy.*

- **Murray American Energy, Inc.**

1. This company is not listed in AVS. *Please address this discrepancy.*

RECOMMENDATION:

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