

**CONSOL ENERGY™**

Consolidation Coal Company

P.O. Box 566

Sesser, IL 62884

Phone: (618) 625-2041

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015/015 Incoming
cc: pam OK

July 30, 2002

Ms. Pamela Grubaugh-Littig, Permit Supervisor
 Utah Coal Regulatory Program
 1594 West North Temple, Suite 1210
 Box 145801
 Salt Lake City, Utah 84114-5801

Re: 4th East Portal Modification
 C/015/015-AM02B

RECEIVED
 AUG 15 2002
 DIVISION OF
 OIL GAS AND MINING

Dear Ms. Grubaugh-Littig:

This letter is to address the ownership and control issues stated in your June 20, 2002 facsimile letter. Discrepancies noted in your review of information submitted as part of Consolidation Coal Company's, "Application for Permit Change" filed May 17, 2002 have been modified to correct this information on the enclosed pages.

We offer the following responses to your inquires of discrepancies following further review of your departments findings:

1. **Page 6 of your package provided Larry W. Hull SSN 224-58-0886. AVS shows 224-58-0886 belong to Buck V. Hyler, Jr., and Larry W. Hull is 232-82-8546. Which one is correct SSN for Larry W. Hull?**

Page 6 has been modified to identify Larry W. Hull's correct SSN of 232-82-8546.

2. **AVS shows the following are officers of Consol Energy, Inc., but these officers were not disclosed in your package (pages 4 through 8)**

Buddy A. Beach as VP begin date 9/30/2000

Dan R. Baker as EVP begin date 9/30/2000

Phillip W. Baxter as DIR begin date 8/1/1999

Bernd J. Breloer as DIR begin date 9/15/1998

Berthold Bonekamp as DIR begin date 7/17/1998

Gary J. Bench as ASC begin date 11/1/1999

If these people are no longer with the company, the company needs to provide us with an end date.

These individuals are listed on page 3 of our package. The page perhaps was misplaced or advertently left out of your review package. Please refer to the enclosed page 3.

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3. **Page 9 of your package indicated Consol Energy, Inc. as 100% SH of Consol of Kentucky, Inc. begin date 1/1/1993. AVS shows Consol Energy, Inc. as 100% SH begin date 1/1/2001. AVS shows that Consol, Inc. as 51% SH begin 1/1/93 ended 1/1/2001, and Consol Energy, Inc. as 49% SH begin 1/1/93 ended 1/1/2001. AVS data was supported by Consol, letter to AVS dated 3/1/02 indicated that Consol, Inc. merged to Consol Energy, Inc. effective 1/1/2001.**

The enclosed page 9 has been modified to delineate the Title effective date of 1/1/2002. This identifies the date of Sole Shareholder Interest of 100%.

The Ownership effective date remains 1/1/1993, the date of Consol Energy Inc. first interest in partial ownership.

4. **Page 11 of your package indicated Consol Energy, Inc. as 100% SH of Consol Pennsylvania Coal Co. begin date 1/1/1993. AVS shows Consol Energy, Inc. as 49% SH begin date 12/31/1992, and Consol, Inc. as 51% SH begin date 12/31/92. It appears that both dates on AVS and your package were wrong. Need verification from the company that when Consol Inc. as 51% SH and Consol Energy Inc as 49% SH of Consol Pennsylvania Coal CO. I believe Consol Energy, Inc. become as 100% SH of Consol Pennsylvania Coal Co. when Consol Inc. merged to Consol Energy, Inc. effective 1/1/2001.**

The enclosed page 11 has been modified to delineate the Title effective date of 1/1/2002. This identifies the date of Sole Shareholder Interest of 100%.

The Ownership effective date remains 1/1/1993, the date of Consol Energy Inc. first interest in partial ownership.

5. **Page 13 of your package indicated Consol Energy, Inc. as 100% SH of Consolidation Coal Co begin date 1/1/1992. AVS shows Consol Energy, Inc. as 100% SH begin date 1/1/2001. AVS also shows that Consol, Inc. as 51% SH begin 1/1/92 ended 1/1/2001, and Consol Energy, Inc. as 49% SH begin 1/1/93 ended 1/1/2001. AVS data was supported by Consol, letter to AVS dated 3/1/02 indicated that Consol, Inc. merged to Consol Energy, Inc. effective 1/1/2001**

The enclosed page 13 has been modified to delineate the Title effective date of 1/1/2002. This identifies the date of Sole Shareholder Interest of 100%.

The Ownership effective date remains 1/1/1992, the date of Consol Energy Inc. first interest in partial ownership.

6. **Page 46 of your package indicated Consolidation Coal Co. EIN as 15-2566594 and page 53 as well as AVS indicated as 13-2566594. Which one is correct EIN for Consolidation Coal Co?**

The enclosed page 46 has been modified to indicate 13-2566594 as the correct EIN for Consolidation Coal Company.

7. **Page 23 of your package indicated IC Coal, Inc. (136379) as 100% SH of Island Creek Coal CO (059450) begin date 3/31/2000. AVS shows Island Creek Corp (113810) as 100% owner begin date 7/26/1985. Consol letter dated 6-13-2000 indicated that Island Creek Corp merged into IC Coal Inc. effective 3/17/2000. Shouldn't the effective date in your package on page 23 be 3/17/2000 instead of 3/31/2000?**

The certificate of ownership was filed on 3-17-2000, but the certificate certifies that the effective date of ownership is the "thirty-first day of March, A.D. 2000".

Copy of the "Certificate of Ownership and Merger" filed with the State of Delaware has been attached for your review.

8. **Page 38 of your package indicated Consol Energy, Inc. as 100% SH of Reserve Coal Properties Co. begin date 1/1/1993. AVS also shows that Consol, Inc. as 51% SH and Consol Energy, Inc. as 49% SH begin 1/1/93. As state above Consol Inc. merged to Consol Energy effective 1/1/2001; therefore Consol Energy Inc as 100% SH of Reserve Coal Properties Co effective date should be the merger effective date, 1/1/2001.**

The enclosed page 38 has been modified to delineate the Title effective date of 1/1/2002. This identifies the date of Sole Shareholder Interest of 100%.

The Ownership effective date remains 1/1/1993, the date of Consol Energy Inc., first interest in partial ownership.

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9. **Page 59 of your package indicated Consol Energy, Inc. as 100% SH of Wolfpen Knob Dev. Co. begin date 1/1/1993. AVS also shows that Consol, Inc. as 51% SH and Consol Energy, Inc. as 49% SH begin 1/1/93. As stated above Consol Inc. merged to Consol Energy effective 1/1/2001; therefore Consol Energy Inc as 100% SH of Wolfpen Knob Dev. Co. should be the merger effective date, 1/1/2001.**

The enclosed page 59 has been modified to delineate the Title effective date of 1/1/2002. This identifies the date of Sole Shareholder Interest of 100%.

The Ownership effective date remains 1/1/1993, the date of Consol Energy Inc. first interest in partial ownership.

If you have any questions concerning our responses, please contact me at this office.

Sincerely,



Timothy D. Kirschbaum
Environmental Engineer
(618) 625-6847

w/ enclosure

cc: S. McCourt, Emery Mine

CERTIFICATE OF OWNERSHIP AND MERGER

MERGING

ISLAND CREEK CORPORATION

INTO

IC COAL, INC.

IC Coal, Inc., a corporation organized and existing under the laws of Delaware,

DOES HEREBY CERTIFY:

FIRST: That this corporation was incorporated on the 1st day of December, 1993, pursuant to the General Corporation Law of the State of Delaware.

SECOND: That this corporation owns all of the outstanding shares of the stock of Island Creek Corporation, a corporation incorporated on the 19th day of November, 1993, pursuant to the General Corporation Law of the State of Delaware.

THIRD: That this corporation, by the following resolutions adopted by unanimous written consent of its members on March 1, 2000, filed with the minutes of the board, determined to merge into itself said Island Creek Corporation:

RESOLVED, that the Agreement of Merger by and between Island Creek Corporation and IC Coal, Inc., whereby Island Creek Corporation is merged into IC Coal, Inc. is hereby approved; and

FURTHER RESOLVED, that the proper officers of this Corporation are hereby authorized and directed to execute such documents and take such actions as they deem appropriate to accomplish such merger.

FOURTH: That IC Coal, Inc., merge, and it hereby does merge into itself, Island Creek Corporation and assumes all of its obligations.

FIFTH: That the merger shall be effective on March 31, 2000.

SIXTH: Anything herein or elsewhere to the contrary notwithstanding, this merger may be amended or terminated and abandoned by the Board of Directors of IC Coal, Inc., at any time prior to the time that this merger being filed with the Secretary of State becomes effective.

IN WITNESS WHEREOF, said IC Coal, Inc., has caused this Certificate to be signed by D. L. Fassio, its Vice President and Secretary this 10th day of March, 2000.

IC COAL, INC.

By: 
D. L. Fassio
Vice President and Secretary

State of Delaware
Office of the Secretary of State

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I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"ISLAND CREEK CORPORATION", A DELAWARE CORPORATION, WITH AND INTO "IC COAL, INC." UNDER THE NAME OF "IC COAL, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE SEVENTEENTH DAY OF MARCH, A.D. 2000, AT 3 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF OWNERSHIP IS THE THIRTY-FIRST DAY OF MARCH, A.D. 2000.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

1793-1847-1907



Edward J. Freel

Edward J. Freel, Secretary of State

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AUTHENTICATION: 0326663

DATE: 03-21-00