Please file in #2 of ACT/015/017, /018 & 019. Copy PAM

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VIA TELECOPY
and
HAND DELIVERED

(801) 359-3049

March 23, 1992

Ms. Pamela Grubaugh-Littig
DIVISION OF OIL, GAS & MINING
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, Utah 84180-1203

RE: Des-Bee-Dove Mine Permit ACT/015/017;
Deer Creek Mine Permit ACT/015/018;
Cottonwood/Wilberg Mine Permit ACT/015/019

Dear Ms. Littig:

As you are aware, PacifiCorp is a corporation qualified to conduct business in the State of Utah and is the permittee of the above-mentioned mine permits. For purposes of name recognition, PacifiCorp has done business in the State of Utah under the names "PacifiCorp Electric Operations" and "Utah Power & Light Company." PacifiCorp has registered these names as "d/b/a's" with the Division of Corporations and Commercial Code pursuant to Utah Code Ann. § 42-2-5, copy enclosed. The name "PacifiCorp," "PacifiCorp Electric Operations" and "Utah Power & Light Company" are used interchangeably in the above-referenced mine permits to reference the permittee. Pursuant to Utah Code Ann. § 42-2-9, copy enclosed, PacifiCorp's use of its true corporate name, rather than the d/b/a's, in no way affects the corporation's ability to carry on, conduct or transact its business under its true corporate name. In addition, PacifiCorp's use of its true corporate name does not constitute a transfer, assignment or sale of permit rights pursuant to R614-303-300, copy enclosed. Finally, PacifiCorp's use of its true corporate name does not affect PacifiCorp's liability for reclamation and enforcement matters under the terms of the mine permits.

To clarify references throughout the above-mentioned mine permit applications to PacifiCorp, PacifiCorp Electric Operations and Utah Power & Light Company, PacifiCorp proposes to file the following statement in the legal/financial chapter of each respective permit application:

LAW OFFICES OF
FABIAN & CLENDENIN
A PROFESSIONAL CORPORATION

PacifiCorp is an Oregon corporation authorized to do business in the State of Utah. PacifiCorp has done business in the State of Utah as "PacifiCorp Electric Operations" and as "Utah Power & Light Company." References throughout this mining and reclamation plan to "PacifiCorp Electric Operations" and/or "Utah Power & Light Company" should be understood to refer to PacifiCorp, the true corporate name of the permittee hereunder.

Please give me a call if you have further questions concerning this matter.

Very truly yours,

Denise A. Dragoo

DAD:jmc
Enclosures
cc: Tom Mitchell, Esq.
William Hanson, Esq.
Blake Webster
Val Payne

40-10-11(2)(e)(ii) of the Act, the portion of the application for renewal of the permit that addresses new land areas previously identified in the reclamation plan for the original permit will not be subject to the standards contained in sections 40-10-11(2)(e)(i) and (ii) of the Act and R614-302-320.

234. Renewal Term. Any permit renewal will be for a term not to exceed the period of the original permit established under R614-300-150.

235. Notice of Decision. The Division will send copies of its decision to the applicant, to each person who filed comments or objections on the renewal, to each party to any informal conference held on the permit renewal, and to the Office.

236. Administrative and Judicial Review. Any person having an interest which is or may be adversely affected by the decision of the Division will have the right to administrative and judicial review set forth in R614-300-200.

R614-303-300. 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 R614-301-100 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 R614-301-800.

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 R614-303-322.

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 R614-300-132 and R614-300-133;

342. Has submitted a performance bond or other guarantee, or obtained the bond coverage of the original permittee, as required by R614-301-800; 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 R614-200, R614-300, R614-301, R614-302-100 through R614-302-290, R614-302-310, R614-302-320, and R614-303.

1990 40-10-1 et seq.

R614-400. Inspection and Enforcement: Division Authority and Procedures.

R614-400-100. General Information on Authority and Procedures.
R614-400-200. Information Related to Inspections.
R614-400-300. Provisions of State Enforcement.

R614-400-100. General Information on Authority and Procedures.

110. Right of Entry.

111. Within the State of Utah, Division representatives may enter upon and through any coal exploration or coal mining and reclamation operation without advance notice upon presentation of appropriate credentials. No search warrant will be required, except that the State may provide for its use with respect to entry into a building.

112. Division representatives may inspect monitoring equipment or method of exploration or operation and have access to and may copy records required under the approved State Program. Division representatives may exercise these rights at reasonable times, without advance notice, upon presentation of appropriate credentials. No search warrant will be required, except that the State may provide for its use with respect to entry into a building.

120. Enforcement Authority. Nothing in the Federal Act or the State Program will be construed as eliminating any additional enforcement rights or procedures which are available under State law to the Division, but which are not specifically enumerated in Sections 40-10-20 and 40-10-22 of the Act.

130. Inspection Program.

131. The Division will conduct an average of at least one partial inspection per month of each active coal mining and reclamation operation under its jurisdiction, and will conduct a partial inspection of each inactive coal mining and reclamation operation under its jurisdiction as are necessary to ensure effective enforcement of the State Program. A partial inspection is an onsite or aerial review of a person's compliance with some of the permit conditions and requirements imposed under the State Program.

132. The Division will conduct an average of at least one complete inspection per calendar quarter of each active or inactive coal mining and reclamation operation under its jurisdiction. A complete inspection is an onsite review of a person's compliance with all permit conditions and requirements imposed under the State Program, within the entire area disturbed or affected by the coal mining and reclamation operation.

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ARTICLE IX

Existing Statutes Not Repealed

Section 1. All existing statutes prescribing weight and size standards and all existing statutes relating to special permits shall continue to be of force and effect until amended or repealed by law.

ARTICLE X

State Government Departments Authorized to Cooperate with Cooperating Committee

Section 1. Within appropriations available therefor, the departments, agencies and officers of the government of this state shall cooperate with and assist the cooperating committee within the scope contemplated by article IV, section 1(a) and (b) of the agreement. The departments, agencies and officers of the government of this state are authorized generally to cooperate with said cooperating committee. 1983

CHAPTER 24

NONRESIDENT VIOLATOR COMPACT

(Repealed by Laws 1981, ch. 137, § 77.)

41-24-1 to 41-24-9. Repealed.

CHAPTER 25

VICTIM RESTITUTION

Section

41-25-1. Fee imposed against violator for victim restitution — Collection and deposit [Repealed effective January 1, 1992].

41-25-2 to 41-25-8. Repealed.

41-25-1. Fee imposed against violator for victim restitution — Collection and deposit [Repealed effective January 1, 1992].

(1) A fee of $100 shall be imposed against each person who violates Section 41-6-44, or an ordinance that complies with the requirements of Subsection 41-6-43(1), or Section 76-5-207, or a section establishing a criminal prohibition that the person was charged with violating as a result of a plea bargain after having been originally charged with violating one or more of those sections or ordinances, in addition to any fines and any other fees imposed, and shall be collected by the court.

(2) The funds generated by fees collected under this section shall be deposited in the Crime Victims' Reparations Expendable Trust Fund under Chapter 63, Title 63. 1986

41-25-2 to 41-25-8. Repealed. 1987

TITLE 42

NAMES

Chapter

1. Change of Name.
2. Conducting Business Under Assumed Name.
3. Registration of Farm Names.

CHAPTER 1

CHANGE OF NAME

Section

42-1-1. By petition to district court — Contents.
42-1-2. Notice of hearing — Order of change.
42-1-3. Effect of proceedings.

42-1-1. By petition to district court — Contents.

Any natural person, desiring to change his name, may file a petition therefor in the district court of the county where he resides, setting forth:

(1) The cause for which the change of name is sought.

(2) The name proposed.

(3) That he has been a bona fide resident of the county for the year immediately prior to the filing of the petition. 1953

42-1-2. Notice of hearing — Order of change.

The court shall order what, if any, notice shall be given of the hearing, and after the giving of such notice, if any, may order the change of name as requested, upon proof in open court of the allegations of the petition and that there exists proper cause for granting the same. 1953

42-1-3. Effect of proceedings.

Such proceedings shall in no manner affect any legal action or proceeding then pending, or any right, title or interest whatsoever. 1953

CHAPTER 2

CONDUCTING BUSINESS UNDER ASSUMED NAME

Section

42-2-1 to 42-2-4. Repealed.
42-2-5. Certificate of assumed and of true name — Contents — Execution — Filing.
42-2-6. Change in persons transacting business under assumed name.
42-2-6.5. Repealed.
42-2-6.6. Assumed name.
42-2-7. Index — Fees — Evidence.
42-2-8. Expiration of filing — Notice — Removal from active index.
42-2-9. Corporate names and trademark, service mark, and trade name rights not affected.
42-2-10. Penalties.
42-2-11. Persons doing business under assumed name to have registered office and registered agent — Penalties.

42-2-1 to 42-2-4. Repealed. 1953

42-2-5. Certificate of assumed and of true name — Contents — Execution — Filing.

(1) Every person who carries on, conducts, or transacts business in this state under an assumed name, whether that business is carried on, conducted, or transacted as an individual, association, partnership, corporation, or otherwise, shall file with the Division of Corporations and Commercial Code a certificate setting forth:

(a) the name under which the business is, or is to be carried on, conducted, or transacted, and the full true name, or names, of the person owning, and the person carrying on, conducting, or transacting the business;

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(b) the location of the principal place of business, and the street address of the person.

(2) The certificate shall be executed by the person owning, and the person carrying on, conducting, or transacting the business, and shall be filed not later than 30 days after the time of commencing to carry on, conduct, or transact the business.

(3) "Filed" means the Division of Corporations and Commercial Code has received and approved, as to form, a document submitted under the provisions of this chapter, and has marked on the face of the document a stamp or seal indicating the time of day and date of approval, the name of the division, the division director's signature and division seal, or facsimiles of the signature or seal. 1990

42-2-6. Change in persons transacting business under assumed name.

An amended certificate shall be filed with the Division of Corporations and Commercial Code not later than 30 days after any change in the person or persons owning, carrying on, conducting, or transacting such business or a change in the registered agent or office of the business or in any information required to be filed with the Division of Corporations and Commercial Code under this act. 1984

42-2-6.5. Repealed. 1985

42-2-6.6. Assumed name.

(1) The assumed name:

(a) may not contain any word or phrase that indicates or implies that the business is organized for any purpose other than one or more of the purposes contained in its application;

(b) shall be distinguishable from any registered name or trademark of record in the offices of the Division of Corporations and Commercial Code, as defined in Subsection 16-10-7(6), except as authorized by the Division of Corporations and Commercial Code pursuant to Subsection (2); and

(c) may not, without the written consent of the United States Olympic Committee, contain the words "Olympic," "Olympiad," or "Citius Altius Fortius."

(2) The Division of Corporations and Commercial Code shall authorize the use of the name applied for if the name is distinguishable from one or more of the names and trademarks that are on the division's records, or if the applicant delivers to the division a certified copy of the final judgment of a court of competent jurisdiction establishing the applicant's right to use the name applied for in this state.

(3) The assumed name, for purposes of recordation, shall be either translated into English or transliterated into letters of the English alphabet if it is not in English.

(4) The Division of Corporations and Commercial Code may not approve an application for an assumed name to any person violating the provisions of this section.

(5) The director of the Division of Corporations and Commercial Code shall have the power and authority reasonably necessary to interpret and efficiently administer this section and to perform the duties herein imposed upon the division by this section.

(6) A name which implies by any word in the name that it is an agency of the state or of any of its political subdivisions, if it is not actually such a legally established agency, may not be approved for filing by the Division of Corporations and Commercial Code.

(7) The provisions of Section 16-10-148 apply to this chapter. 1991

42-2-7. Index — Fees — Evidence.

(1) The Division of Corporations and Commercial Code shall:

(a) keep an active alphabetical index of all persons filing the certificates provided for in this chapter; and

(b) collect the required indexing and filing fees.

(2) A copy of any such certificate certified by the Division of Corporations and Commercial Code shall be presumptive evidence of the facts contained in the certificate. 1988

42-2-8. Expiration of filing — Notice — Removal from active index.

A filing under this chapter shall be effective for a period of three years from the date of filing. At the expiration of that period, if no new filing is made by or on behalf of the person who made the original filing, the Division of Corporations and Commercial Code shall send a notice by regular mail, postage prepaid, to the address shown in the filing indicating that it has expired. If no new filing is made within 30 days after the date of mailing the notice, the Division of Corporations and Commercial Code shall remove the name from the active alphabetical index, and place it on a permanent inactive alphabetical index. 1987

42-2-9. Corporate names and trademark, service mark, and trade name rights not affected.

This chapter shall in no way affect or apply to any corporation duly organized under the laws of this state or under the laws of any other state, which shall carry on, conduct or transact its business under its true corporate name nor shall this chapter in any way affect the statutory or common law trademark, service mark, or trade name rights granted by state or federal statute. 1977

42-2-10. Penalties.

Any person who carries on, conducts, or transacts business under an assumed name without having complied with the provisions of this chapter, and until the provisions of this chapter are complied with:

(1) shall not sue, prosecute, or maintain any action, suit, counterclaim, cross complaint, or proceeding in any of the courts of this state; and

(2) may be subject to a penalty in the form of a late filing fee determined by the division director in an amount not to exceed three times the fees charged under Section 42-2-7 and established under Subsection 63-38-3(2). 1991

42-2-11. Persons doing business under assumed name to have registered office and registered agent — Penalties.

(1) (a) Any person conducting or transacting business in this state under an assumed name under this chapter shall, for service of process purposes, comply with and be subject to Sections 16-10-11, 16-10-12 and 16-10-13, as though he were a corporation.

(b) If the person conducting business or transacting business in this state under an assumed name under this chapter is a foreign corporation, it must be qualified to conduct or transact business under the provisions of Sections 16-10-102 through 16-10-111.

(2) If a person fails to maintain a registered office or registered agent as required by Sections 16-10-11 and 16-10-12, the Division of Corporations and Com-