

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

XINERGY OF ALABAMA, INC.

COAL VALLEY MINE, P-3923

ALABAMA SURFACE MINING COMMISSION

SURFACE MINING PERMIT APPLICATION

P A R T I

Prepared by:

MCGEHEE ENGINEERING CORP.

P. O. Box 3431
450 19th Street West
Jasper, Alabama 35502-3431
Telephone: (205) 221-0686
Fax: (205) 221-7721

STATE OF ALABAMA SURFACE MINING COMMISSION

- Renewal Application for a Surface Coal Mine
 Renewal Application for an Underground Coal Mine
 Renewal Application for a Preparation Facility

PART I A. IDENTIFICATION

1. PERMIT APPLICANT

Name: Xinergy of Alabama, Inc.
Street Address: 2361 Cumberland Lake Drive
City: Pinson State: AL Zip: 35126
Mailing Address: 2361 Cumberland Lake Drive
City: Pinson State: AL Zip: 35126
Telephone Number: (205) 590-4245
Social Security Number(Voluntary): - - -
Employer Identification Number: _____
ASMC License#: L-795

2. ENTITY OR PERSON RESPONSIBLE FOR PAYING ABANDONED MINE LAND RECLAMATION FEES

Name: Xinergy of Alabama, Inc.
Street Address: 2361 Cumberland Lake Drive
City: Pinson State: AL Zip: 35126
Mailing Address: 2361 Cumberland Lake Drive
City: Pinson State: AL Zip: 35126
Telephone Number: (205) 590-4245
Social Security Number(Voluntary): - - -
Employer Identification Number: _____
ASMC License#: L-795

3. IDENTIFY THE OPERATOR FOR THIS MINE IF DIFFERENT FROM THE PERMITTEE

Name: SAME AS PERMITTEE
Street Address: _____
City: _____ State: _____ Zip: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone Number: () - - - - -
Social Security Number(Voluntary): - - -
Employer Identification Number: _____
ASMC License#: _____

4. CONTACT PERSON FOR PERMIT REVIEW ISSUES AND CORRESPONDENCE

Name: McGehee Engineering, Corp.
Mailing Address: P. O. Box 3431, 450 19th Street West
City: Jasper State: AL Zip: 35502
Telephone Number: (205) 221-0686
Email Address: jwhitlock@mcgehee.org

PART I B. OWNERSHIP AND CONTROL

1. PERMIT APPLICANT OWNERSHIP AND CONTROL.

At the time of filing of this application provide an update of all information contained in the applicant's license file or certify that the information contained in the license is accurate and complete. The updated information shall be submitted on Part I A through Part I F of the License application form. Check one of the following:

A license update is included.

Information contained in the license file is accurate and complete at the time of filing of this application.
No update is included.

Following notification that the permit appears eligible for issuance, the applicant must certify that all information in this application and the license file pertaining to ownership and control, surface mining history and violation history is still valid or the applicant must submit the appropriate update information.

2. OPERATOR OWNERSHIP AND CONTROL.

If someone other than the permittee has been identified as the operator under this permit, an update of the ownership and control information contained in the operator's license file must be provided or certify that the information contained in the license file is accurate and complete. The updated information shall be submitted on Part I A through Part I F of the License application form. Check one of the following:

A license update is included.

Information contained in the license file is accurate and complete at the time of filing of this application.
No update is included.

Following notification that the permit appears eligible for issuance, the applicant must certify that all information in this application and the license file pertaining to ownership and control, surface mining history and violation history is still valid or the applicant must submit the appropriate update information.

3. CONTROL OF MINING OPERATION THROUGH CONTROL OF COAL TO BE MINED.

Provide the information below for any person or entity who owns or controls the coal to be mined under this permit and who, by lease, sublease, or other contract:

- A. has the right to receive the coal after mining, or,
- B. has the authority to determine the manner in which the operator or permittee conducts surface coal mining operations.

(USE ADDITIONAL SHEETS IN THE FORMAT BELOW IF NECESSARY)

Name: Xinergy of Alabama, Inc.
Street Address: 2361 Cumberland Lake Drive
City: Pinson State: AL Zip: 35126
Mailing Address: 2361 Cumberland Lake Drive
City: Pinson State: AL Zip: 35126
Telephone Number: (205) 590-4245
Social Security Number(Voluntary): - -
Employer Identification Number: _____
ASMC License#: L-795

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS

1. OWNERSHIP OF PROPERTY TO BE MINED AND RIGHT OF ENTRY.

INSTRUCTIONS:

Show the property ownership boundaries of each parcel of land in the permit area on the permit map or an overlay of the same scale as the permit map. If the surface estate is severed from the mineral estate, show and describe the ownership of each estate separately. In the spaces below, identify:

1. Every current legal or equitable owner(s) of record (as found in a standard search of title) of the property;
2. The holders of record of any leasehold interest in the property; and,
3. Any purchaser of record under a real estate contract of the property.

Describe the basis of the applicant's legal right to enter and mine on all properties contained in the permit application. If the mineral estate has been severed from the surface estate, describe the basis of the legal right to enter and mine both the surface and mineral separately. Give the nature of such right (i.e. lease, deed, contract, etc.), where recorded, describe from whom, to whom, and the date executed, and whether that right is the subject of pending litigation.

USE ADDITIONAL SHEETS IN THE FORMAT BELOW AS NECESSARY

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS

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Legal description of property or permit map symbol: S-1, M-6, F-1

SEE PERMIT MAP

Surface/Mineral/or Fee Simple (both): SURFACE, MINERAL & FEE

Legal owner(s) of record: SCHOOL INDEMNITY LANDS

Address: 501 DEXTER AVE. City: MONTGOMERY State: AL Zip: 36106

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: AL Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes,explain
LEASE	SCHOOL INDEMNITY LANDS	XINERGY OF ALABAMA, INC.	PENDING	NO

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: S-18

SEE PERMIT MAP

Surface/Mineral/or Fee Simple (both): SURFACE

Legal owner(s) of record: THOMAS THERON & FLORENCE GRACE C/O HANSEL GRACE

Address: 3054 BOARDWALK CIRCLE City: JASPER State: AL Zip: 35504

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: AL Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes,explain
LEASE	THOMAS THERON & FLORENCE GRACE	XINERGY OF ALABAMA, INC.	PENDING	NO

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: S-19

SEE PERMIT MAP

Surface/Mineral/or Fee Simple (both): SURFACE

Legal owner(s) of record: DON & MAJORIE GENTRY

Address: 2050 ORIOLE DRIVE City: AUBURN State: AL Zip: 36830

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: AL Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes,explain
LEASE	DON & MAJORIE GENTRY	XINERGY OF ALABAMA, INC.	PENDING	NO

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: _____ S-21 _____
SEE PERMIT MAP
 Surface/Mineral/or Fee Simple (both): _____ SURFACE _____
 Legal owner(s) of record: JOHN MICHAEL PICKENS & THOMAS WAYNE PICKENS (25% INT.)
 Address: 221 PORTSMOUTH COVE City: LONGWOOD State: FL Zip: 32779
 Holders of leasehold interest: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Purchasers under a real estate contract: _____
 Address: _____ City: _____ State: _____ Zip: _____
Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes,explain
LEASE	JOHN MICHAEL PICKENS & THOMAS WAYNE PICKENS	XINERGY OF ALABAMA, INC.	03-28-13	NO

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: _____ S-21 _____
SEE PERMIT MAP

Surface/Mineral/or Fee Simple (both): _____ SURFACE _____

Legal owner(s) of record: MABEL MCCOY, JANE E. REDING, AND DAVID E. MCCOY (25% INT.)

Address: 131 WEATHERLY WAY City: PELHAM State: AL Zip: 35124

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain
LEASE	MABEL MCCOY, JANE E. REDING, AND DAVID E. MCCOY	XINERGY OF ALABAMA, INC.	03-28-13	NO

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: _____ S-21 _____

SEE PERMIT MAP

Surface/Mineral/or Fee Simple (both): _____ SURFACE _____

Legal owner(s) of record: RODNEY MCCOY, ROBERT E. MCCOY, AND RONALD MCCOY (22.22% INT.)

Address: 255 HIGHWAY 195 City: JASPER State: AL Zip: 35503

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain
LEASE	RODNEY MCCOY, ROBERT E. MCCOY, AND RONALD MCCOY	XINERGY OF ALABAMA, INC.	03-28-13	NO

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: _____ S-21 _____
SEE PERMIT MAP
 Surface/Mineral/or Fee Simple (both): _____ SURFACE _____
 Legal owner(s) of record: XINERGY OF ALABAMA, INC. (19.44% INT.)
 Address: 2361 CUMBERLAND LAKE DRIVE City: PINSON State: AL Zip: 35126
 Holders of leasehold interest: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Purchasers under a real estate contract: _____
 Address: _____ City: _____ State: _____ Zip: _____
Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain
REVERSIONARY DEED	TIMOTHY D. MCCOY	XINERGY OF ALABAMA, INC.	03-29-13	NO

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: _____ S-21 _____
SEE PERMIT MAP
 Surface/Mineral/or Fee Simple (both): _____ SURFACE _____
 Legal owner(s) of record: RUBY MCCOY c/o SANDY RAMONELL (5.55% INT.)
 Address: 1324 HIGHPOINT TERRACE City: BIRMINGHAM State: AL Zip: 35235
 Holders of leasehold interest: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Purchasers under a real estate contract: _____
 Address: _____ City: _____ State: _____ Zip: _____
Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes,explain
LEASE	RUBY MCCOY c/o SANDY RAMONELL	XINERGY OF ALABAMA, INC.	03-28-13	NO

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: _____ S-21 _____

SEE PERMIT MAP

Surface/Mineral/or Fee Simple (both): _____ SURFACE _____

Legal owner(s) of record: HEIRS OF JAMES E. MCCOY c/o LIZA MCCOY (2.78% INT.)

Address: BLK 9 FLORA ROAD APT. 06-05 AVILA GARDENS City: LOYANG State: SINAGPORE
Zip: 509737

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain
LEASE	HEIRS OF JAMES E. MCCOY c/o LIZA MCCOY	XINERGY OF ALABAMA, INC.	03-28-13	NO

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

Legal description of property or permit map symbol: _____ **S-23A** _____
SEE PERMIT MAP
 Surface/Mineral/or Fee Simple (both): _____ **SURFACE** _____
 Legal owner(s) of record: _____ **STEVE & LINDA JOHNSON** _____
 Address: **1400 7TH AVE** City: **JASPER** State: **AL** Zip: **35501**
 Holders of leasehold interest: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Purchasers under a real estate contract: _____
 Address: _____ City: _____ State: _____ Zip: _____
Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain
LEASE	STEVE & LINDA JOHNSON	XINERGY OF ALABAMA, INC.	10-14-08	NO

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: _____ **S-26** _____
SEE PERMIT MAP
 Surface/Mineral/or Fee Simple (both): _____ **SURFACE** _____
 Legal owner(s) of record: _____ **BURVEL LOLLEY** _____
 Address: _____ **181 MOUNTAIN VALLEY ROAD** _____ City: _____ **OAKMAN** _____ State: _____ **AL** _____ Zip: _____ **35579** _____
 Holders of leasehold interest: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Purchasers under a real estate contract: _____
 Address: _____ City: _____ State: _____ Zip: _____
Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain
LEASE	BURVEL LOLLEY	XINERGY OF ALABAMA, INC.	PENDING	NO

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: _____ S-27 _____
SEE PERMIT MAP
 Surface/Mineral/or Fee Simple (both): _____ SURFACE _____
 Legal owner(s) of record: _____ LINDA DRAPER _____
 Address: 250 KING MANASCO ROAD City: TOWNLEY State: AL Zip: 35582
 Holders of leasehold interest: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Purchasers under a real estate contract: _____
 Address: _____ City: _____ State: _____ Zip: _____
Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain
LEASE	LINDA DRAPER	XINERGY OF ALABAMA, INC.	04-04-13	NO

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: _____ S-28 _____
SEE PERMIT MAP

Surface/Mineral/or Fee Simple (both): _____ SURFACE _____

Legal owner(s) of record: _____ LOVELY LAND LLC _____

Address: _____ 9021 FORRESTAL DRIVE _____ City: _____ JASPER _____ State: _____ AL _____ Zip: _____ 35504 _____

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes,explain
LEASE	LOVLEY LAND LLC	XINERGY OF ALABAMA, INC.	PENDING	NO

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: _____ S-32
SEE PERMIT MAP
 Surface/Mineral/or Fee Simple (both): _____ SURFACE
 Legal owner(s) of record: _____ WILLIAM R. STEPHENSON ETAL
 Address: _____ 244 SHARD TRAIL City: _____ MOUNTAIN HOME State: _____ AR Zip: _____ 72653
 Holders of leasehold interest: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Purchasers under a real estate contract: _____
 Address: _____ City: _____ State: _____ Zip: _____
Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes,explain
LEASE	WILLIAM R. STEPHENSON	XINERGY OF ALABAMA, INC.	PENDING	NO

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: _____ S-38 _____
SEE PERMIT MAP
 Surface/Mineral/or Fee Simple (both): _____ SURFACE _____
 Legal owner(s) of record: _____ JOHNNY V. SELF _____
 Address: _____ P. O. BOX 37 _____ City: _____ TOWNLEY _____ State: _____ AL _____ Zip: _____ 35587 _____
 Holders of leasehold interest: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Purchasers under a real estate contract: _____
 Address: _____ City: _____ State: _____ Zip: _____
Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain
LEASE	JOHNNY V. SELF	XINERGY OF ALABAMA, INC.	PENDING	NO

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: S-40, F-4
SEE PERMIT MAP

Surface/Mineral/or Fee Simple (both): SURFACE

Legal owner(s) of record: UNIVERSITY OF ALABAMA

Address: UNIVERSITY BLVD City: TUSCALOOSA State: AL Zip: 35401

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain
LEASE	UNIVERSITY OF ALABAMA	XINERGY OF ALABAMA, INC.	PENDING	NO

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

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Legal description of property or permit map symbol: _____ S-49 _____
SEE PERMIT MAP
 Surface/Mineral/or Fee Simple (both): _____ SURFACE _____
 Legal owner(s) of record: _____ M. J. PROPERTIES, LLC _____
 Address: 701 19TH STREET EAST City: JASPER State: AL Zip: 35501
 Holders of leasehold interest: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Purchasers under a real estate contract: _____
 Address: _____ City: _____ State: _____ Zip: _____
Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain
LEASE	M. J. PROPERTIES, LLC	XINERGY OF ALABAMA, INC.	10-14-08	NO

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: S-12, F-5, M-3

SEE PERMIT MAP

Surface/Mineral/or Fee Simple (both): FEE, MINERAL

Legal owner(s) of record: SIMMONS GROUP LTD C/O CLEVELAND INC.

Address: P. O. BOX 130 City: JASPER State: AL Zip: 35502

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain
LEASE	SIMMONS GROUP LTD	XINERGY OF ALABAMA, INC.	10-14-08	NO

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

Legal description of property or permit map symbol: _____ M-2 _____

SEE PERMIT MAP

Surface/Mineral/or Fee Simple (both): _____ MINERAL _____

Legal owner(s) of record: _____ RGGS LAND AND MINERALS _____

Address: _____ 909 FANNIN ST. STE. #2600 _____ City: _____ HOUSTON _____ State: _____ TX _____ Zip: _____ 77010 _____

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain
PENDING	RGGS LAND AND MINERALS	XINERGY OF ALABAMA, INC.	PENDING	NO

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

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Legal description of property or permit map symbol: _____ M-4 _____
SEE PERMIT MAP

Surface/Mineral/or Fee Simple (both): _____ MINERAL _____

Legal owner(s) of record: _____ HOWARD BROOKS C/O SHIRLEY ODOM _____
 Address: _____ P. O. BOX 632381 _____ City: _____ NACOGDOCHES _____ State: _____ TX _____ Zip: _____ 75963 _____

Holders of leasehold interest: _____
 Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____
 Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes,explain
LEASE	HOWARD BROOKS	XINERGY OF ALABAMA, INC.	PENDING	NO

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

2. OWNERSHIP OF SURFACE AND MINERAL LANDS CONTIGUOUS TO THE AREA TO BE MINED.
INSTRUCTIONS:

Provide the information below for the owners of record of all surface and mineral properties contiguous to any part of the proposed permit area.

USE ADDITIONAL SHEETS IN THE FORMAT BELOW AS NECESSARY

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Page 1 of 3
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Name: SCHOOL INDEMNITY LANDS

Address: 501 DEXTER AVE

City: MONTGOMERY State: AL Zip: 36106

Interest owned (Surface, Coal or Fee Simple): SURFACE, MINERAL & FEE

Type of Interest (Owner, Lease, or Other): OWNER

Name: SIMMONS CHILDREN'S TRUST C/O PATRICIA S. BRADSHAW

Address: 11925 PARKLAND CT

City: FAIRFAX State: VA Zip: 22033

Interest owned (Surface, Coal or Fee Simple): SURFACE

Type of Interest Owner, Lease, or Other): OWNER

Name: SIMMONS GROUP LTD C/O CLEVELAND INC.

Address: P. O. BOX 130

City: JASPER State: AL Zip: 35502

Interest owned (Surface, Coal or Fee Simple): SURFACE, MINERAL & FEE

Type of Interest Owner, Lease, or Other): OWNER

Name: THOMAS THERON & FLORENCE GRACE C/O HANSEL GRACE

Address: 3054 BOARDWALK CIRCLE

City: JASPER State: AL Zip: 35504

Interest owned (Surface, Coal or Fee Simple): SURFACE

Type of Interest Owner, Lease, or Other): OWNER

Name: DON & MAJORIE GENTRY

Address: 2050 ORIOLE DRIVE

City: AUBURN State: AL Zip: 36830

Interest owned (Surface, Coal or Fee Simple): SURFACE

Type of Interest (Owner, Lease, or Other): OWNER

Name: MALCOLM HOYT PICKENS C/O THOMAS W. PICKENS

Address: 221 PORTMOUTH COVE

City: LONGWOOD State: FL Zip: 32779

Interest owned (Surface, Coal or Fee Simple): SURFACE

Type of Interest (Owner, Lease, or Other): _____

Name: STEVE & LINDA JOHNSON

Address: 1400 7TH AVE

City: JASPER State: AL Zip: 35501

Interest owned (Surface, Coal or Fee Simple): SURFACE

Type of Interest (Owner, Lease, or Other): _____

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

2. OWNERSHIP OF SURFACE AND MINERAL LANDS CONTIGUOUS TO THE AREA TO BE MINED.
INSTRUCTIONS:

Provide the information below for the owners of record of all surface and mineral properties contiguous to any part of the proposed permit area.

USE ADDITIONAL SHEETS IN THE FORMAT BELOW AS NECESSARY

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Name: BURVEL LOLLEY
Address: 181 MOUNTAIN VALLEY ROAD
City: OAKMAN State: AL Zip: 35579
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease, or Other): OWNER

Name: LOVLEY LAND LLC
Address: 9021 FORRESTAL DRIVE
City: TUSCALOOSA State: AL Zip: 35406
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest Owner, Lease, or Other): OWNER

Name: WILLIAM R. STEPHENSON
Address: 244 SHARD TRAIL
City: MOUNTAIN HOME State: AR Zip: 72653
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease, or Other): OWNER

Name: JOHNNY V. SELF
Address: P. O. BOX 37
City: TOWNLEY State: AL Zip: 35587
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease, or Other): _____

Name: UNIVERSITY OF ALABAMA
Address: UNIVERSITY BLVD
City: TUSCALOOSA State: AL Zip: 35401
Interest owned (Surface, Coal or Fee Simple): SURFACE & FEE
Type of Interest (Owner, Lease, or Other): OWNER

Name: M. J. PROPERTIES, LLC
Address: 701 19TH ST EAST
City: JASPER State: AL Zip: 35501
Interest owned (Surface, Coal or Fee Simple): SURFACE
Type of Interest (Owner, Lease, or Other): _____

Name: USX RGGG LAND & MINERAL
Address: 909 FANNIN ST STE #2600
City: HOUSTON State: TX Zip: 77010
Interest owned (Surface, Coal or Fee Simple): MINERAL
Type of Interest (Owner, Lease, or Other): OWNER

PART I C. (CONTINUED)

2. OWNERSHIP OF SURFACE AND MINERAL LANDS CONTIGUOUS TO THE AREA TO BE MINED.
INSTRUCTIONS:

Provide the information below for the owners of record of all surface and mineral properties contiguous to any part of the proposed permit area.

USE ADDITIONAL SHEETS IN THE FORMAT BELOW AS NECESSARY

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Page 3 of 3
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Name: HOWARD BROOKS C/O SHIRLEY ODOM
Address: P. O. BOX 632381
City: NACOGDOCHES State: TX Zip: 75963
Interest owned (Surface, Coal or Fee Simple): MINERAL
Type of Interest Owner, Lease, or Other): OWNER

Name: LAND ENERGY INC.
Address: P. O. BOX 581
City: JASPER State: AL Zip: 35502
Interest owned (Surface, Coal or Fee Simple): MINERAL
Type of Interest (Owner, Lease, or Other): _____

Name: JERRY L. GARDNER
Address: P. O. BOX 2459
City: JASPER State: AL Zip: 35502
Interest owned (Surface, Coal or Fee Simple): MINERAL
Type of Interest Owner, Lease, or Other): OWNER

PART I C. (CONTINUED)

3. INTERESTS OR PENDING INTERESTS IN LANDS CONTIGUOUS TO THE PERMIT AREA.
INSTRUCTIONS:

THE APPLICANT HAS NO INTEREST IN ANY LANDS OR CONTIGUOUS LAND
OTHER THAN THE PERMITTED AREA.

Give the legal description of all lands contiguous to the permit area for which the permit applicant:

1. Holds an interest,
2. Holds an option, or
3. Has made a bid for ownership, lease or other interest.

USE ADDITIONAL SHEETS IN THE FORMAT BELOW AS NECESSARY

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Legal description: _____

Describe the nature of the interest: _____

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Legal Description: _____

Describe the nature of the interest: _____

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Legal description: _____

Describe the nature of the interest: _____

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PART I D. PERMIT AREA INFORMATION

1. Give the requested term of this permit: 5 years.
2. Give the legal description of the land upon which the applicant proposes to conduct surface coal mining operations. List each quarter-quarter section, section, township, range, and county.

SE/SE, SW/SE, SE/SW of Section 25, SE/SE, SW/SE, NW/SE, NE//SW, SE/SW, SW/SW, NW/ SW, SW/NW, SE/NW of Section 26, SE/SE, NE/SE, SE/NE of Section 27, NW/NW, NE/NW, SE/NW, SW/NW, NE/SW, NW/SE, SW/SE, SE/SE, NE/SE, SE/NE, NE/NE, NW/NE, SW/NE of Section 35, NW/NW, NE/NW, SE/NW, SW/NW, NW/SW, NE/SW, SE/SW, SW/SW, NW/SE, SE/SE, NE/SE, SW/SE, SW/NE, SE/NE, NE/NE, NW/NE of Section 36, Township 14 South, Range 9 West, NE/NE, SE/NE, SW/NE, NW/NE, NE/NW, SE/NW, SW/NW, NW/NW of Section 1, NE/NE SE/NE, SW/NE, NW/NE of Section 2, Township 15 South, Range 9 West, all in Walker County, Alabama.

3. Give the acreage of the permit, each increment and the type of bonding.
- a. Total permit acreage: 1,225.0 acres

b. Give the acreage and type of bond for each mining increment:

<u>Increment</u>	<u>Acres</u>	<u>Type Bond Proposed</u>
1.	672.0	Certificate of Deposit
2.	181.0	Certificate of Deposit
3.	67.0	Certificate of Deposit
4.	88.0	Certificate of Deposit
5.	214.0	Certificate of Deposit
6.	3.0	Certificate of Deposit

c. Identify the increment(s) on which mining will initially begin upon issuance of this permit: Inc. No. 1, 4, and 6

4. Has any acreage in the proposed permit area been previously disturbed by mining? (XX) YES () NO

If yes, supply the following for any and all previously disturbed areas:

a. Show the boundaries of the previously disturbed area(s) on the permit map and identify with an appropriate symbol.

SEE PERMIT MAP

b. List, for each area, the permit number under which it was disturbed and the number of acres. Indicate the status of each permit as Unreleased, Grading released, or 100% released.(If no permit, indicate as such)

<u>Permit</u>	<u>Acres</u>	<u>Status</u>
<u>P-3205</u>	<u>181.0</u>	<u>100 % Released</u>
<u>P-3313</u>	<u>76.0</u>	<u>100 % Released</u>
<u>P-3418</u>	<u>21.0</u>	<u>100 % Released</u>
<u>P-3434</u>	<u>116.0</u>	<u>100 % Released</u>
<u>N/A</u>	<u>332.0</u>	<u>Pre-Law</u>

5. Is disturbance to be conducted within 300 feet, measured horizontally, from an occupied dwelling?
() YES (XX) NO.

If YES, attach a signed waiver from the owner of the dwelling indicating the minimum distance disturbance will be allowed by the owner.

**XINERGY OF ALABAMA, INC.
COAL VALLEY MINE, P-3923**

PUBLIC NOTICE FILING OF PERMIT APPLICATION

In accordance with the provision of Act No. 81-435 of the State of Alabama and the regulations promulgated under this act, Xinergy of Alabama, Inc., 2361 Cumberland Lake Drive, Pinson, AL 35126 is filing an application to renew its Coal Valley Mine (P-3923), Surface Mine. Access to the mine is as follows:

From the intersection of Pleasant Hill Road and Coal Valley Road in Townley travel west on the Pleasant Hill Road Approx. 1.5 miles to the mine entrance on the left.

SE/SE, SW/SE, SE/SW of Section 25, SE/SE, SW/SE, NW/SE, NE//SW, SE/SW, SW/SW, NW/ SW, SW/NW, SE/NW of Section 26, SE/SE, NE/SE, SE/NE of Section 27, NW/NW, NE/NW, SE/NW, SW/NW, NE/SW, NW/SE, SW/SE, SE/SE, NE/SE, SE/NE, NE/NE, NW/NE, SW/NE of Section 35, NW/NW, NE/NW, SE/NW, SW/NW, NW/SW, NE/SW, SE/SW, SW/SW, NW/SE, SE/SE, NE/SE, SW/SE, SW/NE, SE/NE, NE/NE, NW/NE of Section 36, Township 14 South, Range 9 West, NE/NE, SE/NE, SW/NE, NW/NE, NE/NW, SE/NW, SW/NW, NW/NW of Section 1, NE/NE SE/NE, SW/NE, NW/NE of Section 2, Township 15 South, Range 9 West, all in Walker County, Alabama.

A copy of the permit application is available for public inspection and review on the Alabama Surface Mining Commission website <http://surface-mining.alabama.gov>. A copy of the permit application is also available for public inspection and review at the office of the Alabama Surface Mining Commission located on the second floor of the Pinnacle Bank Building at 1811 2nd Avenue, Jasper, Alabama 35501. Written comments, objections, request for public hearing or request for informal conferences concerning this permit should be sent to the Alabama Surface Mining Commission, P.O. Box 2390, Jasper, Alabama 35502-2390, no later than 30 days from the last date of publication of this notice.

Please run this notice once a week for four (4) consecutive weeks beginning 12/31, 01/07, 01/14 & 01/21. Please send invoice and notarized proof of publication to:

Xinergy of Alabama, Inc.
2361 Cumberland Lake Drive
Pinson, AL 35126
Telephone (205) 590-4245

Also, Please send a notarized proof of publication to:

McGehee Engineering Corp.
P. O. Box 3431
Jasper, AL 35502-3431
Telephone (205) 221-0686

If you should have any questions or need additional information, please call: (205) 221-0686