

Affidavit of Publication

STATE OF ALABAMA} SS
COUNTY OF FRANKLIN}

Nicole Pell, being duly sworn, says:

That she is Classified/Office Manager of the Franklin County Times, a biweekly newspaper of general circulation, printed and published in Russellville, Franklin County, Alabama; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

June 2, 2012, June 6, 2012,
June 13, 2012, June 20, 2012

That said newspaper was regularly issued and circulated on those dates.

The sum charged by the Newspaper for said publication does not exceed the lowest rate paid by commercial customers for an advertisement of similar size and frequency in the same newspaper in which the public notice appeared.

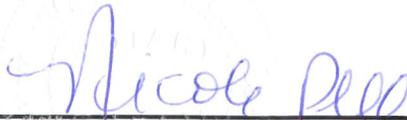
There are no agreements between the Franklin County Times and the office or attorney charged with the duty of placing the attached legal advertising notices whereby any advantage, gain or profit accrued to said officer or attorney.

SIGNED:



Publisher

Subscribed to and sworn to me this 20th day of June 2012.



Nicole Pell, Classified/Office Manager, Franklin County

My commission expires: January 21, 2015

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, Birmingham Coal & Coke Co., Inc., 912 Edenton Street, Birmingham, AL 35242 is filing an application to permit its Knight Mine, Surface Mine. Access to the mine is as follows:

From the intersection of Marion CR 79 and AL Hwy 13 in Bear Creek, AL travel eastbound on Marion CR 79 for 6.5 miles. Turn right on Franklin CR 85 and travel 1.4 miles where the mine site will be immediately on the right side of the road. The mine entrance will be marked and signs will be posted.

The description of the property within the proposed permit application is as follows:

NW/NW of Section 5; NE/NE, NW/NE & NE/NW of Section 6 in Township 9 South, Range 10 West, Winston County, Alabama; SE/SE, SW/SE, NE/SE & SE/NE of Section 31; SW/SW & NW/SW, of Section 32 in Township 8 South, Range 10 West, Franklin County, Alabama.

A copy of the permit application is available for public inspection at the ASMC Website <http://surface.mining.alabama.gov/PermitApplications.html>. 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.

This notice is to be published in the Franklin County Times.
6/2, 6/6, 6/13, 6/20/12