OCT 26 2007

Mr. Chris Blanchard
President
Performance Coal Company
P. O. Box 69
Naoma, WV 25140

Dear Mr. Blanchard:

Subject: Approved Gas Well Permit, Section 75.1700, 30 CFR 75,
Upper Big Branch Mine-South, I.D. No. 46-08436,
Performance Coal Company, Montcoal, Raleigh County,
West Virginia, Permit No. 17325-T11

This will acknowledge receipt and approval of the subject permit for extracting coal in the vicinity of gas well No. 955 located on the subject mine property.

The permit is based upon an evaluation of the projected mine plan as shown on Form OG-45 dated October 24, 2007, and is issued in accordance with provisions of Section 75.1700, 30 CFR.

Should you have any questions concerning this matter, please contact William L. Ross at (304) 877-3900/Ext. 142.

Sincerely,

/\ ROBERT G. HARDMAN

Robert G. Hardman
District Manager
Coal Mine Safety and Health, District 4

cc: Mt. Hope Field Office
Inspector
Field Office Supervisor
Files/dac
OCT 26 2007

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Sincerely,

[Signature]
Robert G. Hanish
District Manager
Coal Mine Safety and Health, District 4
STATE OF WEST VIRGINIA
OFFICE OF MINERS' HEALTH, SAFETY & TRAINING
1615 WASHINGTON ST. EAST
CHARLESTON, WV 25311-2126

PERMIT NUMBER: BOO-1036
DATE: 10/24/2007

PERMIT
TO EXTEND MINE WORKINGS
WITHIN THE 200 FOOT RADIUS OF OIL OR GAS WELLS

COMPANY: PERFORMANCE COAL CO.
MINE: UBBMC MONTCOAL EAGLE
SEAM: EAGLE
DISTRICT: CROOK
COUNTY: RALEIGH
ADDRESS: PO BOX 69
CITY: NAOMA,
STATE: WV, ZIP: 25140

MINE PERMIT NUMBER: U00304292

PERMISSION IS HEREBY GIVEN:

TO MINE WITHIN A 200 FOOT RADIUS OF DOMINION
NATURAL RESOURCES WELL NO. 955 ABANDONED GAS WELL
LOCATED ON THE ALBERT H. COLE ET.AL. FARM IN THE
CROOK DISTRICT OF BOONE COUNTY AS SHOWN ON THE
APPROVED ATTACHED MAP.

CONTINGENT UPON THE FOLLOWING:

1. MINING IS TO PERFORMED STRICTLY IN ACCORDANCE WITH THE MAP APPROVED
   BY THE DIVISION OF MINE HEALTH, SAFETY AND TRAINING HERETO.
2. A COPY OF THE PERMIT SHALL BE KEPT AT THE MINE.
3. THE PERMIT IS VOID UPON INSPECTOR'S RECOMMENDATION.
4. THE PERMIT IS NON-TRANSFERRABLE.

WELL OPERATOR: DOMINION NATURAL RESOURCES
WELL OPERATOR WELL NUMBER: 955
MINE OPERATOR WELL NUMBER: 955

Ronald L. Wooten
BY: DIRECTOR - WV MINERS' HEALTH,
SAFETY AND TRAINING

ADMINISTRATOR - WV MINERS' HEALTH,
SAFETY AND TRAINING

CCS:
DOMINION NATURAL RESOURCES
REGION: 4
M.S.H.A. District Office
H.S. & T. File
NOTICE BY COAL OPERATOR OF INTENTION TO EXTEND MINE WORKING WITHIN 200 FEET OF WELL

COAL OPERATOR: Performance Coal Company
ELEVATIONS:
- Surface: 1944.86'
- Bottom of Coal: 410
- Difference: ±1034.88

MINE: Upper Big Branch
SECTION: Unit 2
OVERBURDEN: SS/Shale
ROOF: Shale
BOTTOM: Shale

WELL TYPE: OIL X / Gas / Liquid Injection / Waste Disposal / (If "Gas", Production / Underground Storage / Deep / Shallow)

LOCATION:
- Elevation: 1944.86'
- Watershed: Unnamed Tributary of Elk Run
- District: Crook
- County: Boone
- Quadrangle: Whitesville

FARM: Albert H. Cole ET. AL
TRACT: 3149
ACRES: (Lease No. 60059)

STATUS:
- Active / Abandoned X / Dilling

Date completed or abandoned: August 19, 1963

AMOUNT OF CASING IN WELL: 13 - 3/8" (222), 9 - 5/8" (383), 7" (1782)
STATE OF WEST VIRGINIA
DEPARTMENT OF ENERGY, DIVISION OF MINES AND MINERALS

COAL OPERATOR'S PETITION TO OPERATE
WITHIN 200 FEET OR TO MINE THROUGH A WELL

WELL TYPE: Oil _____ X/Gas ____/ Liquid Injection ____/ Waste Disposal ____/ (If Gas, Production ____/ Underground Storage ____/ Deep ____/ Shallow ____/)

LOCATION: Elevation: 1944.88' Watershed: Unnamed Tributary of Big Coal River

District: Crook County: Boone Quadrangle: Whitesville

WELL OPERATOR: Dominion Natural Resources
Address: 445 West Main Street
Clarksburg, WV 26301

DESIGNATED AGENT: Mr. Joe Garrett
Address: 445 West Main Street
Clarksburg, WV 26301

The undersigned coal operator hereby petitions for leave to do the following: X Mine within 200 feet of said well.

Mines through said well when the same is properly plugged.

On the reverse side hereof is a copy of the map and plan of the undersigned coal operator showing its projected mine workings within 500 feet of said well.

The undersigned coal operator hereby represents that it will file updated or new maps and plans with the Department every six months, until mining within 500 feet of the well has ceased or until the well has been mined through.

Prior to the actual mining through of said well, the undersigned coal operator will submit the Form WR-35, Well Operator's Report of Drilling, Fracturing and/or Stimulating, or Physical Change, Affidavit of Plugging and Filling Well, and the Form WR-38, to show that the well has been properly plugged in a manner to permit the safe mining through the well.

Copies of this petition and enclosed maps and plans have been sent by registered mail to the well operator, as required by Code 22A-2-75.

10-24-04

Performance Coal Company

By

George T. Levo

Its

Mining Engineer

STATE OF West Virginia
COUNTY OF Raleigh, TO WIT:

I, George T. Levo, being first duly sworn, deposes and says that he is Mining Engineer of the coal operator named above; that he is familiar with the facts set out both in the petition and on the accompanying maps and plans; and that the same are true.

Subscribed and sworn to before me this October 24, 2007.

My commission expires June 21, 2012

Notary Public
October 24, 2007

Mr. Robert G. Hardman
District Manager
Mine Safety and Health Administration
100 Bluestone Road
Mt. Hope, WV 25880-1000

Mr. Terry Farley
WVMHS&T
1615 Washington Street East
Charleston, WV 25311-2126

RE: Performance Coal Company – Mine Within 200’ of Gas Well 10485
    Upper Big Branch Mine-South
    Federal I.D. 46-08436
    State I.D. U-3042-92

Dear Sirs:

Please find enclosed the necessary forms to mine in proximity of Gas well no. 47-005-00955. Previous approval was given for this mine by but the mining projections have since changed. MSHA approval no. from the previously submitted projections around this well is: 17325-T10. WVOMHST approval no. is BOO-1036.

If you have any questions, or require further information, please call me at (304) 854-1761.

Respectfully Submitted,

[Signature]
Performance Coal Co.
George T. Levo
Mining Engineer