OCT 28 2005

Mr. Bill Potter
President
Performance Coal Company
P. O. Box 69
Naoma, WV 25140

Dear Mr. Potter:

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-T5

This will acknowledge receipt and approval of the subject permit for extracting
coal in the vicinity of gas well No. EAEC #14 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 August 19, 2005, 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,

/s/ Richard J. Kline

Jesse P. Cole
District Manager
Coal Mine Safety and Health, District 4

cc: Mt. Hope Field Office
Files/dac
OCT 28 2005

Mr. Bill Potter
President
Performance Coal Company
P. O. Box 69
Naoma, WV 25140

Dear Mr. Potter:

Subject: Approved Gas Well Permit, Section 75.1700, 30 CFR 75,
Upper Big Branch Mine-South, I.D. No. 46-08436,
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Should you have any questions concerning this matter, please contact William L. Ross at (304) 877-3900/Ext. 142.

Sincerely,

[Signature]

Jesse P. Cole
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: RAL-993  
DATE: 08/30/2005

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

COMPANY: PERFORMANCE COAL CO.  
MINE: UBBMC MCNTCOAL EAGLE  
MINE PERMIT NUMBER: U00304292  
SEAM: EAGLE  
DISTRICT: MARSH FORK  
COUNTY: RALEIGH  
ADDRESS: P O BOX 69  
CITY: NAOMA,  
STATE: WV, ZIP: 25140

PERMISSION IS HEREBY GIVEN:

TO MINE WITHIN A 200 FOOT RADIUS OF THE EASTERN ASSOCIATED ENERGY CORP. ABANDONED GAS WELL NO. 14 LOCATED ON THE BERWIND LAND CO. FARM IN THE MARSH FORK DISTRICT OF RALEIGH COUNTY AS SHOWN ON THE APPROVED ATTACHED MAP.

CONTIGENT 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-TRANSFERABLE.

WELL OPERATOR: EASTERN ASSOCIATED ENERGY CORP  
WELL OPERATOR WELL NUMBER: EAEC 14  
MINE OPERATOR WELL NUMBER: EAEC # 14

BY:  
DIRECTOR - WV MINERS' HEALTH, SAFETY AND TRAINING  
ADMINISTRATOR - WV MINERS' HEALTH, SAFETY AND TRAINING

CCS:  
EASTERN ASSOCIATED ENERGY CORP  
REGION: 4  
M.S.H.A. District Office  
H.S. & T. File
STATE OF WEST VIRGINIA
DEPARTMENT OF ENERGY, DIVISION OF MINES AND MINERALS

COAL OPERATOR'S PETITION TO OPERATE
WITHIN 500 FEET OR TO MINE THROUGH A WELL

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

LOCATION: Elevation: 1949.31' Watershed: Lower Big Branch of Marsh Fork of Big Coal River
District: Marsh Fork County: Raleigh quadrangle Whiteville

WELL OPERATOR: Eastern Associated Energy Corp.
Address 501 56th Street Charleston, WV 25304

DESIGNATED AGENT: John Paletti
Address 501 56th Street Charleston, WV 25304

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

Mine 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", and the Form WR-38, "Affidavit of Plugging and Filling Well", to show
that the well has been properly plugged in a manner to permit the safe mining through of
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.

/\ 3.2905

Performance Coal Company
Coal Operator

By George T. Lavo
Its Mining Engineer

STATE OF West Virginia,
COUNTY OF Raleigh, TO WIT:

George T. Lavo 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 22nd of August, 2005

My commission expires Dec 13th, 2010

Notary Public
COAL OPERATOR'S PLAN TO OPERATE
WITHIN 200 FEET OR TO MINE THROUGH A WELL

COAL OPERATOR
Performance Coal Company
Address
P.O. Box 69
Naoma, WV 25540

ELEVATIONS:
Surface 1949.23'
Bottom of Coal 1016'
Difference 933.25'

MINE
Upper Big Branch
SECTION LBB South
OVERBURDEN 629'

WELL TYPE: Oil X Gas
Liquid Injection / Waste Disposal
If "Gas", Production X
Underground storage / Deep / Shallow

LOCATION:
Elevation: 1949.25'
Watershed: Lower Big Branch of Marsh Fork of Big Coal River
District: Marsh Fork
County: Raleigh
Quadrangle: Whitesville
Farm: Benvind Land Co.
Track 8044

STATUS:
Active / Abandoned X / Drilling
Date completed or abandoned, June 25, 1999

AMOUNT OF CASING IN WELL
1117' of 4 1/2"
STATE OF WEST VIRGINIA
DIVISION OF ENVIRONMENTAL PROTECTION
SECTION OF OIL AND GAS

AFFIDAVIT OF PLUGGING AND FILLING WELL

Affidavit should be in triplicate, one copy mailed to the Division, one copy to be retained by the well operator and the third copy (and extra copies if required) should be mailed to each coal operator at their respective addresses.

Farm Name: BERWIN LAND CO
Location: Elev. 3,598.00 Quadrangle: WHITESVILLE
District: MARSHP ORK
County: RALEIGH
Latitude: 37°37'57" South of 81°32'30" North
Longitude: 50°50' West of 81°32'30" North

Well Type: OIL   GAS X

Company: EASTERN AMERICAN ENERGY
Address: 350 36TH STREET
CHARLESTON WV 25304

Agent: John Paletti

Coal Operator: PERFORMANCE COAL
Address: P.O. BOX 750
DUNBAR WV 25064

Coal Operator: BERWIN LAND COMPANY
Address: 100 ONE VALLEY SQUARE
CHARLESTON WV 25301

Permit Issued: 06/08/99

STATE OF WEST VIRGINIA,
County of Raleigh

as:

Bruce Garrett and Ben Parsons, being first duly sworn according to law depose and say that they are experienced in the work of plugging and filling oil and gas wells and were employed by the above named well operator, and participated in the work of plugging and filling the above well, and Rodney Edlen, Oil and Gas Inspector representing the Director, say that said work was commenced on the 22nd day of June, 1999, and that the well was plugged and filled in the following manner:

TYPE
FROM
TO
PIPE REMOVED
LEFT

Class A - 41 3608
Class A - 78 2200
Class A - 207 1220
BC - 108 1184
Class A - 207 784

2974
2100
1182
1182 of 4-1/2
1182 of 4-1/2
1182 of 4-1/2

Description of monument: 4-1/2" with API

And further deponents saith not.

Sworn and subscribed before me this 20th day of July, 1999.

Notary Public

Whitesville
August 19, 2005

Mr. Jesse P. Cole
District Manager
Mine Safety and Health Administration
100 Bluestone Road
Mt. Hope, West Virginia 25880-0112

RE: Performance Coal Company - Mine Within 200' of EAEC 14 Gas Well
Upper Big Branch Mine-South
Federal I.D. 46-08436
State I. D. U-3042-92

Dear Mr. Cole:

Performance Coal Company, Upper Big Branch Mine-South (ID 46-08436), is submitting the enclosed OG-45 form to mine within 200' of gas well, EAEC 14, API 47-081-0920. A copy of this petition has been sent to the West Virginia Department of Environmental Protection for review and approval.

This well has been plugged to 101C specs and a copy of the plugging affidavit has been included for informational purposes. Previous approval has been given to mine within 96' of subject well. Current projections show proposed mining within 120' of this well.

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
**State of West Virginia**
**DEPARTMENT OF ENERGY**
**DIVISION OF OIL and GAS**

**Well Operator's Report of Well Work**

- **Operator Well No.** 1  EDDIE/DER 14
- **Oil & Gas:** BERMING OIL & GAS
- **Location:** Elevation 1958.00
- **County:** RALEIGH
- **District:** MARSH FORK
- **City:** WHITESVILLE

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<th>DONALD C. SUFCOE</th>
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<td>RODNEY &amp; G. DELLON</td>
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<td>09-03-91</td>
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<td>Total Depth (ft)</td>
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<td>Fresh water depths (ft)</td>
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<tr>
<td>Salt water depths (ft)</td>
<td>None</td>
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<tr>
<td>Is coal being mined in area (Y/N)</td>
<td>Y</td>
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</table>

**Producing formation**
- **Upper Het.**
- **Lower Het.**
- **Pay zone depth (ft)**: 3360

**Gas:**
- Initial open flow: 750 MCF/d
- Initial open flow: 11 Bbl/d
- Final open flow: 698 MCF/d
- Final open flow: 8 Bbl/d
- Time of open flow between initial and final tests: 15 hours
- Static rock pressure: 690 psi (surface pressure) after 24 hours

**Second producing formation**
- Pay zone depth (ft)
- Initial open flow: 698 MCF/d
- Initial open flow: 8 Bbl/d
- Final open flow: 698 MCF/d
- Final open flow: 8 Bbl/d
- Time of open flow between initial and final tests: 15 hours
- Static rock pressure: 690 psi (surface pressure) after 24 hours

**NOTE:** ON BACK OF THIS FORM PUT THE FOLLOWING: 1) DETAILS OF PERFORATED INTERVALS, FRACTURING OR STIMULATING, PHYSICAL CHANGE, ETC; 2) THE WELL LOG WHICH IS A SYSTEMATIC, DETAILED, GEOLOGICAL RECORD OF ALL FORMATIONS INCLUDING COAL ENCOUNTERED BY THE WELLSITE.
Details of perforated intervals, fracturing or stimulating, physical change, etc.

Stage One

Lower Wells/Upper Wells: 20 holes (3663.5'-3610.5'); Drilled w/energized water (250 scf/bbl); 35 lb. gal/1000 gal.; 50,000 lb. 20/40 sand, 500 gal. 15% HCl acid and 195,300 scf of N2

Stage Two

Big Lime: 12 holes (3263'-3276'), acidized w/3000 gal. of 15% HCl acid; 90 bbls. of 30 lbs/gal. gel and N2 at 200 scf/bbl.

WELL LOG

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<th>BOTTOM FEET</th>
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Remarks:
- Dump at 900'
- No show of gas
- No show of gas
- No show of gas
- Odor of gas

2/10 thru 2'' w/N20
2/10 thru 2'' w/N20
2/10 thru 2'' w/N20
2/10 thru 2'' w/N20

[Handwritten Note:}

10/18/2004 11:12 FAX 3049203206
MASSEY COAL SVCS 2001/001
STATE OF WEST VIRGINIA  
DIVISION OF ENVIRONMENTAL PROTECTION  
SECTION OF OIL AND GAS

AFFIDAVIT OF PLUGGING AND FILLING WELL

AFFIDAVIT SHOULD BE IN TRIPlicate, one copy mailed to the Division, one copy to be retained by the Well Operator and the third copy (and extra copies if required) should be mailed to each coal operator at their respective addresses.

Farm Name: BERWIN LAND CO  
Operator Well No.: BERWIN LAND
Location: Elevation: 1,988.00  
District: MARSH FORK  
State: West Virginia  
County: RALEIGH  
Latitude: 38° 18' 6" South of 37° 58' 46"  
Longitude: 37° 57' 30" West of 81° 32' 10"  
Well Type: OIL  
Coal Operator: PERFORMANCE COAL
Company: EASTERN AMERICAN ENERGY  
500 5TH STREET  
CHARLESTON WV 25304
Agent: John Paletti  
Permit Issued: 06/08/99

STATE OF WEST VIRGINIA,
County of Raleigh

AFFIDAVIT

Bruce Garrett and Ben Parsons being first duly sworn according to law do depose and say that they are experienced in the work of plugging and filling oil and gas wells and were employed by the above named well operator, and participated in the work of plugging and filling the above well, and Rodney Bellon, Oil and Gas Inspector representing the Director, say that said work was commenced on the 22nd day of June, 1999, and that the well was plugged and filled in the following manner:

<table>
<thead>
<tr>
<th>Type</th>
<th>From</th>
<th>To</th>
<th>Pipe Removed</th>
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<td>Class A - 39吸</td>
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</table>

Description of monument: 4-1/2" with API and that the work of plugging and filling said well was completed on the 27th day of June, 1999.

And further deponents saith not.

Sworn and subscribed before me this 20th day of July, 1999.

[Signature]
Notary Public

Kaan S. Artsagh
Chief Engineer

Witnesse:

Whitesville