

Instructions for Using this fillable License Application form

General

This is a dynamic form which can be filled out on a computer using Adobe Acrobat Professional Version 7 or higher or Adobe Acrobat Reader Version 6.0.2 or higher.

If you use Adobe Acrobat Reader to fill in the form, the contents you enter cannot be saved.

Using either software you can e-mail the data you enter into the form to ASMC by clicking the e-mail button on the certification page **but you must submit the a signed and notarized original certification page, Networth statement or surety letter, and the required fee to ASMC before the application will be reviewed and considered for approval.**

1. Hovering the mouse cursor over some fields will display a tool tip with additional instructions.
2. Enter all dates as numbers in the format MMDDYYYY without hyphens, slashes or commas.
3. Social Security Numbers are required for all individuals except the Resident Agent for whom it is optional. Enter SSN as a 9 digit number without dashes. Social Security numbers will be kept confidential and not displayed in any version of this document which is made available to the public.
4. Employer ID number is required for all Business Entities. Enter as a 9 digit number without dashes.
5. Buttons are provided to allow the addition of sets of entry fields for each section to accommodate the number of persons or entities necessary to define the ownership and control structure of the Licensee, Mining operations related to the Licensee, and violation history of the Licensee. Add as many sets of fields for each section of the form as are necessary. The tabbing order for the form will change if you add sets of fields to a page. You must use the mouse to select the first entry field of an added set in order to tab within the set.
6. Some drop down fields include the choice of "Other:" If a choice is not listed that describes the appropriate answer to the field, select "Other:" and you may type in the appropriate response next to the word "Other" in the field.
7. Fields which require a written narrative or description are expandible allowing multiple lines of text. As you are typing, the lines will scroll in the window. When you tab out of the field, it will expand to reveal all text entered.
8. In Part H, you must select the method of demonstrating Financial Qualification. Either the original Net Worth Statement or the Surety Letter must be submitted to ASMC.
9. E-mailing the data in the form does not constitute a completed submission of the Application. **The application to ASMC is not complete until the original Networth statement or Surety letter, the original signed and notarized Certification page, and the required fee is received by ASMC and all deficiencies have been corrected. Please change the subject line of the e-mail to reflect the name of the company applying for the license.**

Fees:

If this is an application for a New Coal Mining License, submit a fee of \$2,500.00. If this is an application for Annual Update, submit a fee of \$500.00. If this is an application for notification of change in ownership or control or violation history no fee is required. Fees must be submitted in the form of cash, certified bank check or money order.

Section Specific Instructions:

General: Complete this application by typing or printing legibly in ink. If a question does not apply to the applicant, indicate this by answering "not applicable". On some questions, it may be necessary to attach additional pages. If so, indicate the question number and type "Page of " with the appropriate numbers on each additional sheet.

A. 1. LICENSEE IDENTIFICATION

INSTRUCTIONS: Identify the licensee. Give the exact legal name of the applicant.

2. RESIDENT AGENT FOR SERVICE OF LEGAL PROCESS OR NOTICE

INSTRUCTIONS: Identify the designated resident agent in Alabama for service of Legal Process or Notification for the Licensee.

B. LICENSEE OWNERSHIP AND CONTROL

INSTRUCTIONS: COMPLETE THIS PART FOR THE LICENSEE. List the following persons or entities:

1. Officers
2. Directors
3. Partners
4. Any persons who have a relationship with the applicant which gives them the authority directly or indirectly determine the manner in which the applicant conducts surface coal mining operations.
5. Any persons having the ability to commit the financial or real property assets or working resources of the applicant.
6. Any person or entity which is the record or beneficial owner of 10% or more of any class of voting stock or other instrument of ownership.

C. OWNERSHIP AND CONTROL OF RELATED COMPANIES

INSTRUCTIONS COMPLETE THIS PART FOR ANY BUSINESS ENTITY IDENTIFIED IN PART B AND ANY BUSINESS ENTITY WHICH IS SUBSEQUENTLY IDENTIFIED IN THIS PART. List the following persons or entities:

1. Officers
2. Directors
3. Partners
4. Any persons who have a relationship with the applicant which gives them the authority directly or indirectly to determine the manner in which the applicant conducts surface coal mining operations.
5. Any persons having the ability to commit the financial or real property assets or working resources of the applicant.
6. Any person or entity which is the record or beneficial owner of 10% or more of any class of voting stock or other instrument of ownership.

D. SURFACE COAL MINING OPERATIONS OWNED OR CONTROLLED BY THE LICENSEE.

INSTRUCTIONS : Complete this part for any surface coal mining operation owned or controlled by the licensee.

E. SURFACE COAL MINING OPERATIONS OWNED BY PERSONS WHO OWN OR CONTROL THE LICENSEE

INSTRUCTIONS : For each person or entity identified in parts B or C who is a principal shareholder and each person or entity who owns or controls the licensee under the definition of "owned or controlled and owns and controls" as defined in ASMC Rule 880-X-2A-.06, identify each additional name or entity under which the person owns or controls, or previously owned or controlled a surface coal mining and reclamation operation in the United States during the preceding 5 year period, and any pending surface coal mining permit application filed in any state in the United States.

F. VIOLATION HISTORY

INSTRUCTIONS List all violation notices received by the applicant during the 3 year period preceding the date of this application and all unabated cessation orders and unabated violation notices ever received prior to the date of this application by any surface coal mining and reclamation operation owned or controlled by the applicant or by any person who owns or controls the applicant for:

1. Any violation of the Federal Surface Mining Control and Reclamation Act, 30 USC 1201 et seq., or federal regulations adopted pursuant thereto, 30 CFR 700 et seq., or any state regulatory program adopted pursuant thereto,
2. Any violation of the Alabama Surface Mining Control and Reclamation Act and regulations adopted pursuant thereto,
3. Any violation of any state or federal law, rule or regulation enacted pursuant to any federal law, rule or regulation pertaining to air or water environmental protection incurred in connection with any surface coal mining operation.

Section Specific Instructions (continued):

G. REVOCATION OR SUSPENSION OF PRIOR PERMITS OR FORFEITURE OF BONDS

Indicate whether the applicant, any subsidiary, affiliate, or persons controlling, controlled by or under common control with the applicant, or any partner of the applicant, if the applicant is a partnership, or any principal officer or director, if the applicant is a corporation or other business entity, ever held a federal or any state mining permit which, in the five-year period prior to the date of submission of this application or any annual update, that has been suspended or revoked or has had a mining bond, or similar security deposited in lieu of bond, forfeited? If the answer is yes, give a description of the facts involved.

H. FINANCIAL QUALIFICATIONS

An applicant for a coal surface mining license is required to demonstrate "sufficient financial responsibility" by either:

(ii)(A) a current statement in letter form, certified by a certified public accountant or public accountant

licensed to do business in the State of Alabama that the applicant has a net worth of

Not less than \$100,000. The statement must not be ambiguous, qualified or otherwise

vague. It must state the Alabama certificate number of, and be signed by the certified public accountant or public account; or

(B) by demonstrating the applicant's ability to meet the bonding requirements in

an amount of not less than \$1,000,000 by furnishing the State Regulatory Authority

a current letter of commitment from a corporate surety qualified to do business in

the State of Alabama to issue a bond in an amount of \$1,000,000 or greater; the letter

shall include a signed power of attorney if signed by an agent of the surety.

(Part 13.14(h)(2)(ii)(A & B))

The Commission will accept letters which are clear and concise. The letters should not be restrictive, qualified or ambiguous. They should speak to the requirements of the law.

Two suggested sample letters are found on the opposite page. We suggest the use of either to expedite consideration of this question. Both sample letters have been developed with assistance from C.P.A. and Surety representatives.

NO LICENSE WILL BE ISSUED WHERE THE LETTERS SUPPLIED DO NOT MEET REQUIREMENTS OF THE LAW.

The Commission will look for the following items in financial letters since these items are indicated as necessary by law:

CERTIFIED PUBLIC ACCOUNTANT/PUBLIC ACCOUNTANT LETTERS:

1. Should be current letter.
2. Should state the certificate number (Alabama #) of the C.P.A. OR P.A.
3. Letter should not be ambiguous, qualified, or otherwise vague. The letter must plainly and affirmatively state the existence of the required net worth, without qualification!
4. Letter must be signed by the C.P.A. OR P.A.

CORPORATE SURETY BOND LETTERS:

1. Should be current letter.
2. Should state the corporate surety "commits" (see regulations) itself to issue bond to applicant not less than \$1,000,000.
3. Letter should identify the corporate surety as qualified to do business in the State of Alabama.
4. Should have a signed power of attorney if signed by agent of surety.

Any letter failing to meet requirements of the law will cause the license to be held up pending an acceptable letter. We urge careful attention to the above guides.

Sample Letters are included with these instructions

I. TECHNICAL QUALIFICATIONS

This statement has resulted in a gross variance in the type and quantity of information, which is submitted in response to this requirement. To assist the applicants in preparing the forms and to reduce the time required for review and approval of the applications, certain items need to be addressed.

The following items are of the nature desired by the Commission in reviewing a license application for "sufficient technical skills":

1. Coal mining or related work history of key officers, partners, etc.
2. Coal mining or related work history of key employees, including reference to requirements for certified blaster and registered professional engineer and engineering laboratory work.
3. Names and business relationships of affiliated companies or individuals, e.g. subsidiary or parent corporations, or firms of common ownership, which will be involved in the surface coal mining operations.
4. Names of contract companies or individuals engaged to meet any particular requirements of the mining operations and the time frame of their employment, if known.
5. Any relevant information which demonstrates the applicant's ability to meet the technical requirements of the Act and regulations including the requirements of certification by a registered professional engineer, certified blaster, water sampling and testing, and various hydrologic, geologic and soil studies.
6. Particular reference to reclamation work at previous mining companies will be helpful where officers or partners have been in other companies.

NO LICENSE WILL BE ISSUED WHERE THE LETTERS SUPPLIED DO NOT MEET REQUIREMENTS OF THE LAW.

Any submission failing to meet requirements of the law will cause the license to be held up pending an acceptable demonstration by the applicant. We urge your careful attention to the above guides.

(2/18/20)

SAMPLE OF ACCEPTABLE CPA LETTER

DATE

Ms. Kathy H. Love, Director
Surface Mining Commission
P.O. Box 2390
Jasper, AL 35502-2390

Dear Ms. Love:

We have examined the balance sheet of (NAME OF APPLICANT) as of (DATE). Our examination was limited to such tests of accounting records and other such auditing procedures as we considered necessary in the circumstances to determine that the net worth of (NAME OF APPLICANT) exceeded a minimum of \$100,000 as of (DATE).

In our opinion, the net worth of the (NAME OF APPLICANT) is in excess of \$100,000 as presented by the financial statement referred to above.

My Alabama C.P.A. Number is _____.

Sincerely,

(2/18/20)

SAMPLE OF ACCEPTABLE CORPORATE SURETY LETTER

Current Date

Ms. Kathy H. Love, Director
Surface Mining Commission
P.O. Box 2390
Jasper, Alabama 35502-2390

Dear Ms. Love:

Based on (Name of Insurance Company) knowledge of (Name of License Applicant) present financial status, (Name of Insurance Company) will commit to issue a surety bond or bonds to (Name of License Applicant) in a total amount of not less than One Million (\$1,000,000.00) Dollars during the period from (Date of Issuance) to December 31, 20____. Said commitment is subject to reappraisal on or shortly after December 31, 20____, (same date as the expiration date shown above) and on an annual basis each year thereafter following the expiration of each annual commitment.

It is stipulated that the commitment outlines above is conditioned to the normal terms and conditions required by (Name of Insurance Company) at the time of issuance. These conditions include the payment of proper premiums and the posting of collateral (if required) by the principal.

Notwithstanding the above, said commitment shall remain in effect regardless of the circumstances unless and until the (Name of Insurance Company) shall give in writing to the Alabama Surface Mining Commission via Certified Mail, Return Receipt, that the surety is intending to withdraw its commitment no sooner than a specified date that is a minimum of sixty (60) days from the date of the receipt of said notice by said Commission.

An original power of attorney is attached to this letter. (NOTE: Attach power of attorney if signed by agent of surety.)

Sincerely,

Signature of Corporate Surety

Certificate of Applicant's Chief Executive Officer

The Chief Executive Officer of the Licensee must sign this page affirming the statement of certification for the License application. The Chief Executive Officer's signature must be witnessed and notarized by a Notary Public.



For Commission Use Only
License Number: L-_____
Date Recieved: __/__/__

STATE OF ALABAMA SURFACE MINING COMMISSION

Type Application:

A. LICENSEE IDENTIFICATION

INSTRUCTIONS: Identify the licensee. Give the exact legal name of the applicant.

1. LICENSEE

Type Business Entity: Note: If "Other", Enter the type of Business entity.

Licensee Name:

Street Address:

Mailing Address:

City: State Zip:

Country

Phone Number Fax Number

Employer ID #: OR SSN Required for Individuals

Primary Contact Person Name Email Phone#

2. RESIDENT AGENT FOR SERVICE OF LEGAL PROCESS OR NOTICE

Name:

Street Address

Mailing Address:

City: State Zip:

Phone Number

Employer ID #: OR SSN Required for Individuals

B. LICENSEE OWNERSHIP AND CONTROL

Name

Address

City State Zip Code

Country

Employer ID#: OR SSN (Required for Individuals)

Position or Title: Date Assumed Position or Title:

Location in the Organizational Structure:

Type of Ownership (Stock,Partner, etc.):

Percent of Ownership:

C. OWNERSHIP AND CONTROL OF RELATED COMPANIES

Company:

Owner/Controller

Address

City State Zip Code

Country

Employer ID#: OR SSN **Required for Individuals**

Position or Title: Date Assumed Position or Title:

Location in the Organizational Structure:

Type of Ownership (Stock,Partner, etc.):

Percent of Ownership:

Owner/Controller

Address

City State Zip Code

Country

Employer ID#: OR SSN **Required for Individuals**

Position or Title: Date Assumed Position or Title:

Location in the Organizational Structure:

Type of Ownership (Stock,Partner, etc.):

Percent of Ownership:

D. SURFACE COAL MINING OPERATIONS OWNED OR CONTROLLED BY THE LICENSEE.

Mining Operations Owned or Controlled by the Licensee

Name

Address

City State Zip Code

Country

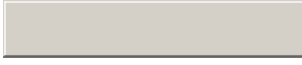
Employer ID#: Federal or State Permit Number:

MSHA ID #: MSHA ID Date of Issuance:

Describe the Ownership or Control Relationship to the Licensee:

Location in the Organizational Structure:

Percent of Ownership:



E. SURFACE COAL MINING OPERATIONS OWNED BY PERSONS WHO OWN OR CONTROL THE LICENSEE

Name of Person or Entity Related to Licensee:

Operating Name

Address

City State Zip Code

Country

Employer ID#:

Mine Permit is--

Federal or State Permit Number:

MSHA ID #: MSHA ID Date of Issuance:

Operating Name

Address

City State Zip Code

Country

Employer ID#:

Mine Permit is--

Federal or State Permit Number:

MSHA ID #: MSHA ID Date of Issuance:

F. VIOLATION HISTORY

Violation History

Company or person to whom the Violation Notice was issued

State or Federal Permit Number:

MSHA ID #

Name of Authority or Agency which issued the Violation Notice

Violation Number: Date Issued

Brief Description of Nature of the Violation

History of Administrative or Judicial proceedings on the violation initiated by the applicant or anyone who owns or controls the applicant:

Date of Proceeding

Type of Proceeding

Where the Proceeding was held:

Current Status of Proceeding

Current Status of the Violation

Action Taken to Abate the Violation



G. REVOCATION OR SUSPENSION OF PRIOR PERMITS OR FORFEITURE OF BONDS

Has the applicant, any subsidiary, affiliate, or persons controlling, controlled by or under common control with the applicant, or any partner of the applicant, if the applicant is a partnership, or any principal officer or director, if the applicant is a corporation or other business entity, ever held a federal or any state mining permit which, in the five-year period prior to the date of submission of this application or any annual update, has been suspended or revoked or has had a mining bond, or similar security deposited in lieu of bond, forfeited?

Yes or No

If yes, give a brief description of the facts involved:

H. FINANCIAL QUALIFICATIONS

Identify the applicant's primary sources of funding:

Name
Address
City State Zip Code
Country

Check the appropriate box and include one of the following when the certificate page is submitted by hardcopy:

A statement, in letter form, from a Certified Public Accountant licensed to do business in the State of Alabama, that the applicant has a net worth of not less than One Hundred Thousand Dollars (\$100,000), which letter shall be current (not more than 60 days old). Such statement must not be ambiguous, qualified, or otherwise vague.

A statement, in letter form, from a corporate surety qualified to do business in Alabama committing it to the applicant for a bond of not less than One Million Dollars (\$1,000,000), which statement shall be based on a current (within the last 60 days) analysis of the applicant's financial records.

I. TECHNICAL QUALIFICATIONS

A large, empty rectangular box with a thin black border, occupying the majority of the page. It is intended for the applicant to provide their technical qualifications.

**Certificate of Applicant's
Chief Executive Officer**

I hereby certify that I have read and am fully familiar with provisions of Alabama law pertaining to surface coal mining operations, including Code of Alabama 1975, Section 9-16-70 et seq. "The Alabama Surface Mining Control and Reclamation Act of 1981", and with all reclamation requirements contained in this Act and the rules and regulations promulgated thereunder by the Alabama Surface Mining Commission. I further certify that I will obtain, and will furnish the Alabama Surface Mining Commission evidence of having obtained, such permits as may be required by other governmental agencies prior to commencing operations under any permit which may be issued pursuant to Code of Alabama 1975, Section 9-16-70 et seq. I further certify and state under oath that I have completed and submitted this application for a license and that each matter contained therein is complete, true and correct. I further certify that I will notify the Alabama Surface Mining Commission in writing of any change in the ownership or control of the licensee.

Signature

Signed by:

Official Title of the Above Officer

County)

State of Alabama

)

Before me, the undersigned authority,

personally appeared, who first being duly sworn by me, states that he/she is the

of the above-named Applicant and that he/she

has completed the above-said application, its attachments, and the above certificate,

and has read the same carefully and thoroughly, and has found the entire contents

thereof to be the complete, true, and correct responses to the questions posed, and

before me the same person executed the foregoing application.

Notary Public

Sworn to and subscribed before me this day of:

My Commission Expires:

Affix Seal: