

Capital Reporting Company
National Coal Council Meeting 05-16-2013

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NATIONAL COAL COUNCIL MEETING

HELD AT

THE FAIRMONT HOTEL

2401 M STREET, N.W., BALLROOM II

WASHINGTON, D.C. 20037

ON

THURSDAY, MAY 16, 2013

AT 4:06 P.M.

Reported by: Natalia Thomas

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Capital Reporting Company
National Coal Council Meeting 05-16-2013

2

	C O N T E N T S	
		PAGE
1		
2		
3	1. Call to Order by John Eaves,	3
4	Chairman	
5	2. Council Business	
6	a. Acceptance of 2012 Council	5
7	Audit Report	
8	b. Action on Updating the Council	6
9	Bylaws	
10	c. Report on Possible Amendments	7
11	to FACA	
12	d. Staff Change Announcement	9
13	3. Other Business	11
14	4. Adjourn	15
15		
16		
17		
18		
19		
20		
21		
22		

Capital Reporting Company
National Coal Council Meeting 05-16-2013

3

1 P R O C E E D I N G S

2 MR. EAVES: Come on in, everybody.

3 Good afternoon, ladies and gentlemen. I'm
4 John Eaves. I'm Chairman of the National Coal Council.

5 The twice-postponed Fall 2012 meeting of the
6 full Council is now called to order.

7 Today's meeting is the most unique in 28
8 years of the Council's history. It is the only meeting
9 that has been postponed twice. It is the only meeting
10 to be held in a different year than it was actually
11 approved in. But finally we are here, guys, and we are
12 excited about getting started.

13 The agenda for today's meeting will be a
14 little bit different from the traditional full
15 Council's agenda, in the fact that we are not going to
16 have any outside speakers and we are going to focus
17 just on Council business today.

18 But before we get into the agenda, I'd like
19 to recognize Bob Wright of DOE's Energy Fossil Fuel.
20 Bob came from Pittsburgh today on a pretty tight
21 schedule. And, Bob, we really do appreciate you being
22 here.

Capital Reporting Company
National Coal Council Meeting 05-16-2013

4

1 This meeting is being held in accordance with
2 the Federal Advisory Committee Act and the regulations
3 that govern that Act.

4 Our meeting is open to the public. I'd like
5 to welcome guests from the public who have joined us
6 here today. An opportunity will be provided for the
7 guests to make comments at the end of the meeting.

8 Full and complete minutes of this meeting are
9 being made, as well as a verbatim transcript.
10 Therefore, it is important that you use the microphone
11 when you wish to speak, and you begin by stating your
12 name and affiliation.

13 Council members have been provided a copy of
14 the agenda for today's meeting. I would appreciate a
15 motion for the adoption of the agenda.

16 MR. HARRISON: So moved.

17 MR. EAVES: Second?

18 MS. WALTON: Second.

19 MR. EAVES: All in favor?

20 (Chorus of ayes.)

21 Opposed?

22 (No response.)

Capital Reporting Company
National Coal Council Meeting 05-16-2013

5

1 Thank you. At this point, I'd like to call up our
2 Finance Chair, Greg Workman, to review the audit. After
3 that, we'll have Larry Grimes come up and talk about
4 Council bylaws as well as some of the proposed
5 legislation that's out there. Greg?

6 MR. WORKMAN: Thank you, Mr. Chairman. My
7 name is Greg Workman, and I serve as the Chairman of
8 the Finance Committee of the National Coal Council. I
9 will now report on the Finance Committee meeting that
10 was held jointly by telephone conference call on May
11 7th with the Executive Committee.

12 At that meeting, the Finance Committee
13 accepted the 2012 audit report from the Council's
14 auditors, Chaconas & Wilson. Following the action of
15 the Finance Committee, the Executive Committee also
16 accepted that report. I am happy to say that the
17 Council received a clean determination.

18 I would like to take this time to publicly
19 thank all of the members who have paid their 2013
20 duties. I ask that those who have not paid to do so as
21 soon as possible. The financial state of the Council
22 continues to be stable, but only because the membership

Capital Reporting Company
National Coal Council Meeting 05-16-2013

6

1 has been generous and timely in their support.

2 The financial problems faced by many in our
3 country, and indeed around the world, continue to
4 challenge that stability. If we all do our part, the
5 Council will have the necessary financial resources to
6 continue to effectively carry out its mission.

7 Thank you, Mr. Chairman. That concludes my
8 report.

9 MR. EAVES: At this point, we will have Larry
10 Grimes come up and talk about the Council's bylaws as
11 well as some of the proposed legislation that is out
12 there on FACA. Larry?

13 MR. GRIMES: Thank you, Mr. Chairman. This
14 is going to be short and sweet. Before the group today
15 is a proposed restatement and amendment of the bylaws
16 of the National Coal Council, Inc. It has been since
17 1975 that we have had -- we haven't had a revision of
18 these bylaws since 1995, excuse me, and the reason it
19 is being proposed today is because, even though we are
20 not proposing any substantive changes, the old bylaws
21 are rather dogged-eared and they have some stickers
22 hanging out for things that were adopted priorly, and

Capital Reporting Company
National Coal Council Meeting 05-16-2013

7

1 it is just a good idea every 20 years or so to do this.

2 I represent to you that there are no
3 substantive changes. They are a technical amendment
4 which has to do with the titles to conform to Virginia
5 law. But, Mr. Chairman, I would recommend that the
6 Advisory Committee - - that this Committee accept this
7 amendment. And we need a motion and a second.

8 MR. HARRISON: So moved.

9 MR. GRIMES: Clark.

10 MS. WALTON: Second.

11 MR. EAVES: All in favor?

12 (Chorus of ayes.)

13 MR. GRIMES: Who was our second? Kathy?

14 All right. This is available in everybody's
15 packet, and you are welcome to call me if you have any
16 questions about this.

17 The other thing I have been asked to talk a
18 little bit about -- and it will be very brief -- there
19 is a proposed amendment to the Federal Advisory
20 Committee Act, FACA, which is our Bible, in the House
21 of Representatives. This is bill H.R. 1104.

22 We, as the Coal Council, have no standing to

Capital Reporting Company
National Coal Council Meeting 05-16-2013

8

1 lobby to Congress. In fact, we are prohibited from
2 doing so, so we are not taking any formal position on
3 this. If you have interest in this piece of
4 legislation, I suggest you contact one of the members
5 here because many of the members here are interested in
6 the outcome of this legislation.

7 Mr. Chairman, I would entertain questions,
8 but I think that probably covers it.

9 MR. EAVES: Any questions? Yes.

10 MR. GRIMES: Name and affiliation, please.
11 You have to use the microphone.

12 MS. MIGDEN-OSTRANDER: Janine Migden-
13 Ostrander, Regulatory Assistance Project. What does
14 this new bill do? What are the issues that are in play
15 here that you were referencing?

16 MR. GRIMES: The bill basically addresses the
17 nominating process; that is, the process for the
18 secretary to choose the members. It also increases the
19 burden on the Department of Energy in its reporting
20 burdens. It creates a de facto membership for people
21 who are not actually members but like to come to
22 meetings, like to participate in our studies, and so

Capital Reporting Company
National Coal Council Meeting 05-16-2013

9

1 forth. So that is generally what it does.

2 It is far-reaching. You all ought to
3 probably inform yourself about it. But since we don't
4 have standing to challenge it or to even comment on it
5 publicly, we are not going to do that.

6 MALE SPEAKER: What was the number again?

7 MR. GRIMES: H.R. 1104. It has cleared the
8 first subcommittee, as I understand it, by a voice
9 vote. But I don't think -- on the surface it is not
10 readily understandable. But if you dig into it, you
11 can see what is going on there. All right?

12 Mr. Chairman, that's all I have.

13 MR. EAVES: Any other questions for Larry?

14 (No response.)

15 MR. GRIMES: Thank you very much.

16 MR. EAVES: Thanks, Larry.

17 You know, we said this was going to be a
18 short meeting, but I did want to take a moment -- today
19 is a bittersweet day for the National Coal Council.
20 You know, the sweet part is that we have got Janet
21 Gellici coming in as our new Chief Operating Officer.
22 You all know Janet. She spent over 30 years as CEO of

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National Coal Council Meeting 05-16-2013

10

1 the American Coal Council and has driven significant
2 success of that organization, so we are thrilled to
3 have Janet joining us effectively today.

4 You know, the bitter part of today is that we
5 are saying goodbye to a friend. About a year ago Bob
6 came to me and he said, "You know, John, I'm ready to
7 retire." You know, I was certainly disappointed to
8 hear that from Bob, but I understood. He is ready to
9 start the next chapter in his life. He has been with
10 us for over 15 years. I think he said 15 years and two
11 weeks, right, Bob?

12 So the things that this guy has done for this
13 organization, the passion, the focus that he has had,
14 you know, is really to be commended. He has always had
15 the National Coal Council in his interest. He has
16 always been focused on the coal industry, and he has
17 really been an advocate for what we are trying to do.
18 And if you think about the last 15 years, and all of
19 the changes that we've seen, this guy has been through
20 a lot.

21 And, you know, Bob has decided that he wants
22 to spend a little more time with his wife Marilyn, his

Capital Reporting Company
National Coal Council Meeting 05-16-2013

11

1 kids, his grandkids, a little more time in Arizona,
2 hopefully working on his handicap. And I think it's
3 all up to us to continue to monitor that to make sure
4 that he is making progress with his handicap.

5 But Bob, you know, I do, on behalf of the
6 Council, want to thank you for everything you've done.
7 I want to thank you personally for everything you've
8 helped me with over the last couple of years. I mean,
9 you've been a real trooper in difficult times, and we
10 really do appreciate it.

11 At this point, I'd like to call David Surber
12 up. He is going to read a letter for us, and then I'll
13 get back up and say a couple more words, and then maybe
14 we'll allow Bob to get up and say a few things. David?

15 MR. SURBER: Mr. Chairman, friends and
16 colleagues on the National Coal Council -- Bob, could
17 you come up? I have something for you. I will tell
18 you as he is approaching --

19 MR. BECK: I'm not sure I want to.

20 (Laughter.)

21 MR. SURBER: Please. It will bring no harm
22 to you, I assure you.

Capital Reporting Company
National Coal Council Meeting 05-16-2013

12

1 (Laughter.)

2 Bob is from Cincinnati, and his wife Marilyn is from my
3 town. In fact, she was born just six blocks from where
4 I live. And so Bob is a Kentuckian by association and
5 incorporation, if you will.

6 I was talking with our Governor, Governor
7 Steve Beshear, just a few weeks ago, and I said,
8 "Governor, Bob Beck is retiring," and he said, "Who is
9 Bob Beck?"

10 (Laughter.)

11 And I said, "Governor, Bob Beck, the head of the
12 National Coal" -- "Oh, that Bob Beck. Oh, yes. I talk
13 to him frequently. He has been a big help to us." I
14 said, "Now, he is retiring and we want to do something
15 special for him." And he said, "Well, you know, Dave,
16 we're cutting back on employees here, and if you're
17 looking for a contract job or something, there is just
18 not much I can do."

19 And I said, "I don't think he's looking for
20 additional work." I said, "But there is one thing that
21 is within your province to do, that only you can do."
22 He says, "You want me to make him a Kentucky Colonel,"

Capital Reporting Company
National Coal Council Meeting 05-16-2013

13

1 and I said, "Yes."

2 So in the name of Governor Beshear, I present
3 to you this handsome plaque commissioning The Honorable
4 Robert A. Beck as a member of the Order of Kentucky
5 Colonels."

6 (Applause.)

7 MR. GRIMES: You know, Bob, while you're up
8 here, again, on behalf of the Council, I wanted to give
9 you a small token of our appreciation. It really
10 recognizes what you've done for this organization, and
11 what you've done for the coal industry over the last 15
12 years. We really do appreciate it, and we are going to
13 miss you. So hit it long and straight.

14 (Applause.)

15 MR. BECK: Thanks. I actually also went to
16 school -- I went to college at Thomas More College, the
17 same alma mater as David did, in Kentucky, and I spent
18 a fair amount of time there. And my older son, Bart,
19 is a lieutenant on the police force in Ludlow,
20 Kentucky, which is literally right across the river
21 from Cincinnati. So don't drive very fast in Ludlow.

22 But I do appreciate the Kentucky Colonel

Capital Reporting Company
National Coal Council Meeting 05-16-2013

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1 part. I grew up there, so it's -- that is really
2 special, and I greatly appreciate it.

3 This thing, though, I'm not sure. No.

4 (Laughter.)

5 But, and I will be brief because I have given many
6 speeches, and generally there are two really bad places
7 to give those speeches. One is at 11:30 in the
8 morning, and one is at 4:30 in the afternoon, because
9 you are right before lunch or you are right before the
10 cocktail hour. I have come to know that the 4:30 one
11 is by far the worst.

12 So I'm not going to slow us down from getting
13 to the reception, but it has been 15 years and two
14 weeks of some of the greatest opportunity and
15 productivity in my career. And I appreciate all the
16 help, all the support, that every member over those 15
17 years has provided to the Council.

18 As I always tell people, I'm just staff. It
19 is your Council. Your name goes on those reports. And
20 we have had some tremendous support from some
21 incredible individuals, some just extremely intelligent
22 people, and I think we have shifted the needle on coal

Capital Reporting Company
National Coal Council Meeting 05-16-2013

15

1 over that time, not because of me but because of you,
2 and I thank you all for it.

3 (Applause and standing ovation.)

4 MR. EAVES: You know, as we mentioned, this
5 meeting is authorized and open to the public. The
6 public can submit comments to the Department of Energy.
7 Also, if they wish, they can speak. So those who wish
8 to speak may do so at this time. Do we have anybody
9 who would like to speak?

10 (No response.)

11 Seeing none, let me close by announcing that we will
12 hold the Spring 2013 full Council meeting right here
13 tomorrow morning at 9:00. And with that, if there is
14 no other business to come before the Council, we stand
15 adjourned.

16 Thank you. I promised you it would be short.

17 (Whereupon, at 4:21 p.m., the Council
18 meeting was adjourned.)

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National Coal Council Meeting 05-16-2013

16

1 CERTIFICATE OF COURT REPORTER

2 I, NATALIA THOMAS, the Court Reporter before
3 whom the foregoing proceeding was taken, do hereby
4 certify that the proceeding was recorded by me; that
5 the proceeding was thereafter reduced to typewriting
6 under my direction; that said transcript is a true and
7 accurate record of the proceeding; that I am neither
8 related to nor employed by any of the parties to this
9 proceeding; and, further, that I have no financial
10 interest in this proceeding.

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NATALIA THOMAS
Digital Court Reporter

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Capital Reporting Company
National Coal Council Meeting 05-16-2013

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CERTIFICATE OF TRANSCRIPTION

I, LISA SIKES, hereby certify that I am not
the Court Reporter who reported the following
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proceeding using the Court Reporter's notes and
recordings. The foregoing/attached transcript is a
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Date

LISA SIKES
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Capital Reporting Company
National Coal Council Meeting 05-16-2013

<hr/> <p style="text-align: center;">1</p> <hr/> <p>1 2:3 11 2:13 11:30 14:7 1104 7:21 9:7 15 2:14 10:10,18 13:11 14:13,16 16 1:9 1975 6:17 1995 6:18</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 2:5 20 7:1 20037 1:6 2012 2:6 3:5 5:13 2013 1:9 5:19 15:12 2401 1:5 28 3:7</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 2:3,13 30 9:22</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 2:14 4:06 1:10 4:21 15:17 4:30 14:8,10</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 2:6</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 2:8</p>	<hr/> <p style="text-align: center;">7</p> <hr/> <p>7 2:10 7th 5:11</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 2:12 9:00 15:13</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>accept 7:6 Acceptance 2:6 accepted 5:13,16 accordance 4:1 accurate 16:7 across 13:20 Act 4:2,3 7:20 action 2:8 5:14 actually 3:10 8:21 13:15 additional 12:20 addresses 8:16 Adjourn 2:14 adjourned 15:15,18 adopted 6:22 adoption 4:15 Advisory 4:2 7:6,19 advocate 10:17 affiliation 4:12 8:10 afternoon 3:3 14:8 agenda 3:13,15,18 4:14,15 ago 10:5 12:7</p>	<p>allow 11:14 alma 13:17 am 5:16 16:7 17:2 amendment 6:15 7:3,7,19 Amendments 2:10 American 10:1 amount 13:18 Announcement 2:12 announcing 15:11 anybody 15:8 Applause 13:6,14 15:3 appreciate 3:21 4:14 11:10 13:12,22 14:2,15 appreciation 13:9 approaching 11:18 approved 3:11 Arizona 11:1 Assistance 8:13 association 12:4 assure 11:22 audit 2:7 5:2,13 auditors 5:14 authorized 15:5 available 7:14 eyes 4:20 7:12</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>bad 14:6 BALLROOM 1:5 Bart 13:18</p>	<p>basically 8:16 Beck 11:19 12:8,9,11,12 13:4,15 begin 4:11 behalf 11:5 13:8 Beshear 12:7 13:2 Bible 7:20 bill 7:21 8:14,16 bit 3:14 7:18 bitter 10:4 bittersweet 9:19 blocks 12:3 Bob 3:19,20,21 10:5,8,11,21 11:5,14,16 12:2,4,8,9,11,12 13:7 born 12:3 brief 7:18 14:5 bring 11:21 burden 8:19 burdens 8:20 business 2:5,13 3:17 15:14 bylaws 2:9 5:4 6:10,15,18,20</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>Capital 1:17 career 14:15 carry 6:6 CEO 9:22 certainly 10:7 CERTIFICATE 16:1 17:1</p>
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Capital Reporting Company
National Coal Council Meeting 05-16-2013

<p>certify 16:4 17:2 Chaconas 5:14 Chair 5:2 Chairman 2:4 3:4 5:6,7 6:7,13 7:5 8:7 9:12 11:15 challenge 6:4 9:4 Change 2:12 changes 6:20 7:3 10:19 chapter 10:9 Chief 9:21 choose 8:18 Chorus 4:20 7:12 Cincinnati 12:2 13:21 Clark 7:9 clean 5:17 cleared 9:7 close 15:11 coal 1:1 3:4 5:8 6:16 7:22 9:19 10:1,15,16 11:16 12:12 13:11 14:22 cocktail 14:10 colleagues 11:16 college 13:16 Colonel 12:22 13:22 Colonels 13:5 coming 9:21 commended 10:14 comment 9:4 comments 4:7 15:6</p>	<p>commissioning 13:3 Committee 4:2 5:8,9,11,12,15 7:6,20 Company 1:17 complete 4:8 17:7 concludes 6:7 conference 5:10 conform 7:4 Congress 8:1 contact 8:4 continue 6:3,6 11:3 continues 5:22 contract 12:17 copy 4:13 correct 17:7 Council 1:1 2:5,6,8 3:4,6,17 4:13 5:4,8,17,21 6:5,16 7:22 9:19 10:1,15 11:6,16 13:8 14:17,19 15:12,14,17 Council's 3:8,15 5:13 6:10 country 6:3 couple 11:8,13 Court 16:1,2,15 17:3,5 covers 8:8 creates 8:20 cutting 12:16</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D.C 1:6</p>	<p>Date 17:13 Dave 12:15 David 11:11,14 13:17 day 9:19 de 8:20 decided 10:21 Department 8:19 15:6 determination 5:17 different 3:10,14 difficult 11:9 dig 9:10 Digital 16:15 direction 16:6 disappointed 10:7 DOE's 3:19 dogged-eared 6:21 done 10:12 11:6 13:10,11 drive 13:21 driven 10:1 duties 5:20</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>Eaves 2:3 3:2,4 4:17,19 6:9 7:11 8:9 9:13,16 15:4 effectively 6:6 10:3 employed 16:8 employees 12:16 Energy 3:19 8:19 15:6 entertain 8:7</p>	<p>everybody 3:2 everybody's 7:14 everything 11:6,7 excited 3:12 excuse 6:18 Executive 5:11,15 extremely 14:21</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>FACA 2:11 6:12 7:20 faced 6:2 fact 3:15 8:1 12:3 facto 8:20 fair 13:18 FAIRMONT 1:4 Fall 3:5 far-reaching 9:2 fast 13:21 favor 4:19 7:11 Federal 4:2 7:19 finally 3:11 Finance 5:2,8,9,12,15 financial 5:21 6:2,5 16:9 first 9:8 focus 3:16 10:13 focused 10:16 force 13:19 foregoing 16:3 foregoing/ attached 17:6 formal 8:2</p>
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Capital Reporting Company
National Coal Council Meeting 05-16-2013

<p>forth 9:1 Fossil 3:19 frequently 12:13 friend 10:5 friends 11:15 Fuel 3:19 full 3:6,14 4:8 15:12</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>Gellici 9:21 generally 9:1 14:6 generous 6:1 gentlemen 3:3 getting 3:12 14:12 given 14:5 goodbye 10:5 govern 4:3 Governor 12:6,8,11 13:2 grandkids 11:1 greatest 14:14 greatly 14:2 Greg 5:2,5,7 grew 14:1 Grimes 5:3 6:10,13 7:9,13 8:10,16 9:7,15 13:7 group 6:14 guests 4:5,7 guy 10:12,19 guys 3:11</p> <hr/> <p style="text-align: center;">H</p> <hr/>	<p>H.R 7:21 9:7 handicap 11:2,4 handsome 13:3 hanging 6:22 happy 5:16 harm 11:21 HARRISON 4:16 7:8 haven't 6:17 head 12:11 hear 10:8 held 1:3 3:10 4:1 5:10 help 12:13 14:16 helped 11:8 hereby 16:3 17:2 he's 12:19 history 3:8 hit 13:13 hold 15:12 Honorable 13:3 hopefully 11:2 HOTEL 1:4 hour 14:10 House 7:20</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>I'd 3:18 4:4 5:1 11:11 idea 7:1 II 1:5 I'll 11:12 I'm 3:3,4 10:6 11:19 14:3,12,18</p>	<p>important 4:10 Inc 6:16 incorporation 12:5 increases 8:18 incredible 14:21 indeed 6:3 individuals 14:21 industry 10:16 13:11 inform 9:3 intelligent 14:21 interest 8:3 10:15 16:10 interested 8:5 issues 8:14 it's 11:2 14:1</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>Janet 9:20,22 10:3 Janine 8:12 job 12:17 John 2:3 3:4 10:6 joined 4:5 joining 10:3 jointly 5:10</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Kathy 7:13 Kentuckian 12:4 Kentucky 12:22 13:4,17,20,22 kids 11:1</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>ladies 3:3</p>	<p>Larry 5:3 6:9,12 9:13,16 last 10:18 11:8 13:11 Laughter 11:20 12:1,10 14:4 law 7:5 legislation 5:5 6:11 8:4,6 letter 11:12 lieutenant 13:19 life 10:9 LISA 17:2,13 literally 13:20 little 3:14 7:18 10:22 11:1 live 12:4 lobby 8:1 long 13:13 lot 10:20 Ludlow 13:19,21 lunch 14:9</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>MALE 9:6 Marilyn 10:22 12:2 mater 13:17 may 1:9 5:10 15:8 maybe 11:13 mean 11:8 meeting 1:1 3:5,7,8,9,13 4:1,4,7,8,14 5:9,12 9:18 15:5,12,18</p>
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Capital Reporting Company
National Coal Council Meeting 05-16-2013

Page 4

<p>meetings 8:22 member 13:4 14:16 members 4:13 5:19 8:4,5,18,21 membership 5:22 8:20 mentioned 15:4 microphone 4:10 8:11 Migden 8:12 MIGDEN- OSTRANDER 8:12 minutes 4:8 miss 13:13 mission 6:6 moment 9:18 monitor 11:3 morning 14:8 15:13 motion 4:15 7:7 moved 4:16 7:8</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N.W 1:5 Natalia 1:16 16:2,15 National 1:1 3:4 5:8 6:16 9:19 10:15 11:16 12:12 necessary 6:5 needle 14:22 neither 16:7 nominating 8:17</p>	<p>none 15:11 nor 16:8 notes 17:5</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>Officer 9:21 Oh 12:12 old 6:20 older 13:18 open 4:4 15:5 Operating 9:21 opportunity 4:6 14:14 Opposed 4:21 order 2:3 3:6 13:4 organization 10:2,13 13:10 Ostrander 8:13 ought 9:2 outcome 8:6 outside 3:16 ovation 15:3</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p.m 1:10 15:17 packet 7:15 PAGE 2:2 paid 5:19,20 participate 8:22 parties 16:8 passion 10:13 people 8:20 14:18,22 personally 11:7 piece 8:3</p>	<p>Pittsburgh 3:20 places 14:6 plaque 13:3 play 8:14 please 8:10 11:21 point 5:1 6:9 11:11 police 13:19 position 8:2 possible 2:10 5:21 postponed 3:9 present 13:2 pretty 3:20 priorly 6:22 probably 8:8 9:3 problems 6:2 proceeding 16:3,4,5,7,9,10 17:4,5,8 process 8:17 productivity 14:15 progress 11:4 prohibited 8:1 Project 8:13 promised 15:16 proposed 5:4 6:11,15,19 7:19 proposing 6:20 provided 4:6,13 14:17 province 12:21 public 4:4,5 15:5,6 publicly 5:18 9:5</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>questions 7:16</p>	<p>8:7,9 9:13</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>rather 6:21 readily 9:10 ready 10:6,8 real 11:9 really 3:21 10:14,17 11:10 13:9,12 14:1,6 reason 6:18 received 5:17 reception 14:13 recognize 3:19 recognizes 13:10 recommend 7:5 record 16:7 recorded 16:4 recordings 17:6 reduced 16:5 referencing 8:15 regulations 4:2 Regulatory 8:13 related 16:8 report 2:7,10 5:9,13,16 6:8 reported 1:16 17:3 Reporter 16:1,2,15 17:3 Reporter's 17:5 reporting 1:17 8:19 reports 14:19 represent 7:2 Representatives</p>
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National Coal Council Meeting 05-16-2013

<p>7:21 resources 6:5 response 4:22 9:14 15:10 restatement 6:15 retire 10:7 retiring 12:8,14 review 5:2 revision 6:17 river 13:20 Robert 13:4</p> <hr/> <p>S</p> <p>schedule 3:21 school 13:16 second 4:17,18 7:7,10,13 secretary 8:18 Seeing 15:11 seen 10:19 serve 5:7 shifted 14:22 short 6:14 9:18 15:16 significant 10:1 SIKES 17:2,13 six 12:3 slow 14:12 small 13:9 son 13:18 speak 4:11 15:7,8,9 SPEAKER 9:6 speakers 3:16</p>	<p>special 12:15 14:2 speeches 14:6,7 spend 10:22 spent 9:22 13:17 Spring 15:12 stability 6:4 stable 5:22 staff 2:12 14:18 stand 15:14 standing 7:22 9:4 15:3 start 10:9 started 3:12 state 5:21 stating 4:11 Steve 12:7 stickers 6:21 straight 13:13 STREET 1:5 studies 8:22 subcommittee 9:8 submit 15:6 substantive 6:20 7:3 success 10:2 suggest 8:4 support 6:1 14:16,20 Surber 11:11,15,21 sure 11:3,19 14:3 surface 9:9 sweet 6:14 9:20</p>	<hr/> <p>T</p> <p>taking 8:2 talk 5:3 6:10 7:17 12:12 talking 12:6 technical 7:3 telephone 5:10 thank 5:1,6,19 6:7,13 9:15 11:6,7 15:2,16 Thanks 9:16 13:15 that's 5:5 9:12 thereafter 16:5 Therefore 4:10 Thomas 1:16 13:16 16:2,15 thrilled 10:2 THURSDAY 1:9 tight 3:20 timely 6:1 titles 7:4 today 3:17,20 4:6 6:14,19 9:18 10:3,4 today's 3:7,13 4:14 token 13:9 tomorrow 15:13 town 12:3 traditional 3:14 transcript 4:9 16:6 17:4,6 transcription 17:1,7 Transcriptionist</p>	<p>17:13 tremendous 14:20 trooper 11:9 true 16:6 17:7 trying 10:17 twice 3:9 twice-postponed 3:5 typed 17:4 typewriting 16:5</p> <hr/> <p>U</p> <p>understand 9:8 understandable 9:10 understood 10:8 unique 3:7 Updating 2:8</p> <hr/> <p>V</p> <p>verbatim 4:9 Virginia 7:4 voice 9:8 vote 9:9</p> <hr/> <p>W</p> <p>WALTON 4:18 7:10 WASHINGTON 1:6 weeks 10:11 12:7 14:14 welcome 4:5 7:15 we'll 5:3 11:14 we're 12:16 we've 10:19</p>
--	--	--	--

Capital Reporting Company
National Coal Council Meeting 05-16-2013

Page 6

<p>Whereupon 15:17 whom 16:3 wife 10:22 12:2 Wilson 5:14 wish 4:11 15:7 work 12:20 working 11:2 Workman 5:2,6,7 world 6:3 worst 14:11 Wright 3:19</p> <hr/> <p>Y</p> <hr/> <p>yourself 9:3 you've 11:6,7,9 13:10,11</p>			
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