

# BEFORE THE RECLAMATION COMMISSION

PENN-OHIO COAL CO.  
*dba* KIMBLE CLAY & LIMESTONE,

Appellant,

-vs-

DIVISION OF MINERAL RESOURCES  
MANAGEMENT,

Appellee.

Case Nos. RC-07-005 & 006

Review of Chief's Orders 7323 & 7324;  
Permits D-2079 & D-904

## REPORT OF THE HEARING OFFICER

Appearances: Keith Kimble, on behalf of Appellant Penn-Ohio Coal Co. *dba* Kimble Clay & Limestone; Mark G. Bonaventura, Assistant Attorney General, Counsel for Appellee Division of Mineral Resources Management.

## FINDINGS, CONCLUSIONS

On April 9, 2007, Appellant Penn-Ohio Coal Company, *dba* Kimble Clay and Limestone, filed with the Reclamation Commission notices of appeal from Chief's Order 7323 and Chief's Order 7324. These causes were assigned case numbers RC-07-005 and RC-07-006, respectively.

On January 6, 2010, Appellant filed a request to withdraw these appeals with the Reclamation Commission. Pursuant to Ohio Administrative Code §1513-3-17, case numbers RC-07-005 and RC-07-006 are hereby **DISMISSED** without further action required by the Reclamation Commission.

1/6/2010  
DATE

  
LINDA WILHELM OSTERMAN  
Hearing Officer

### DISTRIBUTION:

Keith Kimble, Via Fax [330-343-7560] & Regular Mail  
Mark G. Bonaventura, Via Fax [614-268-8871] & Inter-Office Mail