

NOTICE OF APPEARANCE



CASE NAME In the Matter of Arch Coal, Inc.	FILE/DOCKET NUMBER Docket No. 9316
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• Pursuant to Section 4.1 of the Commission's Rule of Practice, enter in the above proceeding the appearance of

counsel or representative for the respondent (Complete items 1, 2, 4, and 5 below)

counsel supporting the complaint (Complete items 1, 3, 4, and 5 below)

1. COUNSEL OR REPRESENTATIVE	2. RESPONDENTS
<small>Include name, address and telephone of each</small> Darren S. Tucker O'MELVENY & MYERS LLP 1625 Eye Street, N.W. Washington, D.C. 20006-4001 (202) 383-5300 (202) 383-5414 (fax) dtucker@omm.com	<small>Include address and telephone numbers of all persons, partnerships, corporations, or associations</small> NEW VULCAN COAL HOLDINGS, LLC 141 Market Place Drive, Suite 100 Fairview Heights, IL 62208 (618) 394-2624 TRITON COAL COMPANY, LLC 113 South Gillette Avenue Suite 203 Gillette, WY 82716 (307) 687-2062

3. ASSOCIATE/ASSISTANT DIRECTOR	
4. SIGNATURE OF SENIOR COUNSEL 	5. DATE SIGNED May 4, 2004

Return this form to: H-159
Federal Trade Commission
600 Pennsylvania Ave. NW
Washington, D.C. 20580

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

_____)
In the Matter of)
)
ARCH COAL, INC.,)
a corporation,)
) Docket No. 9316
NEW VULCAN COAL HOLDINGS, LLC,)
a limited liability company,)
)
and)
)
TRITON COAL COMPANY, LLC,)
a limited liability company.)
_____)

DECLARATION OF DARREN S. TUCKER

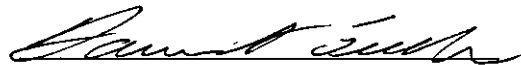
I, Darren S. Tucker, declare as follows:

1. I am an attorney with the law firm of O'Melveny & Myers LLP, counsel for Defendants New Vulcan Coal Holdings, LLC and Triton Coal Company, LLC. I make this declaration pursuant to Rule 4.1(d) of the Federal Trade Commission's Rules of Practice.

2. I am a member of the Bars of the State of Pennsylvania (#82770) and the District of Columbia (#465576) and am admitted to practice before the United States District Court for the District of Columbia. I further attest that I am in good standing within the legal profession.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: May 4, 2004


Darren S. Tucker

CERTIFICATE OF SERVICE

I HEREBY certify that copies of the foregoing Notice of Appearance of Defendants New Vulcan Coal Holdings, LLC and Triton Coal Company, LLC were served on the following persons this 4th day of May, 2004:

Hon. D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
Room H-104
600 Pennsylvania Ave., N.W.
Washington, D.C. 20580

(by hand)

Complaint Counsel

E. Eric Elmore
Michael H. Knight
Federal Trade Commission
601 New Jersey Ave., N.W.
Washington, D.C. 20580

(by hand and email)

Counsel for Defendant Arch Coal, Inc.

Wm. Bradford Reynolds
Howrey Simon Arnold & White, LLP
1299 Pennsylvania Ave., N.W.
Washington, D.C. 20006

(by email)



Darren S. Tucker