Risk Factors Comparison 2024-02-23 to 2023-02-24 Form: 10-K

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Our business is subject to a number of risks, including risks that could prevent us from achieving our business objectives or could adversely affect our business, financial condition, results of operations, cash flows, and prospects. These risks are discussed more fully below and include but are not limited to risks related to: Risks Inherent in an Investment in Us ● Cash distributions are not guaranteed ● Ownership of limited partner interests could be diluted ● Sales of our common units could cause decline in the market price of our common units ● Increase in interest rates could cause decline in the market price of our common units ● The credit risk of our general partner could adversely impact us ● Our unitholders do not elect the general partner ● The control of our general partner may be transferred to a third party ● Unitholders may be required to sell their units to our general partner ● Cost reimbursements due to our general partner could be substantial ● Your liability as a limited partner may not be limited under certain circumstances ● Our general partner' s fiduciary duties are limited ● Our general partner has discretion in determining the level of cash reserves ● Our general partner has potential conflicts of interest ● Some executive officers and directors face potential conflicts of interest ● ESG scores could adversely impact our securities Risks Related to Our Business ● Declining global economic conditions could adversely impact us ● Material adverse effects on our financial condition as a result of future pandemic outbreaks could adversely impact us ● Financing may not be available to us on favorable terms or at all ● Our indebtedness could adversely impact us ● We depend upon the leadership of key personnel ● Legal proceedings could adversely impact us ● Our customers may not honor their contracts or may not enter into new contracts for our products ● Some of our contracts may be renegotiated or terminated ● We depend upon a few customers for significant portions of our revenues ● The credit risk of our customers could adversely impact us ● Cyber or terrorist attacks could adversely impact us ● Establishment of labor unions at our operations could adversely affect our profitability Risks Related to Our Industries ● Changes in coal prices and / or oil & gas prices could impact our results of operations ● Competition within the coal industry could adversely affect our ability to sell coal ● Changes in taxes or tariffs and trade measures could adversely impact us ● **Global geopolitical tensions which** ~~The Russian- Ukrainian conflict, and sanctions brought against Russia,~~ have caused **, and may cause in the future,** significant market ~~disruptions~~ **disputes** that may lead to increased volatility in the price of commodities ● Changes in consumption patterns by utilities could affect our ability to sell coal and / or impact the price of our natural gas ● Tort claims based on climate change ● Litigation resulting from disputes with customers could result in costs and liabilities ● Unanticipated mine operating conditions could affect our profitability ● Inability to obtain and renew permits necessary for operations could limit our ability to continue or expand our operations ● Fluctuations in transportation costs and availability could reduce demand for our products ● Unexpected increases in raw material costs could impact the profitability of our operations ● The ability to recruit, hire and retain skilled labor could impact the profitability of our operations ● Disruptions in supply chains could impact the profitability of our operations ● Inflationary pressures could impact the profitability of our operations ● Unavailability of economic coal mineral reserves and resources could limit our ability to continue or expand our operations ● Estimates of our coal mineral reserves and resources could be inaccurate and could result in decreased profitability ● Coal mining in certain areas could be difficult and involve regulatory constraints which could impact our operations ● Extensive environmental laws and regulations could reduce demand for coal as a fuel source ● Legislative and regulatory compliance is costly ● Legislative and regulatory compliance could impact our business ● Legislative and regulatory initiatives relating to hydraulic fracturing could impact our mineral interests ● Legislative and regulatory initiatives relating to seismic activity could impact our business ● Legislative and regulatory initiatives relating to climate change could impact demand for our products ● Mine facilities may be located in a leased portion of the surface properties which introduces a risk of disruption to our operations ● Inability to acquire or failure to maintain surety bonds could limit our ability to continue or expand our operations ● Dependency on unaffiliated operators to explore and drill on our oil & gas properties limits our ability to control the timing and quantity of production ● Delays in royalty payments and optional royalty payments could impact our business ● Suspension of the right to receive royalty payments could impact our business ● Estimates of our oil & gas reserves could be inaccurate and could result in decreased profitability ● Uncertainties involved in drilling for and producing oil & gas could impact our business ● Availability of transportation and facilities for the products could impact our business ● Lack of hedging arrangements exposes us to the impact of commodity prices ● Expansions and acquisitions have inherent risks that could adversely impact us ● Integration of expansions or acquisitions has inherent risks that could adversely impact us ● Inability to obtain commercial insurance at acceptable rates could have a negative impact on our businessTax Risks to Our Common Unitholders ● Our tax treatment depends on our status as a partnership for U. S. federal income tax purposes, and not being subject to a material amount of entity- level taxation. Our cash available for distribution to unitholders may be substantially reduced if we become subject to entity- level taxation as a result of the ~~Internal Revenue Service ("~~ IRS ~~")~~ treating us as a corporation or legislative, judicial, or administrative changes, and may also be reduced by any audit adjustments if imposed directly on the Partnership. ● Even if unitholders do not receive any cash distributions from us, unitholders will be required to pay taxes on their share of our taxable income. A unitholder' s share of our taxable income may be increased as a result of the IRS successfully contesting any of the federal income tax positions we take. ● Tax gain or loss on the disposition of our units could be more than expected and create tax liabilities for our unitholders ● Limitation on unitholders' ability to deduct interest expense incurred by us could create tax liabilities for our unitholders ● Tax Exempt entities and non- U. S. unitholders face unique tax issues from owning our common units that may result in adverse tax consequences for them ● IRS challenging our allocation of depreciation and amortization deductions could cause adverse tax consequences ● IRS challenging methods of prorating items of income, gain, loss, and deduction could cause adverse tax consequences ● Unitholders with units subject to securities loans could face adverse tax consequences ● Certain U. S. federal income tax deductions currently available with respect to coal mining and production may be eliminated as a result of future legislation ● Unitholders could be subject to state and local taxes and income tax return filing due to their status as a ~~unitholder30Risks~~ **unitholder29Risks** Inherent in an Investment in UsCash distributions to unitholders are not guaranteed. The payment and amount of any future distribution will be subject to the sole discretion of the ~~board of directors of our general partner ("~~ Board of Directors ~~")~~ and will depend upon many factors, including our financial condition and prospects, our capital requirements and access to financing, covenants associated with our debt obligations, and other factors that our Board of Directors may deem relevant, and there can be no assurance that we will pay a distribution in the future. The amount of cash we can distribute to holders of our common units or other partnership securities each quarter principally depends on the amount of cash we generate from our operations, which fluctuates from quarter to quarter. In addition, the actual amount of cash available for distribution may depend on other factors, including capital allocation decisions, financing availability, restrictions in debt agreements, and the amount of cash reserves, if any, established by the general partner, in its discretion, for the proper conduct of our business. Furthermore, since the amount of cash we have available for distribution is not solely a function of profitability, which will be affected by non- cash items, we may make cash distributions during periods when we record net losses and may be unable to make cash distributions during periods when we record net income. Please read" — Risks Related to our Business" for a discussion of further risks affecting our ability to generate available cash. We may issue an unlimited number of limited partner interests, on terms and conditions established by our general partner, without the consent of our unitholders, which will dilute your ownership interest in us and could increase the risk that we will not have sufficient available cash to make distributions. The issuance by us of additional common units or other equity securities of equal or senior rank will have the following effects: ● our unitholders' proportionate ownership interest in us will decrease; ● the amount of cash available for distribution on each unit could decrease; ● the relative voting strength of each previously outstanding unit could be diminished; ● the ratio of taxable income to distributions could increase; and ● the market price of our common units could decline. The market price of our common units could be adversely affected by sales of substantial amounts of our common units in the public markets, including sales by our existing unitholders. The sale or disposition of a substantial number of our common units by our existing unitholders in the public markets could have a material adverse effect on the price of our common units or could impair our ability to obtain capital through an offering of equity securities. We do not know whether any such sales would be made in the public market or private placements, nor do we know what impact such potential or actual sales would have on our unit price in the future. An increase in interest rates could cause the market price of our common units to decline. Like all equity investments, an investment in our common units is subject to certain risks. In exchange for accepting these risks, investors may expect to receive a higher rate of return than would otherwise be obtainable from lower- risk investments. Accordingly, as interest rates rise, the ability of investors to obtain higher risk- adjusted rates of return by purchasing government- backed debt securities could cause a corresponding decline in demand for riskier investments generally, including yield- based equity investments such as publicly traded limited partnership interests. Reduced demand for our common units resulting from investors seeking other more favorable investment opportunities could cause the trading price of our common units to decline. The credit and risk profile of our general partner and its owners could adversely affect our credit ratings and profile. The credit and risk profile of our general partner or its owners may be factors in credit evaluations of us as a master limited partnership. This is because our general partner can exercise significant influence or control over our business activities, including our cash distribution policy, acquisition strategy, and business risk profile. ~~31Our~~ **30Our** unitholders do not elect our general partner or vote on our general partner' s officers or directors. Unlike the holders of common stock in a corporation, our unitholders have only limited voting rights on matters affecting our business and, therefore, limited ability to influence management' s decisions regarding our business. Unitholders did not elect our general partner and will have no right to elect our general partner on annual or other continuing bases. If our unitholders are dissatisfied with the performance of our general partner, they will have little ability to remove our general partner. Our general partner may not be removed except upon the vote of the holders of at least 66. 7 % of our outstanding units. Our unitholders' voting rights are also restricted by a provision in our partnership agreement that provides that any units held by a person that owns 20. 0 % or more of any class of units then outstanding, other than our general partner and its affiliates, cannot be voted on any matter. The control of our general partner may be transferred to a third party without unitholder consent. Our general partner may transfer its general partner interest in us to a third party in a merger or a sale of its equity securities without the consent of our unitholders. Furthermore, there is no restriction in the partnership agreement on the ability of the members of our general partner to sell or transfer all or part of their ownership interest in our general partner to a third party. The new owner or owners of our general partner would then be in a position to replace the directors and officers of our general partner and control the decisions made and actions taken by the Board of Directors and officers. Unitholders may be required to sell their units to our general partner at an undesirable time or price. If at any time less than 20. 0 % of our outstanding common units are held by persons other than our general partner and its affiliates, our general partner will have the right to acquire all, but not less than all, of those units at a price no less than their then- current market price. As a consequence, a unitholder may be required to sell his common units at an undesirable time or price. Our general partner may assign this purchase right to any of its affiliates or us. Cost reimbursements due to our general partner could be substantial and could reduce our ability to pay distributions to unitholders. Before making any distributions to our unitholders, we will reimburse our general partner and its affiliates for all expenses they have incurred on our behalf. The reimbursement of these expenses and the payment of these fees could adversely affect our ability to make distributions to the unitholders. Our general partner has sole discretion to determine the amount of these expenses and fees. For additional information, please see" Item 13. Certain Relationships and Related Transactions, and Director Independence — Related- Party Transactions — Administrative Services." Your liability as a limited partner may not be limited, and our unitholders could have to repay distributions or make additional contributions to us under certain circumstances. As a limited partner in a partnership organized under Delaware law, you could be held liable for our obligations to the same extent as a general partner if you participate in the" control" of our business. Our general partner generally has unlimited liability for the obligations of the partnership, except for those contractual obligations of the partnership that are expressly made without recourse to our general partner. Additionally, the limitations on the liability of holders of limited partner interests for the obligations of a limited partnership have not been established in many jurisdictions. Under certain circumstances, our unitholders could have to repay amounts wrongfully distributed to them. Under Delaware law, we may not make a distribution to our unitholders if the distribution would cause our liabilities to exceed the fair value of our assets. Delaware law provides that for three years from the date of the impermissible distribution, partners who received the distribution and who knew at the time of the distribution that it violated Delaware law will be liable to the partnership for the distribution amount. Liabilities to partners on account of their partnership interest and liabilities that are non- recourse to the partnership are not counted for purposes of determining whether a distribution is permitted. ~~32Our~~ **31Our** partnership agreement limits our general partner' s fiduciary duties to our unitholders and restricts the remedies available to unitholders for actions taken by our general partner that may otherwise constitute breaches of fiduciary duty. Our partnership agreement contains provisions that waive or consent to conduct by our general partner and its affiliates and which reduce the obligations to which our general partner would otherwise be held by state- law fiduciary duty standards. The following is a summary of the material restrictions contained in our partnership agreement on the fiduciary duties owed by our general partner to the limited partners. Our partnership agreement: ● permits our general partner to make many decisions in its" sole discretion." This entitles our general partner to consider only the interests and factors that it desires, and it has no duty or obligation to give any consideration to any interest of, or factors affecting us, our affiliates, or any limited partner; ● provides that our general partner is entitled to make other decisions in its" reasonable discretion"; ● generally provides that affiliated transactions and resolutions of conflicts of interest not involving a required vote of unitholders must be" fair and reasonable" to us and that, in determining whether a transaction or resolution is" fair and reasonable," our general partner may consider the interests of all parties involved, including its own. Unless our general partner has acted in bad faith, the action taken by our general partner shall not constitute a breach of its fiduciary duty; and ● provides that our general partner and our officers and directors will not be liable for monetary damages to us, our limited partners, or assignees for errors of judgment or any acts or omissions if our general partner and those other persons acted in good faith. All limited partners are bound by the provisions in the partnership agreement, including the provisions discussed above. Our general partner' s discretion in determining the level of cash reserves may adversely affect our ability to make cash distributions to our unitholders. Our partnership agreement requires our general partner to deduct from available cash reserves that in its reasonable discretion are necessary for the proper conduct of our business, to comply with applicable law or agreements to which we are a party, or to provide funds for future distributions to partners. These cash reserves will affect the amount of cash available for distribution to unitholders. Our general partner has conflicts of interest and limited fiduciary responsibilities, which may permit our general partner to favor its interests to the detriment of our unitholders. Conflicts of interest could arise in the future as a result of relationships between our general partner and its affiliates, on the one hand, and us, on the other hand. As a result of these conflicts, our general partner may favor its interests and those of its affiliates over the interests of our unitholders. The nature of these conflicts includes the following considerations: ● Remedies available to our unitholders for actions that, without the limitations, could constitute breaches of fiduciary duty are limited. Unitholders are deemed to have consented to some actions and conflicts of interest that could otherwise be deemed a breach of fiduciary or other duties under applicable state law. ● Our general partner is allowed to take into account the interests of parties in addition to us in resolving conflicts of interest, thereby limiting its fiduciary duties to our unitholders. ● Our general partner' s affiliates are not prohibited from engaging in other businesses or activities, including those in direct competition with us, except as provided in the omnibus agreement (please see" Item 13. Certain Relationships and Related Transactions, and Director Independence — Omnibus Agreement"). ● Our general partner determines the amount and timing of our asset purchases and sales, capital expenditures, borrowings, and reserves, each of which can affect the amount of cash that is distributed to unitholders. ● Our general partner determines whether to issue additional units or other equity securities in us. ● Our general partner determines which costs are reimbursable by us. ● Our general partner controls the enforcement of obligations owed to us by it. ● Our general partner decides whether to retain separate counsel, accountants, or others to perform services for us. ~~33~~ **32** ● Our general partner is not restricted from causing us to pay it or its affiliates for any services rendered on terms that are fair and reasonable to us or from entering into additional contractual arrangements with any of these entities on our behalf. ● In some instances, our general partner may direct us to borrow funds to permit the payment of distributions. Some of our executive officers and directors face potential conflicts of interest in managing our business. Certain of our executive officers and directors are also officers and / or directors of ~~Alliance GP, LLC ("~~ AGP ~~")~~. These relationships could create conflicts of interest regarding corporate opportunities and other matters. The resolution of any such conflicts may not always be in our or our unitholders' best interests. These officers and directors face potential conflicts regarding the allocation of their time, which could adversely affect our business, results of operations, and financial condition. Increasing attention to ESG matters may negatively impact our business, financial results, and unit price. Companies across all industries, including companies in fossil- fuel industries, are facing increased scrutiny from stakeholders related to their ESG practices. Companies that do not adapt or comply with evolving investor or stakeholder expectations and standards, or are perceived to have not responded appropriately to ESG issues, regardless of any legal requirement to do so, may suffer reputational damage and the business, financial condition, and valuation of such companies could be materially and adversely affected. Several advocacy groups, both domestically and internationally, have campaigned for governmental and private action to promote change at public companies related to ESG matters, including through the investment and voting practices of investment advisers, public pension funds, universities, and other members of the investing community. These activities include increasing attention to and demands for action related to climate change, promoting the use of substitutes to fossil- fuel products, encouraging the divestment of fossil- fuel equities, and pressuring lenders to limit funding to companies engaged in the extraction of fossil- fuel reserves. These activities could increase costs, reduce demand for our coal and hydrocarbon products, reduce our profits, increase the potential for investigations and litigation, impair our brand, limit our choices for lenders, insurance providers and business partners, and have negative impacts on our unit price and access to capital markets. In addition, certain organizations that provide corporate governance and other corporate risk information to investors and unitholders have developed scores and ratings to evaluate companies and investment funds based on ESG or" sustainability" metrics. Currently, there are no universal standards for such scores or ratings, but consideration of sustainability evaluations is becoming more broadly accepted by investors. Indeed, many investment funds focus on positive ESG business practices and sustainability scores when making investments, whereas other funds may use certain ESG criteria to" screen" certain sectors, such as coal or fossil fuels more generally, out of their investments. In addition, investors, particularly institutional investors, use these scores to benchmark companies against their peers and if a company is perceived as lagging, these investors may engage with companies to require improved ESG disclosure or performance or sell their interests in the company, particularly if its ESG performance does not improve. Moreover, certain members of the broader investment community may consider a company' s sustainability score as a reputational or other factor in making an investment decision. Companies in the energy industry, and in particular those focused on coal, natural gas, or oil extraction, often do not score as well under ESG assessments compared to companies in other industries. Consequently, a low ESG or sustainability score could result in our securities, both debt and equity, being excluded from the portfolios of certain investment funds and investors, restricting our access to capital to fund our continuing operations and growth opportunities. Additionally, to the extent ESG matters negatively impact our reputation, we may not be able to compete as effectively to recruit or retain employees, which may adversely affect our operations. Public statements with respect to ESG matters, such as emission reduction goals, other environmental targets, or other commitments addressing certain social issues, are becoming increasingly subject to heightened scrutiny from public and governmental authorities related to the risk of potential" greenwashing," i. e., misleading information or false claims overstating potential ESG benefits. For example, in March 2021, the SEC established the Climate and ESG Task Force in the Division of Enforcement to identify and address potential ESG- related misconduct, including greenwashing. Certain non- governmental organizations and other private actors have also filed lawsuits under various securities and consumer protection laws alleging that certain ESG- statements, **emission reduction claims, approaches to accounting for GHG emissions reductions, or other ESG- related** goals, or standards were misleading, false, or otherwise deceptive. As a result, we may face increased litigation risks from private parties and governmental authorities related to our ESG efforts. In addition, any alleged claims of greenwashing against us or others in our industry may lead to further negative sentiment and diversion of investments. Additionally, we could face increasing costs as we attempt to comply with and navigate further ESG- related focus and scrutiny. ~~34Risks~~ **33Risks** Related to our BusinessGlobal economic conditions or economic conditions in any of the industries in which our customers operate as well as sustained uncertainty in financial markets could have material adverse impacts on our business and financial condition that we currently cannot predict. Weakness in global economic conditions or economic conditions in any of the industries we serve or in the financial markets could materially adversely affect our business and financial condition. For example: ● the demand for electricity in the United States and globally could decline if economic conditions deteriorate, which could negatively impact the revenues, margins, and profitability of our business; ● any inability of our customers to raise capital could adversely affect their ability to honor their obligations to us; and ● our future ability to access the capital markets could be restricted as a result of future economic conditions, which could materially impact our ability to grow our business, including the development of our coal mineral reserves and resources. We face various risks related to pandemics and similar outbreaks, which have had and may ~~continue to~~ **in the future** have material adverse effects on our business, financial position, results of operations, and / or cash flows. **Pandemics** ~~Since first reported in late 2019~~, **outbreaks or** ~~the~~ **other public health events that are outside of our control could significantly disrupt our operations and adversely affect our financial condition. The global or national outbreak of an illness or other communicable disease, or any other public health crisis, such as** COVID- 19 ~~pandemic has dramatically impacted the global~~ **, may cause disruptions to our business and operations, which may include (i) shortages of employees, (ii) unavailability of contractors or subcontractors, (iii) interruption of supplies from third parties upon which we rely, (iv) restrictions recommended or imposed by government and** health **authorities** ~~and economic environment~~, including **quarantines** ~~millions of confirmed cases~~, ~~business slowdowns~~ **to address an outbreak and (v) restrictions that we and** ~~or~~ **our contractors, subcontractors and our customers impose, including facility** shutdowns, ~~government challenges, and market volatility of an unprecedented nature. The COVID- 19 pandemic and related economic repercussions have created significant volatility, uncertainty, and turmoil in the coal and oil & gas industries driven by widespread government- imposed lockdowns. While most government- imposed shut- downs in the United States and abroad have been phased out, there is a possibility that such shut- downs may be reinstated if COVID- 19 or another pandemic were~~ to **ensure** ~~again become an acute, severe risk. This could cause a sustained decrease in demand for our coal and the failure of our customers to purchase coal from us that they~~ - **the safety** ~~are obligated to purchase pursuant to existing contracts and could cause a sustained decrease in demand for oil & gas, which would have a material adverse effect on our operations and financial condition. The various governmental and private responses to the pandemic also led to widespread, global supply chain disruptions. These supply chain disruptions have previously caused and may continue to or again cause some~~ of **employees** ~~our suppliers to fail to deliver the quantities of supplies we need or fail to deliver such supplies in a timely manner~~. The extent to which COVID- 19 or another future pandemic may adversely impact our results of operations, cash flows and financial condition depends on future developments, which are highly uncertain and unpredictable. Growing our business could require significant amounts of financing that may not be available to us on acceptable terms, or at all. We plan to fund capital expenditures for our growth initiatives with existing cash balances, future cash flows from operations, borrowings under revolving credit and securitization facilities, and cash provided from the issuance of debt or equity. At times, weakness in the energy sector in general and coal, in particular, has significantly impacted access to the debt and equity capital markets. Accordingly, our funding plans could be negatively impacted by constraints in the capital markets as well as numerous other factors, including higher than anticipated capital expenditures or lower than expected cash flow from operations. In addition, we could be unable to refinance our current debt obligations when they expire or obtain adequate funding prior to expiry because our lending counterparties may be unwilling or unable to meet our funding needs. Furthermore, additional growth projects and expansion opportunities could develop in the future that could also require significant amounts of financing that may not be available to us on acceptable terms or in the amounts we expect, or at all. Various factors could adversely impact the debt and equity capital markets as well as our credit ratings or our ability to remain in compliance with the financial covenants under our then- current debt agreements, which in turn could have a material adverse effect on our financial condition, results of operations, and cash flows. If we are unable to finance our growth initiatives as expected, we could be required to seek alternative financing, the terms of which may not be attractive to us, or to revise or cancel our plans. ~~35Our~~ **34Our** indebtedness could limit our ability to borrow additional funds, make distributions to unitholders, or capitalize on business opportunities. We had long- term indebtedness of $ ~~427~~ **347** . ~~0~~ **6** million as of December 31, ~~2022~~ **2023** . Our leverage may: ● adversely affect our ability to finance future operations and capital needs; ● limit our ability to pursue acquisitions and other business opportunities; ● make our results of operations more susceptible to adverse economic or operating conditions; and ● make it more difficult to self- insure for our workers' compensation obligations. In addition, we have unused borrowing capacity under our revolving credit facility. Future borrowings, under our credit facilities or otherwise, could increase our leverage. Our payments of principal and interest on any indebtedness will reduce the cash available for distribution on our units. We will be prohibited from making cash distributions: ● during an event of default under any of our indebtedness; or ● if after such distribution, we fail to meet a coverage test based on the ratio of our consolidated cash flow to our consolidated fixed charges. Various limitations in our debt agreements may reduce our ability to incur additional indebtedness, engage in some transactions, and capitalize on business opportunities. Any subsequent refinancing of our current indebtedness or any new indebtedness could have similar or greater restrictions. Please see" Item 8. Financial Statements and Supplementary Data — Note ~~8~~ **6** – Long- Term Debt" for further discussion. We depend on the leadership and involvement of Joseph W. Craft III and other key personnel for the success of our business. We depend on the leadership and involvement of Mr. Craft. Mr. Craft has been integral to our success, due in part to his ability to identify and develop internal growth projects and accretive acquisitions, make strategic decisions, and attract and retain key personnel. The loss of his leadership and involvement or the services of any members of our senior management team could have a material adverse effect on our business, financial condition, and results of operations. We and our subsidiaries are subject to various legal proceedings, which could have a material adverse effect on our business. We are party to a number of legal proceedings incident to our normal business activities. There is the potential that an individual matter or the aggregation of multiple matters could have an adverse effect on our cash flows, results of operations, or financial position. Please see" Item 3. Legal Proceedings" and" Item 8. Financial Statements and Supplementary Data — Note ~~23~~ **21** – Commitments and Contingencies" for further discussion. The stability and profitability of our operations could be adversely affected if our customers do not honor existing contracts or do not extend existing or enter into new long- term contracts for coal. In ~~2022~~ **2023** , we sold approximately ~~85~~ **93** . ~~0~~ **4** % of our coal sales tonnage under contracts having a term greater than one year, which we refer to as long- term sales contracts. These contracts have historically provided a relatively secure market for the production committed under the terms of the contracts. From time to time industry conditions could make it more difficult for us to enter into long- term sales contracts with our electric utility customers, and if supply exceeds demand in the coal industry, electric utilities may become less willing to lock in price or quantity commitments for an extended period of time. Accordingly, we may not be able to continue to obtain long- term sales contracts with reliable customers as existing contracts expire, which could subject a portion of our revenue stream to the increased volatility of the spot market. ~~36Some~~ -- **Some** of our long- term sales contracts contain provisions allowing for the renegotiation of prices and, in some instances, the termination of the contract or the suspension of purchases by customers. Some of our long- term sales contracts contain provisions that allow the purchase price to be renegotiated at periodic intervals. These price reopener provisions may automatically set a new price based on the prevailing market price or, in ~~some~~ **35some** instances, require the parties to the contract to agree on a new price. Any adjustment or renegotiation leading to a significantly lower contract price could adversely affect our operating profit margins. Accordingly, long- term sales contracts may provide only limited protection during adverse market conditions. In some circumstances, the failure of the parties to agree on a price under a reopener provision can also lead to the early termination of a contract. Several of our long- term sales contracts also contain provisions that allow the customer to suspend or terminate performance under the contract upon the occurrence or continuation of certain events that are beyond the customer' s reasonable control. Such events could include labor disputes, mechanical malfunctions, and changes in government regulations, including changes in environmental regulations rendering the use of our coal inconsistent with the customer' s environmental compliance strategies. Additionally, most of our long- term sales contracts contain provisions requiring us to deliver coal within stated ranges for specific coal characteristics. Failure to meet these specifications can result in economic penalties, rejection or suspension of shipments, or termination of the contracts. In the event of early termination of any of our long- term sales contracts, if we are unable to enter into new contracts on similar terms, our business, financial condition, and results of operations could be adversely affected. We depend on a few customers for a significant portion of our revenues, and the loss of one or more significant customers could affect our ability to maintain the sales volume and price of the coal we produce. In ~~2022~~ **2023** , we derived more than 10 % of our total revenues from each of **American** ~~Duke Energy, Louisville Gas and~~ Electric **Power** ~~Company,~~ and Tennessee Valley Authority. If we were to lose this or any of our significant customers without finding replacement customers willing to purchase an equivalent amount of coal on similar terms, or if these customers were to decrease the amounts of coal purchased or change the terms, including pricing terms, on which they buy coal from us, it could have a material adverse effect on our business, financial condition, and results of operations. Our ability to collect payments from our customers could be impaired if their creditworthiness declines or if they fail to honor their contracts with us.

Our ability to receive payment for coal sold and delivered depends on the continued creditworthiness of our customers. If the creditworthiness of our customers declines significantly, our business could be adversely affected. In addition, if a customer refuses to accept shipments of our coal for which they have an existing contractual obligation, our revenues will decrease and we may have to reduce production at our mines until our customer' s contractual obligations are honored. Terrorist attacks or cyber incidents could result in information theft, data corruption, operational disruption, and / or financial loss. Like most companies, we have become increasingly dependent upon digital technologies, including information systems, infrastructure, and cloud applications and services, to operate our businesses, process and record financial and operating data, communicate with our business partners, analyze mine and mining information, and estimate quantities of reserves and resources, as well as other activities related to our businesses. Strategic targets, such as energy- related assets, could be at greater risk of future terrorist or cyber- attacks than other targets in the United States. Deliberate attacks on, or security breaches in, our systems or infrastructure, or the systems or infrastructure of third parties could lead to corruption or loss of our proprietary data and potentially sensitive data, delays in production or delivery, difficulty in completing and settling transactions **, misdirected wire transfers** , challenges in maintaining our books and records, environmental damage, communication interruptions, other operational disruptions, and third- party liability. Our insurance may not protect us against such occurrences. Consequently, it is possible that any of these occurrences, or a combination of them, could have a material adverse effect on our business, financial condition, results of operations, ~~and~~ cash flows **and reputation** . Further, as cyber incidents continue to evolve, we could be required to expend additional resources to continue to modify or enhance our protective measures or to investigate and remediate any vulnerability to cyber incidents. ~~37Although~~ -- **Although** none of our employees are members of unions, our workforce may not remain union- free in the future. None of our employees are represented under collective bargaining agreements. However, our workforce may not remain union- free in the future, and legislative, regulatory, or other governmental action could make it more difficult to remain union- free. If some or all of our currently union- free operations were to become unionized, it could adversely affect our productivity and increase the risk of work stoppages at our mining complexes. In addition, even if we remain union- free, our operations could still be adversely affected by work stoppages at unionized companies, particularly if union workers were to orchestrate boycotts against our operations. ~~Risks~~ **36Risks** Related to Our IndustriesPrices for oil & gas, as well as coal, are volatile and can fluctuate widely based on a number of factors beyond our control. An extended decline in the prices of such commodities could negatively impact our results of operations. Our results of operations are primarily dependent upon the prices of oil & gas and coal, as well as our ability to improve productivity and control costs. The prices for oil & gas and coal depend upon factors beyond our control, including: ● overall domestic and global economic conditions; ● the ~~adverse impact of the COVID- 19 pandemic due to the reduction in demand; ● the~~ supply of and demand for domestic and foreign coal; ● the supply of and demand for oil & gas; ● weather conditions and patterns that affect demand for coal and oil & gas, or our ability to produce coal or the ability of operators to produce oil & gas from our mineral interests; ● supply chain and cost of raw materials for coal and oil & gas operations **; ● the adverse impact of pandemics, outbreaks and other public health events** ; ● the proximity to and capacity of transportation facilities; ● competition from other coal suppliers; ● domestic and foreign governmental regulations and taxes; ● the price and availability of alternative fuels; ● the effect of worldwide energy consumption, including the impact of technological advances on energy consumption; ● international developments impacting the supply of coal; ● international developments impacting the supply of oil & gas; and ● the impact of domestic and foreign governmental laws and regulations. Any adverse change in these factors could result in weaker demand and lower prices for our products. A substantial or extended decline in coal prices could materially and adversely affect us by decreasing our revenues to the extent we are not protected by the terms of existing coal supply agreements. Competition within the coal industry could adversely affect our ability to sell coal. In addition, foreign currency fluctuations could adversely affect the competitiveness of our coal abroad. We compete with other coal producers in various regions of the United States for domestic coal sales. In addition, we face competition from foreign and domestic producers that sell their coal in the international coal markets. The most important factors on which we compete are delivered price (i. e., the cost of coal delivered to the customer, including transportation costs, which are generally paid by our customers either directly or indirectly), coal quality characteristics, contract flexibility (e. g., volume optionality and multiple supply sources), and reliability of supply. Some competitors could have, among other things, larger financial and operating resources, lower per ton cost of production, or relationships with specific transportation providers. The competition among coal producers could impact our ability to retain or attract customers and could adversely impact our revenues and cash available for distribution. We sell coal in the export thermal and metallurgical coal market, both of which are significantly affected by international demand and competition. Consolidation in the coal industry or current or future bankruptcy proceedings of coal competitors could adversely affect us. The prices of and demand for our coal could significantly decline, which could have a material adverse effect on our business, financial condition, results of operations, and cash flows, and could reduce our revenues and cash available for distribution. ~~38In~~ **In** addition, we face competition from foreign producers that sell their coal in the export market. Potential changes to international trade agreements, trade concessions, or other political and economic arrangements could benefit coal producers operating in countries other than the United States. We could be adversely impacted on the basis of price or other factors by foreign trade policies or other arrangements that benefit competitors. In addition, coal is sold internationally in United States dollars and, as a result, general economic conditions in foreign markets and changes in foreign currency exchange rates could provide our foreign competitors with a competitive advantage. If our competitors' currencies decline against the United States dollar or foreign purchasers' local currencies, those competitors could be able ~~to~~ **37to** offer lower prices for coal to those purchasers. Furthermore, if the currencies of overseas purchasers were to significantly decline in value in comparison to the United States dollar, those purchasers may seek decreased prices for the coal we sell. Consequently, currency fluctuations could adversely affect the competitiveness of our coal in international markets, which could have a material adverse effect on our business, financial condition, results of operations, and cash flows. Changes in taxes or tariffs and other trade measures by the United

States and foreign governments could adversely affect our results of operations, financial position, and cash flows. We pay certain taxes and fees related to our operations. Congress or state legislatures may seek to increase these taxes and fees that relate specifically to the coal industry. We cannot predict further developments, and such increases could have a material adverse effect on our results of operations, financial position, and cash flows. New tariffs and other trade measures could adversely affect our results of operations, financial position, and cash flows. In response to tariffs imposed by the United States, the European Union, Canada, Mexico, and China have imposed tariffs on United States goods and services. The new tariffs, along with any additional tariffs or trade restrictions that may be implemented by the United States or retaliatory trade measures or tariffs implemented by other countries, could result in reduced economic activity, increased costs in operating our business, reduced demand and changes in purchasing behaviors for thermal and metallurgical coal, limits on trade with the United States or other potentially adverse economic outcomes. Additionally, we sell coal into the export thermal and metallurgical markets. Accordingly, our international sales could also be impacted by the tariffs and other restrictions on trade between the United States and other countries. While tariffs and other retaliatory trade measures imposed by other countries on United States goods have not yet had a significant impact on our business or results of operations, we cannot predict further developments, and such existing or future tariffs could have a material adverse effect on our results of operations, financial position and cash flows and could reduce our revenues and cash available for distribution. **Global geopolitical tensions** ~~The Russian- Ukrainian conflict, and sanctions brought against Russia,~~ have caused **, and may cause in the future,** significant market disruptions that may lead to increased volatility in the price of commodities, including oil & gas, coal, and other sources of energy. ~~The extent~~ **Volatility in coal** and ~~duration~~ **oil & gas prices has been and may continue to be heightened as a result** of the ~~military~~ **ongoing Russian- Ukrainian** conflict ~~involving Russia and Ukraine~~ , **continued hostilities** ~~resulting sanctions and future market or supply disruptions~~ in the **Middle East between Israel** ~~region are impossible to predict, but could be significant~~ and **Hamas and** ~~may have a severe adverse effect on~~ the ~~region~~ **potential impact to global shipping caused by Houthi rebels in Yemen** . Globally, various governments have banned imports from Russia including commodities such as oil & gas and coal. These events have caused volatility in the aforementioned commodity markets. Although we have not experienced any material adverse effect on our results of operations, financial condition or cash flows as a result of ~~the war~~ **such conflicts** or the resulting volatility, such volatility, may significantly affect prices for our coal and oil & gas or the cost of supplies and equipment, as well as the prices of competing sources of energy for our electric power plant customers. ~~The war~~ **Global geopolitical conflicts** , trade and monetary sanctions, as well as any escalation of the conflict and future developments, could significantly affect worldwide market prices and demand for our coal and oil & gas and cause turmoil in the capital markets and generally in the global financial system. Additionally, the geopolitical and macroeconomic consequences of ~~the war~~ **such conflicts** and **any** associated sanctions cannot be predicted ~~,~~ but could severely impact the world economy. If any of these events occur, the resulting political instability and societal disruption could reduce overall demand for products, causing a reduction in our revenues or an increase in our costs and thereby materially and adversely affecting our results of operations. ~~39Changes~~ **38Changes** in consumption patterns by utilities regarding the use of coal, including plans by utilities to shut down or move away from coal- fired generation, have affected our ability to sell the coal we produce and may do so in the future. Our business is closely linked to the demand for electricity, and any changes in coal consumption by domestic or international electric power generators would likely impact our business over the long term. The domestic electric power sector accounts for the vast majority of the total domestic coal consumption. The amount of coal consumed by the domestic electric utility industry is affected primarily by the overall demand for electricity, environmental and other governmental regulations, and the price and availability of competing fuels for power plants such as nuclear, natural gas, and fuel oil as well as alternative sources of energy. Competition from natural gas- fired plants that are relatively more efficient, less expensive to construct, and less difficult to permit than coal- fired plants has the most potential to displace a significant amount of coal- fired electric power generation in the near term, particularly from older, less efficient coal- fired powered generators. Future environmental regulation of GHG emissions also could accelerate the use by utilities of fuels other than coal. In addition, federal and state mandates for increased use of electricity derived from renewable energy sources could affect demand for coal. Such mandates, combined with other incentives to use renewable energy sources such as tax credits, could make alternative fuel sources more competitive with coal. Further, far- reaching federal regulations promulgated by the EPA in the last several years, such as CSAPR and MATS, have led to the premature retirement of coal- fired generating units and a significant reduction in the amount of coal- fired generating capacity in the United States. A decrease in coal consumption by the domestic electric utility industry could adversely affect the demand for or the price of coal, which could negatively impact our results of operations and reduce our cash available for distribution. Other factors, such as efficiency improvements associated with technologies powered by electricity have slowed electricity demand growth and could contribute to slower growth in the future. Further decreases in the demand for electricity, such as decreases that could be caused by a worsening of current economic conditions, could have a material adverse effect on the demand for coal and our business over the long term. We, our customers, or the ~~operators~~ **Operators** of our oil & gas mineral interests could be subject to litigation related to climate change. Increasing attention to climate change risk has also resulted in a recent trend of governmental investigations and private litigation by state and local governmental agencies as well as private plaintiffs in an effort to hold energy companies accountable for the alleged effects of climate change. Other public nuisance lawsuits have been brought in the past against power, coal, and oil & gas companies alleging that their operations are contributing to climate change. The plaintiffs in these suits sought various remedies, including punitive and compensatory damages and injunctive relief. While the U. S. Supreme Court held that federal common law provided no basis for public nuisance claims against the defendants in those cases, tort- type liabilities remain a possibility and a source of concern. Government entities in other states (including California and New York) have brought similar claims seeking to hold a wide variety of companies that produce fossil fuels liable for the alleged impacts of the GHG emissions attributable to those fuels. Those lawsuits allege damages as a result of climate change and the plaintiffs are seeking unspecified damages and abatement under various tort theories. Separately, litigation has been brought against certain fossil- fuel companies alleging that they have been aware of the adverse effects of climate change for some time but failed to adequately disclose such impacts to their investors or consumers. We have not been made a party to these other suits, but it is possible that we could be included in similar future lawsuits initiated by state and local governments as well as private claimants. Litigation resulting from disputes with our customers could result in substantial costs, liabilities, and loss of revenues. From time to time, we have disputes with our customers over the provisions of coal supply contracts relating to, among other things, coal pricing, quality, quantity, and the existence of specified conditions beyond our or our customers' control that suspend performance obligations under the particular contract. Disputes could occur in the future and we may not be able to resolve those disputes in a satisfactory manner, which could have a material adverse effect on our business, financial condition, and results of operations. ~~40Our~~ **39Our** profitability could decline due to unanticipated mine operating conditions and other events that are not within our control and that may not be fully covered under our insurance policies. Our coal mining operations are influenced by changing conditions or events that can affect production levels and costs at particular mines for varying lengths of time and, as a result, can diminish our profitability. These conditions and events include, among others: ● mining and processing equipment failures and unexpected maintenance problems; ● unavailability of required equipment; ● prices for fuel, steel, explosives, and other supplies; ● fines and penalties incurred as a result of alleged violations of environmental and safety laws and regulations; ● variations in the thickness of the layer, or seam, of coal; ● amounts of overburden, partings, rock, and other natural materials; ● weather conditions, such as heavy rains, flooding, ice, and other natural events affecting operations, transportation, or customers; ● accidental mine water discharges and other geological conditions; ● fires; ● seismic activities, ground failures, rock bursts or structural cave- ins or slides; ● employee injuries or fatalities; ● labor- related interruptions; ● increased reclamation costs; ● inability to acquire, maintain or renew mining rights or permits in a timely manner, if at all; ● fluctuations in transportation costs and the availability or reliability of transportation; and ● unexpected operational interruptions due to other factors. These conditions have the potential to significantly impact our operating results. Prolonged disruption of production at any of our mines would result in a decrease in our revenues and profitability, which could materially adversely impact our quarterly or annual results. Effective ~~December~~ **October** 1, ~~2022~~ **2023**, we renewed our ~~annual~~ property and casualty insurance program **through September 30, 2024**. Our property insurance was procured from our wholly owned captive insurance company, Wildcat Insurance ~~, LLC (" Wildcat Insurance")~~. Wildcat Insurance charged certain of our subsidiaries for the premiums on this program and in return purchased reinsurance for the program in the standard market. The maximum limit in the commercial property program is $ 100. 0 million per occurrence, excluding a $ 1. 5 million deductible for property damage, a 75 or 90 day waiting period for underground business interruption depending on the mining complex ~~,~~ and an additional $ 25. 0 million overall aggregate deductible **. We retained a 7. 25 % participating interest in our current commercial property insurance program**. We can make no assurances that we will not experience significant insurance claims in the future that could have a material adverse effect on our business, financial condition, results of operations ~~,~~ and ability to purchase property insurance in the future. Also, exposures exist for which no insurance may be available and for which we have not reserved. In addition, the insurance industry has been subject to efforts by environmental activists to restrict coverages available for fossil- fuel companies. We could be unable to obtain and renew permits necessary for our coal mining operations, which could reduce our production, cash flow, and profitability. Mining companies must obtain numerous governmental permits or approvals that impose strict conditions and obligations relating to various environmental and safety matters in connection with coal mining. The permitting rules are complex and can change over time. Regulatory authorities exercise considerable discretion in the timing and scope of permit issuance. The public has the right to comment on permit applications and otherwise participate in the permitting process, including through court intervention. Accordingly, permits required to conduct our operations may not be issued, maintained, or renewed, may not be issued or renewed in a timely fashion, or may involve requirements that restrict our ability to economically conduct our mining operations. Limitations on our ability to conduct our mining operations due to the inability to obtain or renew necessary permits or similar approvals could reduce our production, cash flow, and profitability. Please read" Item 1. Business — Environmental, Health and Safety Regulations — Mining Permits and Approvals." ~~41The~~ **40The** EPA has begun reviewing permits required for the discharge of overburden from mining operations under Section 404 of the CWA. Various initiatives by the EPA regarding these permits have increased the time required to obtain and the costs of complying with such permits. In addition, the EPA previously exercised its" veto" power to withdraw or restrict the use of previously issued permits in connection with one of the largest surface mining operations in Appalachia. The EPA' s action was ultimately upheld by a federal court. As a result of these developments, we could be unable to obtain or experience delays in securing, utilizing, or renewing Section 404 permits required for our operations, which could have an adverse effect on our results of operation and financial position. Please read" Item 1. Business — Environmental, Health and Safety Regulations — Water Discharge." In addition, some of our permits could be subject to challenges from the public, which could result in additional costs or delays in the permitting process or even an inability to obtain permits, permit modifications, or permit renewals necessary for our operations. Fluctuations in transportation costs and the availability or reliability of transportation could reduce revenues by causing us to reduce our production or by impairing our ability to supply coal to our customers. Transportation costs represent a significant portion of the total cost of coal for our customers and, as a result, the cost of transportation is a critical factor in a customer' s purchasing decision. Increases in transportation costs could make coal a less competitive source of energy or could make our coal production less competitive than coal produced from other sources. Disruption of transportation services due to weather- related problems, flooding, drought, accidents, mechanical difficulties, strikes, lockouts, bottlenecks, or other events could temporarily impair our ability to supply coal to our customers. Our transportation providers could face difficulties in the future that could impair our ability to supply coal to our customers, resulting in decreased revenues. If there are disruptions in the transportation services provided by our primary rail or barge carriers that transport our coal and we are unable to find alternative transportation providers to ship our coal, our business could be adversely affected. Conversely, significant decreases in transportation costs could result in increased competition from coal producers in other parts of the country. For instance, difficulty in coordinating the many eastern coal loading facilities, the large number of small shipments, the steeper average grades of the terrain, and a more unionized workforce are all issues that combine to make coal shipments originating in the eastern United States inherently more expensive on a per- mile basis than coal shipments originating in the western United States. Historically, high coal transportation rates from the western coal- producing areas into certain eastern markets limited the use of western coal in those markets. Lower rail rates from the western coal- producing areas to markets served by eastern United States coal producers have created major competitive challenges for eastern coal producers. In the event of further reductions in transportation costs from western coal- producing areas, the increased competition with certain eastern coal markets could have a material adverse effect on our business, financial condition, and results of operations. States in which our coal is transported by truck may modify or increase enforcement of their laws regarding weight limits or coal trucks on public roads. Such legislation and enforcement efforts could result in shipment delays and increased costs. An increase in transportation costs could have an adverse effect on our ability to increase or maintain production and could adversely affect revenues. Political or financial instability, currency fluctuations, the outbreak of pandemics or other illnesses (such as the COVID- 19 pandemic), labor unrest, transport capacity and costs, port security, weather conditions, natural disasters, or other events that could alter or suspend our operations, slow or disrupt port activities, or affect foreign trade are beyond our control and could materially disrupt our ability to participate in the export market for coal sales, which could adversely affect our sales and our results of operations. Unexpected increases in raw material costs could significantly impair our operating profitability. Our coal mining operations are affected by commodity prices. We use significant amounts of steel, petroleum products, and other raw materials in various pieces of mining equipment, supplies, and materials, including the roof bolts required by the room- and- pillar method of mining. Steel prices and the prices of scrap steel, natural gas, and coking coal consumed in the production of iron and steel fluctuate significantly and could change unexpectedly. Inflationary pressures have and could continue to lead to price increases affecting many of the components of our operating expenses such as fuel, steel, and maintenance expenses. There could be acts of nature or terrorist attacks or threats that could also impact ~~42the~~ -- **the** future ~~costs~~ **41costs** of raw materials. Future volatility in the price of steel, petroleum products, or other raw materials will impact our operational expenses and could result in significant fluctuations in our profitability. A shortage of skilled labor may make it difficult for us to maintain labor productivity and competitive costs and could adversely affect our profitability. Efficient coal mining using modern techniques and equipment requires skilled laborers, preferably with at least one year of experience and proficiency in multiple mining tasks. In recent years, a shortage of experienced coal miners has caused us to include some inexperienced staff in the operation of certain mining units, which decreases our productivity and increases our costs. This shortage of experienced coal miners is the result of a significant percentage of experienced coal miners reaching retirement age, combined with the difficulty of retaining existing workers and attracting new workers to the coal industry. Thus, this shortage of skilled labor could continue over an extended period. If the shortage of experienced labor continues or worsens, it could have an adverse impact on our labor productivity and costs and our ability to expand production in the event there is an increase in the demand for our coal, which could adversely affect our profitability. Disruptions in supply chains could significantly impair our operating profitability. We are dependent upon vendors to supply mining equipment, safety equipment, supplies, and materials. If a vendor fails to deliver on its commitments, or if common carriers have difficulty providing capacity to meet demands for their services, we could experience reductions in our production or increased production costs, which could lead to reduced profitability and adversely affect our results of operations. Inflationary pressures could significantly impair our operating profitability. Any future inflationary or deflationary pressures could adversely affect the results of our operations. For example, at times our results have been significantly impacted by price increases affecting many of the components of our operating expenses such as fuel, steel, maintenance expense and labor. In addition to potential cost increases, inflation could cause a decline in global or regional economic conditions that reduce demand for our coal or oil & gas and could adversely affect our results of operations. The unavailability of an adequate supply of coal mineral reserves and resources that can be mined at competitive costs could cause our profitability to decline. Our profitability depends substantially on our ability to mine coal mineral reserves and resources that have the geological characteristics that enable them to be mined at competitive costs and to meet the quality needed by our customers. Because we deplete our reserves and resources as we mine coal, our future success and growth depend, in part, upon our ability to acquire additional coal mineral reserves and resources that are economically recoverable. Replacement reserves and resources may not be available when required or, if available, may not be mineable at costs comparable to those of the depleting mines. We may not be able to accurately assess the geological characteristics of any reserves or resources that we acquire, which could adversely affect our profitability and financial condition. Exhaustion of reserves and resources at particular mines also could have an adverse effect on our operating results that is disproportionate to the percentage of overall production represented by such mines. Our ability to obtain other reserves and resources in the future could be limited by restrictions under our existing or future debt agreements, competition from other coal companies for attractive properties, the lack of suitable acquisition candidates, or the inability to acquire coal properties on commercially reasonable terms. The estimates of our coal mineral reserves and resources could prove inaccurate and could result in decreased profitability. The estimates of our coal mineral reserves and resources could vary substantially from the actual amounts of coal we are able to economically recover. The reserve and resource data set forth in" Item 2. Properties — Coal Mineral Resources and Reserves" represent engineering estimates. All of the coal mineral reserves presented in this Annual Report on Form 10- K constitute proven and probable mineral reserves. There are numerous uncertainties inherent in estimating quantities of reserves and resources, including many factors beyond our control. Estimates of coal mineral reserves and ~~43~~ **42**