

CLOUD PEAK ENERGY INC.  
Form 4  
November 20, 2009

**FORM 4**

UNITED STATES SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

OMB APPROVAL

OMB Number: 3235-0287  
Expires: January 31, 2005  
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Check this box if no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b).

**STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES**

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section 30(h) of the Investment Company Act of 1940

(Print or Type Responses)

1. Name and Address of Reporting Person \*  
RIO TINTO PLC

2. Issuer Name and Ticker or Trading Symbol  
CLOUD PEAK ENERGY INC.  
[CLD]

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

(Last) (First) (Middle)

3. Date of Earliest Transaction (Month/Day/Year)  
11/19/2009

Director  10% Owner  
 Officer (give title below)  Other (specify below)

2 EASTBOURNE TERRACE,

(Street)

4. If Amendment, Date Original Filed(Month/Day/Year)

6. Individual or Joint/Group Filing(Check Applicable Line)  
 Form filed by One Reporting Person  
 Form filed by More than One Reporting Person

LONDON, X0 W2 6LG

(City) (State) (Zip)

**Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned**

| 1. Title of Security (Instr. 3) | 2. Transaction Date (Month/Day/Year) | 2A. Deemed Execution Date, if any (Month/Day/Year) | 3. Transaction Code (Instr. 8) | 4. Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5) | 5. Amount of Securities Beneficially Owned Following Reported Transaction(s) (Instr. 3 and 4) | 6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4) | 7. Nature of Ownership (Instr. 4) |     |       |
|---------------------------------|--------------------------------------|--|--------------------------------|---|---|--|-----------------------------------|-----|-------|
|                                 |                                      |  |                                | (A) or (D)  | Code  | V  | Amount                            | (D) | Price |

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

**Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.**

SEC 1474 (9-02)

**Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)**

| 1. Title of Derivative Security | 2. Conversion or Exercise | 3. Transaction Date (Month/Day/Year) | 3A. Deemed Execution Date, if any | 4. Transaction Code | 5. Number of Derivative Securities Acquired | 6. Date Exercisable and Expiration Date (Month/Day/Year) | 7. Title and Amount of Underlying Security (Instr. 3 and 4) |
|---------------------------------|---------------------------|--------------------------------------|-----------------------------------|---------------------|---|--|---|
|---------------------------------|---------------------------|--------------------------------------|-----------------------------------|---------------------|---|--|---|

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| (Instr. 3)                    | Price of<br>Derivative<br>Security | (Month/Day/Year) | (Instr. 8) | (A) or Disposed of<br>(D)<br>(Instr. 3, 4, and 5) | Date<br>Exercisable | Expiration<br>Date | Title  | Amount<br>Number<br>Shares |
|-------------------------------|------------------------------------|------------------|------------|---|---------------------|--------------------|--|----------------------------|
| Common<br>Membership<br>Units | \$ 0 <sup>(1)</sup>                | 11/19/2009       | D          | 30,600,000  | <sup>(1)</sup>      | <sup>(1)</sup>     | Common<br>Stock of<br>Cloud<br>Peak<br>Energy<br>Inc., par<br>value<br>\$.01/share | 30,                        |

## Reporting Owners

| Reporting Owner Name / Address  | Relationships |              |         |       |
|---|---------------|--------------|---------|-------|
|   | Director      | 10%<br>Owner | Officer | Other |
| RIO TINTO PLC<br>2 EASTBOURNE TERRACE<br>LONDON, X0 W2 6LG  | X             | X            |         |       |
| RIO TINTO EUROPEAN HOLDINGS LTD<br>2 EASTBOURNE TERRACE<br>LONDON, X0 W2 6LG                              | X             | X            |         |       |
| RIO TINTO WESTERN HOLDINGS LTD<br>2 EASTBOURNE TERRACE<br>LONDON, X0 W2 6LG                               | X             | X            |         |       |
| RIO TINTO AMERICA HOLDINGS INC<br>100 QUENTIN ROOSEVELT BOULEVARD<br>GARDEN CITY, NY 11530                | X             | X            |         |       |
| RTAH LLC<br>P.O. BOX 3009<br>505 SOUTH GILLETTE AVENUE<br>GILLETTE, WY 82717-3009                         | X             | X            |         |       |
| RIO TINTO AMERICA INC<br>3595 S 8309 W<br>MAGNA, UT 84044   | X             | X            |         |       |
| RIO TINTO ENERGY AMERICA INC<br>505 SOUTH GILLETTE AVENUE<br>GILLETTE, WY 82717-3009                      | X             | X            |         |       |
| KENNECOTT MANAGEMENT SERVICES CO<br>P.O. BOX 3009<br>505 SOUTH GILLETTE AVENUE<br>GILLETTE, WY 82717-3009 | X             | X            |         |       |

## Signatures

|   |            |
|---|------------|
| /s/ Jim Berson, Attorney-in-Fact, RIO TINTO PLC                         | 11/17/2009 |
| **Signature of Reporting Person   | Date       |
| /s/ Jim Berson, Attorney-in-Fact, RIO TINTO EUROPEAN HOLDINGS LIMITED   | 11/17/2009 |
| **Signature of Reporting Person   | Date       |
| /s/ Jim Berson, Attorney-in-Fact, RIO TINTO WESTERN HOLDINGS LIMITED    | 11/17/2009 |
| **Signature of Reporting Person   | Date       |
| /s/ Jim Berson, Attorney-in-Fact, RIO TINTO AMERICA HOLDINGS INC.       | 11/17/2009 |
| **Signature of Reporting Person   | Date       |
| /s/ Jim Berson, Attorney-in-Fact, RTAH LLC                              | 11/17/2009 |
| **Signature of Reporting Person   | Date       |
| /s/ Jim Berson, Attorney-in-Fact, RIO TINTO AMERICA INC.                | 11/17/2009 |
| **Signature of Reporting Person   | Date       |
| /s/ Jim Berson, Attorney-in-Fact, RIO TINTO ENERGY AMERICA INC.         | 11/17/2009 |
| **Signature of Reporting Person   | Date       |
| /s/ Jim Berson, Attorney-in-Fact, KENNECOTT MANAGEMENT SERVICES COMPANY | 11/17/2009 |
| **Signature of Reporting Person   | Date       |

## Explanation of Responses:

- \* If the form is filed by more than one reporting person, *see* Instruction 4(b)(v).
- \*\* Intentional misstatements or omissions of facts constitute Federal Criminal Violations. *See* 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).
- (1) For text of Footnote 1, see Exhibit 99.1.
- (2) For text of Footnote 2, see Exhibit 99.1.
- (3) For text of Footnote 3, see Exhibit 99.1.

### Remarks:

Preston Chiaro serves on the board of directors of the Issuer and is the Group Executive, Technology & Innovation, of Rio Tinto. As a result, the Reporting Owners may be deemed directors of the Issuer by deputation.

### Exhibit List

Exhibit 99.1 - Text of Footnote 1, Footnote 2 and Footnote 3.

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure. Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.