

# VORYS

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Legal Counsel

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RECEIVED-DOCKETING DIV  
2008 OCT -6 PM 4:40  
PUCO

52 East Gay St.  
PO Box 1008  
Columbus, OH 43216-1008  
614.464.6400  
www.vorys.com  
Founded 1909

October 6, 2008

Ms. Renee Jenkins, Secretary  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215-3793

Re: Middletown Coke Company  
Ohio Power Siting Board Case No. 08-281-EL-BGN  
Affidavit of Publication of Notice

Dear Ms. Jenkins:

On behalf of Middletown Coke Company, I am submitting the Publisher's Certificate indicating that notice of the hearing was published in the Middletown Journal News, a newspaper of general circulation in Butler County, Ohio, and the attached notice was in fact published in the September 28<sup>th</sup> edition of the Middletown Journal News.

Thank you in advance for your cooperation.

Sincerely yours,

*Stephen M. Howard*

Stephen M. Howard

Attorneys for Middletown Coke Company

SMH/jab

cc parties of record

Enclosure

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.

Technician TM Date Processed 10/6/2008

WASHINGTON  
1828 L St. NW  
Eleventh Floor  
Washington, DC 20036-5109  
202.467.8800

CLEVELAND  
1375 East Ninth St.  
2100 One Cleveland Center  
Cleveland, OH 44114-1724  
216.479.6100

CINCINNATI  
221 East Fourth St.  
Suite 2000, Atrium Two  
PO Box 0236  
Cincinnati, OH 45201-0236  
513.723.4000

ALEXANDRIA  
277 South Washington St.  
Suite 310  
Alexandria, VA 22314  
703.837.6999

AKRON  
106 South Main St.  
Suite 1100  
Akron, OH 44308  
330.208.1000

PUBLISHER'S CERTIFICATE

MIDDLETOWN JOURNAL NEWS

MIDDLETOWN JOURNAL NEWS  
52 SOUTH BROAD STREET  
MIDDLETOWN, OH 45042

STATE OF OHIO, BUTLER COUNTY, ss: Deborah Rinaldo

Personally appeared before me the undersigned authority, on this 29th day of September 2008, who being by me first duly sworn, says he/she is the legal billing clerk of the Middletown Journal News, a Newspaper published in Butler County Ohio, and of general circulation in said city and county, and that the attached advertising was published in said Journal on the dates set forth below:

Deborah Rinaldo  
signature

CUSTOMER SR045164

EDITION	PUB DATE	CHARGE PER DAY
MJ	9/28/2008	

10953397

Vorys, Sater, Seymour  
52 East Gay Street  
PO Box 1008  
Columbus OH 43216

NUMBER OF INSERTIONS 1

TOTAL CHARGE **\$900.00**

COPY LINE Middletown Coke Plant

Sworn to and subscribed before me this

29th day of Sept, 2008  
Kim Bingham  
Notary Public



KIM BINGHAM  
Notary Public, State of Ohio  
My Commission Expires Aug. 1, 2010

# NOTICE OF PROPOSED MAJOR UTILITY FACILITY

Middletown Coke Company, a subsidiary of SunCoke Energy, is proposing to build a cogeneration station on property located in Butler County, in the City of Middletown near AK Steel's Middletown Works, bordered by State Route 4 to the west, Yankee Road to the east, and Gordon's Hills and Dicks Creek to the north. The proposed electric power facility will occupy three acres and will be integrated into a coking facility at that site in a manner to allow the cogeneration unit to capture the waste steam from the coking operation for the production of electricity. The cogeneration plant shall be owned and operated by Middletown Coke Company. See the map below. The long-term average electricity generation rate of the proposed facility will be 57 megawatts (MW) with a peak generation rate of 67 MW.

Middletown Coke Company has filed with the Ohio Power-Siting Board an application for a certificate to construct, operate and maintain the proposed Middletown Coke Company cogeneration power station in Case No. 08-281-EL-BGN, which is now pending before the Board.

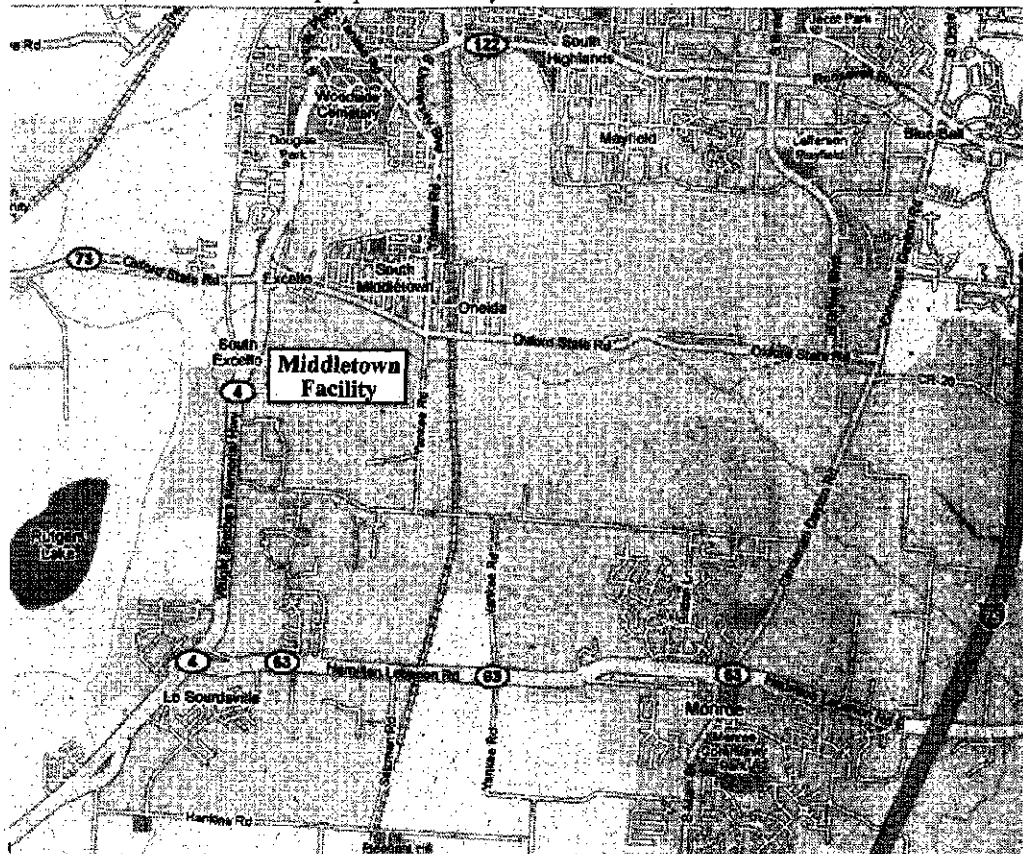
The public hearing shall consist of two parts:

- (a) a local public hearing, pursuant to Section 4906.08(C), Revised Code, where the Board shall accept written or oral testimony from any person on Tuesday, October 14, 2008, at 5:30 p.m. at the City Building, City Council Chambers, Lower Level, 1 Donham Plaza, Middletown, Ohio 45042 and
- (b) An adjudicatory hearing commencing on Thursday, October 16, 2008, at 10:00 a.m. at the office of the Public Utilities Commission of Ohio, 180 East Broad Street, 11<sup>th</sup> floor, hearing room F, Columbus, Ohio 43215-3793.

The public will be given an opportunity to comment on the proposed facility at the public hearing.

The first Notice of Proposed Major Utility Facility relating to the Middletown Coke Company cogeneration station was published on August 17, 2008 in the Middletown Journal.

The map below shows the location of the proposed facility:



September 28, 2008

Tue, Sep 23, 2008  
11:38:47

Receipt No

# Advertising COX Ohio Publishing Receipt

Acct SR045164  
Phone 6144645401  
E-Mail  
Client

Name VORYS, SATER, SEYMOUR & P  
Address 52 EAST GAY ST  
PO BOX 1008  
PO BOX 1008  
City COLUMBUS

State OH Zip 43216

Caller:

Ad Name 10953397R  
Ad Id 10953397

Reply Request  
Standby Type

Start 09/28/08  
Class RMAI  
Copy Line MIDDLETOWN COKE CO  
Editions SMJR/WMHV/

Issues 1  
Rate SROPEN  
Rep Donna Brashears

Stop 09/28/08  
Pay Type BI  
Colors 0  
Tear sheets

Earliest Production Deadline: 00/00/00

Lines.....	128
Depth.....	10.50
Columns...	4
Price	900.00
Other Charges	0.00
Discounts	0.00
Total	900.00

**NOTICE OF PROPOSED MAJOR UTILITY FACILITY**

Middletown Coke Company, a subsidiary of SteelCo Energy, is proposing to build a cogeneration station on property located in Butler County, in the City of Middletown near AK Steel's Middletown Works, bordered by State Route 9 to the west, Yankee Road to the east, and Cleveland's Hills and Dicks Creek to the north. The proposed electric power facility will occupy three acres and will be integrated into a cooling facility at that site in a manner to allow the cogeneration unit to capture the waste steam from the cooling operation for the production of electricity. The cogeneration plant shall be owned and operated by Middletown Coke Company. See the map below. The long-term average electricity generation rate of the proposed facility will be 57 megawatts (MW) with a peak generation rate of 67 MW.

Middletown Coke Company has filed with the Ohio Power Siting Board an application for a certificate to construct, operate and maintain the proposed Middletown Coke Company cogeneration power station in Case No. 08-281-LI-BE/NC, which is now pending before the Board.

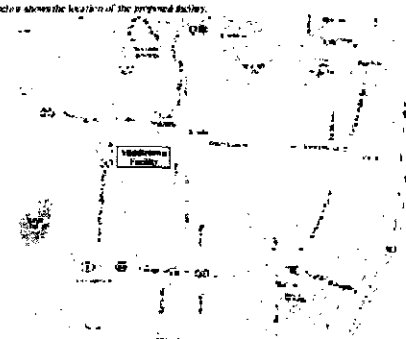
The public hearing shall consist of two parts:

- a local public hearing, pursuant to Section 4906.09(C), Revised Code, wherein the Board shall accept written or oral testimony from any person on Tuesday, October 14, 2008, at 5:30 p.m. at the City Building, City Council Chambers, Lower Level, 1 Donham Plaza, Middletown, Ohio 45042 and
- An a judicial hearing commencing on Thursday, October 16, 2008, at 10:00 a.m. in the office of the Public Utilities Commission of Ohio, 100 East Broad Street, 17<sup>th</sup> floor hearing room B, Cincinnati, Ohio 45215-3795.

The public will be given an opportunity to comment on the proposed facility at the public hearing.

The first notice of Proposed Major Utility Facility relating to the Middletown Coke Company cogeneration station was published on August 17, 2008 in the Middletown Journal.

The map below shows the location of the proposed facility.



September 23, 2008

Ad shown is not actual print size