

BEFORE  
THE OHIO POWER SITING BOARD

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In the Matter of the Application of )  
Middletown Coke Company, a subsidiary )  
of SunCoke Energy, for a Certificate of ) Case No. 08-281-EL-BGN  
Environmental Compatibility and Public )  
Need to Build a Cogeneration Facility. )

**MIDDLETOWN COKE COMPANY'S RESPONSES TO THE CITY OF  
MONROE'S FIRST SET OF REQUESTS FOR PRODUCTION OF  
DOCUMENTS**

Pursuant to Ohio Administrative Code § 4906-7-07, Middletown Coke Company ("MCC"), serves these responses to the City of Monroe's September 18, 2008 First Set of Requests for Production of Documents.

**DEFINITIONS**

The following definitions apply to the terms used in these requests for production of documents:

1. "AK Steel Middletown Works" means the steel manufacturing facility owned and operated by AK Steel in Middletown, Butler County, Ohio.
2. "And" and "or" are both conjunctive and disjunctive and shall be interpreted to call for the most comprehensive information available to Middletown Coke Company.
3. "Cogeneration Station" means the steam turbine generator and associated electrical generating equipment to be constructed and operated by Middletown Coke Company at the Facility, as that term is defined below.
4. "CO" means carbon monoxide.
5. "Documents" include but is not limited to all writings, correspondence, memoranda, letters, summaries, notes, reports, studies, manuals, telephone logs, calendars, charts,

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analyses, papers, contracts, tables, invoices, graphs, books, lists, purchase orders, memoranda of conversations, sample analyses, sample submission forms, laboratory sheets, sketches, photographs, slides, movies, films, videotapes, audiotapes, microfiche, data sheets, chain of custody sheets, manifests, minutes of meetings, jottings, plans, drawings, blueprints, records, permit application records, cards, literature, articles, telegrams, schematics, graphs, tapes, computer printouts, pamphlets, visual aids, and any other document as defined under the rules of civil procedure. "Documents" include drafts and all copies which are not identical to the originals, such as those bearing marginal comments, alterations, notes or other notations not present on the original. "Documents" also includes e-mail and any other record in electronic form, including messages deleted or otherwise stored in any database or stored by any internet service provider.

6. "Emissions data" means any quantitative data, including but not limited to the results of stack tests, opacity data, or continuous emission monitor data, relating to the emission of air contaminants or pollutants from an Emissions Unit.
7. "Emissions Unit" has the same meaning as set forth in O.A.C. § 3745-31-01(MM).
8. "Facility" means the proposed Middletown Coke Company heat recovery coke making facility and cogeneration station to be constructed in Middletown and/or Lemon Township, Butler County, Ohio.
9. "Include" or "including" means including but not limited to.
10. "Matter" or "this Matter" means the proceedings before the Ohio Power Siting Board for a certificate of environmental compatibility and public need for Middletown Coke Company, OPSB Case No. 08-281-EL-BGN.

11. "NO<sub>x</sub>" means nitrogen oxides.
12. "Person" means any individual, corporation, proprietorship, partnership, professional corporation, association, group, governmental agent or entity, and any other entity.
13. "PM," "PM<sub>10</sub>," and "PM<sub>2.5</sub>" have the same meanings set forth in O.A.C. § 3745-17-01.
14. "PTI Application" means Middletown Coke Company's application for a Permit to Install for the Facility pursuant to O.A.C. Chapter 3745-31, including any drafts or revisions thereof.
15. "Sinter Plant" means the former sinter plant at the AK Steel Middletown Works, including but not limited to all equipment, processes, or emissions units included in Middletown Coke Company's netting calculations for said Sinter Plant in the PTI Application.
16. "SO<sub>2</sub>" means sulfur dioxide.
17. "VOC" or "volatile organic compounds" has the same meaning as defined in O.A.C. § 3745-21-01.
18. Where the context herein makes it appropriate, each singular word shall include its plural and each plural shall include its singular.
19. Each of the following words include the meaning of every other listed word: "each", "all", and "any".

### **GENERAL OBJECTION**

Middletown Coke Company objects to the definition of "Facility" as set forth by the City of Monroe above. Middletown Coke Company objects to inclusion of the heat recovery coke making facility in the definition of "Facility." The heat recovery coke making facility is not a part of the application that is before the Ohio Power Siting Board. Requests for documents related to the heat recovery coke making facility are objectionable because the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

The Middletown Coke Company responds to the City of Monroe's requests to produce documents as follows:

1. A curriculum vitae or resume for each witness that Middletown Coke Company may call to testify in this Matter.

#### **Response:**

Middletown Coke Company may call Ryan Osterholm as a witness to testify in this Matter. Attached is a copy of his curriculum vitae or resume. Middletown Coke Company may call other witnesses to testify. If such a determination is made, additional documents will be provided.

2. All documents and tangible objects that Middletown Coke Company may introduce into evidence in this Matter, to which Middletown Coke Company's witnesses may refer during the hearing in this Matter, or which Middletown Coke Company's witnesses may review in preparation for their testimony in this Matter.

Response:

Middletown Coke Company may introduce the application, affidavits of publication, pre-filed testimony, responses to Staff Data Requests, and other documents which have been previously filed or will be filed with the Ohio Power Siting Board.

3. Organizational charts, employee rosters, or other documents showing the names and titles/positions of all managerial and executive personnel of Middletown Coke Company from 2005 to the present.

Response:

Middletown Coke Company was incorporated on November 9, 2007. The executive officers of Middletown Coke Company from the date of incorporation to present are as follows:

Michael H. R. Dingus	President	11/9/07 - 5/30/08
Michael Thomson	Executive VP President	11/9/07 - 7/15/08 7/15/08 - Present
Paul Mulholland	VP, Finance Treasurer	11/9/07 - 9/10/08 9/10/08 - Present
Kenneth Schuett	Vice President	11/9/07 - 6/30/08
Michael White	Vice President	7/21/08 - Present
Charles Ellis	Vice President	3/01/08 - Present
Mark McCormick	Secretary	11/9/08 - Present
Marilyn Choi	Treasurer	11/9/07 - 9/10/08
Greg Gentry	Controller	1/25/08 - Present

4. Organizational charts, employee rosters, or other documents showing the names and titles/positions of all managerial and executive personnel of SunCoke Energy, Inc., and any other parent companies, partners, affiliates, and other entities in the chain of ownership of

Middletown Coke Company from 2005 to the present, excluding shareholders of publicly traded corporations.

Response:

Objection. This request is overly broad and seeks documents which are not necessarily calculated to lead to the discovery of admissible evidence. See Response to Request for Production No. 3.

5. All contracts or other agreements between AK Steel and either Middletown Coke Company or SunCoke Energy, Inc., or both, which contain terms relating to the construction or operation of the Facility.

Response: See General Objection. Further Objection. This request is overly broad and seeks documents which are not reasonably calculated to lead to the discovery of admissible evidence. Further Objection. This request seeks documents that contain proprietary and confidential information.

6. All contracts or other agreements between AK Steel and either Middletown Coke Company or SunCoke Energy, Inc., or both, which contain terms relating to the specifications or quality of coke to be supplied to AK Steel from the Facility, including, but not limited to, any contracts or other agreements pertaining to coke chemistry specifications or coal or coke sulfur content.

Response: Objection. This request does not seek information that is calculated to lead to the discovery of admissible evidence. Pursuant to Finding (8) of the September 25, 2008 Entry of Administrative Law Judge Scott Farkas, "The Board has no jurisdiction over any permits for construction of the coke plant. Therefore, issues related to the coke plant will not be considered

in this proceeding." Further objection. This request seeks documents that contain proprietary and confidential information.

7. All contracts or other agreements between AK Steel and either Middletown Coke Company or SunCoke Energy, Inc., or both, which contain terms relating to the purchase, sale, or allocation of coke generated or manufactured at the Facility.

Response: Objection. See response to Request for Production of Documents number 6.

8. All contracts or other agreements between AK Steel and either Middletown Coke Company or SunCoke Energy, Inc., or both, which contain terms relating to the purchase, sale, or allocation of electricity generated or manufactured by the Cogeneration Station.

Response: Objection. This request does not seek information that is reasonably calculated to lead to the discovery of admissible evidence. Further objection. This request seeks confidential information and information of a proprietary nature.

9. All records of the actual cost of coke purchased by AK Steel for its Middletown Works from 2003 to the present. This request does not include coke manufactured at the AK Steel Middletown Works.

Response: Objection. See response to Request for Production of Documents number 6. Further objection. The request seeks information from AK Steel, a non-party. Further objection. The request seeks information which may be of a proprietary nature.

10. All emissions data relating to any emission unit at the coke manufacturing facility operated by Haverhill North Coke Company, a subsidiary of SunCoke Energy, Inc., OEPA Facility ID 0773000182, Franklin Furnace, Ohio.

Response: Objection. This request does not seek information that is calculated to lead to the discovery of admissible evidence. Pursuant to Finding (8) of the September 25, 2008 Entry of

Administrative Law Judge Scott Farkas, "The Board has no jurisdiction over any permits for construction of the coke plant. Therefore, issues related to the coke plant will not be considered in this proceeding." Further objection. This request seeks information from Haverhill North Coke Company which is not a party to the case. Further, the request seeks information which is not reasonably calculated to lead to the discovery of admissible evidence because neither the Haverhill cogeneration station nor the coke oven at Haverhill North are before the Board in this case. Further objection. Middletown Coke Company further objects to this request to the extent that it seeks confidential and/or proprietary information.

11. All records of coal sulfur content for coal utilized in the industrial processes at the coke manufacturing facility operated by the Haverhill North Coke Company, Franklin Furnace, Ohio, as said facility is referenced in Request for Production 10, above.

Response: Objection. See response to Request for Production of Documents number 10.

12. All emissions data regarding the Sinter Plant breaker end, including but not limited to all performance test results for the breaker end baghouse.

Response: Objection. See response to Request for Production of Documents number 9.

13. The report of Envisage Environmental, Incorporated dated October 10, 1995, relating to the Sinter Plant windbox.

Response: Objection. See response to Request for Production of Documents number 9.

14. All daily steam production records for each boiler in AK Steel Middletown Works' Boiler Houses 2 and 3 from June 4, 2005 through the present.

Response: Objection. See response to Request for Production of Documents number 6.

Further objection. This request seeks information which is not in the possession of the applicant.



It seeks information from AK Steel, which is not a party in this case. Further objection. This request seeks information which may be of a confidential and proprietary nature.

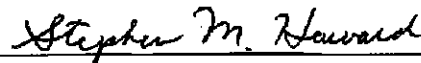
15. All records of total fuel usage for AK Steel Middletown Works' Boiler Houses 2 and 3 from June 4, 2005 to the present.

Response: Objection. See response to Request for Production of Documents number 14.

16. All documents containing information concerning production levels or rates at the Sinter Plant during the Sinter Plant windbox emission testing that occurred in September, 1995.

Response: Objection. See response to Request for Production of Documents number 14.

As to objections,



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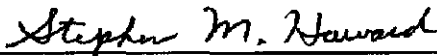
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Attorneys for Middletown Coke Company.

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Responses of Middletown Coke Company to the City of Monroe's Requests for Production of Documents was served upon the following parties of record by electronic mail or via facsimile where applicable and via first class, U.S. Mail on this 8<sup>th</sup> day of October, 2008.

  
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Stephen M. Howard

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## **WORK EXPERIENCE**

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### **SUNCOKE ENERGY, INC.**

**Knoxville, TN**

*Subsidiary of Sunoco, Inc. and leading independent supplier of metallurgical coke and power.*

#### **Director – Project Development**

**2007-Present**

Responsible for the identification, evaluation, customer interface, structuring, negotiation and approvals of business development opportunities for SunCoke Energy.

- Lead development representative for Middletown Coke Company and various other SunCoke projects.

### **PUBLIC SERVICE ENTERPRISE GROUP, INC.**

**Newark, NJ**

*\$22 billion market-cap utility and power generation company ranked 199 in the Fortune 500*

#### **Director – Strategy, Planning & Development, PSEG Power LLC**

**2007**

Responsible for coordinating PSEG Power's strategic and financial planning process, analyzing key strategic issues, and identifying, evaluating and executing business development opportunities for a business unit representing nearly \$900M in annual earnings. Oversaw organization of three directors/managers and five senior-level analysts.

- Led 5-year planning process across multiple business units, several geographic regions and numerous complex revenue streams.
- Coordinating the development of key supply-demand and pricing outlooks that will provide the basis for company's business plan. Outlooks include assessments of capacity, energy, ancillary services, fuel and emission allowance markets.
- Directed the evaluation of multiple business development opportunities with potential to serve as significant growth vehicles for company earnings.
- Business lead on cross-functional strategy team responsible for formulating and advancing PSEG agenda on impending Carbon Dioxide regulation and legislation.

#### **Director – Fossil Business Operations, PSEG Power LLC**

**2006-2007**

High-level role responsible for all finance, planning, performance reporting, business analysis, and materials management functions within \$2+ billion revenue line of business. Led organization of four managers and fifteen analysts/administrative staff. Member of senior leadership team reporting to unit President.

- Managed development of 5-year operating plans with \$12B of revenue, \$2B of expenses and \$1.5B of capital expenditures. Process required coordination across 20+ departments and multiple corporate support functions.
- Provided critical support for achieving annual P&L targets through aggressive management of risks and opportunities, continuous focus on key scorecard metrics, and rigorous analysis for major financial decisions.
- Directed evaluation and approval of three strategic investments in key assets totaling nearly \$1.6B and delivered presentations to executive officers and company boards.
- Member and financial lead of 5-person team that successfully negotiated Consent Decree amendment for key generating asset. Negotiations involved multiple state as well as federal agencies.
- Led numerous process change efforts, including organization redesigns, capitalization policy restructuring and financial reporting standardization. Projects entailed thorough assessments of process design issues, systems requirements, as well as personnel training needs.

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## **WORK EXPERIENCE (CONTINUED)**

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### **Manager – Fossil Business Operations, PSEG Power LLC**

**2004-2006**

Personally tapped by business unit President to be integral part of turnaround effort and assume leadership of strategic planning & business analysis for unit's coal-fired assets. Supervised team of six professionals responsible for business planning, financial reporting, and performance measurement for coal assets. Provided direct support to corporate/business unit senior leadership teams.

- Improved financial management of coal asset operations, including:
  - Enhanced financial staff capability and productivity by establishing clear expectations and responsibilities, hiring additional support for key operations, and providing training to address proficiency gaps.
  - Implemented new financial reporting process that improved budget accountability and cost control of operations representing more than \$100 million in expenses. Process subsequently adopted across division.
  - Identified need for daily report with key financial and operational metrics. Report roll-out increased business focus on critical measures and contributed to multi-million dollar increase in annual gross margin.
- Performed economic analyses for multiple strategic investment decisions, including detailed assessments of pollution control options, fuel supply alternatives, and various growth opportunities. Business unit President's key resource on all such projects.
- Acted as main interface with trading & marketing organization to optimize asset operations and maximize portfolio profitability, including outage planning, pricing strategies, and coal supply management.
- Provided project support and business analysis for regulatory initiatives that increased company earnings by more than \$30 million per year.

### **Senior Enterprise Consultant, MBA Rotational Program**

**2002-2004**

Pioneer employee in select post-MBA leadership development program sponsored by PSEG senior executive team.

#### Energy Resources & Trade

- Produced market study analyzing potential impact of liquefied natural gas (LNG) on North American natural gas markets. Market intelligence used to support forward-looking asset and trading strategies.
- Created risk and position reporting process for multiple asset portfolios. Reports used to quantify profit & loss exposure and identify optimal hedging and risk management strategies.
- Led valuation of long-term power purchase agreements in conjunction with electric utility auction. Contract due diligence required assessment of complex pricing risks embedded in contracts.

#### PSE&G Gas Distribution

- Developed profitability analysis of HVAC Installation Program. Highlighted under performing segment and provided plan for supervisors to focus improvement efforts.

#### Corporate Development

- Conducted industry research outlining key market, technological, regulatory, and environmental trends to support M&A strategy development.
- Performed target screening and financial modeling to identify opportunities in conjunction with strategies.
- Prepared financial and strategic evaluations of prospective merger & acquisition targets, including presentations to chief financial officer regarding merits of various opportunities.

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## **WORK EXPERIENCE (CONTINUED)**

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### **LUKENS ENERGY GROUP, INC.**

**Houston, TX**

*Formerly The Economics Resource Group, now a subsidiary of Black & Veatch, LLP*

*Management consultancy providing economic analysis and business counsel to energy companies*

#### **Manager**

**1999-2000**

Accountable for work-plan conception, project management and execution of client engagements. Projects required coordination of client employees, 3<sup>rd</sup> party legal/engineering resources, and up to 3 internal analysts to deliver work product on-time and on-budget. Also responsible for recruitment, hiring, training and development of all analysts at firm.

- Managed engagement teams on several large-scale M&A transactions. Valuation advice for \$4 billion acquisition of major interstate natural gas company by integrated utility client. Presentation to CFO of top U.S. electric utility on \$2 billion natural gas pipeline target.
- Led market analysis for \$800 million natural gas pipeline and storage investment project. Directed case team in assessing need for new natural gas capacity in eastern U.S. to support client investment decision.
- Authored report to executive management of natural gas utility regarding profitability of company's capital investments. Report led to formulation of new capital expenditure policy for client's operations.

#### **Analyst**

**1997-1998**

- Contributing author of article published in *The Electricity Journal* and presented to U.S. Congressional Representatives. Paper researched potential impacts of electric deregulation on low-cost power states.
- Provided analytical support for expert testimony related to Federal Trade Commission market power review of pending client merger. Client was major integrated oil & gas company acquiring a large refining and marketing competitor.
- Created transfer-pricing study for \$600 million royalty dispute involving enhanced oil recovery projects. Study included cash flow and financial analyses to support litigation proceedings.
- Developed cost of service and rate design models for natural gas utility rate case filings.

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## **EDUCATION**

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### **KELLOGG SCHOOL OF MANAGEMENT NORTHWESTERN UNIVERSITY**

**Evanston, IL  
2000-2002**

Master of Business Administration

- Majors, finance and marketing
- Co-chair, Energy Management Club

### **TRINITY UNIVERSITY**

**San Antonio, TX  
1993-1997**

Bachelor of Arts in economics

- Graduated summa cum laude – one of only 9 out of 450 students