

**FILE**

**BEFORE  
THE OHIO POWER SITING BOARD**

4  
RECEIVED-DOCKETING DIV  
2008 OCT 29 PM 4:54  
PUCO

In the Matter of the Application of )  
Middletown Coke Company, a subsidiary )  
of SunCoke Energy, for a Certificate of )  
Environmental Compatibility and Public )  
Need to Build a Cogeneration Facility. )

Case No. 08-281-EL-BGN

---

**MIDDLETOWN COKE COMPANY'S RESPONSES TO  
SECOND SET OF INTERROGATORIES FROM  
INTERVENOR CITY OF MONROE**

---

Middletown Coke Company ("MCC") or "the Applicant" hereby provides these responses to the October 9, 2008 Second Set of Interrogatories from the City of Monroe.

**DEFINITIONS**

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

1. "And" and "or" are both conjunctive and disjunctive and shall be interpreted to call for the most comprehensive information available to MCC.
2. "Application" means the "Application to the Ohio Power Siting Board for a Certificate of Environmental Compatibility and Public Need" submitted in this proceeding.
3. "Cogeneration station" means the cogeneration station referenced in the application.
4. "Documents" include but is not limited to all writings, correspondence, memoranda, letters, summaries, notes, reports, studies, manuals, telephone logs, calendars, charts, analyses, papers, contracts, tables, invoices, graphs, books, lists, purchase orders, memoranda of conversations, sample analyses, sample submission

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 SM Date Processed 10/30/08

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 Board's rules. "Documents" is defined to the broadest extent permitted by OAC 4906-7-07 and includes, whenever applicable, the originals (absent any original, a copy) of any record of any intelligence or information (whether handwritten, typed, printed or otherwise visually or aurally reproduced) in your possession, custody or control. "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.

5. "Heat recovery coke oven project" means the heat recovery coke oven project described on page 01-1 of MCC's application in this case, including the coke oven operations, steam generation operations, pollution control operations, and cogeneration station.

6. "Include" or "Including" means including but not limited to.

7. "Person" means any individual, corporation, proprietorship, partnership, professional corporation, association, group, governmental agent or entity, and any other entity.

8. Where the context herein makes it appropriate, each singular word shall include its plural and each plural shall include its singular.

9. Each of the following words include the meaning of every other listed word: "each", "all", and "any".

### **GENERAL OBJECTIONS**

1. The Second Set of Interrogatories served on October 9, 2008 were served well after the deadline for discovery as imposed by the Ohio Power Siting Board. Pursuant to Rule 4906-7-07(B)(1) of the Ohio Administrative Code, discovery must be completed prior to the commencement of the hearing. The hearing began on October 14, 2008. MCC has twenty (20) days from the date of service to provide its responses which would be October 29, 2008, fifteen (15) days after the deadline. The City of Monroe has not asked to extend the time period for discovery nor has it shown good cause for doing so.

2. This interrogatory seeks information which has specifically been found by the Administrative Law Judge as not subject to discovery as set forth in the October 9, 2008 entry in this matter.

### **INTERROGATORIES**

9.<sup>1</sup> Identify the name, employer, and occupation of each expert witness expected to testify at the hearing and state the subject matter on which the expert is expected to testify.

**Response:** See General Objection No. 1 above. Without waiving such objection, Ryan Osterholm, Director of Project Development, SunCoke Energy, Inc., Parkside Plaza, 11400 Parkside Drive, Knoxville, Tennessee 37934, (865-288-5295). In addition, MCC

---

<sup>1</sup> Interrogatories are numbered sequentially from Monroe's first set of interrogatories to facilitate identification in this proceeding.

may determine to call additional witnesses and if it does determine to call additional witnesses, it will supplement this response.

10. Identify the specific locations of any alternative sites that MCC considered as locations for the cogeneration station, and explain why such alternative sites were not selected for the cogeneration station.

Response: See General Objection No. 1 above. Further objection. This Interrogatory seeks information on an area from which the Administrative Law Judge granted a waiver. See the May 28, 2008 Entry, Findings 6-9.

11. Identify the specific locations of any alternative sites that MCC considered as locations for the heat recovery coke oven project, and explain why such alternative sites were not selected for the heat recovery coke oven project.

Response: See General Objections Nos. 1 and 2 above.

12. Identify the names, addresses, employers, occupations, and titles of all persons who participated in MCC's decision to select the site for the cogeneration station, and describe the role that each such person played in that process.

Response: See General Objection No. 1 above. Further objection. This Interrogatory is overly broad and unduly burdensome to complete.

13. Identify names, addresses, employers, occupations, and titles of all persons who participated in MCC's decision to select the site for the heat recovery coke oven project, and describe the role that each such person played in that process.

Response: See General Objections Nos. 1 and 2 above. Further objection.  
This Interrogatory is overly broad and unduly burdensome to complete.

14. Identify and describe all artifacts, objects, and structures that have been found within five miles of the site proposed for the cogeneration station and that are more than 50 years old, and identify the specific location at which each artifact, object, and structure was found.

Response: See General Objection No. 1 above. Without waiving such objection, see Responses to Request for Production of Documents Nos. 42-43.

As to Objections,



---

M. Howard Petricoff  
Stephen M. Howard  
VORYS, SATER, SEYMOUR AND PEASE LLP  
52. E. Gay Street  
Columbus, OH 43215  
Phone: (614) 464-5414  
Fax: (614) 464-6350  
E-mail: [mhpetricoff@vorys.com](mailto:mhpetricoff@vorys.com)  
[smhoward@vorys.com](mailto:smhoward@vorys.com)

**CERTIFICATE OF SERVICE**

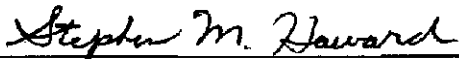
I hereby certify that a copy of the foregoing Middletown Coke Company's Responses To Second Set Of Interrogatories From Intervenor City Of Monroe were served upon the following parties of record by the methods indicated below on October 29, 2008:

Christopher A. Walker  
Jack A. Van Kley  
Van Kley & Walker, LLC  
137 North Main Street, Suite 316  
Dayton, OH 45402-1772  
E-Mail [cwalker@vankleywalker.com](mailto:cwalker@vankleywalker.com)  
[jvankley@vankleywalker.com](mailto:jvankley@vankleywalker.com)

F. Joseph Schiavone  
6978 Hamilton Middletown Road  
Middletown, OH 45044.  
[fjlaw@gmail.com](mailto:fjlaw@gmail.com)

Thomas G. Lindgren  
Assistant Attorney General  
Public Utilities Section  
180 E. Broad Street, 9<sup>th</sup> Floor  
Columbus, OH 43215-3793  
[thomas.lindgren@puc.state.oh.us](mailto:thomas.lindgren@puc.state.oh.us)

Margaret A. Malone  
Ohio Attorney General  
Environmental Enforcement  
30 E. Broad Street, 25<sup>th</sup> Floor  
Columbus, OH 43215-3400  
[mmalone@ag.state.oh.us](mailto:mmalone@ag.state.oh.us)

  
\_\_\_\_\_  
Stephen M. Howard