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BEFORE THE OHIO POWER SITING BOARD

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 Station in)
Butler County, Ohio)

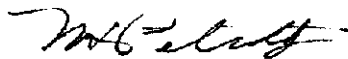
Case No. 08-281-EL-BGN

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NOTICE OF WITHDRAWAL OF APPLICATION

Middletown Coke Company (the Applicant") hereby gives notice that it is withdrawing its June 6, 2008 application for a certificate of environmental compatibility and public need in the above styled docket. On December 1, 2010 the Ohio Supreme Court in In Re Application of Middletown Coke Co., Slip Opinion No. 2010-Ohio-5725 reversed the January 26, 2009 Opinion, Order and Certificate of the Ohio Power Siting Board. In light of that decision, the Applicant has determined that it will not proceed with construction of the major utility facility as described in its Application. The Applicant requests that its application be withdrawn and that this case be dismissed without prejudice and closed.

Respectfully submitted,



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Technician AND Date Processed 12/3/10

CERTIFICATE OF SERVICE

I certify that the foregoing Notice of Withdrawal of Application was served via electronic mail and United States mail postage prepaid upon the following persons this 3rd day of December, 2010.


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