

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 ) Case No. 08-281-EL-BGN  
Environmental Compatibility and Public )  
Need to Build a Cogeneration Facility. )

ENTRY

The Ohio Power Siting Board finds:

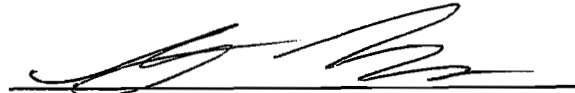
- (1) On June 6, 2008, Middletown Coke Company (MCC), filed an application for a certificate of environmental compatibility and public need (certificate) for a major utility facility (project) proposed to be located in Butler County, Ohio.
- (2) On January 26, 2009, the Board approved MCC's application and issued a certificate to MCC for the construction, operation, and maintenance of the project at the preferred site.
- (3) 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 decision of the Board.
- (4) On December 3, 2010, MCC filed a notice that it is withdrawing its application. MCC noted that, in light of the Supreme Court's December 1, 2010 decision, it will not proceed with construction of the project as described in the application and it is requesting withdrawal of its application. The Board finds that MCC's request to withdraw its application for a certificate should be granted and this case should be closed of record.

It is, therefore,

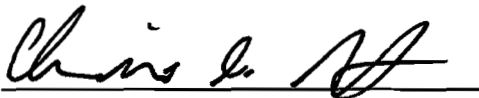
ORDERED, That MCC's request to withdraw its application be granted and that this case be closed of record. It is, further,

ORDERED, That a copy of this entry should be served upon parties of record.

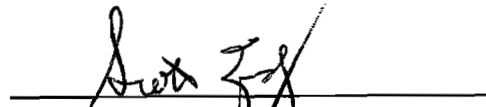
THE OHIO POWER SITING BOARD



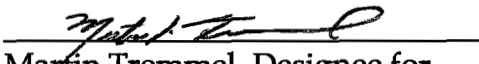
Steven D. Lesser, Chairman  
Public Utilities Commission of Ohio



Chadwick Smith, Designee for  
Mark Kvamme, Interim Director  
Ohio Department of Development



Scott Zody, Designee for  
David Mustine, Director  
Ohio Department of Natural Resources



Martin Tremmel, Designee for  
Theodore Wymyslo, Director  
Ohio Department of Health



Scott Nally, Director  
Ohio Environmental Protection Agency




Jim Zehringer, Director  
Ohio Department of Agriculture



Ali Keyhani, Ph.D.  
Public Member

SEF/sc

Entered in the Journal **FEB 28 2011**



Renee J. Jenkins  
Secretary