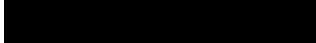


**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MIDWEST ENERGY EMISSIONS CORP.	)	
and MES Inc.,	)	
	)	C.A. No. 19-1334 (CJB)
Plaintiffs,	)	
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
ARTHUR J. GALLAGHER & CO., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DEFENDANTS' CORRESPONDENCE TO THE HONORABLE  
CHRISTOPHER J. BURKE**

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Buffington Partners LLC,  
Bascobert (A) Holdings LLC,  
Larkwood Energy LLC,  
Cottbus Associates LLC,  
Marquis Industrial Company, LLC,  
Rutledge Products, LLC*

Dated: February 19, 2024



Kenneth L. Dorsney  
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February 19, 2024

**VIA CM/ECF & HAND DLIVERY**

The Honorable Christopher Burke  
United States District Court  
844 North King Street  
Wilmington, DE 19801



**Re: *Midwest Energy Emissions Corp., et. al v. Arthur J. Gallagher & Co., et al.,***  
**C.A. No. 19-1334-CJB**

Dear Judge Burke:

Attached please find Defendants' proposed exhibits DTX-1968-1971 which were inadvertently not included in the parties' joint letter filed on February 16, 2024 (D.I. 674).

Respectfully submitted,

*/s/ Kenneth L. Dorsney*

Kenneth L. Dorsney (#3726)

cc: All counsel of record (via CM/ECF and electronic mail)

# ATTACHMENTS

**Power Plant: *Antelope Valley Station***  
**CERT Project Company: *Marquis Industrial Company, LLC***

Date Test Completed at EERC	EERC Recommended Additive Rate for S45 Tax Credit Qualification (SSorb / MSorb)	Results of EERC Pilot Scale Testing of NOx / Hg Reductions	Coal Type	Record Document Citations
8/12/2014	0.20%/0.002%	22.25% / 43.73%	ND Lignite	CERT-0040881-CERT-004
2/11/2015	0.20%/0.002%	22.83% / 41.52%	ND Lignite	CERT-0040652-CERT-004
8/4/2015	0.20% / 0.002%	22.40% / 47.47%	ND Lignite	CERT-0041676-CERT-004
2/2/2016	0.20%/0.002%	22.53% / 52.62%	ND Lignite	CERT-0041393-CERT-004
7/21/2016	0.20%/0.002%	23.80% / 45.36%	ND Lignite	CERT-0040336-CERT-004
1/17/2017	0.20%/0.002%	23.60% / 45.60%	ND Lignite	CERT-0040709-CERT-004
7/13/2017	0.20%/0.002%	21.29%/45.96%	ND Lignite	CERT-0040365-CERT-004
1/11/2018	0.20%/0.002%	23.86%/46.40%	ND Lignite	CERT-0041308-CERT-004
7/10/2018	0.20%/0.002%	23.85%/47.54%	ND Lignite	CERT-0040308-CERT-004
1/3/2019	0.20%/0.002%	23.93%/45.89%	ND Lignite	CERT-0041619-CERT-004
6/25/2019	0.20%/0.002%	22.10%/54.35%	ND Lignite	CERT-0041280-CERT-004
12/17/2019	0.20%/0.002%	22.00%/45.39%	ND Lignite	CERT-0009945-CERT-004
6/9/2020	0.20%/0.002%	21.27%/51.16%	ND Lignite	CERT-0009974-CERT-004
12/3/2020	0.20%/0.002%	22.75%/50.32%	ND Lignite	CERT-0010003-CERT-004
5/27/2021	0.20%/0.002%	22.27% / 51.68%	ND Lignite	CERT-0009916-CERT-004
11/23/2021	0.20%/0.002%	23.79% / 49.22%	ND Lignite	CERT-0009887-CERT-004

**Power Plant: Big Cajun II**  
**CERT Project Company: Spring Hill Resources Holdings, LLC**

<b>Date Test Completed at EERC</b>	<b>EERC Recommended Additive Rate for S45 Tax Credit Qualification (SSorb / MSorb)</b>	<b>Results of EERC Pilot Scale Testing of NOx / Hg Reductions</b>	<b>Coal Type</b>	<b>Record Document Information</b>
<b>11/12/2015</b>	<b>0.20%/0.002%</b>	24.45% / 52.09%	PRB	CERT-0006465-CERT
<b>5/3/2016</b>	<b>0.20%/0.002%</b>	22.40% / 53.47%	PRB	CERT-0006609-CERT
<b>10/27/2016</b>	<b>0.20%/0.002%</b>	22.12% / 54.15%	PRB	CERT-0006436-CERT
<b>8/13/2018</b>	<b>0.20%/0.002%</b>	22.55%/54.30%	PRB	CERT-0006696-CERT
<b>2/11/2019</b>	<b>0.20%/0.002%</b>	23.61%/49.01%	PRB	CERT-0006552-CERT
<b>8/5/2019</b>	<b>0.20%/0.002%</b>	20.77%/49.51%	PRB	CERT-0004357-CERT
<b>2/4/2020</b>	<b>0.20%/0.002%</b>	21.84%/42.13%	PRB	CERT-0004301-CERT
<b>7/30/2020</b>	<b>0.20%/0.002%</b>	24.59%/44.80%	PRB	CERT-0004329-CERT
<b>1/28/2021</b>	<b>0.20%/0.002%</b>	24.35%/45.93%	PRB	CERT-0004273-CERT
<b>7/22/2021</b>	<b>0.20%/0.002%</b>	24.83% / 50.73%	PRB	CERT-0008503-CERT

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