

# 2006 Winter Workshops Speakers

## **Paul S. Barbery**

Paul Barbery serves as Vice President and General Counsel for Cline Resource and Development Company, a privately owned coal mining company located in Beckley, West Virginia. He is a member of the West Virginia and North Carolina State Bar Associations and qualified before the District Courts in Virginia, West Virginia and North Carolina and the Fourth Circuit Court of Appeals.

Mr. Barbery received his Bachelor of Science Mining Engineering degree from Virginia Polytechnic Institute and State University in 1959 and currently serves on the Advisory Board of the Department of Mining and Minerals Engineering of that School and was named Distinguished Alumni for the year 1990.

Following his graduation from VPI he was employed as a Division Engineer for the Jewel Ridge Coal Company following which he served as Head of Industrial Engineering for A.T. Massey Coal Company for its Logan, West Virginia Division.

He received his LL.B. Degree from the University of Richmond (1964) where he was a member of the McNeil Law Society and Honors Court Class. Following his graduation from law school he joined the law firm of Martin Hopkins and Lemon in Roanoke, Virginia where he became a partner and practiced in areas of corporate law, real estate and construction law (1964-1974).

In 1974 he joined the Pittston Coal Group as its General Counsel and later served as a Vice President, General Counsel and Corporate Secretary for Virginia Iron Coal and Coke Company before joining A. T. Massey Coal Company where he became Senior Vice President and General Counsel (1976-1993). During this period he was also involved in its acquisition programs and spent time in evaluating potential acquisitions in Venezuela, Colombia and Australia.

In 1994 he joined American Metals and Coal International, Inc. as Vice President and General Counsel and served in that capacity until 2003 when its coal operations were acquired by Alpha Natural Resources. During this period he also served as Senior Vice President and General Counsel of Asian American Coal, Inc where he directed the legal oversight of its acquisition of its interest in the Shanxi Asian American Daning Joint Venture in Shanxi Province, the first coal mining joint venture in China to be owned by an American company having a majority interest. He served as a member of the SAADEC Board of Directors which was formed to own and operate the joint venture's mining properties from 1999-2004.

Mr. Barbery was an original Trustee of the Eastern Mineral Law Foundation, Morgantown, WV (1985-1995) and has served as an Advisor to the Higher Education Learning Program, Marshall University (1992-1995).

## **Dr. Perry Bissell**

Perry Bissell is Senior Market Analyst for John T. Boyd Company in Canonsburg, Pennsylvania.

Perry joined John T. Boyd Company in December 2003 providing his expertise in US and international coal market forecasts and coal price projections, coal contract negotiations, supply and reserve availability studies, transportation issues and valuations.

Dr. Bissell has over 25 years of industry experience working on both the producer and consumer sides of the coal business. Prior to joining BOYD, he was director of Market Development and Analysis with CONSOL Energy where his work spanned the areas of strategic planning, acquisition valuations, coal market pricing, business development of coal-fired power plant and synfuels projects and regulatory policy assessments.

Prior to CONSOL, Dr. Bissell worked in coal and energy consulting with Resource Dynamics Corporation and in strategic planning in the fuels department of Potomac Electric Power Company.

Dr. Bissell served as a member of EPA's Subcommittee on Energy, Clean Air, and Climate Change. He was a member of the NYMEX Coal Industry Advisory Committee that developed and launched the Central Appalachian coal contract.

Dr. Bissell has a B.S. and Ph.D. in Mineral Economics from the Pennsylvania State University.

## **James F. Bowe**

Jim Bowe's practice at Dewey Ballantine LLP focuses on the regulation, deregulation and restructuring of the North American natural gas and electric industries and on energy sector transactions, including mergers and acquisitions. Mr. Bowe also assists in matters involving energy project development and financing and energy sector privatization in North and South America, the Middle East and Europe. He has counseled clients involved in energy asset acquisitions and dispositions, the outsourcing of energy purchasing and energy facilities management activities, energy sector reorganizations and U.S. and international transactions involving natural gas, liquefied natural gas, petroleum and electric power.

Mr. Bowe has represented major industrial enterprises, natural gas and electricity marketers, natural gas pipelines and gas storage operators, local distribution companies, independent power producers and electric utilities in U.S. and Canadian federal regulatory proceedings involving the construction of gas pipeline, gas storage and electric generation projects. He represents financial institutions and project developers in connection with U.S. and international energy project financings. Mr. Bowe develops, negotiates and documents energy supply and transportation arrangements and has assisted clients in the formulation of natural gas and electric power purchase and sale agreements and energy outsourcing strategies and contract forms.

Matters for which Mr. Bowe has been responsible in recent years have involved the sales and purchases of ownership interests in several natural gas storage facilities and natural gas pipelines, the development and permitting of high-performance natural gas storage projects in the northeastern and southeastern United States, the development of the first commercial compressed air energy storage facility in the United States, the structuring of thermal electric power projects in Brazil, the financing and refinancing of several major international natural gas pipelines, the negotiation of long-term natural gas supply and transportation agreements supporting major independent power projects in the northeastern United States, California and Eastern Canada, several electric utility mergers, and the reorganization of one of the largest gas and electric utilities in North America under the Bankruptcy Code.

Mr. Bowe has been identified as one of the Energy Bar's leading lawyers in Chambers & Partners' publications *Chambers Global: The World's Leading Lawyers for Business*, 2001-2002, 2002-2003, 2003 and 2004-2005, and *Chambers USA, America's Leading Lawyers for Business*, 2003-2004, 2004 and 2005. He has been selected by his peers for inclusion in the 2006-2007 edition of *The Best Lawyers in America* in the field of Energy Law.

### **Nick Carter**

Nick is President and Chief Operating Officer of Natural Resource Partners L.P. and its subsidiaries (NRP) as well as Western Pocahontas Properties Limited Partnership and New Gauley Coal Corporation. NRP is a publicly traded master limited partnership (NYSE:NRP). These companies have extensive coal and surface holdings in Appalachia, the Illinois Basin and the West. He and his staff of 30 professionals interface with the coal and timber industries and the various associations and governmental entities related to them. He is Chairman of the National Council of Coal Lessors, Past-Chairman of the Huntington Regional Chamber of Commerce, the West Virginia Chamber of Commerce and Junior Achievement of the Ohio Valley and is a board member of the Kentucky Coal Association and WV Clay Center for the Arts and Sciences. Nick is a graduate of the 1989 Class of Leadership Kentucky and the 1993 Class of Leadership West Virginia. He has served as Chairman of the Elder Board and as a youth group leader at First Christian Church, Ashland, Kentucky. Prior to his current position, Nick was with MAPCO Coal for eight years and before that was in private law practice in Lexington, KY. Nick holds B.S. and J.D. degrees from the University of Kentucky and an MBA from the University of Hawaii.

### **S. W. Coleman**

Walt Coleman is an Assistant General Counsel with Duke Energy Corporation in Charlotte, North Carolina (1999-2006), where he provides the primary legal representation for the procurement and construction group of Duke Power, the regulated electric division of Duke Energy. Mr. Coleman was formerly an attorney with the Charlotte-based law firm of Parker, Poe, Adams & Bernstein, LLP, where he practiced in their commercial litigation and business law practice group. Mr. Coleman has twice been named one of the top construction and commercial law attorneys in North Carolina by North Carolina Business Magazine (2003, 2004). Mr. Coleman is a member of the

American Bar Association's Construction and Business Law Sections and the North Carolina Bar Association's Construction Law Section. He is admitted to practice before the Courts of the state of North Carolina, the United States District Court for Western District of North Carolina, The United States District Court for the Middle District of North Carolina and the Federal 4th Circuit Court of Appeals. Mr. Coleman received his B.A. from the University of Virginia in 1992 and his J.D. in 1996 from Washington & Lee University in Lexington, Virginia. Mr. Coleman was born and raised in coal-mining country in Southwestern Virginia. He is married with three children.

### **Randy Eminger**

Randy Eminger is Vice President for the Center for Energy and Economic Development, a non-profit research and advocacy organization, dedicated to promoting coal-based electricity for the future. Randy joined CEED's staff in 1995, and is responsible for coordinating CEED's efforts in the diverse 11-state South Region. Among his position responsibilities, Randy oversees studies, develops coalitions, and negotiates positions to ensure that coal-based electricity continues to play a key role in meeting America's growing demand for electricity.

In addition to his duties as South Region Vice President, Randy also serves as CEED's team leader on global climate change issues, serves on the Utility Advisory Board for the Southern States Energy Board, Policy Advisory Board of the Energy Council, and is Vice Chairman of the Board for the Clean Coal Foundation of Texas. Prior to CEED, Randy coordinated state affairs for the Southwestern Public Service Company, an investor-owned electric utility that serves parts of Texas, New Mexico, Oklahoma and Kansas.

Randy received a Bachelor's degree from Eastern New Mexico University. CEED's South Region office is located in Amarillo, Texas. Randy is married and has two children.

### **Jerry M. Eyster**

Jerry Eyster, Senior Vice President, leads GE Energy Financial Services' strategic marketing efforts related to coal. He helps EFS originators identify and evaluate investment and financing opportunities along the entire coal value chain. Mr. Eyster has more than 30 years of experience analyzing coal, electric power and environmental issues. He has performed strategic and market studies of the coal industry and the impacts of changing environmental regulations on the coal and electric power industries. He has produced market assessments and price forecasts for coal and environmental allowances. Until recently, he was a columnist for *Coal Age* magazine.

Mr. Eyster has extensive experience in energy consulting, having worked at Pace Global Energy Services, PA Consulting, PHB/Hagler Bailly, Fieldston Consulting, and ICF. He was vice president of Corporate Development with A. T. Massey Coal Company, where he was responsible for external affairs and human resources and served as the company's chief labor negotiator. Prior to joining Massey, Mr. Eyster worked in business development for Shell Coal International in London and for Scallop Coal in New York. He also worked for the Energy Information Administration of the U.S. Department of Energy as director of the Electric Power Division.

GE Energy Financial Services, based in Stamford, Connecticut, invests about \$3 billion annually in the world's most capital-intensive industry, energy. With about \$12 billion in assets, GE Energy Financial Services offers structured equity, leveraged leasing, partnerships, project finance and broad-based commercial finance to the global energy industry from wellhead to wall socket. For more information, visit [www.geenergyfinancialservices.com](http://www.geenergyfinancialservices.com).

Mr. Eyster graduated from Yale University, where he received a B.A. in Political Science and Economics. He earned an M.B.A. from the Stanford Graduate School of Business. He is a frequent EMLF speaker, known for tying together the business issues with the legal issues impacting the energy market. He is a member of the EMLF Board of Trustees, has served as Treasurer, and has co-chaired the EMLF Winter Workshops on Energy Law for the past 8 years.

### **Leslie A. Grandis**

Leslie Grandis is a partner at McGuireWoods LLP, and for more than 30 years has concentrated his practice in the areas of mergers and acquisitions, finance, securities and business law. He has been listed in Best Lawyers in America and in the Virginia Business Legal Elite.

Mr. Grandis devotes a significant portion of his practice to advising purchasers and sellers of business organizations, representing both strategic and financial purchasers. He assists clients in the structuring, financing, negotiation and consummation of leveraged and management-sponsored buy-outs, as well as conventional business acquisitions and dispositions. In connection with leveraged acquisitions, he also assists clients in negotiating senior and subordinated debt financing including offerings to qualified institutional buyers under Rule 144A.

Recent transactions have ranged in size from several million dollars to in excess of \$8 billion; have involved businesses headquartered throughout the United States, Europe, Canada, Puerto Rico, South America and Southeast Asia; and have involved diverse industries including manufacturing, insurance, energy production and distribution, coal mining, product distribution and installation, food service, printing, insurance, railroads and resorts. As an adjunct to his mergers and acquisitions practice, he also assists clients in structuring, negotiating and consummating joint ventures, strategic alliance and leveraged recapitalizations, and in connection with undertaking, or defending against, hostile takeovers.

Mr. Grandis also devotes a substantial portion of his practice to advising issuers and underwriters in connection with private placement and public offering of securities, including initial public offerings (IPO). In addition to conventional underwritten offerings, he also recently assisted a client in connection with a series of best efforts registered public offering which raised in excess of \$600 million over a several year period and another client in connection with what has been described as the first IPO conducted on the Internet.

Mr. Grandis also is the partner principally responsible for the day-to-day representation of a number of the firm's clients, including an insurance holding company, several real estate investment trusts, and various manufacturing companies, as well as advising numerous clients and their boards of directors on corporate governance issues.

### **Brian Habacivch**

Mr. Habacivch began his career in the energy industry in 1988 as the Senior Associate Editor for *Gas Daily* and *Gas Markets Week*, two nationally recognized natural gas-industry publications. While at *Gas Daily*, Mr. Habacivch was responsible for the daily, weekly, and monthly gas-price indices, coverage of the natural gas spot market, regulatory matters, and editorial content.

Prior to the advent of the NYMEX natural gas futures' contract in April 1990, *Gas Daily* was the primary vehicle by which traders, marketers and producers of natural gas decided upon a market-based price for the commodity. *Gas Daily* is still a price clearing mechanism in today's gas market and is owned by Platt's, a division of the McGraw-Hill Company. After several years at *Gas Daily*, Mr. Habacivch went to work for Centran Corporation, a Louisville, KY-based natural gas marketing company where he was involved in industrial account sales and marketing. Mr. Habacivch then went to work for Sprague Energy Corp., a privately held energy marketing, petroleum and industrial-materials-handling company located in Portsmouth, NH, in the capacity of Manager, Natural Gas and Integrated Energy Marketing. For ten years at Sprague, Mr. Habacivch was responsible for the development of industrial-account natural gas marketing, major accounts, and was engaged in various aspects of liquid fuel marketing, project development, and acquisitions. Mr. Habacivch then worked for Allegheny Energy Solutions as Director, Northeast U.S. Region in a business development capacity.

In January of 2002, Mr. Habacivch joined Fellon-McCord & Associates, Inc., as Vice President Consulting Services. Fellon-McCord & Associates, Inc., is one of the leading energy management and consulting companies in the U.S. Headquartered in Louisville, KY with more than 190 energy professionals, Fellon-McCord is a recognized energy industry leader consulting to very large commercial and industrial accounts throughout North America and Europe. Fellon-McCord manages a \$6 billion portfolio of natural gas and electricity supply on behalf of its clients and is involved in nearly all disciplines related to the energy industry. Fellon-McCord is part of the Constellation (NYSE: CEG) Energy family of companies. Constellation Energy is one of the largest energy holding companies in the U.S. ranking number 167 on the Fortune 500 list of companies. Constellation Energy is a significant generator of electric power in the U.S., owning and operating 35 power plants (12,500 MW) and is the leading retailer of natural gas and electricity to industrial and large commercial end-users in the U.S. Mr. Habacivch is a member of the Fellon-McCord executive team, the editor-in-chief of Fellon-McCord publications and research, and works with a team of energy analysts in delivering value-added services to Fellon-McCord's energy-intensive clients throughout North America.

## **Gerhard Haimberger**

Gerhard Haimberger is General Manager-Fuel Procurement and Asset Management (Coal/Oil) for SCANA Services, Inc. and is a registered professional engineer. Mr. Haimberger's functions include coal and oil procurement for South Carolina Electric & Gas along with all associated transportation requirements. He is also responsible for third party synfuel/industrial sales and maximizing the value of fuel related assets.

Mr. Haimberger has over thirty years' experience in the energy industry producing thermal and metallurgical coal or procuring steam coal and other bulk materials on behalf of utilities. He is a former associate member of the International Energy Association, National and American Management Associations, and numerous coal related forums.

Mr. Haimberger has participated as a speaker and panelist on topics of mining/transportation, utility fuel regulation, procurement and other energy related agendas. He attended Columbia University and received a B.S. in Mining Engineering from the Colorado School of Mines. He also served as a fixed wing aviator and instructor pilot in the U.S. military.

## **Holly Koepfel**

Holly Koepfel is Executive Vice President – AEP Utilities – East for American Electric Power. She is responsible for Appalachian Power, Indiana Michigan Power, Kentucky Power, Columbus Southern Power and Ohio Power, which serve 3.2 million customers in the states of Indiana, Kentucky, Michigan, Ohio, Tennessee, Virginia and West Virginia. She was previously executive vice president-Commercial Operations, responsible for AEP's wholesale trading and marketing, structuring and analysis, generation optimization and dispatch, emissions optimization and compliance, fuel procurement and logistics including AEP's coal terminal and barging operations.

Ms. Koepfel was named executive vice president-Energy Services in October 2002. She was responsible for AEP's unregulated global wholesale businesses, including unregulated generation, wholesale marketing and trading, natural gas pipelines, and coal mining as well as international operations and investments in Australia, Brazil, China, Europe and the UK.

Ms. Koepfel has more than 20 years of experience managing regulated and unregulated energy operations. She joined AEP in July 2000 as vice president-new ventures for AEP Corporate Development and was named senior vice president-Corporate Development and Strategy in 2002.

She previously served with Consolidated Natural Gas, Pittsburgh, for more than 15 years. She held a number of positions across the CNG system in the areas of regulatory policy, investor relations, business development, energy trading and pipeline operations. Her last position with CNG was vice president of Asia-Pacific operations, based in Sydney, Australia.

Koeppel earned bachelor's and master's degrees in business from The Ohio State University. A Pittsburgh native, she resides in Upper Arlington, Ohio, with her husband and two children.

### **John Lange**

John Lange is a Managing Director in the Mergers & Acquisitions Group at Lehman Brothers in New York with a focus on the power and utility sectors. Prior to that, Mr. Lange served as an Executive Director in Lehman Brothers Corporate Finance Mergers & Acquisitions Group in London from 2000 to 2002 with a focus on European utilities and prior to that, he worked for Lehman Brothers Global Power Group in New York.

Mr. Lange has worked on a variety of strategic advisory, M&A, equity, debt and project financing assignments including most recently advising: Exelon Corporation on its \$67.7 billion stock-for-stock merger with Public Service Enterprise Group Inc. The largest ever merger announced in the power sector TXU on both the \$1.9 billion sale of its TXU Gas business as well as the \$500 million sale of its TXU Fuels business Enel SpA on the €3.8 billion sale of Eurogen to Edison SpA, the €3.7 billion sale of Elettrogen to Endesa and the €850 million sale of Interpower to Electrabel.

Other selected M&A transactions include advising Nuon on the purchase of Abengoa's wind energy business, TXU on the acquisition of The Energy Group and DTE Energy on the acquisition of several strategic asset investments. In addition to Enel, Nuon and TXU, Mr. Lange has also worked closely with clients such as Iberdrola, International Power and EniPower. From a financing perspective, Mr. Lange has worked on more than \$20 billion in corporate and structured debt and equity financings for both U.S. and international issuers.

Prior to joining Lehman Brothers in 1997, Mr. Lange worked in the Private Placements Group at BZW in New York. Mr. Lange received his B.A. in 1989 from Bucknell University and M.B.A. from the Fuqua School of Business at Duke University in 1995.

### **David J. Laurent**

David Laurent is an attorney with Babst, Calland, Clements and Zomnir, P.C. in Pittsburgh, PA, where his practice concentrates on a wide range of labor, employment, and employee benefits matters for employers in several states, many of which are involved with the coal industry. His work includes traditional labor law and NLRB matters such as collective bargaining, union organizing campaigns, decertification elections, strikes, corporate campaigns, secondary boycotts, replacement workers, plant closures, grievance and arbitration proceedings, double-breasting, and jurisdictional disputes. His work also involves counseling employers regarding the labor aspects of acquisitions, divestitures, and subcontracting.

Mr. Laurent also helps employers avoid and, if necessary, defend wrongful discharge and restrictive covenant claims, as well as employment discrimination claims arising under the Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964, and the Age Discrimination in Employment Act. This work includes addressing the unique

disability accommodation and light duty issues that arise in the restrictive environment of a unionized work place.

Mr. Laurent additionally analyzes and litigates employee benefits matters including pension and health benefit eligibility disputes, delinquent contribution claims, COBRA rights, severance claims, pension shutdown enhancements, pension plan withdrawal liability, and control group determinations. This part of his practice also encompasses substantial involvement with matters arising under the Coal Industry Retiree Health Benefits Act of 1992 and the UMWA Health and Retirement Funds.

Mr. Laurent obtained his B.A. from Indiana University of Pennsylvania in 1977, and his J.D. from Duquesne University in 1980.

Mr. Laurent is the President of the Energy & Mineral Law Foundation. He is admitted to practice in Pennsylvania and the District of Columbia, as well as the Supreme Court of the United States and the Courts of Appeals for the Third, Fourth, Sixth, Eleventh, and District of Columbia Circuits.

### **Robert Linden**

Bob Linden is Director of Oil & Gas Market Analysis in Pace Global's Fuel Market Strategies practice area. He is a recognized authority on energy markets, particularly the natural gas industry, with over 20 years of experience as a business executive, industry consultant, and market analyst.

Mr. Linden has advised clients ranging from small energy cooperatives to oil majors, and citizens groups to multi-national lending institutions. His client advisory activities have focused on new market entry (particularly natural gas, LNG and gas-fired power generation), asset and enterprise valuation, contract and organizational restructuring, policy analysis, asset portfolio optimization, expert testimony and commodity portfolio development and management. His independent research over the years has focused on structural change, resource and market fundamentals and capital flows as they affect market pricing and public perception. He is a frequent commentator on oil and gas industry issues in the energy trade press and public forums.

Bob started his career working for a major U.S. natural gas pipeline company where he developed the first deepwater gathering systems in the Gulf of Mexico and devised and implemented new analytical tools and negotiating strategies to address a multi-billion dollar corporate liability created by pipeline industry reform in the 1980s. He later moved to the unregulated oil & gas sector, where he negotiated and implemented numerous asset development and commodity contracts, devised and launched an international business development initiative in the emerging market economies of South America and Eastern Europe and managed a 500-well coalbed methane development program. Mr. Linden received a B.A., summa cum laude, in analytic philosophy from Lawrence University in 1974, and a B.S., magna cum laude, in chemical engineering from the University of Maryland in 1982.

## **Keith Martin**

Keith Martin is a tax and project finance lawyer in the Washington office of Chadbourne & Parke LLP. He acted as counsel to 143 companies last year and on transactions in the US and 11 foreign countries. Chadbourne is a large law firm headquartered in New York with other offices in Beijing, Moscow, St. Petersburg, Kiev, Warsaw, London, Houston, Los Angeles and other locations.

Keith is listed as one of the world's leading project finance lawyers in the latest Chambers global directory published in London and in Best Lawyers in America. Both publications base their recommendations on peer reviews and polling of corporate law departments. He is the author of more than 130 articles on project finance subjects. He is in frequent demand as a speaker; he gave 19 speeches last year and moderated six panel discussions.

Keith worked on Capitol Hill – as counsel to Senator Daniel Patrick Moynihan (D. – N.Y.) and as a legislative assistant to Senator Henry M. ("Scoop") Jackson (D. –Wash.) – before joining Chadbourne in 1983.

## **John E. Matthews**

John E. Matthews is a partner in the Energy Practice of Morgan, Lewis and Bockius, LLP, resident in the Firm's Washington, DC office. He received his Juris Doctor from the University of Virginia School of Law, where he served as Articles Editor for the *Virginia Journal of International Law*. He is a member of the Federal, Energy, and American Bar Associations.

Mr. Matthews has successfully assisted clients in obtaining NRC regulatory approvals for “first-of-kind” commercial transactions involving the sale of nuclear power plants. He advises clients regarding the acquisition and financing of NRC-licensed assets, electric industry restructuring affecting nuclear power plants, decommissioning funding issues, NRC’s review of license transfers, and liability issues associated with the ownership and operation of nuclear assets. He is a member of the Nuclear Energy Institute's "New Plant Task Force," and he has been actively engaged in the development of policy and programs to facilitate the financing of new nuclear plant construction.

Mr. Matthews also represents clients in large-scale commercial litigation in state and federal courts regarding nuclear power plant management. He assists clients in NRC hearings, including license amendments and export licensing proceedings, and advises individual utilities and industry groups regarding NRC rulemaking activities and other nuclear regulatory policy issues.

## **Raymond M. McCormick**

Raymond M. McCormick is founder and Managing Director of Monarch Financial Corporation, a private investment banking firm that provides financial services to mining and natural resource clients. He has more than 30 years of direct mining, and mining and energy finance experience, with an international perspective. Monarch Financial offers expert

financial advisory services to companies in the specialized areas of mining, encompassing industrial minerals, coal, base and precious metals, energy and other natural resources. Specific services the company offers are financial advisory, merger and acquisitions/divestitures and debt arrangement.

For ten years immediately preceding his investment banking activities, Mr. McCormick was employed in the Global Corporate Banking Department of Mellon Bank and served as Vice President and Manager of the mining section. Under his stewardship, Mellon Bank transformed its mining group's \$100 million regional loan portfolio (essentially Ohio, Pennsylvania and West Virginia) into a \$1.0 billion diversified international mining loan portfolio, while experiencing no loan losses. To accomplish this, Mr. McCormick expanded lending activities to energy, industrial minerals, coal, and base and precious metals mining companies and projects in Australia, Canada, Europe, South America and the United States. During this period Mellon experienced dramatic profitability improvement in the mining group and consistently had the highest return on assets in the lending department.

Prior to banking, Mr. McCormick was a consulting mining and geological engineer with the John T. Boyd Company, where he supervised economic property valuations and feasibility studies for mining companies with reserve holdings and operations in the United States and Canada. At Boyd, Mr. McCormick also determined project development alternatives for various utilities and mining companies, assisted clients in establishing coal supply agreements, and prepared certified mineral reserve estimates and feasibility studies for banks and various resource related companies, several in support of SEC filings.

In the late 1970s before joining Boyd, Ray gained valuable mine development experience as a project engineer and mineral economist for Consolidation Coal Company in both the Western and Eastern United States. There Mr. McCormick prepared economic ranking and feasibility studies of reserves to identify projects with the greatest profit potential for future mine development. He also conducted several exploration drilling programs and designed mine plans for underground mines.

Mr. McCormick's rich, diverse professional background gives him an unusual blend of financial, marketing and technical skills. He has proven expertise in project financings, gold loans, equipment leasing, private placements, acquisition financings, production payment financings and mergers, acquisitions and divestitures. Mr. McCormick has also testified as an expert witness in federal court on behalf of various mining companies.

A certified professional geologist, Mr. McCormick holds a Bachelor's Degree in mineral economics with a geology minor from the Pennsylvania State University and a Master's Degree from the Department of Engineering at the University of Pittsburgh. He has also taken postgraduate courses at the Colorado School of Mines, and has served on the Board of Directors for the Engineers Society of Western Pennsylvania, the Society of Mining Engineers, and the Pittsburgh Coal Conference. He is an investor in and serves on the board of FLT Trading, Inc., a Pittsburgh based certified minority company that sells coal, natural gas and other commodities, and EnergyGateway.com, an online natural gas procurement business-

to-business website. Mr. McCormick is also a member of the Duquesne Club, a nationally prominent business club in Pittsburgh.

### **Nancy C. Mohn**

Nancy Mohn is responsible for managing strategic marketing activities and communications for ALSTOM's Global Utility Boiler Business. Ms. Mohn has more than 25 years experience in the power industry beginning in a technical role as a research and product development engineer working hands-on with power generation equipment operators, followed by expanded responsibilities in marketing and strategic business development. She has significant experience in technology commercialization for industrial markets, including the evaluation of environmental issues related to power generation technologies. A registered professional engineer, Ms. Mohn holds a patent for an intelligent chemistry monitoring system for steam generators, and has authored numerous technical papers in the industry.

Nancy recently completed a term on the Board of Directors of the American Boiler Manufacturers Association and is an active participant in a number of industry related activities, including the Aspen Institute's Energy Policy Forum and the MIT Global Climate Change Forum. In addition, Ms. Mohn serves on the Leonhard Center Advisory Board for Engineering Education at Penn State University.

She received a B.S. in Civil Engineering from Penn State, an M.S. in Civil and Environmental Engineering from the University of Wisconsin, and an M.B.A. from the University of Connecticut.

### **Roy M. Palk**

Roy Palk assumed the duties of president and chief executive officer of East Kentucky Power Cooperative on April 1, 1994. Prior to joining EKPC, Mr. Palk served as assistant general manager of the National Rural Electric Cooperative Association (NRECA) in Washington, D.C. He joined NRECA as its director of operations and was in charge of its internal operations, including budgeting and human resources and became NRECA's assistant general manager in 1991. An attorney, he also served as NRECA's corporate counsel.

Mr. Palk has represented the electric cooperative program throughout the United States, including serving as the interim president and CEO for Colorado-Ute Generation and Transmission Cooperative located in Montrose, Colorado during the cooperative's workout from Chapter 11 bankruptcy.

International assignments for Mr. Palk include Europe, Asia, Central America, and South America. Some of these assignments were for projects funded by various international development agencies, including the World Bank, the Asian Development Bank and the United States Agency for International Development (USAID).

Prior to joining NRECA, Mr. Palk spent seventeen years with two distribution systems supplied by the Tennessee Valley Authority. He was the director of member services for

Tri-County EMC in Lafayette, Tennessee from 1970-1975 and the general manager of Upper Cumberland EMC from 1975-1987.

While in the TVA system, Mr. Palk served in various positions with the Tennessee Valley Public Power Association, the trade association for TVA distributors, including chairman of its Rates and Contracts Committee and also as its board chairman. Mr. Palk was a founding director of a captive insurance company for TVA Power distributors.

Mr. Palk received his B.S. from Tennessee Technological University and his Doctor of Jurisprudence from the Nashville School of Law where he was elected president of the school's honor council. Additionally, he has studied mechanical and electrical engineering through the TVA and has taken accounting and labor relations courses at the Owen School of Management at Vanderbilt University.

Mr. Palk is currently serving on the boards of the Center for Energy and Economic Development in Washington, D.C.; the Kentucky Coal Marketing Council; the University of Kentucky College of Mining Engineering; Pikeville College; Board Chair of the Kentucky Community and Technical College System Foundation; the Southeastern Federal Power Customer Group, and the Winchester, KY Advisory Board for Branch Banking and Trust (BB&T). Mr. Palk is also chairman of ACES Power Marketing headquartered in Indianapolis, is a member of the NRECA Power and Water Resources Committee and is the former vice-chair of the Electric Power Research Institute in Palo Alto, California.

Mr. Palk makes his home in Lexington. He and his wife Kathy have four children and eight grandchildren.

### **David G. Ries**

David G. Ries is a partner in the Pittsburgh, Pennsylvania, office of Thorp Reed & Armstrong, LLP, where he practices in the areas of environmental, commercial and technology litigation. He is a member of the Executive Committee of the Energy and Mineral Law Foundation and recently served two terms as a member and chair of a hearing committee for the Disciplinary Board of the Supreme Court of Pennsylvania. Dave received his B.A. from Boston College in 1971 and his J.D. from Boston College Law School in 1974 where he was a member of the *Boston College Industrial and Commercial Law Review*.

His environmental practice over the last 32 years has included a broad range of issues in federal and state courts and before administrative agencies, including CERCLA litigation, Clean Water Act litigation, solid and hazardous waste issues, Clean Air Act litigation, storage tank litigation, court and administrative challenges to regulatory programs and defense of penalty actions. His technology practice has included a variety of litigation matters, including major systems implementations, and advising clients on a number of technology law issues such as hardware and software agreements, domain name disputes, information security, privacy regulations, records management and electronic contracting.

Dave has frequently spoken on environmental, technology and ethics issues for legal, academic and professional groups including the EMLF, the American Bar Association, the Pennsylvania Bar Institute, the Allegheny County Bar Association, Carnegie Mellon University, Duquesne University, Robert Morris University, the University of Wisconsin-Madison, the University of Massachusetts-Amherst and the National Groundwater Association. He is a member of the ABA TECHSHOW Board and is scheduled to speak on “Information Security For Lawyers and Law Firms” and “Law and Technology: the Year in Review and the Year Ahead” at TECHSHOW in Chicago in April 2006. He is a contributing author to a new ABA book on information security for lawyers and is a member of the ABA Information Security Committee. He has spoken on legal ethics topics at several EMLF programs, including the last three Annual Institutes.

### **Kendrick R. Riggs**

Kendrick Riggs is a member of Stoll Keenon Ogden PLLC, in Louisville, Kentucky. Kendrick’s practice is concentrated in representing energy and telecommunications clients primarily before the Kentucky Public Service Commission, Virginia State Corporation Commission and the federal agencies. He has extensive administrative trial experience involving all phases of representation. Kendrick has also appeared before state and federal courts representing energy and telecommunications clients in commercial and industry disputes.

Kendrick is a member of the American, Energy, Kentucky and Virginia Bar Associations. He has appeared in *The Best Lawyers in America* since 1997-98 and has held an AV rating by Martindale-Hubbell since 1996. He has appeared at the Electric Power Industry Special Institute sponsored by the Energy & Mineral Law Foundation and serves as a Trustee at Large for the Foundation and a Member of its Executive Committee. He was instrumental in establishing the East Central Chapter of the Energy Bar Association now reorganized as part of the Southern Chapter, and has held several chapter offices.

Kendrick is admitted to practice before the United States District Courts for both Eastern and Western Districts in Kentucky as well as the United States Sixth Circuit Court of Appeals and the Kentucky Supreme Court. He is also admitted to practice before the Supreme Court of Virginia.

Kendrick received his B.A. degree *cum laude* from Wittenberg University in 1979 and his J.D. degree from the University of Kentucky College of Law in 1982. He was a member (1980-1981) and the President (1981 - 1982) of the Moot Court Board, and a Legal Writing Instructor for first year students (1981-1982) during law school. He serves as an Assistant Scoutmaster at Troop 317.

### **Ira Shavel**

Ira Shavel is a Vice President in CRA International’s Washington office. He has over 25 years of experience in energy economics and modeling. Dr. Shavel’s areas of expertise are electric utility markets, electric utility operations and transmission. He advises clients on market price forecasting, environmental strategy, asset valuation and market power.

He has developed a number of major models during his career. Most recently he led the development of CRA's National Energy and Environment Model (NEEM) and the System-level Economic Screening Model (SESM).

Dr. Shavel has a Ph.D. in mathematics from the State University of New York (SUNY) in Stony Brook, and an SM in Operations Research from MIT.

### **Dianna Tickner**

Dianna is responsible for managing the project design, development, and permitting activities for Peabody's \$2+ billion Thoroughbred Energy Campus to be constructed near Central City, Kentucky. She is also developing the Mustang Energy plant near Grants, New Mexico. Prior to becoming VP Generation Development, Ms. Tickner held positions in Peabody COALTRADE and Peabody COALSALES, including President Peabody COALTRADE and Senior Vice President of Midwest and Southwest Sales, Vice President Contract Management and Marketing Services and Vice President Contract Administration and Planning with COALSALES. Prior to joining Peabody, Ms. Tickner held various positions with Montana Power and subsidiaries.

Ms. Tickner received a B.S. in Mining Engineering from University of Missouri – Rolla, an M.B.A. from the University of Montana, and she attended the Executive Program at the Darden School – University of Virginia. She received a Professional Degree in Mining Engineering from University of Missouri – Rolla. She is also a registered professional engineer.

She is a member of the Advisory Board of the School of Business Administration at the University of Montana and the Mines and Minerals Academy at University of MO-Rolla. She is a past member of National Coal Council, appointed by former Secretary of Energy Bill Richardson. Hobbies include bicycling, triathlon, and reading.

### **Jeff Wozek**

Jeff Wozek is the Manager of Coal Purchasing and Logistics at Sun Coke Company, a wholly owned subsidiary of Sunoco, Inc., located in Knoxville, TN. He is responsible for coal procurement and coal blend design for his firm's cokemaking facilities located in East Chicago, IN and Franklin Furnace, OH. Jeff's other duties include domestic and export coal sales for affiliated Jewell Smokeless Coal Company in Vansant, Va., and logistics company-wide. Mr. Wozek received his M.B.A. from Indiana University – NW and his B.S. Engineering from University of Missouri-Rolla.

Mr. Wozek's 25 years of combined work experience include technical and operating assignments in coal mining, cokemaking, blast furnace ironmaking, and coal and coke research. Previous positions include Manager of Business Development for Minerals Technology Inc., and Section Manager - Raw Materials Purchasing at Ispat Inland, which is now part of Mittal Steel, the largest steel company in the world.