

Edgar Filing: ARCH COAL INC - Form 8-K

ARCH COAL INC
Form 8-K
August 08, 2002

SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

FORM 8-K
CURRENT REPORT

Pursuant to Section 13 or 15(d) of the
Securities Exchange Act of 1934

Date of Report (Date of earliest event reported): August 8, 2002 (August 7, 2002)

Arch Coal, Inc.
(Exact name of registrant as specified in its charter)

| | | |
|---|--------------------------|---|
| Delaware | 1-13105 | 43-0921172 |
| (State or other jurisdiction of incorporation) | (Commission File Number) | (I.R.S. Employer Identification No.) |

One CityPlace Drive, Suite 300, St. Louis, Missouri 63141
(Address of principal executive offices) (Zip code)

Registrant's telephone number, including area code: (314) 994-2700

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Item 5. Other Events.

On August 7, 2002, the Chief Executive Officer and Chief Financial Officer of Arch Coal, Inc. (the "Company"), each executed a Statement Under Oath of Principal Financial Officer Regarding Facts and Circumstances Relating to Exchange Act Filings (individually referred to as the "Statement") which is

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required to be filed with the Securities Exchange Commission. Copies of these Certifications are attached hereto and incorporated herein by reference in its entirety.

Item 7. Financial Statements and Exhibits.

(c) The following Exhibits are filed with this Current Report on Form 8-K:

| Exhibit No. | Description |
|-------------|--|
| 99-1 | Statement executed by Steven F. Leer, President and Chief Executive Officer of the Company |
| 99-2 | Statement executed by Robert J. Messey, Senior Vice President and Chief Financial Officer |

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Exhibit Index begins on page 4.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Dated: August 8, 2002

ARCH COAL, INC.

By: /s/ Robert G. Jones
Robert G. Jones
Vice President - Law, General
Counsel and Secretary

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EXHIBIT INDEX

| Exhibit No. | Description |
|-------------|--|
| 99-1 | Statement executed by Steven F. Leer, President and Chief Executive Officer of the Company |
| 99-2 | Statement executed by Robert J. Messey, Senior Vice President and Chief Financial Officer |

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Exhibit 99-1

Statement Under Oath of Principal Executive Officer
Regarding Facts and Circumstances Relating to Exchange Act Filings

I, Steven F. Leer, state and attest that:

(1) To the best of my knowledge, based upon a review of the covered reports of Arch Coal, Inc., and, except as corrected or supplemented in a subsequent covered report:

- o no covered report contained an untrue statement of a material fact as of the end of the period covered by such report (or in the case of a report on Form 8-K or definitive proxy materials, as of the date on which it w filed); and

- o no covered report omitted to state a material fact necessary to make the statements in the covered report, in light of the circumstances under which they were made, not misleading as of the end of the period covered such report (or in the case of a report on Form 8-K or definitive proxy materials, as of the date on which it was filed).

(2) I have reviewed the contents of this statement with the Company's audit

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committee.

(3) In this statement under oath, each of the following, if filed on or before the date of this statement, is a "covered report":

- o the report on Form 10-K for the year ended December 31, 2001 of Arch Coal, Inc.;
- o all reports on Form 10-Q, all reports on Form 8-K and all definitive proxy materials of Arch Coal, Inc. filed with the Commission subsequent to the filing of the Form 10-K identified above; and
- o any amendments to any of the foregoing.

/s/ Steven F. Leer

Steven F. Leer
President and Chief Executive
Officer
August 7, 2002

Subscribed and sworn to before me this 7th day of August, 2002.

/s/ Erika M. Dominick
Notary Public

My Commission Expires: 9/30/03

Exhibit 99-2

Statement Under Oath of Principal Financial Officer
Regarding Facts and Circumstances Relating to Exchange Act Filings

I, Robert J. Messey, state and attest that:

(1) To the best of my knowledge, based upon a review of the covered reports of Arch Coal, Inc., and, except as corrected or supplemented in a subsequent covered report:

- o no covered report contained an untrue statement of a material fact as of the end of the period covered by such report (or in the case of a report on Form 8-K or definitive proxy materials, as of the date on which it w filed); and

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- o no covered report omitted to state a material fact necessary to make the statements in the covered report, in light of the circumstances under which they were made, not misleading as of the end of the period covered such report (or in the case of a report on Form 8-K or definitive proxy materials, as of the date on which it was filed).

(2) I have reviewed the contents of this statement with the Company's audit committee.

(3) In this statement under oath, each of the following, if filed on or before the date of this statement, is a "covered report":

- o the report on Form 10-K for the year ended December 31, 2001 of Arch Coal, Inc.;
- o all reports on Form 10-Q, all reports on Form 8-K and all definitive proxy materials of Arch Coal, Inc. filed with the Commission subsequent to the filing of the Form 10-K identified above; and
- o any amendments to any of the foregoing.

/s/ Robert J. Messey
Robert J. Messey
Senior Vice President and
Chief Financial Officer

August 7, 2002

Subscribed and sworn to before me this 7th day of August, 2002.

/s/ Erika M. Dominick
Notary Public

My Commission Expires: 9/30/03