

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF EAST KENTUCKY POWER )  
COOPERATIVE, INC. FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY, AND )  
A CERTIFICATE OF ENVIRONMENTAL )  
COMPATIBILITY, FOR THE CONSTRUCTION )  
OF AN 80 MS (NOMINAL) COMBUSTION )  
TURBINE GENERATING UNIT, RELATED )  
NATURAL GAS PIPELINE LATERAL, AND )  
TRANSMISSION FACILITIES, IN CLARK AND )  
MADISON COUNTIES, KENTUCKY )

CASE NO. 2000-056

O R D E R

On January 28, 2000, East Kentucky Power Cooperative, Inc. ("East Kentucky") tendered for filing an application for a Certificate of Public Convenience and Necessity, and a Certificate of Environmental Compatibility, to construct a combustion turbine generating unit and associated facilities, including a natural gas pipeline lateral and a transmission line. After a review of the application, the Commission issued a letter dated February 15, 2000 notifying East Kentucky that its application met the minimum filing requirements and had been docketed as of the date it was received.

Upon further review of the application, the Commission finds that it does not satisfy the minimum statutory requirements set forth in KRS 278.025(2) for a Certificate of Environmental Compatibility. That statute provides that, prior to filing an application with the Commission for such a certificate, the applicant shall submit to the Natural Resources and Environmental Protection Cabinet ("NREPC") a statement of

environmental compatibility of the proposed site. However, East Kentucky's application, as filed with the Commission, states in paragraph 5(d) that such statement has not yet been filed with NREPC. Based upon these facts, the Commission finds that the filing of a statement of environmental compatibility with the NREPC is a statutory condition precedent to the filing of a certificate of environmental compatibility. Therefore, East Kentucky's application is deficient and cannot be accepted for filing until such time as the statement of environmental compatibility is filed with NREPC and a copy is filed with the Commission.

IT IS THEREFORE ORDERED that East Kentucky's application which was accepted for filing on January 28, 2000 is deficient for failing to comply with KRS 278.025(2) and shall be removed from the docket until such time as the deficiency is cured.

Done at Frankfort, Kentucky, this 24<sup>th</sup> day of February, 2000.

By the Commission

ATTEST:

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Executive Director