

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITING

In the Matter of:

THE APPLICATION OF WESTLAKE)	
ENERGY CORPORATION FOR A)	
CERTIFICATE TO CONSTRUCT A)	CASE NO. 2002-00171
COMBINED CYCLE NATURAL GAS-)	
FIRED GENERATING PLANT IN)	
MARSHALL COUNTY, KENTUCKY)	

O R D E R

On May 15, 2002, Westlake Energy Corporation ("Westlake") filed, pursuant to 807 KAR 5:110, a notice of intent to construct a 520 MW combined cycle natural gas-fired electric generating plant in Calvert City, Marshall County, Kentucky. The case was docketed as Case No. 2002-00171. Over 25 months have elapsed since the notice was filed, but no application has been submitted to the Board.

On June 21, 2004, the Executive Director of the Public Service Commission, acting on behalf of the Board, sent a letter to Westlake requesting a statement, no later than June 30, 2004, concerning its intent to file an application. As of the date of this Order, Westlake has not responded to that letter.

Based on these facts, the Board finds that Westlake should show cause why this case should not be dismissed and this docket closed without prejudice.

IT IS THEREFORE ORDERED that, within 60 days of the date of this Order, Westlake shall show cause, if any, why this case should not be dismissed and the docket closed for failure to prosecute. If no such showing is made, this case shall be

dismissed without prejudice, effective at the close of business that date, without further Order of the Board.

Done at Frankfort, Kentucky, this 9th day of July, 2004.

By the Board

ATTEST:

Deputy *Robert A. Amato*
Executive Director
Public Service Commission
on behalf of The Kentucky State Board on
Electric Generation and Transmission Siting

Case No. 2002-00171