

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)	CASE NO.
SITE COMPATIBILITY CERTIFICATE, FOR THE)	2004-00423
CONSTRUCTION OF A 278 MW (NOMINAL))	
CIRCULATING FLUIDIZED BED COAL FIRED UNIT)	
IN MASON COUNTY, KENTUCKY)	

O R D E R

On May 31, 2005, EnviroPower, LLC (“EnviroPower”) filed a petition requesting the Commission to correct its prior Orders which refer to EnviroPower as having filed comments with the Commission on March 30, 2005, rather than March 31, 2005. EnviroPower states that, while its comments were dated March 30, 2005, and were sent electronically on that date to all parties and the Commission’s counsel, paper copies were not received by the Commission until the next day, March 31, 2005. EnviroPower’s petition further “demands” that the Commission post on its Web site the entire redacted version of EnviroPower’s “March 30 submission.” EnviroPower subsequently filed a corrected petition which contains revised attachments to the petition.

Based on the petition and being otherwise sufficiently advised, the Commission finds that EnviroPower is not a party to this case and it has no right to file pleadings. Pursuant to the Commission’s February 3, 2005 Order, EnviroPower was granted only “an opportunity to monitor this investigation and submit further information and comment.” Considering the petition as further information and comment, the

Commission finds that its May 18, 2005 Order should be corrected to reflect that EnviroPower's petition for confidentiality and comments were received electronically by the Commission's counsel on March 30, 2005, and paper copies were received and deemed filed on March 31, 2005.

With respect to the posting of EnviroPower's comments on the Commission's Web site, the Commission notes that there is no statute or regulation that requires the posting on our Web site of any document filed with this agency. The Commission endeavors as a courtesy to the public to post on our Web site the documents filed in formal cases. Due to the fact that documents have to be manually scanned prior to posting, and that there are limitations on Staff resources, the Commission has not in the past been able to post every document and some documents have been posted days or even weeks after they were received. EnviroPower's comments fall into this latter category, having now been posted some weeks after being filed.

IT IS THEREFORE ORDERED that the Commission's May 18, 2005 Order is corrected, *nunc pro tunc*, to reflect that EnviroPower's petition for confidentiality and comments were received electronically by the Commission's counsel on March 30, 2005, and paper copies of the documents were received and deemed filed on March 31, 2005.

Done at Frankfort, Kentucky, this 23rd day of June, 2005.

By the Commission

ATTEST:



Executive Director