

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY	)	
POWER COOPERATIVE, INC. FOR	)	
A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY,	)	
AND A SITE COMPATIBILITY CERTIFICATE,	)	CASE NO. 2005-00053
FOR THE CONSTRUCTION OF A	)	
278 MW (NOMINAL) CIRCULATING	)	
FLUIDIZED BED COAL FIRED UNIT AND	)	
FIVE 90 MW (NOMINAL) COMBUSTION	)	
TURBINES IN CLARK COUNTY, KENTUCKY	)	

O R D E R

On April 1, 2005, EnviroPower, LLC (“EnviroPower”) filed a motion requesting full intervention in this case. EnviroPower claims that it has special information regarding the bid solicitation and evaluation process conducted by East Kentucky Power Cooperative, Inc. (“East Kentucky Power”), and that it has a significant financial interest which would be affected by the outcome of this case. EnviroPower references its current participation in Case No. 2004-00423,<sup>1</sup> which involves another application by East Kentucky Power to construct a base load generating unit at its Spurlock Station in Maysville, Kentucky. On April 7, 2005, East Kentucky Power filed an objection to EnviroPower’s request for intervention.

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<sup>1</sup> Case No. 2004-00423, Application of East Kentucky Power Cooperative, Inc. For a Certificate of Public Convenience and Necessity, and a Site Compatibility Certificate, For the Construction of a 278 MW (Nominal) Circulating Fluidized Bed Coal-Fired Unit in Mason County, Kentucky.

Based upon the petition, and being otherwise sufficiently advised, the Commission finds that East Kentucky Power conducted one bid solicitation and evaluation process which resulted in its filing of two applications: the one pending in this case and the one pending in Case No. 2004-00423. All issues regarding that bid solicitation and evaluation have been the subject of an ongoing investigation in Case No. 2004-00423, and it would be inefficient and duplicative to conduct a second investigation of those same issues in this case.

The Commission further finds that EnviroPower is not a customer of East Kentucky Power, but is an unsuccessful bidder in a competitive power solicitation. As an unsuccessful bidder, EnviroPower has a pecuniary interest to challenge any bid evaluation process that results in the rejection of its bid. Consequently, EnviroPower's interest in this case does not coincide with that of either East Kentucky Power or its ratepayers. Rather, it is a self-serving financial interest that does not fall within the Commission's purview under KRS Chapter 278. Therefore, EnviroPower does not have a special interest in this proceeding sufficient to justify granting it full intervention and, further, granting full intervention is not likely to present issues or to develop facts that will assist the Commission in fully considering the issues in this case.

IT IS THEREFORE ORDERED that the petition of EnviroPower for full intervention is denied.

Done at Frankfort, Kentucky, this 18<sup>th</sup> day of April, 2005.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and flourishes, positioned above a horizontal line.

Executive Director