

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITING

In the Matter of:

JOINT APPLICATION OF THE ILLINOIS)
MUNICIPAL ELECTRIC AGENCY)
AND THE INDIANA MUNICIPAL POWER)
AGENCY FOR APPROVAL TO BE A)
25% PARTNER IN THE CONSTRUCTION) CASE NO. 2005-00152
OF A 750 MEGAWATT ADDITION TO)
THE EXISTING TRIMBLE COUNTY)
GENERATING FACILITY IN)
TRIMBLE COUNTY, KENTUCKY)

O R D E R

This case is a joint application filed by the Illinois Municipal Electric Agency and the Indiana Municipal Power Agency for approval of their partnership with Louisville Gas and Electric Company and Kentucky Utilities Company in a project to construct a 750 MW addition to the existing generating station in Trimble County, Kentucky. Following a July 19, 2005 Order finding the original application to be deficient, the Board issued a new procedural schedule in this case on July 28, 2005. The Board has already held a local public hearing in Bedford, Kentucky, on July 6, 2005, but the new schedule provided an opportunity for the public to request a second local hearing. The Board has now received a total of eight new requests for another local hearing.

The July 19, 2005 Order finding the original application deficient was based on the Board's determination that several landowners whose property is adjacent to the proposed plant site were not notified of that application. Applicants subsequently

properly notified those landowners. None of the eight new requests, however, come from any of those landowners. Thus, all of the new requesting persons had already received sufficient notice of the original application, and all of them had an adequate opportunity to attend and speak at the July 6, 2005 hearing.

The first sentence of KRS 278.712(1) reads: "The board may convene a local public hearing upon receipt of a request by not less than three (3) interested persons that reside in a county or municipal corporation in which the facility is proposed to be constructed to consider the application for a construction certificate." (emphasis added) By using the word "may," the General Assembly gave the Board the discretion to grant or deny a request for a local hearing. The Board now finds that a second hearing in Bedford would not be appropriate. A hearing has already been held there, and all persons requesting a second hearing received lawful notice of the original application.

Nevertheless, the Board does not want to deprive local citizens of any further opportunity to present their views. This case is scheduled for an evidentiary hearing at the office of the Public Service Commission beginning at 9:30 a.m., Eastern Daylight Time, on September 19, 2005. The Board will reserve the first half hour of that hearing, or until 10:00 a.m., to receive any further public comments on this application.

IT IS THEREFORE ORDERED that:

1. The request for a second local hearing in this case is denied.
2. The Board will hear public comments during the first half hour of the hearing, from 9:30 to 10:00 a.m., Eastern Daylight Time, on September 19, 2005, in Hearing Room 1, of the offices of the Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40602.

Done at Frankfort, Kentucky, this 25th day of August, 2005.

By the Board

ATTEST:

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and curves, positioned over a horizontal line.

Executive Director
Public Service Commission
on behalf of The Kentucky State Board on
Electric Generation and Transmission Siting

Case No. 2005-00152