

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

In the Matter of:

THE APPLICATION OF THOROUGHBRED)	
GENERATING COMPANY, LLC FOR A)	CASE NO.
MERCHANT POWER PLANT CONSTRUCTION)	2002-00150
CERTIFICATE IN MUHLENBERG, COUNTY,)	
KENTUCKY)	

O R D E R

On January 21, 2009, Thoroughbred Generating Company, LLC ("Thoroughbred") filed with the Kentucky State Board on Electric Generation and Transmission Siting ("Siting Board") a copy of an order entered in Muhlenberg Circuit Court on January 12, 2009, dismissing Thoroughbred's appeal of the Siting Board's December 5, 2003 Final Order in the above-styled case. Previously, in its December 16, 2008 Annual Report, Thoroughbred stated that, although it had successfully defended an appeal of its air quality permit in the Kentucky Court of Appeals, it had "decided not to go forward with construction of the Thoroughbred [electric generating] plant" and was, therefore, requesting the reimbursement of any unused application fee funds being held by the Siting Board pursuant to 807 KAR 5:100, Section 5.

The Siting Board finds that Thoroughbred's declaration not to go forward with the construction of the electric generating plant for which the December 5, 2003

construction certificate was granted is sufficient cause for the Siting Board to revoke Thoroughbred's construction certificate.

The Siting Board, on its own motion, HEREBY ORDERS that, within 10 days of the date of this Order, any party to the case which objects to the Siting Board's proposal to revoke the construction certificate issued to Thoroughbred on December 5, 2003, and to dismiss the case without prejudice, shall file with the Siting Board an objection stating, with specificity, the reason(s) for such objection.

Done at Frankfort, Kentucky, this 16th day of March, 2009.

By the Board

ATTEST:



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

Honorable Carl W Breeding
Attorney at Law
Greenebaum Doll & McDonald PLLC
229 West Main Street
Suite 101
Frankfort, KY 40601-1847

David G Rhoades
Chairman
Muhlenberg Joint City County Planning
203 North 2nd Street
Central City, KY 42330

J. R. Wilhite
Commissioner - Community Development
Economic Development Cabinet
Old Capital Annex
300 West Broadway, 2nd Floor
Frankfort, KY 40601

Milo B Eldridge
Project Environmental Scientist
Mactec Engineering & Consulting, Inc
13425 Eastpoint Centre Drive
Suite 122
Louisville, KY 40223

Honorable Kendrick R Riggs
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KY 40202-2828

J. Scott Yaeger
Director, Transmission & Power
Peabody Energy Company
701 Market Street, Suite 700
St. Louis, MO 63101-0000

Thomas J FitzGerald
Counsel & Director
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KY 40602

Nick G Schmitt, PE
Senior Principal
Mactec Engineering & Consulting, Inc
13425 Eastpoint Centre Drive
Suite 122
Louisville, KY 40223

Honorable Teresa J Hill
Secretary
Environmental Public Protection
Fifth Floor, Capital Plaza Tower
Frankfort, KY 40601

Randall Smith
116 Paradise Street
Greenville, KY 42345-1530

Honorable Jennifer M.H. Keisling
Attorney at Law
Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40202

David A Spainhoward
Vice President
Big Rivers Electric Corporation
201 Third Street
Henderson, KY 42419-0024

Honorable Holland N McTyeire, V
Attorney at Law
Greenebaum Doll & McDonald PLLC
3500 National City Tower
101 South Fifth Street
Louisville, KY 40202-3197

Dianna Tickner
President
Thoroughbred Generating Company, LLC
701 Market Street
Suite 500
St. Louis, MO 63101

Honorable James M Miller
Attorney at Law
Sullivan, Mountjoy, Stainback & Miller, PSC
100 St. Ann Street
P.O. Box 727
Owensboro, KY 42302-0727

Gary Watrous
President
Watrous Associates Architects
2711 West Main Street
Louisville, KY 40202