

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITING

In the Matter of:

APPLICATION OF ECOPOWER GENERATION, LLC)	
FOR A CERTIFICATE TO CONSTRUCT AND)	CASE NO.
OPERATE A MERCHANT ELECTRIC GENERATING)	2009-00530
FACILITY AND A 69 KV TRANSMISSION LINE IN)	
PERRY COUNTY, KENTUCKY)	
)	

ORDER

On February 24, 2010, the Applicant in this matter, known previously as “ecoPower Generation, LLC,” having Secretary of State Organization Number 0730121, filed Articles of Amendment with the Kentucky Secretary of State changing its name to “ecoPower Generation-Hazard, LLC.” The Kentucky State Board of Electric Generation and Transmission Siting (“Siting Board”) became aware of the February 24, 2010 name change after the Applicant filed its response to Board Staff’s Second Data Request on April 5, 2010, in which Staff asked the Applicant questions concerning the name change.

The Siting Board issued an Order on April 15, 2010, requiring the Applicant to file a motion to amend its application to reflect the February 24, 2010 name change, to explain the reasons the company’s name was changed, and to affirmatively identify the Secretary of State Organization Number of the company which is now the Applicant in this matter.

On April 19, 2010, the Applicant filed a motion to amend its application to change the name of the Applicant to “ecoPower Generation-Hazard, LLC.” In its motion the

Applicant states that the Secretary of State's Organization Number for ecoPower Generation-Hazard, LLC is still 0730121. The Applicant further states that, on February 24, 2010, at the same time the Articles of Amendment for ecoPower Generation, LLC were filed with the Secretary of State, another filing was made with the Secretary of State for a new limited liability company named "ecoPower Generation, LLC" ("new ecoPower Generation, LLC"). The new ecoPower Generation, LLC was given Secretary of State Organization Number 0757345.

The Applicant explains that the new ecoPower Generation, LLC will be a holding company¹ and that ecoPower Generation-Hazard, LLC will become a wholly owned subsidiary of the new ecoPower Generation, LLC. The Applicant states that the change of name "became necessary because of continuing changes in the interpretation of the law relating to the financing of this proposed project."

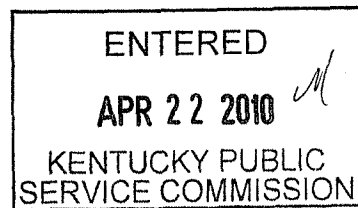
The Siting Board finds that the Applicant has shown good cause to change its name for purposes of the application filed on February 18, 2010 from "ecoPower Generation, LLC" to "ecoPower Generation-Hazard, LLC." The Siting Board also finds that, for purposes of the application filed in this matter, the Applicant's February 24, 2010 name change does not alter the procedural schedule entered in this matter on February 26, 2010.

¹ A "holding company" is defined as, "a company that usually confines its activities to owning stock in, and supervising management of, other companies." Black's Law Dictionary 731 (6th ed. 1990).

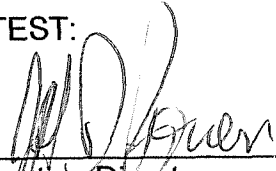
IT IS THEREFORE ORDERED that:

The Applicant's motion to amend its February 18, 2010 application to change its name to "ecoPower Generation-Hazard, LLC," as identified by the Kentucky Secretary of State as Organization Number 0730121, is GRANTED.

By the Kentucky State Board on
Electric Generation and Transmission
Siting



ATTEST:



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

Bob Amato
Energy and Environment Cabinet
500 Mero Street
Frankfort, KY 4061

Gary Crawford
Chief Executive Officer
ecoPower Generation, LLC
1256 Manchester Street
Lexington, KY 40504

Charles E May
P.O. Box 7293
Hazard, KY 41702

Honorable Denny Ray Noble
Judge/Executive
Perry County Courthouse
P.O. Box 210
Hazard, KY 41701

Ken Robinson
Cabinet for Economic Development
Old Capitol Annex
300 West Broadway
Frankfort, KY 40601

Honorable George L Seay, Jr.
Attorney at Law
Wyatt, Tarrant & Combs, LLP
250 West Main Street
Suite 1600
Lexington, KY 40507-1746