

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

In the Matter of:

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

O R D E R

On May 18, 2010, the Kentucky State Board on Electric Generation and Transmission Siting ("Siting Board") issued its Final Order in the above-styled case, granting ecoPower Generation-Hazard, LLC's ("ecoPower-Hazard") application for a certificate to construct a merchant 50 megawatt ("MW") biomass-fired electric generating facility and a 69 kilovolt ("kV") non-regulated transmission line in Perry County, Kentucky. More than 30 days have passed since the Final Order was served on ecoPower-Hazard, and no action has been filed by any party in Perry County Circuit Court to vacate or set aside the May 18, 2010 Final Order. Therefore, the May 18, 2010 Order is final and is not subject to any appeal.

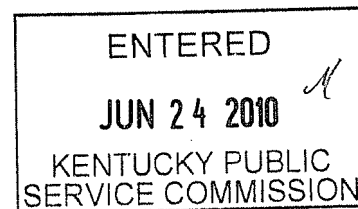
Pursuant to 807 KAR 5:100, Section 5, the Siting Board must refund any amount of ecoPower-Hazard's filing fee which exceeds the amount expended by the Siting Board in its review of ecoPower-Hazard's application. Therefore, the Siting Board directs Staff to prepare an itemized list of expenses charged to the Siting Board Fund during its review of the ecoPower-Hazard application and to issue a refund of any

amount of the filing fee which exceeds the amount expended by the Siting Board during its review.

Wherefore the Siting Board HEREBY ORDERS that:

1. Siting Board Staff shall prepare an itemized list of expenses charged to the Siting Board Fund during its review of the ecoPower-Hazard application.
2. Siting Board Staff shall issue a refund to ecoPower-Hazard of any remaining Siting Board application fee paid by ecoPower-Hazard in support of its application in this matter, along with a true copy of the itemized expense list prepared by Siting Board Staff pursuant to paragraph 1 above.

By the Board



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