

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

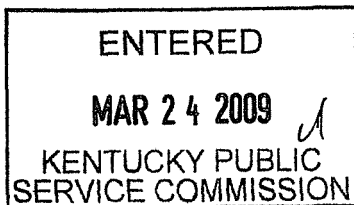
On March 6, 2009, the Kentucky State Board on Electric Generation and Transmission Siting ("Siting Board") issued an Order directing the parties in the above-styled case to file, within 10 days of the March 6, 2009 Order, any objection to the Siting Board's proposal to revoke the construction certificate issued to Thoroughbred Generating Company, LLC ("Thoroughbred") on December 5, 2003. The March 6, 2009 Order was issued in response to a January 12, 2009 order of the Muhlenberg Circuit Court granting Thoroughbred's motion to dismiss its appeal of the Siting Board's December 5, 2003 Order and remanding the case to the Siting Board for final disposition. Thoroughbred moved the court to dismiss its appeal following its December 2008 decision to abandon plans to construct the planned electric generating facility in Muhlenberg County, Kentucky.¹

¹ In Thoroughbred's December 16, 2008 annual report to the Siting Board, Thoroughbred stated its intent to abandon its plans for constructing the proposed electric generation facility and requested a refund of any remaining filing fee pursuant to 807 KAR 5:100, Section 5.

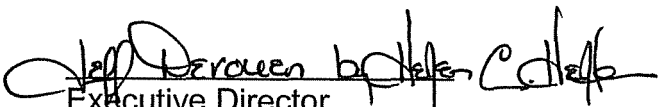
The Siting Board did not receive any objection to its proposal to revoke Thoroughbred's December 5, 2003 construction certificate. Wherefore, the Siting Board HEREBY ORDERS that:

1. The construction certificate issued by the Siting Board to Thoroughbred on December 5, 2003, is revoked.
2. Pursuant to 807 KAR 5:100, Section 5, the Commission shall refund to Thoroughbred any remaining Siting Board application fee paid by Thoroughbred in support of its application in this matter.
3. This case is dismissed without prejudice.

By the Board



ATTEST:


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

Case No. 2002-00150