

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 MERCHANT	)	CASE NO.
POWER PLANT CONSTRUCTION CERTIFICATE	)	2002-00150
IN MUHLENBERG, COUNTY, KY	)	

**THOROUGHbred’S REPLY IN SUPPORT  
OF ITS MOTION PROPOSING A PROCEDURAL SCHEDULE  
AND REQUESTING CERTAIN MODIFICATIONS TO 807 KAR 5:110**

Applicant, Thoroughbred Generating Company, LLC (“Thoroughbred”), through counsel, respectfully submits its Reply in Support of its Motion to adopt its proposed Procedural Schedule and requesting certain modifications to the procedures contained in 807 KAR 5:110 and to respond to the Procedural Schedule proposed by Intervenor, Big Rivers Electric Corporation (“BREC”).

1. Thoroughbred will defer to the decision of the Board in providing a schedule that: (i) allows the Board sufficient time to render a decision; (ii) allows for the orderly conduct of this matter; and (iii) attempts to accommodate the schedules of all parties. Thoroughbred notes that its personnel involved in this matter will be involved in a formal evidentiary hearing before the Natural Resources and Environmental Protection Cabinet (NREPC) regarding a challenge to the air permit for the Thoroughbred Facility on November 3 through November 14, 2003, as well as November 21, 2003, and will be unavailable during that time.

2. Thoroughbred proposed a Procedural Schedule with Prefiled Testimony on September 29, 2003, Prefiled Rebuttal Testimony on October 6, 2003, an Evidentiary

Hearing to be held on October 13, 2003, Responses to any Data Requests at the Hearing to be filed on October 20, 2003, and Post-Hearing Briefs on October 27, 2003.

Thoroughbred's proposed Procedural Schedule provides adequate time to prepare for the Hearing while allowing the Board sufficient time to render a decision by its deadline of on or about December 2, 2003.

3. BREC requests that the beginning of the Procedural Schedule be pushed back a week to accommodate the schedule of its likely witness and contends the Board cannot modify the time for Post-Hearing Briefs as suggested by Thoroughbred. Ironically, the filing of Prefiled Testimony and Prefiled Rebuttal Testimony proposed by BREC varies the similar deadlines in 807 KAR 5:110 without complaint from BREC and demonstrates the propriety of modifying the various deadlines contained in 807 KAR 5:110 pursuant to a timely-filed Motion.

4. Thoroughbred does not object to pushing the proposed Procedural Schedule back a week to accommodate BREC but believes the Board can (and should) allow for two weeks for Post-Hearing Briefs. As noted above, Thoroughbred would have scheduling difficulty with a Procedural Schedule providing for a Hearing any later than the week of October 20, 2003. Thoroughbred's revised Procedural Schedule would be as follows:

October 7, 2003 – Prefiled Direct Testimony

October 14, 2003 – Prefiled Rebuttal Testimony

October 21, 2003 – Evidentiary Hearing

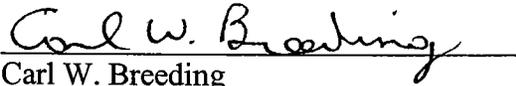
October 28, 2003 – Responses to Requests for Information at Hearing

November 4, 2003 – Post-Hearing Briefs

Based on the schedule in Thoroughbred's proceeding before the NREPC, the optimal date for the Hearing would be either October 21, 2003 or October 22, 2003.

For reasons set forth above, the Procedural Schedule proposed by Thoroughbred as modified herein should be adopted by the Board recognizing the schedule of BREC and providing for certain modifications to 807 KAR 5:110.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the Thoroughbred's Reply In Support Of Its Motion Proposing A Procedural Schedule And Requesting Certain Modifications To 807 KAR 5:110 was sent by United States First Class Mail, sufficient postage prepaid, to the following this the 25 day of SEPTEMBER, 2003.

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