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July 28, 2004

Beth O'Donnell, Executive Director
Kentucky State Board on Electric Generation and Transmission Siting
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Frankfort, KY 40602

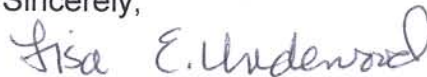
RE: Estill County Energy Partners, LLC
Case No. 2002-00172
Objections and Responses of ECEP to DLX's and Maxie Laviers Trust's
Data Requests

Dear Ms. O'Donnell:

Estill County Energy Partners, LLC ("ECEP") is submitting its Objections and Responses to DLX's and the Maxie Laviers Trust's Data Requests dated July 21, 2004.

ECEP is submitting with this letter an original and six (6) paper copies of ECEP's response. ECEP will also file the response electronically on this date and provide a copy to all parties of record.

Sincerely,



Lisa E. Underwood
Attorney for Estill County Energy Partners, LLC

cc: Gerard B. Mack
Joseph Tirone, Esq.
Parties of Record

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was sent by United States First Class Mail, sufficient postage prepaid, to the following this the 28th day of July, 2004.

Darrell D. Brock, Jr.
Commissioner/Assistant to Governor
Office of Local Government
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Frankfort, KY 40601

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201 Brighton Park Boulevard
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Kentucky Resources Council, Inc.
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Frankfort, KY 40602



Lisa E. Underwood

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

In the Matter of

THE APPLICATION OF ESTILL)	
COUNTY ENERGY PARTNERS, LLC,)	
FOR A CERTIFICATE TO CONSTRUCT)	CASE NO. 2002-00172
A COAL COMBUSTION/ELECTRIC)	
GENERATING FACILITY)	

OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST
DATA REQUEST

July 28, 2004

**Kentucky State Board on Electric Generation and Transmission Siting
Case No. 2002-00172**

**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 1

- Q. Page 6 of the Application submitted on June 11, 2004 (“the Application”) indicates that the proposed merchant electric generating facility will be fueled “primarily” by waste coal.**
- a. Please indicate any other fuels that will be used during start-up and operating condition for the proposed facility, and the range of fuel mixes that will be used.**
 - b. Does the facility intend to utilize fuels derived from solid wastes, including but not limited to refuse-derived fuel?**
 - c. The former Calla proposal included the proposed use of biomass for gasification. Does ECEP intend to pursue the use of biomass as a fuel?**

Responding Witness: Gerard Mack

- A. a.** Due to the expected variability of the waste coal quality, additional regional coal may be blended at times with the waste coal to assure a consistent boiler fuel. ECEP expects that less than 10% of the annual fuel mix will be this additional regional coal. Natural gas will be used to heat the circulating fluidized bed boiler and start combustion of solid fuel during startup from cold conditions.
- b. No.**
 - c. No.**

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 2

- Q. Page 7 of the Application indicates that the proposed facility will be constructed on a 28 acre portion of the "Site", which is a 505-acre site of a former coal processing plant. That same page indicates that the "Site" is to be leased to ECEP prior to the start of construction. Fox Trot Properties, LLC (Fox Trot) is identified as the owner of the site and "an affiliate" of ECEP.**
- a. Please indicate and provide documentation concerning the extent of the ownership of the "site" by Fox Trot. Does Fox Trot own the entire 505-acre property or merely the 28-acre tract.**
 - b. Who are the principals, officers or other participants in Fox Trot LLC?**
 - c. What is the nature of the "affiliation" of Fox Trot with ECEP?**
 - d. Please provide a copy of any proposed lease with Fox Trot, and in the absence of such a lease, describe the term of the lease, and other material lease terms including who will be responsible for any injury to persons or property arising from the proposed facility operation and removal and handling of coal wastes on the 505-acre site.**
 - e. Please list any entities that hold any tax or other liens, mortgages or other claims on the site, any portion of the site, or structures on the site, and the amount of each such claim?**
 - f. Is the site or any portion thereof currently subject to bankruptcy proceedings?**

Responding Witness: Gerard Mack

- A. a. Please refer to the response to Question No. 10 of the Board Staff's First Data Request to ECEP. The entire Site is owned by Fox Trot Properties, LLC.**
- b. This question will be answered assuming you meant to ask about Fox Trot Properties, LLC. The manager and member of Fox Trot Properties, LLC is Fox Trot Corporation.**
- c. Please refer to the response to Question No. 12 of the Board Staff's First Data Request to ECEP.**
- d. There is no lease in effect at this time. ECEP anticipates that when a lease is executed it will include commercially standard terms such as the allocation to ECEP of responsibility for any liability resulting from ECEP's operations.**

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 2 Continued

- e. ECEP understands that some Estill County property taxes respecting the Site were not paid during the bankruptcies of Southeast Coal Company (for the 1993 and 1994 tax years) and Kentucky Processing Company (from 1997 to the present). ECEP also understands that the total amount outstanding (taxes, penalties and interest) is approximately \$ 350,000. Those taxes which survive the bankruptcies of these companies and transfer of the properties to Fox Trot Properties, LLC ("Fox Trot") will be settled in connection with development of the Site.

DLX, Inc. claims ownership of a small portion of the Site. Fox Trot is contesting the DLX claims in litigation which is currently pending in the Kentucky Processing Company bankruptcy case.

There is a creditor claiming a security interest in a small wash plant that was constructed by a third party (Ecoprep, Inc.) to recover coal fines from one of the ponds on the property. The security interest is alleged to secure the construction costs of the facility. Fox Trot disputes the validity of the security interest, but the small wash plant is not operational, is not near the proposed site of the generating facility and is not related to the ECEP operations.

So far as ECEP is aware, there are no other liens or interests on the site which survived the bankruptcy of Kentucky Processing Company.

- f. The Site was owned by Kentucky Processing Company, which filed for bankruptcy protection in 1998. The Site was acquired by Fox Trot at an auction of the property conducted pursuant to the reorganization plan for Kentucky Processing Company approved by the United States Bankruptcy Court for the Eastern District of Kentucky. That bankruptcy case has not been officially closed and the adversary proceeding with DLX, Inc. described above is still pending.

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 3

- Q. Is any of the 28-acre or 505-acre site currently under a surface coal mining permit issued by the Kentucky Department for Surface Mining? If so:**
- a. Please identify the permit number, permittee, operator, and current status (active, inactive).**
 - b. Please list any pending enforcement actions, bond forfeiture, or other pending administrative actions related to that mining permit.**
 - c. Please indicate whether and to what extent the 505-acre site or any portion thereof is under a reclamation bond.**
 - d. For any areas currently under permit, please indicate the post-mining land use indicated under the permit.**

Responding Witness: Dell Jagers

- A. Yes.**
- a. Kentucky Processing Company currently holds surface mining permits for the site. ECEP intends to file for a permit to mine and recover waste coal as a source of fuel for the proposed power plant.
 - b. ECEP does not hold a surface mining permit at the site.
 - c. ECEP does not hold a surface mining permit at the site.
 - d. ECEP does not hold a surface mining permit at the site.

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 4

Q. Are any of the areas within the 505-acre site eligible for reclamation under the Abandoned Mine Land (AML) Program? If so, please indicate which areas, and whether there has been a determination by the state or federal mining regulatory agencies as to the eligibility of the land for AML expenditures and the priority status under the AML program.

Responding Witness: Dell Jagers

A. Yes. Some of the refuse disposal areas on the Site were not permitted under the Surface Mining Control and Reclamation Act of 1977 ("SMCRA"). ECEP is not aware of any determination by AML. ECEP intends to file for a DSMRE permit to recover the waste coal as a source of fuel for the Facility.

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 5

Q. Please provide any sampling in your possession of the composition of the coal processing wastes on the site, including the location of the samples and date of sampling.

Responding Witness: Gerard Mack / Counsel as to Objection

A. ECEP objects to this request on the grounds that the requested information constitutes highly confidential, commercially sensitive information that is outside the applicable criteria for consideration of ECEP's application and is beyond the scope of this proceeding.

**Kentucky State Board on Electric Generation and Transmission Siting
Case No. 2002-00172**

**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 6

Q. Please provide any sampling in your possession that has been conducted on the water quality of runoff from areas on the site where coal processing wastes are currently located.

Responding Witness: Dell Jagers

A. Please refer to the water testing that was completed for submittal with ECEP's recent KPDES filing. The KPDES permit was filed with the Environmental and Public Protection Cabinet on May 28, 2004.

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 7

Q. The application proposes the disposal of the resulting coal combustion ash in an on-site landfill. Please describe the location of the proposed disposal facility, and the construction and operation details for the proposed facility, including the procedures for material handling, surface and groundwater monitoring, liner, and proposed post-closure monitoring duration.

Responding Witness: Dell Jagers

A. Coal Combustion By-products are planned to be disposed of within Site areas where waste fuel is to be recovered. Details of the plans will be included in a permit filing at a later time.

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 8

- Q. Page 9 of the application notes that there are two residential properties on the site that are owned by Fox Trot.**
- a. Are these residences occupied?**
 - b. Does ECEP believe that the ownership of the structures is relevant to the determination to extend or withhold the protections afforded by the statute to residential properties and neighborhoods? If so, please provide the statutory basis for such a distinction.**
 - c. Does ECEP believe that those two residential structures qualify as a neighborhood, and if not, why not?**
 - d. Was notice of the application served on the occupants of those two residential structures?**

Responding Witness: Gerard Mack

- A.**
- a. No.**
 - b. No; the structures are not now occupied and will not be occupied in connection with the Facility. ECEP does not therefore consider the structures to be residences or neighborhoods.**
 - c. No; the two structures would not qualify as a "Residential Neighborhood" as defined in KRS 278.700(6).**
 - d. No; there are no occupants of the two structures.**

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 9

Q. Page 12 of the application indicates that there are no ordinances concerning noise control. Does Estill County have any ordinances prohibiting nuisances?

Responding Witness: Gerard Mack / Counsel as to Objection

A. ECEP objects to this request on the grounds that regulation of nuisances is outside the applicable criteria for consideration of ECEP's application and is beyond the scope of this proceeding.

Without waiving its objection, ECEP has been advised by the Estill County Judge Executive's Office that Estill County does not have any ordinances prohibiting nuisances.

**Kentucky State Board on Electric Generation and Transmission Siting
Case No. 2002-00172**

**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 10

- Q. Page 15 of the application is not responsive to the question posed by KRS 278.706(2)(g). Please indicate the efforts made by the applicant to locate the proposed facility on a site where existing electric generating facilities are located.**
- a. If no other locations were considered, please indicate so.**
 - b. If location at a site with existing electric generating facilities was evaluated, please indicate which plant(s) were considered and the basis for rejecting such options.**

Responding Witness: Gerard Mack

- A. ECEP believes that page 15 of the application is responsive to KRS 278.706(2)(g).**
- a. Other locations were considered.**
 - b. The nearest electric generating facilities were considered and rejected because on-Site waste coal to be used by the Facility can not be economically transported to them.**

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 11

Q. Why was the proposed transmission line not included in this application?

Responding Witness: Gerard Mack

A. A nonregulated electric transmission line would require a separate application for a construction certificate under KRS 278.714.

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 12

- Q. The application indicates that the facility will connect with KU; however there is indicated a transmission or service line owned by the Jackson Energy Co-op traversing the site.**
- a. Will that Jackson Energy line be removed or relocated, and if so, at whose expense?**
 - b. Will there be a connection with the Jackson Energy line?**

Responding Witness: Gerard Mack

- A. There is a 7-kV Jackson Energy Cooperative line traversing the Site.**
- a. Please refer to the response to Question No. 3 of the Board Staff's First Data Request to ECEP.**
 - b. No.**

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 13

- Q. Has ECEP made application for any necessary environmental permits, including air, waste, water withdrawal, or mining permits?**
- a. If so, please identify by agency, date of submittal, and application number each such application or permit held.**
 - b. If not, please identify each environmental permit or authorization anticipated to be required in order to construct and operate the proposed facility.**
 - c. Concerning the emission of air pollutants, please provide any reports or studies commissioned by or conducted for the ECEP facility indicating the air quality impacts of the proposed facility, including whether the facility will consume any increment of air quality for any air contaminant or pollutant.**
 - d. Please provide any fate or transport study that has been conducted regarding the dispersion and fate of emissions from the proposed facility?**
 - e. Please provide any study or report that has been conducted concerning the impacts of air emissions on Class I areas, including the Great Smoky Mountains National Park.**

Responding Witness: Gerard Mack / Counsel as to Objection

- A. Yes.**
- a. An application for a KPDES permit to discharge water was submitted May 28, 2004. The application has not yet been assigned a number.
 - b. Please refer to the table of environmental permitting requirements submitted as Exhibit F to the application.
 - c. ECEP objects to this request on the grounds that the requested information is outside the applicable criteria for consideration of ECEP's application, relates to permits that are to be obtained from other agencies and is beyond the scope of this proceeding.
 - d. ECEP objects to this request on the grounds that the requested information is outside the applicable criteria for consideration of ECEP's application, relates to permits that are to be obtained from other agencies and is beyond the scope of this proceeding.
 - e. ECEP objects to this request on the grounds that the requested information is outside the applicable criteria for consideration of ECEP's application, relates to permits that are to be obtained from other agencies and is beyond the scope of this proceeding.

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 14

Q. Please provide any documents identifying the effect on property values for all residential properties located within 2 miles of the plant? Is it the position of ECEP that no residential properties will suffer adverse values due to plant construction and operation?

Responding Witness: Dell Jagers

A. Please refer to the Real Property Value Impact Study submitted as Exhibit I to the application and to Section C.3 of the Review and Evaluation of Estill County Energy Partners, LLC Site Assessment Report prepared July 22, 2004 by Brighton A & E, Inc. for the Board. ECEP agrees with the conclusion of the Real Property Value Impact Study that “the preparation, construction, and operation of a power plant on the proposed site will have little, or no impact upon real property values in the market area. There is the distinct possibility that any measurable impact would be positive, as opposed to negative – that real property values might even increase in value as a result of increased employment opportunities directly and indirectly resulting from the power plant and related services.”

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 15

Q. Has ECEP commissioned or produced any report or study identifying the economic impact of the emission of criteria and toxic air pollutants from the proposed facility on the region and state?

Responding Witness: Gerard Mack / Counsel as to Objection

A. ECEP objects to this request on the grounds that the requested information is outside the applicable criteria for consideration of ECEP's application, relates to permits that are to be obtained from other agencies and is beyond the scope of this proceeding.

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 16

- Q. The noise study uses the operation of the former coal washer as a baseline for comparison.**
- a. Is the coal washing equipment currently in use?**
 - b. How long as the equipment been idle?**
 - c. What are the current peak and average noise levels at the property boundary, and at the residences identified in the application, from current site activities?**
 - d. What will be the average and peak noise levels from site operations, including construction, facility operation, coal waste handling and processing, and other site activities, at each residence identified in the application as being with the distances required to be considered?**

Responding Witness: Dell Jagers

- A.**
- a. No.**
 - b. The equipment has been idle for approximately 5 years**
 - c. ECEP has not measured noise levels from current site activities.**
 - d. Please refer to the Evaluation of Potential Noise Impacts submitted as Exhibit H to the application and to the response to Question No. 7 of the Board Staff's Second Data Request to ECEP.**

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 17

Q. Please explain why all interior roads in the site will not be paved, and the basis for determining which roads to pave.

Responding Witness: Gerard Mack

A. Permanent roads will be paved. Temporary haul roads on waste coal mining areas will not be paved.

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 18

- Q. Please identify the measures to be taken to control adverse effects of lighting on residential properties, and to prevent light pollution. The application states only that lighting will be controlled to industry standards.**
- a. What measures will be taken to control and direct lighting on the property?**
 - b. What is the anticipated lighting intensity at the site boundary, in footcandles?**
 - c. Please identify the "industry standards" to which reference is made?**

Responding Witness: Gerard Mack

- A.**
- a. Exterior lighting will be located, oriented and shielded to minimize glare.
 - b. ECEP has not performed an analysis of anticipated lighting intensity at the site boundary.
 - c. Industry standard refers to commercially available lighting systems which provide illumination for safe operation while minimizing glare.

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 19

Q. Please identify the scope and amount of liability insurance that will be carried by ECEP related to personal and real property damage related to operation of the facility.

Responding Witness: Gerard Mack / Counsel as to Objection

A. ECEP objects to this request on the grounds that the requested information is outside the applicable criteria for consideration of ECEP's application and is beyond the scope of this proceeding.

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 20

- Q. Please describe the relationship of ECEP and any of its owners, principals or agents and:**
- a. Calla Energy Partners**
 - b. The Institute of Gas Technology**
 - c. Charles (Chuck) Yates**
 - d. Donnie LaViers**
 - e. Kentucky Processing**
 - f. DLX, Inc.**

Responding Witness: Gerard Mack

- A. Please refer to the response to Question No. 12 of the Board Staff's First Data Request to ECEP.**
- a. Calla Energy Partners, LLC and Calla Energy Holding, LLC have a common sole Member, Ms. Jacquelyn Yates.
 - b. None.
 - c. Mr. Yates is the husband of Ms. Jacquelyn Yates.
 - d. None.
 - e. Charles Yates was an officer of Kentucky Processing Company.
 - f. None.

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 21

Q. Do any of the individuals or entities identified in Question 20 have an ownership, operating or equity interest in either Fox Trot or ECEP?

Responding Witness: Gerard Mack

A. Please refer to the response to Question No. 12 of the Board Staff's First Data Request to ECEP.

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 22

Q. Please identify the individuals and business entities who will operate the proposed facility?

Responding Witness: Gerard Mack

A. ECEP expects that the Facility will be operated by an affiliate of ECEP or a third-party operator.

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 23

Q. Is any of the 505-acre site located within the 100-year or 500-year floodplain? If so, what water management measures are proposed?

Responding Witness: Dell Jagers

A. Yes, the Site directly borders the Kentucky River. The power plant will be constructed above the 100-year floodplain. Some portions of the Facility, such as the water intake structure and water discharge structure, will necessarily be in the 100-year floodplain. The 500-year floodplain elevation has not been determined for the site. Waste coal will be removed within the 100-year floodplain and reclaimed to approximate contours. Removing waste coal within the 100-year floodplain is expected to drastically improve flood carrying capabilities of the Kentucky River.

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 24

Q. Please describe in quantitative and qualitative terms how run-on and run-off will be managed, and what impacts the development and redisturbance of the site will have on flood peaks and flood heights, and water quality.

Responding Witness: Dell Jagers

A. Please refer to the KPDES Permit application described in response to Question No. 13a of this Data Request.

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 25

- Q. The Calla Energy Partners project proposed the use of federal money to support the development of a biomass gasification project.**
- a. How does ECEP propose to finance the proposed facility?**
 - b. Will ECEP seek federal, state, county or other public monies (including loans, grants or other support) to support the construction, permitting or operation of the proposed facility? If so, please identify each such source of support and the nature and extent of the support?**

Responding Witness: Gerard Mack / Counsel as to Objection

- A. ECEP objects to this request on the grounds that the requested information is outside the applicable criteria for consideration of ECEP's application and is beyond the scope of this proceeding.**

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 26

Q. What are the current assets of ECEP, and how will the performance of the obligations imposed by the construction certificate, and by any environmental permits, be guaranteed?

Responding Witness: Gerard Mack / Counsel as to Objection

A. ECEP objects to this request on the grounds that the requested information is outside the applicable criteria for consideration of ECEP's application and is beyond the scope of this proceeding.

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 27

- Q. The former Calla Energy Partners project proposed the power plant as an anchor of a proposed industrial park that would use waste steam and the produced electricity.**
- a. Does the current ECEP project propose such an industrial park?**
 - b. Will waste steam be utilized or released?**

Responding Witness: Gerard Mack

- A. a. ECEP will not produce waste steam and will not sell electricity to retail customers. ECEP expects that reclamation of the Site will allow for expansion of the adjacent Estill County Industrial Park.**
- b. ECEP will not produce waste steam.**

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 28

Q. Please provide any report or study conducted or commissioned by ECEP concerning the qualitative and quantitative emissions from the operation of the proposed facility.

Responding Witness: Gerard Mack / Counsel as to Objection

A. ECEP objects to this request on the grounds that the requested information is outside the applicable criteria for consideration of ECEP's application, relates to permits that are to be obtained from other agencies and is beyond the scope of this proceeding.

**Kentucky State Board on Electric Generation and Transmission Siting
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**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 29

Q. Please provide any report or study conducted or commissioned by ECEP concerning the concentration of pollutants of concern in the resulting coal combustion ash, including but not limited to mercury.

Responding Witness: Gerard Mack / Counsel as to Objection

A. ECEP objects to this request on the grounds that the requested information is outside the applicable criteria for consideration of ECEP's application, relates to permits that are to be obtained from other agencies and is beyond the scope of this proceeding.

**Kentucky State Board on Electric Generation and Transmission Siting
Case No. 2002-00172**

**OBJECTIONS AND RESPONSES OF
ESTILL COUNTY ENERGY PARTNERS, LLC
TO WILL HERRICK'S FIRST DATA REQUEST**

DATA REQUEST No. 30

Q. Please provide any report or study conducted or commissioned by ECEP quantifying or analyzing the cumulative impact of air emissions, water withdrawals and water discharges, on the environment and/or the economy of the region and state.

Responding Witness: Gerard Mack / Counsel as to Objection

A. ECEP objects to this request on the grounds that the requested information is outside the applicable criteria for consideration of ECEP's application, relates to permits that are to be obtained from other agencies and is beyond the scope of this proceeding.