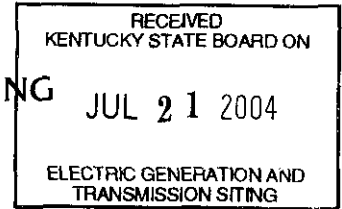


COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON  
ELECTRIC GENERATION AND TRANSMISSION SITING



In the Matter of:

ESTILL COUNTY ENERGY PARTNERS, LLC, )  
FOR A CERTIFICATE OF CONVENIENCE AND )  
NECESSITY TO CONSTRUCT A COAL ) CASE NO. 2002-00172  
COMBUSTION FACILITY IN ESTILL COUNTY, )  
KENTUCKY )

DLX'S AND THE MAXIE LAVIERS TRUST'S DATA REQUESTS

\* \* \* \* \*

Come the Movants, DLX, Inc., and Harry LaViers, Jr., as Trustee of a Trust established for the benefit of Donald G. LaViers, Stephen D. LaViers, Henry LaViers, IV, and Elizabeth LaViers Owen, all under the Will of Maxie LaViers, deceased (the "Trust")<sup>1</sup>, by counsel, and request that Estill County Energy Partners, LLC ("ECEP") file with the Board the original and 6 copies of the following information, with a copy to all parties of record. If a requested document consists of 20 or more pages, ECEP may file 2 copies. The information requested is due no later than July 28, 2004. Each copy of the data requested should be placed in a bound volume with each item tabbed. When a number of sheets are required for an item, each sheet should be appropriately indexed, for example, Item 1(a), Sheet 2 of 6. Include with each response the name of the person who will be responsible for responding to questions relating to the information provided. Careful attention should be given to copied material to ensure that it is legible. Where information requested has been previously provided, in the format requested, reference may be made to the specific location of that

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<sup>1</sup> The Trust was created under the will of Maxie LaViers, deceased, which is of record in Will Book J, Page 375, in the Estill County Clerk's Office.

information in responding to this information request. The defined terms used in these Data Requests shall be the same as those defined in DLX's and the Trust's Motion to Intervene in this proceeding.

The requests are as follows:

1. If any exhaust stack of the proposed facility merchant electric generating facility is within at least one thousand (1,000) feet from the property boundary of any adjoining property owner, including the Refuse Pile Tract, the Calla Subdivision or the Sand Hill Property, or is within two thousand (2,000) feet from any residential neighborhood, school, hospital, or nursing home facility, including the Calla Subdivision or the Sand Hill Property, please identify the stack and structure, and refer to any maps or surveys that are attached to the Application that show their location.

2. Are any of the residences in the Calla Subdivision or on the Sand Hill Property in a residential neighborhood as defined in KRS § 278.700(6)? If not, explain why not. If so, amend Appendix C to show approximate neighborhood limits in this area and the previously identified residential neighborhood and add to the map.

3. Please describe ECEP's plans to improve, dedicate, restrict or acquire all or part of the rights-of-way, roads and easements appurtenant or adjacent to the Refuse Pile Tract and the Calla Subdivision, or which connect said properties to a public road (the "Rights-Of-Way"). If ECEP or its predecessors in title claim that neither DLX, the Trust nor their heirs, successors or assigns have any right to use the Rights-Of-Way, please explain why and include copies of all documents supporting that opinion or opinions.

4. Provide copies of all deeds, leases or other instruments for each interest that ECEP or its predecessors in title claim in either the Refuse Pile Tract, the Calla Subdivision or in the Sand Hill Property and all appurtenances thereto and explain what ECEP's claim is in these properties and why

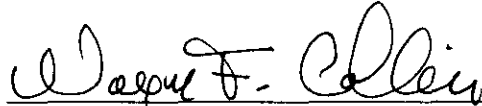
these instruments support ECEP's claim or claims.

5. Provide copies of all surveys of any interest that ECEP or its predecessors in title claim in either the Refuse Pile Tract, the Calla Subdivision or in the Sand Hill Property.

6. Provide the names, addresses and telephone numbers of persons having knowledge that supports ECEP's claim or claims to any interest in either the Refuse Pile Tract, the Calla Subdivision or in the Sand Hill Property, providing for a each a summary of their knowledge.

To the extent that these requests and the responses thereto duplicate and data requests made by the PSC Staff, there is no need to send additional copies so long as the same documents have already been served on DLX and the Trust and so long as: (a) those documents are indentified in your responses to these requests; and (b) for each such document so identified, provide a corresponding reference to the document produced in response to the PSC Staff requests.

Respectfully submitted,



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*Counsel for DLX and the Trust*

### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via first class mail on this the 21<sup>st</sup> day of July, 2004 to the following:

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Commissioner/Assistant to Governor  
Office of Local Government  
1024 Capital Center Drive  
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Estill County Judge Executive  
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Irvine, KY 40336

Hon. Gene Strong, Secretary  
Economic Development Cabinet  
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500 Mero Street  
Frankfort, KY 40601

Hon. LaJuana S. Wilcher, Secretary  
KY Environmental and Public Protection  
Department for Natural Resources  
Division of Energy  
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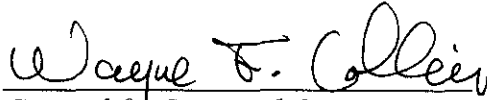
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