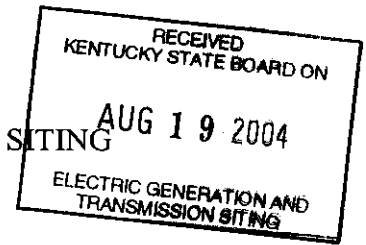


COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY STATE BOARD
ON ELECTRIC GENERATION AND TRANSMISSION SITING
211 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601



In the Matter of:

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

**WITNESS LIST FOR INTERVENOR
WILL HERRICK**

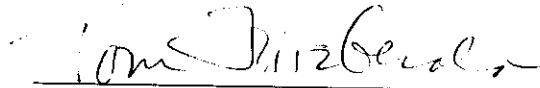
Comes Intervenor Will Herrick, by counsel and pursuant to the Revised Procedural Schedule adopted for Case No. 2002-00172, and provides this list of witnesses together with a brief summary of the testimony.

Intervenor Herrick will be the only witness. His testimony has been pre-filed in compliance with the Revised Procedural Schedule, and a copy has been served on all parties of record.

In summary, his direct testimony presents several concerns regarding the compliance of the proposed facility with the requirements for a construction certificate. The lack of information concerning qualitative and quantitative emissions and other outputs from the proposed plant, and lack of economic analysis of the effects of the plant on air quality, prevent a meaningful assessment of the potential economic impact of the facility on the region and state, including such matters as consumption of air quality increments, impacts on visibility at national parks, and effects of criteria and toxic air pollutants on health.

Additional concerns reflected in his testimony include the lack of disclosure of compliance history, and the applicability of the setbacks from property boundaries.

Respectfully submitted,



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Counsel for Intervenor

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Witness List for Intervenor Will Herrick was served this 19th day of August, 2004 by first-class mail to:

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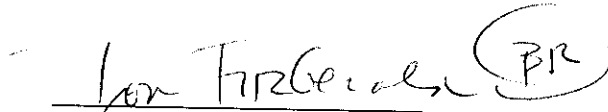
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and that the original was lodged by hand delivery this 19th day of August, 2004, with the offices of the Board, 211 Sower Boulevard, Frankfort, Kentucky 40601.


Thomas J. FitzGerald