

Kentucky Resources Council, Inc.

Post Office Box 1070
Frankfort, Kentucky 40602
(502) 875-2428 phone (502) 875-2845 fax
e-mail: fitzKRC@aol.com
www.kyrc.org

August 9, 2003

Docket Coordinator
Kentucky State Siting Board on
Electric Generation and Transmission Siting
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602



Re: THE APPLICATION OF KENTUCKY PIONEER ENERGY, LLC FOR A
CONSTRUCTION CERTIFICATE PURSUANT TO KRS 278.704(1)
TO CONSTRUCT A MERCHANT ELECTRIC GENERATING FACILITY;
CASE NO. 2002-00312

Dear Docket Coordinator:

Please find enclosed, for filing, the original and ten (10) copies of a motion for intervention in the above-captioned case.

Thank you for your assistance in filing this. All parties of record have been served by mail.

Cordially,



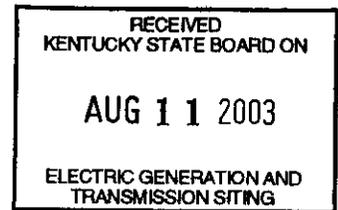
Tom Fitzgerald
Counsel for Movant

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

In the Matter of:

THE APPLICATION OF KENTUCKY)
PIONEER ENERGY, LLC FOR A)
CONSTRUCTION CERTIFICATE) CASE NO. 2002-00312
PURSUANT TO KRS 278.704(1) TO)
CONSTRUCT A MERCHANT)
ELECTRIC GENERATING FACILITY)

**MOTION OF CHARLES T. WALTERS
FOR FULL INTERVENTION, OR IN
THE ALTERNATIVE, FOR LIMITED
INTERVENTION**



Comes Charles T. Walters, (hereinafter "Walters") by counsel, and moves pursuant to KRS 278.712(4) to intervene in this above-captioned proceeding as a full party, with all rights and privileges of a full intervenor in these proceedings. In the alternative, to the extent that the Board determines not to grant full intervention status, Walters moves to intervene in this above-captioned proceeding as a limited party, with the right to file a post-hearing brief in accordance with the Procedural Schedule entered on June 30, 2003. In support thereof, states as follows:

1. Charles Walters is a landowner and resident of Clark County, Kentucky, whose address is P.O. Box 553, 286 Log Lick Road, Winchester, Kentucky 40392. He is a customer and ratepayer of the Clark County Rural Electric Cooperative, which is a member cooperative of the East Kentucky Power Cooperative, the entity that has entered into an agreement with Kentucky Pioneer Energy to purchase the power generated by the proposed Kentucky Pioneer Energy (KPE) facility for which a construction certificate was denied by the Board in this case.

2. Walters lives, works and recreates in Clark County, and has property, economic, and aesthetic interests in the protection of the quality of life in his community. Those interests include:

a. an interest in avoiding the adverse effects on the local airshed of emissions from additional coal- and waste gas-fired electrical power generation; and

b. an interest in assuring that the provisions of KRS 100.324 and of KRS 278.710 are properly interpreted and administered so that the compatibility of this new industrial development is subject to local review for compatibility with adopted comprehensive planning and zoning regulations and zoning district maps.

3. Walters is Petitioner in the case of Walters v. Natural Resources and Environmental Protection Cabinet and Kentucky Pioneer Energy, LLC, CA No. 03-CI-561, which is an appeal pending before the Franklin Circuit Court of a decision by the Cabinet Secretary that the proposed garbage-based fuel for the power plant was exempt from state waste permitting and local solid waste plan consistency requirements. The Secretary's decision reversed a Hearing Officer Report and Recommendation on behalf of Petitioner Walters. A decision by the Siting Board approving a construction certificate will, as a practical matter, adversely affect Walters' interest in having the proposed construction and use of waste-based fuel reviewed for consistency with local solid waste and land use planning requirements.

4. Additionally, Walters will file on Monday, August 11, 2003 for intervention with the Public Service Commission seeking the withdrawal of Commission approval of the power purchase agreement between East Kentucky Power Cooperative and Kentucky Pioneer Energy LLC, due to the lack of need for the base load power from the KPE plant

in light of the construction of the Gilbert plant by EKPC. Approval of the construction certificate to KPE will adversely affect Walters by facilitating construction of a plant that may, due to the power agreement, cause an increase in power costs to Walters as a ratepayer and member of the Clark County Rural Electric Cooperative (a part of the East Kentucky Power Cooperative).

5. The specific interests of Walters, as a landowner, a residential and commercial ratepayer and member of the East Kentucky Power cooperative system, may not be adequately represented by the other parties to this proceeding.

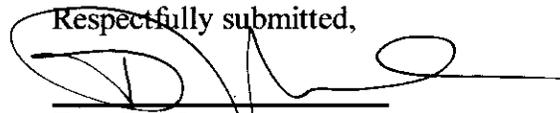
6. The thirty (30) day limit on intervention in Section 4(1) is inapplicable, since this is a supplemental hearing after a Board determination. To the extent it is deemed applicable, Movant requests leave to file this motion out of time since the participation is limited to the single issue before this Board, will not unduly interrupt the proceeding, and will provide a perspective not currently before the Board that may assist the Board in reaching its decision.

7. If full intervention is approved, Walters does not intend to file any information requests of any party, and will submit his direct testimony within five (5) days of the date of receipt of notice of approval of intervention status, and does not request alteration of the hearing or briefing schedule. Alternatively, to the extent that the Board does not grant full intervention status, Walters requests approval of limited intervention for the purpose of filing a brief concerning the proper interpretation and application of applicable statutes to the proof that will be adduced at the hearing.

WHEREFORE, Movant Charles T. Walters requests that he be accorded the status of full Intervenor, on the terms and conditions outlined in numerical paragraph 7. above, or

alternatively, that he be accorded a limited Intervenor status allowing Walters to file a brief concerning the question of whether as a matter Kentucky Pioneer has demonstrated compliance with existing planning and zoning requirements, and that each party to the case be directed to serve upon Walters all direct testimony and pleadings that each has filed in this case since entry of the Procedural Schedule on June 30, 2003.

Respectfully submitted,



Tom FitzGerald
P.O. Box 1070
Frankfort, Kentucky 40602
(502) 875-2428
Counsel for Movant Charles T. Walters

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon the following individuals who have been identified by the Commission Order on these consolidated cases, by first-class mail, postage prepaid, and that an original and ten (10) copies of this motion were filed by mail with the Public Service Commission, this 9th day of August, 2003.

Joseph A. Bickett
Ogden, Newell & Welch, PLLC
1700 Citizens Plaza
500 West Jefferson Street
Louisville, KY 40202

Robert G. Blanton
Planning Director
City of Winchester
Planning & Community Development
P.O. Box 40
Winchester, KY 40392-0040

Honorable Drew Graham
Judge/Executive
Clark County Courthouse
Room 103

34 South Main Street
Winchester, KY 40391

H. H. Graves
Project Director
Global Energy, Inc.
Suite 2650, 312 Walnut Street
Cincinnati, OH 45202

Mike Haydon
Governor's Office
The Capitol
700 Capitol Ave., Ste. 100
Frankfort, KY 40601-3492

James P. Kirby
122 Belmont Avenue
Winchester, KY 40391

Honorable Charles A. Lile
Senior Corporate Counsel
East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

Hank List, Secretary
Natural Resources and Environmental
Protection Cabinet
5th Floor, Capital Plaza Tower
500 Mero Street
Frankfort, KY 40601

Dwight N. Lockwood
P.E., QEP
Kentucky Pioneer Energy, LLC
250 East 5th Street, Suite 1500
Cincinnati, OH 45202

John Raymond Maruskin
1101 Ironworks Road
Winchester, KY 40391

Mike Musulin, II
President
Kentucky Pioneer Energy, LLC

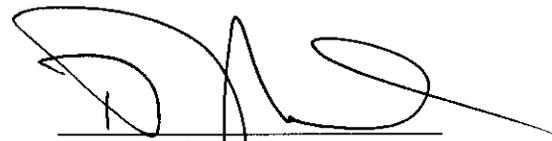
250 East 5th Street, Suite 1500
Cincinnati, OH 45202

Honorable Kendrick R. Riggs
Attorney at Law
Ogden, Newell & Welch, PLLC
1700 Citizens Plaza
500 West Jefferson Street
Louisville, KY 40202

Joe Rivers
Jason Associates Corporation
808 Kalmia Hill Road
Aiken, SC 29801

David A. Shafer, P.E.
Commonwealth Associates, Inc.
P.O. Box 1124
Jackson, MI 49204-1124

J. R. Wilhite, Commissioner - Community Development
Economic Development Cabinet
2300 Capital Plaza Tower
500 Mero Street
Frankfort, KY 40601



Tom FitzGerald