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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

PUBLIC SERVICE
COMMISSION

In the Matter of:

Application of East Kentucky Power Cooperative, Inc.,
For a Certificate of Convenience And Necessity and)
A Site Compatibility Certificate, For The Construction)
of A 278 MW (Nominal) Circulating Fluidized Bed)
Coal Fired Unit In Mason County)

CASE NO. 2004-0423

PETITION TO INTERVENE OF ENVIROPOWER, LLC.

Pursuant to K.R.S. § 278.310 and 807 KAR 5:001 Section 3(8), EnviroPower, LLC (“EnviroPower”) requests that it be granted full intervenor status in the above-captioned proceeding and states in support thereof as follows:

1. EnviroPower is a Kentucky limited liability company with a business address of 66 Ever Ridge Road, Bulan, Kentucky 41722 and has had detailed and extensive business dealings with East Kentucky Power Cooperative (“EKPC”).
2. EnviroPower is the sole owner of Kentucky Mountain Power, LLC, a Kentucky limited liability company and holder of Federal Air Permit PSD #V-00-045 and its Siting Certificate granted by the Kentucky Siting Commission on September 4, 2002 authorizing the construction of a circulating fluidized bed coal fired power plant in Knott County, Kentucky (“KMP”).
3. By virtue of its business and experience, EnviroPower and KMP possess certain information which may be essential to the KPSC in order to render an informed, knowledgeable, fair, equitable and just adjudication of the matter in question. In support of this proposition, EnviroPower respectfully submits an Affidavit from Mr. Randall Alan Bird, Vice-President of

EnviroPower, which outlines the scope of information EnviroPower may provide to the Commission.

4. EnviroPower obtained some of this essential information from East Kentucky Power Cooperative, Inc. ("EKPC") in the process of filing a response to an EKPC Request for Proposals pursuant to RFP No. 2004-01, in a process held between April and October, 2004, for the purpose of selecting sources of baseload electric generating capacity and energy for projected load requirements to commence in April, 2008. The process of the RFP and the evaluation of the bids resulted in EKPC awarding the baseload requirement to itself to support construction of a new electric power generation facility known as Spurlock #4, which is the subject of the instant matter. As illustrated by the attached Affidavit in support of this motion, the EKPC process lacked transparency, accountability, and a process, perhaps not conducted consistent with the best interests of the public. According to Mr. Bird, EKPC has left EnviroPower in a quandary about the real evaluation process, which may have caused a serious detriment to the ratepayers of the Commonwealth of Kentucky.

5. The matters being decided by the Commission in this case may have a significant impact on the business of EnviroPower and KMP, and/or absent full disclosure of the information which EnviroPower may possess, the Commission may find it difficult, if not impossible, to adequately serve the public interest in the matter in question.

6. Accordingly, the matters being decided by the Commission in this case may have a direct and negative impact on EnviroPower and the ratepayers of the Commonwealth of Kentucky.

7. The attorneys appointed to represent EnviroPower in this matter and to accept service of all documents are:

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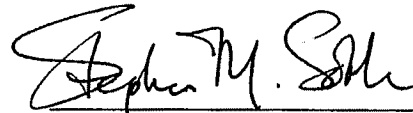
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8. The position of EnviroPower cannot be adequately represented by any existing Party to the proceedings. EnviroPower intends to play a constructive role in the Commission's decision-making process herein and EnviroPower's participation will not unduly prejudice any party. Accordingly, EnviroPower is prepared to respond to questions presented by the Commission, to provide Direct Testimony and other forms of evidence, as deemed by the Commission to be of assistance, consistent with the applicable rules and procedures for maintaining business confidences and trade secrets. EnviroPower would also be willing to assist the Commission in the conduct of an audit of the RFP bid and evaluation procedure as conducted by EKPC, if the Commission so orders.

WHEREFORE, EnviroPower respectfully requests and moves that it be granted full intervenor status in the above-captioned proceeding.

Respectfully submitted,



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January 14, 2005