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**Case Management System - KY Public Service Commission***Merchant Plant Applications Cases Before the Commission as of April 23, 2026***2002-00172**

RECEIVED: 06/10/04

FILED: 06/14/04

FINAL: 05/05/14

REOPENED:

SUSPENSION DATE:

CASE NATURE: Estill County Energy Partners, LLC, coal combustion/electric generating facility (Electronic case)

**CASE CODE**

Board Decision Due

Merchant Plant - Board Decision Due

Electronic Case

Deadline for Public Hearings, Board

INTERVENORS: DLX and Harry LaViers,

**HEARINGS:**

08/24/04 Formal Hearing

08/05/04 Public Meeting

**INDEX OF EVENTS:**

05/05/14 Order Entered:  
 1. The Siting Board's conditional approval of the certificate of construction as expressed in the October 12, 2004 Order is revoked.  
 2. The case shall be dismissed with prejudice and removed from the Siting Board's docket.  
 3. Siting Board Staff shall prepare an itemized list of expenses charged to the Siting Board Fund during its review of the ECEP application.  
 4. Within 60 days of date of this Order, or within 60 days of the exhaustion of all appeals if judicial review is sought, Siting Board Staff shall issue a refund to ECEP of any remaining portion of the Siting Board application fee paid by ECEP in support of its application in this matter, along with a true copy of the itemized expense list prepared by Siting Board Staff pursuant to Ordering Paragraph 3.

11/25/13 Order Entered: ECEP shall, within 20 days of the date of this Order, show cause why the conditional approval of construction should not be revoked and this case dismissed and removed from the Board's docket due to ECEP's failure to comply with the conditions imposed by the October 12, 2004 Order.

12/04/09 Estill County Energy's Annual Report for 2009

12/15/08 Estill County Energy Partners, LLC Annual Report for 2008

10/12/07 FilerFullName:Michael Burford; OnBehalfOf:Estill County Energy Partners -- 2007 Annual Report

09/13/07 application fee check in the amount of \$30,000

09/11/07 FilerFullName:Michael Burford; OnBehalfOf:DLX Harry Laviers, Jr. Trustees -- Response to ECEPs Annual Reports

09/04/07 FilerFullName:Michael Burford; OnBehalfOf:Estill County Energy Partners, LLC -- Annual Reports for 2004, 2005 2006

08/07/07 First reminder letter for information to be filed by utility in response to 10/12/04 Order; response now due 9/7/07

07/02/07 Order entered granting an extension of time until September 15, 2007 to comply with the Board's July 12, 2005 Order.

06/13/07 FilerFullName:D. Duane Cook; OnBehalfOf: -- Motion for Extension of Time

06/13/07 Motion to delay filing of supplemental site assessment report and payment of supplemental fee

07/12/05 Order entered: Estill County Energy Partners is assessed a supplemental application fee of \$30,000, which shall be remitted to the Board with its supplemental site assessment report, but no later than 6/15/2007

06/21/05 Notice of appearance as counsel for Estill County Energy Partners

06/02/05 Order entered granting motion to withdraw, within 20 days ECEP shall advise the Board in writing of the identity of its new local counsel, and its new counsel shall file an Entry of Appearance with the Board

06/01/05 Original copy and copies of Estill County Energy Partners Motion to Withdraw

05/31/05 Electronic filing Estill County Energy Partners, LLC -- Motion to Withdraw

10/20/04 Electronic filing Estill County Energy Partners, LLC -- Written Statement of ECEP in Response to the Board's October 12, 2004 Order

10/20/04 Original paper copies of written statement of Estill County in response to Board's October 12, 2004 Order

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10/13/04 Order entered: Estill County Energy Partners, by 10/22/2004, shall either file a written statement indicating whether it accepts conditions and commitment set forth in Order and Appendix, or file statement indicating it will defer filing such statement until after issuance of Board's subsequent Order ruling on supplemental assessment report

09/24/04 Tennessee Valley Authority followup to August 6 and 18 letters, completed study

09/14/04 Original paper copy of DLX's and Harry Laviers, Jr., trustee's hearing brief and amended dismiss and motion to strike testimony

09/14/04 Original paper copy of post-hearing brief of intervenor Will Herrick

09/13/04 Electronic filing Estill County Energy Partners, LLC -- Post-Hearing Brief

09/13/04 Electronic Filing of DLX's and Harry LaViers, Jr., Trustee's Hearing Brief and Amended Dismiss and Motion to Strike Testimony

09/13/04 Original paper copy of Estill's post-hearing brief

09/13/04 FAX copy of Estill's electronic confirmation of post-hearing brief

09/01/04 Original paper copy of DLX and the Trust Certificate of Service and two exhibits introduced at the hearing held on August 24, 2004

08/31/04 Electronic Filing of Estill County Energy Partners, LLC's Response to Post-Hearing Data Requests

08/31/04 Hearing Transcript of Evidence held August 24, 2004

08/24/04 DLX's and Harry Laviers, Jr., trustee's Motion to Dismiss and Memorandum

08/20/04 TVA supplements August 6 letter advising have requested information from Estill for a more appropriate analysis

08/19/04 Electronic filing Estill County Energy Partners, LLC -- List of Witnesses and Summary of Testimony of Estill County Energy Partners, LLC

08/19/04 Witness List for intervenor Will Herrick

08/19/04 DLX's and Harry Laviers, Jr., Trustee's Witness Lists

08/19/04 Original of Estill County Energy Partners List of Witnesses and Summary of Testimony

08/18/04 Order entered admitting Stephen H. Watts, II as co-counsel representing Estill County Energy Partners

08/18/04 Order entered admitting Joseph G. Tirone as co-counsel representing Estill County Energy Partners

08/17/04 Electronic filing Estill County Energy Partners, LLC -- Proof of Notice regarding Evidentiary Hearing

08/17/04 Original of Estill's proof of notice of the evidentiary hearing

08/13/04 Siting Board summary of August 5, 2004 local public meeting

08/12/04 Electronic filing Estill County Energy Partners, LLC -- Motion for Admission Pro Hac Vice for Stephen Watts

08/12/04 Electronic filing Estill County Energy Partners, LLC -- Motion for Admission Pro Hac Vice for Joseph Tirone

08/12/04 Michael W. Wells public comment

08/12/04 Original copy of Estill's Motions for Admission Pro Hac Vice for Joseph Tirone & Stephen Watts

08/09/04 TVA's response to July 19, 2004 letter advising no impact on transmission system and requesting Estill representative contact to discuss

08/04/04 Electronic filing Lisa E. Underwood; OnBehalfOf:Estill County Energy Partners, LLC -- Direct Testimony of Gerard B. Mack and Direct Testimony of Dell Jagers

07/28/04 Electronic filing Estill County Energy Partners, LLC -- Objections and Responses to Will Herrick's First Data Request

07/28/04 Electronic filing Estill County Energy Partners, LLC -- Objections and Responses to DLX's and the Maxie Laviers Trust's Data Requests

07/28/04 Electronic filing Estill County Energy Partners, LLC -- Response to Board Staff's Second Data Request

07/28/04 Electronic filing -- Proof of Notice of publication regarding the public hearing

07/28/04 Electronic filing Estill County Energy Partners, LLC -- Response to Board Staff's First Data Request

07/28/04 Big Rivers original letter to fax received 7/26

07/28/04 Responses of DLX and Harry Laviers, Jr., trustee, to the Board Staff's first data request including CD and Maps which are not electronically filed

07/27/04 Economic Development PROXY appointment of J.R. Wilhite

07/26/04 American Electric Power's response to July 15, 2004 letter advising no upgrades required to transmission system

07/26/04 ULH&P original letter to fax received 7/22

07/26/04 FAX copy of Big Rivers response to July 19, 2004 letter, advising no upgrades to transmission system

07/23/04 FAX copy from East KY Power response to July 15 letter advising will not need upgrades to transmission system

07/23/04 Order entered the Board will not adjudicate the merits of the real estate claims described in the DLX motion to intervene or any other issues beyond those delegated to it by Chapter 278 of the KRS; the

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August 24 hearing in Frankfort satisfies DLX's request for an evidentiary hearing, the Board denies its motion for an additional evidentiary hearing; the Board reaffirms its Order granting the DLX and Herrick interventions.

07/23/04 KU's response to July 15, 2004 letter confirming that upgrades to transmission system will be required  
 07/22/04 Review & Evaluation of Estill County Energy Partners site assessment report  
 07/22/04 FAX copy of ULH&P's response to letter dated July 15, 2004  
 07/21/04 Letter to Tracy R. Patrick, Cynthia Cusick, Lisa Baber, Delores L. Rowland, Bonnie Morris in response  
 07/21/04 Board Staff's second data request to Estill County Energy Partners, LLC., response due July 28, 2004  
 07/21/04 Board Staff's first data request to DLX, Inc. and Harry Laviers, Jr., response due July 28, 2004  
 07/21/04 DLX and the Maxie Laviers trust data requests  
 07/21/04 Order granting motions of Will Herrick and DLX, Inc., and Harry LaViers, Jr., intervention  
 07/21/04 Intervenor Will Herricks first data request to Estill County Energy Partners  
 07/21/04 Thomas J. FitzGerald entry of appearance on behalf of Will Herrick  
 07/20/04 Letter to Big Rivers and Tennessee Valley Authority requesting statement if Estill County Energy project would any upgrades to transmission systems be required, response due July 26, 2004  
 07/20/04 Estill County Energy Partners' response to Motion of Will Herrick for Full Intervention and Response opposing motions to intervene and to schedule an evidentiary hearing of DLX, Inc. and Harry Laviers, Jr., Trustee  
 07/19/04 Letter to AEP, ULH&P, East KY, LG&E requesting statement if Estill County Energy project would any upgrades to transmission systems be required, response due July 23, 2004  
 07/16/04 Notice of Additions to Procedural Schedule entered:  
 Motion to Intervene due July 14, 2004  
 Request for Public Hearing due July 14, 2004  
 Intervenor and Staff Data Requests due July 21, 2004  
 Responses to Data Requests due July 28, 2004  
 Siting Board visit to site at 10:00 a.m. August 2, 2004  
 Parties Direct Testimony due August 4, 2004  
 Public hearing at 7:00 p.m. in the Upstairs Courtroom of Estill County Courthouse on August 5, 2004  
 Parties List of Witnesses for hearing due August 19, 2004  
 Public Hearing at 10:00 a.m. at PSC offices August 24, 2004  
 Briefs due September 7, 2004  
 Decision due October 12, 2004  
 07/14/04 DLX, Inc. and Harry LaViers, Jr., Motions to Intervene and to schedule an evidentiary hearing and application to file electronically  
 07/14/04 Motion of Will Herrick for Full Intervention  
 07/14/04 Memorandum dated July 14, 2004 for Team Site Visit to Estill County Energy Partners' proposed power plant; Comments, if any, due within five days of receipt.  
 07/13/04 Delores L. Rowland Request for public Hearing  
 07/13/04 Bonnie Morris Request for public Hearing  
 07/13/04 Tracy R. Patrick Request for public Hearing  
 07/09/04 Staff's First Data Request to Estill County Energy Partners, LLC, response due 7/28/04.  
 07/08/04 Lisa Baber request a public hearing  
 07/08/04 Cynthia Cusick request a public hearing  
 07/02/04 Notice of Procedural Schedule entered:  
 Motion to Intervene due July 14, 2004  
 Request for Public Hearing due July 14, 2004  
 Intervenor and Staff Data Requests due July 21, 2004  
 Responses to Data Requests due July 28, 2004  
 Parties Direct Testimony due August 4, 2004  
 Parties List of Witnesses for hearing due August 19, 2004  
 Public Hearing at 10:00 a.m. at PSC offices August 24, 2004  
 Briefs due September 7, 2004  
 Decision due October 12, 2004  
 06/21/04 Governor Fletcher's Executive Order of reappointment  
 06/17/04 Acknowledge Receipt of Application with filing date of June 14, 2004  
 06/16/04 Confirmation sheet for electronic filings  
 06/14/04 Electronic filing Estill County Energy Partners, LLC -- Application for Certificate to Construct Electric Generating Facility - Exhibits M through U

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06/14/04 Electronic filing Estill County Energy Partners, LLC -- Application for Certificate to Construct Electric Generating Facility - Exhibits M through U

06/14/04 Electronic filing- Application for Certificate to Construct Electric Generating Facility

06/10/04 Estill County Energy Partners, LLC application for certificate to construct a merchant electric generating facility in Estill County, KY

06/03/02 Electronic filing account and password sent to Lisa E. Underwood for Estill County Energy Partners.

05/17/02 Acknowledge receipt of notice of intent to file an integrated waste coal combustion and electric generating facility in Estill County, KY

05/17/02 Letter to Governor Paul E. Patton to request local appointments to the Board.

05/16/02 Notice of Intent to file an integrated waste coal combustion and electric generating facility in Estill County, KY

05/16/02 Faxed copy of Notice of Intent to File for a Merchant Power Plant construction certificate in Estill County, KY

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Total Number of Cases: 1