

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE PETITION OF)	
CINCAP IX, LLC FOR A)	CASE NO. 2000-451
DECLARATORY ORDER)	

O R D E R

IT IS ORDERED that CinCap IX, LLC (“CinCap IX”) shall file the original and 6 copies of the following information within 20 days of the date of this Order, with a copy to all parties of record. Each copy of the information requested shall be placed in a bound volume with each item tabbed. When a number of sheets are required for an item, each sheet shall be appropriately indexed, for example, Item 1(a), Sheet 2 of 6. Include with each response the name of the witness who will be responsible for responding to questions relating to the information provided. Careful attention should be given to copied material to ensure its legibility.

1. Provide the name and title for each officer of CinCap IX.
2. The Limited Liability Company Agreement, Exhibit 2 to the application, lists Cinergy Capital & Trading, Inc. (“Capital & Trading”) as the sole member of CinCap IX.
 - a. Provide the name and title of each officer of Capital & Trading.
 - b. Provide the name of each member of the board of directors of Capital & Trading.

3. Provide an organizational chart which shows the name and chain of ownership of each entity that directly or indirectly owns an interest in CinCap IX.

4. For each entity that owns an interest in Capital & Trading, provide the name of the entity, the name and title of each officer of the entity, and the name of each member of the board of directors of the entity.

5. Provide the name of each entity that owns both (a) a direct or indirect interest in CinCap IX, and (b) a direct or indirect interest in The Union Light, Heat and Power Company ("ULH&P").

6. Provide the name and title of each person who is both (a) an officer of any entity that directly or indirectly owns an interest in CinCap IX and (b) an officer or member of a board of directors of any entity that directly or indirectly owns an interest in ULH&P. For each person so identified, also provide the name of the entity for which they serve as an officer or board member.

7. Identify each person who is both (a) a member of a board of directors of an entity that directly or indirectly owns an interest in CinCap IX and (b) an officer or member of a board of directors of an entity that directly or indirectly owns an interest in ULH&P.

8. How many simple cycle combustion turbines does CinCap IX intend to install at the Erlanger site by June 2001? For each proposed turbine, provide its summer and winter gross and net megawatt-rated output.

9. Provide the name of the entity that currently owns the Erlanger site where the combustion turbines will be installed. If the ownership of this property has changed

over the last 10 years, provide the name of each previous owner in the past 10 years, the date each owner acquired the property, and the date of transfer.

10. Based on the current size of the Erlanger site, what is the total number of simple cycle combustion turbines that could be installed there and what would be the nominal megawatt rating of each unit?

11. Under what circumstances, if any, could the power generated at the Erlanger site be sold by CinCap IX directly to ULH&P?

12. Under what circumstances, if any, could the power generated at the Erlanger site be sold by CinCap IX indirectly to ULH&P?

13. Provide a detailed description of the facts and circumstances that led to the decision that the turbines to be installed at the Erlanger site should be owned and operated by an exempt wholesale generator rather than ULH&P, a regulated utility. Include in the response to this question a discussion of any physical or legal constraints that would prevent the turbines to be installed at the Erlanger site to be owned by or on behalf of ULH&P with the generation output sold to ULH&P's retail electric customers.

14. Provide an affidavit signed by an officer of CinCap IX verifying the accuracy of the factual allegations set forth in the Petition for Declaratory Order.

Done at Frankfort, Kentucky, this 17th day of November, 2000.

By the Commission

ATTEST:


Executive Director