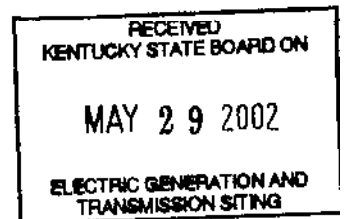




Kentucky Mountain POWER
NEW ENERGY FOR EASTERN KENTUCKY

May 23, 2002

Stephanie Bell
Kentucky State Board on Electrical
Generation and Transmission Siting
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602



Re: Case No. 2002-00149

Dear Ms. Bell,

I am writing this letter to request a waiver of the provision of 807 KAR 5:100E regarding the timing of the submission of the initial application fee for the application for a certificate to construct a merchant electricity generating plant. Kentucky Mountain Power, LLC ("KMP"), a wholly owned subsidiary of EnviroPower, LLC, requests that it be allowed to submit \$100,000 with its initial application for certificate and submit an additional \$100,000 30 days after the date of the application submission. Since KMP is planning on constructing a 500MW facility, the regulation only requires an initial application fee of \$200,000.

I would appreciate your response at your earliest convenience as KMP anticipates filing its application at the end of next week. If you have any questions concerning this matter, please don't hesitate to contact me at either (859) 422-5562 or (859) 492-2323.

Sincerely,

A handwritten signature in black ink that reads "P.C. Brown".

Peter C. Brown
Director of Contract Administration
EnviroPower, LLC

cc: Randy Bird