

# 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

September 3, 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 THOROUGHbred GENERATING COMPANY,  
LLC FOR A MERCHANT POWER PLANT CONSTRUCTION  
CERTIFICATE IN MUHLENBERG COUNTY, KENTUCKY; CASE NO.  
2002-00150

Dear Docket Coordinator:

Please find enclosed, for filing, the original and ten (10) copies of a motion for intervention from Gary Watrous 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

RECEIVED  
KENTUCKY STATE BOARD ON  
SEP 3 2003  
ELECTRIC GENERATION  
TRANSMISSION SITING

In the Matter of:

THE APPLICATION OF THOROUGHBRED )  
GENERATING COMPANY, LLC. FOR A )  
MERCHANT POWER PLANT ) CASE NO. 2002-00150  
CONSTRUCTION CERTIFICATE IN )  
MUHLENBERG COUNTY, KENTUCKY )

**MOTION OF GARY WATROUS  
FOR FULL INTERVENTION**

Comes Gary Watrous, (hereinafter "Watrous") 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 support thereof, Movant states as follows:

1. Gary Watrous is a resident of Metro Louisville, Jefferson County, Kentucky, whose address is 2711 West Main Street, Louisville, Kentucky 40202. He is an architect specializing in solar and energy efficient design, and has an office at that same address.
2. Watrous lives, works and recreates in Jefferson County, and has property, economic, and aesthetic interests in the protection of the quality of life in his community. Those interests include an interest in avoiding the adverse effects on the local airshed of emissions from additional coal-fired electrical power generation; in order to protect his quality of life and his business opportunities as an architect.
3. To the extent that air emissions of criteria or toxic air pollutants from the proposed Thoroughbred plant contribute additional particulate, NOx, VOC or hazardous air pollutants to the Jefferson County airshed, the health interests of Movant are or may be adversely affected. Additionally, the contribution of those pollutants may adversely

affect the ability of the community to attract new homeowners due to air quality concerns, thus impacting his business as an architect.

4. Additionally, Movant Watrous has visited and intends within the next year to revisit Mammoth Cave National Park. To the extent that the emissions from the proposed plant will affect visibility or air quality in the park, movant's interests in enjoyment of that natural resource will be adversely affected.

5. Movant Watrous is a ratepayer and customer of Louisville Gas and Electric Company. To the extent that the additional load from the proposed plant affects the reliability or performance of the transmission grid, Movant's interests as a ratepayer in reliable service may be adversely affected.

6. These above-mentioned interests entitle Watrous to intervenor status as a person who is, within the meaning of KRS 278.712, an "interested person" and within the meaning of 807 KAR 6:110, a person possessing a "special interest"; one that is not otherwise adequately represented by other intervenors or the applicant.

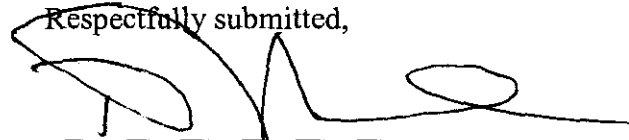
7. This motion to intervene is timely. KRS 278.712 provides that any "interested person" may, upon motion to the Board, be granted leave to intervene. While the statute sets no time limit for intervention, the Board has adopted a regulation at 807 KAR 6:110 requiring that applications for intervention be filed within thirty (30) days of submittal of an application. The thirty (30) day limit on intervention in 807 KAR 6:110 Section 4 is satisfied, since the Board considered the application complete and docketed the case on August 4, 2003.

8. Watrous does not intend to file any information requests of any party at this time, but notes that the Procedural Schedule adopted on August 19, 2003 set the deadline for

requests for information from Intervenor to the Applicant at August 25, 2003, nine (9) days *before* the end of the period during which any party could petition to intervene. It would appear that the deadline for requests for information from Intervenor to the Applicant should, as a matter of Board practice, be set at a reasonable time period *after* the close of the intervention period.

WHEREFORE, Movant Gary Watrous requests that he be accorded the status of full Intervenor in this proceeding.

Respectfully submitted,



Tom FitzGerald  
Kentucky Resources Council, Inc.  
P.O. Box 1070  
Frankfort, Kentucky 40602  
(502) 875-2428  
Counsel for Movant Gary Watrous

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served upon the following individuals, by first-class mail, postage prepaid, and that an original and ten (10) copies of this motion were filed with the Public Service Commission, this 3rd day of September, 2003:

Honorable Carl W. Breeding  
Greenebaum Doll & McDonald PLLC  
229 West Main Street, Suite 101  
Frankfort, KY 40601-1847

Milo Eldridge  
Mactec Engineering & Consulting, Inc  
13425 Eastpoint Centre Drive, Suite 122  
Louisville, KY 40223

Honorable Rodney Kirtley  
Judge/Executive  
Muhlenberg County Courthouse  
P.O. Box 137

Greenville, KY 42345

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

Honorable James M. Miller  
Sullivan, Mountjoy, Stainback  
& Miller, PSC  
100 St. Ann Street, P.O. Box 727  
Owensboro, KY 42302-0727

David G. Rhoades, Chairman  
Muhlenberg Joint City  
County Planning Commission  
203 North 2nd Street  
Central City, KY 42330

Nick Schmitt  
Mactec Engineering & Consulting, Inc  
13425 Eastpoint Centre Drive  
Suite 122  
Louisville, KY 40223

Dianna Tickner, President  
Thoroughbred Generating Company, LLC  
701 Market Street, 6th Floor, Suite 781  
St. Louis, MO 63101

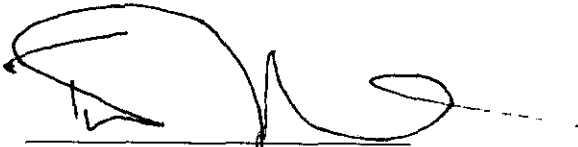
J. R. Wilhite  
Commissioner - Community Development  
Economic Development Cabinet  
2300 Capital Plaza Tower  
500 Mero Street  
Frankfort, KY 40601

J. Scott Yaeger  
Director, Transmission & Power  
Peabody Energy Company  
701 Market Street, Suite 700  
St. Louis, MO 63101-0000

Linda Portasik, Esq.

LG&E Energy Corp.  
220 West Main Street  
Louisville, KY 40202

Kendrick Riggs, Esq.  
Ogden Newell and Welch, PLLC  
500 West Jefferson Street Suite 1700  
Louisville KY 40202



Tom FitzGerald