

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITING

In the Matter of:

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

O R D E R

Gary Watrous, by counsel, filed a motion requesting full intervention in this proceeding. The motion states that Mr. Watrous is an architect who resides, works, and recreates in Jefferson County, Kentucky; that he has an interest in protecting the quality of life and his business opportunities in his community by avoiding the adverse impacts on the local air shed of emissions from the facility proposed by Thoroughbred Generating Company, LLC (“Thoroughbred”); and that he has health interests in the Jefferson County air shed that may be adversely affected by additional particulate, NOx, VOC, or hazardous air pollutants that may be emitted by the proposed Thoroughbred facility. Further, the motion states that emissions from the proposed Thoroughbred facility may adversely affect the ability of Jefferson County to attract new homeowners and will adversely affect movant’s enjoyment of Mammoth Cave National Park due to reduced visibility or air quality from emissions. Finally, Mr. Watrous alleges that his interest in receiving reliable electric service from Louisville Gas and Electric Company (“LG&E”) may be adversely affected to the extent that the proposed Thoroughbred facility adversely impacts the transmission grid. Based on these statements and

allegations, Mr. Watrous claims to have a special interest in this proceeding sufficient to be granted intervention.

Thoroughbred filed a response objecting to the intervention on the grounds that Mr. Watrous has no special interest in this case and that the issues he seeks to raise are not within the jurisdiction of the Siting Board. Mr. Watrous filed a reply.

Based on the motion and being otherwise sufficiently advised, the Board finds that some of the issues raised by Mr. Watrous are beyond the scope of the Board's jurisdiction under KRS 278.700-278.716. More specifically, KRS 278.710 authorizes the Board to review and consider factors such as the impact of the facility on scenic surroundings, property values, development of adjacent property, and surrounding roads; anticipated noise levels; the economic impact upon the affected region and the state; the impact on the electric transmission system; and other site specific factors. The Natural Resources and Environmental Protection Cabinet, pursuant to KRS 224.10-280, has jurisdiction over factors such as the air pollutants and other emissions and discharges from a proposed merchant generating facility. The Board has no jurisdiction over emissions or discharges and can consider such factors only to the extent that they directly impact a factor enumerated in KRS 278.710.

Having reviewed the interests alleged in the pending motion, the Board finds that Mr. Watrous has a special interest in the economic impact that the proposed Thoroughbred facility may have on his community and he should be granted full intervention.

IT IS THEREFORE ORDERED that:

1. The motion of Mr. Watrous for full intervention is granted.


2. Mr. Watrous shall be entitled to the full rights of a party and shall be served with the Board's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

3. Should Mr. Watrous file documents of any kind with the Board in the course of these proceedings, he shall also serve a copy of said documents on all other parties of record.

Done at Frankfort, Kentucky, this 30th day of September, 2003.

By the Board

ATTEST:



Executive Director
Public Service Commission
on behalf of The Kentucky State Board on
Electric Generation and Transmission Siting