

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)	

SECOND DATA REQUEST OF BOARD STAFF
TO THOROUGHbred GENERATING COMPANY, LLC

Pursuant to 807 KAR 5:001, Board Staff requests that Thoroughbred Generating Company, LLC (“Thoroughbred”) file the original and 1 copy of the following information with the Board within 7 days of the date of this request, with a copy to all parties of record. When a number of sheets are required for an item, each sheet should 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. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request.

1. Refer to Thoroughbred’s application, Section 8.2.2., which describes the proposed site as “currently owned by Peabody Energy, Thoroughbred’s parent, or its subsidiaries.” Are there any existing documents that evidence Thoroughbred’s right to construct and own a merchant generating plant on property owned by Peabody Energy

or its subsidiaries? If yes, provide copies. If no, explain in detail the basis for Thoroughbred's designation of the boundaries of a proposed site that it has no legal right to use.

2. Refer to Thoroughbred's response filed on September 8, 2003 to Item No. 1 of the Board's First Data Request. Since Peabody Energy owns the property on the northwest border of the site designated by Thoroughbred, and since under Kentucky law Peabody Energy's property extends to the "thread of the stream," explain in detail why Thoroughbred's right to use that property does not also extend to the "thread of the stream."

3. Provide copies of all documents that show that Thoroughbred's right to use its designated site extends only to the river bank on the northwest border and does not extend to the "thread of the stream."



Thomas M. Dorman
Executive Director
Public Service Commission
on behalf of The Kentucky State Board on
Electric Generation and Transmission Siting
Post Office Box 615
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DATED: October 7, 2003

cc: Parties of Record