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September 8, 2003

Thomas M. Dorman
Executive Director
Kentucky State Board on Electric
Generation and Transmission Siting
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602

Re: Thoroughbred Generating Company, LLC
Case No. 2002-00150
Response to Big Rivers Electric Corporation's Data Request

Dear Mr. Dorman:

Thoroughbred Generating Company, LLC is submitting its response to the Big Rivers Electric Corporation's Data Request. Ten copies of the response are provided. An electronically filed copy will be submitted as well.

If you have any questions, please contact me or Dianna Tickner of Thoroughbred Generating Company at (314) 342-7613.

Very truly yours,

Carl W. Breeding

CWB/cab
Enclosure

cc: Dianna Tickner
Holland N. McTycirc, V
Carolyn M. Brown
Service List

Lex.627135.1

COMMONWEALTH OF KENTUCKY

RECEIVED

BEFORE THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITING

SEP 08 2003

PUBLIC SERVICE
COMMISSION

In the Matter of:

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

**THOROUGHbred’S RESPONSE TO
BIG RIVERS ELECTRIC CORPORATION’S
FIRST DATA REQUEST TO APPLICANT**

Applicant, Thoroughbred Generating Company, LLC (“Thoroughbred”) submits this response to the First Data Request of Big Rivers Electric Corporation (“BREC”).

General Objections

Thoroughbred objects to BREC’s Data Request on the following grounds. First, the “Instructions” accompanying the Data Request purport to require Thoroughbred to identify and produce any document that mentions a matter about which a data request is made or which Thoroughbred’s response may mention. Such a request is unduly burdensome and not reasonably calculated to lead to discovery of evidence that may be relevant at the evidentiary hearing in this matter. Similarly BREC requests information about any “Study” on a variety of topics and then purports to define “Study” in a manner which is extraordinarily broad and contrary to the normal understanding of the term. Thoroughbred further objects to the Instructions to the extent that they attempt to bring within the scope of Thoroughbred’s discovery obligations persons or entities beyond its control. Thoroughbred objects to the Data Request to the extent that the requests could be interpreted to require the disclosure of information or documents subject to attorney/client privilege or work product doctrines.

Without waving the foregoing objections, Thoroughbred submits this response to the Data Request, listing each request and providing a separate response as requested.

Thoroughbred currently intends that Dianna Tickner will be the company representative responsible for these responses.

Respectfully submitted,



Carl W. Breeding
Holland N. McTyeire, V

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COUNSEL FOR THOROUGHBRED
GENERATING COMPANY, LLC

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the Motion Of Thoroughbred For An Extension Of Time was sent by United States First Class Mail, sufficient postage prepaid, to the following this the 8th day of September, 2003.

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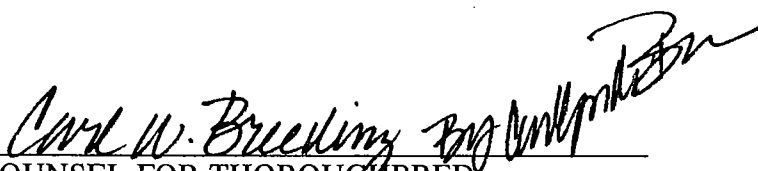
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CARL W. BREEDING
COUNSEL FOR THOROUGHBRED
GENERATING COMPANY, LLC

1. Data Request: Are the statements of fact and conclusions of studies contained in the application filed by Thoroughbred accurate as of the date of your responses to this information request? If “no,” please state what amendments must be made to the statements of fact and conclusions of studies contained in the application to correct them as of that date.

Response: Thoroughbred has kept the Board apprised of project developments, including the status of various permits for which applications are pending before the Kentucky Natural Resources and Environmental Protection Cabinet and the recently completed BREC Facility Study. The BREC Facility Study was undertaken on behalf of, and paid for by, Thoroughbred, and is primarily a cost estimate for facilities required to interconnect to the BREC system. While the Facility Study has been issued, it is currently out for reaction and comment to other transmission providers (OMU, TVA, LG&E, and MISO) engaged in the interconnection study. The Facility Study was issued to Thoroughbred on August 1, 2003, and was submitted to the Siting Board on August 28, 2003. An updated permit listing was submitted on the same date.

One other change Thoroughbred has identified relates to Section 8.1 of the application. In Section 8.1, Description of Facility, the application lists 4,100 acres as the area of the power plant complex. As a clarification, the power plant boundary encompasses only approximately 2,900 acres. The larger area was calculated due to inclusion of the acreage comprising the mine and associated facilities.

Finally, due to the confidentiality agreement between Thoroughbred and BREC, and questions of relevance given the conclusions reached, Thoroughbred had not previously disclosed the occurrence of meetings between Thoroughbred and BREC regarding possible partnering opportunities for a new power plant at the Thoroughbred site or an expansion at the D.B. Wilson site. However, since BREC has made public statements about the occurrence of discussions between the companies and has now filed a motion to deny Thoroughbred’s application, Thoroughbred, although not required to do so, is supplementing Section 9 of its application to provide more detailed information.

In 2000, Peabody representatives visited sites of existing plants as well as the current Thoroughbred site. In 2001, following entry into confidentiality agreements, BREC and Thoroughbred exchanged information about the possible expansion of the D.B. Wilson site and the Thoroughbred project. Representatives met on a number of occasions to explore the possibility of partnering to develop a new facility. Ultimately, those discussions were not fruitful for several reasons including but not limited to (a) the BREC plan contemplated construction of only one unit, as compared to

Thoroughbred's two units, (b) restrictions on operator choices at D.B. Wilson which were not an issue at the Thoroughbred site, (c) concerns about BREC's ability to assist with financing of the project given its prior bankruptcy proceeding, and (d) difficulties that had arisen in prior business dealings between BREC and Peabody management. As a result, Thoroughbred determined that it needed to continue to pursue development of the Thoroughbred site. As of this date, Thoroughbred is unaware of any effort by BREC to prepare applications for air and other permits that would be required for an expansion.

2. Data Request: Will the power generated by the Thoroughbred generating units be delivered to loads in Kentucky or outside of Kentucky? If your answer is “both,” please state the percentage of that power that you anticipate will be delivered to loads in Kentucky, and the percentage of that power that you anticipate will be delivered to loads outside of Kentucky.

Objection: Thoroughbred objects to this Data Request on the ground that the information sought is not relevant to the subject matter of this proceeding. Without waiving its objection, Thoroughbred responds as follows.

Response: Both. It cannot be determined at this time what percentage of Thoroughbred’s output will be contracted to serve loads inside or out of the State of Kentucky. The output of Thoroughbred is being marketed to wholesale entities in the Midwest, including entities in the State of Kentucky. Some of these wholesale entities serve loads in multiple states.

3. Data Request: Has Thoroughbred made any arrangements for transmission service to deliver power from the Thoroughbred facility to intended loads?

Response: Yes. Peabody Energy, as agent for Thoroughbred, put in transmission service requests on the BREC OASIS to various potential sinks on the following dates:

- (a) There were 13 requests, each for 101MW on July 16, 2002;
and
- (b) There were 2 requests, each for 253 MW on February 11, 2003.

4. Data Request: Thoroughbred states in its application that it will connect its proposed generating facility to the Big Rivers transmission system with a new 345 kV transmission line from its facility to the Big Rivers Wilson generating station. Does Thoroughbred acknowledge full responsibility for the costs of constructing and operating that interconnection, and any other upgrades or additions to the Big Rivers transmission system that may be necessitated by the flows of power from the Thoroughbred generating facility over the Big Rivers transmission system? If the answer is “no,” please state the portion of those costs that Thoroughbred contends Big Rivers should pay, and describe in the detail the justification for requiring Big River to pay those costs.

Response: No requests for transmission service have been approved to date. Thoroughbred does not have a signed interconnection agreement with BREC. The interconnection agreement typically describes what facilities are required for interconnection and what cost treatment each facility will receive.

The Federal Energy Regulatory Commission (“FERC”) has recently finalized rules for generation interconnection agreements and procedures. Those rules are presently the subject of rehearing requests. As entities with reciprocity Open Access Transmission Tariffs (“OATTs”) on file with FERC, BREC will be subject to those rules. We expect that cost recovery for the interconnection of Thoroughbred to the BREC system will be governed by the final interconnection rules, by the requirements of Order No. 888 and by the BREC OATT. We note that BREC has indicated that it supports Thoroughbred providing up-front funding of the cost of the necessary system upgrades, with BREC reimbursing Thoroughbred through some form of a crediting mechanism.

5. Data Request: Has Thoroughbred performed any analysis of the impact of the output of its facility on any transmission system that is not directly connected to the Thoroughbred facility? If so, please provide a copy of each such analysis.

Response: Thoroughbred has submitted all transmission related studies, of which it is aware, that are associated with interconnection of Thoroughbred Generating Station. Several of the submitted studies consider the effects of Thoroughbred generation on transmission systems other than BREC. The studies are provided in Section 5 of the application.

6. Data Request: If the flows of power from Thoroughbred across the Big Rivers transmission system into neighboring transmission systems that are not directly connected with Thoroughbred require improvements to those neighboring transmission systems, does Thoroughbred accept full responsibility for the costs of constructing and operating those improvements? If the answer is “no,” please state (i) who should be responsible for those costs, (ii) the amount of those costs for which Thoroughbred contends that entity should be responsible, and (iii) describe in the detail the justification for requiring that entity to pay those costs.

Response: Thoroughbred does not have a contractual commitment with any third party system anticipating the need for network upgrades, so a precise answer cannot be given. Thoroughbred expects that eventual contractual arrangements for third party network upgrades would receive cost treatment consistent with FERC policy as set forth in FERC’s generation interconnection rules and Order No. 888. Under this policy, costs associated with network upgrades are funded upfront by the generator as expenses are incurred by the provider. In return, the generator receives a credit for amounts paid plus interest, to apply against future transmission wheeling charges.

7. Data Request: If the flows of power from Thoroughbred cause parallel flows on neighboring transmission systems not directly interconnected with Thoroughbred, does Thoroughbred acknowledge any responsibility for the costs of correcting those parallel flows? If the answer is “no,” please state (i) who should be responsible for those costs, (ii) that amount of those costs that Thoroughbred contends that entity should be responsible for, and (iii) describe in detail the justification for requiring that entity to pay those costs.

Response: It is difficult to answer this question without further and more specific factual information. Responsibility for the cost of parallel flows would be determined according to FERC policy.

Thoroughbred is supportive of Regional Transmission Organizations (“RTOs”) who would internalize potential issues such as parallel flows and are capable of dealing with them in an equitable fashion.

8. Data Request: Does Thoroughbred agree that any schedule for transmission of power to or from Thoroughbred's facility across the Big Rivers transmission system must be subject to curtailment, without compensation to Thoroughbred (or any party with whom Thoroughbred has contracted for the purchase, sale or transmission of power) in the event Big Rivers must curtail that scheduled transmission to comply with KRS 278.214?

Response: Thoroughbred has no position on this question at this time, except to state that Thoroughbred anticipates being a long-term firm customer of the system, whose capacity and energy is ultimately serving end use load inside and outside of the State of Kentucky. As such, Thoroughbred expects to be treated in a nondiscriminatory fashion and expects to receive equal treatment to other similarly situated long-term firm customers of the system.

9. Data Request: Please identify the control area of which the Thoroughbred facility will be a part.

Response: This is undetermined at this time. Thoroughbred reserves the right to review its options and pursue a course of action in its best interest as the wholesale market place continues to evolve.

10. Data Request: Does Thoroughbred desire to be a member of the MISO, or any other regional transmission organization? If the Thoroughbred facility is connected to the Big Rivers transmission system, will Thoroughbred expect Big Rivers to join the MISO, or any other regional transmission organization? If so, is Thoroughbred willing to assume any additional costs that Big Rivers may incur from joining the MISO, or any other regional transmission organization?

Response: Yes, as an unregulated generator, Thoroughbred will likely seek membership in MISO and other RTOs that form in the Midwest region. Thoroughbred hopes that all transmission owners will eventually align themselves with an RTO. Thoroughbred would be supportive of BREC joining MISO or another Midwest RTO of its choice. Assuming Thoroughbred is a transmission customer of Big Rivers, Thoroughbred is willing to assume its pro rata share of additional costs that BREC incurs from joining the MISO, or any other RTO, via a transmission tariff.

11. Data Request: What is the position of Thoroughbred on the subject of retail open access (deregulation) in Kentucky? Please explain the response thoroughly.

Objection: Thoroughbred objects to this Data Request on the ground that the information sought is not relevant to the subject matter of this proceeding. Without waiving its objection, Thoroughbred responds as follows.

Response: Thoroughbred has no opinion on the subject of retail open access in Kentucky.

12. Data Request: Please state the volume of coal reserves owned or leased by Peabody in Muhlenberg County.

Response: Peabody Energy owns or controls 234,344,844 tons of coal in Muhlenberg County, Kentucky.

13. Data Request: Please state the volume of coal reserves owned or leased by Peabody in Ohio County.

Response: Peabody Energy owns or controls 167,500,280 tons of coal in Ohio County, Kentucky.

14. Data Request: Has Thoroughbred communicated with any retail electric consumer in Kentucky about selling it power from the Thoroughbred facility? If so, please identify each of those retail electric consumers, and the person or person associated with that consumer with whom Thoroughbred communicated on this subject.

Objection: Thoroughbred objects to this Data Request on the ground that the information sought is not relevant to the subject matter of this proceeding. Moreover, if such discussions had occurred, it is Thoroughbred's position that information about its potential customers constitutes confidential business information subject to disclosure only pursuant to a confidentiality agreement in accordance with the Board's regulations. Without waiving its objections, Thoroughbred responds as follows.

15. Data Request: Does Thoroughbred anticipate ever becoming a “utility” under KRS Chapter 278, and making retail sales of the output of the Thoroughbred facility in Kentucky?

Objection: Thoroughbred objects to this Data Request on the ground that the information sought is not relevant to the subject matter of this proceeding. Without waiving its objection, Thoroughbred responds as follows.

Response: No, Thoroughbred does not contemplate becoming a “utility” as defined under KRS Chapter 278.

16. Data Request: Has Thoroughbred contracted to sell any power from the proposed Thoroughbred facility? If so, with respect to each such contract please state the location of the load, the volume of the sale and the transmission path that will be used to transmit the power purchased to the load.

Objection: Thoroughbred objects to this Data Request on the ground that the information sought is not relevant to the subject matter of this proceeding. Without waiving its objection, Thoroughbred responds as follows.

Response: Thoroughbred has not yet entered into contracts for sale of power from the plant. Although Thoroughbred has agreements pending, it is not expected to enter into contracts until all permit proceedings are concluded.

17. Data Request: Peabody spokesman Vic Svec is quoted in the August 11, 2003 "Platts Coal Trader" as saying that: "A move to Wilson would make a TVA interconnect more difficult." Please explain in detail the supporting basis for this statement, including identifying any transmission study that Thoroughbred contends supports this statement.

Response: Mr. Svec was quoted out of context by Platts Coal Trader. The reporter told Mr. Svec that BREC was asserting that a move to D. B. Wilson would make the transmission interconnection easier for Thoroughbred. Mr. Svec pointed out that the closer the plant was to the BREC D.B. Wilson facility, the further from TVA. Because Thoroughbred intended to interconnect with both there would appear to be no advantage and in fact, the cost would be greater since 500 kV lines are more expensive than 345 kV lines. (The line to TVA is going to be 500 kV and the line to D.B. Wilson is going to be 345 kV.)

18. Data Request: Has Thoroughbred performed an economic analysis of the impact the Thoroughbred plant may have on Big Rivers, its members, and its members' consumers? If so, please provide that analysis.

Response: As set out in Section 6 of its Application, Thoroughbred has conducted an analysis of the economic impact of the plant on the region. The proposed Thoroughbred Generating Station will have a tremendous positive economic impact on the Central City/Muhlenberg County area and the 17 county Western Kentucky region. Presumably since BREC employees, members and consumers live and work in the Western Kentucky region, they will benefit from the economic boost provided by the Thoroughbred project.

It should also be noted that BREC customers will likely receive a financial benefit of almost \$9 million annually from sales of transmission service to Thoroughbred or its customers. This is due to the fact that if one assumes 750 MW of generation from Thoroughbred is transported on the BREC system and Thoroughbred (or its customers) pay for this service, it would represent a roughly 50 percent increase of the transmission load on the BREC system. This increase of load and revenues (after Thoroughbred utilizes its transmission credits) would come with little or no increase in the BREC transmission asset base as Thoroughbred would initially fund the upgrades. This would mean BREC would collect 50 percent more transmission revenues as a result of Thoroughbred coming online.

Thoroughbred also did not calculate the economic value to BREC customers of the more robust transmission system that would be in place as a result of the Thoroughbred interconnection plan and the subsequent network upgrades of tying BREC's and LG&E's 345 kV systems together near Owensboro. A more robust system would be able to withstand multiple event contingencies such as a unit or two outage plus transmission line outage.

19. Data Request: Section 9 of the application (“Efforts to Utilize Existing Electric Generating Facility Sites”) refers, in the second paragraph, to “permit applications which fixed the site location” that were filed at least a year before passage of SB 257. Please identify (i) each of those permit applications, (ii) the permitting agency with whom each permit application was filed, and (iii) the date on which each permit application was filed. See attached schedule “Thoroughbred Generating Company Major Permits”.

Response: See attached table.

Thoroughbred Generating Company Major Permits

Agency	Permit	Regulatory Citation	Regulated Activity	Application Submittal Date	Permit Issued Date
COE	Corp. of Engineers (COE) Permit	33 CFR Part 330	Construction activities in navigable waters of the United States.	11/30/2001	5/15/2003
FERC	Exempt Wholesale Generator (EWG) Status	18 CFR 365 and 381.801	Selling electric energy at wholesale to a utility or other generator.	1/23/2002	2/28/2002
FAA	Notice of Proposed Construction or Alteration	14 CFR Part 77	Construction of an object which has the potential to affect navigable airspace (height in excess of 200' or within 20,000' of an airport).	2/1/2001	10//17/2001
KYDAQ	State Air Permit to Construct (PSD)/Title V & Acid Rain	KRS 224.10-100 & 401 KAR 51	Approval to emit air pollutants from major source.	2/26/2001	10/11/2002
KYDOW	Water Withdrawal letter of Assurance	KRS 151.120-210 & 401 KAR Chp 4:200	Required to withdraw or divert public water from a state body of water.	11/16/2001	9/19/2002
KYDOW	Section 401 Water Quality Certification (WQC)	KRS 224.16.050	Impacts to state waters resulting from federal actions.	11/30/2001	7/15/2002
KDEP	KPDES Permit for Industrial Wastewater Discharges	KRS 224.16-050	Discharge of industrial wastewater	12/14/2001	Draft 07/25/2003
KDEP	KPDES General Permit for Construction Stormwater Discharges	KRS 224.16-050	Discharge of stormwaters from construction activities.	12/14/2001	6/13/2003
KDEP	Construction Across or Along a Stream	KRS 151.110	Required for construction activities along Green River.	1/21/2002	6/1/2002
USFWS	Endangered Species Act Compliance	50 CFR Part 17	Confirmation of no impacts to threatened and endangered species.	04/12/01	5/11/2001
Kentucky Nature Preserves Commission	Protected Species Review		Confirmation of no impact to state protected species.		Completed 04/30/01
KYPSC	Siting Permit to Construct Power plant	KRS 278	Construction of non-regualted power plants	7/15/2003	
KDEP	Petition for Special Waste	KRS 224.40-305	Management, processing or disposal of special waste.	5/20/2002	10/16/2002
KDEP	Special Waste Landfill Permit	KRS 224.40-305	Management, processing or disposal of special waste.	10/30/2002	Draft 08/23/2003

20. Data Request: Can the boilers of the Thoroughbred facility burn any fuel other than Kentucky #8 and #9 seam coal? If “yes,” please provide a copy of every document in the possession of Thoroughbred that contains information concerning or related to burning fuels other than Kentucky #8 and #9 seam coal in the Thoroughbred facility.

Response: Yes, the boilers could burn other coal. However, Thoroughbred Generating Station is a mine mouth plant and the coal available from the mine is Kentucky #8 and #9. As a result, the boilers have been designed to use a blend of Kentucky #8 and #9 seams. As a normal part of project planning, a study of use of other coal types was conducted as a contingency plan. See attached Black & Veatch study.

21. Data Request: Please provide a map showing the location of the coal reserves that Thoroughbred expects to be the source of fuel for the Thoroughbred facility.

Response: A map showing the reserves dedicated to the Thoroughbred Plant is attached.

22. Data Request: If an evidentiary hearing is ordered in this proceeding, please identify the name, position and responsibility of each person whom Thoroughbred will offer as a witness in support of its application.

Objection: Pursuant to the Board's procedural rules, 807 KAR 5:110, Section 6(3), identification of witnesses is not required until 5 days before an evidentiary hearing. Therefore, Thoroughbred objects to this data request as inconsistent with the Board's procedural rules and unduly burdensome.

Response: Without waiving its objection, Thoroughbred states that it has not made a final decision on witnesses it will call although it is expected at this time that Dianna Tickner, President of Thoroughbred Generating Company, LLC., will be called to testify.

23. Data Request: State the specific amount of Class II increment that the proposed Thoroughbred generating facility will consume in Ohio County for the pollutants SO₂, NO_x, and PM₁₀ for 3 hour, 24 hour and annual averaging periods based on the maximum permitted emissions for the Plant at full capacity, and state the amount of Class II increment remaining for use by new or modified sources in Ohio, McLean and Muhlenberg counties for all such pollutants after the Plant is constructed.

Objection: Thoroughbred objects to this Data Request on the ground that the information sought is not relevant to the subject matter of this proceeding. The information sought relates to the final determination of the Kentucky Division for Air Quality to issue the air permit to Thoroughbred, which BREC has not challenged, in accordance with state and federal law and regulations. Without waiving its objection, Thoroughbred responds as follows.

Response: Thoroughbred was only required to perform increment analysis (or a Full Impact Analysis, "FIA") for those pollutants that had predicted impacts greater than PSD Significant Impact Levels. For Muhlenberg County that analysis was performed for SO₂, NO_x, and PM₁₀, and for Ohio County it was only performed for SO₂. (Technically Thoroughbred was not required to perform an increment consumption analysis for NO_x since the predicted impact was less than the PSD Significant Impact Level in Muhlenberg County. However, the State used the maximum annual predicted by the modeling that was performed and that is the increment consumption noted in the table provided.)

The Thoroughbred facility only consumes SO₂ increment in Ohio County. The total amount of SO₂ increment consumed in Ohio County for 3-hour; 24-hour; and annual averaging times is 170.29 µg/m³; 47.98µg/m³; and 4.11µg/m³ respectively. Since Thoroughbred only consumes SO₂ increment in Ohio County, Thoroughbred was not required to perform an analysis for other pollutants and does not know the level of increment remaining for any pollutants with the exception of SO₂.

Thoroughbred does not consume increment for SO₂; NO_x; or PM₁₀ in McLean County. Therefore, Thoroughbred was not required to perform an analysis on increment in McLean County and does not know the level of increment remaining.

Based on the air dispersion modeling required and performed by Thoroughbred to determine cumulative increment consumed the following pollutant specific amount of increment remains:

Remaining Pollutant Specific Increment by County and Averaging Time

Pollutant	Ohio County			McLean County			Muhlenberg County¹		
	3-hour	24-hour	annual	3-hour	24-hour	annual	3-hour	24-hour	Annual
PM₁₀(µg/m³)[*]	-	NA	NA	-	NA	NA	-	21.83	15.31
NO_x(µg/m³)[*]	-	-	NA	-	-	NA	-	-	24.24
SO₂(µg/m³)^{***}	341.72	43.02	15.7	NA	NA	NA	339.6	70.05	18.43

*** PM₁₀ does not have a 3-hour averaging time increment**

**** NO_x does not have 3-hour or 24-hour averaging time increment**

1 The increment remaining in Muhlenberg County is based on the consumption listed in the last public notice for the Thoroughbred Permit

24. Data Request: State whether Thoroughbred included in its Class II and Class I increment analysis any possible contribution from the Tennessee Valley Authority Paradise Plant.

Objection: Thoroughbred objects to this Data Request on the ground that the information sought is not relevant to the subject matter of this proceeding. The information sought relates to the final determination of the Kentucky Division for Air Quality to issue the air permit to Thoroughbred, which BREC has not challenged, in accordance with state and federal law and regulations. Without waiving its objection, Thoroughbred responds as follows.

Response:

The increment analysis was conducted in accordance with the requirements of the air permitting agency, the Kentucky Division for Air Quality. TVA Paradise is not a PSD source and has never been required to perform a PSD analysis or increment consumption analysis according to the Division and U.S. EPA. Therefore, there is no requirement to evaluate emissions from TVA for increment consumption purposes.

25. **Data Request:** State the specific amount of Class I increment for all criteria pollutants that the proposed Thoroughbred generating facility will consume at Mammoth Cave National Park and state the remaining Class I increment that will be available for consumption by any new or modified sources within 100 kilometers of the Class I area.

Objection: Thoroughbred objects to this Data Request on the ground that the information sought is not relevant to the subject matter of this proceeding. The information sought relates to the final determination of the Kentucky Division for Air Quality to issue the air permit to Thoroughbred, which BREC has not challenged, in accordance with state and federal law and regulations. Without waiving its objection, Thoroughbred responds as follows.

Response: The baseline date for increment consumption has never been triggered for the counties in which Mammoth Cave is located. Therefore, no increment has been consumed. Additionally, since Thoroughbred is not located in one of those counties and the annual predicted impacts from Thoroughbred are not greater than $1\mu\text{g}/\text{m}^3$ in the Class I area, Thoroughbred does not trigger the baseline date nor does it consume increment in those counties or Mammoth Cave. As a result of its location and annual predicted impacts less than $1\mu\text{g}/\text{m}^3$ in the Class I area, Thoroughbred did not trigger the baseline date or consume increment at Mammoth Cave National Park. The following table lists the remaining increment for each pollutant and averaging time at Mammoth Cave National Park according to information obtained from the Division for Air Quality.

Pollutant	PSD Increments ($\mu\text{g}/\text{m}^3$)		
	3-hour	24-hour	Annual
SO₂	25	5	2
NO_x	-	-	2.5
PM₁₀	-	8	4

26. Data Request: How will the proposed water withdrawal for the proposed Thoroughbred generating facility affect downstream water supplies during periods of low stream flow?

Objection: Thoroughbred objects to this Data Request on the ground that the information sought is not relevant to the subject matter of this proceeding. Requirements for, and restrictions on, withdrawal of water from Kentucky streams for industrial and other purposes are established by KRS Chapter 151 and the water withdrawal permitting program is implemented by the Kentucky Division of Water. Without waiving its objection, Thoroughbred responds as follows.

Response: Thoroughbred submitted information regarding its water withdrawal needs from the Green River to the Division of Water, Water Resources Branch. See Section 10 of Thoroughbred's application and the chart regarding permit application submittal dates and status, attached in response to Data Request 19. The permissible water withdrawal rates for the Thoroughbred plant will be governed by the Water Withdrawal Permit issued by the Kentucky Division of Water pursuant to KRS Chapter 151 and 401 KAR Chapter 4.

27. Data Request: Have you modeled the impact of the proposed water withdrawal on downstream users, and if so, how will the withdrawal affect downstream users.

Objection: Thoroughbred objects to this Data Request on the ground that the information sought is not relevant to the subject matter of this proceeding. Requirements for, and restrictions on, withdrawal of water from Kentucky streams for industrial and other purposes are established by KRS Chapter 151 and the water withdrawal permitting program is implemented by the Kentucky Division of Water. Without waiving its objection, Thoroughbred responds as follows.

Response: Thoroughbred's water withdrawal permit issued by the Kentucky Division of Water contains conditions to protect downstream users. See Section 10 of the application for a copy of the 2002 assurance letter with draft permit attached. A copy of 2003 assurance letter with draft permit is attached.

28. Data Request: How will permit limitations on water withdrawal affect operation of the proposed facility?

Objection: Thoroughbred objects to this Data Request on the ground that the information sought is not relevant to the subject matter of this proceeding. Without waiving its objection, Thoroughbred responds as follows.

Response: Thoroughbred is not projecting any impact as a result of permit limitations. The facility is designed with water storage capacity in the event drought conditions necessitate a directive from the Division to curtail withdrawals.

29. Data Request: Please state in detail how Thoroughbred determined that the proposed Thoroughbred generating facility will operate within 2 ppmv NH₃ slip operating conditions specified in the supporting cumulative impacts and visibility analysis. Has Thoroughbred studied the impact on visibility in the affected region if the facility's NH₃ slip operating conditions exceed 2 ppmv? If "yes", please provide a copy of each such study, and any documents that refer to or incorporate information from each such study.

Objection: Thoroughbred objects to this Data Request on the ground that the information sought is not relevant to the subject matter of this proceeding. The information sought relates to the final determination of the Kentucky Division for Air Quality to issue the air permit to Thoroughbred, which BREC has not challenged, in accordance with state and federal law and regulations. Without waiving its objection, Thoroughbred responds as follows.

Response: The vendors have guaranteed an ammonia slip of 2 ppm or less. No study of the impact on visibility of exceedance of the 2ppmv value was determined necessary by the approved protocol.

30. Data Request: Has Thoroughbred studied the impact of NH₃; HCl; Sulfuric Acid Mist; and Mercury emissions from the proposed Thoroughbred generating facility on the potential for economic development in areas downwind of that facility? If “yes”, please provide a copy of each such study.

Objection: Thoroughbred objects to this Data Request on the ground that the information sought is not relevant to the subject matter of this proceeding. Without waiving its objection, Thoroughbred responds as follows.

Response: The Natural Resources and Environmental Protection Cabinet evaluated various air emission impacts from existing and proposed power plants in response to the Governor’s directive. The Cabinet’s findings are set out in its report, dated December 17, 2001, entitled “A Cumulative Assessment of the Environmental Impacts Caused by Kentucky Electric Generating Units”. See Appendix B. Copies of the report are publicly available at <http://www.environment.ky.gov/nrepc/powerplantreport.pdf>. This analysis was performed for thirteen pollutants (including HCl and mercury) selected as having the highest potential for impacts based on emission rates and risk-based screening values. Appendix B p. B-2. Based on this analysis, the Cabinet found that Thoroughbred does not significantly contribute to any increased risk of impact. *Id.* At B-10.

31. Data Request: Has Thoroughbred studied, or compiled any data regarding ambient air quality in Muhlenberg and surrounding counties for PM_{2.5}? If “yes”, please provide a copy of each such study or data, and any documents that refer to or incorporate information from each such study or data.

Objection: Thoroughbred objects to the Data Request on the ground that it seeks information not relevant to the subject matter of this proceeding. Without waiving its objection, Thoroughbred responds as follows.

Response: The Natural Resources and Environmental Protection Cabinet evaluated PM_{2.5} emissions from existing and new power plants. See the Cumulative Assessment Report referenced in the response to Data Request No. 30. App. A, A-17-A18, A-22 (concluding “new power plant emissions . . . appear to have little impact on future compliance with the short-term 24-hour [PM_{2.5}] standard”). Additionally, pursuant to the federal Clean Air Act and U.S. EPA directives, the collection of data for purposes of evaluating whether counties are meeting the new National Ambient Air Quality Standard (“NAAQS”) for PM_{2.5} is not yet complete. It is Thoroughbred’s understanding that decisions on designation of areas as attainment or nonattainment for the standard will not be made until December 2004 according to U.S. EPA. The Cabinet will then have three years (late 2007) to decide how to implement the standard.

32. Data Request: Has Thoroughbred studied the effect that operation of the Thoroughbred facility at full capacity will have on attainment of the PM_{2.5} standard in Muhlenberg, Ohio and McLean Counties? If “yes”, please provide a copy of each such study, and any documents that refer to or incorporate information from each such study.

Objection: Thoroughbred objects to the Data Request on the ground that it seeks information not relevant to the subject matter of this proceeding. Without waiving its objection, Thoroughbred responds as follows.

Response: The Natural Resources and Environmental Protection Cabinet evaluated PM_{2.5} emissions from existing and new power plants. See the Cumulative Assessment Report referenced in the response to Data Request No. 30. App. A, A-17-A18, A-22 (concluding “new power plant emissions . . . appear to have little impact on future compliance with the short-term 24-hour [PM_{2.5}] standard”). Additionally, pursuant to the federal Clean Air Act and U.S. EPA directives, the collection of data for purposes of evaluating whether counties are meeting the new National Ambient Air Quality Standard (“NAAQS”) for PM_{2.5} is not yet complete. It is Thoroughbred’s understanding that decisions on designation of areas as attainment or nonattainment for the standard will not be made until December 2004 according to U.S. EPA. The Cabinet will then have three additional years (late 2007) to decide how to implement the standard.

33. Data Request: Has Thoroughbred studied the economic consequences for Muhlenberg, McLean, and Ohio Counties if the counties do not achieve attainment status for PM_{2.5}? If “yes” please provide a copy of each such study, and any documents that refer to or incorporate information from each such study.

Objection: Thoroughbred objects to the Data Request on the ground that it seeks information not relevant to the subject matter of this proceeding. Without waiving its objection, Thoroughbred responds as follows.

Response: See preceding responses to Data Requests 31 – 32.

34. Data Request: Has Thoroughbred studied the ambient air quality in Muhlenberg and surrounding counties for compliance with the 8-hour ozone standard? If “yes”, please provide a copy of each study, and any documents that refer to or incorporate information from each such study.

Objection: Thoroughbred objects to the Data Request on the ground that it seeks information not relevant to the subject matter of this proceeding. Without waiving its objection, Thoroughbred responds as follows.

Response: The Natural Resources and Environmental Protection Cabinet has evaluated ozone impacts from existing and new power plants. See the Cumulative Assessment Report referenced in the response to Data Request No. 30. App. A, A-14-A-17, A-22. Based on that modeling, Thoroughbred is not identified as causing an increased potential for violation of the 8-hour ozone standard. Additionally, pursuant to the federal Clean Air Act and U.S. EPA directives, final decisions on the attainment status of areas will not be made until April 2004. In a submittal to U.S. EPA by the Commonwealth on July 14, 2003, neither Muhlenberg, Mclean, or Ohio counties were identified as nonattainment for the 8-hour ozone NAAQS.

35. Data Request: Has Thoroughbred studied the impact of operation of the proposed Thoroughbred generating facility at full capacity on attainment of the 8-hour ozone standard in Muhlenberg, McLean and Ohio Counties? If “yes”, please provide a copy of each study, and any documents that refer to or incorporate information from each such study.

Objection: Thoroughbred objects to the Data Request on the ground that it seeks information not relevant to the subject matter of this proceeding. Without waiving its objection, Thoroughbred responds as follows.

Response: The Natural Resources and Environmental Protection Cabinet has evaluated ozone impacts from existing and new power plants. See the Cumulative Assessment Report referenced in the response to Data Request No. 30. App. A, A-14-A-17, A-22. Based on that modeling, Thoroughbred is not identified as causing an increased potential for violation of the 8-hour ozone standard. Additionally, pursuant to the federal Clean Air Act and U.S. EPA directives, final decisions on the attainment status of areas will not be made until April 2004. In a submittal to U.S. EPA by the Commonwealth on July 14, 2003, neither Muhlenberg, McLean or Ohio counties were identified as nonattainment for the 8-hour ozone NAAQS. Finally, it must be pointed out that ozone is a regional phenomenon formed by a series of complex atmospheric reactions and is not easily evaluated. According to U.S. EPA, modeling cannot accurately predict the impacts a single source has on ozone.

36. Data Request: Has Thoroughbred studied the economic consequences for Muhlenberg, McLean and Ohio Counties if the counties do not achieve attainment status under the 8 hour ozone standard? If “yes,” please provide a copy of each such study, and any documents that refer to or incorporate information from each such study.

Objection: Thoroughbred objects to the Data Request on the ground that it seeks information not relevant to the subject matter of this proceeding. Without waiving its objection, Thoroughbred responds as follows.

Response: See preceding responses to Data Requests 34 – 35.

37. *Data Request:* Please describe in detail the state of construction on the site as of April 24, 2002, including but not limited to whether there had been any clearing or excavation, and whether there had been any physical on-site placement, assembly, or installation of materials or equipment which will make up part of the ultimate structure of the proposed Thoroughbred generating facility.

Response: Logging and vegetation removal from the power block site had been completed to allow for aerial photos and geo-technical drilling, as of April 24, 2002. There has been no excavation or on-site placement of materials or equipment.

38. Data Request: Has Thoroughbred studied whether the construction and operation of its proposed electric generating facility will have any negative economic impact on the affected region and the state? If “yes,” please provide a copy of each such study, and any documents that refer to or incorporate information from each such study.

Response: Thoroughbred has provided an analysis of economic impact in Section 6 of its Application in accordance with the statute. As set out in Section 6, based upon the work by KMPG LLP and Hill & Associates who are recognized experts in the field, the Thoroughbred project will have a positive economic impact on the economy of Central City/Muhlenberg County and the surrounding counties.

39. Data Request: The Hill & Associates, Inc. report titled “Economic Benefits of a Coal-Fueled Power Plant Compared to Natural Gas,” filed as Section 6.2 of the application, states on page 2 that “modern coal plants in the Midwest will force some of the smaller/older plants to be shut down.” Please provide a copy of any document or study in the possession of Thoroughbred in which the effect of the proposed Thoroughbred generating facility on the future economic viability of existing coal-fired generating plants in the affected region and the state is discussed.

Response: Thoroughbred has no such study or documentation.