



Carl W. Breeding
Direct 502-875-0050 Fax 502-875-0850 E-mail cwb@gdm.com

September 9, 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:

Enclosed please find ten copies of the attachment to the Response to Data Request No. 27. While this attachment was included in our service copies, it was inadvertently omitted from the ten copies we filed with your office yesterday. Please insert the attachment behind Tab No. 27, after the narrative response.

If you have any questions, please feel free to contact me.

Very truly yours,


Carl W. Breeding

CWB/cab

Enclosures

cc: Dianna Tickner
Jeffrey L. Klinger
Holland N. McTyeire, V
Carolyn M. Brown

Lex. 630129

HENRY C. LIST
SECRETARY



PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
14 REILLY RD
FRANKFORT KY 40601

August 28, 2003

Ms. Dianna Tickner,
Thoroughbred Generating Company, LLC.
701 Market Street, Suite 781
St. Louis, MO 63101

Re: Letter of Assurance for Proposed Water
Withdrawal at mile 85.75 of the Green
River in Muhlenberg County

Dear Ms. Tickner,

Thank you for informing us of the impending actions that have altered the terms under which a letter of assurance for water withdrawal from the Green River was issued on September 19, 2002 to Thoroughbred Generating Company, LLC. According to the terms of that assurance the schedule of reporting may be amended and the expiration date extended if just cause is provided by Thoroughbred Generating Company. We have determined that you have provided just cause to amend the original assurance to reflect a new timeline for project completion and all interim milestone activities. This letter is to inform you of that decision and to provide to you a revised schedule for the reporting of project milestones to the Division of Water.

Please note that the letter dated July 25, 2003 was intended to inform you of the need to amend the schedule of reporting and milestones that are required to keep the assurance in effect. The use of the term "rescinded" in that letter did not convey our intent accurately and should therefore be disregarded.

Therefore, since Thoroughbred Generating Company has provided acceptable project documentation and a schedule for obtaining financing and completing construction by September 01, 2008, we hereby provide assurance that the Division of Water will withhold 24.0 million gallons per day from our calculation of "available water" for any applications that are submitted for water withdrawals in this stream reach prior to September 01, 2008.

This assurance does not vest any right to this water to Thoroughbred Generating Company, but is intended to ensure that this amount of water will remain available until an estimated project completion date of September 01, 2008, at which time a permit can be issued. In order to keep this assurance in effect, Thoroughbred Generating Company or its designated representative must provide us with proof of financing and quarterly progress reports (March, June, September, and December) to verify that the approved schedule is being followed. The schedule may be amended and the expiration date for this assurance extended if just cause is provided by Thoroughbred Generating Company.



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Approvals for water withdrawals during the construction and testing phases of this project will be issued upon request as temporary authorizations matched to specific needs that have been provided by you to the Division. Please refer the following dates and withdrawal amounts so that you can request the authorizations in a timely manner:

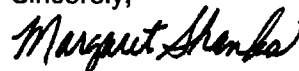
1. October 2004 - up to 30 MGD for filling raw water impoundment
2. May 2006 - up to 1.0 MGD for maintaining water level in the raw water impoundment
3. February 2007 - up to 15.0 MGD for initial testing and startup
4. January 2008 - submit application for a permanent water withdrawal permit for up to 24.0 MGD.

The above dates should be adjusted if there are any changes to the approved construction schedule.

Enclosed with this letter is a representation of what the official permit would contain indicating all stipulations and requirements of the applicant for water withdrawal. Please note that a permit could contain a condition to allow periodic withdrawals of up to 30 million gallons per day for purposes of filling and maintaining water storage reservoirs to provide a backup source during extended periods of low flow in the Green River. Also included is a Schedule of Milestones that identifies revised completion dates and milestone dates for selected financing and construction activities. The status of these milestone activities should be addressed in the quarterly progress reports.

If you have any questions or require further information on this matter, please contact Bill Caldwell or me at (502) 564-3410.

Sincerely,



Margaret Shanks, Manager
Watershed Management Branch
Division of Water

MS:bc

C: Scott McGarvie, Thoroughbred Generating Company

Enclosures

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SEP 04 2003

DIANNA TICKNER

Thoroughbred Generating Station
 Schedule of Milestone Submittals to Fulfill Conditions for a Letter of Assurance

Milestone Activity	Start Date	End Date**	Anticipated Milestone Quartile Date				Milestone Status (Yes = on schedule, No = deviation from schedule) (if No, provide additional explanation)
			1	2	3	4	
Construction Financing		Jul-04	-	-	-	-	
Long-term Financing In Place		Jan-09	-	-	-	-	
Permitting Activities		Nov-07	Nov-03	Mar-05	Jul-06	Nov-07	
Detailed Engineering Design	Aug-02	Mar-05	Aug-04	Oct-04	Dec-04	Mar-05	
Complete Engineering Design		Mar-05	-	-	-	-	
Site Preparation		Feb-04	-	-	-	-	
Begin Construction *	Mar-04	-	-	-	-	-	
Construction Unit #1	Oct-04	Feb-08	Aug-05	Jun-06	Apr-07	Feb-08	
Construction of BOP Equipment	Mar-04	Jun-08	Mar-05	Apr-06	May-07	Jun-08	
Unit #1- Air Quality Control Equipment Erection	Dec-04	Oct-07	Aug-05	May-06	Jan-07	Oct-07	
Unit #1- Steam Generator Erection	Oct-04	Oct-07	Jul-05	Apr-06	Jan-07	Oct-07	
Unit #1- Steam Turbine Erection	Jun-05	Feb-08	Feb-06	Oct-06	Jun-07	Feb-08	
Construction Unit #2	Nov-04	Aug-08	Oct-05	Sep-06	Aug-07	Aug-08	
Unit #2- Air Quality Control Equipment Erection	Jun-05	Apr-08	Feb-06	Nov-06	Jul-07	Apr-08	
Unit #2- Steam Generator Erection	Apr-05	Apr-08	Jan-06	Oct-06	Jul-07	Apr-08	
Unit #2- Steam Turbine Erection	Dec-05	Aug-08	Aug-06	Apr-07	Dec-07	Aug-08	
Unit #1- Initial Water Withdrawal		Oct-04	-	-	-	-	
Unit #1- Water Withdrawal		Apr-06	-	-	-	-	
Unit #2- Water Withdrawal		May-06	-	-	-	-	
Unit #1- Full Water Withdrawal		Feb-07	-	-	-	-	
Unit #2- Full Water Withdrawal		Aug-07	-	-	-	-	
Unit #1- Testing		Aug-07	-	-	-	-	
Unit #2- Testing		Feb-08	-	-	-	-	
Unit #1- Project Startup		Feb-08	-	-	-	-	
Unit #2- Project Startup		Aug-08	-	-	-	-	
Project Completed		Sep-08	-	-	-	-	

* Anchor Date for all subsequent activities

** Note: Where anticipated milestone quartile dates are absent a single report for that activity is required upon its completion.

GENERAL INFORMATION

Thoroughbred Generating Co LLC
 PO Box 148
 Graham, KY

Alternate/Historic Identifiers

ID	Alternate/Historic Name	User Group	Start Date	End Date
	Thoroughbred Generating Company LLC	Water Withdrawal Permit Number	5/9/2003	

Location Description:

General Facility Description:

This document is intended to provide to Thoroughbred Generating Co the appearance and general content of a water withdrawal permit issued by the Division of Water. It is for illustrative purposes only and all elements should be considered as preliminary subject to the terms and conditions set forth in the Letter of Assurance originally issued September 19, 2003

Emissions Inventory ID: 294607

Permit to Withdraw Public Water
 Thoroughbred Generating Co LLC
 Subject Item Inventory

Activity ID No.: APE20030001

Subject Item Inventory:

ID	Designation	Description
AIO035762		
STRC1		

Subject Item Groups:

ID	Description	Components
GACTI	SURFACE - Green River mile 85.75	STRC1

KEY

ACTV = Activity
 AREA = Area
 EQPT = Equipment
 PERS = Personnel
 STOR = Storage
 TRMT = Treatment

AIOO = Agency Interest
 COMB = Combustion
 MNPT = Monitoring Point
 PORT = Transport
 STRC = Structure

Permit to Withdraw Public Water
 Thoroughbred Generating Co LLC
 Facility Requirements

Activity ID No.: APE20030001

GACT1 (WW XXXX) SURFACE - Green River mile 85.75:

Limitation Requirements:

Condition No.	Parameter	Condition
L-1	Withdrawal	Withdrawal \leq 24.0 MGD (MA) shall be allowed from the location specified in the Narrative Requirements below. [KRS 151.170] This requirement is applicable during the following months: All Year. Statistical basis: Daily maximum (MX).

Monitoring Requirements:

Condition No.	Parameter	Condition
M-1	Withdrawal	The permittee shall measure Withdrawal monitored by meter or other approved method daily as described in the Narrative Requirements below. [401 KAR 4:010 Section 2] This requirement is applicable during the following months: All Year. Statistical basis: Daily maximum (MX).

Record-Keeping Requirements:

Withdrawal:

Condition No.	Condition
R-1	The permittee shall perform Withdrawal recordkeeping by reporting water withdrawals daily on forms supplied by the Cabinet. [401 KAR 4:010 Section 2]

Permit to Withdraw Public Water
Thoroughbred Generating Co LLC
Facility Requirements

Activity ID No.: APE20030001

Submittal/Action Requirements:

Condition No.	Condition
S-1	The permittee shall submit water withdrawal reporting forms: Due monthly, by the 15th of the month. [401 KAR 4:010 Section 2]

Narrative Requirements:

Condition No.	Condition
T-1	The Natural Resources and Environmental Protection Cabinet authorizes the above named party to withdraw Public Water of the Commonwealth of Kentucky. This permit has been issued under provisions of KRS Chapter 151.125, 151.140, and 151.150 and regulations promulgated with respect to the withdrawal of public waters. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet, or other state, federal, or local agencies. Withdrawals are restricted to the stated quantities, times, and locations specified above. This permit represents a limited right of use and does not vest ownership nor absolute right to withdrawal or use of Public Water, nor does it guarantee that requested amounts will be available for use at all times. In times of drought or emergency, the Cabinet may temporarily alter the conditions of the permit. Any violation of the Water Resources Act of 1966 as amended is subject to penalties as set forth in KRS 151.990 and other applicable provisions of law. [KRS 151]
T-2	Monitoring equipment shall be calibrated annually according to the manufacturer's recommendations and a record kept to include date of calibration, calculations for percent error, and adjustments made either to the equipment or to the use of the data obtained from the equipment. Records shall be maintained and updated annually and shall be made available upon request for review by the Cabinet. [401 KAR 4:010 Section 2]
T-3	If average monthly withdrawal amounts begin to exceed permitted amounts, or if there is any change in the location of the withdrawal site, you must contact this office immediately and request a revision. [KRS 151.170]
T-4	The location of the authorized withdrawal is from an inlet at river mile 85.75 of the Green River in Muhlenburg County, with coordinates: latitude 37° 19' 29.26" N, longitude 87° 06' 13.21" W. [KRS 151.170]
T-5	As approved, the permittee shall monitor water withdrawals with a meter or other device approved by the Cabinet. [401 KAR 4:010 Section 2]

Permit to Withdraw Public Water
Thoroughbred Generating Co LLC
Facility Requirements

Activity ID No.: APE20030001

Narrative Requirements:

Condition No.	Condition
T-6	Thoroughbred Generating Co. is prohibited from reducing flows below the intake in Green River to a rate of 515 cubic feet per second. Whenever flows immediately below the raw water intake approach 515 cubic feet per second, withdrawals must be reduced. When flows immediately below the raw water intake are 515 cubic feet per second for four (4) consecutive days, withdrawals must cease in order to comply with this requirement. [401 KAR 4:010 Section 3]
T-7	Thoroughbred Generating Co. may periodically withdraw up to 30.0 MGD for purposes of maintaining full storage capacity of on-site reservoirs. The withdrawal of more than 24.0 MGD for any other purpose shall not be allowed from this location. [KRS 151.170]