

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

**In the Matter of**

|                                       |   |                            |
|---------------------------------------|---|----------------------------|
| <b>THE APPLICATION OF ESTILL</b>      | ) |                            |
| <b>COUNTY ENERGY PARTNERS, LLC,</b>   | ) |                            |
| <b>FOR A CERTIFICATE TO CONSTRUCT</b> | ) | <b>CASE NO. 2002-00172</b> |
| <b>A COAL COMBUSTION/ELECTRIC</b>     | ) |                            |
| <b>GENERATING FACILITY</b>            | ) |                            |

**PROOF OF NOTICE**

Pursuant to Section 9 of KAR 5:110, applicant, Estill County Energy Partners, LLC ("ECEP"), submits this notice as proof to the Kentucky State Board on Electrical Generation and Transmission Siting (the "Board") that it has given notice of the public hearing to be held on August 5, 2004 in this matter by publication in a newspaper of general circulation in the county in which the ECEP plant is proposed to be located. Public notice of the public hearing appeared in the Citizens Voice and Times on July 22, 2004. A newspaper copy of the public notice and the original Newspaper Advertisement Affidavit are attached.

Pursuant to 807 KAR 5:110 Section 9 and the attached certificate of service, a copy of this notice with attachments is being served on each party to this proceeding.

Respectfully submitted,

  
Lisa E. Underwood  
Lisa E. Underwood

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Lexington, KY 40502  
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COUNSEL FOR ESTILL COUNTY ENERGY PARTNERS, LLC

NEWSPAPER ADVERTISEMENT AFFIDAVIT

I, Guy Hatfield, Publisher of the  
(Name, typed or printed) (Title, typed or printed)

Citizens Voice and Times published at Irvine in Estill County, Kentucky, hereby affirm that Public Notice regarding a public hearing to be held regarding the Siting Application for Estill County Energy Partners, LLC pursuant to KAR 8:5110 Section 9 was published as a Legal Notice in this newspaper on the date, page and column as noted below. The full page of the newspaper displaying the Notice is attached.

|                              |                        |                |
|------------------------------|------------------------|----------------|
| <u>DATE</u>                  | <u>PAGE</u>            | <u>COLUMNS</u> |
| July 22, 2004                | B. 5                   | 3 and 4        |
| Signature <u>[Signature]</u> | Date <u>7/23/04</u>    |                |
| Name <u>Guy Hatfield</u>     | Title <u>PUBLISHER</u> |                |
| (Typed or printed)           | (Typed or printed)     |                |

Subscribed and sworn to before me by Lisa Baber this the 23<sup>rd</sup> day of July, 2004.

NOTARY PUBLIC: Lisa Baber  
MY COMMISSION EXPIRES: 10/24/04

**LEGAL PUBLIC NOTICE  
PUBLIC HEARING  
REGARDING THE SITING APPLICATION OF  
ESTILL COUNTY ENERGY PARTNERS, LLC.  
KENTUCKY STATE BOARD ON ELECTRIC GENERATION  
AND TRANSMISSION SITING  
CASE NUMBER 2002-00172**

In accordance with 807 KAR 5:110E Section 9(2), notice is hereby given that a public hearing will be held on Thursday, August 5, 2004 at 7:00 p.m., Eastern Daylight Time regarding the application filed by Estill County Energy Partners, LLC with the Kentucky State Board on Electric Generation and Transmission Siting for a certificate to construct a merchant electric generating facility. The hearing will be held in the Upstairs Courtroom of the Estill County Courthouse, 130 Main Street, Irvine, Kentucky. There will be an opportunity for public comment. The case number is 2002-00172. The Kentucky State Board on Electric Generation and Transmission Siting can be reached at the Public Service Commission, 211 Sower Boulevard, PO Box 615, Frankfort, Kentucky 40602, telephone (502) 564-3940.

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was sent by United States First Class Mail, sufficient postage prepaid, to the following this the 28th day of July, 2004.

Darrell D. Brock, Jr.  
Commissioner/Assistant to Governor  
Office of Local Government  
1024 Capital Center Drive  
Suite 340  
Frankfort, KY 40601

Danny P. Woods  
Brighton A&E  
201 Brighton Park Boulevard  
Frankfort, KY 40601

John St. Claire  
Citizens Guaranty Bank  
Riverdrive  
Irvine, KY 40336

Judge Wallace Taylor  
Estill County Judge Executive  
130 Main Street  
Room 101  
Irvine, KY 40336

Gene Strong  
Secretary  
Economic Development Cabinet  
2300 Capital Plaza Tower  
500 Mero Street  
Frankfort, KY 40601

Wayne F. Collier  
Kinhead & Stilz, PLLC  
National City Plaza 301 East Main  
Street  
Suite 800  
Lexington, KY 40507-1520

Honorable LaJuana S. Wilcher  
Secretary  
Environmental and Public Protection  
Ky Division of Energy  
Fifth Floor  
Capital Plaza Tower  
Frankfort, KY 40601

Will Herrick  
4859 Flat Mary Road  
Campton, KY 41301-9509

Thomas J. FitzGerald  
Kentucky Resources Council, Inc.  
P.O. Box 1070  
Frankfort, KY 40602



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Lisa E. Underwood