

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

In the Matter of

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

RESPONSES OF ESTILL COUNTY ENERGY PARTNERS, LLC TO
POST-HEARING DATA REQUESTS

August 31, 2004

**Estill County Energy Partners, LLC
Responses to Post-Hearing Data Requests**

Data Request No. 1

- Q. List any violations by Jacquelyn Yates or Calla Energy Holdings, LLC of federal or state environmental laws, rules, or administrative regulations, whether judicial or administrative, where violations have resulted in criminal convictions or civil or administrative fines exceeding five thousand dollars (\$5,000), together with the status of any pending judicial or administrative action.**

Responding Witness: Gerard B. Mack

- A. Neither Calla Energy Holdings, LLC ("CEH"), the sole Member of Estill County Energy Partners, LLC ("ECEP"), nor Jacquelyn Yates, sole Member of CEH, has violated any federal or state environmental laws, rules or administrative regulations, whether judicial or administrative and there are no judicial or administrative actions regarding environmental laws, rules or regulations pending against CEH or Jacquelyn Yates. ECEP notes that the requirements of KRS 278.706(2)(k) apply to the Applicant, ECEP, and to CEH, as the sole Member of ECEP, but do not apply to Jacquelyn Yates, the sole Member of CEH.**

**Estill County Energy Partners, LLC
Responses to Post-Hearing Data Requests**

Data Request No. 2

Q. Please provide a survey of the Site or the status of such a survey if it cannot be provided by the due date of this Data Request.

Responding Witness: Gerard Mack

A. The Site survey has not been completed. Additional work in the field and research in the Estill County Clerk's office will be required for its completion.

Estill County Energy Partners, LLC
Responses to Post-Hearing Data Requests

Data Request No. 3

Q. Please provide an organizational history of the Applicant, Estill County Energy Partners, LLC, including the date of organization, the name of the organizer, and its owners, officers and managers.

Responding Witness: Gerard B. Mack

A. Estill County Energy Partners, LLC ("ECEP") was formed on May 16, 2002 as a limited liability corporation under the laws of the Commonwealth of Kentucky. The mailing address of the principal office is 6000 Sulphur Well Road, Lexington, Kentucky 40509. The Organizer was Lisa E. Underwood. The sole Member was Calla Energy Holdings, LLC ("CEH"). The initial Manager was Jacquelyn D. Yates.

Effective August 8, 2002 the following officers were elected:

Vice President for Transmission- James Kasey
Secretary- Sharon Morris

Effective January 1, 2003, Jacquelyn Yates resigned as the Manager of ECEP and CEH was elected as the Manager of ECEP.

Effective February 1, 2003, Sharon Morris was removed as Secretary and Jacquelyn D. Yates was elected Secretary.

Effective June 1, 2003, the office of Vice President for Transmission was abolished and Mr. James Kasey was removed as Vice President for Transmission.

Due to the extended absence of Jacquelyn D. Yates during the illness and death of her mother, Charles E. Yates was elected Vice President and Chief Executive Officer effective April 1, 2004 and served in that position until May 30, 2004, when he resigned. The positions remain vacant.

Estill County Energy Partners, LLC
Responses to Post-Hearing Data Requests

Data Request No. 4

Q. Please provide the "overlay map" referred to by Mr. Dell Jagers during cross-examination by Mr. Collier unless such map is protected by the Attorney-Client Privilege or Work Product doctrine.

Responding Witness: Dell Jagers

A. The map referenced by Mr. Jagers during cross-examination by Mr. Collier was prepared by Fox Trot Properties, LLC's legal counsel for purposes of the Adversary Proceeding No. 01-5199 before the United States Bankruptcy Court and it is protected by attorney-client privilege and the work product doctrine.

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing was sent by United States First Class Mail, sufficient postage prepaid, to the following:

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

J. R. Wilhite, Commissioner
Economic Development Cabinet
2300 Capital Plaza Tower
500 Mero Street
Frankfort, KY 40601

Wayne F. Collier
Kinkead & 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
Capital Plaza Tower, Fifth Floor
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



Lisa E. Underwood