

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)	

O R D E R

In June of 2004, Estill County Energy Partners (“ECEP”) filed its application in this case, together with the \$110,000 application fee required by KRS 278.706(5) and Section 5 of 807 KAR 5:100. The case has been through one contested hearing and is currently on appeal. The Board’s initial decision requires a later filing on the property title issue and authorizes another hearing. A subsequent appeal is then clearly a possibility. As of March 31, 2005, less than \$7,000 of the original fee remained.

KRS 278.706(5) provides, “If a majority of the members of the board find that an applicant's initial fees are insufficient to pay the board's expenses associated with the application, including the board's expenses associated with legal review thereof, the board shall assess a supplemental application fee to cover the additional expenses.” Based on expenses so far in the case, exclusive of payment to the Board’s consultant, Staff for the Board has estimated probable expenses related to the case to cover hearings on Applicant’s supplemental site assessment report as follows:

Board members	\$ 4,700
Staff, legal	8,100
Other Staff	<u>9,200</u>
Subtotal	\$ 22,000
Indirect costs	3,000
Other charges (court reporter, travel, etc.)	<u>5,000</u>
TOTAL	<u>\$ 30,000</u>

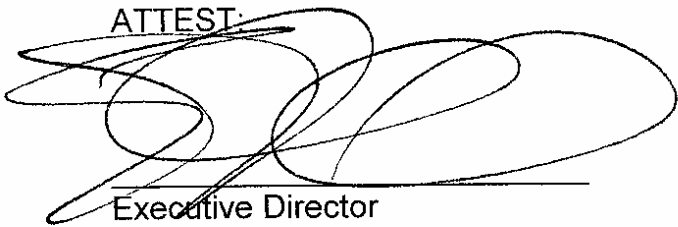
The Board finds that these estimated expenses are a reasonable approximation of costs that the Board will realize in reviewing and processing the supplemental site assessment report in this case. The Board therefore finds that ECEP should pay this additional amount as a supplemental application fee. The Board recognizes that, before the due date for this additional fee, Applicant may request a change in the amount or due date for any substantial change of circumstances.

IT IS THEREFORE ORDERED that ECEP is assessed a supplemental application fee of \$30,000, which shall be remitted to the Board with its supplemental site assessment report, but no later than June 15, 2007.

Done at Frankfort, Kentucky, this 12th day of July, 2005.

By the Board

ATTEST:

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Executive Director
Public Service Commission
on behalf of The Kentucky State Board on
Electric Generation and Transmission Siting

Case No. 2002-00172