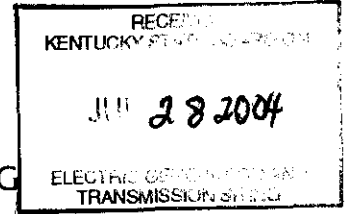


COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITING



In the Matter of:

ESTILL COUNTY ENERGY PARTNERS, LLC,)
FOR A CERTIFICATE OF CONVENIENCE AND)
NECESSITY TO CONSTRUCT A COAL) CASE NO. 2002-00172
COMBUSTION FACILITY IN ESTILL COUNTY,)
KENTUCKY)

RESPONSES OF DLX AND HARRY LAVIERS, JR., TRUSTEE,
TO THE BOARD STAFF'S FIRST DATA REQUEST
TO DLX, INC., AND HARRY LAVIERS, JR., TRUSTEE

* * * * *

Come DLX, Inc., and Harry LaViers, Jr., as Trustee of a Trust established for the benefit of Donald G. LaViers, Stephen D. LaViers, Henry LaViers, IV, and Elizabeth LaViers Owen, all under the Will of Maxie LaViers, deceased (the "Trust")¹, by counsel, and for their responses to the Board Staff's First Data Request to them, state and provide as follows:

DATA REQUEST 1. In Exhibit A to the Motions to Intervene and to Schedule an Evidentiary Hearing and Application to File Electronically, the first 5 pages of maps appear to be excerpts from one map. Submit the map titled, "Plat of Survey, Survey of Refuse Pile ..." as one oversize page at the original size, including both an electronic document in portable document format ("pdf") and paper copies.

RESPONSE: A copy of the Hall survey, is attached. Also filed with these responses are pdf CD

¹ The Trust was created under the will of Maxie LaViers, deceased, which is of record in Will Book J, Page 375, in the Estill County Clerk's Office.

ROM disks of all of the maps or plats that are submitted herewith.

DATA REQUEST 2. If the original “Plat of Survey, Survey of Refuse Pile ...” map does not include the two topographic maps (with contours) showing the LaViers Home and the Industrial Park in Appendix A, submit those maps in their entirety at original scale.

RESPONSE: The Hall survey does not include the two topographic maps, as they are excerpts from a map that was attached as Schedule 1a to the March 14, 1994, lease from DLX to Kentucky Processing Company, a Kentucky general partnership, upon which the leased premises were outlined in orange (reproduced as the heavy black line), and which was introduced as part of Exhibit 2 in the trial that was conducted in the adversary action that is pending before the Hon. Joe Lee in the United States Bankruptcy Court for the Eastern District of Kentucky, Lexington Division, styled *DLX, Inc. v. Kentucky Processing Company, and Fox Trot Properties, LLC*, Adversary Proceeding No. 01-5199 (the “Bankruptcy Case”), which is within Chapter 11 Case No. 98-52437, *In the Matter Of: Kentucky Processing Company, fdba Fox Mining Corporation, Fox Processing Corporation, Fox Trucking Corporation, Fox Leasing Corporation, G & Y Coal Co., Inc., Adena Fuels, Inc., Adena Processing, Inc., Clemons Coal Company, and Kentucky Mineral Processing, Inc.* A copy of the lease map is attached.

a. Indicate the scale, date, and source of the base map if known.

RESPONSE: The source of the map is assumed to be an enlarged copy of a U. S. Geological Survey Quad Map. The scale and date are unknown.

b. State who outlined the property boundaries and when that was done.

RESPONSE: The property outlines were prepared by representatives of DLX and Kentucky Processing to be used as an exhibit to the aforesaid March 14, 1994 Lease.

DATA REQUEST 3. The filing contains two Exhibit Bs and two Exhibit Cs. Are Exhibit B (showing the Spicer Tract and Nellie Osborne Tract) and Exhibit C (showing the Spicer Tract 2A and Nellie Osborne Tract A) part of the Hall Affidavit in Exhibit A?

RESPONSE: Yes. The items marked Exhibit B and Exhibit C prior to the printed "Exhibit C are exhibits to the Hall Affidavit, which is Exhibit A to the motion.

DATA REQUEST 4. Exhibit C contains a map that appears to be an enlarged extract from the map in Exhibit D. Both show the Calla Subdivision.

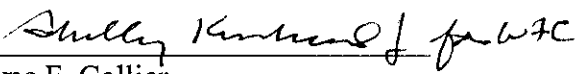
a. Who made these maps and when?

RESPONSE: The map was made by or for South East Coal Co. on or about November 3, 1979.

b. Submit the map used to make Exhibits C and D in its entirety, including title, scale, north arrow, and legend, as an electronic pdf document and supply paper copies at the original size.

RESPONSE: A copy of the subdivision map is attached. As previously indicated pdf C D ROM Disks of all maps or plats are filed herewith.

Respectfully submitted,


Wayne F. Collier
KINKEAD & STILZ, PLLC
National City Plaza
301 East Main Street, Suite 800
Lexington, KY 40507-1520
(859) 296-2300 telephone
(859) 296-2566 telefax
wcollier@ksattorneys.com
Counsel for DLX and the Trust

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via first class mail on this the 28th day of July, 2004 to the following:

Lisa E. Underwood, Esq.
Lisa E. Underwood PLC
314 Holiday Road
Lexington, Kentucky 40502
Counsel for Estill County Energy Partners, LLC

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

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

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

Hon. LaJuana S. Wilcher, Secretary
KY Environmental and Public Protection
Department for Natural Resources
Division of Energy
500 Mero Street, Fifth Floor
Capital Plaza Tower
Frankfort, KY 40601

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

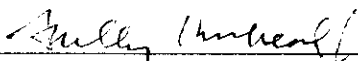
Mr. John M. St. Clair, Jr.
Citizens Guaranty Bank
25 River Drive
Irvine, KY 40336

Thomas J. Fitzgerald
Kentucky Resources Council, Inc.
P.O. Box 1070
Frankfort, KY 40602
Counsel for Will Herrick

Office of the U.S. Trustee
100 East Vine Street, Suite 803
Lexington, Kentucky 40507

V. Thomas Fryman, Jr., Esq.
Michael L. Ades, Esq.
Greenebaum Doll & McDonald PLLC
300 West Vine Street, Suite 1100
Lexington, Kentucky 40507-1665
Counsel for Fox Trot Properties, LLC

W. Thomas Bunch, Esq.
Bunch & Brock
805 Security Trust Building
271 West Short Street
Lexington, Kentucky 40507-1226
Counsel for Kentucky Processing Company



Counsel for DLX and the Trust