

June 8, 2005

Ms. Beth O'Donnell  
Executive Director  
KY Public Service Commission  
PO Box 615  
Frankfort, KY 40602-0615

RECEIVED  
JUN 10 2005  
PUBLIC SERVICE  
COMMISSION

**RE: Deficiency Request Protest  
Docket # 2005-00152**

Dear Ms. O'Donnell;

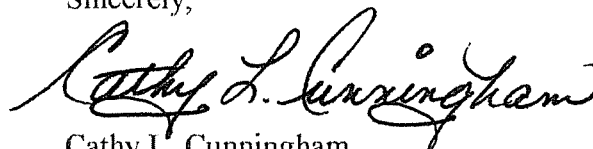
Attached please find a copy of the letter you wrote to Honorable John N. Huges regarding deficiency of their filing application in case # 2005-00152 pursuant to SB 257 Sec4(2)(b). You stated that they were required to file the additional requested information within fifteen days (15) from the date of the letter which was dated May 11, 2005.

Attached please find a copy of the deficiency cured letter for this same case #2005-00152 dated May 31, 2005. By my calculations this is above and beyond the 15 day grace period for submission of corrections. I calculate 19 days to be exact.

Please address this and explain why you went ahead and issued a Procedural Schedule regarding this case when documentation clearly shows procedures were not followed per your directions.

Thank you and I look forward to your response.

Sincerely,



Cathy L. Cunningham  
CDH Preserve, LLC

Attachments: 3

Cc: John N. Hughes, Attorney  
A.W. Turner, Attorney

Attorney General Greg Stumbo  
Asst. Attny Gen. Dennis Howard

Ernie Fletcher  
Governor



LaJuana S. Wilcher  
Secretary

Commonwealth of Kentucky  
**Environmental and Public Protection Cabinet**  
Kentucky State Board on Electric Generation and Transmission Siting  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0615  
Telephone: (502) 564-3940  
Fax: (502) 564-3460

**COPY**

May 11, 2005

Honorable John N. Hughes  
Attorney  
124 West Todd Street  
Frankfort, KY 40601

Re: Case No. 2005-00152, IMEA and IMPA, Filing Deficiencies

Dear Mr. Hughes:

The Board staff has reviewed your application in the above case. The application is deficient in certain filing requirements. The item listed below is required to be filed with the application.

1. Filing deficiency pursuant to SB 257 Sec 4(2)(b):

A full description of the proposed site, including a map showing the distance of the proposed site from residential neighborhoods, the nearest residential structures, schools, and public and private parks that are located within a two (2) mile radius of the proposed facility.

The statutory time period in which the Board must process this case will not commence until the above-mentioned information is filed with the Commission. You are requested to file 10 copies and one electronic filed copy of this information within 15 days of the date of this letter. If you need further information, please contact A.W. Turner, at 502-564-3940, extension 256.

Sincerely,

A handwritten signature in cursive script, appearing to read "Beth O'Donnell for".

Beth O'Donnell  
Executive Director  
on behalf of  
The Kentucky State Board on  
Electric Generation and Transmission Siting

BOD/sh

cc: Attached Service List



Ernie Fletcher  
Governor

Lajuana S. Wilcher  
Secretary

Commonwealth of Kentucky  
**Environmental and Public Protection Cabinet**  
Kentucky State Board on Electric Generation and Transmission Siting  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0615  
Telephone: (502) 564-3940  
Fax: (502) 564-3460

**COPY**

May 31, 2005

TO: Parties of Record  
Case No. 2005-00152  
Illinois Municipal Electric Agency and Indiana Municipal Power Agency

The Board staff has reviewed your response in the above case and has determined that your application to construct a merchant electric generating facility is administratively complete. Enclosed please find a stamped filed copy of the first page of your filing.

Sincerely,

Beth O'Donnell  
Executive Director  
on behalf of  
The Kentucky State Board on  
Electric Generation and Transmission Siting

BOD/sh

Enclosure

PROCEDURAL SCHEDULE

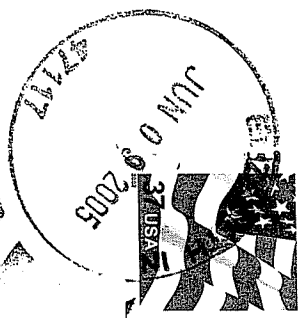
CASE NO. 2005-00152

**COPY**

- Application filed..... May 31, 2005
- Any motion to intervene shall be filed  
with the Board no later than..... June 30, 2005
- Any request for a public hearing  
shall be filed no later than ..... June 30, 2005
- Intervenors and Staff may file data  
requests no later than ..... July 11, 2005
- Responses to data requests are due  
no later than ..... July 21, 2005  
(Responses shall include the name of the person  
who prepared each response and who will be  
available to testify at the hearing on that response.)
- Parties shall file direct testimony,  
if any, no later than ..... August 3, 2005
- Public hearing (if required)..... (to be scheduled)

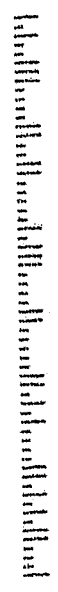
CDH Preserve, LLC  
Cathy L Cunningham  
2530 N Hwy 11 SE  
Elizabeth IN 47117

Ms. Beth O'Donnell  
Executive Director  
KY Public Service Com.  
PO Box 615  
Frankfort, KY 40602-0615



JUN 10 2005  
PUBLIC SERVICE  
COMMISSION

40602+0615 07



June 9 2005