

Ernie Fletcher
Governor



LaJuana S. Wilcher
Secretary

Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Kentucky State Board on Electric Generation and Transmission Siting
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June 13, 2005

Ms. Cathy L. Cunningham
CDH Preserve, LLC
2530 N. Highway 11 SE
Elizabeth, IN 47117

Subject: Your Deficiency Request Protest in Docket No. 2005-00152

Dear Ms. Cunningham:

This letter is in response to your letter of June 8, 2005, questioning the Siting Board's issuance of what you term a "deficiency cured letter" in Docket No. 2005-00152. You point out that the Applicants filed the additional information that the Board requested on May 31, 2005, 19 days after the deficiency notice of May 11. In your letter you write, "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." (emphasis added).

My May 11 letter "requested" that the information be filed within fifteen days; it did not require, order, or mandate any action. Indeed, the Board has no statutory or administrative regulatory authority to set a deadline for a deficiency to be cured. Hence the "request" was advisory only, and the May 31 filing was effective to remedy the deficiency.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Beth O'Donnell".

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

AWT:v