

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

In the Matter of:

JOINT APPLICATION OF THE ILLINOIS)	
MUNICIPAL ELECTRIC AGENCY)	
AND THE INDIANA MUNICIPAL POWER)	
AGENCY FOR APPROVAL TO BE A)	
25% PARTNER IN THE CONSTRUCTION)	CASE NO. 2005-00152
OF A 750 MEGAWATT ADDITION TO)	
THE EXISTING TRIMBLE COUNTY)	
GENERATING FACILITY IN)	
TRIMBLE COUNTY, KENTUCKY)	

O R D E R

On May 11, 2005, pursuant to KRS 278.704, the Illinois Municipal Electric Agency and the Indiana Municipal Power Agency (“Joint Applicants”) filed a joint application with the Board for approval of their partnership with Louisville Gas and Electric Company and Kentucky Utilities Company in a project to construct a 750 MW addition to the existing generating station in Trimble County, Kentucky. As part of their application, Joint Applicants submitted a list of adjacent property owners to the Trimble County plant property identified as Exhibit E, page 2. This document, attached hereto as Appendix A, lists 14 adjacent landowners. The Joint Applicants state in the application that this list comprises the set of adjacent landowners to whom they sent notice pursuant to KRS 278.706(2)(c)(1).¹

¹ Joint Applicants’ application, Exhibit F and Tab 3.

On May 31, 2005, Board Staff sent a letter to the Joint Applicants stating that their application to construct a merchant electric generating facility was administratively complete. On July 1, 2005, Board Staff submitted its first data request to Joint Applicants seeking to clarify issues relating to the project site and adjacent properties. Joint Applicants responded to the data request on July 8, 2005.

In their response to Board Staff's first data request, Joint Applicants submitted a list of adjacent property owners to the Trimble County plant property. This document, attached hereto as Appendix B, lists 31 adjacent landowners. Pursuant to KRS 278.706(2)(c)(1), Joint Applicants are required to give notice to "landowners whose property borders the proposed site." Due to the discrepancy in the lists of adjacent landowners submitted by the Joint Applicants, and the subsequent lack of notice to at least 17 adjoining landowners, the application can no longer be considered administratively complete.

Therefore, the Board withdraws the finding of May 31, 2005 that the application of Joint Applicants is administratively complete. Within 20 days of the date of this Order, the Joint Applicants should either (1) file proof of service of notice on the additional adjacent landowners who were not previously given proper notice² or (2) provide the Board with a schedule as to when they will provide that proof. The procedural schedule filed June 30, 2005 shall no longer apply to this case,³ and the time

² Pursuant to KRS 278.706(2)(c)(1).

³ Thus, the hearing previously scheduled for August 24, 2005 is cancelled.

limits imposed by KRS 278.710(1)⁴ will not be in effect until the Board finds that this application is administratively complete.

IT IS THEREFORE ORDERED that:

1. The May 31, 2005 finding that the Joint Applicants' application to construct a merchant electric generating facility is administratively complete is withdrawn.

2. Within 20 days of the date of this Order, the Joint Applicants shall either (1) submit proof that notice required by KRS 278.706(2)(c)(1) has been given to all adjoining landowners, or (2) provide the Board with a schedule as to when they will provide that proof.

3. The procedural schedule established by the Board on June 30, 2005 shall not apply to this case, and a new schedule shall be established when the Board determines that the Joint Applicants' application is administratively complete.

4. The time limitations imposed by KRS 270.710(1) will not take effect until the Board determines that the Joint Applicants' application is administratively complete.

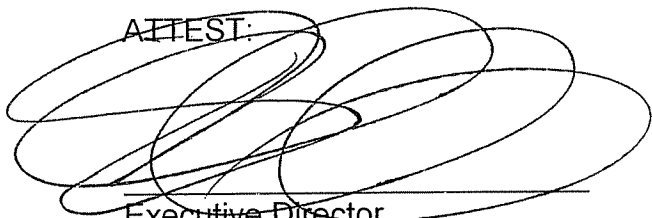
5. If, within 20 days of the date of this Order, the Joint Applicants have not made a filing as required by this Order, this case shall be dismissed and removed from the Board's docket.

⁴ "Within ninety (90) days of receipt of an administratively complete application, or within one hundred twenty (120) days of receipt of an administratively complete application if a hearing is requested, the board shall, by majority vote, grant or deny a construction certificate, either in whole or in part, based upon the following criteria:..."

Done at Frankfort, Kentucky, this 19th day of July, 2005.

By the Board

ATTEST:

A large, complex handwritten signature in black ink, consisting of several overlapping loops and curves, positioned over the printed text below.

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

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY STATE BOARD
ON ELECTRIC GENERATION AND TRANSMISSION SITING IN
CASE NO. 2005-00152 DATED July 19, 2005.

Adjacent Property Owners
Trimble County Plant
March 2005

<u>Tract Numbers</u>	<u>Name & Address</u>
1. Gary Callis	1970 Ogden Ridge Road Bedford, KY. 40006
2. Jarrod & Jill Mahoney	1886 Ogden Ridge Road Bedford, KY. 40006
3. Steve Boldery	1848 Ogden Ridge Road Bedford, KY. 40006
4. George McDole	1742 Ogden Ridge Road Bedford, KY. 40006
5. Anna Leach	251 Howard Leach Road Bedford, KY. 40006
6. Kelly Leach	285 Howard Leach Road Bedford, KY. 40006
7. James Atkinson	4570 Barebone Road Bedford, KY. 40006
8. James Logan	1662 Conner Ridge Road Bedford, KY. 40006
9. Lorne Logan	1394 Conner Ridge Road Bedford, KY. 40006
10. Sherley Sweezy	1004 Conner Ridge Road Bedford, KY. 40006
11. King & Dace Stubbs	P.O BOX 91206 Louisville, KY. 402961-0206
12. Gayle Mahoney	27 Watson Landing Road Bedford, KY. 40006
13. Jerry Mahoney	70 Watson Landing Road Bedford, KY. 40006
Below Tract 1 is: Leslie Ball No Home – Land Only	84 Fairview Circle Drive Bedford, KY. 40006

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY STATE BOARD
ON ELECTRIC GENERATION AND TRANSMISSION SITING IN
CASE NO. 2005-00152 DATED July 19, 2005

Adjacent Property Owners
Trimble County Plant Property
Mar-2005

Tract Numbers

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10. Sherley Sweezy	1004 Conner Ridge Road Bedford, KY. 40006
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12. Gayle Mahoney	27 Watson Landing Road Bedford, KY. 40006
13. Jerry Mahoney	70 Watson Landing Road Bedford, KY. 40006
14. Leslie and Cherona Ball	84 Fairview Circle Drive Bedford, KY. 40006
15. Kathryn Bray	923 Conner Ridge Road Bedford, KY 40006
16. Dale and Kim Wheeler	3328 Hidden Lake Drive Jacksonville, FL 32216
17. Agnes Tingle	3637 Mt. Pleasant Road Bedford, KY 40006

18. John and Andrea Dunlap	P.O. Box 161 Bedford, KY 40006
19. Dallas McCutchen c/o Joan McCutchen	39 Wentworth Road Bedford, KY 40006
20. Brenda Stansberry	7408 Willow Bend Drive Crestwood, KY 40014
21. Cary and Dave Cassell	P.O. Box 386 Bedford, KY 40006
22. Shannon Tingle	P.O. Box 424 Bedford, KY 40006
23. Stephen and Laura Harp	610 North 4 th Street LaGrange, KY 40031
24. Kenneth Dale Bowling	105 Tingle Lane Bedford, KY 40006
25. Margaret Dean	201 Deans Road Bedford, KY 40006
26. Walter Staples	2519 Bray Ridge Road Bedford, KY 40006
27. Rowlett Family Partnership, Howard A. Rowlett, General Partner	8224 Carrollton Road Campbellsville, KY 40011
28. Gary and Julia Dunlap	P.O. Box 223 Milton, KY 40045
29. Mano Caudillo	159 Wises Landing Road Bedford, KY 40006
30. James Edward Goode	207 Wises Landing Road Bedford, KY 40006
31. Wayne and Mary Goode	448 Wises Landing Road Bedford, KY 40006