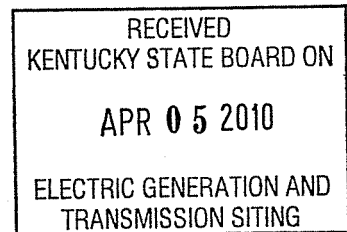


COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITING

In the Matter of:

APPLICATION OF ECOPOWER)
GENERATION-HAZARD, LLC FOR A)
CERTIFICATE TO CONSTRUCT AND) CASE NO.
OPERATE A MERCHANT ELECTRIC) 2009-00530
GENERATING FACILITY AND A 69 KV)
TRANSMISSION LINE IN PERRY COUNTY,)
KENTUCKY)



**RESPONSE TO SITING BOARD STAFF'S SECOND DATA REQUEST
TO ECOPOWER GENERATION, LLC
DATED MARCH 26, 2010**

Comes the Applicant, ecoPower Generation-Hazard, LLC, ("ecoPower"), and for its Response to the Siting Board Staff's Second Data Request (the "Staff's Second Request"), states as follows:

GENERAL OBJECTIONS

1) Applicant objects to the Staff's Second Request to the extent it seeks information, documents, or things not in Applicant's possession, custody, or control, or that are publicly and easily available to the Kentucky State Board on Electric Generation and Transmission Siting (the "Board").

2) Applicant objects to the Staff's Second Request to the extent it seeks information which is outside the scope of the jurisdiction of the Board.

3) Applicant's Response to the Staff's Second Request is hereby made without waiver and intentional preservation of:

a) All questions as to the competence, relevance, materiality, and admissibility of evidence for any purpose of the information or documents, or the subject matter thereof, in any aspect of this or any other court action, or judicial or administrative proceeding, or investigation;

b) The right to object on any grounds as to the use of any such information or documents, or the subject matter thereof, in any aspect of this or any other court action, judicial or administrative proceeding, or investigation;

c) The right to object at any time for any further response to this or any other request for information or production of documents; and

d) The right at any time to supplement this response.

7) Applicant objects to the disclosure of confidential commercial, business, or propriety information. Applicant will produce responsive documents for inspection and copying containing confidential commercial, business, or proprietary information subject to an appropriate order by the Board or court of competent jurisdiction. If such documents are in the possession of the Applicant they will be specifically noted in the attached Response.

8) Applicant reserves the right to amend, correct, or supplement any and all parts of its Response herein, and further states that the information provided to the Staff's Second Request is that information reasonably known, recalled or prepared by Applicant after reasonable investigation and preparation as of the date of this Response.

9) Applicant objects to the Staff's Second Request to the extent it is unreasonably vague, overly broad, unduly burdensome, or purports to require the disclosure of information beyond the scope of this proceeding.

11) Applicant objects to the Staff's Second Request to the extent it is unreasonably repetitive, overlapping or duplicative.

12) By making certain general and specific objections, Applicant does not waive other objections that might be applicable or become applicable at some time in the future. Applicant expressly reserves the right to assert additional objections which may become apparent in the course of providing information or documents.

13) Applicant, by and through its President and Chief Executive Officer, Gary T. Crawford, provides its Response to the Staff's Second Request. Mr. Crawford has been responsible for gathering and overseeing the preparation of responses in the attached document entitled, *Response to Siting Board's Second Data Request to ecoPower Generation-Hazard, LLC dated March 26, 2010*, and has directed the compiling of responses by persons under his authority and direction. The information contained therein is true and correct to the best of his knowledge and belief, and is incorporated into this pleading as if set forth fully and completely.

REQUEST NO. 1: Records from the office of the Kentucky Secretary of State indicate the following filings:

- Articles of Organization of "EcoPower Generation, LLC" filed May 18, 2009 and identified as Organization Number 0730121 and stamped "0730121.06."
- Articles of Amendment to Articles of Organization of "ecoPower Generation, LLC" filed February 24, 2010 and changing the name of the limited liability company to "ecoPower Generation – Hazard, LLC." This information is indicated as being applicable to Organization Number 0730121 and stamped "0730121.06."
- Articles of Organization of ecoPower Generation LLC.", filed February 24, 2010 and identified by the Office of the Secretary of State as Organization Number 0757345 and stamped "0757345.06."

(a). Explain in detail whether ecoPower, which filed the application in this case on February 18, 2010, has changed its identity or name to “ecoPower Generation – Hazard, LLC.”

RESPONSE: ecoPower Generation, LLC was initially organized under the laws of the Commonwealth of Kentucky on May 18, 2009, and is identified as Organization No. 0730121 in the Office of the Kentucky Secretary of State. On February 24, 2010, it filed Articles of Amendment to its Articles of Organization changing its name to ecoPower Generation-Hazard, LLC. Simultaneously, a separate limited liability company filed its Articles of Organization for a limited liability company named ecoPower Generation, LLC with the Kentucky Secretary of State, Organization No. 0757345 on February 24, 2010. ecoPower Generation-Hazard, LLC remains the entity who has applied for Siting Board approval to construct an electric generation facility in Perry County, Kentucky, which is the subject of Case No. 2009-00530 currently pending before the Kentucky State Board on Electric Generation and Transmission Siting.

The limited liability company, ecoPower Generation, LLC, with an Organization No. 0757345, was organized to be a holding company and will be the sole member of ecoPower Generation-Hazard, LLC upon the completion of the transfer of all members’ interest in that limited liability company into ecoPower Generation, LLC.

This change, while somewhat confusing, became necessary because of continuing changes in the interpretation of the law relating to the financing of this proposed project. The new entity, ecoPower Generation, LLC, will initially have the same ownership as the original limited liability company, and after the transfer of all membership interests,

ecoPower Generation-Hazard, LLC will become a wholly owned subsidiary of ecoPower Generation, LLC.

Therefore, the Applicant in this matter pending before the Siting Board has changed its name to be ecoPower Generation-Hazard, LLC, and is a wholly owned subsidiary of ecoPower Generation, LLC.

(b). Explain in detail the relationship between ecoPower Generation, LLC and the Secretary of State's Organization Number 0757345; ecoPower Generation, LLC and the Secretary of State's Organization Number 0730121; and ecoPower Generation – Hazard, LLC and the Secretary of State's Organization Number 0730121.

RESPONSE: Please see the explanation in response to 1(a).

(c). Explain in detail the role ecoPower Generation – Hazard, LLC will have in the construction, licensing, and/or operation of the proposed ecoPower electric generation facility.

RESPONSE: ecoPower Generation-Hazard, LLC will be the operating company, the owner of all facilities which are the subject of this proceeding, will be responsible for the construction of the facility, obtaining all the necessary licenses and will operate the proposed ecoPower electric generating facility.

(d). Explain in detail the role that ecoPower Generation, LLC, with Secretary of State's Organization Number 0757345, will have in the construction, licensing, and/or operation of the proposed ecoPower electric generation facility.

RESPONSE: ecoPower Generation, LLC, with Secretary of State's Organization No. 0757345, will have no role in the construction, licensing and/or operation of the proposed ecoPower electric generating facility, except to the extent that

it will be the owner of ecoPower Generation-Hazard, LLC. All permits for the electric generating facility will be issued in the name of ecoPower Generation-Hazard, LLC.

(e). Explain in detail the role that ecoPower Generation, LLC, with Secretary of State's Organization Number 0730121, will have in the construction, licensing, and/or operation of the proposed ecoPower electric generation facility.

RESPONSE: ecoPower Generation, LLC with Kentucky Secretary of State's Organization No. 0730121, whose name has been changed to ecoPower Generation-Hazard, LLC, is responsible for all construction, licensing and/or operation of the proposed ecoPower electric generation facility.

(f). Will the environmental permits necessary for construction and operation of the electric generating facility for which the application was filed in this case be issued to ecoPower Generation, LLC, with Secretary of State's Organization Number 0757345; ecoPower Generation, LLC, with Secretary of State's Organization Number 0730121; or ecoPower Generation – Hazard, LLC, with Secretary of State's Organization Number 0730121?

RESPONSE: ecoPower Generation-Hazard, LLC.

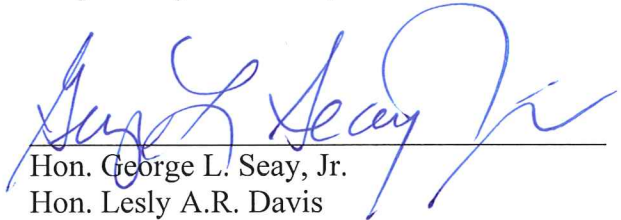
(g). Describe in detail whether it is necessary for ecoPower Generation, LLC to amend its application in order to accurately describe the name of the entity that is seeking a certificate from the Siting Board.

RESPONSE: Because of changing interpretations of regulations relating to the financing of the proposed electric generating facility it became incumbent upon the members of the Applicant to transfer their respective membership interests into a holding company, which would then become the sole member of the Applicant. These transfers

are currently taking place and may at this time be complete. Therefore, the Applicant in this proceeding requests that its Application be amended to reflect the change of its name to ecoPower Generation-Hazard, LLC. There are no other changes or amendments to the application which are necessary at this time with the exception of items which may be considered amendments to the Application and are contained in the Response to the Staff's First Request filed in this matter.

Attached is an amended page 1 of the Application, to be inserted in the Application previously submitted herein, showing the new name of the Applicant and other pertinent information.

Respectfully submitted,



Hon. George L. Seay, Jr.
Hon. Lesly A.R. Davis
WYATT, TARRANT & COMBS, LLP
250 West Main Street, Suite 1600
Lexington, KY 40507-1746
859.233.2012

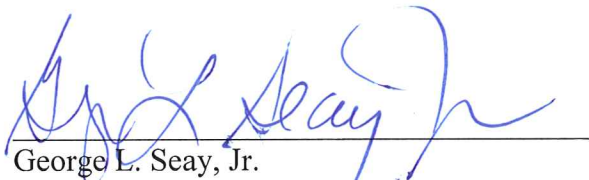
*Counsel for Applicant, ecoPower
Generation-Hazard, LLC*

CERTIFICATE OF SERVICE

This is to certify that the original and six true and correct copies of the foregoing Response to Siting Board Staff's Second Data Request has been served upon the following, by hand delivery, at the filing office of the Kentucky Public Service Commission, on this the 5th day of April, 2010:

Hon. Rick Bertelson
Public Service Commission
211 Sower Blvd
P.O. Box 615
Frankfort, KY 40602-0615

Mr. Jeff Derouen
Executive Director
Public Service Commission
P.O. Box 615
Frankfort, KY 40602



George L. Seay, Jr.
*Counsel for Applicant, ecoPower
Generation-Hazard, LLC*

1.0 APPLICANT INFORMATION

KRS 278.706(2)(a)

KRS 278.714(2)(a)

The name, address, and telephone number of the person proposing to construct and own the merchant electric generating facility and the person proposing construction of the nonregulated transmission line;

ecoPower Generation - Hazard, LLC, ("ecoPower") is submitting this application to the Kentucky State Board on Electric Generation and Transmission Siting ("Siting Board") to request approval for a certificate to construct and operate a merchant electric generating facility and a 69 KV transmission line ("Project") in Perry County, Kentucky. The 69 KV transmission line is required to transmit the electric power generated by the generating facility to the Kentucky Power Engle substation, approximately 1.5-miles from the Project.

ecoPower is a Kentucky limited liability company formed in May 2009. The principal contact person, name, address and telephone number for this application are provided below:

ecoPower Generation - Hazard, LLC
1256 Manchester Street
Lexington, KY 40504
(859) 685-1106

Gary T. Crawford, CEO