

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 OPERATE A MERCHANT)	CASE NO.
ELECTRIC GENERATING FACILITY AND A 69)	2009-00530
KV TRANSMISSION LINE IN PERRY COUNTY,)	
KENTUCKY)	

O R D E R

On April 27, 2010, in response to the April 22, 2010 Order of the Kentucky State Board on Electric Generation and Transmission Siting ("Siting Board") denying its April 8, 2010 Motion for Deviation from Setback Requirements, ecoPower Generation-Hazard, LLC ("ecoPower-Hazard") filed a Renewed Motion for Deviation from Setback Requirements ("renewed motion").

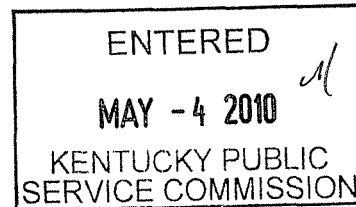
The Siting Board finds that ecoPower-Hazard's renewed motion demonstrates that all the criteria for a deviation under KRS 278.704(4) have been addressed and that there are no remaining factual issues to be addressed in a hearing. Therefore, the Siting Board finds that the evidentiary hearing previously scheduled for May 19, 2010 should be canceled.

IT IS THEREFORE ORDERED that:

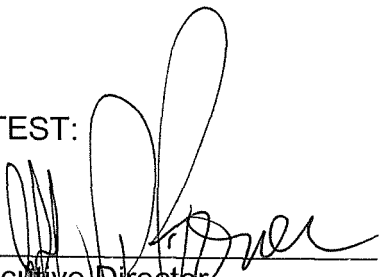
1. The evidentiary hearing scheduled for May 19, 2010 in this matter is hereby canceled.

2. EcoPower's application and its renewed motion are submitted for a decision on the existing evidence of record.

By the Kentucky State Board on
Electric Generation and
Transmission Siting



ATTEST:



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