

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

In the Matter of:

THE APPLICATION OF THOROUGHBRED	)	
GENERATING COMPANY, LLC FOR A	)	CASE NO.
MERCHANT POWER PLANT CONSTRUCTION	)	2002-00150
CERTIFICATE IN MUHLENBERG, COUNTY,	)	
KENTUCKY	)	

O R D E R

On January 21, 2009, Thoroughbred Generating Company, LLC (“Thoroughbred”) filed with the Kentucky State Board on Electric Generation and Transmission Siting (“Siting Board”) a copy of an order entered in Muhlenberg Circuit Court on January 12, 2009, dismissing Thoroughbred’s appeal of the Siting Board’s December 5, 2003 Final Order in the above-styled case. Previously, in its December 16, 2008 Annual Report, Thoroughbred stated that, although it had successfully defended an appeal of its air quality permit in the Kentucky Court of Appeals, it had “decided not to go forward with construction of the Thoroughbred [electric generating] plant” and was, therefore, requesting the reimbursement of any unused application fee funds being held by the Siting Board pursuant to 807 KAR 5:100, Section 5.

The Siting Board finds that Thoroughbred’s declaration not to go forward with the construction of the electric generating plant for which the December 5, 2003

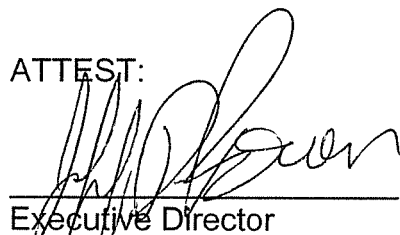
construction certificate was granted is sufficient cause for the Siting Board to revoke Thoroughbred's construction certificate.

The Siting Board, on its own motion, HEREBY ORDERS that, within 10 days of the date of this Order, any party to the case which objects to the Siting Board's proposal to revoke the construction certificate issued to Thoroughbred on December 5, 2003, and to dismiss the case without prejudice, shall file with the Siting Board an objection stating, with specificity, the reason(s) for such objection.

Done at Frankfort, Kentucky, this 16th day of March, 2009.

By the Board

ATTEST:



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

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