

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 MERCHANT)	CASE NO.
POWER PLANT CONSTRUCTION CERTIFICATE)	2002-00150
IN MUHLENBERG, COUNTY, KY)	

TESTIMONY
OF
DIANNA TICKNER, PRESIDENT
THOROUGHBRED GENERATING COMPANY, LLC

October 6, 2003

1 **Q. Please state your name, position and business address.**

2 A. My name is Dianna Tickner. I am President of Thoroughbred Generating
3 Company, LLC (“Thoroughbred”) as well as Vice President-Generation Development for
4 Peabody Holding Company, Inc. My address is 701 Market Street, St. Louis, Missouri
5 63101. My telephone number is (314) 342-7613.

6 **Q. By whom are you employed, in what capacity and what are your responsibilities?**

7 A. I am employed by Peabody Holding Company and in that capacity serve in the
8 positions I already identified. In those positions, I am responsible for development of the
9 Thoroughbred Energy Campus that is the subject of this proceeding.

10 **Q. Could you give a brief review of your work experience and educational**
11 **background?**

12 A. I have held the following employment positions:

13
14 President, Peabody COALTRADE, Inc. St. Louis, Missouri, November 1999 – May
15 2001.

16
17 Senior Vice President-Midwest/Southwest Sales, Peabody COALSALES Company, St.
18 Louis, Missouri, 1998–1999; Vice President-Contract Management and Marketing
19 Services, 1997–1998; Vice President-Contract Management and Planning, 1996–1997.

20
21 Vice President-Contract Administration & Engineering/Environmental Planning,
22 Montana Power Co. (Western Energy), Colstrip, Montana, 1995–1996; Manager-Contract
23 & Business Administration, 1993–1995; Director-Contract Administration, 1989–1992;
24 Senior Mining Engineer, 1987–1989.

25
26 Various engineering positions, 1979–1987.

27
28 I have the following educational background:

29
30 University of Missouri-Rolla, B.S. in Mining Engineering, 1979.

31
32 University of Montana, Missoula, Master of Business Administration, 1992.

33
34 Darden Graduate School of Business Administration, The Executive Program, 1995.

1
2 Registered Professional Engineer.

3
4 **Q. What is the purpose of your testimony?**

5 A. The purpose of my testimony is to demonstrate for the Board that Thoroughbred
6 has met the criteria set forth in KRS 278.710(1) and the Board should grant
7 Thoroughbred a Construction Certificate for the proposed Electric Generating Facility
8 sought by Thoroughbred. I will: (i) review the positive impact of Thoroughbred's
9 proposed Electric Generating Facility; (ii) provide a brief overview of Thoroughbred and
10 the proposed Facility; (iii) describe the information Thoroughbred has submitted to the
11 Board; (iv) review the regulation to which Thoroughbred and the proposed Facility have
12 been subjected; and (v) specifically address each criterion set forth in KRS 278.710(1).
13 Finally, the majority of my Prefiled Testimony can be found at various places in
14 Thoroughbred's Application.

15 **I. POSITIVE IMPACT OF THOROUGHKBRED'S PROPOSED ELECTRIC**
16 **GENERATING FACILITY.**

17
18 **Q. Would you please describe the positive impact of Thoroughbred's proposed Electric**
19 **Generating Facility?**

20 A. Thoroughbred's proposed Electric Generating Facility will have many positive
21 impacts. Thoroughbred's proposed Facility will provide a source of low-cost electricity.
22 The construction and operation of Thoroughbred's proposed Facility will create numerous
23 jobs for the region. Thoroughbred's proposed Facility will employ state-of-the-art
24 emission control technology. Finally, Thoroughbred's proposed Facility will serve as an
25 economic engine for the region.

1 **II. OVERVIEW OF THOROUGHbred AND ITS PROPOSED ELECTRIC**
2 **GENERATING FACILITY.**

3
4 **Q. Please describe Thoroughbred Generating Company, LLC.**

5 A. Thoroughbred Generating Company, LLC (“Thoroughbred”) is a wholly-owned
6 subsidiary of Peabody Energy Corporation (“Peabody”). Peabody’s subsidiaries have
7 roots in Kentucky spanning nearly a half-century.

8 **Q. What efforts has Thoroughbred conducted to educate Kentuckians regarding its**
9 **proposed Electric Generating Facility?**

10 A. Consistent with a philosophy of maintaining open and candid communications,
11 Thoroughbred has engaged in a broad, sustained outreach program to cultivate
12 understanding and support for developing the Thoroughbred Energy Campus. From the
13 genesis of the project through the present day, Thoroughbred has communicated with
14 hundreds of residents, business owners and elected leaders as well as dozens of industry
15 and community groups. As a result, and as set forth in more detail in Section 4 of
16 Thoroughbred’s Application, the project enjoys strong bipartisan support from
17 government officials and within the local community.

18 **Q. Could you provide a brief overview of Thoroughbred’s proposed Electric**
19 **Generating Facility?**

20 A. Thoroughbred proposes to build a 1500 MW pulverized coal-fueled Electric
21 Generating Facility. The plant will utilize state of the art technology to control emissions,
22 including low nitrogen oxides (“NO_x”) burners, selective catalytic reduction (“SCR”), a
23 dry electrostatic precipitator (“ESP”), wet scrubber, and wet ESP. The stack for the

1 proposed Electric Generating Facility will be located at the following coordinates:

2 Latitude: 37 degrees 18 minutes 53 seconds North and Longitude: 87 degrees 5 minutes
3 22 seconds West. The source of coal for the Facility is locally available Western
4 Kentucky coal. The coal will be supplied from the Thoroughbred Mine which will be
5 located nearby, producing coal from Kentucky seams #8 and #9.

6 The proposed Facility represents energy solutions, environmental care and
7 economic progress. Thoroughbred will be among the cleanest coal-fueled plants east of
8 the Mississippi River. Construction of the Facility will take approximately 41 months for
9 Unit One and an additional six months to complete Unit Two. The \$2.5 plus billion
10 project will provide a reliable source of electricity for 1.5 million families and businesses
11 and will be brought on-line approximately between early 2008 and early 2009.

12 A driver of economic growth, Thoroughbred will create 450 permanent jobs,
13 injecting \$700 million in new spending in Muhlenberg County and nearly \$100 million
14 into the Kentucky economy each year. This equates to a more than \$3.35 billion
15 economic injection over the project life.

16 **Q. Please briefly describe the site location for which you are requesting a Certificate of**
17 **Construction to build the proposed Electric Generating Facility.**

18 A. Thoroughbred's proposed Electric Generating Facility will be constructed on the
19 Thoroughbred Energy Campus. The site is not located within any city limit and is one
20 and one-half miles Northeast of Central City in Muhlenberg County. The Facility's
21 address will be 1380 Thoroughbred Drive, Central City, Kentucky 42330. The site is
22 adjacent to the Peabody Coal Company Gibraltar Mining Complex. The majority of the

1 approximately 2,900 acres delineated for the power plant complex has been previously
2 disturbed by surface mining and/or facilities for underground mining. Much of the area
3 was mined prior to the enactment of surface mine reclamation laws; therefore, it has not
4 been reclaimed for productive use. The construction of the proposed Facility will
5 improve the site and return this previously mined land to a beneficial use.

6 **III. REVIEW OF INFORMATION SUBMITTED BY THOROUGHbred TO THE**
7 **BOARD.**

8
9 **Q. Can you describe and review the information that Thoroughbred has submitted to**
10 **the Board?**

11 A. A review of all information submitted by Thoroughbred to the Board is outlined
12 on Exhibit A and demonstrates the breadth and scope of information submitted by
13 Thoroughbred. Thoroughbred has complied with the Board's rules and regulations in
14 submitting its Application and has responded to many Data Requests and other inquiries
15 from the Board and the Intervenors.

16 **IV. REVIEW OF REGULATION TO WHICH THE PROPOSED FACILITY IS**
17 **SUBJECTED.**

18
19 **Q. Please describe the regulation to which the proposed facility is subjected.**

20 A. Thoroughbred's proposed Electric Generating Facility for which it seeks a
21 Construction Certificate in this proceeding has been subject to regulation by numerous
22 federal and other state agencies. No less than eight agencies have reviewed some aspect
23 of Thoroughbred's proposed Facility to date. These agencies include: the U.S. Army
24 Corps of Engineers, the Federal Aviation Administration ("FAA"), the U.S.
25 Environmental Protection Agency ("EPA"), the Federal Energy Regulatory Commission

1 (“FERC”), and Kentucky’s Natural Resources and Environmental Protection Cabinet
2 (“NREPC”) through its Division for Air Quality, Division of Water and Division of
3 Waste Management. The status of particular permits is discussed in Section 10 of the
4 Application. An updated and revised Permit Status Chart is attached as Exhibit B to my
5 Prefiled Testimony.

6 **V. REVIEW OF CRITERIA CONTAINED IN KRS 278.710(1).**

7 **Q. What is the impact of the proposed Electric Generating Facility on scenic
8 surroundings?**

9 A. Thoroughbred’s Application includes as Section 8 a Site Assessment Report
10 addressing the impact, if any, of the proposed Electric Generating Facility on the
11 surrounding area. The September 4, 2003 MACTEC Report reviewed Thoroughbred’s
12 Site Assessment Report and concludes that “[t]he vegetation and topography within the
13 existing, disturbed coal mining area, and the absence of any direct views to the site leave
14 the proposed [Facility] compatible with its scenic surroundings. The color scheme
15 chosen for the stack and the plant seem to fit or strive to minimize the dominance of the
16 building and stack according to the meteorological conditions typical of the area.”

17 MACTEC Report, p. 7, September 4, 2003.

18 **Q. What is the impact of the proposed Electric Generating Facility on surrounding
19 property values.**

20 A. The MACTEC Report concludes that Thoroughbred’s proposed Electric
21 Generating Facility will not decrease property values stating “[b]ased upon BTM’s team
22 review of the subject site, the study sites and the analysis of Mr. Pritchett’s study, the

1 team concurs that adjacent property values will not be adversely affected.” *Id.*, p. 28. In
2 fact, the MACTEC Report concludes that the need for temporary housing caused by the
3 construction of the proposed Facility will likely at least temporarily increase the value of
4 residential property in the area. *Id.*

5 **Q. What is the impact of the proposed Electric Generating Facility to the pattern and**
6 **type of development of adjacent property?**

7 A. Thoroughbred’s proposed Electric Generating Facility will have no impact on the
8 pattern or type of development of adjacent property because most of the adjacent property
9 has been used primarily for surface mining and ancillary facilities. The nearest residence
10 is approximately 1.2 miles from the proposed Facility and no residence or residential
11 development will be impacted by the proposed Facility. Moreover, the Green River
12 Correctional Facility is about 1.5 miles from the proposed Facility. As noted in the
13 MACTEC Report, the “construction of the proposed generating station would appear to
14 result in further reclamation of the previously strip-mined property” and “will provide an
15 opportunity to attract industrial uses ...” in the area. *Id.*, p. 25. MACTEC also noted the
16 distance of the facility from residences and concluded that “the proposed generating
17 station will have very limited impact on surrounding non-industrial properties.” *Id.*, pp.
18 25-26.

19 **Q. What is the impact of the Electric Generating Facility on the surrounding roads?**

20 A. Access to Thoroughbred’s proposed Electric Generating Facility will be from U.S.
21 Highway 62. Thoroughbred has consulted with the Kentucky Transportation Cabinet,
22 Department of Highways and certain improvements will be made to U.S. Highway 62 at

1 Thoroughbred's expense which should be more than sufficient to accommodate the traffic
2 generated by Thoroughbred's proposed Facility. U.S. Highway 62 will be widened from
3 22 feet to 36 feet and a 320 foot long turning lane will be added for vehicles coming to
4 the Facility from either direction. The entrance and access roads within the site are still
5 under design. Finally, the MACTEC Report concurs with Thoroughbred's Site
6 Assessment Report Traffic Evaluation and contains certain minor recommendations that
7 will be provided by Thoroughbred to the Highway Department but are within the
8 discretion of the Highway Department to approve. *Id.*, pp. 9-11.

9 **Q. What is the anticipated impact from noise levels expected as a result of construction
10 and operation of the proposed Electric Generating Facility?**

11 A. MACTEC agrees with Thoroughbred's conclusion "that the construction and
12 operation of the [Facility] site should have minimal noise impact upon nearby residences
13 and other sensitive receptors." *Id.*, p. 9. MACTEC's only recommendation related to
14 noise is that "silencers be utilized during start-up 'steam blows' as that operation should
15 generate the greatest noise levels." *Id.* MACTEC's Recommendations will be addressed
16 later in my Prefiled Testimony. As discussed in Section 8.5 of the Application, at the
17 closest property boundary, the sound level will be 52 dBA during construction, about the
18 same noise level as a private office. At the nearest residence, the level will be 47 dBA,
19 equivalent to a farm field with soft breeze. During plant operations, noise levels at the
20 same locations will be 57 dBA and 51dBA respectively. Outside the plant boundary,
21 there should be no noticeable increase in noise levels as a result of plant operations.

22 **Q. What is the economic impact of the proposed Electric Generating Facility upon the**

1 **affected region and the state?**

2 A. Thoroughbred's proposed Electric Generating Facility will have a tremendous
3 positive economic impact on the Central City/Muhlenberg County area as well as a
4 seventeen county region of Western Kentucky. It has been estimated that the
5 Thoroughbred project will create an annual average of more than \$98 million in new
6 spending.

7 As previously stated, construction of the Thoroughbred Electric Generating
8 Facility will occur over a 48-month period. The average number of workers will be
9 approximately 1,500 with the maximum at peak of 2,900. Contractors will be encouraged
10 to utilize workers from the local labor force. Some workers will temporarily relocate to
11 the area during construction, which should have a positive impact on property values.

12 When operational, the power plant and mine together will employ approximately
13 450 full time workers. It is anticipated that approximately 400 of those workers will
14 reside in Kentucky. An estimate of indirect and induced jobs adds another 633 job years
15 annually for the region. In addition to the jobs created, Thoroughbred, its contractors, and
16 employees will purchase many goods and services from the surrounding area and
17 Kentucky. It is estimated that there will be \$3.345 billion in cumulative new spending
18 over the 30 plus years of construction and operation.

19 The economic impact described above is based on an analysis prepared by KPMG
20 LLP Economic Consulting Services which details the economic impacts for Kentucky
21 which would likely result from construction and operation of the Thoroughbred Energy
22 Campus and is provided as part of Section 6 to Thoroughbred's Application. In addition,

1 Thoroughbred has relied on an analysis by Hill & Associates, also provided as part of
2 Section 6 to Thoroughbred's Application, outlining the long-term economic advantages
3 of coal-fueled power plants over gas-fueled plants.

4 **Q. Will the proposed Electric Generating Facility be located upon a site that has**
5 **existing generating facilities capable of generating ten megawatts (10MW) or more**
6 **of electricity?**

7 A. Thoroughbred's proposed Electric Generating Facility will not be located upon a
8 site that has existing generating facilities capable of generating ten megawatts ("10MW")
9 or more of electricity. The reasons Thoroughbred's proposed Facility will not be located
10 on such a site are explained in detail in the Prefiled Testimony of Jacob Williams.

11 **Q. Will Thoroughbred's Electric Generating Facility meet all local planning and**
12 **zoning requirements?**

13 A. As described in the July 7, 2003 letter to me from Muhlenberg County Judge
14 Executive Kirtley, and attached as Section 3 to Thoroughbred's Application,
15 Thoroughbred's proposed Electric Generating Facility is in compliance with the current
16 Muhlenberg County, Kentucky Comprehensive Plan and complies with all local planning
17 and zoning requirements. The MACTEC Report concurs that "the project is in
18 accordance with all existing local governance" and refers to Judge Executive Kirtley's
19 letter. MACTEC Report, p. 6.

20 **Q. How will the load from the addition of Thoroughbred's proposed Electric**
21 **Generating Facility affect the transmission grid?**

22 A. Thoroughbred's proposed Electric Generating Facility will provide and pay for

1 significant improvements to Kentucky's Transmission Grid and ensure the continued
2 reliability of service for Kentucky retail customers as explained in detail in the Prefiled
3 Testimony of Jacob Williams.

4 **Q. Will the exhaust stack of Thoroughbred's proposed Electric Generating Facility be**
5 **at least 1,000 feet from the property boundary or any adjoining property owner and**
6 **2,000 feet from any residential neighborhood, school, hospital, or nursing home**
7 **Facility?**

8 A. As described in Section 8.2.7 of Thoroughbred's Application, the exhaust stack
9 for Thoroughbred's proposed Electric Generating Facility will be at least 1,000 feet from
10 the property boundary of any adjoining property owner and at least 2,000 feet from any
11 residential neighborhood, school, hospital or nursing home facility. MACTEC has
12 confirmed that the "nearest site property boundary is at least 2,500 feet from the proposed
13 stack location, the nearest of any one of the listed facilities to the proposed stack location
14 is approximately 8,200 feet." *Id.*, p. 6.

15 **Q. What are the mitigating measures that have been recommended to reduce the**
16 **impact of Thoroughbred's proposed Electric Generating Facility?**

17 A. The MACTEC Report provides certain minor recommendations for the Facility at
18 pages 44 and 45. Thoroughbred will provide the Highway Department with the
19 MACTEC recommendation related to highway access which will be within the discretion
20 of the Highway Department. Thoroughbred is willing to follow industry standards on
21 security, labeling and signage and will follow all OSHA and other legal requirements in
22 the construction and operation of the proposed Facility. A chart listing each MACTEC

1 recommendation and Thoroughbred's specific response is attached as Exhibit C.

2 **Q. Please describe Thoroughbred's environmental compliance history?**

3 A. Neither Thoroughbred nor Peabody Energy has any violations of federal or state
4 environmental rules or administrative regulations, regardless of magnitude of the penalty.
5 Further, there are no judicial or administrative actions pending against Thoroughbred or
6 Peabody Energy for environmental violations.

7 **Q. What is Thoroughbred's recommendation for the Siting Board?**

8 A. Thoroughbred recommends that the Board find that Thoroughbred, having
9 complied with all of the requirements of the siting legislation as codified at KRS
10 278.700-278.716, and having satisfactorily addressed the criteria contained in KRS
11 278.710(1), should be granted a Construction Certificate for the proposed Electric
12 Generating Facility sought in this proceeding.

13 **Q. Does this conclude your testimony?**

14 A. Yes it does.

VERIFICATION

STATE OF Missouri)
COUNTY OF St. Louis)

SS:

The undersigned, Dianna Tickner, being duly sworn, deposes and says that she is President of Thoroughbred Generating Company, LLC, that she has personal knowledge of the matters set forth in the foregoing testimony and exhibits, and the answers contained therein are true and correct to the best of her information, knowledge and belief.

DIANNA TICKNER

Subscribed and sworn to before me, a Notary Public in and before said County and State this 3rd day of October, 2003.

My commission expires: 1-21-2006.

Notary Public

EXHIBIT A

EXHIBIT A

**HISTORY OF INFORMATION PROVIDED BY THOROUGHbred
GENERATING COMPANY, LLC TO THE KENTUCKY STATE BOARD
ON ELECTRIC GENERATION AND TRANSMISSION SITING
IN CONNECTION WITH CASE NO. 2002-00150**

- 5/02/2002 Thoroughbred Generating Company, LLC's ("Thoroughbred's") Notice of Intent to File an Application for a Merchant Power Plant Construction Certificate in Muhlenberg County, Kentucky is docketed by the Kentucky State Board on Electric Generation and Transmission Siting ("The Board").
- 7/17/2003 Thoroughbred's Application for a Merchant Power Plant Construction Certificate in Muhlenberg County, Kentucky ("Thoroughbred's Application") is docketed by The Board. Thoroughbred's Application was filed in three Binders comprising ten sections. A copy of a revised and updated Table of Contents to Thoroughbred's Application is attached hereto. The ten sections of Thoroughbred's Application correspond to specific requirements of KRS 278.706, which was codified from Senate Bill 257.
- 7/21/2003 Thoroughbred responds to requests from The Board's staff to provide additional written copies of Thoroughbred's Application as well as dividing the electronic copy of the Application for ease of electronic filing.
- 7/25/2003 The Board identifies a single filing deficiency.
- 8/04/2003 The filing deficiency identified by The Board is cured by Thoroughbred.
- 8/05/2003 The Board deems Thoroughbred's Application to be in compliance with Board rules and regulations.
- 8/05/2003 Thoroughbred submits additional information regarding rail access to be included with Section 8.6 of its Application.
- 8/22/2003 The Board Consultant propounds 18 Data Requests to Thoroughbred.
- 8/25/2003 Big Rivers Electric Corporation ("BREC") propounds 39 Data Requests, some of which contained subparts, to Thoroughbred.
- 8/27/2003 Thoroughbred provides The Board with the July 31, 2003 BREC Facility Study to be included in a new Section 5.4.7. of its Application.

- 8/28/2003 Thoroughbred provides its Responses to The Board Consultant's Data Requests.
- 8/28/2003 The Board propounds an additional Data Request to Thoroughbred.
- 9/08/2003 Thoroughbred submits its Responses to the Data Requests from BREC and the additional Data Request from The Board.
- 9/29/2003 Thoroughbred conducts a site visit for The Board, its staff and any interested Intervenor.
- 9/30/2003 Thoroughbred files the attendance list from the site visit as well as the Map provided to all attendees.
- 10/02/2003 Thoroughbred supplements its response to BREC Data Request No. 23.

LOU.816976.1

EXHIBIT B

EXHIBIT B

10. Permit (Approvals) Status SB257, Section 3(1)

10.1 Federal Permits (Approvals)

Permit or Approval	Responsible Agency	Regulated Activities	Status
U. S. Army Corps of Engineers 404 Permit	U.S. Army Corps of Engineers	Construction of water intake structure, water discharge structure, and barge dock	Permit issued 05/15/03
Determination of Obstruction Hazard	Federal Aviation Administration	Construction of tall structures	No hazard determination issued 10/17/01, extended 06/27/03
Phase II Acid Rain Permit	US EPA/Kentucky DAQ	Power plant operation in compliance with Acid Rain Regulations	Permit issued 10/11/02, revised 12/06/02.
Exempt Wholesale Generator Certification	Federal Energy Regulatory Commission	Sale of wholesale electricity	Approved 02/28/02

10.2 State of Kentucky Issued Permits

Permit or Approval	Responsible Agency	Regulated Activities	Status
PSD/ Title V Air Permit	Kentucky Division of Air Quality	Construction and operation of major source of air emissions	Permit issued 10/12/02, revised 12/06/02
Water Withdrawal Permit	Kentucky Division of Water	Withdrawal of water from Kentucky streams	Letter of assurance issued 09/19/02
Section 401 Water Quality Certification	Kentucky Division of Water	Required for USACE 404 permit	Certification issued 07/22/02
KPDES General Storm Water Construction Permit	Kentucky Division of Water	Discharge of storm water runoff during construction	Permit issued 6/13/02, 09/30/02
Stream Construction Permit	Kentucky Division of Water	For construction in or along a stream	Permit issued - 06/01/02, Permit reissued- 08/19/03
Kentucky Pollutant Discharge Elimination System	Kentucky Division of Water	Discharge of cooling waters and storm water runoff	Draft permit issued 07/25/03
Special Waste Permit	Kentucky Division of Waste	Disposal of coal combustion waste byproducts	Draft permit issued 08/15/03
Permit to Construct or Alter a Structure	Kentucky Airport Zoning Commission	Construction of a structure greater than 200'	Application to be submitted closer to start of construction

10.3 Local Permits

No local permits are required.

EXHIBIT C

EXHIBIT C

THOROUGHbred GENERATING COMPANY'S RESPONSE TO RECOMMENDATIONS ADDED IN REVISED SEPTEMBER 4, 2003 MACTEC REVIEW AND EVALUATION OF SITE ASSESSMENT REPORT

	MACTEC REPORT RECOMMENDATION ¹	THOROUGHbred RESPONSE
1.	Fenced, lighted plant perimeter.	Per Section 8.2.3 of the Application, the perimeter will be fenced. Although not explicitly stated in the Application, lighting was planned and will be installed. Thoroughbred accepts the recommendation.
2.	Storage buildings with hazardous or dangerous materials must be locked.	Recommendation as written does not define "hazardous materials" or "dangerous materials." Thoroughbred will comply with applicable industry and regulatory standards for storage of hazardous materials. Those standards would include, for example, 29 C.F.R. 1910 Subpart H which sets forth OSHA standards for "hazardous materials," including standards related to storage.
3.	Only personnel who have attended a safety and security induction course will be permitted to work on-site.	Thoroughbred expects to require safety and security training for personnel as appropriate for the job function. Thoroughbred will comply with all applicable industry and regulatory standards. Those standards would include, for example, training standards applicable to the electric power generation industry under OSHA standard, 29 C.F.R. 1910.269.
4.	All employees and subcontractors working at the site must have a site security pass (proper identification), which must be carried at all times.	As noted in Section 8.2.3 of the Application, only authorized persons with proper identification will be allowed to enter the plant. Thoroughbred will require proper identification on-site and will comply with industry practice and regulatory standards governing security.
5.	Access for site personnel and visitors will be through a security gate controlled by security personnel.	Accepted.

¹ See Section D of the MACTEC Report at pages 43-46.

	MACTEC REPORT RECOMMENDATION¹	THOROUGHbred RESPONSE
6.	All vehicles entering/leaving the site should be subject to search by TGS security at the discretion of the security officer.	Thoroughbred will comply with applicable industry and regulatory standards. Thoroughbred will advise persons entering the site that their vehicles may be subject to search whether by its security personnel or law enforcement, in accordance with applicable legal requirements.
7.	Speed limit signs should be posted to reflect safe and appropriate speeds in the access road and on roads throughout the site.	Accepted.
8.	Any utility service not already under contract should ensue under compliance with all state and federal requirements, including required mitigation.	Thoroughbred will comply with applicable federal and state requirements.
9.	TCG should notify the Board to seek a permit for construction of any additional major construction item, such as new gas transmission lines and new electric transmission lines, and through proper submittals and reviews, assure the Board that any significant impact is effectively mitigated.	Thoroughbred will provide notice and submit any required application in accordance with KRS 278.700 – 278.716.
10.	TGC must clarify if the change in interconnection requires the modification of the aforementioned map.	Accepted.
11.	It is highly recommended that silencers be used during start-up “steam blows” as that operation should generate the greatest noise levels.	Thoroughbred will agree to use silencers during start-up “steam blows”.

	MACTEC REPORT RECOMMENDATION¹	THOROUGHBRED RESPONSE
12.	TGC plans to stagger arrival and departure times of construction workers. In order for the intersection of US 62 and the new access road to operate safely and efficiently, staggered arrivals and departures need to be maintained as planned - - spread over two hours - - especially during heavy construction months.	Accepted.
13.	The new access road from US 62 to the site should allow for two inbound lanes in the AM and two outbound lanes in the PM during heavy construction months.	Thoroughbred has no objection to this change but notes that any adjustment must be approved by the Kentucky Department of Transportation.
14.	The intersection of new access road and US 62 should be monitored during construction for the possible need for manual (police) traffic control during AM and PM peak periods.	Accepted.
15.	Roadway geometrics on US 62 at the access road could be modified as detailed in this report with approval of KYTC, District 2. Particular recommendations would include elimination of pavement for a westbound left turn lane, and consideration of three 14-foot wide lanes.	Thoroughbred has no objection to this change but notes that any adjustment must be approved by the Kentucky Department of Transportation.

Lex.632070.1 (word)

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing was sent by United States First Class Mail, sufficient postage prepaid, to the following this the 6th day of October, 2003.

Hank List
Secretary
Natural Resources and Environmental
Protection Cabinet
5th Floor, Capital Plaza Tower
500 Mero Street
Frankfort, Kentucky 40601
hank.list@mail.state.ky.us

Nick Schmitt
Milo Eldridge
Mactec Engineering & Consulting, Inc.
13425 Eastpoint Centre Drive
Suite 122
Louisville, Kentucky 40223
ngschmitt@mactec.com
mbeldridge@mactec.com

James M. Miller
Sullivan, Mountjoy Stainback & Miller,
PSC
100 St. Ann Street
P.O. Box 727
Owensboro, Kentucky 42302
jmiller@smsmlaw.com

Kendrick R. Riggs
Ogden, Newell & Welch, PLLC
1700 Citizens Plaza
500 West Jefferson Street
Louisville, Kentucky 40202
kriggs@ogdenlaw.com

Honorable Rodney Keith Kirtley
Judge/Executive
Muhlenberg County Courthouse
P.O. Box 137
Greeneville, Kentucky 42345
cojudge@muhlon.com

David G. Rhoades
Chairman
Muhlenberg Joint City
County Planning Commission
203 North 2nd Street
Central City, Kentucky 42330
central@muhlon.com

J. R. Wilhite
Commissioner - Community Development
Economic Development Cabinet
2300 Capital Plaza Tower
500 Mero Street
Frankfort, Kentucky 40601
jwilhite@mail.state.ky.us

David A. Spainhoward
Vice President
Big Rivers Electric Corporation
201 Third Street
P.O. Box 24
Henderson, Kentucky 42420
dspainhoward@bigrivers.com