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2006 JUL 27 PM 2: 28

ENVIR. APPEALS BOARD

July 27, 2006

VIA MESSENGER

Eurika Durr, Clerk of the Board
Environmental Appeals Board
U.S. Environmental Protection Agency
1341 G Street, N.W., Suite 600
Washington, D.C. 20005


RE: In re: Prairie State Generating Station
Permit No. 189808AAB
PSD Appeal No. 05-05

Dear Ms. Durr:

Enclosed please find an original and five copies of a letter that we are submitting on behalf of the Indiana Municipal Power Agency, the Missouri Joint Municipal Electric Utility Commission, the Northern Illinois Municipal Power Agency, Soyland Power Cooperative, Inc., Wolverine Power Supply Cooperative, Inc., and the Kentucky Municipal Power Agency (the "Public Power Participants"). The Public Power Participants previously filed a Motion for Leave to File a Brief as Amici Curiae, accompanied by the Public Power Participants' Brief as Amici Curiae.

If you have any questions concerning these materials, please call me at 585-263-1612.

Very truly yours,


Scott M. Turner

cc: Petitioners
Robb H. Layman
Kevin J. Finto
Brian L. Doster
Susan M. Tennenbaum



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Environmental Appeals Board
U.S. Environmental Protection Agency
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

RE: In re: Prairie State Generating Station
Permit No. 198908AAB
PSD Appeal No. 05-05

Dear Members of the Board:

On behalf of Indiana Municipal Power Agency (“IMPA”), the Missouri Joint Municipal Electric Utility Commission (“MJMEUC”), the Northern Illinois Municipal Power Agency (“NIMPA”), Soyland Power Cooperative, Inc. (“Soyland”), Wolverine Power Supply Cooperative (“Wolverine”), and the Kentucky Municipal Power Agency (“KMPA”) (collectively, the “Public Power Participants”), we write again to request an prompt decision in the above referenced case and an indication of when that decision will be made.

The Public Power Participants filed an Amicus Brief requesting an expedited review of the PSD permit on July 28, 2005. In the one year since then, the Public Power Participants sent a letter dated January 19, 2006 opposing an extension for EPA to file a brief and another letter dated March 17, 2006 opposing the Petitioners’ request to file a response brief to that filed by EPA. In each of the brief and letters, the Public Power Participants respectfully requested that the Board issue a decision as soon as possible. In each of its responses, the Board has recognized its policy to expedite PSD decisions such as the pending Prairie State Generating Station (“PSGS”) permit. Specifically, in granting Petitioners’ leave to file a reply brief, the Board allowed only a 30 page brief, “[g]iven the length of the previous filings and the need to expedite the Board’s consideration of this matter.” In the January 20, 2006 EAB Order granting the EPA extension of time, the Board allowed only 45 of the 60 days requested stating, “we are mindful of pressure faced by the permit applicant and our objective to resolve PSD matters as quickly as possible.” In issuing the March 21, 2006 Order Allowing Petitioners only ten days to respond to that EPA Brief, the Board recognized its “policy to avoid delay in PSD proceedings.” The Public Power Participants appreciate the Board’s stated interest in avoiding delay and resolving

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PSD issues as quickly as possible; however, the lapse of over a year in deciding this matter has cost our rate paying public in excess of a hundred million dollars of increased project costs and jeopardized our ability to plan to meet their future demands.

As explained in our previous correspondence, the Public Power Participants serve approximately one million customers in Indiana, Illinois, Missouri and Kentucky. To meet demand growth, the Public Power Participants have entered into definitive agreements to acquire a 47% ownership in PSGS and its electrical output. All other key permits required for construction of Prairie State have been issued and are final and unappealable. Any further delay of the Prairie State decision jeopardizes its completion or other timely arrangements in time to meet the Public Power Participants' customers' real energy needs.

As stated in the Amicus Brief filed by the Public Power Participants on July 28, 2005, the power from PSGS is needed to meet the growth of demand of KMPA by 2009 and for the remaining Public Power Participants by 2010. Nothing has changed in this regard. Development of or otherwise arranging for long-term electric generating capacity involves a multitude of regulatory, engineering, financial and commercial arrangements that must work in a sequenced, interdependent and coordinated fashion over several years.

In sum, the delay of the decision has a detrimental impact on the reliability and affordability of electric power. As evidenced by the recent heat wave, reliable energy is important to public health and welfare; moreover, high energy costs have a disproportionately adverse impact on individuals living on fixed and low incomes.¹ For these reasons, the Public Power Participants respectfully request an expedited resolution of this matter and a schedule for that decision so that planning can continue.

Respectfully submitted,



Scott M. Turner

SMT:jc

¹ See Klein and Keeney, Mortality Reductions from the Use of Low Cost Coal-Fueled Power: An Analytical Framework (December 2002) (Doc. 199 Certified Index).

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of July, 2006, copies of the foregoing were served by first class mail, postage prepaid on:

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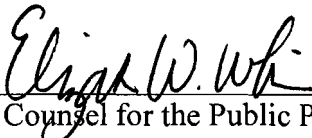
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