

COMMONWEALTH OF KENTUCY  
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE  
COMMISSION

In the Matter of:

HAROLD BARKER;  
ANN BARKER; and  
BROOKS BARKER

COMPLAINANTS

Case No. 2013-00291

V. RESPONSE TO EAST KENTUCKY POWER COOPERATIVE, INC's  
OFFER OF SETTLEMENT

EAST KENTUCKY POWER COOPERATIVE, INC.

DEFENDANT

\*\*\*\*\*

Come the Complainants, Harold Barker, Ann Barker and Brooks Barker ("Complainants"), by counsel, and for their response to the Offer of Settlement submitted by East Kentucky Power Cooperative, Inc. ("EKPC"), state as follows:

Initially, the Complainants wish to clarify certain items of misinformation contained in EKPC's Offer of Settlement. These are:

1. The Complainants and the parents of Complainant Ann Barker, the latter being the Complainants' predecessors in title to the subject property, have been customers of Clark Energy since 1938. Clark Energy is one of the distribution utility companies of EKPC. Accordingly, Complainants are customers of EKPC, contrary to the suggestion made in the Offer of Settlement.

2. The Complainants farm consists of three adjoining tracts totaling 198 acres rather than 150 acres as asserted in the Offer of Settlement.

3. The total assessed value of the Complainants' 198-acre farm is \$927,900.00, rather than \$317,900.00 as stated in the Offer of Settlement. (See attached PVA statement.)

Considered in this light, the loss to the Complainants' real property caused by EKPC's expanded easement as reported by Complainants' appraiser is proportionate to the total value of the land.

4. EKPC has made no written offers of compromise during the course of litigation in Clark Circuit Court. The parties have engaged in some informal settlement discussions but there has been no formal offer which could have been accepted or declined as EKPC's Offer of Settlement implies.

5. Complainants never assumed the risk of a 345 kV/138 kV line running over their residence with the resultant electromagnetic field constantly present in their home.

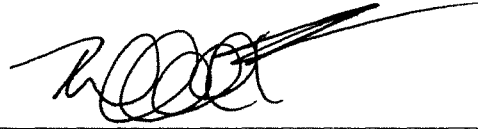
6. EKPC's Offer of Settlement estimates the cost of moving its transmission line to be approximately \$1 million. Yet EKPC's own figures indicate the cost for the entire 18-mile project of removing the old transmission line and replacing it, along with the necessary land acquisition, was \$20 million. It is beyond cavil to believe that moving less than one-half mile of line would cost as much as EKPC claims.

\*\*\*\*\*

Complainants decline the proffer contained in paragraph six of EKPC's Offer of Settlement. They believe EKPC should have selected a more suitable route across their land to erect a transmission line carrying much greater capacity than the original 69 kV line. The actual and potential consequences of the new line are of great concern to the Complainants and they believe this is a situation which could have easily been avoided.

Nevertheless, Complainants are willing to engage in meaningful settlement discussions in the presence of a representative of the Commission at a place and time convenient for all parties.

Respectfully submitted,



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**M. ALEX ROWADY, ESQ.**  
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212 South Maple Street  
Winchester, Kentucky 40391  
(859) 744-3251  
**ATTORNEY FOR COMPLAINANTS**


**CERTIFICATE OF SERVICE**

This is to certify that a true copy of the foregoing Response was sent by first-class mail to Kentucky Public Service Commission, P.O. Box 615, Frankfort, Kentucky 40602-0615, David S. Sanford, Esq., Gross Samford, PLLC, 2365 Harrodsburg Road, Suite B235, Lexington, Kentucky 40504 and Sherman Goodpaster, Esq., Attorney for Plaintiff, P.O. Box 707, Winchester, Kentucky 40392-0707, this 12th day of September, 2013.



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**M. ALEX ROWADY, ESQ.**



**Clark County Kentucky  
Property Valuation Administrator**

**Karen R. Bushart**  
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**Owner and Parcel Information**

<b>Owner Name</b>	BARKER ANN BROOKS BARNES	<b>Today's Date</b>	September 12, 2013
<b>Mailing Address</b>	5450 MT STERLING RD WINCHESTER, KY 40391	<b>Map Number/Account Number</b>	088-0000-001-00 /8090001
<b>Description</b>	PARCEL 1A & BAL OF LAND	<b>Tax District</b>	County
<b>Location Address</b>	5450 MT STERLING RD	<b>2013 Rate Per Thousand</b>	0.9160
<b>Deed Book</b>	212	<b>Parcel Map</b>	<a href="#">Maps available with subscription</a>
<b>Deed Page</b>		<b>Deed Page</b>	133
<b>Building Photo</b>	<a href="#">Building Images</a>	<b>Building Sketch</b>	<a href="#">Building Sketches</a>

**Certified Value Information**


Residential Value	Commercial Value	Mobile Home Value	Farm Tax Value	Farm Fair Cash Value	TC Build Value	TC Land Value	LS Hold Value
NA	NA	NA	\$ 186,000	\$ 317,900	NA	NA	NA

Homestead: Yes

More detailed information is available via subscription service. Details [here](#)

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Photograph 1 for Parcel: 088-0000-001-00



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<b>Owner and Parcel Information</b>						
<b>Owner Name</b>	BARKER ANN BROOKS BARNES	<b>Today's Date</b>	September 12, 2013			
<b>Mailing Address</b>	5450 MT STERLING RD WINCHESTER, KY 40391	<b>Map Number/Account Number</b>	088-0000-004-01 /8090004			
<b>Description</b>	PARCEL 2	<b>Tax District</b>	County			
<b>Location Address</b>	5660 MT STERLING RD	<b>2013 Rate Per Thousand</b>	0.9160			
<b>Deed Book</b>		<b>Parcel Map</b>	<a href="#">Maps available with subscription</a>			
<b>Deed Page</b>		<b>Deed Page</b>				
<b>Building Photo</b>	<a href="#">Building Images</a>	<b>Building Sketch</b>	NA			

#### Certified Value Information


Residential Value	Commercial Value	Mobile Home Value	Farm Tax Value	Farm Fair Cash Value	TC Build Value	TC Land Value	LS Hold Value
NA	NA	NA	\$ 61,600	\$ 610,000	NA	NA	NA

Homestead: No

More detailed information is available via subscription service. Details [here](#)

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