

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION
CASE NO. 2013-00291

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COMMISSION

HAROLD BARKER;)
ANN BARKER; and)
BROOKS BARKER,)
COMPLAINANTS)
V.) COMPLAINANTS' RESPONSE TO
EAST KENTUCKY POWER)
COOPERATIVE, INC.'s)
MOTION TO STRIKE)
EAST KENTUCKY POWER)
COOPERATIVE, INC.,)
DEFENDANT)

Come the Complainants, **HAROLD BARKER, ANN B. BARKER** and **BROOKS BARKER**, by counsel, and for their Response to the Motion to Strike filed by East Kentucky Power Cooperative, Inc. ("EKPC"), state as follows:

1. New expert opinion.

At the July 1, 2014 hearing, John Pfeiffer was questioned by Vice Chairman Gardner as to his "engineer's definition" of an ordinary extension of an existing system, replacement, and upgrade. *See* HVR 14:53-56 (July 1, 2014). In addition, there have been numerous interpretations of these terms given throughout the administrative process, e.g., by Mary Jane Warner (*see* HVR 14:22-27 (July 8, 2014)); by Mr. Pfeiffer; and by EKPC in its post-hearing brief.

2. Reliability penalties.

The reliability issue before the Southeast Electric Reliability Coordinator ("SERC") provides an example of EKPC's non-compliance with its Facility Ratings Methodology. This is an indication that EKPC has, in the past, operated its facilities in excess of their thermal limits. During Dr. Paul Dolloff's cross-examination testimony, he was asked whether he knew of any

finer imposed upon EKPC for line overloads or exceeded capacities; Dolloff responded that he was not aware of any such instances. *See* HVR 15:29:57-15:30:10 (July 8, 2014). The Complainants then intended to recall Mary Jane Warner to rebut Dr. Dolloff's testimony in this regard since she had indicated on page 6 (lines 15-17) of her direct testimony that there was "frequent overloading of the Avon 345/138kV 450 MVA autotransformer in the June-August 2005 time period and expected future overloading." This acknowledgment would likely have led to further questions on the subject of penalties. However, Complainants were not permitted the opportunity to proffer rebuttal evidence.

3. Human resistance to micro shocks.

In John Pfeiffer's written testimony and his testimony at the July 1, 2014 hearing (*see* HVR 14:49-51), he clearly articulates the technical evidence concerning humans and their relative resistance values and how that affects the severity of the shock one will receive from touching a vehicle, even discussing how small children and the elderly might be affected. He notes that the shock he would receive might be different than that of a child, especially if the child had been swimming and, still somewhat wet, touched a car or truck in the Complainants' driveway.

4. Minutes of the 2007 LRC Hearing.

The Legislative Research Commission (LRC) Research Report No. 348, Siting of Transmission Lines, is mentioned at various times by the Complainants both in their direct testimony and other submissions. Among these references are:

1. Complainants' Requests for Information 11 and 12 to EKPC, filed June 12, 2014: references Chapter 2 of LRC Report No. 348, discussing Kentucky's Certification Process for

Transmission Lines; and Chapter 3, discussing public participation and public involvement by affected landowners and their right to intervene.

2. Complainants' testimony, filed April 25, 2014, page 7: references the LRC Siting of Transmission Lines Report and regulations indicating that a line can be moved no greater than 500 feet in either direction of an approved route. This information is also reiterated in the minutes of the 2007 LRC Hearing.

3. Complainants' Responses to Requests for Information from EKPC, Question 21, filed May 12, 2014: John Pfeiffer references page 20 of the LRC Report No. 348 which discusses standards for electric/magnetic fields.

LRC Report No. 348 is also referenced by implication in the direct testimony of EKPC's Mary Jane Warner. On pages 9-11, Ms. Warner explains the process that EKPC currently employs in siting transmission lines using the Kentucky Transmission Line Siting Methodology developed by EPRI which mimics the procedure outlined in Chapter 4 of the LRC Report No. 348.

Ms. Warner also testified that EKPC always evaluates the conductor phasing when constructing transmission lines in an attempt to optimize the configuration of the phases in a way that would reduce the electric/magnetic fields generated by its transmission lines. *See* HVR 14:29 (July 8, 2014). This practice would lead one to believe EKPC is truly concerned about reducing EMF exposure, another issue thoroughly discussed throughout the instant proceeding. Ms. Warner's statements regarding this subject at the 2007 LRC hearing should be permitted in the Complainants' brief. Interestingly, EKPC's present counsel are among the authors of LRC Report No. 348.

It should be noted that Complainants requested the opportunity to present rebuttal testimony pursuant to paragraph 6 of the Commission's April 7, 2014 Order. In denying such request, the panel appeared to suggest that Complainants could raise any additional matters in their brief. ("You have an agreement to submit on briefs, you can do that--or do you have something alternative to that?" See HVR 15:56:50-15:57:00(July 8, 2014)) This apparent grant should apply to all the information that EKPC now attempts to strike from the Complainants' brief. Furthermore as noted above, all four issues which EKPC poses to strike have been mentioned in engineering reports, direct testimony, or replies to questions submitted, or were discussed at the hearings on July 1, 2014 and July 8, 2014 before the PSC and accordingly should not be removed from the Complainants' brief.

WHEREFORE, Complainants request that EKPC's Motion to Strike be overruled.



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CERTIFICATE OF SERVICE

This is to certify that the original and 10 true copies of the foregoing Complainants' Response to East Kentucky Power Cooperative, Inc.'s Motion to Strike were hand-delivered to the Kentucky Public Service Commission, P.O. Box 615, Frankfort, Kentucky 40602-0615, and a true copy was sent by first-class mail and e-mail transmission to David S. Samford, Esq., Goss Samford, PLLC, Attorneys for Defendant, 2365 Harrodsburg Road, Suite B325, Lexington, Kentucky 40504, david@gosssamfordlaw.com, this 9th day of September, 2014.



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