

1 ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

2 The Kentucky State Board on Electric Generation and Transmission Siting

3 (Amendment)

4 807 KAR 5:110. Board proceedings.

5 RELATES TO: KRS 278.702, 278.704, 278.706, 278.708, 278.710, 278.712, 278.714,
6 278.716, and 2011 Ky. Acts ch. 82, sec. 6[278.702(3)]

7 STATUTORY AUTHORITY: KRS 278.702(3) [~~KRS 278.040(3)~~]

8 NECESSITY, FUNCTION, and CONFORMITY: KRS 278.702 creates the Kentucky
9 State Board on Electric Generation and Transmission Siting. KRS 278.702(3) requires
10 the board to promulgate administrative regulations to implement KRS 278.700 to
11 278.716. KRS 278.712(2) requires the board to promulgate administrative regulations
12 governing a board hearing. KRS 278.706(2)(c) requires an applicant seeking to obtain a
13 construction certificate from the board to give proper notice of his intention to the public.
14 This administrative regulation establishes procedures related to applications, filings,
15 notice requirements, hearings, and confidential material.

16 Section 1. General Matters Pertaining to All Formal Proceedings. (1) Address of the
17 board. Written communication may be addressed to "Kentucky State Siting Board on
18 Electric Generation and Transmission Siting, 211 Sower Boulevard, PO Box 615,
19 Frankfort, Kentucky 40602-0615[~~40604~~]."

20 (2) Form of papers filed. A pleading in a formal proceeding shall be printed or
21 typewritten on one (1) side of the paper only, and typewriting shall be double-spaced.

1 (3) Signing of pleadings. Every pleading of a party represented by an attorney shall be
2 signed by at least one (1) attorney of record in his individual name and shall state his
3 address.

4 (4) Service of process. If a party has appeared by attorney, service upon the attorney
5 shall be deemed proper service upon the party.

6 Section 2. Notice of Intent to File Application.

7 (1) At least thirty (30) days but no more than six (6) months prior to filing an application
8 to construct a carbon dioxide transmission pipeline, merchant electricity generating
9 plant or nonregulated electric transmission line, an applicant shall file at the offices of
10 the Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky [~~40604~~]
11 40602, a Notice of Intent to File Application. If an applicant fails to file an application
12 within six (6) months of the filing of such a Notice, the Notice shall automatically expire
13 without further notice to the applicant.

14 (2) A Notice of Intent to File Application shall include:

15 (a) The name, address, and telephone number of the person who intends to file the
16 application;

17 (b) A brief description of the proposed construction that will be the subject of the
18 application;

19 (c) A description of the location of the proposed construction, including:

20 1. The name of the city and county in which the construction will be proposed;

21 2. The street address and latitude and longitude of the site of the construction to be
22 proposed; and

23 3. Whether the proposed construction will be within the boundaries of a city;

1 (d) The address of the planning and zoning commission, if any, with jurisdiction over the
2 site of the construction to be proposed;

3 (e) If applicable, a description of the setback requirements of the planning and zoning
4 commission with jurisdiction over the site of the construction to be proposed; and

5 (f) If the planning commission's setback requirements are less stringent than those
6 prescribed by statute, or if the planning commission with jurisdiction, if any, has not
7 established setbacks, a statement as to whether a deviation from the statutory setback
8 requirements will be requested in the application.

9 Section 3. Board Applications and Subsequent Filings.

10 (1) An applicant shall file an original and ten (10) paper copies, and one (1) copy in
11 electronic format, of its application at the offices of the Public Service Commission, 211
12 Sower Boulevard, Frankfort, Kentucky 40602[~~40604~~].

13 (2) A paper copy of an application shall:

14 (a) Be in a bound volume with each document tabbed; and

15 (b) Contain a table of contents that lists, for each document enclosed,

16 1. The number of the tab behind which the document is located;

17 2. The statutory provision pursuant to which the document is submitted; and

18 3. The name of the person who will be responsible for responding to questions
19 concerning information contained in the document.

20 (3) Administrative staff for the board shall determine whether the application is
21 administratively complete and shall inform the applicant of its determination by letter.

22 (4) The secretary may reject for filing any document that on its face does not comply
23 with an administrative regulation of the board.

1 Section 4. Intervention and Parties.

2 (1) A person who wishes to become a party to the proceeding before the board may, by
3 written motion filed no later than thirty (30) days after the application has been
4 submitted, request leave to intervene.

5 (2) A motion to intervene shall be granted if the movant has shown:

6 (a) That he has a special interest in the proceeding; or

7 (b) That his participation in the proceeding will assist the board in reaching its decision
8 and would not unduly interrupt the proceeding.

9 Section 5. Confidential Material.

10 (1) Material on file with the board shall be available for examination by the public unless
11 the material is determined to be confidential.

12 (2) Procedure for determining confidentiality.

13 (a) A person requesting confidential treatment of material related to his application shall
14 file a petition with the Executive Director. The petition shall:

15 1. In accordance with the Kentucky Open Records Act, KRS 61.870 to 61.884, set forth
16 each basis upon which the petitioner believes the material should be classified as
17 confidential; and

18 2. Attach one (1) copy of the material which identifies, by underscoring, highlighting with
19 transparent ink, or other reasonable method, only the portion alleged to be confidential.

20 A text page or portion thereof which does not contain confidential material shall not be
21 included in the identification.

- 1 (b) The petition, one (1) copy of the material which is identified by underscoring or
2 highlighting, and ten (10) copies of the material with the portion for which confidentiality
3 is sought obscured, shall be filed with the board.
- 4 (c) The petition and a copy of the material, with only the portion for which confidentiality
5 is sought obscured, shall be served on each party. The petition shall contain a
6 certificate of service on each party.
- 7 (d) The burden of proof to show that the material is exempt from the disclosure
8 requirements of the Kentucky Open Records Act shall be upon the person requesting
9 confidential treatment.
- 10 (e) A person may respond to the petition for confidential treatment within five (5) days
11 after it is filed with the board.
- 12 (3) Pending action on the petition, the material specifically identified shall be temporarily
13 accorded confidential treatment.
- 14 (4) If the petition for confidential treatment of material is denied, the material shall not be
15 placed in the public record for twenty (20) days to allow the petitioner to petition the
16 board directly or to seek other remedy afforded by law.
- 17 (5) Procedure for requesting access to confidential material filed in any proceeding.
- 18 (a) A party to a proceeding before the board shall not cite confidentiality as a basis for
19 failure to respond to a discovery request by the board or its staff or any other party to
20 the proceeding. If a party responding to a discovery request seeks to have a portion or
21 all of the response held confidential by the board, it shall follow the "Procedure for
22 Determining Confidentiality" in subsection (2) of this section. A party's response to a

1 discovery request shall be served upon each party, with only the portion for which
2 confidential treatment is sought obscured.

3 (b) If confidential protection is granted and if each party has not entered into a protective
4 agreement, then a party may petition the board requesting access to the material on the
5 basis that it is essential to a meaningful participation in the proceeding. The petition
6 shall include a description of any effort made to enter into a protective agreement.
7 Unwillingness to enter into a protective agreement shall be fully explained. A party may
8 respond to the petition within five (5) days after it is filed with the board. The board shall
9 determine if the petitioner is entitled to the material, and the manner and extent of the
10 disclosure necessary to protect confidentiality.

11 (6) Request for access to records pursuant to KRS 61.870-61.884. A time period
12 prescribed in this section shall not limit the right of a person to request access to a
13 board record pursuant to KRS 61.870-61.884. Upon a request filed pursuant to KRS
14 61.870-61.884, the board shall respond in accordance with the procedure prescribed in
15 KRS 61.880.

16 (7) Procedure for requesting access to confidential material. A person denied access to
17 a record requested pursuant to KRS 61.870-61.884 or to material deemed confidential
18 by the board in accordance with the procedure set out in this section, may obtain the
19 information only pursuant to KRS 61.870-61.884, and other applicable law.

20 (8) Use of confidential material during a formal proceeding. Material deemed
21 confidential by the board may be addressed and relied upon during a formal hearing by
22 the following procedure:

1 (a) The person seeking to address the confidential material shall advise the board prior
2 to the use of the material.

3 (b) Except for members of the board or its staff, a person not a party to a protective
4 agreement related to the confidential material shall be excused from the hearing room
5 during direct testimony and cross-examination directly related to confidential material.

6 (9) Material granted confidentiality that later becomes publicly available or otherwise no
7 longer warrants confidential treatment.

8 (a) [(40)] The petitioner who sought confidential protection shall inform the executive
9 director in writing if any material granted confidentiality becomes publicly available.

10 (b) If the executive director becomes aware that material granted confidentiality is
11 publicly available or otherwise no longer qualifies for confidential treatment, he shall by
12 letter so advise the petitioner who sought confidential protection, giving ten (10) days to
13 respond. If the executive director becomes aware that material has been disclosed by
14 someone other than the person who requested confidential treatment, in violation of a
15 protective agreement or board order, such information shall not be deemed or
16 considered to be publicly available and shall not be placed in the public record.

17 (c) The material shall not be placed in the public record for twenty (20) days following
18 any order finding that the material no longer qualifies for confidential treatment to allow
19 the petitioner to seek any remedy afforded by law.

20 Section 6. Evidentiary Hearings.

21 (1) Upon its own motion or on written motion of a party to a case before it, filed no later
22 than thirty (30) days after an application has been filed, the board may schedule an
23 evidentiary hearing.

1 (2) A party wishing to present an expert witness at an evidentiary hearing shall, no later
2 than five (5) days prior to the hearing date, file with the board, with a copy to each party
3 of record, the report prepared by the expert and a full description of the credentials
4 qualifying the witness to testify as an expert on the subject matter for which he will
5 testify.

6 (3) No later than five (5) days prior to an evidentiary hearing, a party to the case shall
7 file the name of each witness he expects to present at the hearing, together with a brief
8 statement of each matter regarding which the witness will testify.

9 (4) An evidentiary hearing shall be conducted before the board or before a person
10 designated by the board to conduct a specific hearing.

11 (5) Testimony before the board shall be given under oath or affirmation.

12 (6) If an objection is made to the admission or exclusion of evidence before the board,
13 the objecting party shall state briefly the basis for his objection.

14 (7) The board shall cause to be made a record of an evidentiary hearing.

15 Section 7. Filing of Briefs.

16 A party of record may file a brief no later than seven (7) days after the conclusion of the
17 evidentiary hearing.

18 Section 8. Local Public Hearings and Local Public Information Meetings.

19 (1) A local public hearing or local public information meeting may be conducted before
20 the board or before a person designated by the board to conduct a specific hearing;

21 (2) A request for a local public hearing or local public information meeting shall be made
22 in writing and shall be filed no later than thirty (30) days after a complete application is
23 filed.

1 (3) The board shall, at least fourteen (14) [~~ten (10)~~] days before the hearing date, give
2 notice of the hearing or local public information meeting to:

3 (a) All parties to the proceeding;

4 (b) The judge/executive of the county in which the construction of the facility is to be
5 located;

6 (c) The mayor of the city in which the facility is to be located, if applicable; and

7 (d) The planning commission with jurisdiction over the area in which the facility is to be
8 located, if applicable.

9 (4) The board or its designated hearing officer shall accept unsworn, oral comment from
10 any member of the public who provides his name and address on a sign-in sheet to be
11 provided at the hearing or local public information meeting.

12 (5) Within seven (7) calendar days after the local public hearing or local public
13 information meeting, administrative staff for the board shall file in the official record of
14 the case, with a copy to each party of record, a summary of public comments made at
15 the local hearing or local public information meeting that:

16 (a) Identifies each person who made oral comments; and

17 (b) Summarizes the comments received.

18 Section 9. Notice Requirements.

19 (1) Notice of an evidentiary hearing. At least three (3) [~~five (5)~~] days before the hearing
20 date, the applicant shall submit to the board proof that it has given notice of the hearing
21 to each party and to the general public by publication in a newspaper of general
22 circulation in the county or municipality in which the pipeline, plant or transmission line
23 is proposed to be located.

1 (2) Notice of a local public hearing or local public information meeting. At least [~~five (5)~~]
2 three (3) days before the hearing date or local public information meeting date, the
3 applicant shall submit to the board proof that it has given the general public notice of the
4 hearing or local public information meeting in a newspaper of general circulation in the
5 county or municipality in which the pipeline, plant or transmission lines is proposed to be
6 located.

7 (3) An applicant giving public notice pursuant to KRS 278.706(2) shall include in the
8 notice the following information:

9 (a) A person who wishes to become a party to a proceeding before the board may, by
10 written motion filed no later than thirty (30) days after the application has been
11 submitted, request leave to intervene;

12 (b) A party may, upon written motion filed no later than thirty (30) days after an
13 application has been filed, request the board to schedule an evidentiary hearing at the
14 offices of the Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky;
15 and

16 (c) A request for a local public hearing or local public information meeting shall be made
17 by at least three (3) interested persons who reside in the county or municipal
18 corporation in which the pipeline, plant or transmission line is proposed to be located.
19 The request shall be made in writing and shall be filed within thirty (30) days following
20 the filing of a completed application.

Dated this _____ day of September 2011.

DAVID L. ARMSTRONG
Chairman
Kentucky State Board on Electric Generation and
Transmission Siting

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 24, 2011 at 9:30 a.m. at the Public Service Commission's office, Hearing Room 2, 211 Sower Boulevard, Frankfort, Kentucky 40602. Individuals interested in attending this hearing shall notify this agency in writing by October 17, 2011, five (5) working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until October 31, 2011.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Quang Nguyen
Public Service Commission
P.O. Box 615
Frankfort, Kentucky 40602-0615
Tel: (502)564-3940
Fax: (502)564-3460

REGULATORY IMPACT ANALYSIS

Administrative Regulation #: 807 KAR 5:110

Contact Person: Quang Nguyen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures related to applications, filings, notice requirements, hearings, and confidential material under the jurisdiction of the Kentucky State Board on Electric Generation and Transmission Siting (Siting Board).

(b) The necessity of this administrative regulation: This administrative regulation establishes the procedural rules for the Siting Board to administer KRS 278.700-278.716. 2011 Ky. Acts ch. sec. amended KRS 278.714 to vest the Siting Board with jurisdiction to site carbon dioxide transmission pipelines in Kentucky. Therefore, the amendments are necessary to add language regarding carbon dioxide pipelines to the existing regulation.

The "Relates To" section is amended to add "278.702, 278.704, 278.706, 278.708, 278.710, 278.712, 278.714, and 278.716," which were not previously included in the regulation for unknown reasons, as these statutes are also related to the substance of the regulation and are mentioned in the body of the regulation. The "Relates To" section is further amended to include "Ky. Acts ch. 82, sec. 6" as the authority to establish a filing fee for carbon dioxide transmission pipeline applications is contained in Senate Bill 50, which was passed during the 2011 Regular Session and signed into law on March 16, 2011. That law has not yet been codified in the Kentucky Registered Statutes. Therefore, in compliance with KRS 13A.222(4)(m)2, the reference

to 2011 Ky. Acts ch. 82, sec. 6 is included herein. In compliance with KRS 13A.222(4)(m)3, the Siting Board will notify the regulations compiler of the proper citation of the Kentucky Revised Statutes in writing once the law is codified in the Kentucky Registered Statutes, at which time the regulations compiler should eliminate the reference to 2011 Ky. Acts ch. 82, sec. 6, as that law amended existing statutes which are already referenced in the “Relates To” section.

The “Statutory Authority” section is amended to eliminate “KRS 278.040(3),” which provides authority to the *Public Service Commission* to adopt regulations in conformity with KRS Chapter 13A. 807 KAR 5:100 is a regulation under the jurisdiction of the Siting Board, not the Public Service Commission. KRS 278.702(3) provides authority to the Siting Board to adopt reasonable regulations in accordance with KRS 278.700 to 278.716. Therefore, “KRS 278.702(3)” is added to the “Statutory Authority” section in order to properly reflect the appropriate statutory authority.

This amendment also provides the proper zip code for the address of the board in Sections 1, 2 and 3. Since the initial promulgation of this regulation in 2002, the zip code for the Board’s mailing address has changed from “40601” to “40602” and “40602-0615” for its post office box address. In addition, Section 5(9), regarding confidential materials, is amended to add language regarding the procedures to be followed if material granted confidentiality later becomes publically available or no longer warrants confidential protection.

Section 8 is amended to include language regarding a “local public information meeting.” Senate Bill 50 amended KRS 278.714(5) to provide that the Siting Board shall conduct a local public information meeting upon receipt of request from three (3)

persons living in the county or counties where a carbon dioxide pipeline will be constructed. The amended statute provides that the local public information meeting will “provide an opportunity for members of the public to be briefed and ask the party proposing the carbon dioxide pipeline questions about the pipeline.”

Section 8(3), regarding local public hearings and local public information meetings, is amended to shorten the time period for the Board to provide notice to the parties and local government officials from twenty (20) days to fourteen (14) days. This amendment will provide the Board with more flexibility to schedule a local public hearing or information meeting at a date and time that is most convenient to the public and to the parties involved.

Finally, his amendment also changes the time period for the applicant to provide notice to the public of the evidentiary hearing and local public hearing, pursuant to Section 9(1) and Section 9(2), respectively. This will allow the applicant sufficient time to publish its notice of publication.

The Board’s statutory deadline of either 90 days or 120 days (if a local public hearing is held), provide a very tight timeframe within which to conduct its review of an application. KRS 278.712 requires that any local public hearing must be conducted within 60 days of the filing of an application. 807 KAR 5:110, Section 8(2) provides that any request for a local public hearing must be filed within 30 days of the filing of the application. As currently written, 807 KAR 5:110, Section 8(3) requires the Board to provide 20 days notice of a local public hearing to the parties, the local judge/executive, and the mayor of the city in which the facility is to be constructed. Working in concert, these statutory and regulatory provisions provide a very short, 10-day window within

which the Board must hold a local public hearing, if requested. Shortening the notice provision to 14 days will enlarge that time period to a 14-day window, which will allow much more flexibility to schedule a local public hearing at an appropriate time and place. In addition, reducing the period of time in which the applicant must file the proof of publication in advance of an evidentiary hearing or local public hearing would allow an applicant a reasonable period of time to arrange for the local publication of that notice and to file proof that such notice has been published in the record of that proceeding.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the procedural rules necessary to implement the authorizing statutes, KRS 278.700 to 278.716, as required by KRS 278.702(3).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective implementation of the statutes by ensuring that the Siting Board has procedures in place to process applications submitted to it.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendments to the regulation

(b) The necessity of the amendment to this administrative regulation: 2011 Ky. Acts ch. 82, sec. 6 amended KRS 278.714 to place carbon dioxide transmission pipelines under the Siting Board's jurisdiction. As currently written, 807 KAR 5:110

does not mention carbon dioxide transmission pipelines. Therefore, it is necessary to add such language to the regulation to reflect the change to the statute.

It is also necessary to amend the regulation to provide the proper zip code for the Board in order to ensure that application materials are mailed to the proper location. Likewise, it is necessary to amend Section 5(9), regarding confidential materials, to include language that was unintentionally omitted when the regulation was initially promulgated in 2002. The amended language provides the procedures to follow in the event that material granted confidentiality later becomes publically available or no longer warrants confidential protection.

It is necessary to add language regarding a “local public information meeting,” to Section 8, as Senate Bill 50 amended the language of KRS 278.714(5) to require the Board to hold such a meeting if requested by three (3) interested persons. Currently, Section 8 refers only to a “local public hearing.”

It is necessary to amend Section 8(3) to shorten the notice provision for local public hearings from 10 days to 20 days in order to provide more flexibility to the Board to schedule such hearings at an appropriate time and place. KRS 278.712 mandates that any local public hearing must be conducted within 60 days of the filing of an application and Section 8(2) provides 30 days for persons to file a request for a local public hearing. Those requirements, combined with the current 20-day notice provision in Section 8(3), give the Board only a very small 10-day period within which a local public hearing may be scheduled. Changing the 20-day notice period to a 14-day notice period will provide a larger window of time within which a local public hearing can be scheduled. This will allow the Board to schedule the local public hearing at a time when

proper facilities are available and at a time most convenient to the public and the parties involved. Furthermore, it will allow the Board flexibility to reschedule the local hearing if an emergency situation arises that might require such rescheduling.

Finally, it is necessary to amend Sections 9(1) and (2) to shorten the requirement that an applicant must file proof of publication of notice of an evidentiary hearing and local public hearing from 5 days to 3 days in order to provide the applicant with a reasonable period of time in which to comply.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 278.702(3) provides authority to the Siting Board to adopt reasonable regulations in accordance with KRS 278.700 to 278.716. The addition of language concerning carbon dioxide transmission pipelines is required by the amendments to KRS 278.714 contained in 2011 Ky. Acts ch. 82, sec. 6.

The additional amendments to the regulation are necessary in order to provide the correct the zip code for the Board's address, to provide procedures regarding confidential materials that were inadvertently omitted when the regulation was initially promulgated in 2002, and to provide language regarding a "local public information meeting." The amendments to Sections 8(3), 9(1) and 9(2) regarding the notice provision for local public hearings and evidentiary hearings are reasonable changes, the necessity of which has been made evident by the Board's practical experience in administering the application review cases brought before it over the last nine years.

(d) How the amendment will assist in the effective administration of the statutes: The addition of language regarding carbon dioxide transmission pipelines will eliminate any question or confusion regarding whether an applicant for such construction

certificate must follow the provisions of 807 KAR 5:100. The corrections to the Board's zip code will ensure that application materials are mailed to the appropriate address. Adding the missing procedures regarding confidential materials will eliminate any questions or confusion regarding the appropriate measures to be taken with confidential materials that are later released to the public or no longer warrant the protections of confidentiality. Adding language concerning a "local public information meeting" will ensure that there are procedures in place for both local public hearings and local public information meetings. Finally, amending the notice requirements regarding local public and evidentiary hearings will allow the Board greater flexibility to schedule such hearings when most convenient to the public and parties involved while at the same time providing the applicant reasonable time to comply with the proof of notice requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects individuals, businesses, organizations, and other entities that seek to construct carbon dioxide transmission pipelines, merchant electric generation facilities, or nonregulated electric transmission lines.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The proposed administrative regulation will impact any party that files an application for a construction

certificate for a carbon dioxide transmission pipeline, merchant electric generation facility, or nonregulated electric transmission line. The amended regulation applies the current requirements for applicants for generating facility or electric transmission line construction certificates to applicants for a construction certificate for a carbon dioxide transmission pipeline, pursuant to 2011 Ky. Acts ch. 82, sec. 6. The amendments correcting the zip code provided in the current regulation will require applicants to use the proper zip code on all filings with the Board. The remainder of the amendments concern procedures governing the manner in which the Siting Board administers the cases before it. Therefore, applicants will not have to take any actions concerning those matters.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): De minimis, if anything.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): An applicant for a construction certificate for a carbon dioxide transmission pipeline will be ensured that his application to the Board will be handled in the same manner as applicants for construction certificates for merchant generating plants and nonregulated electric transmission lines.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: Implementation of the administrative regulation does not involve costs in addition to those already implicated by statutory requirements.

(b) On a continuing basis: No additional costs are expected.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation? No additional funding is required.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No funding increase is necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No.

(9) TIERING: Is tiering applied? (Explain why tiering was or was not used.) Tiering is not used in this proposed amendment. This amendment applies equally to all applicants for a certificate from the Siting Board, because there is no rational need to provide for alternative procedures based on applicable tiering principles.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation #: 807 KAR 5:110

Contact Person: Quang D. Nguyen

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes X No _____

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The proposed administrative regulation will impact any party that files an application for a construction certificate for a carbon dioxide transmission pipeline, a merchant electric generating facility, or a nonregulated electric transmission line.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. 278.702(3), 278.712, and 278.714(6) (as amended by 2011 Ky. Acts ch. 82, sec. 6).

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire

departments, or school districts) for the first full year the administrative regulation is to be in effect. None.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Nothing.

(d) How much will it cost to administer this program for subsequent years? Nothing.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): -0-

Expenditures (+/-): -0-

Other Explanation: