

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY POWER)	
COOPERATIVE, INC. FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO)	CASE NO. 91-082
CONSTRUCT CERTAIN ELECTRIC TRANSMISSION)	
AND DISTRIBUTION FACILITIES IN BULLITT,)	
SHELBY AND SPENCER COUNTIES IN KENTUCKY)	

O R D E R

By Order dated April 29, 1992, East Kentucky Power Cooperative, Inc. ("East Kentucky") was directed to provide certain information relating to the routing of a transmission line from West Frankfort to Shelby County. That information included a map showing the most feasible route and every structure within 200 feet of the line. On May 18, 1992, East Kentucky filed an objection to, and a motion to modify, the Commission's April 29, 1992 Order.

East Kentucky objects to performing site-specific studies of a West Frankfort-Shelby County transmission line on the grounds that the record evidence demonstrates that this route would be more expensive than the proposed Bullitt, Spencer, and Shelby counties transmission line; a change in the route would result in the project being delayed at least 12 months due to the need to obtain the requisite environmental and regulatory approvals; and the Commission lacks jurisdiction in this instance to determine the specific route of the transmission line. Should the

Commission not rescind its April 29, 1992 Order, East Kentucky moves the Commission to accept estimates of the location of a West Frankfort-Shelby County transmission line and the number of adjacent structures. Such estimates, according to East Kentucky, can be provided with an accuracy of approximately 90 percent and will be significantly less costly and time consuming to produce.

Based on the evidence of record and being advised, the Commission finds no merit in East Kentucky's objection. A transmission line through Bullitt, Spencer, and Shelby counties, as proposed by East Kentucky, would intersect numerous parcels of property and interfere with the uses of such property. In Kentucky Utilities Company v. Public Service Commission, Ky., 252 S.W.2d 885 (1954), our highest Court stated that a certificate to construct utility facilities should be granted only when there has been a showing that the facilities are needed and there is an absence of wasteful duplication. In defining duplication, the Court instructed the Commission to consider the "inconvenience to the public generally, and economic loss through interference with normal uses of the land, that may result from multiple sets of right-of-ways, and a cluttering of the land with poles and wires." Kentucky Utilities Company at 892. Since East Kentucky's proposed Bullitt, Spencer, Shelby counties transmission line would be 50 percent longer than a West Frankfort-Shelby County line, the Commission feels compelled in this instance to fully explore the latter alternative.

However, the Commission finds that East Kentucky's motion to provide estimates of the requested information that would have an

accuracy of approximately 90 percent and be prepared at a lower cost and within less time is well founded and should be granted.

IT IS THEREFORE ORDERED that:

1. East Kentucky's objection to the Commission's April 29, 1992 Order be and it hereby is overruled.

2. East Kentucky's motion to respond to the Commission's April 29, 1992 Order by submitting estimated information having an accuracy of approximately 90 percent be and it hereby is granted.

3. Within 20 days of the date of this Order, East Kentucky shall file a notice setting forth the date by which it will file the information requested by the Commission's April 29, 1992 Order.

Done at Frankfort, Kentucky, this 22nd day of June, 1992.


PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:



Executive Director