

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                      |   |                     |
|--------------------------------------|---|---------------------|
| THE APPLICATION OF EAST KENTUCKY     | ) |                     |
| POWER COOPERATIVE, INC. FOR          | ) |                     |
| A CERTIFICATE OF PUBLIC              | ) | CASE NO. 2005-00089 |
| CONVENIENCE AND NECESSITY TO         | ) |                     |
| CONSTRUCT A 138 KV TRANSMISSION LINE | ) |                     |
| IN ROWAN COUNTY, KENTUCKY            | ) |                     |

O R D E R

On May 23, 2005, Doug Doerrfeld (“Movant”) moved for full intervention and requested a local public hearing in this case. While Movant does not reside or own property in Rowan County, he states that he “works and recreates” there. Specifically, he states that he “uses and enjoys the forest resources of the Daniel Boone National Forest in Rowan County” including “areas within the forest that are in proximity to the corridor that has been proposed for the construction of the 138 kV transmission line” that is the subject of this application. Movant further states that he wants the Commission to consider “all reasonable alternative routing and configuration possibilities, including co-location along existing lines and existing rights-of-way.”

On May 25, 2005, East Kentucky Power Cooperative, Inc. (“Applicant”) filed its opposition to the motion.<sup>1</sup> Applicant points out that KRS 278.020(8) authorizes the Commission to consider interventions from “any interested person, including a person over whose property the proposed transmission line will cross.” Because Movant’s

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<sup>1</sup> Applicant does not oppose the request for a local public hearing.

property will not be crossed by the line, Applicant contends that he has no right to intervene under the recent amendment to that statute. Hence, his only right to intervene would be if he were an “interested person” under the law as it existed before the 2004 action by the General Assembly.

The Commission notes that while the 2004 amendments to KRS 278.020 were intended to (1) establish a Commission proceeding for transmission line certificates and (2) expand the potential intervenors, Movant here specifically raises concerns about the need for the line and especially the possible duplication of facilities by its construction, suggesting that alternatives using existing routes and rights-of-way should be considered. The Commission therefore finds that Movant has satisfied the threshold for intervention.

The Commission cautions Movant that the issues to be heard in this proceeding are not the same as those he may raise with environmental agencies and may well differ from those he is currently litigating with federal agencies. Nevertheless, it appears to the Commission that the intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

IT IS THEREFORE ORDERED that:

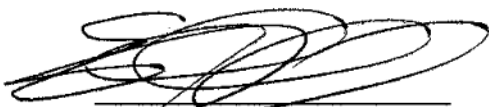
1. The motion of Doug Doerrfeld to intervene is granted.
2. Movant shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

3. Should Movant file documents of any kind with the Commission in the course of these proceedings, he shall also serve a copy of those documents on all other parties of record.

Done at Frankfort, Kentucky, this 26<sup>th</sup> day of May, 2005.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and flourishes, positioned above a horizontal line.

Executive Director