

EAST KENTUCKY POWER COOPERATIVE

August 26, 2005

RECEIVED

Ms. Elizabeth O'Donnell
Executive Director
Commonwealth of Kentucky
Public Service Commission
211 Sower Boulevard
PO Box 615
Frankfort, KY 40602-0615

AUG 26 2005

PUBLIC SERVICE
COMMISSION

RE: The Application of East Kentucky Power Cooperative, Inc. for a Certificate of Public Convenience and Necessity for the construction Of a 161 kV Electric Transmission Line in Barren, Warren, Butler And Ohio Counties, Kentucky. PSC Case No. 2005-00207

Dear Ms. O'Donnell:

Enclosed please find an original and ten (10) copies of the following Responses to be filed in the above reference case:

Applicant's Response to Intervenors Carroll and Doris Tichenor's 1st Data Request Dated August 3, 2005;

Applicant's Response to Intervenors Carroll and Doris Tichenor's 2nd Data Request Dated August 18, 2005;


Applicant's Response to Intervenor, Joey Roberts 1st Data Request Dated August 15, 2005; and

Applicant's Response to the Commission's 1st Data Request Dated August 18, 2005.

Applicant's Petition for Treatment of Confidential Information


I hope this meets with the approval of the Commission. Please advise if you need any further information.

Very truly yours,


Sherman Goodpaster III
Senior Corporate Counsel

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P.O. Box 707, Winchester,
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A Touchstone Energy Cooperative 

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

AUG 26 2005

PUBLIC SERVICE
COMMISSION

In the Matter of:

THE APPLICATION OF EAST KENTUCKY)
POWER COOPERATIVE, INC. FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY FOR) **CASE NO**
FOR THE CONSTRUCTION OF A 161 kV ELECTRIC) **2005-00207**
TRANSMISSION PROJECT IN BARREN, WARREN,)
BUTLER, AND OHIO COUNTIES, KENTUCKY)

**APPLICANT'S RESPONSE TO INTERVENORS
CARROLL AND DORIS TICHENOR'S
SECOND DATA REQUEST
TO COMMISSION STAFF DATED AUGUST 18, 2005**

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2005-00207

INFORMATION REQUEST RESPONSE

INTERVENORS CARROLL & DORIS TICHENOR'S SECOND DATA REQUEST
DATED 8/18/05

ITEM 1

RESPONSIBLE PARTY: MARY JANE WARNER

REQUEST: Please provide any and all documents which form the basis of the estimate of the total costs of acquiring all rights-of-way necessary for construction of the transmission line project as currently proposed.

RESPONSE: At the planning phase, generic estimates are used for the costs of new transmission lines that include right-of-way acquisition costs. These estimates are based on historical actual project costs on the EKPC transmission system. As estimates are refined, preliminary design considerations are made, but unless unusual circumstances exist, right of way costs are not site specifically refined. An average per mile estimate of \$108,000 was used for those sections of this Project utilizing new rights-of-way; \$58,000 per mile was used for co-located sections. For rebuild, a \$25,000 per mile adder was included for removal costs and costs related to legal processing for amended easements were estimated at approximately \$1000 per parcel. These costs were derived from experience on a recent project with similar terrain, topography, and land use characteristics.

EAST KENTUCKY POWER COOPERATIVE, INC.

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ITEM 2

RESPONSIBLE PARTY: MARY JANE WARNER

REQUEST: Please identify the total costs, per mile, of acquiring all rights-of-way necessary for construction of the transmission line project as it is currently proposed, discretely identified and classified by transmission line segment. For example, identify the total cost for acquisition of rights-of-way along Mile 1, Segment 1, of the proposed route.

RESPONSE: See Response for Item No. 1. Right-of-way Acquisition costs have not been developed for the Project at this level of detail.

EAST KENTUCKY POWER COOPERATIVE, INC.

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ITEM 3

RESPONSIBLE PARTY: SHERMAN GOODPASTER

REQUEST: To determine its routing options, EKPC engaged the services of Photo Science Geospatial Solutions (Photo Science) of Lexington, Kentucky. Photo Science performed aerial data collection, field reconnaissance and modeling for comparison of viable alternative routes over which the new transmission lines would be built. Please explain how routes were determined to be "viable".

RESPONSE: The Applicant OBJECTS to this request on the grounds that the information requested is not relevant to the Commission's determination of whether this Project is required by the public convenience and necessity. The Applicant does not believe that the 2004 Amendments to KRS 278.020 expanded the jurisdiction of the Commission to include a determination of routing, location, site selection, environmental matters, or right-of-way acquisitions. In Paragraph (12) of the Commission's Statement of Consideration relating to 807 KAR 5:120, the Commission's response to a request that environmental, historical, and archaeological impacts be addressed stated that:

The only mention in Chapter 75 of property impacts is the provision giving individual landowners the right to move for intervention. The statutory amendments therefore do not provide support for requiring the filings the Counsel suggests.

In paragraph (15) of the Statement of Consideration, in response to a request that the Commission be required to make a finding that the Applicant has demonstrated that due consideration has been given to location, configuration, and proposed maintenance of lines and corridors so as to minimize adverse property, scenic and environmental impacts and that all reasonable alternatives have been considered, including co-location of the line along existing rights-of-way, the Commission stated that:

For the reasons stated in item (12) above, the PSC does not believe the legislation supports this change.

As a result, the Applicant OBJECTS to any request related to the location and configuration of the lines and corridors, property impacts, environmental impacts, and routing alternatives including co-location along existing rights-of-way.

EAST KENTUCKY POWER COOPERATIVE, INC.

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ITEM 4

RESPONSIBLE PARTY: SHERMAN GOODPASTER

REQUEST: Please explain how EKPC chose the macro-corridor in which the proposed transmission line was sited, and provide all documents which form the basis of that choice.

RESPONSE: The Applicant OBJECTS to this request. See Objection set forth in Response to Item 3.

EAST KENTUCKY POWER COOPERATIVE, INC.

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ITEM 5

RESPONSIBLE PARTY: SHERMAN GOODPASTER

REQUEST: EKPC adopted an approach in its transmission line siting that used several parameters of factors to determine the most favorable line route within a general macro transmission corridor. Some of the factors considered were proximity to residences, commercial and industrial buildings, forests, wetlands, and line length co-location opportunities with roads and existing transmission lines. Please identify what other factors were considered. Also, please list all factors considered in the siting of the proposed transmission line. Please list them in order of priority, with an explanation of how factors are distributed in the list of priorities.

RESPONSE: The Applicant OBJECTS to this request. See Objection set forth in Response to Item 3.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2005-00207

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ITEM 6

RESPONSIBLE PARTY: SHERMAN GOODPASTER

REQUEST: EKPC's siting approach selected sample routes within the macro-corridor and ranked them. Please provide all documentation relating to the sample routes, including but not limited to maps, surveys, and accounting (cost estimates) documents, and documents that describe how the sample routes are ranked. Please provide all documents related to how the sample routes compared to one another. Please provide their rankings and all related documents.

RESPONSE: The Applicant OBJECTS to this request. See Objection set forth in Response to Item 3.

EAST KENTUCKY POWER COOPERATIVE, INC.

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ITEM 7

RESPONSIBLE PARTY: SHERMAN GOODPASTER

REQUEST: For each sample route within the macro-corridor, the line siting approach used by EKPC assigned weights to each factor and ranked the various routing options to select the best option. Please provide all documents related to EKPC's selection of the "best option".

RESPONSE: The Applicant OBJECTS to this request. See Objection set forth in Response to Item 3.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2005-00207

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ITEM 8

RESPONSIBLE PARTY: SHERMAN GOODPASTER

REQUEST: EKPC selected a preliminary route subject to further refinements and enhancements based on local input and detailed data. Please provide all documentation of the local input and detailed data that has been obtained by or for EKPC thus far. Please state whether and how EKPC has considered and/or will consider each item of input and piece of data for purposes of modifying the proposed route.

RESPONSE: The Applicant OBJECTS to this request. See Objection set forth in Response to Item 3.

EAST KENTUCKY POWER COOPERATIVE, INC.

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INTERVENORS CARROLL & DORIS TICHENOR'S SECOND DATA REQUEST
DATED 8/18/05

ITEM 9

RESPONSIBLE PARTY: SHERMAN GOODPASTER

REQUEST: Please identify all existing rights-of-way and transmission lines within the proposed macro-corridor. As to each of the four proposed transmission line segments, identify which rights-of-way and transmission lines are proposed to be used for the project. Identify which rights-of-way and transmission lines are not proposed to be used for the project, and explain why not.

RESPONSE: The Applicant OBJECTS to this request. See Objection set forth in Response to Item 3.

EAST KENTUCKY POWER COOPERATIVE, INC.

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ITEM 10

RESPONSIBLE PARTY: SHERMAN GOODPASTER

REQUEST: Please explain why the fourth transmission line segment uses significantly more new rights-of-way than co-location and rebuilds.

RESPONSE: The Applicant OBJECTS to this request. See Objection set forth in Response to Item 3.

EAST KENTUCKY POWER COOPERATIVE, INC.

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ITEM 11

RESPONSIBLE PARTY: MARY JANE WARNER

REQUEST: EKPC proposed a certain capital outlay for the proposed plan, both in its original and modified plans. However, cost details for other alternative plans were not provided. Please provide all cost details for all alternative plans and routes that are technically feasible, and all related documents.

RESPONSE: In EKPC's response to Request No. 10 of the Commission's First Data Request Dated 8/18/05, the potential alternatives to provide service to WRECC were outlined including screening level cost estimates. EKPC's Exhibits 9-1 and 9-2 in response to Request No. 9 of the Commission's First Data Request Dated 8/18/05 included component costs for the original and modified plans as noted above.

In Exhibit 1 to Mary Jane Warner's testimony, line route alternative costs were indicated for 32 different line routes on various segments of the project in Figure 2.4a, Figure 3.4a, and Figure 4.4a.

EAST KENTUCKY POWER COOPERATIVE, INC.

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ITEM 12

RESPONSIBLE PARTY: MARY JANE WARNER

REQUEST: ICF Resources, L.L.C., ("ICF") the Commission's Consultant, suggests that an assessment of a line routing alternative that adds the goal of minimizing the need for new rights-of-way is needed. Please provide all documents which relate to such an assessment. If you disagree with ICF's suggestion, please provide all documents which support or form the basis of your disagreement.

RESPONSE: Because the line routing assessment and methodology incorporates a consideration for co-location and heavily biases the engineering aspect of the process toward co-location, the process used by EKPC for selecting a route for the project already includes the goal to minimize the need for new rights-of-way. However, it does not set the exclusion of new rights-of-way as a goal, but develops a balance between many factors including proximity to residences, commercial buildings, schools-daycare-churches-parks-cemeteries, natural forests, stream/river crossings, wetland areas, floodplain areas, co-location with existing lines, and cost.

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ITEM 13

RESPONSIBLE PARTY: MARY JANE WARNER

REQUEST: ICF Resources notes that EKPC provided insufficient information to examine EKPC's selection of the proposed path to minimize the need to acquire new rights-of-way. If you disagree with ICF's observation, please provide all information which you believe supports your position and all documents upon which your position is based.

RESPONSE: Exhibit 1 from Mary Jane Warners testimony outlines the weighting and balancing assessment that resulted in the selection of the proposed route. The land use data used to assess the area was comprehensive and detailed. Please also see the response to Item 12.