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Case 2005-00207 Written Comments - Public Hearing

Donna Soper, Park City, Barren County

September 9th, 2005

My name is Donna Soper. My husband and I own and reside at 196 Jimmy Martin Road, Park City, Barren County. This property is identified as #98 on EKPC Exhibit 14 listing of landowners. My brother-in-law who has a Guidant Pace Maker also moved from a nursing home in Pennsylvania to reside with us. Additionally we brought our pets and livestock with us from rural upstate New York in May of this year when we purchased our home and 20 acres without knowledge of the proposed power line project.

The issues surrounding this public hearing have significant impact on Warren County WRECC customers as well as all of the land owners and residents affected by the EKPC proposed power facility and high voltage power transmission lines.

As I recall, BGMU's notice to terminate its TVA contract ran concurrent with the WRECC notice to terminate. BGMU rescinded it's notice to terminate after completing a thorough review evaluating some 13 proposals for replacement service contracts. This strongly suggests that none of the proposals could provide a better or cheaper product than the TVA is already providing.

WRECC, however, has not only **NOT** rescinded its notice to the TVA, but has failed to substantiate its decision to terminate with TVA and contract with EKPC. This decision was made in closed session without any form of public information or input. It is my understanding that as long as WRECC is contracted with TVA [which they are until 2008 when EKPC is due to take over] the Public Service Commission allows for exemption of WRECC's actions from their authority regardless of their stated future intentions.

This means that the decision by WRECC to contract with EKPC for the construction of a duplicate service at a projected cost of \$500 million to WRECC end consumers [the same decision that BGMU rescinded after thorough review] for service which is - and can continue to be provided to WRECC consumers by the TVA through equipment already in place and under maintenance - **this decision**, is not required to be evaluated by the Public Service Commission. This loophole in the statutes leaves the membership of WRECC and the public at large with a unique situation of the absence of protection from decisions being made by WRECC. **Were they** under the current authority of the PSC, WRECC would be bound to validate this decision and substantiate the end user cost of power to be provided by EKPC, would they not? The potential for higher end user costs than consumers are currently paying seems inevitable when considering the \$500 million new investment in equipment, Right-Of-Way and maintenance. Let's do the math. \$500 million over 33 years is roughly \$15 million per year... divided by 55,000 WRECC consumers is about \$272 per year or \$23 per month.... on top of their electricity usage - the projected rates for which no one has taken the responsibility to provide to date. This estimate is based on the currently projected cost of the contract. It would be naive of us to assume that this project will be completed within that budget. Yet neither WRECC or EKPC has been required to validate this issue.

Additionally, the recent report by ICF, consultants for the PSC, evaluating this Application, raises concerns for peak load capacity coverage projected by EKPC as well as the choice to obtain new Rights-of-way for a considerable portion of this project where ICF review of the same area shows opportunities for co-location or rebuilds. In essence, this contract proposes to replace the TVA product with one of lesser quality and at a greater cost to the consumer.

I respectfully submit that although this process of Application may give the illusion of protecting the public interest in deciding these very personal matters of economy, life and land, it would appear that it is - rather - designed to accommodate the utility from whom we, the public were promised protection, by shielding - whether actively or passively, the utilities from public and agency discovery and therefore scrutiny of these very basic issues. In support of this opinion, I submit each of EKPC's responses to public and intervenor requests for data in which they simply disregarded the requests by objecting. They have made no effort to inform the public. They have rather, twisted the truth in testifying before the Commission that efforts were made to gather public input. As Barren Circuit Court Judge has stated, the information offered to the public was misleading and greatly minimized the potential impact to great portions of prime farmland through the heart of Barren County.

In fact, this commission should not even entertain an application such as this, which proposes to substitute a product of lesser quality and at a greater cost to the consumer.

This application should - rather - be rejected in its entirety - and this bears repeating - based merely on its duplication of services of a lower standard AND at a higher cost which in no way serves Public Convenience or Necessity.

Further, the process by which the Applicant "proves" necessity of the transmission line based on the prior approval of the power plant seems to be a manipulation of the law. The individual consideration of phases of the same project appears to give the utility a leg up in gaining approval for the transmission line portion by automatically making the lines deemed necessary for the operation of the power plant. The decision on application for the lines should be required to meet the criteria of PUBLIC necessity for the entire project before consideration is given to the desire of the utility.

If this application is approved, WRECC through its contract with EKPC will claim the ability to appropriate the "eminent domain" powers of the Commonwealth and take Right-Of-Way property from landowners over this tract of new power line much to the chagrin of the landowners in light of the issues of market value decline, imminent health concerns and environmental impact of such an endeavor.

We, personally, would not have purchased this property at any price, had we been aware of the impending application for a power transmission line. We are dreading the sale of this property should the project go ahead. Although we have invested our life savings in the purchase, repair and upgrading of this property, should the power line proceed we will certainly lose a considerable portion of our investment and therefore, our retirement income.

In closing I'd like to say that - ironically - although there is acknowledgement of the health issues and loss of production for cattle living below these power lines, there is yet to be any acknowledgement of the health hazards to humans living near the same power lines. I understand that by statute it is not within the realm of the PSC authority to consider these factors and respectfully request to be advised of the proper avenue to lodge my concerns for these health and environmental issues.

I'd like to thank the Commission for this opportunity to be heard. Many of us recognize the weight of the decisions placed under the responsibility of the PSC without legislation giving the unilateral authority to rule on all of the relevant factors including health issues, environmental impact and declining market values. These are certain systematic failures which inevitably cost many needless taxpayer dollars. It is my hope that within the scope of the Commission's authority, the interpretation will recognize this needless and costly duplication of services for what it is and in so doing will also satisfy the public interests in protecting themselves from ALL of the relevant factors.

Thanking you once again,

Donna Soper
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