

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE  
COMMISSION

IN THE MATTER OF:

APPLICATION OF EAST KENTUCKY )  
POWER COOPERATIVE FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE ) DOCKET NO.  
AND NECESSITY FOR CONSTRUCTION ) 2005-00207  
OF TRANSMISSION FACILITIES IN BARREN, )  
WARREN, BUTLER, AND OHIO )  
COUNTIES, KENTUCKY )

\* \* \* \* \*

CARROLL AND DORIS TICHENOR'S  
MOTION TO INTERVENE

\* \* \* \* \*

Carroll and Doris Tichenor ("Tichenors"), by counsel, hereby move to intervene in the above-captioned proceeding as full parties.

Additionally, to the extent that the Commission has not already determined to conduct a local public hearing pursuant to 807 KAR 5:120 Section 3, the Tichenors request that a local public hearing be conducted.

Pursuant to 807 KAR 5:001 Section 3(8), the Tichenors respectfully request that they be accorded the rights and privileges of full Intervenors in this proceeding, and in support thereof, state as follows:

1. The Tichenors are residents and property owners in Butler County, Kentucky. Their address is 1086 Annis Ferry Road, Morgantown, Kentucky 42261-8001. They are members and ratepayers of the Warren Rural Electric Cooperative Corporation ("WRECC"), which is currently purchasing power from the Tennessee Valley Authority but has indicated an

intent to opt out and to purchase power wholesale from East Kentucky Power Cooperative (“EKPC”) in 2008. The proposed project, which consists of several new segments of 161 kV transmission lines and rebuilds of existing lines totaling some 90 miles in length, is intended to extend the EKPC transmission system into the WRECC service area.

2. The Tichenors have property and economic interests that are and may be adversely affected by the proposed project.

3. The Tichenors have been notified by EKPC that EKPC intends to construct a portion of the proposed transmission line on their farm, known as the Annis Ferry Farm, which is located in the Big Bend / Logansport community in Butler County.

4. As landowners of property on which the line is proposed to be located, the Tichenors have an unquestionable right to intervention. As persons “over whose property the proposed transmission line will cross,” the Tichenors are specifically identified by statute as being among the parties to whom intervention is available. KRS 278.020(8).

5. There are three archaeological sites and a historic site located on the Tichenors’ property, all of which have been listed on the National Register of Historic Places. The Tichenors provided details of those sites in a letter dated May 30, 2005, to Commission Director O’Donnell, and that letter is of record in this case and is incorporated herein by reference as if fully set out below.

6. To the extent that those sites, and other sites that may be eligible for listing on the National Register of Historic Places, may be affected, directly or indirectly, by the location of the

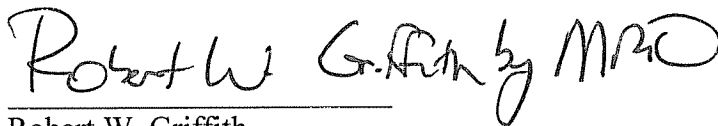
proposed transmission line, EKPC must satisfy all requirements of the National Environmental Protection Act and Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470 et seq.

7. The specific interests of the Tichenors, as members of the cooperative system whose property is affected by the proposed line and as individuals concerned with the minimization of adverse historic, property, and ecological impacts, may not be adequately represented by the other parties to this proceeding.

8. This motion is timely, because it is filed before expiration of the time period established for Intervention in the *Appendix to An Order of the Kentucky Public Service Commission in Case No. 2005-00207 Dated July 14, 2005*.

WHEREFORE, the Tichenors request that they be accorded the status of full Intervenors, and that each party to the case be directed to serve upon the Tichenors and their undersigned counsel all pleadings and information requests that are filed in this case from the date of granting of intervenor status forward.

Respectfully submitted,



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*Counsel for Carroll and Doris Tichenor*

## CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was duly served by mailing, first class postage prepaid to the following:

Hon. A. W. Turner  
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This the 29<sup>th</sup> day of July, 2005.



Counsel for Carroll and Doris Tichenor