

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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FEB 27 2006

In the Matter of:

PUBLIC SERVICE  
COMMISSION

JOINT APPLICATION OF )  
LOUISVILLE GAS AND ELECTRIC )  
COMPANY AND KENTUCKY UTILITES )  
COMPANY FOR THE CONSTRUCTION ) CASE NO. 2005-00467  
OF TRANSMISSION FACILITIES IN )  
JEFFERSON, BULLITT, MEADE, AND )  
HARDIN COUNTIES, KENTUCKY )

JOINT APPLICATION OF )  
LOUISVILLE GAS AND ELECTRIC )  
COMPANY AND KENTUCKY UTILITIES )  
COMPANY FOR THE CONSTRUCTION ) CASE NO 2005-00472  
OF ALTERNATIVE TRANSMISSION )  
FACILITIES IN JEFFERSON, )  
BULLITT, MEADE, AND HARDIN )  
COUNTIES, KENTUCKY )

CUNNINGHAM, CDH PRESERVE, LLC, HARRISON AND HARDIN  
MOTION TO INTERVENE  
AND  
REQUEST FOR PUBLIC HEARING

Come Dennis L. Cunningham, Cathy L. Cunningham, CDH Preserve, LLC, Lisa Harrison and Jennifer Harding by and through counsel, for their Motion to Intervene fully in the above-captioned proceeding, Case No. 2005-00467 and Case No. 2005-00472 consolidated by Order of February 1, 2006, and hereby add additional parties to the previously entered motion to intervene on January 23, 2006, and state as follows:

1. Movants', Dennis L. and Cathy L. Cunningham are owners of Movant CDH Preserve, LLC and real property located at 2697 Bethlehem Academy Road, Cecilia, Kentucky 42724, that will be adversely affected by the proposed "preferred" Transmission Line

and by the "alternative" Transmission Line to run from Elizabethtown Substation to Mill Creek Generation Station. The affected property is a 150 acre private nature preserve, with deed recorded in said name of CDH Preserve, LLC, a real estate holding company registered with the state of Kentucky and Indiana for the purpose of land preservation, specifically farm ground, and which company is engaged in the protection of land as habitat for wildlife, and for future generations, and which company is owned by Dennis and Cathy Cunningham, Movants. Cunninghams have previously been granted full intervention and restate their request to add CDH Preserve, LLC.

2. The Cunninghams and CDH Preserve, LLC have property that is regularly visited by endangered species namely the endangered Whooping Crane and is the summer residence of the endangered Indiana Bat. The Department of Interior has recommended that E-On (parent company of Louisville Gas & Electric Company and Kentucky Utilities "LG&E/ KU") avoid this property and all of the surrounding areas in order to preserve the surrounding habitat to assist the endangered Whooping Crane's full recovery. (See letter dated July 20, 2005).

3. The Cunninghams and CDH Preserve, LLC state that their property is a watershed for over 400 acres of wetland woods, old growth forest and farm land where run off water drains through the five (5) acre lake and twenty-five (25) acres of wetland

woods, Movants 100 acres of farm ground and from neighboring rural properties.

4. The proposed "preferred" Transmission Line will dissect the Cunninghams and CDH Preserve, LLC 100 acre farm ground like a jigsaw puzzle taking 23 acres of the 100 acres in easement, and almost a fourth of their prime farm ground along with approximately 1700 feet of prime road frontage. This action will render portions of the 23 acres useless and will have a direct impact on the economical and environmental vitality of this property.

5. This action will threaten and endanger the lives of many birds, resident and migrating, as well as create adverse health affects on fish, frogs, turtles, and other resident wildlife such as deer, turkey, raccoons, and opossums by herbicide contamination during and after construction. Endangered plant species, wetlands, and wildlife habitats will also be threatened through clear cutting and use of herbicides during and after construction. Farm ground and drinking water will also be contaminated during and after construction through the use of herbicides not just on the Cunningham property but along the entire route proposed by LG&E/KU.

6. The Cunninghams are members of the American Kiteflyers Association. They have plans to hold sanctioned kite flying events on the open 100 acres of land. The proposed Transmission

Line will cause serious safety issues for all participants. Movants had recently built a meeting facility on their property to accommodate inner city school children to introduce them to the educational and recreational aspects of kite building and flying. The proposed Transmission Line will hinder Movants' ability to use the land in its intended educational and recreational use as well as cause serious liability and safety issues.

7. Movant, Lisa Harrison, of 2352 New Salem Church Road, Vine Grove, Kentucky 40175, is a property owner of a 51 acre tract of land that will be forever impacted by the new proposed "preferred" transmission line to run from Elizabethtown Substation to Mill Creek Generation Station. The positioning of this transmission line will be a detriment to the only tillable level land on her property. This transmission line will severely impact the aesthetic character of the property which will result in a diminished property re-sale value of the land. The transmission line will also directly affect the way in which the land will be farmed in an adverse way. Harrison respectfully requests that she be allowed to intervene fully in the above styled proceeding in opposition of the proposed transmission lines.

8. Movant, Jennifer Hardin resides at 230 Aulbern Drive East, Mount Washington, Kentucky 40047, and is the sister of

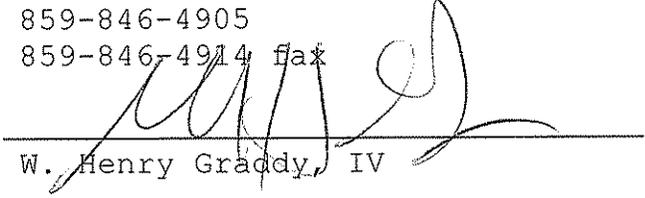
Lisa Harrison and has inheritable interests in the property located at 2352 New Salem Church Road, Vine Grove, Kentucky 40175, that will be completely dissected by the installation of the new transmission line. The property will loose several acreage to the transmission line, and part of the woods, common grounds too many deer, squirrels, and other wildlife. Aesthetically speaking, the land will loose its appeal and will suffer a drastic reduction in property value, and will diminish the future values of Jennifer Hardin's inheritable interest in the property. Hardin respectfully requests that she be allowed to intervene in the above styled proceeding in opposition of the proposed transmission lines.

9. **Cunninghams, CDH Preserve, LLC, Lisa Harrison and Jennifer Hardin request a Public Hearing.** Movants' are aware of the March 6, 2006 scheduled public hearing in Elizabethtown, KY as well as the public hearing scheduled for March 28, 2006 at the Public Service Commission for cross-examination purposes. Movants' request that the public hearing to be held in Elizabethtown, KY on March 6, 2006 allow the comments of the property owner's to be heard.

**WHEREFORE,** Dennis L. and Cathy L. Cunningham, CDH Preserve, LLC, Lisa Harrison, and Jennifer Hardin, Applicants to Intervene, move that they each be granted intervention pursuant to KRS Section 278.020 (8) and 807 KAR 5:001 3 (8) to intervene

fully in the above referenced matter.

Respectfully submitted,  
W. H. Graddy & Associates  
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W. Henry Graddy, IV

**CERTIFICATE OF SERVICE**

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

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Frankfort, KY 40602

Hon. A. W. Turner  
Public Service Commission  
211 Sower Boulevard  
PO Box 615  
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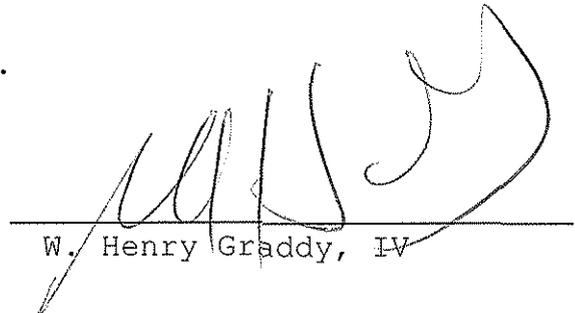
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This the 27 day of February, 2006.



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