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PUBLIC SERVICE
COMMISSION

August 31, 2007

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

RE: The Application of East Kentucky Power Cooperative, Inc. for a
Certificate of Public Convenience and Necessity for the construction
Of a 345 kV Electric Transmission Project in Clark, Madison, and Garrard
Counties, Kentucky. PSC Case No. 2006-00463

Dear Ms. O'Donnell:

Enclosed please find an original and ten (10) complete paper copies of EKPC's Post Hearing Brief in the above referenced case.

Should you have any questions, please feel free to contact me. Thank you for your assistance.

Very truly yours,



Sherman Goodpaster III
Senior Corporate Counsel

SG/ti
Enclosure

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 CONVENIENCE AND NECESSITY FOR) CASE NO
THE CONSTRUCTION OF A 345 kV ELECTRIC) 2006-00463
TRANSMISSION PROJECT IN CLARK, MADISON,)
AND GARRARD COUNTIES, KENTUCKY)

POST HEARING BRIEF
SUBMITTED BY EAST KENTUCKY POWER

Comes now the Applicant, East Kentucky Power Cooperative, Inc. (“EKPC”) and submits to the Commission its Brief in the above styled case.

Introduction

EKPC filed its original Application in this case on May 22, 2007, in which EKPC requested that the Commission issue a Certificate of Public Convenience and Necessity (“CPCN”) for a 345 kilovolt (kV) electric transmission line from EKPC’s J. K. Smith Electric Generation Station in Clark County, Kentucky, to an electric transmission substation to be constructed in Garrard County, west of Lancaster, Kentucky (“the Project”). The total length of this line will be thirty-five and six tenths (35.6) miles; eleven and eight tenths (11.8) miles of which will be a rebuild of an existing transmission line; fourteen and eight tenths (14.8) miles of which will be an essentially parallel co-location with existing transmission lines; and nine (9) miles of which will be new greenfield construction upon previously unencumbered land. The right of way for the rebuild section will be expanded from the existing width of one hundred (100) feet to a

right of way width of one hundred fifty (150) feet. On the co-located sections, the separation between the centerline of the existing transmission line and the new transmission line will vary from seventy-five (75) feet to one hundred twenty-five (125) feet, depending upon the topography and design criteria with the corresponding new right of way to be acquired, ranging from one hundred (100) feet to one hundred fifty (150) feet. The greenfield section of the Project will require one hundred fifty (150) feet of new right of way.

The Commission issued a scheduling order on June 1, 2007 and for three days on May 30, May 31, and June 1, 2007, EKPC personnel met with, and were interviewed by, Michael D. Cannata, Jr., P.E., of The Liberty Consulting Group (“Liberty”), the consultant employed by the Commission to perform a review of the need for, and the routing of, the Project. Liberty issued its report (“Liberty Report”) on June 25, 2007. The information provided and discussed during the three days of meetings with Mr. Cannata formed the basis of the Commission’s First Set of Data Requests, responses to which were filed by EKPC on July 16, 2007. A local public hearing was held by the Commission in Richmond, Kentucky on August 2, 2007, pursuant to KRS 278.020(8), at which five (5) individuals (“the Kirbys”) appeared and spoke, all representing the same tract of property and requesting that the proposed line be relocated so that it did not cross their property. A meeting was held following the public hearing among EKPC personnel and the Kirbys and other attendees of the hearing, at which time the property owners’ concerns were addressed. An Amended Application was filed by EKPC on August 15, 2007 revising Exhibits 8.01 - 8.06 to the Application to reflect a shift in the location of the centerline on one of the co-located sections from seventy-five (75) feet to as much as

one hundred twenty-five (125) feet. This Amended Application also revised Exhibit 9 to the Application to reflect the correct owner of one of the tracts of property crossed by the Project. A Second Amended Application was filed by EKPC on August 23, 2007 which revised Exhibit 8.07 to the Application to reflect a centerline shift on the second co-located section similar to the one described above. Both centerline shifts were required to provide safe clearances between the two lines to allow for conductor blow-out pursuant to the National Electric Safety Code, USDA Rural Utilities Service design criteria, and EKPC design criteria. A formal public hearing was held on August 22, 2007 at the Commission's offices in Frankfort, Kentucky.

Discussion

Need

The necessity for the Project is discussed in detail in the Prepared Testimony of Darrin Adams and Exhibits thereto, all of which were incorporated into the record as Application Exhibit 4. Reduced to most basic form, the need for this Project is triggered by the addition of two combustion turbine generating units at EKPC's J. K. Smith site, the CPCN for which has already been affirmed by the Commission on May 5, 2007. (Adams Testimony, P. 7, Q.14). The electrical alternative represented by this Project is the best alternative to address this need. (Adams Testimony, P. 4, Q. 10-12; P. 8, Q. 15-16), and will not result in the unnecessary duplication of facilities. (Adams Testimony, P. 8, Q. 15).

Liberty's report contained a very detailed examination and analysis of electrical need and alternatives as well as routing methodology and alternatives. Without going into a detailed discussion of Liberty's findings, suffice it to say that Liberty concurred

with the conclusions of Mr. Adams set forth above. (Lib. Rept. I. (C.), P. I-4; III (F), P. III 13). There is no evidence in the record that is contrary either to Mr. Adam's testimony or the conclusions set forth in the Liberty Report with respect to the need for the Project or the evaluation of alternatives.

Routing

A very detailed description of the routing and location EKPC utilized for this Project is set forth in the Prepared Testimony of Mary Jane Warner and Exhibit 1 and Exhibit 2 thereto, "Macro-Corridor Study, Smith to West Garrard 345 kV Transmission Project" and "Selection of Preferred Route, Smith to West Garrard 345 kV Transmission Project", respectively, all of the which is included in the original Application as Exhibit 3. Mrs. Warner further supplemented and elaborated on her testimony in response to questioning by the Commission and Commission Staff at the formal hearing held on August 22, 2007. EKPC does not feel that further elaboration or discussion is needed in this Brief.

EKPC would reiterate to the Commission, however, that after a thorough analysis of the routing process, Liberty found that the routing process utilized by EKPC was reasonable, sufficiently considered public input, constructively addressed landowner concerns, and optimized co-location opportunities. Specifically, the Liberty Report states:

"Liberty found that EKPC followed the Kentucky specific siting process developed by stakeholders in the "Kentucky Transmission Line Siting Model Project Report" and that its decision process was well documented, and clearly presented. Liberty also found that EKPC gathered sufficient public input in the routing process and that EKPC worked in a constructive manner to address landowner concerns.

Liberty also found that in the cases where the top routes were essentially equal from a siting perspective, that timing of EKPC's selection of its Expert Judgment weighting factors did not influence the route selection process. Liberty reviewed the overall final route selection made by EKPC and found its selection process to be reasonable. Liberty also found that the final route selected optimized the co-location opportunities. Liberty also believes that Commission determined flexibility in the final determination of the project centerline could be beneficial to further address landowner concerns."

(Lib. Rept., P. III-13 – P.III-14.)

There is no evidence in the record that is contrary either to Mrs. Warner's testimony or the conclusions set forth in the Liberty Report with respect to the reasonableness or sufficiency of the routing process.

Property Owners Concerns

Included with the original Application as Appendices A, B and C to Warner Testimony, Exhibit 2, is a compilation of the comments received by EKPC during the routing process and EKPC's responses thereto. EKPC does not feel that a detailed discussion of these comments and responses is warranted in this Brief, other than to restate Liberty's conclusion that "...EKPC gathered sufficient public input in the routing process and that EKPC worked in a constructive manner to address landowner concerns."

(Lib. Rept. Section III (F), P. III-13).

Subsequent to the completion of the routing process, EKPC continued to receive comments, questions and concerns from property owners. EKPC has responded to each of these contacts and while neither the subject of a data request by the Commission nor placed into evidence, EKPC submits a summary log of these contacts and responses with this Brief as "EKPC Brief Appendix 1". EKPC would submit to the Commission that while some of these property owners did not receive the answers they wanted to hear,

EKPC did, in fact, adequately address and respond to their concerns and questions. As Mrs. Warner testified at the hearing held on August 22, 2007, a transmission line must be routed as a whole from starting point to ending point, and to attempt to deal with the routing of a line in individual segments or worse yet, individual properties, is just not practical. While certain adjustments can be made under certain circumstances, it is unfortunate that it is just not possible to grant the wishes of each and every property owner. This is especially true if the desire of the property owner is to simply move the line off of their property and on to someone else's.

It is also necessary to briefly address the testimony of Bryan Kirby which the Commission allowed at the August 22, 2007 hearing over EKPC's objection. In response to questions by Commission Staffs Counsel, Mr. Kirby testified that, in his opinion, EKPC did not adequately address his concerns or those of other family members about the Project crossing the Kirby property identified as Parcel 353 on Exhibit 8.12 to the original Application and as Commission Hearing Exhibit 1. EKPC strongly disagrees with Mr. Kirby's opinion.

Mr. Kirby and four other members of the Kirby family, or individuals related to the Kirby family by marriage, spoke at the local public hearing held in Richmond, Kentucky on August 2, 2007. The recurring theme of the Kirbys' comments was a request to relocate the proposed route so as to avoid their property. These were also specific issues raised by the Kirbys' at the local hearing including:

- Whether to qualify as a potential residential development during the routing process, there must be a plat filed with a county agency;
- How estimates of right-of-way acquisition costs are determined in the routing process;
- General questions involved with the routing process including number of properties crossed and rights of way that must be acquired;

- The location of various structures in the area either listed or eligible to be listed on the National Register of Historic Places (NRHP); and
- Whether the line could be re-routed around the perimeter of their property.

Subsequent to the adjournment of the local hearing, EKPC personnel met with the Kirbys and other property owners attending the hearing in an adjacent room where maps and other exhibits were on display. Mr. Kirby admitted on cross-examination that at this post-hearing meeting, Brandon Grillon of EKPC met with the Kirbys and addressed the issues involved with the routing process. Further, Bruce Murrey of EKPC met with the Kirbys and addressed the issues of how right of way estimates are developed in the routing process and how property is evaluated for purposes of developing actual offer amounts for easement purchases. Joe Settles of EKPC also met with the Kirbys and addressed issues regarding structures on or eligible for the NRHP. Mr. Grillon also explained that it was cost-prohibitive to route the line around the perimeter of the Kirby property, and that moving the line onto another property would create impacts on that property similar to those on the Kirby property. Finally, Mary Jane Warner met with the Kirbys and addressed issues raised pertaining to electric and magnetic fields. As set out in Appendix 1 hereto, there were also additional phone conversations and e-mail correspondence with the Kirbys before and after the hearing.

It is EKPC's position that during these extensive post-hearing discussions, EKPC adequately addressed the concerns raised by the Kirbys in their comments at the hearing and afterward. It could very well be that Mr. Kirby and other members of his family feel that their concerns were not adequately addressed because the line was not moved off of their property as they requested. However, this should not be the standard used by the Commission to judge whether a utility in the routing process or afterward adequately

addresses concerns raised by an affected property owner. It is reasonable to expect that a utility meet or correspond with property owners to listen to their concerns and make adjustments where reasonable and to explain why adjustments cannot be made if unreasonable. This, EKPC feels, it did do with respect to the Kirbys after the local hearing in Richmond. The fact that the Kirbys were not satisfied with the answers they received should not affect the determination of whether EKPC reasonably and adequately addressed the issues they raised. EKPC would respectfully submit to the Commission that it did all it reasonably could do to address the issues raised by the Kirbys short of moving the line off their property.

Finally, EKPC would reiterate to the Commission Mrs. Warner's responses to questions of the Commission and Commission Staff Counsel relative to alternative routes that would not affect the Kirby property. Alternative Route E_r differs only from the selected Alternative Route H_r in that Segment 11 is utilized in Route E_r rather than Segments 12/13. Segment 11 is all greenfield and therefore cannot take advantage of the significant rebuild opportunity presented by Segment 12. Furthermore, the property at the point of intersection between Segment 11 and the existing KU lines is not only affected in a very similar manner as the Kirby property is on the preferred route, the property at the point of intersection on Segment 11 has already been subdivided for development, and a subdivision plat is recorded in the Garrard County Clerk's Office. The effect on the Segment 11 property is at least as great as, if not much greater than, the effect on the Kirby property. EKPC would submit that for these two reasons, alternative E_r utilizing Segment 11 is a much inferior route than Alternative H_r utilizing Segments 12/13.

The other possible alternative about which questions were asked involved essentially splitting the difference between Segment 11 and Segment 12/13. While this alternative was identified early on in the route selection process, Mrs. Warner testified at the hearing that it was deemed inadequate due to the close proximity of a co-location opportunity within 1500' of the route, and the fact that this alternative also came within close proximity of an existing NRHP listed site.

It would therefore appear from the record that Alternative H_r is not only a reasonable route, but is superior to all other alternatives especially in the area of the Kirby property.

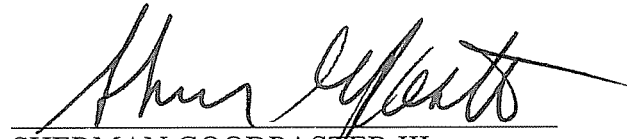
Conclusion

In conclusion, EKPC would very briefly state that the evidence in the record establishes:

- 1) That the Project is needed and that the selected electrical alternative is the best alternative to meet that need;
- 2) That EKPC's routing process and selected route are reasonable and optimizes co-location opportunities; and
- 3) That property owner concerns were adequately and reasonably addressed.

Wherefore, EKPC would respectfully request that the Commission grant a CPCN for the Project as set forth in the Application as Amended.


RESPECTFULLY SUBMITTED,



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ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was mail to each person designated on the official service list compiled by the Secretary for this proceeding, this the _____ day of August, 2007.


SHERMAN GOODPASTER III

(h:\legal\PSC\Smith-W. Garrard CPCN file\Post Hearing Brief)

7-10-06: N. Comer spoke with **Dave Gerrein** who lives on College Hill Road (at the corner of Black Road?). He had some questions and concerns. Comer emailed him a copy of the map showing all alternative corridors that have been identified. Number is 859-582-2523, email: dgerrein@chpl.net

CONTACT COMPLETED

7-25-06: N. Comer spoke with **Jeff Hester** (home: 859-792-6819, cell: 339-1618) who lives near W. Garrard substation site (Bourne property). Explained EKPC has identified a wide corridor for the transmission line in that area but has not identified a centerline. Told him we would have more information at a public open house EKPC plans for August. He asked to be kept up to date. Address: 2210 Danville Road, Lancaster, KY

CONTACT COMPLETED

7-26-06: N. Comer spoke with **Barb Saia** whose husband had emailed Bill Prather and called Bruce Murrey. They are considering purchasing property on Hackett Pike, which is crossed by an existing transmission line (two-pole, wooden). It appears this is Smith-Fawkes. Comer told her EKPC is considering either rebuilding or paralleling that line, but plans are preliminary and there will be a public open house in August. She asked about the possibility of moving a pole in line. Comer told her that could be possible but she should come to the public open house and he would make sure she receives notification. Home: 859-624-5421; cell: 314-1051. Address: Ron and Barb Saia, 503 Willow Ridge Ct., Richmond KY 40475. **8-24-06:** Comer spoke with Mrs. Saia and informed her of open house times and locations.

CONTACT COMPLETED

While trying to obtain permission for mist netting on Smith-West Garrard I spoke to **Reuben Bailey** who owns property over near Doylesville. He had a lot of questions that I was unable to answer. I told him that I would give you his contact info and maybe you could help. His phone number is 859-623-0500 (he said the best time to call was evening, around 9:00 PM) and his address is 3286 Doylesville Rd., Richmond, KY. Thanks for your help. He wasn't too excited about another powerline project. **8-24-06:** Left voice message for Mr. Bailey.

8-23-06: N. Comer spoke with **Billy Cone** who is purchasing property at 172 Long Way (Bradshaw Mill) on the Garrard/Madison line. He lives in Florida. He wants to know if property would be affected. Comer said it's about half-mile south of existing line and there are two natural gas lines on the property. Article in Garrard County paper said something about needing flat ground for line. Comer told him in that area EKPC is

looking at following an existing line and, if the property is a half-mile away, it shouldn't be affected. He faxed me a copy of the newspaper article.

CONTACT COMPLETED

8-24-06: Chris Hornsby, 859-314-1379, lives in Madison County and has questions about line. **8-24-06, p.m.:** Left voice message for Mr. Hornsby. 8-25-06: N. Comer spoke with Mr. Hornsby. He has existing line near (on?) his property. Comer referred him to packet of open house information posted on EKPC's web site. Mr. Hornsby said it appeared he will not be crossed but he intends to come to the open house.

CONTACT COMPLETED

5-2-07: (See 5-2-07 email to J. Settles) N. Comer spoke today with **Joan Shackelford** (EKPC parcel #22, 859-661-1548), who is a property owner on the Smith-West Garrard project. She said a group of three people (two females and a male) stopped by today and asked to enter her property to conduct surveying for EKPC and to look at the existing line (this is in the rebuild area). She initially said yes and they came onto the property, she said, with backpacks. At some point, they asked if they could go onto adjacent property that is owned by Harold Harris. She said she told them she could not give permission for another property owner. Then, she said, they said they could climb the fence. She said she did not want them to enter the Harris property from her property, so she asked them to leave. Ms. Shackelford said one of the people told her she should have received notification they were coming. She said one person gave her a card, but then said it had incorrect information and took it back.

Ms. Shackelford was not particularly upset, but wanted EKPC to know what happened. N. Comer spoke with Josh Young and he said historic/archaeologic surveying is being conducted in the area. I explained that process to Ms. Shackelford (I think she was under the impression they were going to be doing land surveying, so she was suspicious when they didn't have any of that type of equipment with them.) She seemed satisfied with the explanation.

CONTACT COMPLETED

5-4-07: N. Comer received message from H.K. Cunningham that **Dennis King**, (859-887-5500, office; 312-5500, cell) had called and said he had bought Parcel #362 from J.T. & Helen Collins. N. Comer later phoned Mr. King, who said he now owns the parcel with a partner and it is in the name of **H&K Partnership**, 111 Quinn Dr., Nicholasville KY 40356. N. Comer phoned **Helen Collins** and confirmed the sale of the property. On 5-9-07, N. Comer mailed a notification letter to H&K Partnership, C/O Dennis King.

CONTACT COMPLETED

5-17-07: On May 17, 2007, N. Comer received a phone message from **Barbara Jean Smith** to call her at 859-582-4084. Comer phoned her at approximately 1:30 p.m. Ms. Smith is an elderly lady and had several questions regarding EKPC's Smith-West Garrard

345-kV transmission project. Comer said it appears the new line will cross the edge of her property and will parallel an existing line on her property. He explained that the Kentucky Public Service Commission must review EKPC's plans and, if they are approved, EKPC will be in contact with Ms. Smith to negotiate an easement on her property. Ms. Smith asked that EKPC mail her another map of her parcel because she had accidentally thrown the other one away. Comer said he would do so. New map was mailed on 5-17-07.

CONTACT COMPLETED

5-18-07: At Inter-County Energy Annual Meeting, N. Comer spoke with **Roy Cain** (859-792-2840, 3026 Danville Road, Lancaster), who owns property next to the West Garrard substation site. He wants to know where the sub and access road will be located, and if the barn will be removed. Comer said he would find out info and get back to Mr. Cain. On 5-30-07, 11:10 a.m., N. Comer phoned Mr. Cain. Wife said call back in afternoon. 5-30-07, 3 p.m., N. Comer phoned Mr. Cain and informed him that currently, EKPC plans to construct the access road to Highway 52 on the narrow strip of land, and remove the existing barn. Mr. Cain was said he was happy to hear that because that means the access road will be on the side away from his property. He said he is interested in purchasing any excess between his property line and the access road. Comer said he would make Bill Sharp aware of his interest. Comer emailed Sharp with this information. Comer also informed Mr. Cain that the substation site will be on the back edge of the ridge, on the west side of the existing KU line.

CONTACT COMPLETED

5-21-07: N. Comer received a phone call from **John Logan** (215-885-7244) who has concerns about Parcel #239 (**Kennedy Heirs**) on Ky. 39. Mr. Logan lives in Philadelphia and has been out of town for a year. He said he just found EKPC's May 1 letter and saw that EKPC proposes to realign the portion of line that crosses the property. (This is in the rebuild portion of the line.) Mr. Logan says there used to be house on the property and his mother lived there. It burned down. He is considering building a new house there. He wants to know why EKPC is changing the alignment. Comer said he would check into the matter and call Mr. Logan back.

On 5-23, Comer spoke with B. Grillon about parcel. Realignment was necessary because the expansion of the right-of-way to accommodate the higher voltage lines would require EKPC to take the house and barn on the east side of Ky. 39 and could affect house to the south of Parcel 239.

On **5-23-07**, Comer phoned Mr. Logan, who asked him to call back the next day because he is "under the weather."

On **5-24-07**, 10:50 a.m., N. Comer left a voice message with Mr. Logan asking him to call Comer back.

On **5-30-07**, 11:15 a.m., N. Comer phoned 215-885-7244 and spoke with a female who said Mr. Logan recently had undergone bypass surgery and was still recovering. Comer left his number and said Mr. Logan can call anytime.

8-17-07: N. Comer received a voice message from Mr. Logan, asking him to call him at 215-885-7244. Comer phoned Mr. Logan at 11:15 a.m. Mr. Logan said he had undergone bypass surgery but was doing much better. In response to Mr. Logan's questions of 5-21-07, Comer explained the route proposal includes a realignment because expansion of the existing easement would impact homes and buildings on other parcels, particularly the house on the other side of Ky. 39. Mr. Logan said he would not have a problem with the alignment if it was located on the back side of his parcel. He said he is planning to construct a home in the next five years and the current alignment would affect the value of the parcel because it crosses close to the road. He asked if EKPC could adjust the alignment toward to back of the parcel. Comer said the alignment reflects the route that EKPC has proposed to the PSC and that any adjustment likely would affect other property owners. Concerning valuation, Comer told Mr. Logan that an EKPC right-of-way agent would be in touch with him to discuss purchasing an easement. Mr. Logan reiterated he is opposed to the current alignment and would contact lawmakers or file a lawsuit if necessary. He asked about EKPC's proposal to the PSC. Comer told Mr. Logan that the PSC currently is reviewing the proposal and contact information for the Commission was included in EKPC's 5-1-07 letter. Mr. Logan indicated that he would get in touch with the PSC.

CONTACT COMPLETED

5-21-07: Ruth Fox (Parcels #125 & #135, Greenfield) phoned Nick Comer with questions about proposal to construct Smith-West Garrard line on property she and her husband own. She asked if EKPC plans to have "turnaround area" on their property. Comer responded he does not know if any turns or guy wiring will be necessary on their property, but said he will check into it. She asked if EKPC would pay for property. Comer responded that EKPC would seek and pay for an easement on the property, but the owners would continue to own the property. He informed her the owner would be restricted from building structures in the easement area. She asked if this is taken into account when pricing easement, and Comer responded that EKPC conducts a market analysis of comparable land when making an offer. Mrs. Fox's phone numbers are: 859-624-4545 (w), 369-5874 (after 4 p.m.), 625-8608 (cell)

After speaking with B. Grillon, Comer phoned Mrs. Fox on 5-23-07 and informed her that, since no turns in the line are planned on her property, it will not be necessary to place guy wires on their property, just the poles and wire. I asked Mrs. Fox if this is what she meant by "turnaround area." She said it was and thanked Comer for the information.

CONTACT COMPLETED

5-22-07: Betsy Smith left a voice message for Nick Comer. Ms. Smith, Madison County, received EKPC's 5-18-07 mailing (postcard), and has questions. Will be in Wednesday morning till 11. Phone: 859-623-5109

5-23-07: N. Comer spoke with Ms. Smith. She wanted to know when EKPC plans to begin construction. Comer told her PSC review typically lasts 3-4 months, so construction probably will not begin earlier than late 2007 or early 2008.

CONTACT COMPLETED

5-23-07: B. Mayfield informed N. Comer that U.S. Rep. Chandler's office had received a call from **Joanna Kirby** (859-792-9462) about Smith-West Garrard line, and asked Comer to follow up.

N. Comer left voice message for Ms. Kirby on Thursday, 5-24, 10 a.m.

On 5-25, Mrs. Kirby phoned Comer. She said she and her husband own a farm that will be crossed "right through the middle" by the proposed Smith-West Garrard route.

Mrs. Kirby was calm and reasonable, but said she is "adamant" about land and farming and "will do everything we can to keep you from going across our farm." The farm is already crossed by another power line that runs another direction, so their farm will effectively be criss-crossed by lines, she said. She asked if it is unusual for two power lines to intersect. Comer informed her it is not unusual.

Comer answered Mrs. Kirby's questions about easements and right-of-way maintenance. She said it appears the proposed route would require the removal of a 100-year-old yellow buckeye tree.

Comer explained the line is necessary to deliver power produced by new generating units at Smith Station, and the units are necessary to accommodate load growth among EKPC's members.

Comer gave Mrs. Kirby a brief overview of the routing process and explained the proposed route is part of the application to the PSC. He explained the PSC's review process and informed her that process typically takes 90-120 days and usually includes a public hearing. Mrs. Kirby expressed interest in this process and Comer gave her the phone number and mailing address of PSC Executive Director Elizabeth O'Donnell. He also referred Mrs. Kirby to the information posted on EKPC's web site.

CONTACT COMPLETED

5-31-07: N. Comer received a voice message from **Mark Coffey** (859-661-1999). He has received EKPC's parcel maps that were mailed with the "will cross" notifications. He says the map he has received is "three properties down" from his parcel, but the bigger map shows that his parcel will be crossed. He's tried to call Bill Sharp and has not gotten hold of him. On 5-31-07, 11 a.m., Comer phoned Coffey who said he had talked to Sharp. Sharp had told Coffey that one ROW agents began contacting property owners, situation would be straightened out.

CONTACT COMPLETED

6-18-07: N. Comer received a call from **Barbara Smith**, a property owner on the Smith-West Garrard line, who lives on Tates Creek Road. She said she has received letters about project and wanted to know if EKPC will be paying for easement and what she needs to do. Comer told her project must be approved by PSC and EKPC would be in contact with her to negotiate for easement, and will pay for the easement. She said she can be reached at 859-200-0294 or 623-0274 (daughter's phone).

CONTACT COMPLETED

7-18-07: Received voice message from **Joanna Kirby** who said she has not seen a notice in the paper for the PSC public hearing. She asked that Comer call her back at 859-792-9462 and leave message, or call her at work at 859-236-8229. Comer called the home number about 4 p.m. and left a message, although it was not clear that the message was recorded corrected (machine beeped again about 10 seconds into message). Message called work number (a doctor's office) and received a recorded message that office is closed on Wednesdays.

7-19-07, ~9:30 a.m.: N. Comer phoned **Joanna Kirby** at her workplace (859-236-8229). He informed her of the PSC's plans to conduct a public hearing on Aug. 2, 5:30 p.m. at the Perkins Center on ECU's campus. Ms. Kirby asked what would happen at the meeting. Comer informed her the commission is in charge of the meeting, but it typically includes a brief presentation by the utility and then comments from the audience. She asked about getting a map of the route and Comer directed her to EKPC's web site <http://www.ekpc.coop/powerlineprojects.html>, which includes maps and aerial photos, as well as reports, press releases and other information. Ms. Kirby asked if she could get the names of the property owners being crossed. Comer said EKPC does not release that information. Ms. Kirby asked if she could get it at the courthouse and Comer said probably so. She said she would try to "stir those people up with a stick" and get them to come to the public hearing.

CONTACT COMPLETED

8-7-07: Received email from **Joanna Kirby** regarding routing question that was asked during 8-2-07 PSC public hearing. Consulted with B. Grillon on answering question.

8-10-07, ~noon: N. Comer received a phone message from Mrs. Kirby saying she needs an answer regarding the routing. N. Comer emailed B. Grillon's response to the email return address -- stuart_t@bellsouth.net -- at approximately 2 p.m. N. Comer then phoned Mrs. Kirby at 859-792-9462 to confirm that she had received the email. She said the address, stuart_t@bellsouth.net, is her work computer and asked Comer to email the response to kirbys50@hotmail.com. Comer forwarded the sent email to this address at 2:15 p.m.

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