

COMMONWEALTH OF KENTUCKY

RECEIVED

BEFORE THE PUBLIC SERVICE COMMISSION MAY 07 2007

In the Matter of:

PUBLIC SERVICE COMMISSION

BRUCE WAYNE VICKERS)
)
 COMPLAINANT)
)
 v.)
)
 KENTUCKY UTILITIES COMPANY)
)
 DEFENDANT)

CASE NO. 2007-00149

KENTUCKY UTILITIES COMPANY’S MOTION TO DISMISS

Kentucky Utilities Company (“KU”) hereby moves this Commission to dismiss the Complaint filed herein by Bruce Wayne Vickers (“Mr. Vickers”), for the reasons set forth below.

INTRODUCTION

Mr. Vickers’ pending Complaint relates to consolidated Case Nos. 2005-00467 and 2005-00472, in which KU and Louisville Gas and Electric Company (“LG&E”) (collectively “the Companies”) applied for and were granted approval to construct transmission facilities in Jefferson, Bullitt, Meade and Hardin counties (the “CCN Proceedings”). Mr. Vickers is a landowner whose property will be minimally crossed by a portion of the right-of-way for the planned transmission line.¹ While Mr. Vickers acknowledges that he was aware of the planned transmission facilities, he has filed a Complaint against KU, alleging a violation of his rights because he did not receive formal notice of the project from KU as part of the CCN Proceedings.² However, KU fully complied with the law regarding landowner notification.

¹ Affidavit of Kathleen A. Slay (“Slay Affidavit”), ¶ 2, attached hereto as Exhibit 1. No actual structures will be placed on Mr. Vickers’ property. *Id.*, ¶ 2.

² Complaint of Bruce Wayne Vickers (“Complaint”), pp. 1-2.

PROCEDURAL AND FACTUAL BACKGROUND

As part of their Joint Application in the CCN Proceedings, KU and LG&E notified all landowners over whose property the proposed transmission line right-of-way would cross based on county property valuation administrator (“PVA”) records in accordance with 807 KAR 5:120, Section 2 (3).³ Specifically, the Companies first consulted electronic PVA maps compiled by the state and then, finding the state records out of date, the Companies consulted the PVA maps maintained in each county in which the line was planned to be located in order to identify the specific parcels of land over which the proposed line would cross.⁴ Once those parcels were identified, PVA property ownership cards for those parcels were consulted to obtain the names and addresses for each property owner over whose property the transmission line right-of-way in each case was proposed to cross, and notice was then sent to those property owners in accordance with the Commission’s regulations.⁵ The Companies also undertook title examinations in an effort to locate any property transfers that had occurred but which were not yet reflected in the county PVA records, and any additional landowners revealed through those examinations were also given notice of the proposed line.⁶ In addition to those individual notices, the Companies published notice of their intent to construct the planned facilities and notice of the local public hearing in newspapers of general publication in each of the affected counties, all in accordance with the Commission’s regulations.⁷

Mr. Vickers resides in Hardin County, Kentucky.⁸ Attached hereto as Exhibit 3 is a copy of PVA Map No. 82 from the office of the Hardin County PVA. According to the property

³ Joint Applications in Case Nos. 2005-00467 and 2005-00472, Exhibits 2 and 6, as amended January 27, 2006.

⁴ Slay Affidavit, ¶ 3.

⁵ *Id.*, ¶ 3. 807 KAR 5:120, Section 2 (3).

⁶ Slay Affidavit, ¶ 4.

⁷ Copies of the Proof of Publication for each such notice are attached as Exhibit 2.

⁸ Complaint, p. 1.

ownership cards in that PVA office, Mr. Vickers is the owner of Parcel No. 9 as identified on Map No. 82.⁹ The right-of-way for the transmission line approved by this Commission in Case No. 2006-00467, and to be built by the Companies, will not cross Parcel No. 9.¹⁰ However, the right-of-way will cross Parcel No. 8, as identified on PVA Map No. 82.¹¹ Based on the records of the Hardin County PVA, Parcel No. 8 is owned by Alton Padgett.¹² A map prepared by the Companies, identifying the location of the planned line relative to the parcels of land as reflected in the PVA records, is attached as Exhibit 6.¹³

Because Mr. Vickers was not (and indeed still is not) identified as the owner of record, based on county PVA records, of any property crossed by the right-of-way for the planned facilities, he was not formally notified as part of the CCN Proceedings.¹⁴ However, notice was given to Mr. Padgett, and he has since granted the Companies an easement across Parcel No. 8 for construction of the planned line.¹⁵ After acquiring that easement, representatives of the Companies were physically present on Parcel No. 8 to mark trees for right-of-way clearing when they were approached by Mr. Vickers, who inquired about the purpose of their activity.¹⁶ Through subsequent conversations with Mr. Vickers and further investigation, the Companies learned, for the first time, that Hardin County PVA Map No. 82 incorrectly identifies the property line between Parcel No. 8 and Parcel No. 9.¹⁷ Specifically, Parcel No. 8 (identified as owned entirely by Mr. Padgett) actually encompasses a portion of land that is in fact owned by

⁹ A copy of Mr. Vickers' property ownership card from the office of the Hardin County PVA is attached as Exhibit 4.

¹⁰ Slay Affidavit, ¶ 5.

¹¹ *Id.*

¹² *Id.* A copy of Mr. Padgett's property ownership card from the office of the Hardin County PVA is attached as Exhibit 5.

¹³ Slay Affidavit, ¶ 5. The property identified as owned by Judy Padgett is now owned by her son, Alton Padgett. Mr. Vickers' property is the unmarked tract to the north and east of the Padgett property. The property line as it actually exists brings the Vickers property within the right of way of the planned line.

¹⁴ *Id.*, ¶ 6.

¹⁵ *Id.*, ¶ 6. A copy of that Easement is attached as Exhibit 7.

Mr. Vickers and which should be identified as part of Parcel No. 9.¹⁸ Approximately .23 acres of that land, shown on the PVA records to be owned by Mr. Padgett but in fact owned by Mr. Vickers, will be crossed by the right-of-way for the proposed line, although no structures will be physically placed on that land.¹⁹

For all of the reasons set forth below, KU acted in full compliance with the law in notifying affected landowners as part of the CCN Proceedings and the error in the Hardin County PVA records is not the basis for taking any action against KU. Accordingly, Mr. Vickers' Complaint should be dismissed.

ARGUMENT

Mr. Vickers claims a violation of his rights because he was not formally notified of the planned transmission line during the CCN Proceedings. However, the only "right" to notification flows from 807 KAR 5:120, and KU complied with that regulation in its entirety.

807 KAR 5:120, Section 2 (3) addresses individual notification, requiring utilities seeking to construct certain transmission facilities to send notice of the proposed construction to "each property owner over whose property the transmission line right-of-way is proposed to cross ... addressed to the property owner at the owner's address as indicated by the county property valuation administrator records..." Remaining sections of the regulation only address broader publication of notice. Section 2 (5) of the regulation requires publication of the notice of intent to construct the proposed facilities in a newspaper of general circulation in each affected county, and Section 3 (4) requires similar publication of the notice of local public hearing.

¹⁶ Slay Affidavit, ¶ 7.

¹⁷ *Id.*, ¶ 8.

¹⁸ *Id.*, ¶ 8.

¹⁹ *Id.*, ¶ 8.

As set forth in detail above, KU clearly complied with each of those regulatory provisions in the CCN Proceedings. Specifically, KU provided notice to all landowners over whose property line the planned transmission line would cross, based on county PVA records, as required by 807 KAR 5:120, Section 2 (3).²⁰ While the records in the office of the Hardin County PVA have now been discovered to be incorrect as they relate to Mr. Vickers' property, that error was not known to KU at any time during the CCN Proceedings.²¹ KU also complied with its remaining notice obligations when it published the newspaper notices as required by 807 KAR 5:120, Sections 2 (5) and 3 (4).²²

Mr. Vickers' Complaint does not dispute the existence of erroneous PVA records relating to his property.²³ Indeed, that error was apparently unknown to anyone before KU discovered it earlier this year. Mr. Padgett has been paying property taxes for all of Parcel No. 8, including that part of the land that is actually owned by Mr. Vickers, for years, and was paid by KU for an easement across land which also includes that actually owned by Mr. Vickers.²⁴ Nonetheless, Mr. Vickers claims that KU's reliance on the PVA records is a "terrible excuse for a multi-million dollar project."²⁵ What that argument fails to recognize, however, is that the Commission's regulation specifically allows – in fact directs – utilities, such as KU, to rely upon PVA records in sending out individual notice to landowners.²⁶ KU clearly complied with that regulation when it notified landowners based on the records of the Hardin County PVA, and it cannot be held responsible for errors – unknown to anyone at the time – which exist in those

²⁰ *Id.*, ¶ 3.

²¹ *Id.*, ¶ 8.

²² See Exhibit 2.

²³ Complaint, p. 2.

²⁴ Slay Affidavit, ¶ 6. KU is in the process of negotiating with Mr. Vickers for an easement to cover the right-of-way on that part of Parcel No. 8 owned by Mr. Vickers.

²⁵ Complaint, p. 2.

²⁶ 807 KAR 5:120, Section 2 (3).

records. For that reason alone, Mr. Vickers' Complaint should be dismissed. It is worth noting, however, that KU actually went above and beyond the strict requirements of the regulation and conducted title searches of properties in an attempt to be as thorough as possible in providing notice to individual affected property owners.²⁷ Unfortunately, however, the title search did not reveal the error in the records of the Hardin County PVA, presumably because there had never been any transfer of property from Mr. Padgett to Mr. Vickers.

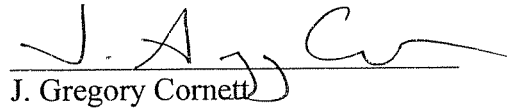
There is no question but that KU complied with the notice requirements of 807 KAR 5:120. While it is indeed unfortunate that there was an error in the records of the Hardin County PVA which precluded Mr. Vickers from receiving individual notice of the planned transmission line during the CCN Proceedings, KU properly and lawfully relied upon those records and there is thus no basis for any action against KU here. Mr. Vickers' Complaint should be dismissed.

CONCLUSION

Mr. Vickers' Complaint contains no basis for finding that KU acted in violation of the law with regard to landowner notification in the CCN Proceedings, and the further evidence offered by KU in support of this motion clearly establishes that its conduct was in compliance with the Commission regulations governing such notice. For those reasons, Mr. Vickers' Complaint should be dismissed with prejudice and this matter should be closed on the Commission's docket.

²⁷ Slay Affidavit, ¶ 4.

Respectfully submitted,



J. Gregory Cornett
STOLL KEENON OGDEN PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202-2828
Telephone: (502) 560-4210

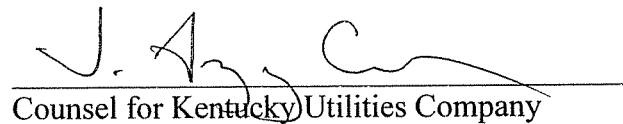
Allyson K Sturgeon
Corporate Attorney
E.ON U.S. LLC
220 West Main Street
Louisville, Kentucky 40202
Telephone: (502) 627-2088

Counsel for Kentucky Utilities Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was served by first-class mail, postage pre-paid, upon the following, this 7th day of May, 2007:

Bruce Wayne Vickers
2194 Blueball Church Road
Elizabethtown, Kentucky 42701



Counsel for Kentucky Utilities Company

EXHIBIT 1

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BRUCE WAYNE VICKERS)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2007-00149
)	
KENTUCKY UTILITIES COMPANY)	
)	
DEFENDANT)	
_____)	

AFFIDAVIT OF KATHLEEN A. SLAY

Affiant, having first been duly sworn, states as follows:

1. My name is Kathleen A. Slay. I am the Director of Operating Services for E.ON U.S. Services Inc., providing services to Louisville Gas and Electric Company and Kentucky Utilities Company (“KU”) (collectively the “Companies”). I have personal knowledge of the matters stated herein.

2. I have reviewed the Complaint filed by Bruce Wayne Vickers (“Mr. Vickers”) in this proceeding, and am providing this Affidavit in support of KU’s Motion to Dismiss that Complaint. Mr. Vickers is a landowner whose property will be minimally crossed by a portion of the right-of-way for the planned transmission line. No actual structures will be placed on Mr. Vickers’ property.

3. As part of their Joint Application in Case Nos. 2005-00467 and 2005-00472 (the “CCN Proceedings”), the Companies undertook the following process to notify all landowners over whose property the proposed transmission line right-of-way would cross based on county

property valuation administrator (“PVA”) records in accordance with 807 KAR 5:120, Section 2 (3): The Companies first consulted electronic PVA maps compiled by the state, but finding them out of date used the PVA maps maintained in each county in which the line was planned to be located in order to identify the specific parcels of land over which the proposed line would cross. Once those parcels were identified, corresponding PVA property ownership cards were consulted to obtain the names and addresses for each affected property owner and notice was sent in accordance with the Commission’s regulations.

4. In addition to the above process, the Companies undertook title examinations in an effort to locate any property transfers that had occurred but which were not yet reflected in the county PVA records, and any additional landowners revealed through those examinations were also given notice of the proposed line.

5. Attached as Exhibit 2 to KU’s Motion to Dismiss is a copy of PVA Map No. 82 from the office of the Hardin County PVA. According to the property ownership cards in that PVA office, Mr. Vickers is the owner of Parcel No. 9 as identified on Map No. 82. The right-of-way for the transmission line approved by this Commission in Case No. 2006-00467, and to be built by the Companies, will not cross Parcel No. 9. However, the right-of-way will cross Parcel No. 8, as identified on PVA Map No. 82. Based on the records of the Hardin County PVA, Parcel No. 8 is owned by Alton Padgett. A map prepared by the Companies, identifying the location of the planned line relative to these parcels of land, is attached as Exhibit 5 to KU’s Motion to Dismiss.

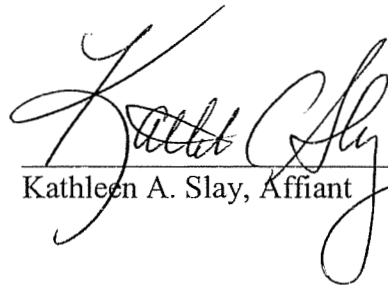
6. Because Mr. Vickers was not (and indeed still is not) identified as the owner of record, based on county PVA records, of any property crossed by the right-of-way for the planned facilities, he was not formally notified as part of the CCN Proceedings. However, notice

was given to Mr. Padgett, and he has since granted the Companies an easement across Parcel No. 8 for construction of the planned line, which easement purports to include land now known to be owned by Mr. Vickers. KU is currently negotiating with Mr. Vickers to obtain another easement for that part of the land which he actually owns.

7. After acquiring that easement, representatives of the Companies were physically present on Parcel No. 8 to mark trees for right-of-way clearing when they were approached by Mr. Vickers, who inquired about the purpose of their activity.

8. Through subsequent conversations with Mr. Vickers and further investigation, the Companies learned, for the first time, that Hardin County PVA Map No. 82 incorrectly identifies the property line between Parcel No. 8 and Parcel No. 9. Specifically, Parcel No. 8 (identified as owned entirely by Mr. Padgett) actually encompasses a portion of land that is in fact owned by Mr. Vickers and which should be identified as part of Parcel No. 9. Approximately .23 acres of that land, shown on the PVA records to be owned by Mr. Padgett but in fact owned by Mr. Vickers, will be crossed by the right-of-way for the proposed line, although no structures will be physically placed on that land.

Further, the Affiant sayeth not.


Kathleen A. Slay, Affiant

COMMONWEALTH OF KENTUCKY)
) SS:
COUNTY OF JEFFERSON)

Subscribed, sworn to and acknowledged before me by Kathleen A. Slay this 4th day of
May 2007.

My commission expires: July 11, 2007

J. M. Reid
Notary Public

EXHIBIT 2

NOTARIZED PROOF OF PUBLICATION

STATE OF KENTUCKY

COUNTY OF Franklin

Before me, a Notary Public, in and for said County and State, this 19th day of December, 2005, came RACHEL MCCARTY

personally known to me, who being duly sworn, states as follows:

That she is Advertising Assistant of the Ky Press
Service, Inc., and that the following

publications: see attached ran the Legal Notice for

Louisville Gas & Electric Co. & KY Utilities Co. Case No. 2005-00467 &
Case No. 2005- 00472.

Rachel McCarty
Signed

Bonnie A. Howard
Notary Public

My commission expires 9-18-2008

KENTUCKY PRESS SERVICE

**101 Consumer Lane
(502) 223-8821**

**Frankfort, KY 40601
FAX (502) 875-2624**

Rachel McCarty Advertising Dept.

List of newspapers running the Notice to Kentucky Utilities Company Customers. Attached tearsheets provide proof of publication:

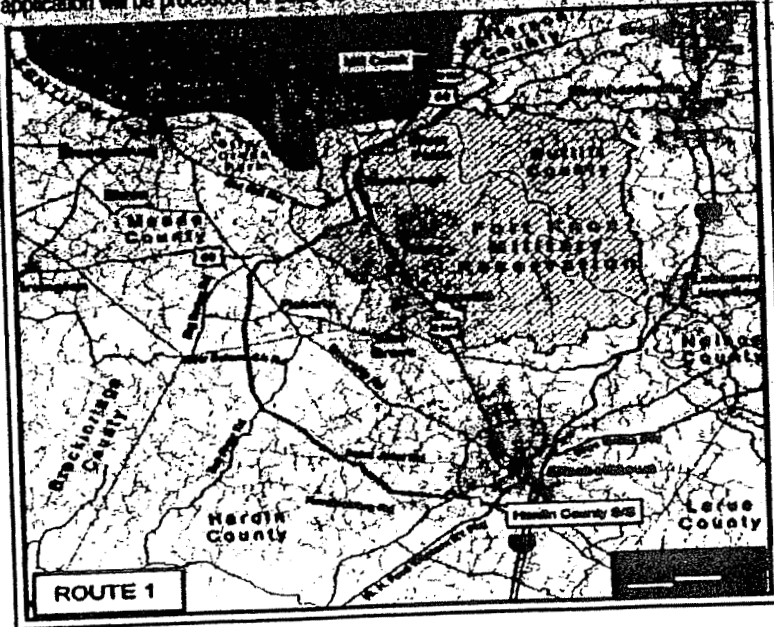
Brandenburg Messenger
Elizabethtown Hardin Co. Independent
Elizabethtown News Enterprise
Louisville Courier Journal
Shepherdsville Pioneer News

**NOTICE OF PROPOSED ELECTRIC TRANSMISSION LINE
CONSTRUCTION PROJECT**

Louisville Gas and Electric Company ("LG&E") and Kentucky Utilities Company ("KU") propose to construct a 345 kV transmission line to run from the Mill Creek Generating Station in Jefferson County to the Hardin County Substation in Hardin County. The purpose of the proposed transmission line is to accommodate the additional generating unit to be constructed in Trimble County, approved by the Kentucky Public Service Commission ("Commission") in Case No. 2004-00507. A map showing the route of the proposed line is shown below.

LG&E and KU plan to file an application with the Commission on or about December 22, 2005, seeking a certificate of public convenience and necessity authorizing construction of the proposed transmission line. The purpose of the Commission's LG&E/KU application is to determine whether the proposed transmission line is required by the public convenience and necessity. Any interested person, including a person over whose property the proposed transmission line will cross, may request intervention in this proceeding, and may request that the Commission conduct a public hearing in Jefferson, Bullitt, Meade, and Hardin counties.

To seek intervention in the Commission's proceeding on LG&E/KU's certificate of public convenience and necessity for the proposed transmission line, or to request a local public hearing in that case, contact the Executive Director, Public Service Commission, 211 Sower Boulevard, P. O. Box 615, Frankfort, Kentucky 40602, telephone number (502) 564-3940. The docket number under which this application will be processed is 2005-00467.

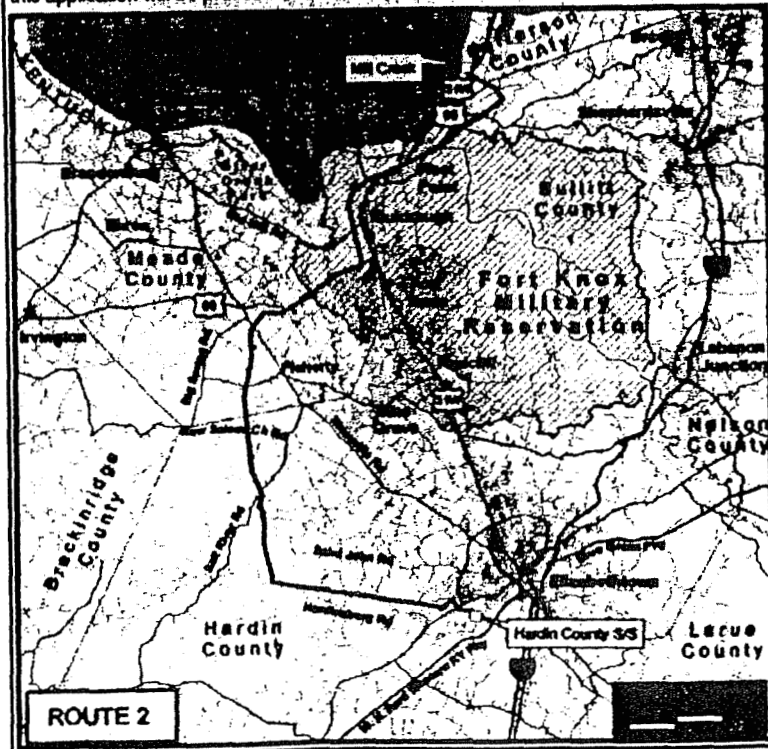


NOTICE OF PROPOSED ELECTRIC TRANSMISSION LINE CONSTRUCTION PROJECT

Louisville Gas and Electric Company ("LG&E") and Kentucky Utilities Company ("KU") propose to construct an alternative 345 kV transmission line to run from the Mill Creek Generating Station in Jefferson County to the Hardin County Substation in Hardin County. The purpose of the proposed alternative transmission line is to accommodate the additional generating unit to be constructed in Trimble County, approved by the Kentucky Public Service Commission ("Commission") in Case No. 2004-00507. A map showing the route of the proposed alternative line is shown below.

LG&E and KU plan to file an application with the Commission on or about December 22, 2005, seeking a certificate of public convenience and necessity authorizing construction of the proposed alternative transmission line. LG&E/KU propose to construct this line only in the event that the application to construct a transmission line proposed in Case No. 2005-00467 is denied. The purpose of the Commission's application is to determine whether the proposed alternative transmission line is required by the public convenience and necessity. Any interested person, including a person over whose property the proposed alternative transmission line will cross, may request intervention in this proceeding, and may request that the Commission conduct a public hearing in Jefferson, Bullitt, Meade, and Hardin counties.

To seek intervention in the Commission's proceeding on LG&E/KU's certificate of public convenience and necessity for the proposed transmission line, or to request a local public hearing in that case, contact the Director, Public Service Commission, 211 Sower Boulevard, P. O. Box 615, Frankfort, Kentucky 40602, telephone number (502) 584-3940. The docket number under which this application will be processed is 2005-00472.



**NOTICE OF PROPOSED ELECTRIC TRANSMISSION LINE
CONSTRUCTION PROJECT**

Louisville Gas and Electric Company ("LG&E") and Kentucky Utilities Company ("KU") propose to construct a 345 kV transmission line to run from the Mill Creek Generating Station in Jefferson County to the Hardin County Substation in Hardin County. The purpose of the proposed transmission line is to accommodate the additional generating line to be constructed in Trimble County, approved by the Kentucky Public Service Commission ("Commission") in Case No. 2004-00607. A map showing the route of the proposed line is shown below.

LG&E and KU plan to file an application with the Commission on or about December 22, 2005, seeking a certificate of public convenience and necessity authorizing construction of the proposed transmission line. The purpose of the Commission's review of the LG&E/KU application is to determine whether the proposed transmission line is required by the public convenience and necessity. Any interested person, including a person owning property the proposed transmission line will cross, may request intervention in this proceeding, and may request that the Commission conduct a public hearing in Jefferson, Bullitt, Meade, and Hardin counties.

To seek intervention in the Commission's proceeding on LG&E/KU's application for a certificate of public convenience and necessity for the proposed transmission line, or to request a local public hearing in that case, contact the Executive Director, Public Service Commission, 211 Sower Boulevard, P. O. Box 615, Frankfort, Kentucky 40602, telephone number (502) 584-5848. The docket number under which this application will be processed is 2005-00442.



NOTICE OF PROPOSED ELECTRIC TRANSMISSION LINE CONSTRUCTION PROJECT

Lexington Gas and Electric Company ("LG&E") and Kentucky Utilities Company ("KU") propose to construct an alternative 345 KV transmission line to run from the Mill Creek Generating Station in Jefferson County to the Hardin County Substation in Hardin County. The purpose of the proposed alternative transmission line is to accommodate the additional generating unit to be constructed in Trimble County, approved by the Kentucky Public Service Commission ("Commission") in Case No. 2004-00507. A map showing the route of the proposed alternative line is shown below.

LG&E and KU plan to file an application with the Commission on or about December 22, 2005, seeking a certificate of public convenience and necessity authorizing construction of the proposed alternative transmission line. LG&E/KU propose to construct this line only in the event that the application to construct a transmission line proposed in Case No. 2005-00467 is denied. The purpose of the Commission's review of the LG&E/KU application is to determine whether the proposed alternative transmission line is required by the public convenience and necessity. Any interested person, including a person over whose property the proposed alternative transmission line will cross, may request intervention in this proceeding, and may request that the Commission conduct a public hearing in Jefferson, Bullitt, Meade, and Hardin counties.

To seek intervention in the Commission's proceeding on LG&E/KU's application for a certificate of public convenience and necessity for the proposed alternative transmission line, or to request a local public hearing in that case, contact the Executive Director, Public Service Commission, 211 Sower Boulevard, P. O. Box 615, Frankfort, Kentucky 40602, telephone number (502) 504-3940. The docket number under which the application will be processed is 2005-00472.

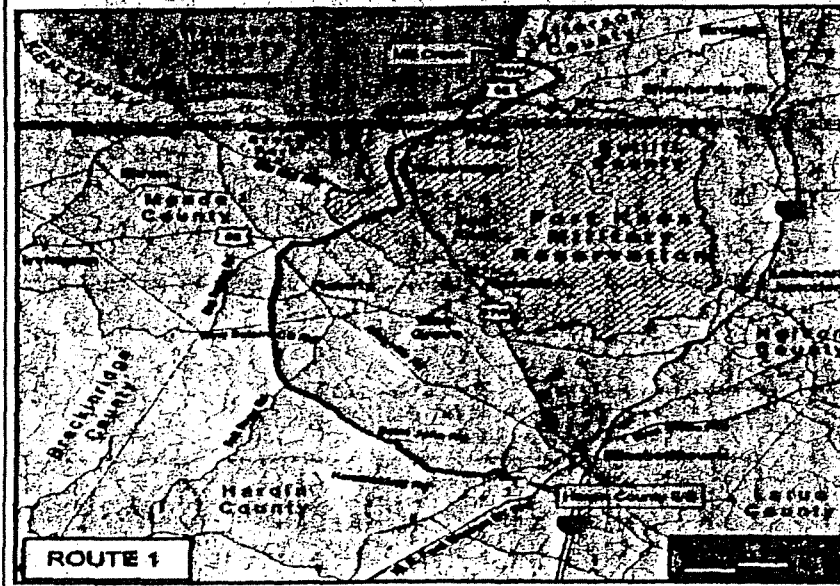


**NOTICE OF PROPOSED ELECTRIC TRANSMISSION LINE
CONSTRUCTION PROJECT**

Louisville Gas and Electric Company ("LG&E") and Kentucky Utilities Company ("KU") propose to construct a 345 kV transmission line to run from the Mill Creek Generating Station in Jefferson County to the Hardin County Substation in Hardin County. The purpose of the proposed transmission line is to accommodate the additional generating unit to be constructed in Trimble County, approved by the Kentucky Public Service Commission ("Commission") in Case No. 2004-00507. A map showing the route of the proposed line is shown below.

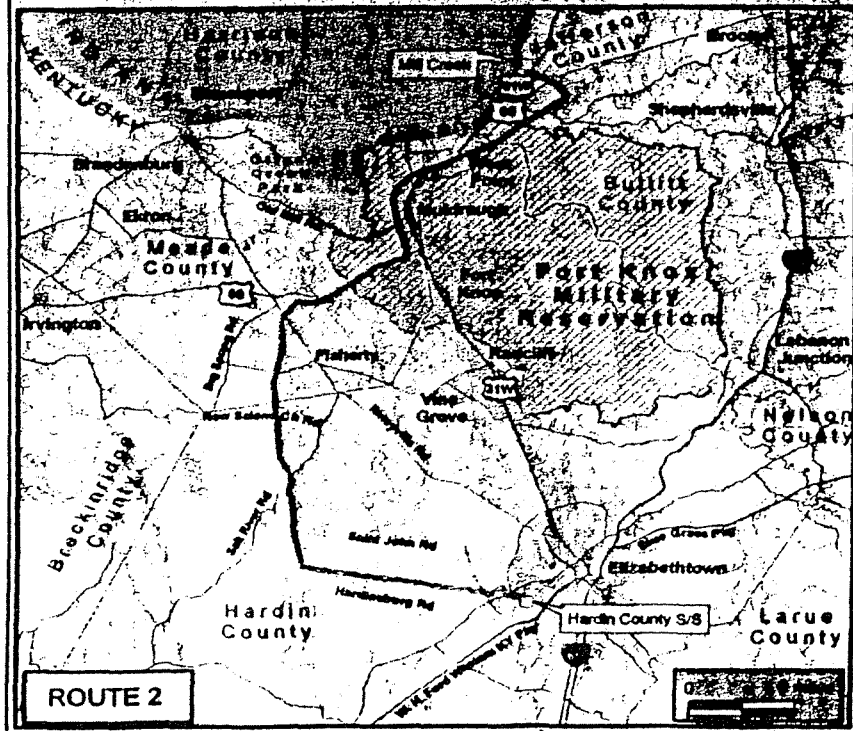
LG&E and KU plan to file an application with the Commission on or about December 22, 2005, seeking a certificate of public convenience and necessity authorizing construction of the proposed transmission line. The purpose of the Commission's review of the LG&E/KU application is to determine whether the proposed transmission line is required by the public convenience and necessity. Any interested person, including a person over whose property the proposed transmission line will cross, may request intervention in this proceeding, and may request that the Commission conduct a public hearing in Jefferson, Bullitt, Meade, and Hardin counties.

To seek intervention in the Commission's proceeding on LG&E/KU's application for a certificate of public convenience and necessity for the proposed transmission line, or to request a local public hearing in that case, contact the Executive Director, Public Service Commission, 211 Sower Boulevard, P. O. Box 615, Frankfort, Kentucky 40602, telephone number (502) 564-3940. The docket number under which this application will be processed is 2005-00487.



NOTICE OF PROPOSED ELECTRIC TRANSMISSION LINE CONSTRUCTION PROJECT

Louisville Gas and Electric Company ("LG&E") and Kentucky Utilities Company ("KU") propose to construct an alternative 345 kV transmission line to run from the Mill Creek Generating Station in Jefferson County to the Hardin County Substation in Hardin County. The purpose of the proposed alternative transmission line is to accommodate the additional generating unit to be constructed in Trimble County, approved by the Kentucky Public Service Commission ("Commission") in Case No. 2004-00507. A map showing the route of the proposed alternative line is shown below. LG&E and KU plan to file an application with the Commission on or about December 22, 2005, seeking a certificate of public convenience and necessity authorizing construction of the proposed alternative transmission line. LG&E/KU propose to construct this line only in the event that the application to construct a transmission line proposed in Case No. 2005-00467 is denied. The purpose of the Commission's review of the LG&E/KU application is to determine whether the proposed alternative transmission line is required by the public convenience and necessity. Any interested person, including a person over whose property the proposed alternative transmission line will cross, may request intervention in this proceeding, and may request that the Commission conduct a public hearing in Jefferson, Bullitt, Meade, and Hardin counties. To seek intervention in the Commission's proceeding on LG&E/KU's application for a certificate of public convenience and necessity for the proposed alternative transmission line, or to request a local public hearing in that case, contact the Executive Director, Public Service Commission, 211 Sower Boulevard, P. O. Box 615, Frankfort, Kentucky 40602, telephone number (502) 564-3940. The docket number under which this application will be processed is 2005-00472.



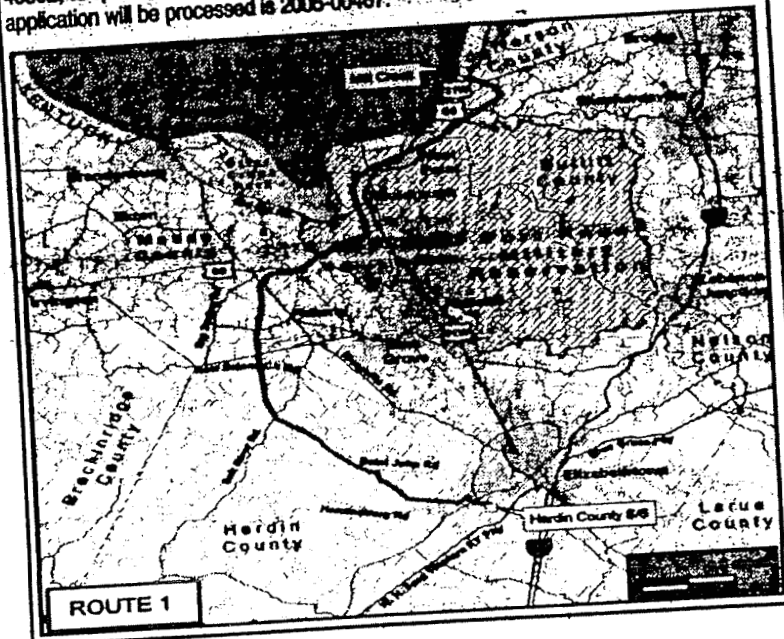
B-6 -- THE PIONEER NEWS, WEDNESDAY, DECEMBER 14, 2005

**NOTICE OF PROPOSED ELECTRIC TRANSMISSION LINE
CONSTRUCTION PROJECT**

Louisville Gas and Electric Company ("LG&E") and Kentucky Utilities Company ("KU") propose to construct a 345 kV transmission line to run from the Mill Creek Generating Station in Jefferson County to the Hardin County Substation in Hardin County. The purpose of the proposed transmission line is to accommodate the additional generating unit to be constructed in Trimble County, approved by the Kentucky Public Service Commission ("Commission") in Case No. 2004-00507. A map showing the route of the proposed line is shown below.

LG&E and KU plan to file an application with the Commission on or about December 22, 2005, seeking a certificate of public convenience and necessity authorizing construction of the proposed transmission line. The purpose of the Commission's review of the LG&E/KU application is to determine whether the proposed transmission line is required by the public convenience and necessity. Any interested person, including a person over whose property the proposed transmission line will cross, may request intervention in this proceeding, and may request that the Commission conduct a public hearing in Jefferson, Bullitt, Meade, and Hardin counties.

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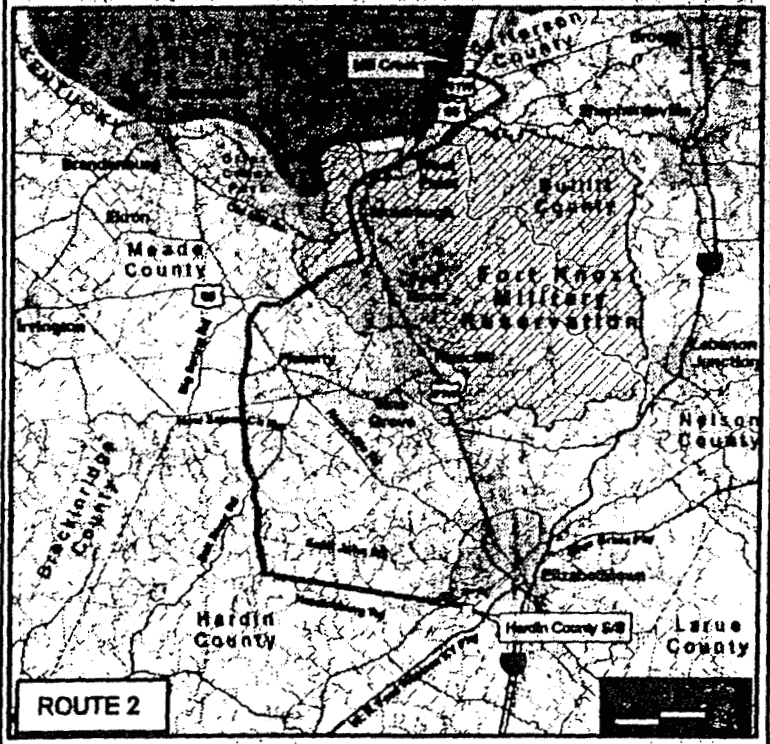
B-6 -- THE PIONEER NEWS, WEDNESDAY, DECEMBER 14, 2005

**NOTICE OF PROPOSED ELECTRIC TRANSMISSION LINE
CONSTRUCTION PROJECT**

Louisville Gas and Electric Company ("LG&E") and Kentucky Utilities Company ("KU") propose to construct an alternative 345 kV transmission line to run from the Mill Creek Generating Station in Jefferson County to the Hardin County Substation in Hardin County. The purpose of the proposed alternative transmission line is to accommodate the additional generating unit to be constructed in Trimble County, approved by the Kentucky Public Service Commission ("Commission") in Case No. 2004-00507. A map showing the route of the proposed alternative line is shown below.

LG&E and KU plan to file an application with the Commission on or about December 22, 2005, seeking a certificate of public convenience and necessity authorizing construction of the proposed alternative transmission line. LG&E/KU propose to construct this line only in the event that the application to construct a transmission line proposed in Case No. 2005-00467 is denied. The purpose of the Commission's review of the LG&E/KU application is to determine whether the proposed alternative transmission line is required by the public convenience and necessity. Any interested person, including a person over whose property the proposed alternative transmission line will cross, may request intervention in this proceeding, and may request that the Commission conduct a public hearing in Jefferson, Bullitt, Meade, and Hardin counties.

To seek intervention in the Commission's proceeding on LG&E/KU's application for a certificate of public convenience and necessity for the proposed alternative transmission line, or to request a local public hearing in that case, contact the Executive Director, Public Service Commission, 211 Sower Boulevard, P. O. Box 615, Frankfort, Kentucky 40602, telephone number (502) 584-3940. The docket number under which this application will be processed is 2005-00472.



ROUTE 2

NOTARIZED PROOF OF PUBLICATION

STATE OF KENTUCKY

COUNTY OF Franklin

Before me, a Notary Public, in and for said County and State, this 21st day of MARCH, 2006, came RACHEL MCCARTY

personally known to me, who being duly sworn, states as follows:

That she is Advertising Assistant of the ky Press
Service, Inc., and that the following

publications: see attached ran the Legal Notice for
Kentucky Utilites Co. Case No. 2005-00467 & 2005-00472.

Rachel M-Carty
Signed

Bonnie J. Howard
Notary Public

My commission expires 9-18-08

KENTUCKY PRESS SERVICE

**101 Consumer Lane
(502) 223-8821**

**Frankfort, KY 40601
FAX (502) 875-2624**

Rachel McCarty Advertising Dept.

List of newspapers running the Notice to Kentucky Utilities Company Customers. Attached tearsheets provide proof of publication:

Brandenburg Meade Co. Messenger
Elizabethtown Hardin Co. Independent
Elizabethtown News Enterprise
Louisville Courier Journal
Shepherdsville Pioneer News

NOTICE OF PUBLIC HEARING

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**LOUISVILLE GAS AND ELECTRIC COMPANY
220 West Main Street
Louisville, Kentucky**

**KENTUCKY UTILITIES COMPANY
One Quality Street
Lexington, Kentucky**



KENTUCKY PRESS SERVICE

101 CONSUMER LANE
 FRANKFORT, KY 40601-
 Voice (502) 223-8821 Fax (502) 875-2624

Tuesday, March 21, 2006 03:24 PM

Invoice

Agency MARY GILLESPIE
 E.ON U.S. Services, Inc.
 220 W. MAIN ST. 5TH FLOOR
 P.O. BOX 32010
 LOUISVILLE, KY 40232

PO Number
Order 06033EK0

Client KENTUCKY UTILITIES

Newspaper

Agency	Run Date	Ad Size	Rate	Rate Name	Color	Disc.	Total
BRANDENBURG MEADE CO. MESSENGER Notice cases 2005-00467 & 2005-00472--Access code: LGEKUMARCH	03/15/2006	1 x 4.5	\$8.75	CLDIS	\$0.00	7.5000%	\$39.38
ELIZABETHTOWN HARDIN CO. INDEPENDENT Notice cases 2005-00467 & 2005-00472--Access code: LGEKUMARCH	03/16/2006	1 x 4	\$5.75	CLDIS	\$0.00	7.5000%	\$23.00
ELIZABETHTOWN NEWS-ENTERPRISE Notice cases 2005-00467 & 2005-00472--Access code: LGEKUMARCH	03/15/2006	1 x 4.5	\$20.00	CLDIS	\$0.00	7.5000%	\$90.00
LOUISVILLE COURIER-JOURNAL Notice cases 2005-00467 & 2005-00472--Access code: LCJLGEKUNH	03/15/2006	2 x 3	\$111.22	CLDIS	\$0.00	0.0000%	\$667.32
SHEPHERDSVILLE PIONEER-NEWS Notice cases 2005-00467 & 2005-00472--Access code: LGEKUMARCH	03/15/2006	1 x 4.5	\$10.00	CLDIS	\$0.00	7.5000%	\$45.00

Total Advertising	\$864.70
Discounts	\$14.80
Tax: USA	\$0.00
Total Invoice	\$849.90
Payments	\$0.00
Adjustments	\$0.00
Balance Due	\$849.90

ANY QUESTIONS CONCERNING TEARSHEETS AND ALL REQUESTS FOR ACCOUNT CREDIT MUST BE MADE WITHIN FIVE DAYS OF THE DATE OF THIS INVOICE. IF THE REQUEST IS NOT RECEIVED WITHIN FIVE DAYS, THE CLIENT IS RESPONSIBLE FOR FULL PAYMENT OF THE INVOICE AMOUNT.

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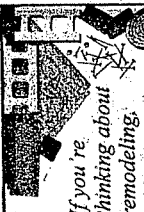
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NOTICE OF PUBLIC HEARING

The Public Service Commission of Kentucky will hold a public hearing on Tuesday, March 28, 2006, at 9:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices located at 211 Sower Boulevard, Frankfort, Kentucky, for the purposes of cross-examining witnesses in Case Nos. 2005-00467 and 2005-00472, which are joint applications of Louisville Gas and Electric Company and Kentucky Utilities Company for the Construction of Transmission Facilities in Jefferson, Bullitt, Meade, and Hardin Counties in Kentucky.

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2-14-06), 70 Lake Dr., Vine Grove, KY 40175. Attorney: Mark T. Scott

Estate of Schmidt, Michael Anthony, 8960 Rhodella Rd., Payneville, KY 40157. Carrie A. Schmidt, co-administratrix (appt. 2-21-06), 9300 Cima De Lago, Chatsworth, CA 91311. Stephen Paul Schmidt, co-administrator (appt. 2-21-06). Attorney: Herbert M. O'Reilly

Estate of Foreman, Rebecca, 775 Weldon Rd., Brandenburg, KY 40108. Philip Foreman, administrator (appt. 2-22-06), 775 Weldon Rd., Brandenburg, KY 40108

Estate of Neafus, Ruth D., 521 Springdale Rd., Brandenburg, KY 40108. Richard Lee Neafus, co-executor (appt. 2-28-06), 657 Worcester St., Southbridge, MA 01550. Scott Edward Neafus, co-executor (appt. 2-28-06), 2501 Q. St. NW, Washington, DC 20007. Attorney: Alec G. Stone

All persons having claims against above estates are hereby notified to the present the same properly verified according to the law to the above named administrator-executor no later than six (6) months from the above date of publication.

Final Settlement
I, Evelyn D. Medley, clerk of Meade District Court, hereby file notice that settlement has been filed in the estates listed below and exceptions thereto, if any, must be filed by 4-11-06.

Linda Martingly for the estate of Barley, William C., Evelyn D. Webb and Bennie E. Pack for the estate of Pack, Dorothy L.

sumac corn 23.72, 1.2%
beef all-stock \$4.50, 16%
dairy all-stock \$5.50, feed
oats \$7.14%, horse feed \$6.
10% horse feed \$5.50. All
in 50 lb. quantities. All pet
feeds. Nitretra. Purina and
Kent -11-11pd.

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WANTED: HUNTING LAND! Must have some or all heavily wooded acreage!
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• 800 number available

NOTICES

NOTICE OF PUBLIC HEARING

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LOUISVILLE GAS AND ELECTRIC COMPANY
220 West Main Street
Louisville, Kentucky

KENTUCKY UTILITIES COMPANY
One Quality Street
Lexington, Kentucky

Polk's Auto Unlock T & R requests that Cesar Hernandez, of Nashville, TN 37201, owner of a 1999 Toyota Celica, VIN# JT25T87N6L0040791 come forward with payment of \$1375.00 as of Feb. 27, 2006 or vehicle will be sold for payment.

Polk's Auto Unlock T & R requests that Loencio Hernandez, of Bridgeview, IL 60455, owner of a 1999 Pontiac Grand Prix, VIN# 1G2WR5212XF212557 come forward with payment of \$1550.25 as of Feb. 27, 2006 or vehicle will be sold for payment.

Polk's Auto Unlock T & R requests that Tamy Meitz of Elizabethtown, KY 42701, Owner of a 2001 Chevy Impala VIN# 2G1WF52E4191G0154 Come forward with payment in the amount of \$960.00 as of March 17, 2006 or vehicle will be sold for payment.

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- Paducah—March 30
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- Elizabethtown—April 5
- Georgetown—April 6
- Louisville—April 12
- Campbellsville—April 13
- Dry Ridge—April 18
- Middlesboro—April 19
- Lexington—April 20
- Russellville—April 26
- Erlanger—May 3
- La Grange—May 4
- Madisonville—May 11

Display info: ☎ 1-800-874-3597, ext. 333 abeka.org / 333

A forgotten

The parents were furious and when they couldn't convince their son to sell the car and renew his plans for college, they kicked him out of the house. He loaded the car with his games and possessions and started wandering around the country, all the time being encouraged by his little friend to stay the course.

I think it was forty or fifty years later, the young man was old and penniless. He had pushed the fancy car into a gas station but didn't have any money to fill it up. Recognizing his plight, a rich-looking woman walking past said, "I'll give you seventy-five for that," pointing to one of the man's games stuffed into the car.

"I'll take your seventy-five cents," he said. "At least that will buy me a gallon of gas." I told you this movie was a few years old.

"No," said the woman. "I meant seventy-five hundred dollars."

She explained to him that he had a rare, mint-condition set of antiques and suggested he contact a prestigious auction house to handle his merchandise.

The next scene shows the now old man with a gray beard in a tuxedo, proudly watching his car and other rare items selling for hundreds of thousands of dollars.

"I told you," said the Leprechaun, sitting at his side.

Now, how could I have forgotten the name of such a classic?

THE HARDIN COUNTY INDEPENDENT (USPS 001976) is published weekly by the Gerald R. Lush/Partnership, 318 North Mulberry Street, Elizabethtown, KY 42701. Subscription rates: \$20 per year in Hardin and adjoining counties; \$26 per year in other parts of Kentucky; and \$35 per year out of state. Periodicals postage paid at Elizabethtown, KY 42701. POSTMASTER: Send address changes to the HARDIN COUNTY INDEPENDENT, 318 North Mulberry Street, Elizabethtown, KY 42701.

ymment ed

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Business 100 Opportunities

100 Business Opportunities

All real estate advertising in this newspaper is subject to the Fair Housing Act which makes it illegal to advertise "any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin or an intention to make any such preference, limitation or discrimination." Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women and people securing custody of children under 18.

This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis. To complain of discrimination, call HUD toll-free at 1-800-669-9777. The toll free telephone number for the hearing impaired is 1-800-927-9275.



300 Legal Notices

NOTICE OF PUBLIC HEARING

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LOUISVILLE GAS AND ELECTRIC COMPANY 220 West Main Street Louisville, Kentucky KENTUCKY UTILITIES COMPANY One Quality Street Lexington, Kentucky

300 Legal Notices

300 Legal Notices

PUBLIC NOTICE

In accordance with the Transportation Equity Act for the 21st Century, notice is hereby given for an opportunity to present comments on an amendment to the Radcliff/Elizabethtown Urbanized Area Transportation Plan. The amendment is a re-prioritized list of highway projects for the period of 2005-2030.

The document will be on display at the Hardin County Public Library both in Elizabethtown and Radcliff, the Meade County Public Library, and the Lincoln Trail Area Development District (LTADD) from Wednesday, March 15 through Friday, April 14. The amendment is also available on the LTADD website (www.ltadd.org). All comments must be submitted in writing and will be taken before the Policy Committee of the Radcliff/Elizabethtown MPO for consideration.

Alternative formats will be made upon request.

RA 1?

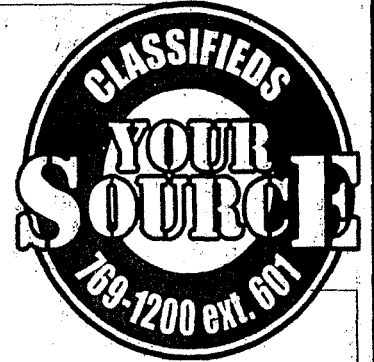
Home Delivery Newspaper Route or Delivery Carrier Opportunity

Now accepting information for future Home Delivery openings and/or Substitute Home Delivery Carriers.

For information below and mail or drop by: 8 West Dixie Ave., Elizabethtown, KY 42701

Form with fields for Name, Address, State, Zip, Cell Phone No., and e-mail address.

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SERVICES

THE NEWS-ENTERPRISE

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EXHIBIT 3

EXHIBIT 4

PROPERTY RECORD CARD

Map/Parcel ID: 082-00-00-009	Location 2194 BLUE BALL CH RD	District 0	Zoning F	State Class 20	Acres 49
--	---	----------------------	--------------------	--------------------------	--------------------

Owner Information
VICKERS BRUCE W & JOYCE

Mailing Address
2194 BLUE BALL CH RD
ELIZABETHTOWN, KY 42701-0000

Subdivision

Deed Information
Deed Book: 333
Deed Page: 098
Deed Date: 19801215

Dwelling Information
Style: RAISED RANCH
Story Height: 1
Attic: NONE
Basement: FULL
Year Built: 1980
Ground Fir Area: 960
Tot Living Area: 1680
Rooms: 0
Bedrooms: 3
Full Baths: 1
Half Baths: 1

Valuation
Fair Market Value: 116800
Homestead Exempt: 0
Disability Exempt: 0
Agricultural Exempt: 45400
Taxable Value: 71400

Sales History

Book/Page	Date	Price
	0/0	0

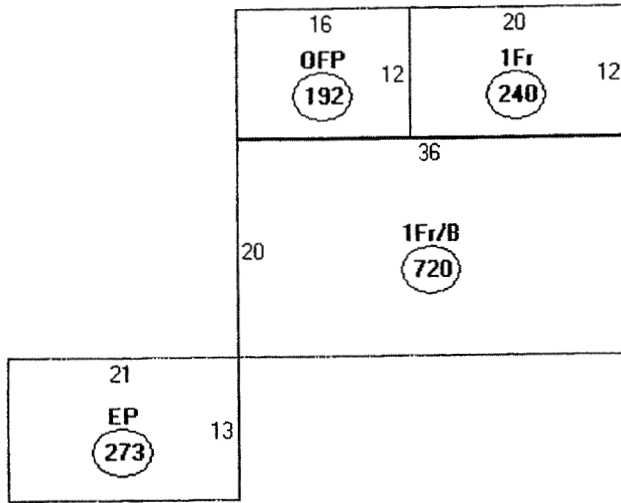
Out Building Information

Type	Qty	Year	Size 1	Size 2
RC1	1	1985	28	20

Property Picture



Building Sketch



Descriptor/Area

- A: 1Fr/B
720 sqft
- B: EP
273 sqft
- C: OFF
192 sqft
- D: 1Fr
240 sqft

EXHIBIT 5

PROPERTY RECORD CARD

Map/Parcel ID:	Card	Location	District	Zoning	State Class	Acres
082-00-00-008	1	2504 BLUE BALL CH RD	0	F	20	28.5

Owner Information
PADGETT ALTON PATRICK

Property Picture

Mailing Address
2504 BLUEBALL CH RD
ELIZABETHTOWN, KY 42701-0000



Subdivision

Deed Information
Deed Book: 1116
Deed Page: 745
Deed Date: 20040605

Dwelling Information

Style:
Story Height: 0
Attic:
Basement:
Year Built: 0
Ground Fir Area: 0
Tot Living Area: 0
Living Units: 0
Rooms: 0
Bedrooms: 0
Full Baths: 0
Half Baths: 0

Valuation

Fair Market Value: 121700
Homestead Exempt: 0
Disability Exempt: 0
Agricultural Exempt: 35700
Taxable Value: 86000

Sales History

Book/Page	Date	Price	Type	Validity
1116-745	20040605	0	2	N

Out Building Information

Type	Qty	Year	Size 1	Size 2	Grade	Cond
RM2	1	2000	31	76	B	G
SM9	1	0	0	214		

AP2

1

1970

36

60

C

A

Building Sketch

Descriptor/Area

EXHIBIT 6

EXHIBIT 7

TRANSMISSION LINE EASEMENT

This DEED OF EASEMENT made and entered into on this the 23rd day of February 2007, by and between the undersigned, ALTON PATRICK PADGETT, with a mailing address of 420 Padgett Road, Elizabethtown, KY 42701, Party of the First Part and KENTUCKY UTILITIES COMPANY, a Kentucky corporation, having its principal office and place of business at 220 West Main Street, Louisville, Jefferson County, Kentucky 40202, Party of the Second Part.

WITNESSETH:

That for and in consideration of Ten Dollars (\$10) and other cash consideration, the receipt of which is hereby acknowledged, the Party of the First Part does hereby grant and convey unto the Party of the Second Part, its successors, assigns, and lessees, the right, power and privilege to construct, inspect, maintain, operate, enlarge, rebuild and repair transmission and distribution lines for the transmission and distribution of electric energy, and all appurtenances thereto including down guys and anchors, along and upon the permanent easement and right-of-way hereinafter described together with the right of ingress and egress over the lands of the undersigned to and from said lines in the exercise of the rights and privileges herein granted; provided, however, that in exercising such rights of ingress and egress, the Party of the Second Part will, whenever practicable to do so, use regularly established highways or farm roads.

The Party of the Second Part is granted the further right to cut, trim and otherwise remove any and all trees located on the right-of-way described herein, and any and all other trees outside the easement which are of such height that, in falling directly to the ground, they would come in contact with said wires; also the right to remove brush and all other obstructions and obstacles from the right-of-way which would create a fire hazard to the subject lines.

It is further expressly understood and agreed that the Party of the Second Part will pay to the undersigned any and all damage that may be caused by the Party of the Second Part in going upon said lands and right-of-way, except that the Party of the Second Part will not be liable for any damage for cutting down trees in the manner and to the extent herein above specified.

The Party of the First Part, its successors, heirs or assigns, may use and enjoy the lands crossed by this easement, except, however, that such use shall not conflict with any of the rights and privileges herein granted. In particular, but not by way of limitation, no building, signs, towers, antennas, swimming pool or any other structure shall be erected or maintained along or upon the right-of-way described herein nor shall any changes in grade be made to the lands crossed by this easement which shall interfere with the privileges and rights herein granted.

The specific right-of-way upon which said transmission line shall be located is 200 feet wide lying 100 feet on both sides of the center line, insofar as the lands of the Party of the First Part extend to 100 feet on each side of said center line, which center line is described as follows:

Easement Description

Address: 420 Padgett Road
Tax Parcel: 082-00-00-008

Beginning at a point on the western boundary line of the parent tract of Alton Patrick Padgett (D.B. 1116 PG. 745 & D.B. 174 PG. 264), and being on the common division line of the parent tract and Phillip Addington (D.B. 244 PG. 637), said point being N47°27'07"W - approximately 1263 feet from the northeast corner of above said Phillip Addington; Thence leaving said point and across the parent tract with said easement centerline S50°28'49"E - approximately 2025.90 feet to a point, and S36°52'11"E - approximately 95.13 feet to a point on the north right-of-way line of Blueball Church Road (assumed 40' right-of-way), said point being S53°26'37"E - approximately 858 feet from the above said northeast corner of Phillip Addington, and containing 9.71 acres.

The lands over which this easement is granted are situated in the County of Hardin, State of Kentucky, and were conveyed to Alton Patrick Padgett by deed from Judy Padgett dated the 5th day of June, 2004 and recorded in Deed Book 1116, Page 745. This deed was conveyed to Alton Patrick Padgett.

Real Estate & Right of Way Dept.
Louisville Gas & Electric Co.
PO Box 32020
Louisville, KY 40202-2020
RETURN TO: ↑

Padgett and Katherine Padgett by Deed from W. M. Boling and Frances L. Boling, dated the 21st day of June, 1962 and recorded in Deed Book 174, Page 264 in the Office of the Clerk of the County Court of Hardin, Kentucky.

The Party of the First Part does hereby release and relinquish unto the Party of the Second Part, its successors, lessees and assigns, all of its interest in and to the easement herein granted, for the uses and purposes aforesaid, and it does hereby covenant to and with the party of the second part that it is seized in fee simple of the property upon which said easement lies and has good and perfect right to convey the easement as herein done and it does WARRANT GENERALLY its title for the uses and purposes of this Deed of Easement.

IN TESTIMONY WHEREOF, the Party of the First Part has caused this easement to be executed this 23rd day of February, 2007.

Alton Patrick Padgett
ALTON PATRICK PADGETT

STATE OF KENTUCKY)
COUNTY OF *Hardin*) ss

I, *L M Beil*, a Notary Public in and for the State and County aforesaid, do hereby certify that the foregoing instrument of writing was this day produced before me in said County and State by ALTON PATRICK PADGETT and acknowledged by him to be his act and deed.

Witness my hand this 23rd day of February, 2007

My commission expires July 11, 2007

L M Beil
NOTARY PUBLIC

2007 FEB 23 12:16
REC'D
HARDIN COUNTY CLERK
D.C.
K&F HOUSING TRUST FUND
REC'D
HARDIN COUNTY CLERK
D.C.

THIS INSTRUMENT PREPARED BY

Joe Dineen
KENTUCKY UTILITIES COMPANY
CORPORATE LAW DEPARTMENT
220 West Main Street
Louisville, Kentucky 40202
Telephone: (502) 627-3712