

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITING

In the Matter of:

APPLICATION OF SOUTHERN INDIANA)
GAS & ELECTRIC CO., D/B/A VECTREN)
ENERGY DELIVERY OF INDIANA, INC.)
FOR A CONSTRUCTION CERTIFICATE TO)
CONSTRUCT AN ELECTRIC TRANSMISSION)
LINE FROM ITS A.B. BROWN PLANT TO THE)
BIG RIVERS EHV STATION)

CASE NO.
2010-00223

RECEIVED
KENTUCKY STATE BOARD ON
SEP 13 2010
ELECTRIC GENERATION AND
TRANSMISSION SITING

**RESPONSE OF CITY OF HENDERSON
TO SITING BOARD STAFF'S FIRST INFORMATION REQUEST**

Comes the City of Henderson (hereinafter referred to as "City"), by counsel, and for its Response to Siting Board Staff's Data Request states as follows:

1. Refer to page 2 of Henderson's August 15, 2010 Motion for Intervention, in which Henderson states that "the proposed route for the Vectren line and its subsequent operation will directly and adversely affect property owned and maintained by the City."

A. Explain in detail Henderson's assertion that the proposed route for the transmission line proposed in Vectren's July 15, 2010 application in this case will adversely affect Henderson's property.

Person Responsible: Russell Sights

Response: First, the proposed Vectren route crosses property owned by Henderson Water Utility (HWU). The City of Henderson is the owner of Henderson Water Utility and has a vested interest in the impact that the proposed route by Vectren has on the future waste water plant master plan for expansion. Ultimately, any cost

incurred to HWU due to the proposed route will be borne by the rate payers of Henderson and Henderson County.

Second, Mt. Zion Cemetery is a historic African American cemetery that is located within the proposed corridor by Vectren. The cemetery was restored and is currently maintained by the City of Henderson. There has been concern expressed by the African American community as well as the Daughter of the American Revolution Local Chapter of the unsightly appearances of the proposed structure to an historical cemetery site.

Lastly, the City of Henderson owns Henderson Municipal Power and Light (HMP&L). Please refer to HMP&L's concerns in their data request response to the Siting Board. As stated earlier, the citizens of Henderson will be adversely affected by the proposed route and any financial burden placed on them would be unfair and unjust.

B. Property any data, reports, analyses, or any other information in Henderson's possession which support Henderson's assertions that Vectren's proposed transmission line will adversely affect Henderson's property.

Person Responsible: Russell Sights

Response: Please see the City of Henderson's data request response to Vectren and accompanying exhibits. The data contained therein includes information regarding residential and environmental impacts and discussion of alternative route proposed by the City of Henderson. The City of Henderson representative utilities, Henderson Municipal Power and Light and Henderson Water Utility have been in several meetings with Vectren engineers seeking answers to questions regarding the impact on engineering related issues. To date, that information has not been made available to either utility.

2. Refer to page 2 of Henderson's August 16, 2010 Motion for Intervention, in which Henderson states that Vectren's proposed transmission line will "adversely affect the City and will have a significant adverse impact upon legal, scenic, historic, aesthetic and perhaps archaeological assets and property of the City and Commonwealth."

A. Explain in detail Henderson's assertion that Vectren's proposed transmission line will have a significant adverse impact upon:

[1] The city of Henderson.

Person Responsible: Russell Sights

Response: As explained in detail under question 1(A) and 1(B) above, the City's position has been answered in regard to the historic and aesthetic assets and property of the City or its utilities. Please also refer to the City's response to the remaining subparts of question 2.

[2] Legal assets and property of Henderson and the Commonwealth.

Person Responsible: Russell Sights

Response: In regard to the legal aspect, Sections 163 and 164 of the Kentucky Constitution and Kentucky case law prohibit the construction of the proposed electric transmission line on, over or across City-owned property without the consent of the City, which has not been given; nor does Vectren have the power to condemn public property belonging to the City of Henderson.

[3] Scenic assets of Henderson and the Commonwealth.

Person Responsible: Russell Sights

Response: The City of Henderson has received an \$8.6 million Federal grant to make improvements to City-owned Riverfront property, extending from Powell Street to 12th Street. Improvements include a walking trail, tennis court improvements and enhancements to existing Riverfront City-owned parks. The potential aesthetic impact has been raised by various civic groups in Henderson.

[4] Historic assets of Henderson and the Commonwealth.

Person Responsible: Russell Sights

Response: As previously discussed in question 1, Mt. Zion Cemetery is listed as an historic cemetery. Fairmont Cemetery, located on Drury Lane, also lies within the corridor of Vectren's proposed route.

[5] Aesthetic assets of Henderson and the Commonwealth.

Person Responsible: Russell Sights

Response: Although the Fairmont Cemetery is not historic, the aesthetic impact can be viewed by families who have family members buried there as being unsightly.

[6] Archaeological assets of Henderson and the Commonwealth.

Person Responsible: Russell Sights

Response: Archaeological impact would have to be addressed by Vectren in its application process.

B. Provide any data, reports, analyses, or any other information in Henderson's possession which support Henderson's assertion that Vectren's proposed

transmission line will adversely affect “legal, scenic, historic, aesthetic and perhaps archaeological assets and property” of Henderson and the Commonwealth.

Person Responsible: Russell Sights

Response: As indicated in question 1(B), attachment of data information has been included.

3. Refer to page 2 of Henderson’s August 16, 2010 Motion for Intervention, in which Henderson states that Vectren’s proposed transmission line “will be in violation of applicable law.”

A. Explain in detail Henderson’s assertion that Vectren’s proposed transmission line will violate applicable law.

Person Responsible: Russell Sights

Response: Sections 163 and 164 of the Kentucky Constitution and Kentucky case law prohibit the construction of the proposed electric transmission line on, over or across City-owned property without the consent of the City, which has not been given; nor does Vectren have the power to condemn public property belonging to the City of Henderson.

B. Provide any data, reports, analyses, or any other information in Henderson’s possession which support Henderson’s assertions regarding the legality of Vectren’s proposed transmission line.

Person Responsible: Russell Sights

Response: Please see response to question 2(A) (2) and 3(A) above.

4. Explain in detail whether Henderson has proposed any alternative route for the transmission line to Vectren.

Person Responsible: Russell Sights

Response: The City of Henderson's Henderson Water Utility and Henderson Municipal Power and Light have met with Vectren officials and engineers to discuss their proposed route. The City of Henderson on behalf of the City and Henderson Water Utility has submitted an alternative route. The City's data request response to Vectren contains answers that the Siting Board may find useful. Included is a map of the alternative route proposed by the City of Henderson. Vectren officials in subsequent meetings found the proposed alternative route submitted by the City to be acceptable including the environmental and residential impact.

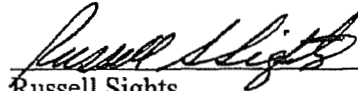
5. Provide, in both electronic (.pdf) format and paper format, a copy of any maps in Henderson's possession of any alternative transmission line routes that Henderson has proposed to Vectren for its proposed transmission line.

Person Responsible: Russell Sights

Response: Attached hereto as Exhibit 1 is the map of the City's proposed alternative transmission route, both electronic (pdf) and paper format.

CERTIFICATE

I certify that the responses set out above are true and accurate to the best of my knowledge, information and belief, formed after reasonable inquiry.



Russell Sights
City Manager, City of Henderson

RESPECTFULLY SUBMITTED,

By: 

George L. Seay, Jr.

WYATT, TARRANT & COMBS, LLP

250 West Main Street, Suite 1600

Lexington, Kentucky 40507

Telephone: (859) 288-7448

gseay@wyattfirm.com

Lesly A.R. Davis

WYATT, TARRANT & COMBS, LLP

250 West Main Street, Suite 1600

Lexington, Kentucky 40507

Telephone: (859) 288-7429

ldavis@wyattfirm.com

Counsel for City of Henderson

CERTIFICATE OF SERVICE

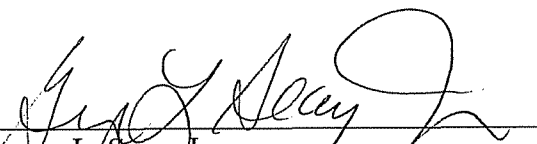
This is to certify that the original and ten true and correct copies of the foregoing has been served upon the following, by hand delivery, at the filing office of the Kentucky Public Service Commission, on this the 13th day of September, 2010:

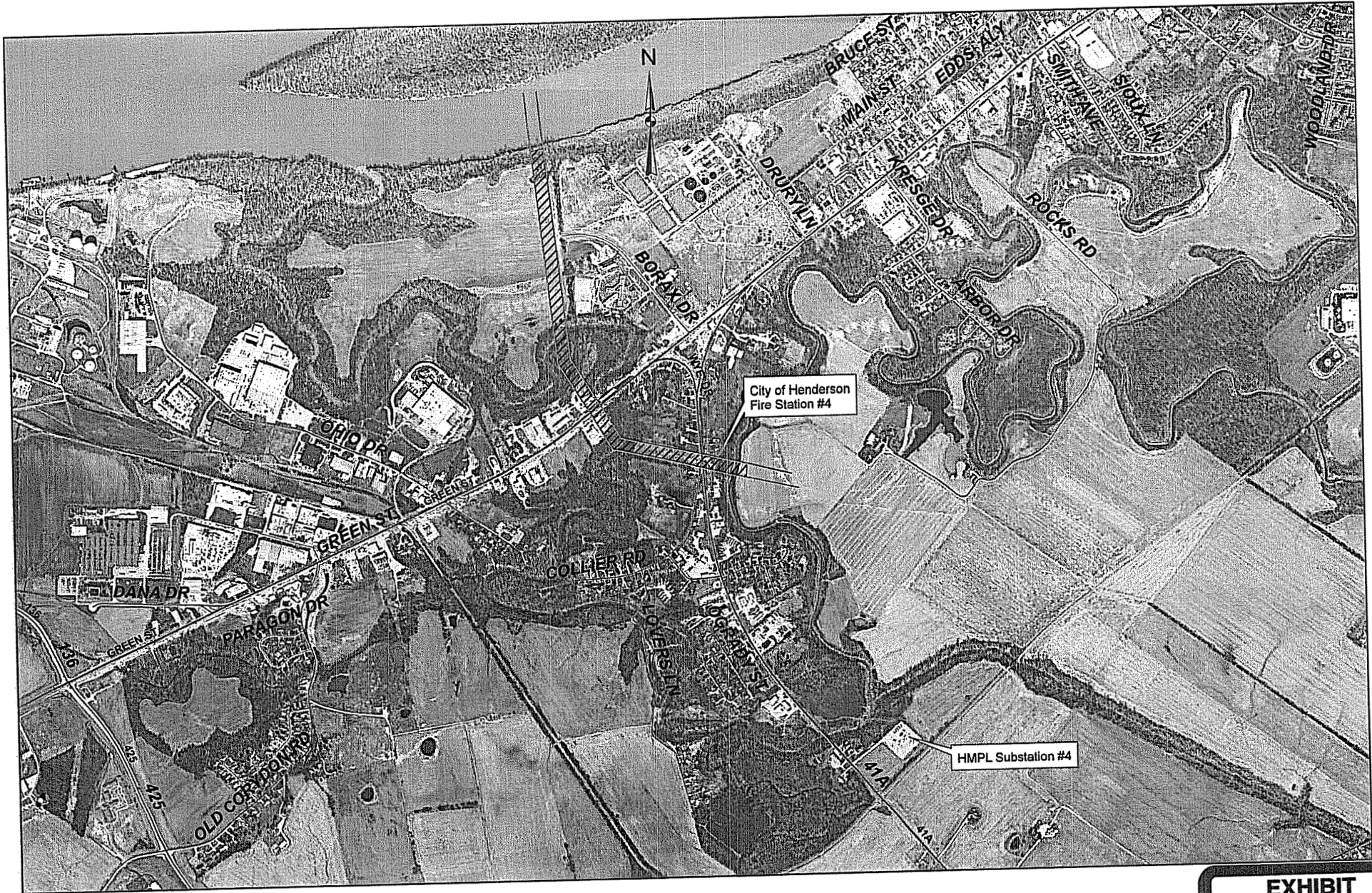
Hon. Richard W. Bertelson, III
Counsel
Public Service Commission
211 Sower Blvd
P.O. Box 615
Frankfort, KY 40602-0615

Mr. Jeff Derouen
Executive Director
Public Service Commission
P.O. Box 615
Frankfort, KY 40602

and via U.S. Mail, postage prepaid to:

Jason R. Bentley, Esq
McBRAYER, McGINNIS, LESLIE & KIRKLAND, PLLC
201 East Main Street, Suite 1000
Lexington, KY 40507


George L. Seay, Jr.
Counsel for City of Henderson



1 inch = 1,000 feet

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EXHIBIT

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