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June 23, 2014

RECEIVED

JUN 23 2014

PUBLIC SERVICE
COMMISSION

Via Hand-Delivery

Mr. Jeffrey Derouen
Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602

Re: In the Matter of: Harold Barker; Ann Barker and
Brooks Barker v. East Kentucky Power Cooperative, Inc.
PSC Case No. 2013-00291

Dear Mr. Derouen:

Enclosed please find for filing with the Commission in the above-referenced case an original and ten (10) copies of East Kentucky Power Cooperative, Inc.'s Responses to Complainants' First Data Request. Please return a file-stamped copy to me.

Do not hesitate to contact me if you have any questions.

Very truly yours,

David S. Samford

Enclosures

M:\Clients\4000 - East Kentucky Power\1350 - Harold Barker Complaint -
PSC Case No. 2013-00291\Correspondence\Ltr. to Jeff Derouen - 140617

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JUN 23 2014

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HAROLD BARKER,
ANN BARKER, and
BROOKS BARKER

COMPLAINANTS

V.

EAST KENTUCKY POWER COOPERATIVE,
INC.

DEFENDANT

CASE NO.
2013-00291

RESPONSES TO COMPLAINANTS' INFORMATION REQUEST
TO EAST KENTUCKY POWER COOPERATIVE, INC.

DATED JUNE 13, 2014

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 1

RESPONSIBLE PARTY: Mary Jane Warner

Request 1. Does the Certificate of Public Convenience and Necessity ("CPCN") process afford affected parties a greater opportunity to address health and safety issues (and other concerns) than the abbreviated process employed in replacing the Smith-Hunt-Sideview 69kV transmission line?

Response 1. Objection.

EKPC objects to this request to the extent that it calls for a legal conclusion and is irrelevant. Kentucky law speaks for itself. Without waiving said objection, the fact that a CPCN is not required for certain transmission line projects under KRS 278.020 is an indication of the public policy balance struck by the General Assembly. Nevertheless, in this case, the question is irrelevant. As with all such projects, after writing directly to all potentially affected property owners, EKPC then held an open house that allowed property owners, including the Barkers, the chance to be further informed and involved before the proposed route was finally selected. These actions go above and beyond what is required of EKPC under Kentucky law. Moreover, the Barkers were well aware of the proposed route of the transmission line months before construction began and most certainly at the time of the filing of the Agreed Interlocutory Judgment in the condemnation proceeding.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 2

RESPONSIBLE PARTY: Counsel

Request 2. Does the Kentucky eminent domain law provide affected parties any opportunity to litigate health and safety concerns?

Response 2. Objection.

EKPC objects to this request on the basis that it calls for a legal conclusion. The laws of Kentucky speak for themselves.

Request 2a. Is the eminent domain law designed exclusively to award monetary damages for condemnation of real property?

Response 2a. Objection.

EKPC objects to this request on the basis that it calls for a legal conclusion. The laws of Kentucky speak for themselves.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 3

RESPONSIBLE PARTIES: Benjamin Cotts, Paul A. Dolloff and Mary Jane Warner

Request 3. Are Mary Jane Warner, Paul Dolloff or Benjamin Cotts registered professional engineers in Kentucky or elsewhere?

Response 3. Neither Dr. Ben Cotts nor Dr. Paul Dolloff are licensed Professional Engineers in Kentucky or elsewhere. Mary Jane Warner is a licensed Professional Engineer in Kentucky.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 4

RESPONSIBLE PARTY: Mary Jane Warner

Request 4. What is the difference in cost to EKPC between applying for a CPCN to undertake a transmission line project versus utilizing the statute's safe harbor provisions?

a. What is the difference in the amount of time required to complete the CPCN process versus the safe harbor?

Response 4a. It is impossible to precisely answer this question as the facts and circumstances will be different for each situation. Nevertheless, the cost of preparing and presenting a CPCN application for a transmission line project would likely cost several hundred thousand dollars, depending upon the number of parties involved, the length of the line, the proximity to various landmarks or developments. In terms of timing, KRS 278.020 gives the Commission four months in which to consider a transmission line application. Additional time is necessary to prepare the application so, at least six months would be required to complete the regulatory process once it is determined that a CPCN is necessary. Of course, if an appeal is filed after the PSC's Order is entered, the entire process could take significantly longer.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 5

RESPONSIBLE PARTY: Mary Jane Warner

Request 5. Regarding the previous 69kV transmission line, please state:

Request 5a. Whether it was still in service during construction of the new 345kV/138kV line;

Response 5a. It was necessary to remove the existing 69kV Smith – Hunt – Sideview transmission line in order to construct the Smith – North Clark 345kV/69kV transmission line

Request 5b. The date it was removed from service and decommissioned;

Response 5b. The existing 69kV transmission line was de-energized on 7/19/06 and put back in service at 69kV on 5/30/07.

Request 5c. The date when it was physically removed, line and poles.

Response 5c. We do not have records of when the line and poles were removed, but it happened in progressive stages between 7/19/06 and 05/30/07, when the new line was completed and energized.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 6

RESPONSIBLE PARTY: Mary Jane Warner

Request 6. Please state when construction of the new 345kV/138kV transmission line began.

Response 6. The Contracts for construction on both the North and South sections had commencement dates of July 12, 2006.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 7

RESPONSIBLE PARTY: Mary Jane Warner

Request 7. Was the transmission crossing the Barkers' property designed as a 345kV/138kV line?

Response 7. Yes, the subject line was designed and constructed as a 345/138 kV double circuit line. The Smith-Hunt-Sideview 69 kV line was designed for potential operation at 138 kV should a need for such operation materialize in the future. However, this line can only be operated at 69 kV presently. The line cannot be operated at 138 kV without significant additional infrastructure modifications, including replacement of the existing transformer at the Miller Hunt substation, installation of a 345/138 kV transformer and associated 138kV terminal facilities at the North Clark substation, and the addition of 138 kV terminal facilities at both the North Clark and J.K. Smith substations. These modifications are not contained in EKPC's existing long-range transmission plan, so EKPC presently does not anticipate operating the line at 138 kV.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 8

RESPONSIBLE PARTY: **Mary Jane Warner**

Request 8. In what capacity was Thad Mumm associated with EKPC on November 10, 2005, the date of the open house?

Response 8. At the time of the open house for this project, Thad Mumm was employed by EKPC as a Senior Engineer.

Request 8a. Detail the use made of his notes taken at the open house, particularly those of his discussions with the Barkers.

Response 8a. All notes from an open house are collected and reviewed by the project team. The information is used for route/design input follow up contacts, corrections to property ownership and boundary data, etc. The information from the notes made as a result of discussions with the Barkers at the open house was incorporated along with all other property owner comments.

**EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST**

**COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 9**

RESPONSIBLE PARTY: Mary Jane Warner

Request 9. From EKPC's standpoint, what was the significance of the October 26, 2005 letter from the PSC to Mr. Sherman Goodpaster, counsel for EKPC?

Response 9. Objection.

EKPC objects to the question to the extent that it is unclear what is meant by “what was the significance of the October 26, 2005 letter from the PSC to Mr. Sherman Goodpaster, counsel for EKPC.” Without waiving said objection, the letter provided general confirmation that EKPC’s understanding of the letter and spirit of KRS 278.020 was correct.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 10

RESPONSIBLE PARTY: Counsel

Request 10. Please explain how KRS 278.020(2) exempts utility-owned real property from the CPCN process.

Response 10. Objection.

EKPC objects to this request on the basis that it calls for a legal conclusion. KRS 278.020(2) speaks for itself.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 11

RESPONSIBLE PARTY: Mary Jane Warner

Request 11. LEGISLATIVE RESEARCH COMMISSION, Siting of Electric Transmission Lines Research Report No. 348, Chapter 2 Kentucky's Certification Process for Electric Transmission Lines states:

"In 2004, Senate Bill 246 amended KRS 278.020"

"Senate Bill 246 also provided for a forum in which individuals affected by the proposed construction can play an active role in the CPCN process. Individuals can request that PSC hold a public hearing in the county where the line would be located. If an individual wishes to play a more formal role, he or she can request to intervene in the case, which grants the person full rights of a party in the case."

Chapter 3, Page 31 and 32:

"Public Participation

Before 2004, individual landowners potentially affected by new electric transmission lines could not necessarily intervene when the lines were proposed. This was because they were not considered "interested persons" in an application for a CPCN under the case *Satterwhite v. Public Service Commission* (474 S.W. 2d 287, Ky. 1971).

That has changed. KRS 278.020(8) states that "any interested person, including a person over whose property the proposed transmission line will cross, may request intervention, and the commission shall, if requested, conduct a public hearing...." An interested person also includes a landowner whose land may be crossed, even if such crossing is not definitely known when the transmission owner files an application to build a new line Commonwealth of Kentucky. Public Statement. Section 8)."

Do you agree the above quotation indicates that one of the Sitings/CPCN process purposes is to provide individuals affected by the proposed construction with an opportunity to participate actively in the CPCN process?

Response 11. Objection.

EKPC objects to the question to the extent that it contains only selective quotations and characterizations of the LRC study. Moreover, EKPC objects to this request on the basis that it calls for a legal conclusion. The laws of Kentucky speak for themselves and the purpose of a statute is best discerned from the plain and ordinary meaning of the language used in the statute. Without waiving said objection, it is EKPC's belief that the 2004 amendments to KRS 278.020 were intended to strike an appropriate balance between the interests of all stakeholders relative to a transmission line project.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 12

RESPONSIBLE PARTY: Mary Jane Warner

Request 12. In reference to the above LRC Report No 348 please consider the above in answering the following questions:

a. On Page 3 of Ms. Warner's report it states "whether (1) a CPCN is required for an entire transmission line project when one or more segments that equal or exceed one mile in length are not replacements or upgrades;"

b. On Page 3 of Ms. Warner's report it states "or (2) a CPCN is only required for those segments of a transmission line project which equal or exceed one mile in length that are not replacements or upgrades;"

Since one of the primary purposes of the CPCN process is to give individuals such as the Barkers an opportunity to participate, would you not agree that limiting the definition to the above would had a chilling effect on this purpose?

Response 12. Objection.

The referenced quotation from Ms. Warner's testimony is a recitation of certain provisions of the Commission's April 7, 2014 Order in this proceeding. Ms. Warner's beliefs, as to the significance of those provisions, are set forth in her testimony on pages 15 to 17.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 13

RESPONSIBLE PARTY: Counsel

Request 13. Please define the following terms:

Request 13a. existing electric transmission line "replacement" as stated in KRS 278.020(2);

Response 13a. Objection.

EKPC objects to this request on the basis that it calls for a legal conclusion because the term is used in KRS 278.020. The laws of Kentucky speak for themselves.

Request 13b. existing electric transmission line "upgrading" as stated in KRS 278.020(2); and

Response 13b. Objection.

EKPC objects to this request on the basis that it calls for a legal conclusion because the term is used in KRS 278.020. The laws of Kentucky speak for themselves.

Request 13c. existing electric transmission line "deviation".

Response 13c. The term “deviation” is not used in KRS 278.020. EKPC uses it in accordance with its plain and ordinary meaning.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 14

RESPONSIBLE PARTY: Mary Jane Warner

Request 14. On p. 11, lines 15-18, of Ms. Mary Jane Warner's testimony, she states: "The proximity of a deviation in right-of-way to the pre-existing right-of-way is one factor that could be taken into account in determining whether a project is a replacement and upgrade project or a whole new construction project, but that cannot be the sole determinative factor."

Request 14a. Please list the other factors used to distinguish a "replacement and upgrade" project from "a whole new construction" project.

Response 14a. Objection.

EKPC objects to this request on the basis that it calls for a legal conclusion. Without waiving said objection, there is no statutory enumeration of factors that may be employed to determine whether a project is a replacement or upgrade of an existing line. Accordingly, common sense and professional engineering judgment must provide the appropriate factors on a case specific basis. These would include, at a minimum, a consideration of the nature and purpose of the lines, their location, their relation to the larger electric transmission grid, and the relative age of the existing lines. Again, however, it is impossible to provide a set of specific factors that should always be taken into account for every project. KRS 278.020's language indicates that there is a fair amount of subjective judgment that must be applied.

Request 14b. What is the source of those factors?

Response 14b. See response to question 14a. above.

Request 14c. Were those factors employed in the Smith-Hunt-Sideview project?

Response 14c. Yes. From both a professional engineering judgment and a commonsense point of view, the project was a replacement and upgrade project.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 15

RESPONSIBLE PARTY: **Mary Jane Warner**

Request 15. Please refer to p. 11, lines 21-23, through p. 12, line 1, of Ms. Mary Jane Warner's testimony. How was it determined that only 559 feet of the 6,975 feet of deviation at the Hunt Substation was not a replacement or upgrade?

Response 15. Please refer to lines 8 – 19 on page 11 of Mary Jane Warner's testimony which states the following:

“A deviation from the existing right-of-way only means that the new transmission line is physically located in a different location than the original line. Saying that a line deviates from the existing right-of-way does not necessarily mean that the deviating portion of the transmission line is somehow a new transmission line. Whether any given segment of a transmission line is a replacement or an upgrade of an existing transmission line depends upon a comparison of the nature and purpose of the lines and not a strict determination of whether the right-of-way has changed. The proximity of a deviation in right-of-way to the pre-existing right-of-way is one factor that could be taken into account in determining whether a project is a replacement and upgrade project or a whole new construction project, but that cannot be the sole determinative factor.” Only 559 feet of transmission line out of the 6,975 was not a replacement of an existing line.

Request 15a. How much of this 6,975 feet required new right-of-way for the new transmission line?

Response 15a. New right of way was required for nearly all of the 6,975 feet of the final transmission line location. There were 356 feet of line that overlapped the right of way that had existed for the original line to enter the Hunt Substation.

Request 15b. Did any of the 6,975 feet cross property owned by more than one land owner?

Response 15b. Yes. 425 feet of the 6,975 feet was on the Shearer Property. The remaining 6,550 feet was on the Foley Property.

Request 15c. Was this 6,975 feet relocated for the benefit of one land owner?

Response 15c. No. The relocation heavily benefitted one tract of land with multiple owners, slightly benefitted another tract of land with two owners, was removed entirely from a small tract along the road frontage with two owners, and was very beneficial to EKPC and its members, because it lowered the cost of the project and resulted in a successful negotiation for property rights without requiring condemnations.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 16

RESPONSIBLE PARTY: Mary Jane Warner

Request 16. Beginning on line 15 of Ms. Mary Jane Warner's testimony, she estimates the cost of the two options suggested by Mr. Pfeiffer for moving the segment crossing the Barkers' property to be \$69,000 and \$72,000, respectively. Please provide a detailed breakdown of how those figures were derived.

Response 16. The information below is from EKPC's actual costs for the North Section of the Smith – North Clark 345/69kv Double Circuit Transmission project:

	<u>Material</u>	<u>Labor</u>	<u>Total</u>
Average Straight Line, 2 Pole Structure	\$23,687.17	\$16,075.79	\$39,762.96
Average Small Angle (0° - 7°), 2 Pole Structure with 2 guy wires and 2 anchors	\$24,348.27	\$17,839.77	\$42,188.04
Average Medium Angle (7° - 45°), 3 Pole Structure with 13 guy wires and 13 anchors	\$29,644.06	\$19,778.33	\$49,422.39
3 Phases of 2 bundle 954 ACSR conductor for 345kv / per foot	\$10.69	\$16.54	\$27.23

3 Phases of single 795 ACSR conductor for 69kv / per foot	\$5.19	\$8.27	\$13.46
7no8 Overhead Ground Wire / per foot	\$0.34	\$2.72	\$3.06
.470" Fiber Optic Cable / per foot	\$0.91	\$1.22	\$2.13

The costs associated with the existing configuration are detailed below:

2 straight line, 2 pole structures @ \$39,762.96 each	\$79,525.92
1 small angle, 2 pole structure with 2 guy wires and 2 anchors	\$42,188.04
2,075 feet of 3 phase, 2 bundle 954 ACSR conductor for 345kv @ \$27.23 per foot	\$56,502.25
2,075 feet of 3 phase, single 795 ACSR conductor For 69v @ \$13.46 per foot	\$27,929.50
2,075 feet of 7no8 overhead ground wire @ \$3.06 per foot	\$6,349.50
2,075 feet of .470" fiber optic cable @ \$2.13 per foot	\$4,419.75
Total Cost	\$216,914.96

Option 1 from Mr. Pfeiffer's Report would have resulted in replacing 2 straight line structures and 1 small angle structure with 3 medium angle structures, 1 straight line structure, and added an additional 54 feet of centerline. The cost of this option is detailed below:

3 medium angle, 3 pole structures with 13 guy wires and 13 anchors @ \$49,422.39	\$148,267.17
1 straight line, 2 pole structure	\$39,762.96
2,129 feet of 3 phase, 2 bundle 954 ACSR conductor For 345kv @ \$27.23 per foot	\$57,972.67
2,129 feet of 3 phase, single 795 ACSR conductor For 69v @ \$13.46 per foot	\$28,656.34
2,129 feet of 7no8 overhead ground wire @ \$3.06 per foot	\$6,514.74
2,129 feet of .470" fiber optic cable @ \$2.13 per foot	\$4,534.77
Total Cost	\$285,708.65

The additional cost of Option 1 would have been \$68,793.69 or \$66,945.34 more than Mr. Pfeiffer estimated.

Option 2 from Mr. Pfeiffer's Report would have resulted in replacing 2 straight line structures and 1 small angle structure with 3 medium angle structures, 1 straight line structure, and added an additional 118 feet of centerline. The cost of this option is detailed below:

3 medium angle, 3 pole structures with 13 guy wires and 13 anchors @ \$49,422.39	\$148,267.17
1 straight line, 2 pole structure	\$39,762.96
2,193 feet of 3 phase, 2 bundle 954 ACSR conductor For 345kv @ \$27.23 per foot	\$59,715.39
2,193 feet of 3 phase, single 795 ACSR conductor For 69v @ \$13.46 per foot	\$29,517.78
2,193 feet of 7no8 overhead ground wire @ \$3.06 per foot	\$6,710.58
2,193 feet of .470" fiber optic cable @ \$2.13 per foot	\$4,671.09
Total Cost	\$288,644.97

The additional cost of Option 2 would have been \$71,730.01 or \$67,685.37 more than Mr. Pfeiffer estimated.

Either option would require additional right-of-way and the costs associated with acquiring this right-of-way are not included. Also, either option would require a 3 pole, medium angle structure with 13 guy wires and 13 anchors to be installed on the property south of Mt. Sterling Road that does not belong to the Barkers.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 17

RESPONSIBLE PARTY: **Mary Jane Warner**

Request 17. Regarding the amended and restated transmission line easements signed by the Gravett and Foley property owners on March 15, 2006 which allowed for the Clark substation on Jackson Ferry Road:

Request 17a. When EKFC diverted the centerline for the new 345kV transmission line, was it moved approximately 1,029 feet to the east?

Response 17a. Yes. At its farthest point, the centerline diversion on the Foley property was moved approximately 1,029 feet to the east from the original location.

Request 17b. When EKPC diverted the centerline for the new transmission line, did this diversion cross both the Foley and Gravett lands?

Response 17b. No. See Exhibit MJW-1A, a larger scale version of original Exhibit MJW-1 on page 3 of this response.

Request 17c. Was the diverted centerline for the new transmission line across the Foley and Gravett properties moved 6,975 feet?

Response 17c. No. The total length of the diverted centerline was 6,975 feet, and it did not cross the Gravett properties.

Request 17d. Was anyone at the PSC informed of this diversion? If not, why not?

Response 17d. No. The diversion did not appear to be contrary to the letter or spirit of KRS 278.020 or inconsistent with Commission's Staff's advisory opinion.

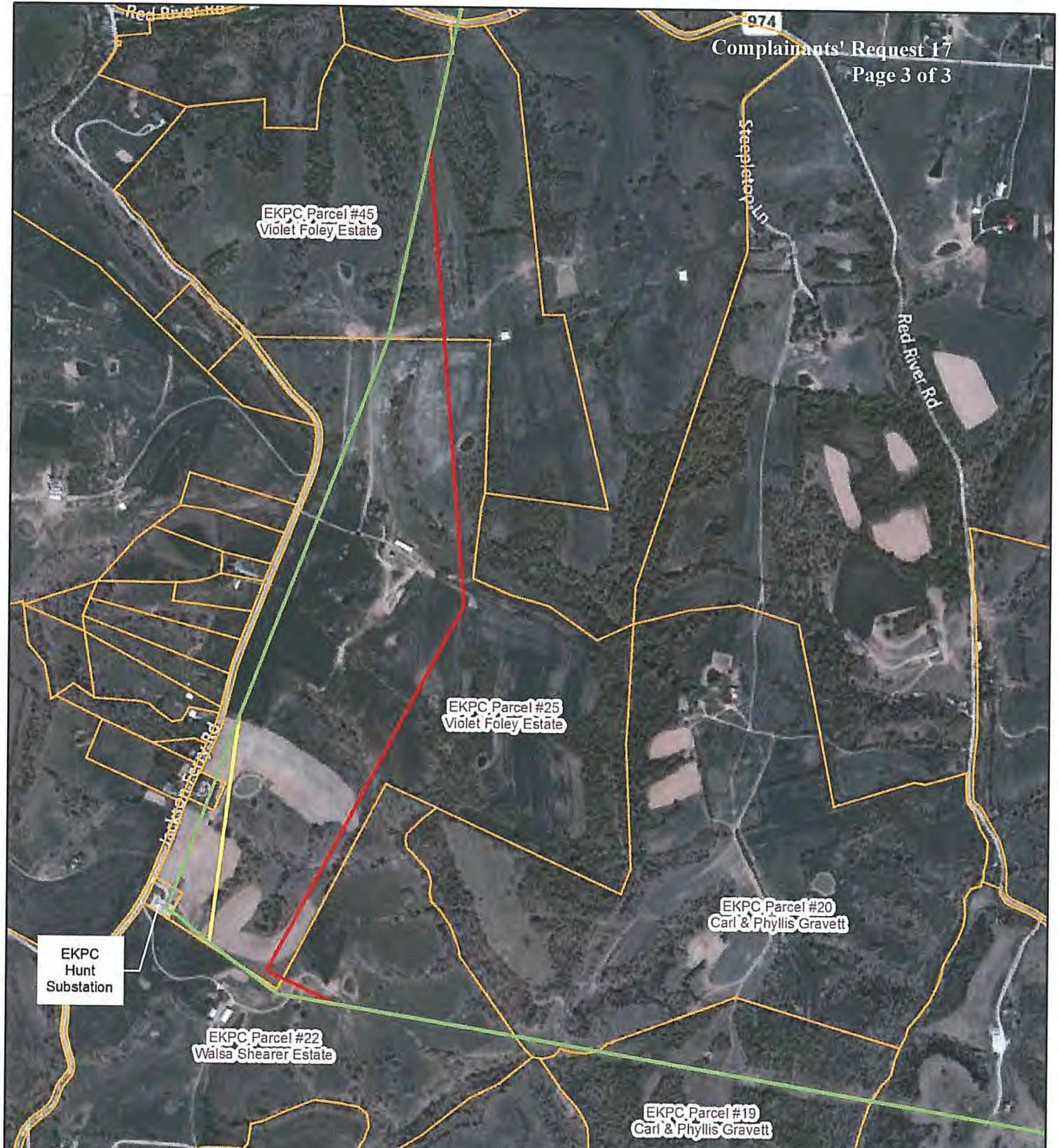


Exhibit MJW-1A
Hunt Substation Vicinity

- Final Route Deviation
- Original Route Deviation
- Original 69kv Centerline
- Parcels

1,200

East Kentucky Power Cooperative
4775 Lexington Road, PO Box 707
Winchester, Kentucky 40392
Phone (859)744-4812 www.ekpc.coop Fax (859)744-6008



EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 18

RESPONSIBLE PARTY: Mary Jane Warner

Request 18. Members of EKPC's staff have made statements at various times about the length of the new right-of-way associated with the Smith-Hunt-Sideview replacement project, as follows:

Request 18a. October 7, 2005 letter from Mr. Sherman Goodpaster to the PSC stating that there were two deviations totaling less than 4,000 feet;

Response 18a. Objection.

No question is stated.

Request 18b. EKPC letter to U.S. Fish and Wildlife Service on March 1, 2006 stating "As you are aware, the vast majority (approximately 92%) of this project involves rebuilding of an existing transmission line." [18 miles x .08 (100%-92% x 5,280 =7,603 feet]

Response 18b. Objection.

No question is stated.

Request 18c.

Gilpin Report states on page 18:

Stearns, Reffett, & Sword	= 3,751 feet
Foley & Shearer Estates	= 6,969 feet
Haggard, Bower & EKPC	= 3,977 feet
Total	= 14,697 feet

Response 18c.

Objection.

No question is stated.

Request 18d.

Answer and Motion to Dismiss by East Kentucky Power Cooperative, Inc. dated October 13, 2013 on pp. 3-4 stating:

"Other than 'bending' the centerline to accommodate the structures referred to in the Staff Opinion request letter, a total of three adjustments to the centerline of the Project were undertaken through the course of development. First, at the request of one property owner who owned land adjacent to the Hunt substation, EKPC rerouted the portion of the transmission line around the Hunt substation. The new centerline amounted to a deviation of approximately 8,000 feet, but it was contained entirely within the property owned by the requesting landowner."

"The second and third deviations were necessary to bring the 345 kV circuit into EKPC's newly constructed North Clark Switching Station while allowing the 69 kV circuit to continue along the existing centerline into the nearby and existing Sideview substation. To accomplish this, EKPC acquired an easement for approximately 2,800 feet from the property owners adjacent to EKPC's North Clark switching station property. The remainder of that portion of the line, approximately 2,400 feet, is on North Clark Switching property itself."

North Clark Switch Station	= 2,800 feet
North Clark Switch Station	= 2,400 feet *
Hunt Substation diversion	= 8,000 feet
Total	= 13,240 feet

*2,400 feet claimed to be on EKPC property but this property was purchased for this project.

Response 18d. Objection.

No question is stated.

Request 18e. EKPC's November 21, 2013 Responses to PSC Request for Information,
p. 1:

"The first deviated area was around the Hunt Substation...was reported to be 8,000 feet, when in fact this distance is actually 6,975 feet."

"The second and third deviated areas were near the North Clark Substation and were reported to be 2,800 feet and 2,400 feet respectively. These distances are actually 1,875 feet and 1,880 feet."

"These errors in calculation were due to the use of an incorrect coordinate system that was referenced in EKPC's GIS mapping system for the project."

This version can be summarized as follows:

8,000 feet became	6,975 feet
2,800 feet became	1,875 feet
2,400 feet became	1,880 feet
Total	10,730 feet

Request 18e-i. Please state when these errors were found?

Response 18e-i. A problem with the ESRI software was documented in June 2012. Please see pages 6 through 8 of this response for the corresponding “bug” report.

Request 18e-ii. Please state how many times before this Project was the GIS mapping system used?

Response 18e-ii. EKPC has been using ArcMap™ software on all transmission projects since it was purchased from Environmental Systems Research Institute, Inc. (ESRI) on February 25, 2002.

Request 18e-iii. Please state whom EKPC uses as a registered Land Surveyor in the state of Kentucky as being responsible for the location of the centerline of the Project?

Response 18e-iii. Registered Land Surveyors responsible for the centerline location for the Smith – North Clark 345/69kv line:

Dominic Ballard, LS, PE - EKPC

Arlie Caudill, LS - EKPC

H.A. Spalding Engineers, Inc., 651 Skyline Drive, Hazard, KY 41701

Blake Adams Engineering, Inc., 438 Washington Street, Stanton, KY 40380

Request 18f. On page 6 of Ms. Mary Jane Warner's testimony the following lengths of new transmission line are claimed.

North Clark Switch Station = 3,755 feet

Hunt Substation = 559 feet

Total = 4,314 feet

Summary Of Centerline Lengths

October 7, 2005	Official EKPC Request	<4,000 Feet
March 1, 2006	Official EKPC Request	7,603 Feet
May 2006	Gilpin Report	14,697 Feet
October 10, 2013	Answer and Motion to Dismiss	13,240 Feet
November 21, 2013	Sworn Statement	10,739 Feet
June 2, 2014	Sworn Statement	4,313 Feet

- i. Why is there such a variation in the lengths of the centerline?

Response 18f. The basis for the differences are described in EKPC Response to Staff Data Request 1 (filed November 21, 2013).

Industries Products Support & Services About

Support
Support

Bug NIM-081490

Nimbus ID	NIM081490
Submitted	Jun 6, 2012 11:30 AM
Severity	Medium
Applies To	ArcGIS
Version Found	10.1
Prog Language	N/A
Server Platform	N/A
Client Platform	Windows 7
Database	N/A
Locale	N/A
Status	Duplicate
Version Fixed	N/A
SP Fixed	N/A

Synopsis

When adding a basemap to ArcMap 10.1 the coordinate system of the data frame is set to Web Mercator Auxillary Sphere and the data frame does not refresh.

Additional Status Information

NIM081408

Alternate Solution

N/A

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Knowledge Base - Technical Articles

[Email this Article](#)[Printable Version](#)[Print PDF](#) Bug: Adding a basemap changes the coordinate system of the data frame to Web Mercator (auxiliary sphere)

Article ID:	40396
Bug Id:	NIM081490
Software:	ArcGIS for Desktop Advanced 10.1 ArcGIS for Desktop Standard 10.1 ArcGIS for Desktop Basic 10.1
Platforms:	Windows XP, Server 2003, Vista, Server 2008, Windows 7

Description

When adding a basemap to ArcMap 10.1 using the Add Basemap dialog, the map display is not refreshed and the coordinate system of the data frame is changed to WGS 1984 Web Mercator (auxiliary sphere).

Cause

WGS 1984 Web Mercator (auxiliary sphere) is the spatial reference of the basemap layers available in the Add Basemap dialog. This bug causes the data frame to change to this spatial reference when adding layers using this dialog.

Workaround

Go to the View menu > Data Frame Properties > Coordinate System and change the coordinate system back to the correct spatial reference.

If working with the same basemap layer frequently, the basemap layer can be saved as a layer file. In the Table of Contents, in either the Drawing Order view or the Visibility view, right-click the basemap layer > Save As Layer File. The next time this basemap layer is needed, browse to the saved layer file (.lyr) and add it to the map. This method of adding the basemap does not change the data frame coordinate system.

Related Information[Bug NIM081490](#)

Created: 6/25/2012

Last Modified: 7/10/2013

Article Rating: ☆☆☆ (4)

[If you would like to post a comment, please login](#)

CommentsBy [simon.ross](#) - 08/20/2012 11:50 AM**Great article! It helped a lot!**Working link without login to register interest in getting this bug fixed <http://ideas.arcgis.com/ideaView?id=087E00000004JYaIAM>

Rating: ☆☆☆☆

By **simon.ross** - 08/20/2012 10:55 AM

Page 8 of 8

Great article! It helped a lot!

Great article but a permanent solution would obviously be better. It's not currently listed a fix for the upcoming SP1. Please help highlight it's importance on the ideas site here: <https://c.na9.visual.force.com/apex/ideaView?id=087E00000004JYa&returnUrl=%2Fapex%2FideaList%3Fc%3D09a300000004xET%26sort%3Drecent>

Rating: ☆☆☆☆

By **a.haron** - 07/05/2012 3:05 AM**Other - See details below.**

I suggest that you can save it as mxd file after changing the coordinate system; i tried it and worked so well.

Rating: ☆☆☆☆

By **a.haron** - 07/05/2012 2:59 AM**The article is incorrect or the solution didn't work.**

I tried this but it doesn't work Should you advice

Rating: ☆

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 19

RESPONSIBLE PARTY: Darrin Adams and Mary Jane Warner

Request 19. Please provide the size, type, manufacturer, cost per foot and ampacity of each different type of electric conductor used on the 345kV/138kV transmission line crossing the Barker property. Please describe the function of each type of conductor and the maximum temperature rating of each conductor type.

Response 19. The size, type, and cost per foot of the conductors used in the J.K. Smith-North Clark 345 kV line and the Miller Hunt-Sideview 69 kV line (which is constructed for potential operation at 138 kV in the future) are as follows:

J.K. Smith-North Clark 345 kV:

Conductor type: Cardinal – bundled, 2 per phase

Size: 954,000 kcmil Aluminum Conductor-Steel Reinforced (ACSR) 54 x 7

Cost per foot: \$1.78

Miller Hunt-Sideview 69 kV:

Conductor type: Drake – 1 per phase

Size: 795,000 kcmil ACSR 26 x 7

Cost per foot: \$1.73

EKPC purchased the transmission line conductors from a third-party supplier for this project, so the manufacturer of the conductors is not known to EKPC.

The function of these conductors when installed as part of an electric transmission line is to provide a medium for the flow of electric power.

The ampacity of a type of conductor cannot be identified as a single numerical value that is applicable for all conditions. The ampacity of transmission line conductors depends on a number of parameters, including ambient temperature, wind speed and direction, conductor elevation above sea level, emissivity and absorptivity of the conductor, maximum allowable operating temperature, various solar variables, etc. Based on EKPC's methodology for rating transmission line conductors, assuming that the line is designed for a maximum conductor operating temperature of 100 °C would produce a continuous ampacity of 1066 amperes for Cardinal conductor at an ambient temperature of 35 °C. Similarly, the continuous ampacity of Drake conductor installed in a line designed for a maximum conductor operating temperature of 100 °C is 960 amperes at an ambient temperature of 35 °C using EKPC's methodology.

The assumption from the request is that the "maximum temperature rating" requested refers to the maximum allowable temperature at which the conductors can operate. As with ampacity, the maximum allowable operating temperature for a specific conductor depends on multiple factors – primarily the designed clearances for the conductors above the ground. The maximum allowable conductor operating temperature must be specified such that when the conductor reaches that temperature and sags toward the ground as a result, adequate clearance is maintained between the conductor and ground objects. EKPC typically designs its lines that utilize ACSR conductor to operate at a maximum operating temperature of 100 °C for emergency conditions, but limits the conductors to an operating temperature of 85 °C for normal operations. EKPC has designed a few of its transmission lines that utilize ACSR conductor for continuous operation up to a conductor temperature of 100 °C, but this is not typical practice.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 20

RESPONSIBLE PARTY: Mary Jane Warner

Request 20. Please provide the size, manufacturer and specifications of the H-frame poles UT-78 and UT-80.

Response 20. Structure UT-78 is a TH-345US type structure with two LD7, 130' poles. Structure UT-80 is a TH-345US-A type structure with two LD6, 140' poles. Both structures were manufactured by Thomas & Betts Corporation, Steel Structures Group, Memphis, Tennessee.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 21

RESPONSIBLE PARTY: Mary Jane Warner

Request 21. Please provide a list of all materials, with manufacturer and part number that make up each type of insulator string utilized on poles UT-78 and UT-80.

Response 21. The following is a list of materials for each type of insulator string on structures UT-78 and UT-80.

345kv Insulator String, 3 per structure

<u>Qty</u>	<u>Part #</u>	<u>Manufacturer</u>	<u>Desc</u>
18	8200-70	LAPP	Insulator, Suspension 10" 20,000#
1	YBC-30	HUBBELL	Clevis, Y-Ball 30,000#
1	SYCS-30-90-SN	HUBBELL	Clevis, Socket
1	YPD-30-18437-2	HUBBELL	Plate, Yoke
2	YCS-13-90	HUBBELL	Clevis, Y Eye
2	CFS-139-10.5-N	HUBBELL	Clamp, Suspension 954 ACSR

69kv Insulator String, 3 per structure

<u>Qty</u>	<u>Part #</u>	<u>Manufacturer</u>	<u>Desc</u>
8	8200-70	LAPP	Insulator, Suspension 10" 20,000#
1	YBC-30	HUBBELL	Clevis, Y-Ball 30,000#
1	JT3058E	JOSLYN	Socket, Eye
1	HAS182S	ANDERSON	Clamp, Suspension 795 ACSR

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 22

RESPONSIBLE PARTY: Mary Jane Warner

Request 22. Please provide the sag calculations for the section of transmission lines crossing the Barkers' property, beginning and ending at the dead end/horizontal tension points on each side of the Barkers' property.

Response 22. Maximum conductor sag is calculated using the following formula:

$$D = \frac{W * S^2}{8 * H}$$

D = maximum sag
W = conductor weight (lbs/ft)
S = ruling span
H = horizontal tension

The conductor weight for the 345kv, 954 ACSR Cardinal Conductor is 1.229 pounds/foot. The conductor weight for the 69kv, 795 ACSR Drake Conductor is 1.094 pounds/foot. The ruling span for the section of transmission line that crosses the Barker property is 895.49 feet. The horizontal component of the tension for the 345kv is 3,609 pounds and is based on the maximum operating temperature of 212°F. The horizontal component of the tension for the 69kv is 3,249 pounds and is based on the maximum operating temperature of 212°F.

Maximum Sag, 345kv

$$34.13 = \frac{1.229 * 895.49^2}{8 * 3609}$$

Maximum Sag, 69kv

$$33.75 = \frac{1.094 * 895.49^2}{8 * 3249}$$

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 23

RESPONSIBLE PARTY: Mary Jane Warner

Request 23. Please provide the "ruling span" calculation for the above mentioned line segment.

Response 23. The "ruling span" is calculated with the following formula:

$$Ruling\ Span = \sqrt{\frac{Sum(Span\ Lengths)^3}{Sum(Span\ Lengths)}}$$

The "ruling span" is based on the span lengths between deadend structures. For the section of the Smith – North Clark 345/69kv Double Circuit Transmission Line that crosses the Barker's property, both the 345kv and 69kv circuits are "deadended" at structures UT-61 and UT-117. The span lengths for each span and the "ruling span" calculation are detailed below:

Complainants' Request 23

Page 2 of 4

<u>From Str</u>	<u>To Str</u>	<u>Span Length</u>
UT-61	UT-62	484.11
UT-62	UT-63	786.30
UT-63	UT-64	730.00
UT-64	UT-65	714.31
UT-65	UT-66	845.69
UT-66	UT-67	840.00
UT-67	UT-68	890.00
UT-68	UT-69	825.32
UT-69	UT-70	824.68
UT-70	UT-71	681.85
UT-71	UT-72	878.14
UT-72	UT-73	925.00
UT-73	UT-74	662.28
UT-74	UT-75	1397.72
UT-75	UT-76	988.85
UT-76	UT-77	971.15
UT-77	UT-78	999.37
UT-78	UT-80	1065.60
UT-80	UT-81	1007.48
UT-81	UT-82	747.56
UT-82	UT-83	480.64
UT-83	UT-84	899.36
UT-84	UT-85	705.12
UT-85	UT-86	644.94
UT-86	UT-87	1044.94
UT-87	UT-88	945.06
UT-88	UT-89	744.94
UT-89	UT-90	592.81

<u>From Str</u>	<u>To Str</u>	<u>Span Length</u>
UT-90	UT-91	618.81
UT-91	UT-92	863.38
UT-92	UT-93	600.00
UT-93	UT-94	850.79
UT-94	UT-95	393.98
UT-95	UT-96	459.29
UT-96	UT-97	1192.62
UT-97	UT-98	920.75
UT-98	UT-99	634.69
UT-99	UT-100	623.57
UT-100	UT-101	993.82
UT-101	UT-102	845.54
UT-102	UT-103	650.00
UT-103	UT-104	844.94
UT-104	UT-105	805.00
UT-105	UT-106	913.66
UT-106	UT-107	1136.39
UT-107	UT-108	1085.00
UT-108	UT-109	979.94
UT-109	UT-110	970.06
UT-110	UT-111	754.94
UT-111	UT-112	960.06
UT-112	UT-112A	973.03
UT-112A	UT-113	174.04
UT-113	UT-114	811.06
UT-114	UT-115	550.00
UT-115	UT-116	1020.00
UT-116	UT-117	935.24

The sum of the span lengths is 45883.82.

The sum of the span lengths cubed is 36794013714.56

Therefore the ruling span can be calculated as:

$$Ruling\ Span = \sqrt{\frac{36794013714.56}{45883.82}} = 895.49\ feet$$

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 24

RESPONSIBLE PARTY: Darrin Adams

Request 24. Please provide the maximum rating in amps under emergency and normal conditions for the line crossing the Barkers' property.

Response 24. The rating of a transmission line depends on a number of parameters, as discussed in the response to Request #19. EKPC uses a defined methodology to develop ratings for its facilities over a range of ambient temperatures. Assuming an ambient temperature of 35 °C, the maximum ratings for the two EKPC transmission lines crossing the Barkers' property are as follows:

J.K. Smith-North Clark 345 kV:

Continuous (normal) rating at 35 °C ambient temperature = 2132 amperes

Long-term emergency rating at 35 °C ambient temperature = 2379 amperes

Short-term emergency rating at 35 °C ambient temperature = 2379 amperes

Miller Hunt-Sideview 69 kV:

Continuous (normal) rating at 35 °C ambient temperature = 648 amperes

Long-term emergency rating at 35 °C ambient temperature = 756 amperes

Short-term emergency rating at 35 °C ambient temperature = 777 amperes

**EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST**

**COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 25**

RESPONSIBLE PARTY: Mary Jane Warner

Request 25. Please provide the minimum ground clearance between each line and the ground for the sections of line crossing the Barkers' property under normal and emergency line operating conditions.

Responses 25. The minimum clearance between each line and the ground under the normal operating temperature of 185°F for each span on the Barker property is listed in the table below:

		795	954	.470 "	7no8
From Str	To Str	ACSR	ACSR	Fiber	Ground
				Optic*	Wire*
UT-78	UT-80	34.25	50.43	85.72	86.49
UT-80	UT-81	39.77	56.20	86.61	87.10
UT-81	UT-82	37.73	54.37	81.50	81.80
UT-82	UT-83	35.15	51.96	74.11	74.21
UT-83	UT-84	30.96	47.60	78.47	79.01
UT-84	UT-85	29.22	45.83	72.90	73.19

The minimum clearance between each line and the ground under the emergency operating temperature of 203°F for each span on the Barker property is listed in the table below:

Complainants' Request 25

From Str	To Str	795 ACSR	954 ACSR	.470 " Fiber Optic*	7no8 Ground Wire*
UT-78	UT-80	33.74	49.90	85.72	86.49
UT-80	UT-81	39.40	55.83	86.61	87.10
UT-81	UT-82	37.43	54.10	81.50	81.80
UT-82	UT-83	35.05	51.88	74.11	74.21
UT-83	UT-84	30.51	47.16	78.47	79.01
UT-84	UT-85	28.92	45.55	72.90	73.19

* - Since the .470" fiber optic cable and the 7no8 ground wire are not current carrying wires, the minimum ground clearance is measured at an annual average temperature (AAT) of 60°F.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 26

RESPONSIBLE PARTY: Darrin Adams

Request 26. Please state EKPC's standards for transmission line conductor design maximum capacity as a function of actual conductor maximum capacity as stated by the conductor's manufacturer.

Response 26. EKPC does not rely on specified manufacturer conductor capacity (ampere rating) values for determining ratings of its transmission lines. The ampere capacity of a type of conductor cannot be identified as a single numerical value that is applicable for all conditions. EKPC has a defined methodology for determining ratings of transmission line conductors that conforms with the North American Reliability Corporation's (NERC) Reliability Standard on rating facilities. This methodology is consistent with the IEEE Standard for Calculating the Current-Temperature Relationship of Bare Overhead Conductors (IEEE Standard 738-2006). EKPC utilizes published conductor handbooks from conductor manufacturers such as Southwire and Alcoa to determine certain characteristics of conductors, which are used as inputs in the calculation of conductor capacity. However, the capacity of transmission line conductors depends on a number of parameters, including ambient temperature, wind speed and direction, conductor elevation above sea level, emissivity and absorptivity of the conductor, maximum allowable operating temperature, various solar variables, etc. Conductor manufacturers do not specify, and in most cases do not know, all of the parameters necessary to calculate the capacity of conductors installed in a transmission line, so it is not typically prudent

to use any conductor ratings that manufacturers might specify as the rating for conductors installed in a particular transmission line.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 27

RESPONSIBLE PARTY: Mary Jane Warner

Request 27. Page 24, lines 22-23, of Ms. Mary Jane Warner's testimony discusses the elimination of pole UT-79. Please provide the engineering costs to redesign this section of the transmission line.

Response 27. Objection.

EKPC objects to this request on the basis that the phrase "engineering costs" is vague and ambiguous. Without waiving said objection, EKPC states as follows: The engineering costs associated with the redesign that eliminated structure UT-79 are estimated to be \$180 (2 hours labor for a Senior Engineer @ average salary plus benefits of \$90 per hour).

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 28

RESPONSIBLE PARTY: Mary Jane Warner

Request 28. At the February 5, 2014 informal hearing before the PSC, the attorney for EKPC indicated that the estimated cost of redesigning the transmission lines to reposition them 200 feet away from the Barkers' house would be nearly "\$1,000,000". Please define in detail the cost analysis for such a figure.

Response 28. Please see page 2 of this response for EKPC's estimated cost analysis of redesigning the transmission lines.

**EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST**

**COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 29**

RESPONSIBLE PARTY: Paul A. Dolloff

Request 29. Please state Dr. Dolloff's employment history with dates for each engagement.

Response 29. Paul Dolloff started full time employment with East Kentucky Power Cooperative on March 18, 1996.

Paul Dolloff started teaching at the University of Kentucky as a part time instructor in the Electrical and Computer Engineering Department in January of 2004.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 30

RESPONSIBLE PARTY: Paul A. Dolloff

Request 30. Please state the various transmission lines where Dr. Dolloff has performed detail design.

Response 30. Paul Dolloff has never designed an electrical transmission power line.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 31

RESPONSIBLE PARTY: Paul A. Dolloff

Request 31. Please state the various electrical distribution systems Dr. Dolloff has analyzed.

Response 31. Paul Dolloff's dissertation was, in part, based on very small portions of three distribution circuits on the Arkansas Power Light system.

Paul Dolloff served as the major advisor for a master's student in the Electrical and Computer Engineering Department at the University of Kentucky, who performed a system protection coordination study on a distribution circuit on the Owen Electric Cooperative system.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 32

RESPONSIBLE PARTY: Paul A. Dolloff

Request 32. Please state the various projects where Dr. Dolloff has performed sag calculations.

Response 32. Paul Dolloff has never performed transmission line sag calculations.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 33

RESPONSIBLE PARTY: Paul A. Dolloff

Request 33. On p. 5, line 22, of his testimony, Dr. Dolloff states: "Yes, I later returned to the Barkers' home and took magnetic field readings.":

Request 33a. Please provide the date of those readings.

Response 33a. As stated in Exhibit PAD-3, Paul Dolloff took magnetic field readings at the Barkers' home on Tuesday, October 20, 2009.

Request 33b. Please provide all magnetic field test data collected for the 345kV/69kV line crossing the Barkers' property.

Response 33b. Exhibit PAD-3 contains the entire magnetic field test data collected on Tuesday, October 20, 2009 for the 345kV/69kV line crossing the Barkers' property.

As explained in Exhibit PAD-3, a tape measure was stretched in a straight line from the centerline of the transmission line to the nearest corner of the Barkers' home. Along this straight line, magnetic field measurements were taken every 5 feet. These measurements are given in Table One.

Table One: Magnetic Field Measurements Versus Distance from the Barkers' Home

Measurement	Distance from House (ft)	Measured B-Field (mG)	Notes
1	0	23.6	Against the house
2	5	25.6	
3	10	28.0	
4	15	32.0	Corner of Carport
5	20	31.4	On driveway
6	25	25.2	
7	30	32.8	
8	35	40.0	
9	40	44.2	
10	45	47.6	
11	50	50.6	House side of fence
12	55	53.6	Field side of fence
13	60	56.4	
14	65	58.2	
15	70	60.2	
16	75	61.4	
17	80	61.0	
18	85	60.4	
19	90	60.0	Center of power lines

Request 33c. Please provide mva, mw, mvar and amp data for both the 69kV and 345kV lines during the time span the tests were performed.

Response 33c. As stated in Exhibit PAD-3, magnetic field measurements were taken between 1:45 p.m. and 2:00 p.m. on Tuesday, October 20, 2009. During the site visit, the weather was clear and the ambient temperature was 68 F with little to no breeze. At 2:05 p.m., the EKPC 24-hour dispatch center was contacted to obtain the loading conditions of the 345kV transmission line. Loading data at the time of the inspection for the 69kV line was obtained later. This data is given in Table Two.

Table Two: Transmission Line Loading Data During the Magnetic Field Measurements Site Visit

Transmission Line	Voltage (kV)	Real Power (MW)	Reactive Power (MVA _r)
North Clark to J.K. Smith (345 kV)	350.4 kV	527.0	16.0
Hunt to Sideview (69kV)	69.0 kV ¹	7.0	0.4

¹ Voltage assumed to be 69 kV (SCADA not available)

Exhibit PAD-3 does not provide the complex power or the currents on either the 345 kV or 69 kV transmission lines. Using the data of Table Two, these quantities are easily calculated and are given in Table Three.

Table Three: Calculated Transmission Complex Power and Line Currents During the Magnetic Field Measurements Site Visit

Transmission Line	Complex Power (MVA)	Current (amps)
North Clark to J.K. Smith (345 kV)	527.24	882.33
Hunt to Sideview (69kV)	7.01	58.67

Request 33d. Please provide the manufacturer and model number of the instrument used to measure magnetic fields during the above referenced testing.

Response 33d. As discussed in the Direct Testimony of Paul A. Dolloff, Ph.D. on behalf of East Kentucky Power Cooperative, Inc. (hereafter known as the Testimony), the magnetic field measuring device used by Paul Dolloff during the site visit to the Barkers' home on Tuesday, October 20, 2009 is the EMDEX II EMF meter manufactured by the Eneritech Consultants company of Campbell, CA.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 34

RESPONSIBLE PARTY: Paul A. Dolloff

Request 34. Was Dr. Dolloff aware on December 5, 2008 that at least one state in the United States had power line EMF standards?

Response 34. Paul Dolloff is not certain if he was aware on December 5, 2008 that at least one state in the United States had power line EMF standards.

Request 34a. Did he advise the Barkers at that time that he knew of no states with EMF standards?

Response 34a. No. On December 5, 2008, Paul Dolloff did not advise the Barkers that he knew of no states with EMF standards.

Request 34b. If the answer to both of the foregoing questions is yes, who at EKPC directed him to make such an assertion to the Barkers?

Response 34b. This question is not applicable based on the answers to Complainants' Request 34 and 34a.

**EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST**

**COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 35**

RESPONSIBLE PARTY: Paul A. Dolloff

Request 35. The electrical data for the new 345kV/138kV transmission line provided to John Pfeiffer by Dr. Dolloff on February 27, 2012 was as follows:

69kV- Dale Date/Time	MW	MVAR	MVA	sum of 2 phases Amps
19-Jan-12 07:00:00	29.72816	-3.303750515	29.91117	750.8357881
19-Jan-12 07:01:00	29.69754	-3.323134661	29.88289	750.1259025
19-Jan-12 07:02:00	29.66692	-3.342518806	29.85463	749.4164011
19-Jan-12 07:03:00	29.63631	-3.361902952	29.82638	748.7073801
19-Jan-12 07:04:00	29.60569	-3.38128686	29.79815	747.9987926
19-Jan-12 07:05:00	29.57507	-3.400671005	29.76994	747.290641
19-Jan-12 07:06:00	29.54445	-3.420055151	29.74175	746.5828786
19-Jan-12 07:07:00	29.51384	-3.439439297	29.71357	745.8756015

69kV- Dale Date/Time	MW	MVAR	MVA	Amps
06-Feb-12 07:00:00	18.49824	-1.689943552	18.575277	466.2800511
06-Feb-12 07:01:00	18.52166	-1.696624279	18.59920476	466.8806901
06-Feb-12 07:02:00	18.54507	-1.703305006	18.62313171	467.481309
06-Feb-12 07:03:00	18.56849	-1.709985852	18.64706167	468.0820033
06-Feb-12 07:04:00	18.59191	-1.716666579	18.67099081	468.6826769
06-Feb-12 07:05:00	18.61532	-1.723347425	18.69492294	469.2834257
06-Feb-12 07:06:00	18.63874	-1.730028152	18.71885424	469.8841537
06-Feb-12 07:07:00	18.66215	-1.736708999	18.74278853	470.4849566
06-Feb-12 07:08:00	18.68557	-1.743389726	18.76672198	471.0857385

Complainants' Request 35

Page 2 of 10

69kV- Dale Date/Time	MW	MVAR	MVA	Amps
07-Feb-12 07:00:00	20.18166	-1.270856738	20.22163	507.6072
07-Feb-12 07:01:00	20.16913	-1.280587912	20.20974	507.3087
07-Feb-12 07:02:00	20.1566	-1.290319204	20.19785	507.0103
07-Feb-12 07:03:00	20.14407	-1.300050497	20.18597	506.7121
07-Feb-12 07:04:00	20.13154	-1.30978179	20.1741	506.414
07-Feb-12 07:05:00	20.11901	-1.319513083	20.16223	506.116
07-Feb-12 07:06:00	20.10647	-1.329244256	20.15036	505.8182
07-Feb-12 07:07:00	20.09394	-1.338975549	20.13851	505.5205
07-Feb-12 07:08:00	20.08141	-1.348706841	20.12665	505.223
07-Feb-12 07:09:00	20.06888	-1.358438134	20.1148	504.9256

345kV – North Clark Date/Time	MW	MVAR	MVA	Amps
1/19/12 7:00	9.56	26.78	28.44	142.78
1/19/12 7:01	11.71	26.09	28.60	143.59
1/19/12 7:02	15.92	25.41	29.98	150.53
1/19/12 7:03	22.36	24.09	32.87	165.01
1/19/12 7:04	33.96	22.77	40.89	205.28
1/19/12 7:05	35.10	22.10	41.48	208.24
1/19/12 7:06	44.01	21.69	49.07	246.33
1/19/12 7:07	41.99	21.88	47.35	237.70
1/19/12 7:08	41.43	22.24	47.02	236.06

345kV – North Clark Date/Time	MW	MVAR	MVA	Amps
2/6/12 7:00	190.98	-3.36	191.01	958.93
2/6/12 7:01	178.22	-2.29	178.23	894.82
2/6/12 7:02	182.25	-2.10	182.26	915.02
2/6/12 7:03	178.62	-1.96	178.63	896.82
2/6/12 7:04	187.87	-1.73	187.88	943.24
2/6/12 7:05	183.14	-1.49	183.15	919.49
2/6/12 7:06	183.17	-1.25	183.17	919.61
2/6/12 7:07	188.88	-4.62	188.93	948.53
2/6/12 7:08	198.66	-4.08	198.70	997.56

345kV – North Clark Date/Time	MW	MVAR	MVA	Amps
2/7/12 7:00	240.76	-8.29	240.91	1209.46
2/7/12 7:01	240.85	-8.82	241.01	1209.97
2/7/12 7:02	234.51	-8.12	234.65	1178.05
2/7/12 7:03	230.35	-7.74	230.48	1157.13
2/7/12 7:04	252.91	-10.61	253.13	1270.83
2/7/12 7:05	270.21	-13.00	270.52	1358.14
2/7/12 7:06	274.75	-14.60	275.14	1381.33
2/7/12 7:07	280.55	-15.28	280.97	1410.58
2/7/12 7:08	281.04	-15.26	281.45	1413.02
2/7/12 7:09	271.90	-14.44	272.28	1366.96

With respect to the bolded data shown above (which are presumptively inaccurate), please indicate:

Request 35a. Who made the calculation of amps?

Response 35a. The calculations of amps (current) in the data provided to Mr. Pfeiffer on February 27, 2012 were performed by the EKPC Energy Management System (EMS), a sophisticated computer hardware and software system located in EKPC’s Energy Control Center (24-hour dispatch center). The loading data (including the current, in amps) was provided to Mr. Pfeiffer in an MS Excel spreadsheet, which was directly exported from the EKPC EMS.

Request 35b. How were the amps calculated?

Response 35b. It is a generally accepted practice to assume that the load is balanced across the three phases of a 3-phase transmission line.

Unless identified otherwise, the terms voltage, current, and power are understood to mean line-to-line voltage, line current, and total power of all three phases. Mr. Pfeiffer was provided total

(3-phase) power and total (3-phase) current. Total current is the sum of the current flow in each of the individual three phases, or three times the line current.

Again, the data provided to Mr. Pfeiffer was a direct export from the EKPC EMS. Anyone familiar with 3-phase power calculations would immediately recognize that the values of current provided in the MS Excel spreadsheet were given in total (3-phase) quantities.

Unless otherwise specified, complex power is given in 3-phase quantities and is 3 times the complex power in a single phase of a 3-phase transmission line as shown in Eq. 1.

$$S_{3-\phi} = 3 \times S_{1-\phi} \quad \text{Eq.1}$$

Where:

$S_{3-\phi}$ = Total (3-phase) complex power of a 3-phase transmission line;

$S_{1-\phi}$ = Complex power on a single phase of a 3-phase transmission line.

Unless otherwise specified, voltage is specified in line-to-line quantities and is related to the line-to-ground voltage by a factor of $\sqrt{3}$ as shown in Eq. 2.

$$V_{l-g} = \frac{V_{l-l}}{\sqrt{3}} \quad \text{Eq.2}$$

Where:

V_{l-g} = Line-to-ground voltage of a 3-phase transmission line;

V_{l-l} = Line-to-line voltage of a 3-phase transmission line.

Total (3-phase) current is 3 times the current in a single phase of a 3-phase transmission line. It should be noted that current flowing in a single phase of a 3-phase system is known as line current. The relationship between 3-phase, single phase, and line current is shown in Eq. 3.

$$I_{3-\phi} = 3 \times I_{1-\phi} = 3 \times I_{line} \quad \text{Eq.3}$$

Where:

$I_{3-\phi}$ = Total (3-phase) current of a 3-phase transmission line;

$I_{1-\phi}$ = Line (single-phase) current of a 3-phase transmission line;

$I_{line} = I_{1-\phi}$

For many, it is easier to calculate the total current flowing in a 3-phase transmission line by first calculating the current flowing in a single phase of the 3-phase transmission line and then multiplying by 3 to arrive at the total (or 3-phase) current flowing in the transmission line.

Eq. 4 is used to calculate the current flowing in a single phase of a 3-phase transmission line.

$$I_{line} = \frac{S_{1-\phi}}{V_{l-g}} \quad \text{Eq.4}$$

Where:

I_{line} = Current in one of the three phases of a 3-phase transmission line;

$S_{1-\phi}$ = Complex power on one of the three phases of a 3-phase transmission line;

V_{l-g} = Line-to-ground voltage of a 3-phase transmission line.

Current flowing in a single phase of a 3-phase transmission line can also be calculated from the total (3-phase) complex power and the line-to-line voltage as shown in Eq. 5.

$$I_{line} = \frac{\frac{S_{3-\phi}}{3}}{\frac{V_{l-l}}{\sqrt{3}}} = \frac{S_{3-\phi}}{\sqrt{3} * V_{l-l}} \quad \text{Eq.5}$$

Where:

$S_{3-\phi}$ = Total (3-phase) complex power of a 3-phase transmission line;

V_{L-L} = Line-to-line voltage of a 3-phase transmission line.

Therefore, either Eq.4 or Eq.5 can be used to calculate the current in a single phase of a 3-phase transmission line.

Request 35c. Is it not correct that amps are calculated using the following formula:

$$VA = \sqrt{3} V_{LINE} \times I_{LINE}?$$

Response 35c. Request 35 part c of the Complainants' Information Requests to EKPC (hereafter referred to as the Request) provided the formula shown in Eq.JP1.

$$VA = \sqrt{3} V_{LINE} \times I_{LINE} \qquad \text{Eq.JP1}$$

Because “ V_{LINE} ” has not been defined in the Request, it must be assumed that V_{LINE} means the line-to-line voltage (V_{L-L}) in order for equation Eq.JP1 to be true.

Request 35d. Does 28.44 mVA represent a current of 142.78 Amps @ 345 kV?

Response 35d. It appears that this statement contains a mistake in units. Specifically, 28.44 mVA should have correctly been given as 28.44 MVA. “m” represents milli or 1E-03, while M represents Mega or 1E+06. If “m”, 28.44 mVA would be 0.02844 VA. When correctly given using “M”, 28.44 MVA is 28,440,000 VA. This mistake in units represents nine (nine 0s) orders of magnitude difference.

Second, we must assume that “ V_{LINE} ” means the line-to-line voltage (V_{L-L}) as the term V_{LINE} is undefined in electric engineering (or in the electric power community/industry) and therefore has no meaning otherwise.

With these two corrective assumptions, applying Eq.5 yields:

$$I_{line} = \frac{28.44 \times 10^6}{\sqrt{3} \times 345 \times 10^3} = 47.5937 \text{ amps} \quad \text{Eq.6}$$

Applying Eq.3 to the result given in Eq.6 yields:

$$I_{3-\phi} = 3 * 47.5937 = 142.7812 \text{ amps} \quad \text{Eq.7}$$

With that, to correctly state the relationship given in question 35 part d of the Response , total complex power of 28.44 MVA results from a line-to-line voltage of 345 kV and total (3-phase) current of 142.78 amps in a balanced 3-phase transmission line.

Request 35e. Is it true that the basic equation " $VA = \sqrt{3} V_{LINE} \times I_{LINE}$ " is a very basic electrical equation that is fundamental to electrical engineering?

Response 35e. The equation given in question 35 part e is given in Eq.JP1. It is NOT true that Eq.JP1 is a very basic electrical equation that is fundamental to electrical engineering because the term " V_{LINE} " is undefined in electrical engineering.

If in Eq.JP1

1. The term " V_{LINE} " was replaced with either V_{l-l} or $V_{line-to-line}$, and
2. The term VA was replaced with either S or Complex Power to become:

$$S = \sqrt{3} V_{l-l} \times I_{Line} \quad \text{Eq.8}$$

then it would be true that Eq.8 is a very basic electrical equation that is fundamental to electrical engineering.

Request 35f. Why did Dr. Dolloff submit inaccurate data to John Pfeiffer?

Response 35f. Objection.

EKPC objects to this request on the basis that it is argumentative and assumes facts not in evidence. Without waiving said objection, EKPC states as follows: Dr. Dolloff did not submit inaccurate data to John Pfeiffer as claimed in the Response.

First, it has been established that the data provided to Mr. Pfeiffer in MS Excel format on February 27, 2012 was a direct export from the EKPC EMS. Therefore, there was no opportunity for Dr. Dolloff to make miscalculations.

Second, the MS Excel spreadsheets do not contain any formulas; only raw numbers are provided. Because the spreadsheets do not contain formulae, there is no opportunity for Dr. Dolloff to make miscalculations.

Third, an examination of the data provided by Dr. Dolloff and given in the Response will show the data to be accurate. For this exercise, refer to the first line of data given on page 14 of the Response. This first line of data is repeated below in Table Four.

Table Four: Example of Data Provided to Mr. Pfeiffer for the 69 kV Transmission Line

Date/Time	MW	MVAR	MVA	AMPS
19-Jan-12 07:00:00	29.72816	-3.303750515	29.91117	750.8357881

Table Four contains power flow data recorded at 7:00 am on January 19, 2012 for the 69 kV, 3-phase transmission line that runs between the Dale and Sideview substations.

Given question 35 part b, it is assumed that the claim of inaccuracy involves the value of current provided to Mr. Pfeiffer in these spreadsheets. Therefore, the data given in Table Four will be used to calculate the current (AMPS) also given in Table Four.

Substituting Table Four data into Eq.5 yields:

$$I_{line} = \frac{29.9117 \text{ MVA}}{\sqrt{3} * 69 \text{ kV}} = 250.2830 \text{ amps} \quad \text{Eq.9}$$

To calculate the total current in this 3-phase, 69 kV, transmission line, apply Eq.3 to the result given in Eq. 9.

$$I_{3-\phi} = 3 \times 250.2830 = 750.8490 \text{ amps} \quad \text{Eq.10}$$

The calculated value of current (750.8490 amps) given in Eq.10 removes any doubt that the 69 kV transmission line loading data provided to Mr. Pfeiffer is, in any way, inaccurate.

To further check the accuracy of the data provided to Mr. Pfeiffer, refer to the first line of 345 kV data given on page 15 of the Response, repeated below in Table Five.

Table Five Example of Data Provided to Mr. Pfeiffer for the 345 kV Transmission Line

Date/Time	MW	MVAR	MVA	AMPS
19-Jan-12 07:00:00	9.56	26.78	28.44	142.78

Table Five contains power flow data recorded at 7:00 am on January 19, 2012 for the 345 kV, 3-phase transmission line that runs between the North Clark and J.K. Smith substations.

Given question 35 part b, it is assumed that the claim of inaccuracy involves the value of current provided to Mr. Pfeiffer in these spreadsheets. Therefore, the data given in Table Five will be used to calculate the current (AMPS) also given in Table Five.

Substituting Table Five data into Eq.5 yields:

$$I_{line} = \frac{28.44 \text{ MVA}}{\sqrt{3} * 345 \text{ kV}} = 47.59 \text{ amps} \quad \text{Eq.11}$$

To calculate the total current in this 3-phase, 345 kV, transmission line, apply Eq.3 to the result given in Eq. 11.

$$I_{3-\phi} = 3 \times 47.59 = 142.78 \text{ amps} \quad \text{Eq.12}$$

The calculated value of current (142.78 amps) given in Eq.12 removes any doubt that the 345 kV transmission line loading data provided to Mr. Pfeiffer is, in any way, inaccurate.

We reiterate: Dr. Dolloff did not submit inaccurate data to John Pfeiffer as claimed in Complainants' Request 35f.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 36

RESPONSIBLE PARTY: **Greg McKinney**

Request 36. On p. 28, lines 15-17, of his testimony, Dr. Dolloff states "neither of the transmission lines in question will ever be loaded to maximum capacity and the conductors will never reach maximum operating temperature under normal operating conditions."

Request 36a. Please identify the operating procedures that limit transmission line operating capacities.

Response 36a. EKPC operates its transmission system under the direction of the PJM Regional Transmission Organization (PJM RTO). PJM RTO is responsible for performing, on EKPC's behalf, many of the North American Electric Reliability Corporation (NERC) mandated functions, including the Transmission Operator function.

NERC Reliability Standard TOP-004-2 (Transmission Operations) Requirement 1 states "Each Transmission Operator shall operate within the Interconnection Reliability Operating Limits (IROLs) and System Operating Limits (SOLs)". Section 2.1 (Thermal Limit Operation Criteria) of PJM Manual 3 (Transmission Operations) describes the operating procedures utilized to prevent the loading of transmission facilities above their maximum operating limits.

Section 2.1 states the following:

2.1 Thermal Limit Operation Criteria

The PJM RTO SOL are operated so that loading on all PJM SOL are within normal continuous ratings, and so that immediately following any single facility malfunction or failure, the loading on all remaining facilities can be expected to be within emergency ratings. (All deviations from normal procedure must be approved and documented in Section 5.)

This principle requires that actions should be taken before a malfunction or failure occurs in order to control post-contingency loading on a pre-contingency basis. Some examples of possible pre-contingency actions include pre-arranged approved switching, use of approved special purpose relays, Phase Angle Regulator tap adjustments (PARs), redispatch, and transaction curtailment. These actions can be used pre-contingency to control post-contingency operation so as not to exceed emergency ratings. These pre-contingency options are simulated by PJM's Operations Planning Department when they perform the day-ahead analysis of the system.

Following any malfunction or failure, all remaining facilities or procedures of PJM are utilized, as required in accordance with Exhibit 1 or as practical, to restore PJM RTO conditions within 30 minutes to a level that restores operation within normal ratings and protects against the consequences of the next malfunction or failure. Transmission overloads, both actual and post-contingency, are corrected within this time requirement. PJM uses the following techniques to control contingency or system violations:

- adjusting PARs
- switching reactive devices in/out of service or adjusting generator MVAR output
- switching transmission facilities in/out of service
- adjusting generation MW output via redispatch
- adjusting imports/exports
- issuing a TLR (Transmission Loading Relief)

If the above directed actions do not relieve an actual or simulated post-contingency violation, then emergency procedures may be directed, including dropping or reducing load as required.

PJM RTO continuously performs power flow studies on a real-time basis to predict potential overloads of transmission facilities for the next malfunction or equipment failure (next contingency). When the next-contingency analysis predicts post-contingent power flows greater

than the maximum operating limit of a given transmission facility, PJM RTO and EKPC will take pre-contingent action to eliminate the potential overload. Because of this operating procedure, it is likely that these lines would never be operated at maximum capacity and/or maximum operating temperature under normal operating conditions.

Request 36b. Please provide the maximum operating capacities of EKPC transmission lines in terms of percent full load of normal conductor limits that transmission lines are allowed to operate.

Response 36b. The following Tables show the maximum operating capacities for the North Clark – JK Smith 345kV line, the Hunt – Miller Hunt Tap 69kV line, and the Miller Hunt Tap – North Clark Tap 69kV line in terms of the percent full load of normal conductor limits that the lines are allowed to operate.

North Clark – JK Smith 345kV Line:

Rating Type	Duration	Ambient Temperature, Degrees Celsius												
		-20	-15	-10	-5	0	5	10	15	20	25	30	35	40
Normal	Continuous	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
LTE	4 Hour	104%	105%	105%	105%	106%	106%	107%	107%	108%	109%	110%	112%	113%
STE	1 Hour	104%	105%	105%	105%	106%	106%	107%	107%	108%	109%	110%	112%	113%
Load Dump	15 Min.	106%	107%	107%	108%	108%	109%	110%	111%	112%	113%	115%	117%	119%

Hunt – Miller Hunt Tap 69kV Line:

Rating Type	Duration	Ambient Temperature, Degrees Celsius												
		-20	-15	-10	-5	0	5	10	15	20	25	30	35	40
Normal	Continuous	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
LTE	4 Hour	103%	105%	105%	105%	106%	105%	107%	106%	107%	108%	108%	111%	111%
STE	1 Hour	103%	105%	105%	105%	106%	105%	107%	106%	107%	108%	108%	111%	111%
Load Dump	15 Min.	106%	107%	107%	108%	109%	108%	110%	110%	110%	113%	113%	116%	117%

Miller Hunt Tap – North Clark Tap 69kV Line:

Rating Type	Duration	Ambient Temperature, Degrees Celsius												
		-20	-15	-10	-5	0	5	10	15	20	25	30	35	40
Normal	Continuous	55%	56%	57%	58%	60%	61%	63%	64%	66%	68%	68%	68%	66%
LTE	4 Hour	58%	59%	60%	61%	63%	64%	66%	67%	69%	72%	75%	79%	83%
STE	1 Hour	61%	62%	62%	63%	65%	66%	68%	69%	72%	74%	78%	81%	85%
Load Dump	15 Min.	78%	79%	80%	81%	82%	83%	86%	87%	89%	91%	95%	99%	103%

Note: This line section is limited by a 600 amp line disconnect switch. The percentages shown are with respect to the normal conductor limits.

Request 36c. Please define who in EKPC has the authority to exceed the above stated operating conditions.

Response 36c. No one has the authority to exceed the above stated operating conditions because doing so would be in violation of NERC Reliability Standard TOP-004-2, and more importantly, could potentially jeopardize the reliability of the Eastern Interconnection.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 37

RESPONSIBLE PARTY: Benjamin Cotts

Request 37. Please state Dr. Cotts' employment history with dates for each engagement.

Response 37. International Science Outreach Manager, Stanford University, August 2007 – August 2011.

Post Doctoral Fellow, University of Denver, Colorado, March 2011 – August 2011.

Associate, Senior Associate, Manager, Exponent Inc. August 2011 – present.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 38

RESPONSIBLE PARTY: Benjamin Cotts

Request 38. Please state the various transmission lines where Dr. Cotts has performed detail design.

Responses 38. Dr. Cotts has performed detailed assessments of EMF including calculation of optimal phase for 19 individual transmission lines or substations in Maryland, Delaware, Virginia, Massachusetts, Connecticut, New York, Montana, Texas, Arkansas, Oklahoma, and Iowa, as well as in the Republic of Ireland.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 39

RESPONSIBLE PARTY: Benjamin Cotts

Request 39. Please state the various electrical distribution systems Dr. Cotts has analyzed.

Response 39. Dr. Cotts has analyzed the EMF associated with 16 electrical distribution systems in Maryland, New Jersey, Delaware, Massachusetts, Connecticut, Ohio, and the District of Columbia.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 40

RESPONSIBLE PARTY: Benjamin Cotts

Request 40. Please state the various projects where Dr. Cotts performed sag calculations.

Response 40. The results of transmission line sag calculations are typically provided to Dr. Cotts to use in EMF modeling. On one occasion, Dr. Cotts was requested to perform sag calculations for a transmission line in Ireland.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 41

RESPONSIBLE PARTY: Mary Jane Warner

Request 41. Page 1 of Dr. Cotts' report describes the "underbuilt" transmission line as a 69kV line.

Request 41a. Please state all public references in which the new underbuilt line is described as a 69kV line.

Response 41a. In the Open House Packet mailed to property owners by EKPC, under the “*We want you to be informed about this project*” section, EKPC states “This is a proposed project to construct a new transmission substation and approximately 18 miles of 345-kilovolt transmission line. This project will involve rebuilding approximately 17 miles of existing 69-kilovolt transmission line to a double-circuit 345/69-kV line, with plans to upgrade the line to 345/138-kV in the future.”

The ads placed in the *Winchester Sun* stated the same as above.

Request 41b. Please state all locations in design drawings and specifications which show that the underbuilt line is rated as only up to 69kV.

Response 41b. None of EKPC's design drawings or specifications shows that the underbuilt line is only rated to 69kv. The underbuilt transmission line is shown to be 69kv on our System One Line Diagrams that document current system configuration.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 42

RESPONSIBLE PARTY: Darrin Adams

Request 42. Page 12 of Dr. Cotts' report states: "All comparative model configurations are evaluated using the conductor height at minimum ground clearance (taking into account both conductor sag and terrain change), The conductor sag is calculated based upon maximum temperature (212 degrees Fahrenheit). In order to compare the similar scenarios, the 69-kV transmission line was modeled at an estimated average load of 150 amperes (A) for all configurations and the 345-kV transmission line was modeled at an average load of 300 A."

Request 42a. Please state the rationale for using 150 A and 300 A respectively.

Response 42a. EKPC power flow models were used to determine line-current flows on the subject lines for a range of system load conditions bounded by full-system (peak) load and minimum load. The average of these flow values was calculated. The values of 150 amperes for the 69 kV line and 300 amperes for the 345 kV line are representative of these average values.

Request 42b. Please state the minimum and maximum current levels for each circuit of this transmission line since the transmission line was placed into service prior to the date of these questions and answers.

Response 42b. Objection.
EKPC objects to the request to the extent that it is overly broad and unduly burdensome.

Without waiving said objection, EKPC states that data for the entire period requested is not readily available, and therefore could not be obtained in the time necessary to respond to this request. Due to the voluminous amount of data that is captured by EKPC's Energy Management System (EMS), older data must be archived periodically. Accessing this older data is a labor-intensive effort that requires a significant amount of time. The data that is available covers the period of 9/11/2011 through 6/15/2014. Another issue with the data is that EKPC does not have telemetry on the Miller Hunt-North Clark/Sideview 69 kV line that crosses the Barkers' property, so actual flows for this line are not captured in the EKPC EMS. Therefore, data for the Dale-Hunt 69 kV line must be used, since this is the nearest telemetered line section. The corresponding loading at the same date and time for the Hunt and Miller Hunt substations is subtracted from the telemetered flow on the Dale-Hunt 69 kV line to determine the estimated actual flow on the Miller Hunt-North Clark/Sideview line section (since this is operated as a radial system, this calculation provides a reasonable approximation of the actual line flow). During retrieval of this data, it was also determined that data was not being retained for the Dale-Hunt 69 kV line from 7/11/2012 through 9/18/2013. EKPC installed a new EMS in 2012, and it is believed that the Dale-Hunt line flow was not configured properly for archival when this new EMS was installed until it was noticed and fixed on 9/19/2013.

For the period from 9/11/2011 through 6/15/2014, the minimum line current flow identified on the JK Smith-North Clark 345 kV line from the available EMS data is 0.7 amperes (ignoring periods when the data shows no power flow on the line). The maximum line current flow identified for this 345 kV line for this period is 922.3 amperes.

For the periods from 9/11/2011 through 7/10/2012 and 9/19/2013 through 6/15/2014, the minimum line current flow identified on the Dale-Hunt 69 kV line from the available EMS data is 34.5 amperes (ignoring periods when the data shows no power flow on the line). The actual

total load at the Hunt and Miller Hunt substations for this date and time was 2.0 MVA, so the resulting line current flow through the Miller Hunt to North Clark/Sideview 69 kV line at that date and time is estimated to be 19.2 amperes.

For the periods from 9/11/2011 through 7/10/2012 and 9/19/2013 through 6/15/2014, the maximum line current flow identified on the Dale-Hunt 69 kV line from the available EMS data is 285.0 amperes. The actual total load at the Hunt and Miller Hunt substations for this date and time was 11.2 MVA, so the resulting line current flow through the Miller Hunt to North Clark/Sideview 69 kV line at that date and time is estimated to be 191.9 amperes.

**EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST**

**COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 43**

RESPONSIBLE PARTY: Mary Jane Warner

Request 43. Please provide the sag calculations used for each circuit.

Response 43. Please refer to Response 22 above.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 44

RESPONSIBLE PARTY: Benjamin Cotts

Request 44. Please state the reason for using 69 kV for the underbuilt line when this circuit was designed and installed as a 138 kV line?

Response 44. The underbuilt line is operated at a voltage of 69-kV. It is therefore necessary to model this line at a voltage of 69-kV in order to compare to measured EMF levels. Please refer to Response 7 above.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 45

RESPONSIBLE PARTY: Benjamin Cotts

Request 45. Please provide all test data collected for the 345kV/69kV line crossing the Barkers' property.

Responses 45. Please see pages 2 through 6 of this response.

Driveway

Magnetic Field

Distance (ft)	Magnetic Field (mG)
-70	4.16
-68	4.44
-66	4.62
-64	4.74
-61	4.94
-59	5.29
-58	5.29
-58	5.41
-55	5.64
-53	5.76
-50	6.08
-48	6.42
-45	6.69
-43	6.88
-40	7.16
-37	7.47
-34	7.91
-32	8.23
-31	8.36
-31	8.67
-29	8.57
-28	8.99
-27	8.54
-27	9.02
-25	9.08
-24	9.21
-23	9.29
-21	9.58
-20	9.47
-19	9.83
-18	9.71
-18	9.92
-15	10.03
-14	10.04
-12	10.28
-10	10.11
-8	10.31
-6	10.57
-5	10.74
-3	10.53
-1	10.66
0	10.29

Electric Field

Distance (ft)	Electric Field (kV/m)
-75	0.63
-59	0.8
-45	0.81
-27	0.64
-19	0.44
-10	0.32
1	0.25
10	0.42
23	0.64
32	0.87
42	1.09
52	1.15
62	1.12
75	0.93

Driveway

Magnetic Field

Distance (ft)	Magnetic Field (mG)
1	10.29
4	10.14
5	9.98
8	9.76
10	9.72
11	9.53
11	9.89
14	9.04
14	9.67
18	8.73
19	8.94
21	8.78
22	8.59
23	8.41
23	8.02
26	8.03
28	7.94
29	7.67
30	7.57
31	7.34
31	7.47
34	7.11
36	6.79
39	6.29
41	5.99
43	5.88
45	5.62
48	5.41
50	5.18
53	4.98
55	4.87
57	4.68
59	4.48
61	4.27
63	4.03
65	3.84
66	3.83
66	3.93
69	3.81
71	3.52
73	3.51
73	3.39

Electric Field

Distance (ft)	Electric Field (kV/m)
---------------	-----------------------

Garage**Magnetic Field**

Distance (ft)	Magnetic Field (mG)
-67	4.93
-63	4.96
-61	5.17
-59	5.33
-57	5.42
-57	5.52
-56	3.74
-55	5.76
-53	5.88
-52	6.03
-50	6.09
-48	6.13
-45	6.46
-43	6.82
-40	6.94
-38	7.13
-35	7.48
-32	7.83
-30	7.78
-28	8.12
-26	8.43
-24	8.82
-22	8.39
-22	8.92
-20	8.76
-20	8.71
-18	8.89
-18	9.04
-17	8.99
-15	9.16
-14	9.19
-13	9.23
-11	9.19
-11	9.26
-10	9.43
-7	9.57
-6	9.28
-6	9.13
-3	9.08
-1	9.27
1	9.17
3	9.02
5	9.07
7	9.01
8	8.78
8	8.87

Complainants' Request 45**Electric Field**

Distance (ft)	Electric Field (kV/m)
-66	0.63
-57	0.93
-47	0.91
-31	0.65
-24	0.43
0	0.09
26	0.25
50	0.42
68	0.43

Garage

Magnetic Field

Distance (ft)	Magnetic Field (mG)
10	8.83
10	8.94
11	8.86
13	8.67
14	8.52
15	8.69
16	8.36
17	7.89
20	8.06
21	7.89
21	7.87
23	7.64
24	7.47
26	7.21
26	7.26
27	7.47
29	7.06
30	6.92
31	6.94
32	6.99
32	6.93
34	6.81
35	6.64
36	6.68
36	6.67
37	7.02
38	6.87
39	6.73
40	6.74
41	6.87
44	6.59
46	6.47
48	6.43
49	6.24
49	6.51
52	5.97
55	5.76
57	5.59
60	5.34
63	5.16
65	4.91
69	4.78
71	4.49
74	4.47
76	4.19
79	3.96
82	3.84

Electric Field

Distance (ft) Electric Field (kV/m)

Garage

Magnetic Field

Distance (ft)	Magnetic Field (mG)
84	3.74
84	3.59

Complainants' Request 45

Electric Field

Distance (ft)	Electric Field (kV/m)
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EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 46

RESPONSIBLE PARTY: Benjamin Cotts

Request 46. Please provide mva, mw, mvar and amp data for both the 69kV line and 345kV line during the time span of tests performed on May 22, 2014.

Response 46. Please see pages 2 through 7 of this response. Also note that Amperage calculations are provided assuming balance currents on all phases, and are reported for a single phase, not the sum of all three phases as in some previous responses

DATETIME	JK Smith - N. Clark MW	JK Smith - N. Clark MVAR	JK Smith - N. Clark MVA	Amps
5/22/14 14:30	-17.000	-61.000	63.325	105.9723
5/22/14 14:31	-10.900	-60.200	61.179	102.3813
5/22/14 14:32	-20.100	-58.800	61.385	102.7257
5/22/14 14:33	-19.101	-58.600	61.634	103.1436
5/22/14 14:34	-22.898	-58.300	62.636	104.8206
5/22/14 14:35	-15.399	-59.600	61.558	103.0153
5/22/14 14:36	-13.699	-60.200	62.332	104.3106
5/22/14 14:37	-17.801	-60.700	62.774	105.051
5/22/14 14:38	-14.701	-60.700	62.455	104.5168
5/22/14 14:39	-17.000	-59.900	62.265	104.1998
5/22/14 14:40	-11.602	-60.500	61.602	103.0899

DATETIME	JK Smith - N. Clark MW	JK Smith - N. Clark MVAR	JK Smith - N. Clark MVA	Amps
5/22/14 16:00	-34.401	-60.101	70.529	118.0287
5/22/14 16:01	-38.600	-58.600	70.172	117.4306
5/22/14 16:02	-35.598	-59.200	69.080	115.6039
5/22/14 16:03	-41.902	-57.500	69.616	116.501
5/22/14 16:04	-47.700	-57.000	74.327	124.3843
5/22/14 16:05	-34.401	-58.300	67.693	113.2824
5/22/14 16:06	-34.497	-58.900	68.261	114.2338
5/22/14 16:07	-29.102	-60.201	66.556	111.3795
5/22/14 16:08	-31.003	-59.300	66.913	111.9776
5/22/14 16:09	-33.301	-59.200	67.923	113.6684
5/22/14 16:10	-23.400	-61.600	65.896	110.2758

DATE TIME	JK Smith - N. Clark MW	JK Smith - N. Clark MVAR	JK Smith - N. Clark MVA	Amps
5/22/14 17:40	-94.599	-52.199	108.044	180.8091
5/22/14 17:41	-100.000	-51.501	112.483	188.2383
5/22/14 17:42	-96.102	-51.801	109.173	182.6993
5/22/14 17:43	-96.700	-50.801	107.518	179.9298
5/22/14 17:44	-93.100	-51.801	106.541	178.2944
5/22/14 17:45	-87.101	-51.199	101.036	169.0819
5/22/14 17:46	-81.502	-52.900	98.271	164.4551
5/22/14 17:47	-85.198	-52.400	100.599	168.3504
5/22/14 17:48	-88.701	-51.699	101.252	169.4435
5/22/14 17:49	-88.600	-51.400	102.431	171.4158
5/22/14 17:50	-85.000	-50.699	98.974	165.6302

DATETIME	Miller Hunt - Sideview MW	Miller Hunt - Sideview MVAR	Miller Hunt - Sideview MVA	Amps
5/22/14 14:30	6.433	0.990	6.584	55.089
5/22/14 14:31	6.399	0.995	6.470	10.828
5/22/14 14:32	6.347	0.890	6.461	10.812
5/22/14 14:33	6.366	0.990	6.534	10.934
5/22/14 14:34	6.447	0.985	6.515	10.902
5/22/14 14:35	6.376	0.999	6.443	10.783
5/22/14 14:36	6.314	0.899	6.486	10.853
5/22/14 14:37	6.486	0.995	6.554	10.968
5/22/14 14:38	6.438	0.999	6.509	10.893
5/22/14 14:39	6.419	1.014	6.494	10.867
5/22/14 14:40	6.505	1.014	6.479	10.843

DATETIME	Miller Hunt - Sideview MW	Miller Hunt - Sideview MVAR	Miller Hunt - Sideview MVA	Amps
5/22/14 16:00	7.330	1.551	7.372	61.683
5/22/14 16:01	7.402	1.555	7.459	12.482
5/22/14 16:02	7.373	1.541	7.628	12.766
5/22/14 16:03	7.439	1.522	7.591	12.704
5/22/14 16:04	7.273	1.527	7.430	12.433
5/22/14 16:05	7.354	1.531	7.510	12.567
5/22/14 16:06	7.278	1.465	7.422	12.421
5/22/14 16:07	7.154	1.470	7.302	12.220
5/22/14 16:08	7.168	1.460	7.296	12.210
5/22/14 16:09	7.221	1.470	7.367	12.329
5/22/14 16:10	7.131	1.479	7.379	12.348

DATETIME	Miller Hunt - Sideview MW	Miller Hunt - Sideview MVAR	Miller Hunt - Sideview MVA	Amps
5/22/14 17:40	7.851	1.703	8.033	67.21887851
5/22/14 17:41	7.875	1.698	8.046	13.46551499
5/22/14 17:42	7.837	1.659	8.107	13.56682495
5/22/14 17:43	7.947	1.703	8.029	13.43612111
5/22/14 17:44	7.833	1.698	8.014	13.41142272
5/22/14 17:45	8.009	1.712	8.189	13.70443928
5/22/14 17:46	7.913	1.693	8.070	13.50546671
5/22/14 17:47	8.037	1.703	8.215	13.74716556
5/22/14 17:48	7.932	1.712	8.082	13.52473187
5/22/14 17:49	7.851	1.703	8.133	13.60980599
5/22/14 17:50	7.970	1.698	8.148	13.63566363

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 47

RESPONSIBLE PARTY: Benjamin Cotts

Request 47. Please provide the elevation of the 69kV and 345kV lines at the point of the tests on the Bert T. Combs Mountain Parkway.

Response 47. Respondents assume Questioner is referring to the height of the transmission line conductors above ground level at the location of measurements on Bert T. Combs Mountain Parkway (Mountain Parkway). This information is contained in Table 1 of Dr. Cotts' report and repeated below for reference.

Transmission Line	Conductor Height (Mountain Parkway)
69-kV	37.3 ft
345-kV	55.0 ft

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 48

RESPONSIBLE PARTY: Benjamin Cotts

Request 48. Please provide the elevation of the 69kV and 345kV lines at the point of the tests on the Barkers' property.

Responses 48. Respondents assume Questioner is referring to the height of the transmission lines above ground level at the location of measurements on the ROW at the Barkers' property. This information is contained in Table 1 of Dr. Cotts' report and repeated below for reference.

Transmission Line	Conductor Height (Driveway)	Conductor Height (Garage)
69-kV	44.2 ft	54.6 ft
345-kV	61.8 ft	72.2 ft

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 49

RESPONSIBLE PARTY: Benjamin Cotts

Request 49. Please provide the elevations of the ground level changes at the Barkers' home for each measurement point.

Response 49. The ground slopes downward moving west to east away from the Barkers' residence. The rate of elevation change is different for the two measurement paths. For the measurement path designated as the "Barker Driveway," the elevation change as determined from LIDAR measurements, provided by East Kentucky Power Cooperative (EKPC), is 5 feet from the west end of the path to the east end of the path. For the measurement path designated as the "Barker Garage," the elevation change as determined from LIDAR measurements provided by EKPC is 13 feet from the west end of the path to the east end of the path.

Elevation Change Along	
Location	Measurement Path
Driveway	5 ft
Garage	13 ft

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 50

RESPONSIBLE PARTY: Benjamin Cotts

Request 50. Please explain how it is possible to compare measurement results if measurements of EMF are taken at two different points on a transmission line and no line elevation measurements were made.

Response 50. In Table 1 of Dr. Cotts' report, the transmission line height above ground is presented for each location at which EMF measurements were performed, so the question is not applicable to measurements performed by Dr. Cotts. In addition to conductor height above ground, Dr. Cotts' report details all information necessary in order to appropriately compare measured and modeled EMF levels from the measurement or modeling locations (e.g., voltage, loading, conductor height above ground, phase arrangement, number and diameter of conductors, and conductor separation).

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 51

RESPONSIBLE PARTY: Benjamin Cottis

Request 51. Please provide the ambient temperature at the time of all measurements at the Barker parker property and at the test site at the Bert T. Combs Mountain Parkway.

Response 51. As reported by the National Climatic Data Center the ambient temperatures in Mount Sterling, Kentucky, at the time of measurements are summarized below.

Location	Temperature (F)
Barker Driveway	73
Barker Garage	77
Mountain Parkway	79

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 52

RESPONSIBLE PARTY: Benjamin Cotts

Request 52. Table 4 of page 34 of Dr. Colts' report lists measurements made during testing at the Barker house. Please describe the measurement technique.

Response 52. The distances summarized in Table 4 of Dr. Cotts' report were not performed "during testing at the Barker house." As described on page 33 of Dr. Cotts' report, the distances presented in Table 4 were determined using Google Earth to estimate the horizontal distance between the transmission line conductors and the Barkers' residence. These distances were then compared to those presented by Mr. Pfeiffer in his report (also obtained using Google Earth), as well as to values provided by EKPC, which were measured using a LIDAR system.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 53

RESPONSIBLE PARTY: Mary Jane Warner

Request 53. Please identify all EKPC personnel involved in the planning and designing stages of the Smith-North Clark project, indicate each person's role and the date each became aware of the critical situation associated with the Barkers' property.

Response 53. Objection.

EKPC objects to this request on the basis that it is overly broad and unduly burdensome. There were many individuals involved in some capacity with the planning and designing of the subject project. Without waiving said objection, EKPC states that the following individuals were primarily responsible for the planning and design: Darrin Adams, Dominic Ballard, Gary Harvey, Thad Mumm, Ronnie Terrill and Mary Jane Warner. EKPC also objects to this request on the basis that it is argumentative and assumes facts not in evidence.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 54

RESPONSIBLE PARTY: Mary Jane Warner

Request 54. According to EKPC's letter dated October 7, 2005, to the PSC, there were six locations mentioned where property owners had constructed residences and other structures immediately adjacent to the existing right-of-way. Please identify the owners and locations of the properties, the distance from the original 100-foot right-of-way, the date the structure was built and type of structure involved, the date EKPC became aware of the structures' proximity to the line, and indicate the final resolution for each situation.

Response 54. Please see page 2 of this response which identifies the owners and locations of the properties, the distance from the original 100-foot right-of-way, the date the structures were built and type of structures involved, the date EKPC became aware of the structures' proximity to the line, and indicates the final resolution for each situation.

EKPC Map No	Owner	Location	Type of Structure	Distance from Original Centerline	Date Structure was Built	Date EKPC Aware of Proximity	Final Resolution
27	Donald & Linda Cartwright	Jackson Ferry Rd	Occupied House	49	Unkown	Unkown	New centerline relocated off of property and on Foley Estate Property
137	Jerry & Dorothy Jessie	Morris Rd	Occupied House	63	Unkown	Unkown	New centerline moved 26' to the east
169	Leo & Kathleen Curley	Ecton Rd	Occupied House	52	Unkown	Unkown	New centerline moved 25' to the west
200	Ann Brooks Barker	Mt. Sterling Rd	Garage	44	Unkown	Unkown	New centerline moved 25' to the east
219	Taylor & Dorothy Reffett	White-Turley Rd	Occupied House	63	Unkown	Unkown	New centerline moved 20' to the east.
220	Cornelius & Brenda Blakeman	White-Turley Rd	Occupied House	24	Unkown	Unkown	EKPC purchased the property and relocated the property owners

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 55

RESPONSIBLE PARTY: Mary Jane Warner

Request 55. On p. 5, lines 2-3, of her testimony Ms. Mary Jane Warner states, "The structure and lower circuit are designed with the necessary clearances to operate at 138kV, if the need should ever arise for such a change." Why was this not stated in EKPC's letter to the PSC dated October 7, 2005?

Responses 55. Although the conductor is capable of operation at 138 kV, the line itself is limited to operation at 69 kV, as set forth in Response 7 above.

Moreover, line clearance issues are not relevant to the determination of whether a CPCN is necessary for a transmission line project.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 56

RESPONSIBLE PARTY: Mary Jane Warner

Request 56. According to the Gilpin Report dated May 2006, page 40, table 8.6a, there are three houses located 0-100 feet from the right-of-way of the proposed route. Please identify the location of these three houses and the final resolution for each situation.

Response 56. Please see page 2 of this response for the owner identity and location of these three houses and the final resolution for each situation.

EKPC Map No	Owner	Location	Type of Structure	Distance from New Centerline	Final Resolution
200	Ann Brooks Barker	Mt. Sterling Rd	Occupied House	72	No agreement reached.
219	Taylor & Dorothy Reffett	White-Turley Rd	Occupied House	84	Signed easement
220	Cornelius & Brenda Blakeman	White-Turley Rd	Occupied House	38	EKPC purchased the property, removed the mobile home, and relocated the property owners

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 57

RESPONSIBLE PARTY: Mary Jane Warner

Request 57. According to EKPC's open house attendee list dated November 10, 2005, there were approximately four additional concerned property owners that were not mentioned in EKPC November 21, 2013 sworn responses to the Commission Staff's Initial Request for Information. Ron Blackburn, Danny Shimfessel, John Flynn and Jerry Jessie voiced concerns regarding EMF and proximity of structures to right-of-way. What provisions, if any, were made for each of these property owners?

Response 57. Please see page 2 of this response for the provisions made for each of these property owners. An encroachment map is provided on page 3 of this response.

EKPC Map No	Owner	Final Resolution
77, 78	Ronald & Pamela Blackburn	New centerline built on original centerline
137	Jerry & Dorothy Jessie	New centerline shifted 26' to the east
188	John Flynn	New centerline shifted 24' to the east
211	Danny & Roberta Shimfessel	New centerline shifted 26' to the east, signed encroachment agreement

50
Detail Scale: 1" = 50'

Barn

Legend

- Existing Centerline
- Proposed Centerline
- Existing Easement Area
- Expanded Easement Area

100
Scale: 1" = 100'



**Smith - North Clark 345kV
Encroachment Map**

**EKPC Parcel #211
Danny & Roberta Shimfessel**



East Kentucky Power Cooperative
4775 Lexington Road, PO Box 707
Winchester, Kentucky 40392
Phone (859)744-4812 www.ekpc.coop Fax (859)744-6008

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

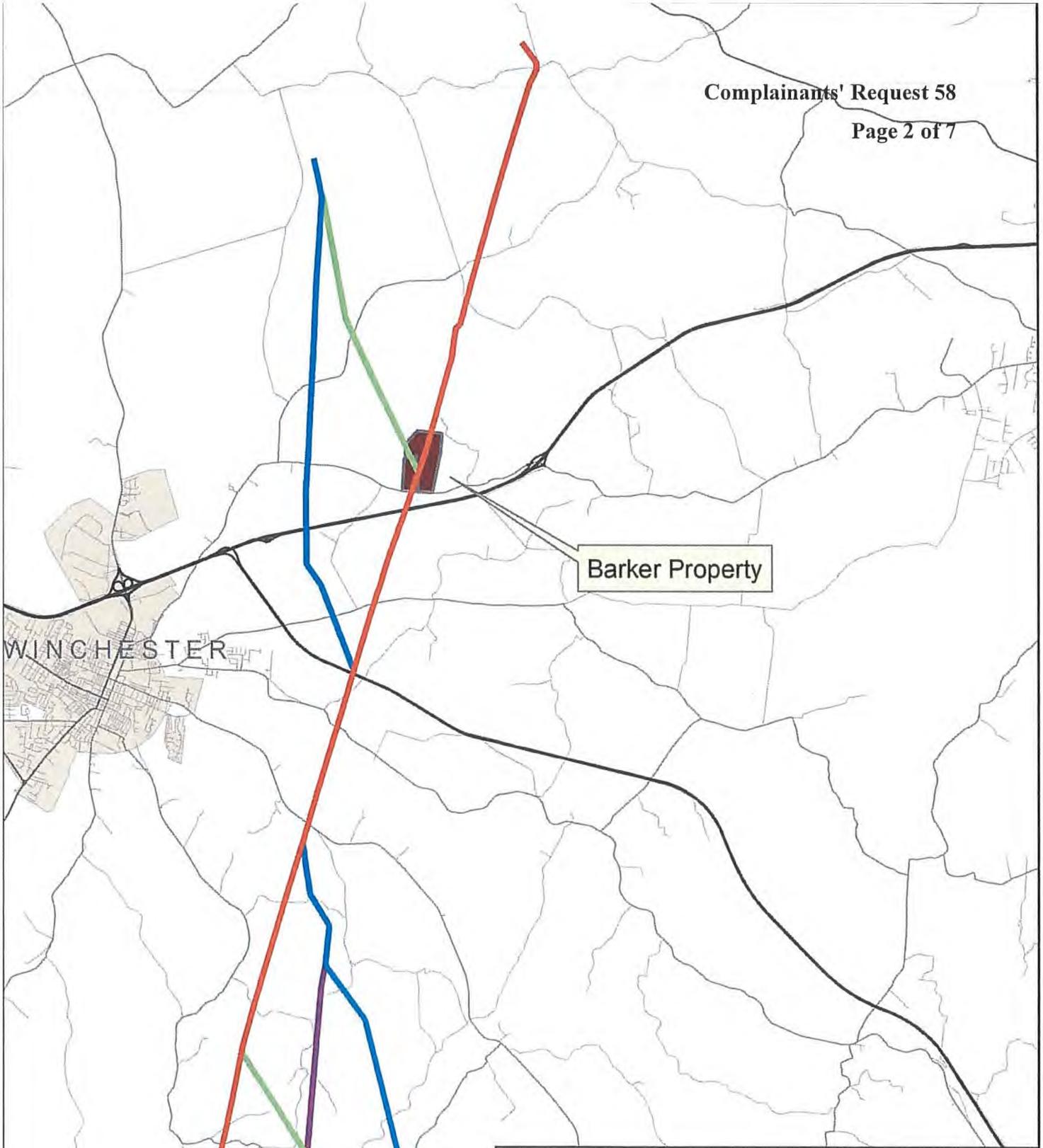
COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 58

RESPONSIBLE PARTY: **Mary Jane Warner**

Request 58. Regarding the five distinct routes from the original 166 alternative routes generated by the EPRI-GTC Siting Method, please identify with maps those five routes and the project team that performed the impact evaluations for each. What solutions were generated specifically for the critical proximity involving the Barkers' property?

Responses 58. Please see page 2 of this response for a map showing the five distinct routes. The map on page 3 of this response shows the composite of all routes. The maps on pages 4-7 show how the Barker property would have been affected by each of the five routes. The names of the members of the project team that evaluated these routes are listed below.

Mary Jane Warner
Dominic Ballard
Joe Settles
Garry Harvey
Thad Mumm
Ronnie Terrill
Nick Comer



Barker Property

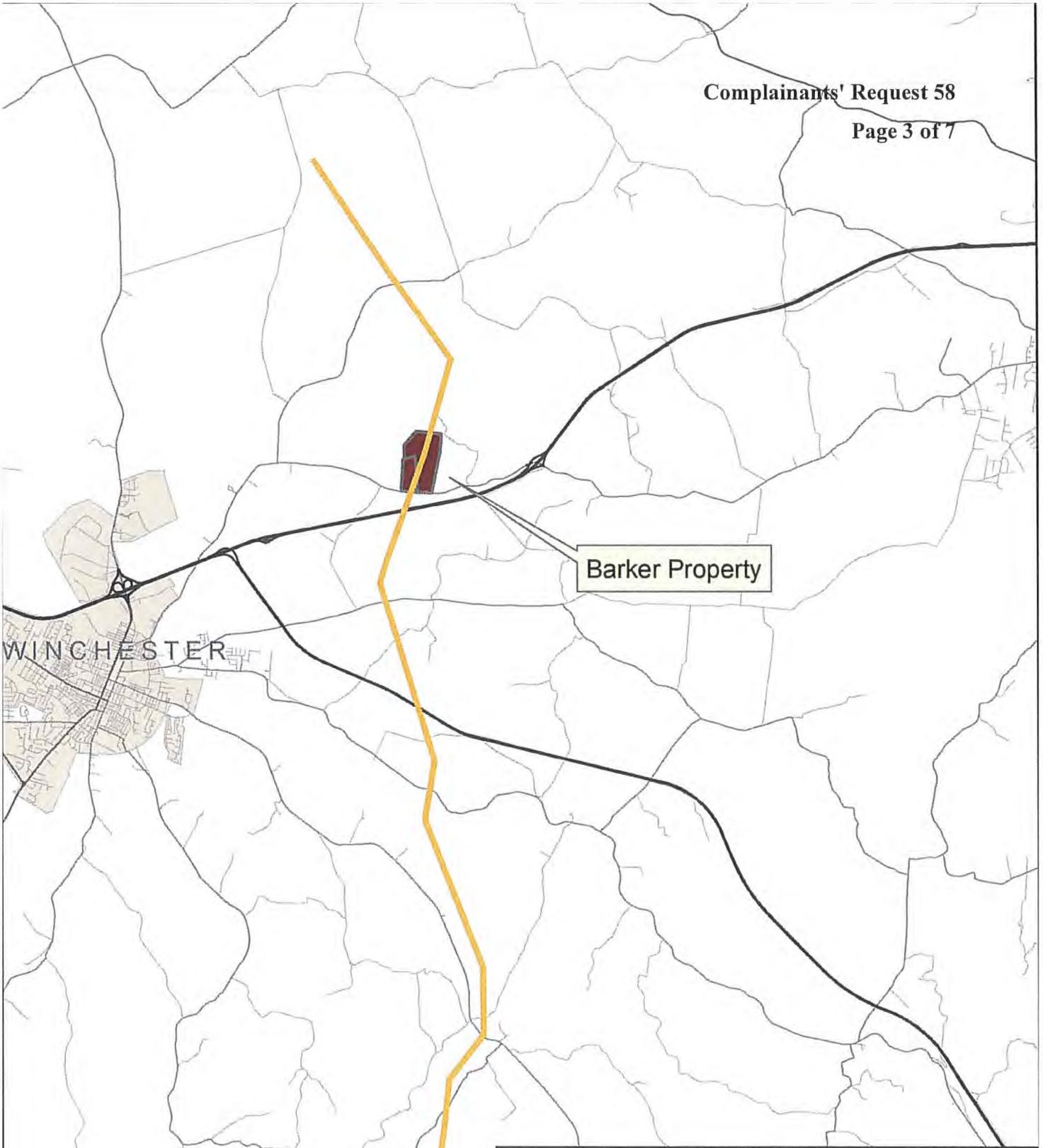
WINCHESTER

EXHIBIT MJW-4
Alternate Routes

- Route "DZ"
- Route "EE"
- Route "ES"
- Route "FL"

1 Miles

East Kentucky Power Cooperative
4775 Lexington Road, PO Box 707
Winchester, Kentucky 40392
Phone (859)744-4812 www.ekpc.coop Fax (859)744-6008

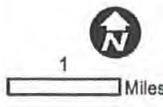


Barker Property

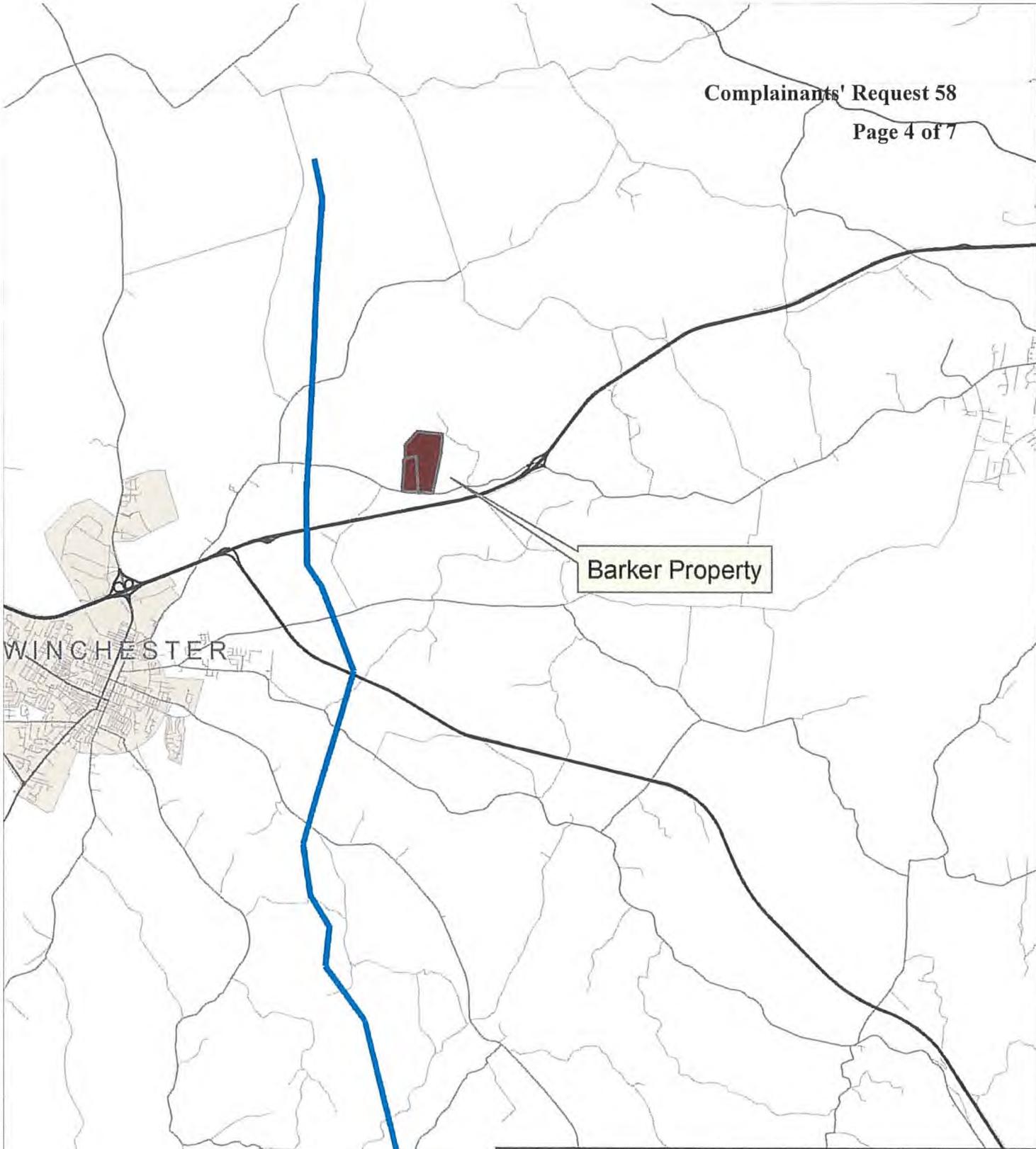
WINCHESTER

EXHIBIT MJW-4a

Route "A"



East Kentucky Power Cooperative
4775 Lexington Road, PO Box 707
Winchester, Kentucky 40392
Phone (859)744-4812 www.ekpc.coop Fax (859)744-6008

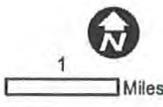


WINCHESTER

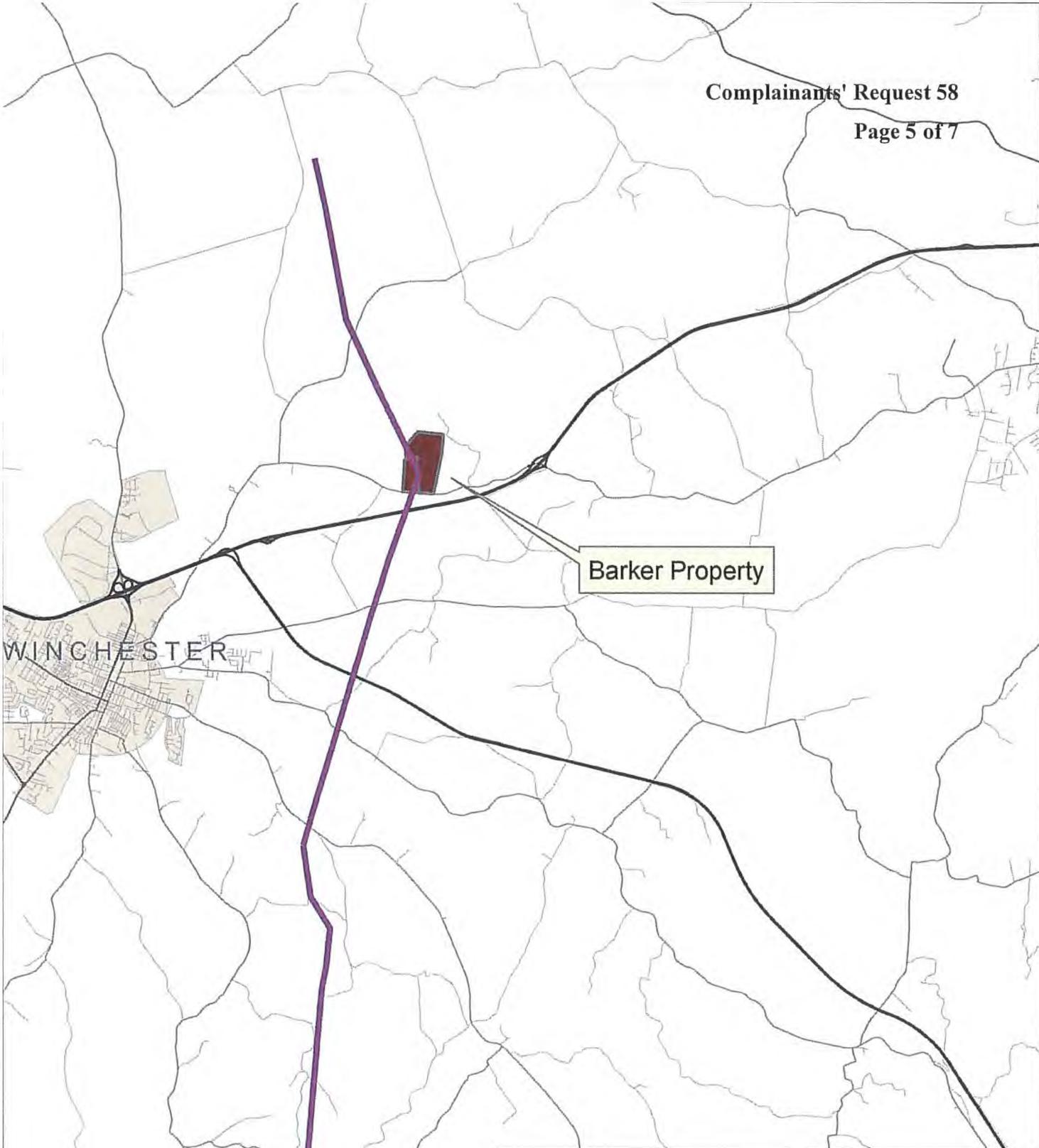
Barker Property

EXHIBIT MJW-4b

Route "DZ"



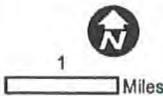
 East Kentucky Power Cooperative
4775 Lexington Road, PO Box 707
Winchester, Kentucky 40392
Phone (859)744-4812 www.ekpc.coop Fax (859)744-6008



WINCHESTER

Barker Property

EXHIBIT MJW-4c
Route "EE"



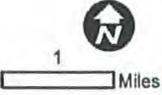
East Kentucky Power Cooperative
4775 Lexington Road, PO Box 707
Winchester, Kentucky 40392
Phone (859)744-4812 www.ekpc.coop Fax (859)744-6008



Barker Property

WINCHESTER

EXHIBIT MJW-4d
Route "ES"



1 Miles

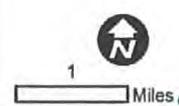


East Kentucky Power Cooperative
4775 Lexington Road, PO Box 707
Winchester, Kentucky 40392
Phone (859)744-4812 www.ekpc.coop Fax (859)744-6008

WINCHESTER

Barker Property

EXHIBIT MJW-4e
Route "FL"



East Kentucky Power Cooperative
4775 Lexington Road, PO Box 707
Winchester, Kentucky 40392
Phone (859)744-4812 www.ekpc.coop Fax (859)744-6008

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 59

RESPONSIBLE PARTY: Mary Jane Warner

Request 59. EKPC's response dated November 21, 2013 to the Commission's Request for Information dated November 7, 2013 indicates that an incorrect coordinate system was used which resulted in a significant change in calculating the centerline lengths. Please show the measurements based on the original incorrect coordinate system used and also show the corrected measurements based on the Kentucky State Plane, South Zone System, Please identify at what time during the planning, design and construction of the Smith-Hunt-Sideview replacement project did EKPC begin using the correct Kentucky State Plane, South Zone System?

Response 59. When using the “WGS 1984 Web Mercator (auxiliary sphere)” coordinate system in ArcMap™, the calculated distance for the deviated centerline on the Shearer and Foley properties is 8,850 feet. When using the correct “Kentucky State Plane, South Zone” coordinate system in ArcMap™, the calculated distance for the deviated centerline on the Shearer and Foley properties is 6,975 feet.

The only time the “WGS 1984 Web Mercator (auxiliary sphere)” coordinate system was used for any calculations or locations was during collection of data used for the Answer and Motion to Dismiss filed on October 10, 2013. The correct “Kentucky State Plane, South Zone” coordinate system was used during the planning, design, and construction phases of the Smith – Hunt – Sideview project and for the corrections made in responses to data requests in this Case.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 60

RESPONSIBLE PARTY: Mary Jane Warner

Request 60. Please describe how adjusting the centerline/easement to avoid the Barker residence is not the best option when constructing a double circuit transmission line rated at 345kV/138kV knowing the health and safety concerns created by a line of this magnitude.

Response 60. Objection.

EKPC objects to this request on the basis that it is argumentative and assumes facts not in evidence. Without waiving said objection, EKPC states that the Barkers' residence is not located on EKPC's easement – only a small portion of their garage and carport are located within the easement and these were constructed many, many years after EKPC's original 69 kV transmission line was constructed. Moreover, EKPC did adjust the centerline and expanded easement on the Barkers' property by condemning land on the east side of the existing easement as opposed to 25 feet on each side of the existing easement, which allowed EKPC to shift the transmission line's centerline by 25 feet to the east. The remaining assertions in the data request are expressions of opinions rather than fact and do not require a response.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 61

RESPONSIBLE PARTY: Mary Jane Warner

Request 61. Please explain why EKPC did not apply the total net savings of \$143,200.00 from the diversions made on the Foley and Hunt Substation properties and the North Clark property to adjusting the centerline/easement on the Barkers' property 200 to 300 feet east as proposed by Pfeiffer Engineering?

Response 61. A budget for a transmission line like this is not an allotment. Instead, it is our best estimate of what the Cooperative must spend to complete the project. Any cost savings we can achieve simply benefit EKPC's Members. Crucial to an agreement with any property owner about a change in the route of a transmission line is a negotiated settlement containing every aspect of the crossing, including, if necessary, the agreement of the neighboring affected land owners. EKPC was never able to successfully negotiate and resolve all the issues for the Barker crossing.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 62

RESPONSIBLE PARTY: Mary Jane Warner

Request 62. In the Complainants' response to EKPC's Request For Data dated May 12, 2014, refer to question 7 that states the two poles identified as UT78 are not 140 feet tall. What is the difference in cost now that it is understood that the two poles identified as UT78 are actually 130 feet tall?

Response 62. The steel pole material for a TH-345US type structure with two 130 foot poles is \$805.60 less than the steel pole material for a TH-345US type structure with two 140 foot poles.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 63

RESPONSIBLE PARTY: Mary Jane Warner

Request 63. Does EKPC believe that it exercised good judgment in constructing a 345kV/138kV transmission line so close that it encroaches upon the Barkers' residence and creates an electric shock from vehicles in their driveway when EKPC knew the high levels of electric/magnetic fields associated with a line of this size? Does EKPC believe it followed the guidelines set forth in KRS 278.020(8) regarding this project which specifically include landowners directly impacted by the line routing in the review process, and also require the specific path of the line to be identified in the application for a CPCN?

Response 63. Objection.

EKPC objects to this request on the basis that it is argumentative, assumes facts not in evidence and calls for multiple legal conclusions. Without waiving said objections, EKPC states that it believes it complied with Kentucky law.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 64

RESPONSIBLE PARTY: Counsel

Request 64. Refer to the direct testimony of Ms. Mary Jane Warner in response to the second question on page 21. This response incorrectly characterizes the Barkers' statements on p. 11 of their direct testimony. The Barkers actually stated "EKPC indicated that 1880 ft. of the diversion in North Clark Line is located on EKPC's substation property. This substation did not preexist nor did they own the land prior to the construction of the new 345kv/138kv line/easement. Therefore the entire length of 3755 ft. was all new ROW and easement." The Barkers still maintain that their statement is correct. On p. 4 of EKPC's Answer and Motion to Dismiss dated October 10, 2013, it states "{w}ork on the Project began in March of 2006 and concluded in 2007." Refer to response 2, page 11 and 12 of the Barkers' direct testimony dated April 25, 2014 and page 22 of Pfeiffer Engineering Investigation Report dated April 24, 2014.

Response 64. Objection.

EKPC objects to this request on the basis that it fails to ask a question.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 65

RESPONSIBLE PARTY: Mary Jane Warner

Request 65. Please explain why EKPC did not move the transmission line to the east at the Barker's property during the discussions about removing UT79 and adjusting UT80 which ultimately left an encroachment of 3 feet on the carport and an encroachment of 6 feet on the garage?

Responses 65. The primary concern of the Barkers during early negotiations was moving Structure UT-79 from a position in front of their home to a position behind their home. Changes were designed, permission from the neighboring property owner was granted, the change was agreed to by the Barkers, and the project was modified to remove Structure-79 entirely. Also, as part of the design, the centerline of the new transmission line was shifted 25 ft. to the East to line up with the western edge of the original easement so as not to increase the distance the carport and garage had already encroached on it many years ago.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 66

RESPONSIBLE PARTY: **Mary Jane Warner**

Request 66. Does EKPC believe that the 138kV transmission line circuit constructed in the Smith-Hunt Sideview project is unnecessary or wasteful since it is not being operated at 138kV?

Response 66. No. The incremental cost for additional ground clearance to accommodate a 138 kV circuit is minimal for this line. At some point in time in the distant future, it could provide significant savings should an upgrade to the transmission grid require a 138kV circuit in this part of the power delivery system.

Please refer to Response #7 for existing physical limitations on 138 kV operations.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 67

RESPONSIBLE PARTY: Isaac S. Scott

Request 67. Were there any charges, increases, rate changes or other adjustments passed on to any co-op/customer resulting from the construction of this 345kV/138kV transmission line project or associated substations?

Response 67. The costs related to the construction and operation of the 345kV/138kV transmission line project and the associated substations were included in the determination of the revenue increase sought in Case No. 2008-00409. The Commission approved a settlement agreement that resolved all issues in that case by its March 31, 2009 Order. The granted increase in rates became effective for service rendered on and after April 1, 2009. The 16 Member Distribution Cooperatives of EKPC were permitted to increase rates to recover each cooperative's share of the EKPC increase. Those increases also became effective for service rendered on and after April 1, 2009.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 68

RESPONSIBLE PARTY: **Isaac S. Scott**

Request 68. Please refer to Ms. Mary Jane Warner's testimony on pp. 15 and 16. Where in KRS 278.020(2) does it mention anything about a segment or section of a transmission line project governing the requirements involved in issuing a CPCN for a transmission line project? Did EKPC request funding through RUS for this 345kV/138kV transmission line as one construction project or as several segments or sections? (Construction work plans historically have always been treated as one construction project and cooperatives have historically financed construction work plans as one project.)

Responses 68. Objection.

EKPC objects to this request on the basis that it calls for a legal conclusion. KRS 278.020(2) speaks for itself. Without waiving said objection, EKPC requested funding from the RUS for this and several other transmission projects at the same time. The transmission line was included as a single project.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 69

RESPONSIBLE PARTY: Counsel

Request 69. Please provide all letters, memos, e-mails, documents and correspondence from EKPC or their counsel to the PSC and the PSC to EKPC or their counsel related to case 2013-00291.

Response 69. All letters, memos, e-mails, documents and correspondence from EKPC or their counsel to the PSC and the PSC to EKPC or their counsel related to case 2013-00291 are included on pages 2 through 29 of this response.

Goss • Samford PLLC

 Attorneys at Law

David S. Samford
david@gosssamfordlaw.com
(859) 368-7740

July 29, 2013

RECEIVED
JUL 29 2013
PUBLIC SERVICE
COMMISSION

Via Hand-Delivery

Mr. Jeffrey Derouen
Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602

Re: In the Matter of: Harold Barker; Ann Barker and
Brooks Barker v. East Kentucky Power Cooperative, Inc.
PSC Case No. 2013-00291

Dear Mr. Derouen:

Enclosed please find for filing with the Commission in the above-referenced case an original and ten (10) copies of East Kentucky Power Cooperative, Inc.'s Offer of Settlement. Please return a file-stamped copy to me.

Do not hesitate to contact me if you have any questions.

Very truly yours,



David S. Samford

Enclosures

M:\Clients\4000 - East Kentucky Power\1350 - Harold Barker Complaint -
PSC Case No. 2013-00291\Correspondence\Ltr. to Jeff Derouen - 130729.docx

Goss • Samford PLLC



David S. Samford
david@gosssamfordlaw.com
(859) 368-7740

October 10, 2013

Via Hand-Delivery

Mr. Jeffrey Derouen
Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602

RECEIVED
OCT 10 2013
PUBLIC SERVICE
COMMISSION

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Brooks Barker v. East Kentucky Power Cooperative, Inc.
PSC Case No. 2013-00291

Dear Mr. Derouen:

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Do not hesitate to contact me if you have any questions.

Very truly yours,



David S. Samford

Enclosures

M:\Clients\4000 - East Kentucky Power\1350 - Harold Barker Complaint -
PSC Case No. 2013-00291\Correspondence\Ltr. to Jeff Derouen - 131010

David Samford

From: David Samford
Sent: Tuesday, November 26, 2013 5:12 PM
To: 'Beyer, Jonathan (PSC)'; 'Alex'
Cc: Burns, Faith (PSC)
Subject: RE: Case No. 2013-00291, Barker v. EKPC

Mr. Beyer,

EKPC's folks are available on either day, although the morning of February 5th would be the preferable time.

David S. Samford

Goss ■ Samford
ATTORNEYS AT LAW

2365 Harrodsburg Road, Suite B325
Lexington, KY 40504
(859) 368-7740 (o)
(859) 806-6567 (c)

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From: Beyer, Jonathan (PSC) [mailto:Jonathan.Beyer@ky.gov]
Sent: Tuesday, November 26, 2013 10:55 AM
To: 'Alex'; David Samford
Cc: Burns, Faith (PSC)
Subject: RE: Case No. 2013-00291, Barker v. EKPC

Counsel:

Please let me know if any of the following dates/times would be acceptable:

February 3, 2014 at 10:00 a.m.
February 5, 2014 at 10:00 a.m. or 1:30 p.m.

Thanks.

Jonathan Beyer
Staff Attorney
Kentucky Public Service Commission
(502) 782-2581

From: Alex [mailto:alex@blairrowadylaw.com]
Sent: Monday, November 25, 2013 6:23 PM
To: David Samford; Beyer, Jonathan (PSC)
Cc: Burns, Faith (PSC)
Subject: RE: Case No. 2013-00291, Barker v. EKPC

Counsel, the Barkers can meet any time during the weeks of January 20 and 27, 2014, except January 21st. Unfortunately, December is not a possibility.

M. ALEX ROWADY, ATTORNEY

Blair & Rowady, P.S.C.
212 South Maple Street
Winchester, Kentucky 40391
phone 859-744-3251
fax 859-745-0729
alex@blairrowadylaw.com

From: David Samford [mailto:david@gosssamfordlaw.com]
Sent: Monday, November 25, 2013 1:55 PM
To: 'Beyer, Jonathan (PSC)'; Alex
Cc: Burns, Faith (PSC)
Subject: RE: Case No. 2013-00291, Barker v. EKPC

Counsel,

Many of the individuals on EKPC's Staff that will need to be present at the informal conference are required to attend various committee meetings of the EKPC Board on January 6th. Thus, I'm afraid that day won't work. December 18th was available for most of these individuals, but I understand that is not a convenient time for the Complainants. At your convenience, please let me know what other dates might be available for Staff and the Complainants in either December or January and I will check with everyone's schedule at EKPC.

Have a good day,

David S. Samford

Goss ■ Samford P.C.
Attorneys at Law

2365 Harrodsburg Road, Suite B325
Lexington, KY 40504
(859) 368-7740 (o)
(859) 806-6567 (c)

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From: Beyer, Jonathan (PSC) [<mailto:Jonathan.Beyer@ky.gov>]
Sent: Monday, November 25, 2013 10:40 AM
To: 'Alex'; David Samford
Cc: Burns, Faith (PSC)
Subject: RE: Case No. 2013-00291, Barker v. EKPC

Counsel:

Staff would request that both the parties and their counsel attend the informal conference. Of the dates proposed by Mr. Rowady, Staff is available on January 6, 2014. If you would, Mr. Samford, please confirm whether January 6 would be acceptable to EKPC. Thank you.

Jonathan Beyer
Staff Attorney
Kentucky Public Service Commission
(502) 782-2581

From: Alex [<mailto:alex@blairrowadylaw.com>]
Sent: Monday, November 25, 2013 9:06 AM
To: Beyer, Jonathan (PSC); david@gosssamfordlaw.com
Cc: Burns, Faith (PSC)
Subject: RE: Case No. 2013-00291, Barker v. EKPC

Mr. Beyer, does the Commission Staff expect the parties to be present at the conference? If so, the Barkers cannot be available until January 6, 7 or 8, 2014 due to previously-scheduled commitments. (The Barkers would want to be present at the conference.) Thank you,

M. ALEX ROWADY, ATTORNEY

Blair & Rowady, P.S.C.
212 South Maple Street
Winchester, Kentucky 40391
phone 859-744-3251
fax 859-745-0729
alex@blairrowadylaw.com

From: Beyer, Jonathan (PSC) [<mailto:Jonathan.Beyer@ky.gov>]
Sent: Friday, November 22, 2013 3:35 PM
To: Alex; david@gosssamfordlaw.com
Cc: Burns, Faith (PSC)
Subject: Case No. 2013-00291, Barker v. EKPC

Counsel:

Commission Staff would like to schedule an informal conference in case no. 2013-00291 for the purpose of discussing all outstanding issues in the case. Please advise as to your availability on either December 18th or December 19th, 2013. Thank you.

Jonathan Beyer
Staff Attorney
Kentucky Public Service Commission
(502) 782-2581

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David Samford

From: David Samford
Sent: Monday, November 25, 2013 1:55 PM
To: 'Beyer, Jonathan (PSC)'; 'Alex'
Cc: Burns, Faith (PSC)
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Have a good day,

David S. Samford

Goss ■ Samford PLLC
Attorneys at Law

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Lexington, KY 40504
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Cc: Burns, Faith (PSC)
Subject: RE: Case No. 2013-00291, Barker v. EKPC

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Jonathan Beyer
Staff Attorney
Kentucky Public Service Commission
(502) 782-2581

From: Alex [mailto:alex@blairrowadylaw.com]
Sent: Monday, November 25, 2013 9:06 AM
To: Beyer, Jonathan (PSC); david@gosssamfordlaw.com
Cc: Burns, Faith (PSC)
Subject: RE: Case No. 2013-00291, Barker v. EKPC

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M. ALEX ROWADY, ATTORNEY

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212 South Maple Street
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fax 859-745-0729
alex@blairrowadylaw.com

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Cc: Burns, Faith (PSC)
Subject: Case No. 2013-00291, Barker v. EKPC

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Jonathan Beyer
Staff Attorney
Kentucky Public Service Commission
(502) 782-2581

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David Samford

From: David Samford
Sent: Friday, November 22, 2013 4:49 PM
To: 'Beyer, Jonathan (PSC)'; 'alex@blairrowadylaw.com'
Cc: Burns, Faith (PSC)
Subject: RE: Case No. 2013-00291, Barker v. EKPC

Jonathan,

I've emailed my client and hope to get back to you on Monday as to which of these two days everyone would be available.

David S. Samford

Goss ■ Samford PLLC
Attorneys at Law

2365 Harrodsburg Road, Suite B325
Lexington, KY 40504
(859) 368-7740 (o)
(859) 806-6567 (c)

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Sent: Friday, November 22, 2013 3:35 PM
To: 'alex@blairrowadylaw.com'; David Samford
Cc: Burns, Faith (PSC)
Subject: Case No. 2013-00291, Barker v. EKPC

Counsel:

Commission Staff would like to schedule an informal conference in case no. 2013-00291 for the purpose of discussing all outstanding issues in the case. Please advise as to your availability on either December 18th or December 19th, 2013. Thank you.

Jonathan Beyer
Staff Attorney

Kentucky Public Service Commission
(502) 782-2581

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David Samford

From: David Samford
Sent: Tuesday, August 13, 2013 9:28 AM
To: 'Beyer, Jonathan (PSC)'; 'alex@blairrowadylaw.com'
Cc: Burns, Faith (PSC)
Subject: RE: Case No. 2013-00291; Barker v. EKPC

Jonathan,

I was out of the office yesterday and I apologize for not being able to get back to you sooner. EKPC has no objection to the Complainants filing a response accepting or rejecting the Offer of Settlement or making a counterproposal. We would also be amenable to having an informal conference to discuss a resolution of the case, which should be conducted in person, if that is how the Complainants prefer to proceed. However, I'm not sure whether it would be productive – at this point – to have an informal conference to discuss disputed factual and legal issues. EKPC has not yet filed its own detailed Answer to the Complaint in light of filing of the Offer of Settlement. Before moving into a substantive discussion/discovery of the facts and legal issues of the dispute, EKPC would seem entitled to know whether the Complainants will accept the Offer of Settlement and, if not, why not. If the Offer of Settlement is rejected, EKPC respectfully requests that it be allowed to file its Answer before any discovery takes place.

There also is some confusion on our part as to whether Mr. Rowady is representing the Complainants in the administrative proceeding or whether he has been copied on filings simply because he represents them in the related case in the Clark Circuit Court. If that point could be clarified, I would appreciate it.

Have a good day,

David S. Samford

Goss • Samford PLLC
Attorneys at Law

2365 Harrodsburg Road, Suite B325
Lexington, KY 40504
(859) 368-7740 (o)
(859) 806-6567 (c)

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From: Beyer, Jonathan (PSC) [mailto:Jonathan.Beyer@ky.gov]
Sent: Monday, August 12, 2013 11:13 AM
To: David Samford; 'alex@blairrowadylaw.com'
Cc: Burns, Faith (PSC)
Subject: Case No. 2013-00291; Barker v. EKPC

Counsel:

On August 2, 2013 the Commission received a telephone message from Ms. Ann Barker regarding her complaint in case no. 2013-00291. Ms. Barker requested information pertaining to how she may submit a response to EKPC's July 29, 2013 filing. Ms. Barker further indicated her disagreement with certain factual statements made within the offer of settlement. Commission Staff is amenable to holding a telephonic informal conference to discuss this or any other issue that needs to be addressed at this stage of the proceeding. Please advise if either party desires an informal conference be held regarding this issue. In responding to this e-mail, please copy all parties in your reply. Thank you for your attention to this matter.

Jonathan Beyer
Staff Attorney
Kentucky Public Service Commission
(502) 782-2581

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David Samford

From: Alex <alex@blairrowadylaw.com>
Sent: Monday, November 25, 2013 9:06 AM
To: Beyer, Jonathan (PSC); David Samford
Cc: Burns, Faith (PSC)
Subject: RE: Case No. 2013-00291, Barker v. EKPC

Mr. Beyer, does the Commission Staff expect the parties to be present at the conference? If so, the Barkers cannot be available until January 6, 7 or 8, 2014 due to previously-scheduled commitments. (The Barkers would want to be present at the conference.) Thank you,

M. ALEX ROWADY, ATTORNEY

Blair & Rowady, P.S.C.

212 South Maple Street

Winchester, Kentucky 40391

phone 859-744-3251

fax 859-745-0729

alex@blairrowadylaw.com

From: Beyer, Jonathan (PSC) [mailto:Jonathan.Beyer@ky.gov]
Sent: Friday, November 22, 2013 3:35 PM
To: Alex; david@gosssamfordlaw.com
Cc: Burns, Faith (PSC)
Subject: Case No. 2013-00291, Barker v. EKPC

Counsel:

Commission Staff would like to schedule an informal conference in case no. 2013-00291 for the purpose of discussing all outstanding issues in the case. Please advise as to your availability on either December 18th or December 19th, 2013. Thank you.

Jonathan Beyer
Staff Attorney
Kentucky Public Service Commission
(502) 782-2581

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David Samford

From: Beyer, Jonathan (PSC) <Jonathan.Beyer@ky.gov>
Sent: Tuesday, November 26, 2013 10:55 AM
To: 'Alex'; David Samford
Cc: Burns, Faith (PSC)
Subject: RE: Case No. 2013-00291, Barker v. EKPC

Counsel:

Please let me know if any of the following dates/times would be acceptable:

February 3, 2014 at 10:00 a.m.
February 5, 2014 at 10:00 a.m. or 1:30 p.m.

Thanks.

Jonathan Beyer
Staff Attorney
Kentucky Public Service Commission
(502) 782-2581

From: Alex [mailto:alex@blairrowadylaw.com]
Sent: Monday, November 25, 2013 6:23 PM
To: David Samford; Beyer, Jonathan (PSC)
Cc: Burns, Faith (PSC)
Subject: RE: Case No. 2013-00291, Barker v. EKPC

Counsel, the Barkers can meet any time during the weeks of January 20 and 27, 2014, except January 21st. Unfortunately, December is not a possibility.

M. ALEX ROWADY, ATTORNEY

Blair & Rowady, P.S.C.
212 South Maple Street
Winchester, Kentucky 40391
phone 859-744-3251
fax 859-745-0729

alex@blairrowadylaw.com

From: David Samford [mailto:david@gosssamfordlaw.com]
Sent: Monday, November 25, 2013 1:55 PM
To: 'Beyer, Jonathan (PSC)'; Alex
Cc: Burns, Faith (PSC)
Subject: RE: Case No. 2013-00291, Barker v. EKPC

Counsel,

Many of the individuals on EKPC's Staff that will need to be present at the informal conference are required to attend various committee meetings of the EKPC Board on January 6th. Thus, I'm afraid that day won't work. December 18th was available for most of these individuals, but I understand that is not a convenient time for the Complainants. At your convenience, please let me know what other dates might be available for Staff and the Complainants in either December or January and I will check with everyone's schedule at EKPC.

Have a good day,

David S. Samford

Goss • Samford PLLC
Attorneys at Law

2365 Harrodsburg Road, Suite B325
Lexington, KY 40504
(859) 368-7740 (o)
(859) 806-6567 (c)

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From: Beyer, Jonathan (PSC) [<mailto:Jonathan.Beyer@ky.gov>]
Sent: Monday, November 25, 2013 10:40 AM
To: 'Alex'; David Samford
Cc: Burns, Faith (PSC)
Subject: RE: Case No. 2013-00291, Barker v. EKPC

Counsel:

Staff would request that both the parties and their counsel attend the informal conference. Of the dates proposed by Mr. Rowady, Staff is available on January 6, 2014. If you would, Mr. Samford, please confirm whether January 6 would be acceptable to EKPC. Thank you.

Jonathan Beyer
Staff Attorney
Kentucky Public Service Commission
(502) 782-2581

From: Alex [<mailto:alex@blairrowadylaw.com>]
Sent: Monday, November 25, 2013 9:06 AM
To: Beyer, Jonathan (PSC); david@gosssamfordlaw.com
Cc: Burns, Faith (PSC)
Subject: RE: Case No. 2013-00291, Barker v. EKPC

Mr. Beyer, does the Commission Staff expect the parties to be present at the conference? If so, the Barkers cannot be available until January 6, 7 or 8, 2014 due to previously-scheduled commitments. (The Barkers would want to be present at the conference.) Thank you,

M. ALEX ROWADY, ATTORNEY

Blair & Rowady, P.S.C.

212 South Maple Street

Winchester, Kentucky 40391

phone 859-744-3251

fax 859-745-0729

alex@blairrowadylaw.com

From: Beyer, Jonathan (PSC) [<mailto:Jonathan.Beyer@ky.gov>]
Sent: Friday, November 22, 2013 3:35 PM
To: Alex; david@gosssamfordlaw.com
Cc: Burns, Faith (PSC)
Subject: Case No. 2013-00291, Barker v. EKPC

Counsel:

Commission Staff would like to schedule an informal conference in case no. 2013-00291 for the purpose of discussing all outstanding issues in the case. Please advise as to your availability on either December 18th or December 19th, 2013. Thank you.

Jonathan Beyer
Staff Attorney
Kentucky Public Service Commission
(502) 782-2581

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David Samford

From: Beyer, Jonathan (PSC) <Jonathan.Beyer@ky.gov>
Sent: Monday, November 25, 2013 10:40 AM
To: 'Alex'; David Samford
Cc: Burns, Faith (PSC)
Subject: RE: Case No. 2013-00291, Barker v. EKPC

Counsel:

Staff would request that both the parties and their counsel attend the informal conference. Of the dates proposed by Mr. Rowady, Staff is available on January 6, 2014. If you would, Mr. Samford, please confirm whether January 6 would be acceptable to EKPC. Thank you.

Jonathan Beyer
Staff Attorney
Kentucky Public Service Commission
(502) 782-2581

From: Alex [mailto:alex@blairrowadylaw.com]
Sent: Monday, November 25, 2013 9:06 AM
To: Beyer, Jonathan (PSC); david@gosssamfordlaw.com
Cc: Burns, Faith (PSC)
Subject: RE: Case No. 2013-00291, Barker v. EKPC

Mr. Beyer, does the Commission Staff expect the parties to be present at the conference? If so, the Barkers cannot be available until January 6, 7 or 8, 2014 due to previously-scheduled commitments. (The Barkers would want to be present at the conference.) Thank you,

M. ALEX ROWADY, ATTORNEY

Blair & Rowady, P.S.C.

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Winchester, Kentucky 40391

phone 859-744-3251

fax 859-745-0729

alex@blairrowadylaw.com

From: Beyer, Jonathan (PSC) [mailto:Jonathan.Beyer@ky.gov]
Sent: Friday, November 22, 2013 3:35 PM
To: Alex; david@gosssamfordlaw.com
Cc: Burns, Faith (PSC)
Subject: Case No. 2013-00291, Barker v. EKPC

Counsel:

Commission Staff would like to schedule an informal conference in case no. 2013-00291 for the purpose of discussing all outstanding issues in the case. Please advise as to your availability on either December 18th or December 19th, 2013. Thank you.

Jonathan Beyer
Staff Attorney
Kentucky Public Service Commission
(502) 782-2581

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David Samford

From: David Samford
Sent: Monday, February 10, 2014 4:34 PM
To: 'alex@blairrowadylaw.com' (alex@blairrowadylaw.com); Beyer, Jonathan (PSC) (Jonathan.Beyer@ky.gov)
Cc: Sherman Goodpaster (sherman.goodpaster@ekpc.coop)
Subject: Barker v. EKPC, PSC Case No. 2013-00291
Attachments: 1150_001.pdf

Gentlemen,

Good afternoon. The attached comment was filed in the record today in Case No. 2013-00291.

Have a good day,

David S. Samford

Goss • Samford PLLC
Attorneys at Law

2365 Harrodsburg Road, Suite B325
Lexington, KY 40504
(859) 368-7740 (o)
(859) 806-6567 (c)

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Goss • Samford PLLC



David S. Samford
david@gosssamfordlaw.com
(859) 368-7740

February 26, 2014

Via Hand-Delivery

Mr. Jeffrey Derouen
Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602

RECEIVED
FEB 26 2014
PUBLIC SERVICE
COMMISSION

Re: In the Matter of: Harold Barker; Ann Barker and
Brooks Barker v. East Kentucky Power Cooperative, Inc.
PSC Case No. 2013-00291

Dear Mr. Derouen:

Enclosed please find for filing with the Commission in the above-referenced case an original and ten (10) copies of East Kentucky Power Cooperative, Inc.'s Reply in Support of Motion to Dismiss. Please return a file-stamped copy to me.

Do not hesitate to contact me if you have any questions.

Very truly yours,

David S. Samford

Enclosures

M:\Clients\4000 - East Kentucky Power\1350 - Harold Barker Complaint -
PSC Case No. 2013-00291\Correspondence\Ltr. to Jeff Derouen - 140226

David Samford

From: David Samford
Sent: Monday, May 19, 2014 10:48 PM
To: 'alex@blairrowadylaw.com' (alex@blairrowadylaw.com)
Cc: Sherman Goodpaster (sherman.goodpaster@ekpc.coop); Beyer, Jonathan (PSC) (Jonathan.Beyer@ky.gov)
Subject: Barker v. EKPC

Alex,

I wanted to give you a heads-up that we will likely have an expert witness coming to make observations later this week (probably Wednesday or Thursday) of the transmission line that crosses your client's property. We anticipate that he will be able to conduct his work within the existing right-of-way and that this will not be a problem or inconvenience for your clients. If you believe otherwise, please let me know. Once I know more precisely when he will be coming, I will let you know.

Have a good day,

David S. Samford

Goss • Samford PLLC
Attorneys at Law

2365 Harrodsburg Road, Suite B325
Lexington, KY 40504
(859) 368-7740 (o)
(859) 806-6567 (c)

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David Samford

From: David Samford
Sent: Tuesday, May 20, 2014 12:31 PM
To: 'alex@blairrowadylaw.com' (alex@blairrowadylaw.com)
Cc: 'Sherman Goodpaster (sherman.goodpaster@ekpc.coop)'; 'Beyer, Jonathan (PSC) (Jonathan.Beyer@ky.gov)'
Subject: RE: Barker v. EKPC

Alex,

As a follow-up, I've been advised that EKPC's expert is planning to make his observations on Thursday afternoon.

Have a good day,

David S. Samford

Goss ■ Samford P.L.L.C.
Attorneys at Law

2365 Harrodsburg Road, Suite B325
Lexington, KY 40504
(859) 368-7740 (o)
(859) 806-6567 (c)

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From: David Samford
Sent: Monday, May 19, 2014 10:48 PM
To: 'alex@blairrowadylaw.com' (alex@blairrowadylaw.com)
Cc: Sherman Goodpaster (sherman.goodpaster@ekpc.coop); Beyer, Jonathan (PSC) (Jonathan.Beyer@ky.gov)
Subject: Barker v. EKPC

Alex,

I wanted to give you a heads-up that we will likely have an expert witness coming to make observations later this week (probably Wednesday or Thursday) of the transmission line that crosses your client's property. We anticipate that he will be able to conduct his work within the existing right-of-way and that this will not be a problem or inconvenience for

your clients. If you believe otherwise, please let me know. Once I know more precisely when he will be coming, I will let you know.

Have a good day,

David S. Samford

Goss • Samford PLLC
Attorneys at Law

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David Samford

From: David Samford
Sent: Tuesday, May 27, 2014 1:49 PM
To: Beyer, Jonathan (PSC) (Jonathan.Beyer@ky.gov); 'alex@blairrowadylaw.com'
(alex@blairrowadylaw.com)
Subject: Barker v. EKPC, Case No. 2013-00291
Attachments: letter to Jonathan Beyer_001.pdf

Counsel,

Good afternoon. The attached letter is being filed with the Commission today. Please let me know if you have any questions.

David S. Samford

Goss ■ Samford
Attorneys at Law

2365 Harrodsburg Road, Suite B325
Lexington, KY 40504
(859) 368-7740 (o)
(859) 806-6567 (c)

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Goss ■ Samford PLLC

 Attorneys at Law

David S. Samford
david@gosssamfordlaw.com

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KRS 705-740

MAY 27 2014

May 27, 2014

PUBLIC SERVICE
COMMISSION

Via Hand-Delivery & Email

Jonathan Beyer, Esq.
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602

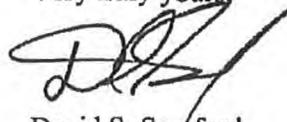
Re: In the Matter of: Harold Barker; Ann Barker and
Brooks Barker v. East Kentucky Power Cooperative, Inc.
PSC Case No. 2013-00291

Dear Mr. Beyer:

In the course of reviewing the Complainants' responses to data requests propounded by East Kentucky Power Cooperative, Inc. ("EKPC") in the above-captioned proceeding, we have learned that, shortly before filing their Complaint, the Complainants requested Commission Staff to inspect EKPC's transmission line on or near the property owned by the Complainants. It is not possible to tell from the Complainants' response whether the inspection actually took place. Accordingly, EKPC respectfully requests guidance from Commission Staff as to whether the requested inspection actually occurred and, if so, whether any records of the inspection are available. EKPC also respectfully requests guidance as to whether such records, if they exist, will be used at the scheduled hearing in this matter. Finally, EKPC respectfully requests a copy of any such records, either to be made part of the record of this proceeding or as an open records request, pursuant to KRS 61.870, *et seq.*

Do not hesitate to contact me if you have any questions.

Very truly yours,



David S. Samford

cc: Alex Rowady, Esq.

David Samford

From: Alex <alex@blairrowadylaw.com>
Sent: Friday, May 30, 2014 2:03 PM
To: Beyer, Jonathan (PSC) (Jonathan.Beyer@ky.gov)
Cc: David Samford
Subject: Barkers v. EKPC; PSC case. no. 2013-00291
Attachments: 20140530134951077.pdf

Gentlemen, please find attached a letter mailed to the Public Service Commission for filing.

M. ALEX ROWADY, ATTORNEY

Blair & Rowady, P.S.C.

212 South Maple Street

Winchester, Kentucky 40391

phone 859-744-3251

fax 859-745-0729

alex@blairrowadylaw.com

Goss ■ Samford PLLC

 Attorneys at Law

David S. Samford
david@gosssamfordlaw.com
(859) 368-7740

June 2, 2014

RECEIVED

JUN 2 2014

PUBLIC SERVICE
COMMISSION

Via Hand-Delivery

Mr. Jeffrey Derouen
Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602

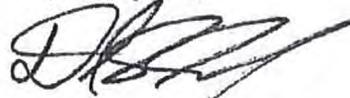
Re: In the Matter of: Harold Barker; Ann Barker and
Brooks Barker v. East Kentucky Power Cooperative, Inc.
PSC Case No. 2013-00291

Dear Mr. Derouen:

Enclosed please find for filing with the Commission in the above-referenced case an original and ten (10) copies of East Kentucky Power Cooperative, Inc.'s Direct Testimony. Please return a file-stamped copy to me. Please note that only a copy of the verification of EKPC witness Dr. Kenneth Foster is attached to his testimony. The original signed and notarized verification will be filed once it is received from him.

Do not hesitate to contact me if you have any questions.

Very truly yours,



David S. Samford

Enclosures

Goss ■ Samford PLLC



David S. Samford
david@gosssamfordlaw.com
(859) 368-7740

June 4, 2014

RECEIVED

JUN 4 2014

PUBLIC SERVICE
COMMISSION

Via Hand-Delivery

Mr. Jeffrey Derouen
Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602

Re: In the Matter of: Harold Barker; Ann Barker and
Brooks Barker v. East Kentucky Power Cooperative, Inc.
PSC Case No. 2013-00291

Dear Mr. Derouen:

Enclosed please find for filing with the Commission in the above-referenced case an original and ten (10) copies of East Kentucky Power Cooperative, Inc.'s executed and notarized Direct Testimony of Kenneth R. Foster, Ph.D. As stated in our letter of June 2, 2014, we filed an unsigned copy and would be filing an executed and notarized copy once it was received. Please return a file-stamped copy to me. Do not hesitate to contact me if you have any questions.

Very truly yours,

David S. Samford

Enclosures

M:\Clients\4000 - East Kentucky Power\1350 - Harold Barker Complaint -
PSC Case No. 2013-00291\Correspondence\Ltr. to Jeff Derouen - 140603

**EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST**

**COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 70**

RESPONSIBLE PARTY: Counsel

Request 70. Please provide all proposals, inter office memos, maps, letters, e-mails, documents and correspondence pertaining to the Barker's property regarding the original 69kV transmission line and the 345kV/138kV transmission line from Mary Jane Warner, Rick Drury, Bill Sharp and Mike Wells, Dan McNichol.

Response 70. Objection.

EKPC objects to this request on the basis that it is overly broad and unduly burdensome. Without waiving said objections, EKPC states that it has searched its records and has found nothing directly responsive to this request that has not already been produced, or that is being produced contemporaneously herewith. Given the passage of several years between the time the project was completed and the commencement of this case, it is possible that some records might have been disposed of in accordance with the Company's information retention guidelines. EKPC is continuing to search its records and will supplement this response as necessary. See pages 2 through 48 of this response.

From: Nick Comer <nick.comer@ekpc.coop>
Sent: Wednesday, October 11, 2006 2:27 PM
To: Dominic Ballard; Bill Sharp; Ronnie Terrill
Subject: FW: Transmission kudos

FYI ...

-----Original Message-----

Gregory
ay, October 10, 2006 8:37 AM
Mitchell; Mary Jane Warner; Nick Comer
layfield
Transmission kudos

John, Mary Jane, Nick -

I attended a fund-raiser last night for Rep. Don Pasley here in Winchester. Several people approached me to applaud our efforts in working with them on transmission projects. This included the Barkers and Magistrate Gerry Taylor. Both were VERY high on the subcontractor, IRBY, and said they had been a pleasure to work with. Mr. Taylor suggested that we use them whenever possible.

The Barkers had one concern - with all the rains, the holes where we moved the poles near their house have sunk. Someone might want to double check on that.

Also, Rep. Harry Moberly of Madison County would like us to sit down with him and go over the maps (like we did with Rep. Steve Nunn). He believes the line might be coming near his house. He said he lives near the Tates Creek area north of town. I'm supposed to call his secretary this week to set up an appointment. What are your schedules to talk to him? He doesn't recall getting a letter about the Open House, but admitted that he throws away most of his mail anyway.

I might suggest to him that we meet next Wednesday, the 18th. The Appropriations & Revenue Committee, which he chairs, is coming to Winchester for a cookout and meeting that starts at 5:30 p.m. If you're available, we might be able to meet somewhere before that meeting to go over things with Harry. The cookout and meeting is at the extension office.

Thanks again -

Eric

f
z

From: Mary Jane Warner <maryjane.warner@ekpc.coop>
Sent: Wednesday, December 06, 2006 9:34 PM
To: Bill Sharp; Dominic Ballard
Subject: FW: Pine tree on Barker property
Attachments: Parcel200-PineTree.pdf; SPECIAL EASEMENT INFORMATION OR CONDITION1Barker.doc

This looks good - I think Alex will be very appreciative.

We also need to work on this form (and possibly review others).

There are no longer "Engineering Support" or "Maintenance & Construction" Departments - we need to reflect the current organization on our forms. Please make the changes immediately and communicate it to all R/W agents.

Thank you

Mary Jane

-----Original Message-----

Sharp
Wednesday, December 06, 2006 12:42 PM
blairrowadylaw.com'
Mary Jane Warner; Dominic Ballard
Pine tree on Barker property

Alex, after meeting with the Barkers we have decided to allow the pine tree to stay with the attached conditions.

Bill Sharp
Senior Right of Way Agent
East Kentucky Power Cooperative



Pine Tree to Remain
with Maximum Height
of 18'

US-60

JK Smith - North Clark
EKPC Map #200
Ann Brooks Barnes Barker
Pine Tree Location

Scale: 1"= 50'



East Kentucky Power Cooperative
4775 Lexington Road, P.O. Box 707
Winchester, Kentucky 40391
Phone (859) 744-2812 www.ekpc.com Fax (859) 744-6928

SPECIAL EASEMENT INFORMATION OR CONDITIONS

Date: 12/5/06

Line Section: UT Easement Number: 200

Structure Number or Station: _____

Property Owner: Harold and Ann Barker

Categories:

- | | | |
|------------------------------------|--|---|
| Livestock <input type="checkbox"/> | R/W Clearing <input checked="" type="checkbox"/> | R/W Maintenance <input checked="" type="checkbox"/> |
| Access <input type="checkbox"/> | Crops <input type="checkbox"/> | Miscellaneous <input checked="" type="checkbox"/> |

Pine tree being approximately 40 feet from the center line of transmission line, height not to exceed 18 feet. It is understood that should this tree reach a height greater than what is stated above or depicted on the attached drawing then the Permitter shall send a letter giving Permittee thirty days as of date of letter to cut this tree, by a Electrical licensed Worker, back to the agreed permitted height at Permittee's cost or Permitter shall have the right to remove this tree completely from right of way.

Accepted By: _____
Property Owner

EAST KENTUCKY POWER COOPERATIVE, INC.

Approved By: _____
Engineering Support Department

Approved By: _____
Maintenance & Construction Department

Prepared By: _____
Right-of-Way Agent

Copies:

- | | | | |
|-------------------------|--------------------------|---------------------|--------------------------|
| EKPC Right-of-Way Agent | <input type="checkbox"/> | Line Contractor | <input type="checkbox"/> |
| Construction Engineer | <input type="checkbox"/> | Clearing Contractor | <input type="checkbox"/> |
| Inspector | <input type="checkbox"/> | Survey Crew | <input type="checkbox"/> |
| Design Engineer | <input type="checkbox"/> | | |

From: Bill Sharp <bill.sharp@ekpc.coop>
Sent: Wednesday, December 06, 2006 12:42 PM
To: 'alex@blairrowadylaw.com'
Cc: Mary Jane Warner; Dominic Ballard
Subject: Pine tree on Barker property
Attachments: Parcel200-PineTree.pdf; SPECIAL EASEMENT INFORMATION OR CONDITION1Barker.doc

Alex, after meeting with the Barkers we have decided to allow the pine tree to stay with the attached conditions.

Bill Sharp
Senior Right of Way Agent
East Kentucky Power Cooperative



Pine Tree to Remain
with Maximum Height
of 18'

US-60

JK Smith - North Clark
EKPC Map #200
Ann Brooks Barnes Barker
Pine Tree Location

Scale 1"= 50'



East Kentucky Power Cooperative
4775 Lexington Road, P.O. Box 707
Winchester, Kentucky 40391
Phone (859) 744-4812 www.ekpc.com Fax (859) 744-6008

SPECIAL EASEMENT INFORMATION OR CONDITIONS

Date: 12/5/06

Line Section: UT Easement Number: 200

Structure Number or Station: _____

Property Owner: Harold and Ann Barker

Categories:

Livestock R/W Clearing R/W Maintenance Access Crops Miscellaneous

Pine tree being approximately 40 feet from the center line of transmission line, height not to exceed 18 feet. It is understood that should this tree reach a height greater than what is stated above or depicted on the attached drawing then the Permitter shall send a letter giving Permittee thirty days as of date of letter to cut this tree, by a Electrical licensed Worker, back to the agreed permitted height at Permittee's cost or Permitter shall have the right to remove this tree completely from right of way.

Accepted By: _____
Property Owner

EAST KENTUCKY POWER COOPERATIVE, INC.

Approved By: _____
Engineering Support Department

Approved By: _____
Maintenance & Construction Department

Prepared By: _____
Right-of-Way Agent

Copies:

EKPC Right-of-Way Agent
Construction Engineer
Inspector
Design Engineer

Line Contractor
Clearing Contractor
Survey Crew

From: Mary Jane Warner <maryjane.warner@ekpc.coop>
Sent: Tuesday, December 05, 2006 10:53 AM
To: Bill Sharp; Garner Humphrey; Dominic Ballard
Subject: FW: barkers

Please note and remember to observe this departure from our normal practice.

MJ

*Mary Jane Warner, P.E.
Manager, Power Delivery Expansion
East Kentucky Power Cooperative
859-745-9344
FAX 859-744-6008*

Please note my e-mail address change - maryjane.warner@ekpc.coop

-----Original Message-----

From: M. Alex Rowady [<mailto:alex@blairrowadylaw.com>]
Sent: Thursday, November 16, 2006 12:07 PM
To: Mary Jane Warner
Subject: barkers

Mary Jane, the Barkers select option (1) contained in your November 16 e-mail, that is leave the trees in whole tree length as they fall and move them to the edge of the right of way for the Barkers. The only modification of this will be for the front yard trees (assuming you have to cut them) which will have to be moved to the other side of the fence that surrounds the front yard to get them out of the front yard. Alex

From: Mary Jane Warner <maryjane.warner@ekpc.coop>
Sent: Tuesday, November 21, 2006 6:24 PM
To: 'Alex Rowady (E-mail)'
Cc: John Twitchell; Roger Cowden; Garner Humphrey; Dominic Ballard
Subject: Barker Trees

Hi Alex -

I got a message this evening to return a call to Harold Barker who contacted our CEO's office about their trees. When I called the Barker home, Mrs. Barker answered, but she didn't know anything about the call. She agreed to ask Mr. Barker and call me back, but preferred to do it after the holiday.

During the course of the conversation, Mrs. Barker said they were having an arborist visit the property to advise them about the mature height of the trees and how long it would take them to reach that height. She also talked about using a growth retardant and not cutting the trees. I understood that these matters were concluded and the trees were to be cut.

I will be on vacation until Monday, but if you are in the office on Wednesday, please call my mobile number to discuss - 749-4013.

Thank you
Mary Jane

From: Terri Combs <terri.combs@ekpc.coop>
Sent: Monday, November 20, 2006 11:10 AM
To: Mary Jane Warner; Bill Sharp; Dominic Ballard
Cc: Sherman Goodpaster; Roger Cowden
Subject: Interlocutory Judgment

I have received the signed & entered Interlocutory Judgment in the Clark Co. Harold Barker case.
FYI

Terri K. Isaacs
Legal Administrative Assistant
East Kentucky Power Cooperative, Inc.
PO Box 707
Winchester, KY 40392-0707
(859) 745-9382

" Ability is what you are capable of doing. Motivation determines what you do. Attitude determines how well you do it."

From: Roger Cowden <roger.cowden@ekpc.coop>
Sent: Thursday, November 16, 2006 4:03 PM
To: Mary Jane Warner
Cc: Garner Humphrey; Bill Sharp; Dominic Ballard
Subject: RE: barkers

Will do. Either Terri or I will go first thing in the morning.

-----Original Message-----

From: Mary Jane Warner
Sent: Thursday, November 16, 2006 4:00 PM
To: Roger Cowden
Cc: Garner Humphrey; Bill Sharp; Dominic Ballard
Subject: FW: barkers

Sorry Roger - I got this from Alex earlier and didn't notice that he hadn't copied you.

Just let us know when the check is deposited and I will turn 'em loose.

MJ

*Mary Jane Warner, P.E.
Manager, Power Delivery Expansion
East Kentucky Power Cooperative
859-745-9344
FAX 859-744-6008*

Please note my e-mail address change - maryjane.warner@ekpc.coop

-----Original Message-----

From: M. Alex Rowady [<mailto:alex@blairrowadylaw.com>]
Sent: Thursday, November 16, 2006 12:07 PM
To: Mary Jane Warner
Subject: barkers

Mary Jane, the Barkers select option (1) contained in your November 16 e-mail, that is leave the trees in whole tree length as they fall and move them to the edge of the right of way for the Barkers. The only modification of this will be for the front yard trees (assuming you have to cut them) which will have to be moved to the other side of the fence that surrounds the front yard to get them out of the front yard. Alex

From: Mary Jane Warner <maryjane.warner@ekpc.coop>
Sent: Thursday, November 16, 2006 4:00 PM
To: Roger Cowden
Cc: Garner Humphrey; Bill Sharp; Dominic Ballard
Subject: FW: barkers

Sorry Roger - I got this from Alex earlier and didn't notice that he hadn't copied you.

Just let us know when the check is deposited and I will turn 'em loose.

MJ

*Mary Jane Warner, P.E.
Manager, Power Delivery Expansion
East Kentucky Power Cooperative
859-745-9344
FAX 859-744-6008*

Please note my e-mail address change - maryjane.warner@ekpc.coop

-----Original Message-----

From: M. Alex Rowady [<mailto:alex@blairrowadylaw.com>]
Sent: Thursday, November 16, 2006 12:07 PM
To: Mary Jane Warner
Subject: barkers

Mary Jane, the Barkers select option (1) contained in your November 16 e-mail, that is leave the trees in whole tree length as they fall and move them to the edge of the right of way for the Barkers. The only modification of this will be for the front yard trees (assuming you have to cut them) which will have to be moved to the other side of the fence that surrounds the front yard to get them out of the front yard. Alex

From: Mark Brewer <mark.brewer@ekpc.coop>
Sent: Monday, November 13, 2006 10:58 AM
To: Mary Jane Warner
Cc: Muhammad Zubair; Dominic Ballard; Nate Glosser; Karl Blackwell
Subject: RE: Board Update

MJ

See comments below.

Mark

-----Original Message-----

/ Jane Warner
, November 10, 2006 6:01 PM
ic Ballard; Garner Humphrey; Mark Brewer
Board Update

I need some information on current projects to include in my Board committee update on Tuesday.

Cranston - Rowan

% complete on R/W Clearing **[Mark Brewer]** 60%
Energization target **[Mark Brewer]** 4/13/07
Start of construction **[Mark Brewer]** 11/20/07

Smith - N. Clark

% complete on the North Clark and J.K. Smith substations **[Mark Brewer]** North Clark - 20% Construction
JK Smith - 15% Construction
Outage window scheduled for the 345kV outage for Spurlock -Avon **[Mark Brewer]** April 2-13 - North Clark Tie In
April 16 - 20 - Pile Driving at Spur 4
April 23 - 27 - Contingency Week
(These dates are firm and are tied to the Unit outage)

On another matter, I also need to know the condition of the r/w clearing and how we left the cut trees/brush on the Barker property.

A response by e-mail will be fine, or I will try to find you on Monday.

Thank you very much

Mary Jane

From: Mary Jane Warner <maryjane.warner@ekpc.coop>
Sent: Friday, November 10, 2006 6:01 PM
To: Dominic Ballard; Garner Humphrey; Mark Brewer
Subject: Board Update

I need some information on current projects to include in my Board committee update on Tuesday.

Cranston - Rowan

% complete on R/W Clearing
Energization target
Start of construction

Smith - N. Clark

% complete on the North Clark and J.K. Smith substations
Outage window scheduled for the 345kV outage for Spurlock -Avon

On another matter, I also need to know the condition of the r/w clearing and how we left the cut trees/brush on the Barker property.

A response by e-mail will be fine, or I will try to find you on Monday.

Thank you very much

Mary Jane

From: Dominic Ballard <dominic.ballard@ekpc.coop>
Sent: Tuesday, May 27, 2014 2:23 PM
To: Mary Jane Warner
Subject: FW: Smith - North Clark R/W Status
Attachments: Smith-NorthClark-RWStatus-4-11-06.pdf

From: Ronnie Terrill
Sent: Tuesday, April 11, 2006 9:04 AM
To: Mary Jane Warner
Cc: Dominic Ballard; Dan McNickol; Thad Mumm; Garry Harvey; Brandon Grillon
Subject: Smith - North Clark R/W Status

Ronnie Terrill
East Kentucky Power Cooperative
4775 Lexington Road, PO Box 707
Winchester, Kentucky 40391
(859)745-9594 office
(859)582-5376 mobile
ronnie.terrill@ekpc.coop

Smith - North Clark
Right-of-Way Status
4/11/2006

American

	<u>Parcels</u>	<u>Owners</u>	<u>CL Length</u>	<u>RW Acres</u>
Signed	45	34	8.55	156.15
UnSigned	8	7	1.39	21.29
Total:	53	41	9.94	177.44

Strand

	<u>Parcels</u>	<u>Owners</u>	<u>CL Length</u>	<u>RW Acres</u>
Signed	30	28	5.72	104.07
UnSigned	8	7	2.10	26.18
Total:	38	35	7.82	130.25

Totals

	<u>Parcels</u>		<u>Owners</u>		<u>CL Length</u>		<u>RW Acres</u>	
Signed	75	82.42%	62	81.58%	14.27	80.35%	260.22	84.57%
UnSigned	16	17.58%	14	18.42%	3.49	19.65%	47.47	15.43%
Total:	91		76		17.76		307.69	

From: Thad Mumm <IMCEAEX-_O=EKPC+20ORGANIZATION_OU=FIRST+20ADMINISTRATIVE+20GROUP_CN=RECIPIENTS_CN=THADMUMM@ekpc.com>
Sent: Tuesday, March 21, 2006 9:57 AM
To: Dominic Ballard
Subject: FW: EKPC - Parcel 200, Barker-Barnes

Could you explain this to them?

-----Original Message-----

From: Dan McNickol
Sent: Tuesday, March 21, 2006 9:30 AM
To: Thad Mumm
Cc: 'Mike.wells@strand.com'
Subject: FW: EKPC - Parcel 200, Barker-Barnes

Thad, can you explain question #1? Thanks.

-----Original Message-----

From: Mike Wells [mailto:Mike.Wells@Strand.com]
Sent: Tuesday, March 21, 2006 8:34 AM
To: Dan McNickol
Subject: EKPC - Parcel 200, Barker-Barnes

I met with Mrs. Barnes last evening for about 2.5 hours...very detailed lady. I need to have 2 questions answered:

1. Owners cannot understand why there needs to be a pole near their residence. They are requesting the pole be moved to the other side of the street (US 60). The two poles on this tract are actually coming closer together and not further apart. I'll need to have an engineer respond to this since.
2. When they cut the "danger" trees or need to ever cut trees, do they cut all the way to the ground or do they leave a couple of feet of the stump.

The owners contend that this farm has a separate tract for the residence and the farm, which would change the compensation. I don't think this is a big issue but I wanted to keep you informed.

Michael Wells
Right of Way Agent
Strand Associates
325 West Main Street
Louisville, KY 40202
502-583-7020
502-314-6055 (mobile)

From: Dan McNickol <IMCEAEX-_O=EKPC+20ORGANIZATION_OU=FIRST+20ADMINISTRATIVE+20GROUP_CN=RECIPIENTS_CN=DANMCNI@ekpc.com>
Sent: Monday, February 20, 2006 10:00 AM
To: Ronnie Terrill; Dominic Ballard
Cc: 'mike.wells@strand.com'
Subject: FW: EKPC - Parcel 200, Barker-Barnes

Gentlemen: Who can I contact to locate and stake the structures near Mrs. Barkers house?

Dan McNickol
Right-of-Way Agent
East Kentucky Power Cooperative
Ofc. 859-745-9592
Cell 859-771-1014

-----Original Message-----

From: Mike Wells [<mailto:Mike.Wells@Strand.com>]
Sent: Friday, February 17, 2006 11:07 AM
To: Dan McNickol
Subject: EKPC - Parcel 200, Barker-Barnes

Mrs. Barker called requesting that the proposed poles next to her residence be staked. Can you supply an estimated time of staking?

Michael Wells
Right of Way Agent
Strand Associates
325 West Main Street
Louisville, KY 40202
502-583-7020
502-314-6055 (mobile)

From: Bill Sharp <bill.sharp@ekpc.coop>
Sent: Friday, June 16, 2006 4:53 PM
To: Mary Jane Warner
Cc: Dominic Ballard
Subject: Ann Barker easement

Mary Jane,

Dominic and I met with Ann Barker, Harold Barker and Brooks Barker, their son, on Friday 6/16/06. Their property is located on the Smith-North Clark line #200, 201. This would be the second time that I have met with them and the third time I have spoken with them at their home to look at the structure location next to their house and to discuss the easement.

The Barkers wanted to remove structure # 79 and raise structures # 78 and # 80. It was explained that there was also the problem of the sway between structures if we went the route they are requesting, the additional cost and the time frame in which items such as poles could be ordered and arrive in time for construction.

Another item that was discussed was that Mike Wells, contract agent with Strand, said that the easement with Fred Farris had already been signed prior to the meeting when Dominic Ballard, Dan Mcnickols, Mike Wells, Don Pasley and the Barkers Met on April 27, 2006. Mrs. Barker showed Dominic and I the easement she copied from the Court House and it showed that the easement was signed on the same date that the group had met with the barkers. The problem in this is that Dominic had told the Barkers at that meeting that the easement had been signed by Fred Farris much earlier and we could not change the location. This has given them the impression that we haven't been dealing with them straight up.

Also, John Rompf shows that there are two tracts that we cross but Mrs. Barker is showing that we are crossing three tracts and has given me the Deed Book and Page for the tract of two acres where her house is located which make three tracts in all.

Dominic and I discussed the problems and possible options that we have and would like to meet with you as early as possible on Monday morning to discuss these and other items concerning the easements on the Smith-North Clark line.

Thanks

Bill Sharp

From: Bill Sharp <bill.sharp@ekpc.coop>
Sent: Friday, June 09, 2006 9:50 AM
To: 'Mike Wells'
Cc: Dominic Ballard; Ronnie Terrill
Subject: RE: North - Clark Barker and Reffett Tracts

Mike,

Thanks for the update on the Wells Property. We need to settle this agreement as soon as possible. So you need to push more with the attorney since we are filing on the other landowners today.

If you need any help let me know, and also who is the attorney who is looking at the easement?

Thanks Bill Sharp

-----Original Message-----

From: Mike Wells [<mailto:Mike.Wells@Strand.com>]
Sent: Wednesday, June 07, 2006 11:55 PM
To: Bill Sharp
Subject: Re: North - Clark Barker and Reffett Tracts

I apologize for the delay, I've been in meetings for the last several days. I have a few more comments I would like to insert in the Barker file and I can forward it to you. I'll try to call you around 11:00 tomorrow to discuss Reffett's file.

I received an e-mail from the Wells tract and it is still in review at the attorney's office.

Michael Wells
Right of Way Agent
Strand Associates
325 West Main Street
Louisville, KY 40202
502-583-7020
502-314-6055 (mobile)
>>> "Bill Sharp" <bill.sharp@ekpc.coop> 06/07/06 2:13 PM >>>
Mike,

I need you to get with me as soon as possible concerning the title sheet on the Ann Barker tracts. I also need some information on the Taylor Reffett tract.

Thanks

Bill Sharp

From: Bill Sharp <bill.sharp@ekpc.coop>
Sent: Wednesday, June 07, 2006 2:14 PM
To: 'mike.wells@strand.com'
Cc: Dominic Ballard
Subject: North - Clark Barker and Reffett Tracts

Mike,

I need you to get with me as soon as possible concerning the title sheet on the Ann Barker tracts. I also need some information on the Taylor Reffett tract.

Thanks

Bill Sharp

From: Joe Settles <joe.settles@ekpc.coop>
Sent: Wednesday, June 07, 2006 9:28 AM
To: Mary Jane Warner
Cc: Dominic Ballard; Jeff Hohman; Kevin Osbourn
Subject: FW: RE: 3 Questions

Mary Jane,

- Here is a request I received from RUS. They are receiving comments from a landowner as you can see below. I have highlighted RUS's questions below in red. I will be talking with RUS this afternoon. I would like to discuss our response to RUS at our meeting at 1:00. The EA contains charts on pages 40 and 41 that provides the # of houses within x feet of the North Clark Sub Site and Line. I need to know how we approach easements containing carports/etc (if that is even possible). I am in learning for leaders until noon.

Joe

-----Original Message-----

From: GILPIN GROUP - Environmental Consulting [mailto:gilpin@eznet.net]
Sent: Wednesday, June 07, 2006 8:12 AM
To: Joe Settles
Subject: Fw: RE: 3 Questions

-----Original Message-----

From: [Strength, Stephanie - Washington, DC](#)
Date: 06/06/06 14:20:07
To: [Joe Settles](#)
Cc: gilpin@eznet.net
Subject: RE: 3 Questions

I must have misstated my intent, I would like to discuss tomorrow afternoon not today.

Ann Barker is indeed the woman who contacted me. I just spoke with her and her concern is that the rebuilt line will apparently be going through her carport (attached to her house). She also stated that an existing line is being removed from the other side of US 60? And that EKPC was told that property was to be subdivided. I am not certain on the particulars but she stated that no plans are filed with the county and current comprehensive planning would prevent the subdivision due to a 250 ft setback and the size of the lot. She will be providing written comments to the EA once she received it (her primary concern being

aesthetic and EMF).

My question, are there a lot of cases like this? How does EKPC handle instances where the new easement includes existing houses/carports? The EA should provide a discussion and/or a summary chart of the number of residents within _feet.

Talk with you tomorrow, and please have a nice day off.

-Stephanie

-----Original Message-----

From: Joe Settles [<mailto:joe.settles@ekpc.coop>]

Sent: Tuesday, June 06, 2006 1:54 PM

To: Strength, Stephanie - Washington, DC; gilpin@eznet.net

Subject: RE: 3 Questions

Stephanie,

I had a lady named Ann Barker request a copy of the Smith - Sideview document today. It may be the same person that called you. I had one of the secretaries put a copy at the front desk to pick up and take home.

I am not available this afternoon. I have taken a vacation day with the family. Gilpin called my cell phone to see if I was going to be available this afternoon after he saw your email. Otherwise, I would not have checked emails today. Anyway, I will be available tomorrow at your convenience. I will send you the electronic version of the CRA report when I get in tomorrow AM. I don't have access to it from the house.

Thanks for getting in touch with me. Let me know when you will be available tomorrow to discuss the document. Gary Gilpin will not be available until late afternoon.

Gary - when would you be available tomorrow?

Thanks again and I look forward to tomorrow's discussion.

*Until then,
Joe*

-----Original Message-----

From: Strength, Stephanie - Washington, DC

[<mailto:Stephanie.Strength@wdc.usda.gov>]

Sent: Tue 6/6/2006 12:19 PM

To: Joe Settles; gilpin@eznet.net

Cc:

Subject: RE: 3 Questions

I've had one call on smith to sideview, returning later today

I've reviewed the EA, need to refine my comments, discuss them with you, and get Mark's final okay. I will be working from home tomorrow to do this. Are you available late afternoon to discuss?

We sent a letter to the consulting parties, not the letter to the SHPO regarding inclusion of 106 in the EA process. Mark determined that since this is our typical process it is not appropriate to send for this project alone. If necessary, a letter could be sent for all the projects.

As for my review of the CRA report for this proposal, I have not been able to locate the original copy I reviewed. Could you please resend it (is it available electronically)? If at all possible I would like to review it again tomorrow morning. I apologize for this inconvenience.

Sincerely,

*Stephanie A. Strength
Environmental Protection Specialist/RD
1400 Independence Ave. SW Room # 2244
Washington, DC 20250-1571*

(202) 720-0468

-----Original Message-----

*From: Joe Settles [<mailto:joe.settles@ekpc.coop>]
Sent: Friday, June 02, 2006 1:47 PM
To: Strength, Stephanie - Washington, DC
Subject: 3 Questions*

Stephanie,

I have 3 questions for you.

#1 - Have you received any comments on the Smith-Sideview EA yet?

#2 - Have you reviewed the GM - Memphis Junction EA?

#3 - Did you send any letters to possible consulting parties or the KY Heritage Council regarding the GM - Memphis Junction project?

Thanks for taking the time to help. I look forward to hearing from you.
Joe

Joe Settles
Supervisor, Natural Resources
and Environmental Communications
East KY Power Cooperative
4775 Lexington Road
Winchester, KY 40391
Work: 859-745-9256
Mobile: 859-771-3303
Fax: 859-744-6008
Email: joe.settles@ekpc.coop



From: Dan McNickol <IMCEAEX-_O=EKPC+20ORGANIZATION_OU=FIRST+20ADMINISTRATIVE+20GROUP_CN=RECIPIENTS_CN=DANMCNI@ekpc.com>
Sent: Wednesday, May 17, 2006 11:25 AM
To: Dominic Ballard
Subject: FW: Update

fyi

Dan McNickol
Right-of-Way Agent
East Kentucky Power Cooperative
Ofc. 859-745-9592
Cell 859-771-1014

-----Original Message-----

From: Mike Wells [<mailto:Mike.Wells@Strand.com>]
Sent: Wednesday, May 17, 2006 12:09 AM
To: Dan McNickol
Subject: Update

Mrs. Barker called and has re-scheduled to discuss the acquisition for tomorrow (May 17th).

The Wells tract has scheduled for next Monday for a signing.

Regards.

Michael Wells
Right of Way Agent
Strand Associates
325 West Main Street
Louisville, KY 40202
502-583-7020
502-314-6055 (mobile)

From: Dan McNickol <IMCEAEX-_O=EKPC+20ORGANIZATION_OU=FIRST+20ADMINISTRATIVE+20GROUP_CN=RECIPIENTS_CN=DANMCNI@ekpc.com>
Sent: Wednesday, May 10, 2006 7:56 AM
To: 'mike.wells@strand.com'
Cc: Dominic Ballard
Subject: FW: Ann Barker Structure

Mike, please reply to Dominic's question below in regard to our final offer to Mrs. Barker. Also, our surveyor Arlie Caudill is going to stake the new proposed structure location on Mrs. Barker's property this morning around 8:30. So please follow up with her today in regard to the new structure location and our offer for the easement. Let me know her response after talking with her. Maybe she will have had a change of heart and is willing to sign the easement. Thanks.

Dan McNickol
Right-of-Way Agent
East Kentucky Power Cooperative
Ofc. 859-745-9592
Cell 859-771-1014

-----Original Message-----

mic Ballard
ay, May 08, 2006 11:57 AM
cNickol
RE: Ann Barker Structure

What was the final offer?

-----Original Message-----

McNickol
ay, May 08, 2006 10:38 AM
ic Ballard; Mary Jane Warner
audill; 'mike.wells@strand.com'
Ann Barker Structure

Dominic, Arlie Caudill is going to contact you needing the bearing of the new structure location on the Ann Barnes property. Mrs. Barnes liked the new location better. We made her a final offer today based on 100% of fee value. I stated that we would stake the new structure location this week and that Mike Wells contact her later this week to see if she will accept our offer.

Mary Jane, FYI, I asked Mrs. Barker if she has hired Mr. Adams to represent her or if he was just at our meeting to help her with the situation. Her reply was that she has hired him to represent her. Therefore, I'm not too confident that our final offer will be accepted.

Dan McNickol
Right-of-Way Agent
East Kentucky Power Cooperative
Ofc. 859-745-9592
Cell 859-771-1014

From: Dan McNickol <IMCEAEX-_O=EKPC+20ORGANIZATION_OU=FIRST+20ADMINISTRATIVE+20GROUP_CN=RECIPIENTS_CN=DANMCNI@ekpc.com>
Sent: Monday, May 08, 2006 10:38 AM
To: Dominic Ballard; Mary Jane Warner
Cc: Arlie Caudill; 'mike.wells@strand.com'
Subject: Ann Barker Structure

Dominic, Arlie Caudill is going to contact you needing the bearing of the new structure location on the Ann Barnes property. Mrs. Barnes liked the new location better. We made her a final offer today based on 100% of fee value. I stated that we would stake the new structure location this week and that Mike Wells contact her later this week to see if she will accept our offer.

Mary Jane, FYI, I asked Mrs. Barker if she has hired Mr. Adams to represent her or if he was just at our meeting to help her with the situation. Her reply was that she has hired him to represent her. Therefore, I'm not too confident that our final offer will be accepted.

Dan McNickol
Right-of-Way Agent
East Kentucky Power Cooperative
Ofc. 859-745-9592
Cell 859-771-1014

Ronnie Terrill

From: Dominic Ballard
Sent: Tuesday, May 27, 2014 1:53 PM
To: Ronnie Terrill
Subject: FW: Summary of Barker meeting

From: Nick Comer
Sent: Friday, April 28, 2006 10:18 AM
To: Dominic Ballard
Subject: Summary of Barker meeting

Dominic,
How does this look?
Nick

On April 27, 2006, representatives of EKPC met with Ann Barnes Barker, a property owner on the Smith-North Clark transmission line project.

Attending were Nick Comer, Dominic Ballard, Dan McNickol, Strand ROW agent Mike Wells, Ann Barnes Barker, Harold Barker, their son (Joe?), Steve Adams and Don Pasley, who farms the property.

Wells indicated he had submitted an offer to Mrs. Barker but was not sure if she was rejecting it. She said she is rejecting it.

Mrs. Barker asked about the height of the structures. Ballard told her the poles would be about 95 feet above the ground and about 15 feet below. In response to questions about the pole width, Ballard said it would likely be 2 to 2.5 feet wide at ground level.

Adams, who said he is an appraiser, said his opinion is that EKPC has valued property on a by-acre basis rather than before-and-after basis. He said his opinion is that EKPC's method is "illegal." He said it is his opinion there will be damage to the Barkers due to the impact on the value of their house and lot from having a larger structures beside their house. Adams asked if EKPC could move the set of poles from beside Mrs. Barker's house onto property owned by Mr. Faris on the other side of U.S. 60.

McNickol asked Mrs. Barker if her concern is primarily with the location of the poles or with the amount of the offer. Mrs. Barker responded that the two issues are "hinged."

EKPC agreed to check with Mr. Faris about the possibility of relocating the structure on his property on the other side of U.S. 60.

Mrs. Barker did not express any concerns about the garage/candy store being torn down.

Ronnie Terrill

From: Dominic Ballard
Sent: Tuesday, May 27, 2014 2:11 PM
To: Ronnie Terrill; Mary Jane Warner
Subject: FW: Pine tree on Barker property

From: Mary Jane Warner
Sent: Wednesday, December 06, 2006 9:34 PM
To: Bill Sharp; Dominic Ballard
Subject: FW: Pine tree on Barker property

This looks good - I think Alex will be very appreciative.

We also need to work on this form (and possibly review others).

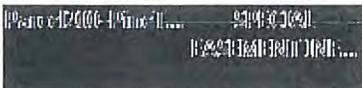
There are no longer "Engineering Support" or "Maintenance & Construction" Departments - we need to reflect the current organization on our forms. Please make the changes immediately and communicate it to all R/W agents.

Thank you

Mary Jane

-----Original Message-----

From: Bill Sharp
Sent: Wednesday, December 06, 2006 12:42 PM
To: 'alex@blairrowadylaw.com'
Cc: Mary Jane Warner; Dominic Ballard
Subject: Pine tree on Barker property



Alex, after meeting with the Barkers we have decided to allow the pine tree to stay with the attached conditions.

Bill Sharp
Senior Right of Way Agent
East Kentucky Power Cooperative

Ronnie Terrill

From: Dominic Ballard
Sent: Tuesday, May 27, 2014 2:11 PM
To: Ronnie Terrill; Mary Jane Warner
Subject: FW: barkers

From: Mary Jane Warner
Sent: Tuesday, December 05, 2006 10:53 AM
To: Bill Sharp; Garner Humphrey; Dominic Ballard
Subject: FW: barkers

Please note and remember to observe this departure from our normal practice.

MJ

Mary Jane Warner, P.E.
Manager, Power Delivery Expansion
East Kentucky Power Cooperative
859-745-9344
FAX 859-744-6008

Please note my e-mail address change - maryjane.warner@ekpc.coop

-----Original Message-----

From: M. Alex Rowady [<mailto:alex@blairrowadylaw.com>]
Sent: Thursday, November 16, 2006 12:07 PM
To: Mary Jane Warner
Subject: barkers

Mary Jane, the Barkers select option (1) contained in your November 16 e-mail, that is leave the trees in whole tree length as they fall and move them to the edge of the right of way for the Barkers. The only modification of this will be for the front yard trees (assuming you have to cut them) which will have to be moved to the other side of the fence that surrounds the front yard to get them out of the front yard. Alex

Ronnie Terrill

From: Dominic Ballard
Sent: Tuesday, May 27, 2014 2:10 PM
To: Ronnie Terrill; Mary Jane Warner
Subject: FW: Barker Trees

From: Mary Jane Warner
Sent: Tuesday, November 21, 2006 6:24 PM
To: 'Alex Rowady (E-mail)'
Cc: John Twitchell; Roger Cowden; Garner Humphrey; Dominic Ballard
Subject: Barker Trees

Hi Alex -

I got a message this evening to return a call to Harold Barker who contacted our CEO's office about their trees. When I called the Barker home, Mrs. Barker answered, but she didn't know anything about the call. She agreed to ask Mr. Barker and call me back, but preferred to do it after the holiday.

During the course of the conversation, Mrs. Barker said they were having an arborist visit the property to advise them about the mature height of the trees and how long it would take them to reach that height. She also talked about using a growth retardant and not cutting the trees. I understood that these matters were concluded and the trees were to be cut.

I will be on vacation until Monday, but if you are in the office on Wednesday, please call my mobile number to discuss - 749-4013.

Thank you
Mary Jane

Ronnie Terrill

From: Dominic Ballard
Sent: Tuesday, May 27, 2014 2:07 PM
To: Ronnie Terrill; Mary Jane Warner
Subject: FW: Barker Easement

From: Mary Jane Warner
Sent: Thursday, November 02, 2006 6:05 PM
To: Roger Cowden; Bill Sharp
Cc: Dominic Ballard
Subject: FW: Barker Easement

I spoke with Alex this afternoon and he thinks the liability language is agreeable to the Barkers. They still have questions about the anchor leads being off the easement and maybe even their liability with that situation. They also mentioned terms in a previously discussed "Covenant of Non-Disturbance" that they liked - having to do with planting trees in the easement etc.(?)

I conveyed to him my concern about a moving target and that we were not going back to incorporate things that were discussed in negotiations. He plans to talk with them tomorrow and try to define clearly their issues and desires. They may want a meeting, but I encouraged him to see if they would agree for him to work with us on their behalf - told him we would be happy to meet with them if we could be assured it would be productive.

I hope to hear from him tomorrow - will keep you posted.

MJ

*Mary Jane Warner, P.E.
 Manager, Power Delivery Expansion
 East Kentucky Power Cooperative
 859-745-9344
 FAX 859-744-6008*

Please note my e-mail address change - maryjane.warner@ekpc.coop

-----Original Message-----

From: Mary Jane Warner
Sent: Wednesday, November 01, 2006 4:25 PM
To: 'alex@blairrowadylaw.com'
Cc: Roger Cowden; Bill Sharp
Subject: Barker Easement

Hi Alex -

I'm sorry I missed you by phone a couple times today - Roger is out this week and with his consent I am following up on the outstanding issues with the Barkers. I understand there were two items to be resolved.

1 - wording on liability associated with the encroachment - I think Roger faxed some proposed language to your office recently - have you had a chance to review it and is it acceptable to you and your client?

2 - guy anchors that fall off the easement - after Bill Sharp was contacted by the Barkers last week on a driveway question, we realized the Barkers were under the impression that the easement expanded around the guy anchors to include them. Bill explained that is not the case, the guy anchors are there with permission per the easement, but do not

change the easement area as otherwise described. (Bill also asked Mrs. Barker to contact you and relate their conversation.)

It seems that we are very close to having these matters resolved. Please let me know if you agree and what steps we can take to expedite the appropriate documents of agreement.

Everyone is so busy - we are happy to communicate by e-mail if that is more convenient for you.

Thank you
Mary Jane

*Mary Jane Warner, P.E.
Manager, Power Delivery Expansion
East Kentucky Power Cooperative
859-745-9344
FAX 859-744-6008*

Please note my e-mail address change - maryjane.warner@ekpc.coop

Ronnie Terrill

From: Dominic Ballard
Sent: Tuesday, May 27, 2014 2:05 PM
To: Ronnie Terrill; Mary Jane Warner
Subject: FW: Barker
Attachments: COVENANT OF NON.doc

From: Mary Jane Warner
Sent: Wednesday, September 20, 2006 10:44 PM
To: Dominic Ballard; Roger Cowden; Bill Sharp
Subject: FW: Barker

FYI

-----Original Message-----

From: Tom Hayes
Sent: Wednesday, September 20, 2006 6:25 PM
To: Mary Jane Warner
Subject: RE: Barker

Mary Jane,

No there are no written agreements to my knowledge on the Barker property pertaining to encroachments or trees except the transmission line easement.

Attached is a Covenant of Non-Disturbance. Don't know if that will help ya out or not.

The easement on this property has some strange language pertaining to structures located on the right-of-way. I'll leave a copy on your desk.

Let me know if I may be of further assistance.

Thanks,
Tom

-----Original Message-----

From: Mary Jane Warner
Sent: Wednesday, September 20, 2006 2:20 PM
To: Tom Hayes
Cc: Roger Cowden; Dominic Ballard; Bill Sharp
Subject: FW: Barker

Hi Tom -

Do you have any record of a written agreed encroachment on the Barker property? I think this is one you have had to deal with in the past for some trees - so you may already be familiar with the situation.

Dominic and Bill - If no such agreement exists in writing, we need to work with Roger on some language consistent with this type situation in the recent past. Tom may also be able to give us a lead on that.

Thank you

Mary Jane

*Mary Jane Warner, P.E.
Manager, Power Delivery Expansion
East Kentucky Power Cooperative
859-745-9344
FAX 859-744-6008*

Please note my e-mail address change - maryjane.warner@ekpc.coop

-----Original Message-----

From: Roger Cowden
Sent: Wednesday, September 20, 2006 2:15 PM
To: Mary Jane Warner; Bill Sharp
Cc: Terri Isaacs
Subject: Barker

Alex Rowady just called...said he checked the County Clerk's office...and there is no record of an encroachment agreement for the Barker tract. He would like to see that done...to clear this cloud on the title. Is that something you can do...or do you want me to prepare? I'll await your response.

Roger R. Cowden, Esq.
East Kentucky Power Cooperative, Inc.
PO Box 707
Winchester, KY 40392-0707
Phone 859-745-9377
Fax 859-737-6087
email: roger.cowden@ekpc.coop

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Ronnie Terrill

From: Dominic Ballard
Sent: Tuesday, May 27, 2014 2:05 PM
To: Ronnie Terrill; Mary Jane Warner
Subject: FW: Barker

From: Mary Jane Warner
Sent: Wednesday, September 20, 2006 2:20 PM
To: Tom Hayes
Cc: Roger Cowden; Dominic Ballard; Bill Sharp
Subject: FW: Barker

Hi Tom -

Do you have any record of a written agreed encroachment on the Barker property? I think this is one you have had to deal with in the past for some trees - so you may already be familiar with the situation.

Dominic and Bill - If no such agreement exists in writing, we need to work with Roger on some language consistent with this type situation in the recent past. Tom may also be able to give us a lead on that.

Thank you
Mary Jane

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859-745-9344
FAX 859-744-6008*

Please note my e-mail address change - maryjane.warner@ekpc.coop

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Ronnie Terrill

From: Dominic Ballard
Sent: Tuesday, May 27, 2014 2:04 PM
To: Ronnie Terrill; Mary Jane Warner
Subject: FW: Barker

From: Mary Jane Warner
Sent: Wednesday, September 13, 2006 4:11 PM
To: Roger Cowden
Cc: Dominic Ballard
Subject: RE: Barker

They are already working and we haven't told them to stop, only be careful about the staples, etc. When do you think you'll have the IJ - I'd rather not stop them since we are working under the rights of the old easement.

MJ

*Mary Jane Warner, P.E.
Manager, Power Delivery Expansion
East Kentucky Power Cooperative
859-745-9344
FAX 859-744-6008*

Please note my e-mail address change - maryjane.warner@ekpc.coop

-----Original Message-----

From: Roger Cowden
Sent: Wednesday, September 13, 2006 4:05 PM
To: Mary Jane Warner
Cc: Sherman Goodpaster
Subject: Barker

Talked to Alex Rowady. He's OK w/ not moving the line. Told him we've admonished the crews about the nails/staples. Encroachment agreement is not an issue. I think he'll be sending the IJ back to me. But tell crews to wait for my word on this.

Thanks.

Roger R. Cowden, Esq.
East Kentucky Power Cooperative, Inc.
PO Box 707
Winchester, KY 40392-0707
Phone 859-745-9377
Fax 859-737-6087
email: roger.cowden@ekpc.coop

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Ronnie Terrill

From: Dominic Ballard
Sent: Tuesday, May 27, 2014 2:03 PM
To: Ronnie Terrill; Mary Jane Warner
Subject: FW: Barker

From: Mary Jane Warner
Sent: Friday, September 08, 2006 11:52 AM
To: Garner Humphrey; Dominic Ballard
Cc: Roger Cowden
Subject: FW: Barker

Please note the hardware comments and make the contractor aware of the Barkers concerns. We need to be careful about how we proceed with the work schedule on this particular property under the existing easement - to be certain that we don't exceed those rights until the amended easement is in force. I'll try to set something up with Roger - we have several issues that need to be discussed/resolved.

Thank you
MJ

*Mary Jane Warner, P.E.
Manager, Power Delivery Expansion
East Kentucky Power Cooperative
859-745-9344
FAX 859-744-6008*

Please note my e-mail address change - maryjane.warner@ekpc.coop

-----Original Message-----

From: Roger Cowden
Sent: Friday, September 08, 2006 11:44 AM
To: Mary Jane Warner; Bill Sharp
Cc: Sherman Goodpaster; Terri Isaacs
Subject: Barker

Alex Rowady called again....2 issues:

(1) Apparently, crews have been on the Barker property and are already in the process of enlarging the subject line...making ready...the subject line on the existing easement. Barkers are concerned that as lines are being taken down, the crews are leaving nails/tacks/sharp brackets on the land...and it's a hazard to the owners and their cattle. They're concerned because there are many more poles left to reconfigure.

(2) Barkers are not opposed to the right to take (however, IJ has not been signed yet by A.R.). However, in order to obviate the encroachments...house/carport....Alex is wondering if the easement can be moved over approx. 10 feet or so. I told him I would ask....but that my instincts would tell me that encroachment agreements may be the better alternative...in order to remove the clouds on the title. He simply wanted me to inquire.

Roger R. Cowden, Esq.
East Kentucky Power Cooperative, Inc.
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June 29, 2006
RE: Final Offer
Smith – North Clark Project – W. O. #21461
Map #200, 201
Clark County, Kentucky

Harold and Ann Barker
5450 Mt. Sterling Road
Winchester, KY 40391

Dear Mr. And Mrs. Barker:

As Right of Way Agent for East Kentucky Power Cooperative, I have been unable to negotiate a settlement with you for a Transmission Line Easement and an Amended & Restated Transmission Line Easement across your property in Clark County, Kentucky.

An Evaluation by our Right-of-Way Department was made of the subject easements and it has been determined that the additional easement of fifty feet (50') wide, four thousand one hundred and thirteen feet (4113') long, containing 10 poles, 4 guys, would not depreciate your property value more than \$37,800.00.

Please consider this offer and give your response to EKPC no later than July 5, 2006. Unless you have responded by the aforementioned date, EKPC will assume you have rejected the offer and do not wish to respond.

Thank you for your time and if you have any questions please call me at the number listed below.

Sincerely,

William A. Sharp, Right of Way Agent
East Kentucky Power Cooperative
P. O. Box 707
Winchester, Kentucky 40392-0707
(859) 745-9581



Easement Meeting Sheet

ESF or Project Number: 2-993001

Parcel No.: 200 Project Area: EKPC: JK Smith – N. Clark R/W Project

Owner's Name: Ann Brooks Barnes Barker and Harold Barker, her husband

Parcel Address: 5450 Mt. Sterling Road, Winchester, KY 40391

Mailing Address: Same

Phone Number: 859-744-1540 h Social Security #: _____

Phone Conversation: Y

Date: 2/20/06 & 2/21/06 Place: Subjects parcel Time: 3:30 pm

Signed: Yes

Persons Involved: Michael Wells, Mr. and Mrs. Barker, their son, Dan McNickol,

Amount of offer, if any: \$8,600.00 Amount of Counter offer, if any: n/a

Explanation of Counter offer: _____

Notes: 2/8/06 – I met the owner and I explained our role in the acquisition process. I further stated that our firm was contracted out to acquire easements for the upcoming project. Mrs. Barker was very aware of the project but had several issues. While reviewing the plans, I showed her the locations of the poles and that the new pole system would be much larger, which is needed for the upgrade. Mrs. Barker was not pleased on the location of the pole, which is next to her home. She was also concerned about the location of the easement and that she thought that the easement was located further away from her resident. I stated that there is an existing easement, which is located over her garage and she would need to sign an encroachment agreement. I further explained that the encroachment agreement would protect the structure from being disturbed but would also prevent her from building any additional structure onto her home. We reviewed the location of the pole, which I attempted to locate the exact location by

measuring. Mrs. Barker stated that she would think about our discussion and would call me back.

2/16/06 – I received a call from Mrs. Barker and she requested that her property be staked. I stated that I would forward a message on to Dan McNickol.

3/20/06 – I met the owner again and she had several questions, which we worked through. She also requested that the pole be moved across the street. I called and spoke to Dan McNickol and he stated that the most it could be moved is approximately 15'. Dan McNickol also stated that he would send an e-mail to the design engineer to see what could be done. Mrs. Barker also requested that the tree trunks be removed and I stated that the contractor would cut them down to 2" or less from the ground. I stated that I would need to discuss this issue with EKPC.

3/23/06 – I called Mrs. Barker and she was reviewing the location of the staking but still has issues with the location of the poles. I also stated that the design engineer was not able to justify the moving of the pole across the street. I also stated that an additional \$1,000 was justified for stump removal on the tract. Mrs. Barker also stated that she had an attorney available, which was Robert Rose.

4/27/06 – Dan McNickol, Dominic and several others from EKPC met with Mrs. Barker and her son regarding her issues. Mrs. Barker also had a state representative and an appraiser available for comment. We discussed several issues including the moving of the pole across the street. The design engineer stated that the pole assembly possibly could be moved but would need to discuss this issue with the owner since he would have to agree to the revision. Several other questions were addressed with the design process and that was discussed with Dominic. At his time, we decided to approach Mr. Farris and see if he would agree with the revision.

5/11/06 – I talked to Mrs. Barker and Mr. Farris would not agree to the revision since his design plans are to construct an entrance at this location. I gave an offer of \$8,600, which included \$4,400 for the easement, \$1,000 for stump grinding and an additional \$1,000 for guidewires. At this time, I believe that Dan McNickol would discuss negotiations since this parcel could proceed with condemnation.



Easement Meeting Sheet

ESF or Project Number: 2-993001

Parcel No.: 201 Project Area: EKPC: JK Smith – N. Clark R/W Project

Owner's Name: Ann Brooks Barnes Barker and Harold Barker, her husband

Parcel Address: 5450 Mt. Sterling Road, Winchester, KY 40391

Mailing Address: Same

Phone Number: 859-744-1540 h Social Security #: _____

Phone Conversation: Y

Date: 2/8/06, 2/16/06, 3/20/06, 3/23/06, 4/27/06, 5/8/06, 5/11/06 Place: Subjects parcel

Signed: Yes

Persons Involved: Michael Wells, Mr. and Mrs. Barker, their son, Dan McNickol,

Amount of offer, if any: \$17,000.00 Amount of Counter offer, if any: 25,000.00

Explanation of Counter offer: _____

Notes: 2/8/06 – I met the owner and I explained our role in the acquisition process. I further stated that our firm was contracted out to acquire easements for the upcoming project. Mrs. Barker was very aware of the project but had several issues. While reviewing the plans, I showed her the locations of the poles and that the new pole system would be much larger, which is needed for the upgrade. Mrs. Barker was not pleased on the location of the pole, which is next to her home. She was also concerned about the location of the easement and that she thought that the easement was located further away from her resident. I stated that there is an existing easement, which is located over her garage and she would need to sign an encroachment agreement. I further explained that the encroachment agreement would protect the structure from being disturbed but would also prevent her from building any additional structure onto her home. We reviewed the location of the pole, which I attempted to locate the exact location by

measuring. Mrs. Barker stated that she would think about our discussion and would call me back.

2/16/06 – I received a call from Mrs. Barker and she requested that her property be staked. I stated that I would forward a message on to Dan McNickol.

3/20/06 – I met the owner again and she had several questions, which we worked through. She also requested that the pole be moved across the street. I called and spoke to Dan McNickol and he stated that the most it could be moved is approximately 15'. Dan McNickol also stated that he would send an e-mail to the design engineer to see what could be done. Mrs. Barker also requested that the tree trunks be removed and I stated that the contractor would cut them down to 2" or less from the ground. I stated that I would need to discuss this issue with EKPC.

3/23/06 – I called Mrs. Barker and she was reviewing the location of the staking but still has issues with the location of the poles. I also stated that the design engineer was not able to justify the moving of the pole across the street. I also stated that an additional \$1,000 was justified for stump removal on the tract. Mrs. Barker also stated that she had an attorney available, which was Robert Rose.

4/27/06 – Dan McNickol, Dominic and several others from EKPC met with Mrs. Barker and her son regarding her issues. Mrs. Barker also had a state representative and an appraiser available for comment. We discussed several issues including the moving of the pole across the street. The design engineer stated that the pole assembly possibly could be moved but would need to discuss this issue with the owner since he would have to agree to the revision. Several other questions were addressed with the design process and that was discussed with Dominic. At his time, we decided to approach Mr. Farris and see if he would agree with the revision.

5/8/06 – I called Mrs. Barker and stated that we could compensate \$9,000 for the easement, \$1,000 for the guidewires and \$3,000 for the stump removal. Our final offer is \$17,000 per Dan McNickol.

5/17/06 – Mrs. Barker called and countered with \$25,000 for the acquisition. I stated that I would forward this information to Dan McNickol. She further stated that she felt that the land is damaged more than what our offer is.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 71

RESPONSIBLE PARTY: Counsel

Request 71. Please provide copies of letters, e-mails, memos, correspondence and inter office mail EKPC received during or after the open house on November 10, 2005 pertaining to issues, concerns and comments regarding what was presented at the open house.

Response 71. Objection.

EKPC objects to this request on the basis that it is overly broad and unduly burdensome. Without waiving said objections, EKPC states that it has searched its records and has found nothing directly responsive to this request that has not already been produced. Many of the communications received by EKPC would have been verbal communications for which to permanent record would have been created. Also, given the passage of several years between the time the project was completed and the commencement of this case, it is possible that some records might have been disposed of in accordance with the Company's information retention guidelines. EKPC is continuing to search its records and will supplement this response as necessary.

**EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST**

**COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 72**

RESPONSIBLE PARTY: Counsel

Request 72. Please indicate if any other electric utility in Kentucky has ever constructed a 345kV/138kV transmission line without the requirement for a CPCN?

Response 72. Objection.

EKPC objects to this request to the extent that it calls for speculation. Without waiving said objection, EKPC is unaware of the specific activities of other utilities or transmission providers in Kentucky and is unable to answer this question.

**EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST**

**COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 73**

RESPONSIBLE PARTY: Dominic Ballard

Request 73. What was Dominic Ballard's position with EKPC in 2006?

Response 73. Supervisor of Transmission Line Design Team reporting to Mary Jane Warner.

**EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST**

**COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 74**

RESPONSIBLE PARTY: Dominic Ballard

Request 74. What were Mr. Ballard's duties?

Response 74. Dominic Ballard's duties as supervisor of the Transmission Line Design Team included responsibilities for transmission line survey, design, right - of - way acquisition, inspection and construction.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 75

RESPONSIBLE PARTY: Dominic Ballard

Request 75. Please furnish copies of all e-mails, memos, inter office correspondence, letters, and notes from conversations between Mr. Ballard and the Barkers or their counsel.

Responses 75. There are none.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 76

RESPONSIBLE PARTY: Counsel

Request 76. Please provide the date Mr. Ballard became aware that the original 69kV transmission line supposedly encroached on the Barkers' residence.

a. Was this discovered by Mr. Ballard himself or by someone else at EKPC. If by a person other than Mr. Ballard, please identify whom.

Response 76. Objection.

EKPC objects to the question to the extent that it assumes facts not in evidence. EKPC denies that the original 69 kV transmission line encroaches upon the Barkers' residence. The Barkers' residence was constructed adjacent to EKPC's original easement. The Barkers' garage and carport encroach upon EKPC's easement.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 77

RESPONSIBLE PARTY: Dominic Ballard

Request 77. When did Mr. Ballard become aware of the route of the new
345kV/138kV transmission line, the size of the line and the location on the Barkers' property?

Response 77. During the route evaluation phase of the project.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 78

RESPONSIBLE PARTY: Mary Jane Warner

Request 78. Why were negotiations not pursued with Mr. Farris with regards to the adjustment of the easement being requested on the Barkers' property?

Responses 78. EKPC successfully negotiated with Mr. Farris for the modification to the structure locations on the Barker property.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 79

RESPONSIBLE PARTY: Benjamin Cotts

Request 79. On page six of the direct testimony of Gabor Mezei he indicates that the long term average magnetic field levels in the center of the Barkers' residence as a result of the nearby transmission line is anticipated to be approximately 3.3mG. What would be the approximate mG reading 35 feet CLOSER to the transmission line using the same modeling?

Response 79. Using the same model, the magnetic field level at a distance 35 feet closer to the transmission line (90 feet from the centerline of the transmission line) would be 5.8 mG.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 80

RESPONSIBLE PARTY: **Paul A. Dolloff**

Request 80. On p. 13 of Dr. Dolloff's testimony please explain why it took ten months to return to the Barkers' residence for the purpose of taking magnetic field measurements. Why were the Barkers not informed of this visit and why were the results of the measurements taken never supplied and explained to the Barkers?

Response 80. Dr. Dolloff's initial meeting with the Barkers revolved around their concern over a shock hazard. Specifically, their son claimed that he was routinely shocked while working on his truck, when parked on their concrete driveway located on the EKPC right-of-way. Once this issue was brought to the attention of Dr. Dolloff, Chuck Caudill, who was at the time the manager of EKPC's Envision Services, and Tom Hayes, an EKPC right-of-way specialist, returned with Dr. Dolloff to the Barkers' home to further discuss this shock hazard situation. Sometime during this meeting it was decided that both Tom Hayes and Paul Dolloff would return to take electric field readings. On Friday, December 5, 2008, Tom Hayes and Paul Dolloff made electric field measurements as outlined in Exhibit PAD-1.

At some point in time after this electric field measurement visit, Dr. Dolloff was informed by Sherman Goodpaster, EKPC Legal Counsel, that the Barkers now had health concerns related to magnetic fields. With that, the Barkers were contacted and asked for permission to return for a second site visit to record magnetic fields. On Tuesday, October 20, 2009, Tom Hayes and Paul Dolloff made magnetic field measurements as outlined in Exhibit PAD-3.

A time period of 10 months expired between the site visit to measure electric fields and the site visit to measure magnetic fields because the Barkers were not initially concerned with magnetic fields. Therefore, magnetic field readings were not taken during Dr. Dolloff's initial visit with the Barkers.

Because EKPC does not allow employees to set foot on others' property without first obtaining permission, permission was sought and obtained from the Barkers for Dr. Dolloff to re-visit their home so that magnetic field measurements could be taken.

Dr. Dolloff wrote an EKPC in-house memo containing the results of the site visit to collect magnetic field readings and presented that memo to Sherman Goodpaster on October 27, 2009 as shown in Exhibit PAD-3.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 81

RESPONSIBLE PARTY: Paul A. Dolloff

Request 81. Does Dr. Dolloff agree that on December 5, 2008 that the Barkers' emf meter was compared to Dr. Dolloff's emf meter at the edge of the house at the exact same time and both meters were displaying the same value of measurements of magnet field.

Response 81. Dr. Dolloff does not recall comparing the Barkers' EMF meter with the EKPC EMF meter at the edge of the house at the exact same time on December 5, 2008. However, Dr. Dolloff does not deny that this type of a comparison between meters may have taken place.

It should be noted that the site visit that took place on December 5, 2008 was to collect electric field readings, not magnetic field readings. Though the claim that a comparison between meters produced the exact same magnetic field readings on both meters may have taken place on this date, it is doubtful that a meter comparison was made on this date. The reason that this date for a meter comparison is questioned is because the intent of this particular site visit was to record electric field readings, not magnetic field readings. Further support that this comparison was not made on this date is the fact that EKPC's EMDEX II EMF meter cannot read both electric and magnetic fields at the same time. Given that the site visit on December 5, 2008 was to take electric field readings, suggests that the EKPC EMDEX II meter was programmed to read electric fields during this visit. Therefore, it is highly unlikely that the EKPC EMDEX II meter was reprogrammed at the Barkers' home on this date to read magnetic fields.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 82

RESPONSIBLE PARTY: Paul A. Dolloff

Request 82. Does Dr. Dolloff agree that the Barkers' emf/elf meter due to its single axis design cannot overstate a magnetic field reading when taking measurements but actually could only UNDERSTATE a reading based upon the position/orientation of the meter to the field generating source?

Response 82. A single axis EMF meter may indeed underestimate the magnitude of the magnetic field as compared to a three axis EMF meter, all else being equal. However, the Barkers' EMF/ELF meter manufactured by the Extech Instruments company, could also overstate a 60 Hz based magnetic field reading because this meter's bandwidth ranges from 30 to 300 Hz.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 83

RESPONSIBLE PARTY: Paul A. Dolloff

Request 83. Does Dr. Dolloff agree that all statements, data and information given to the Barkers at their December, 2008 meeting by him are correct?

Response 83. Yes. Dr. Dolloff agrees that all statements, data, and information given to the Barkers at their December, 2008 meeting by him are correct.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 84

RESPONSIBLE PARTY: Gabor Mezei

Request 84. On page 7 you state "[based on a recent in-depth review of the scientific literature, the WHO concluded that current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields." However the same document states "A number of epidemiological studies suggest small increases in risk of childhood leukemia with exposure to low frequency magnetic fields in the home." Based on this evidence, as well as your confirmation on page 14 that the International Agency for Research on Cancer (IARC) has declared ELF EMF to be Group 2B, possible human carcinogens, why is it not reasonable and indeed responsible for the Barker family to demand that they not be subjected to exposure to elevated magnetic fields in their home? Should anyone demand absolute proof of harm before applying the Precautionary Principle so as to reduce their exposure to an agent for which there is evidence of harm even though it may fall short of absolute proof?

Response 84. As described in my report (p. 7), the overall assessment of the World Health Organization (WHO) on potential health effects related to extremely low frequency (ELF) electric and magnetic fields (EMF) is summarized by the following statement: "*Based on a recent in-depth review of the scientific literature, the WHO concluded that current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields.*" This conclusion, as further described in my report (pp. 13-16), is consistent with conclusions of other national and international health and scientific agencies. None of these health and scientific agencies concluded that the available evidence suggests that ELF EMF

causes any adverse health effects or that ELF EMF is a probable cause of adverse health effects. In fact, the WHO states that *“With more and more research data available, it has become increasingly unlikely that exposure to electromagnetic fields constitutes a serious health hazard, nevertheless, some uncertainty remains. The original scientific discussion about the interpretation of controversial results has shifted to become a societal as well as political issue.”*

The statistical association with long-term estimates of residential magnetic field levels in childhood leukemia epidemiologic studies has been acknowledged by the major health risk assessments and reviews as indicated in my report, but this association is not supported by laboratory animal studies and the lack of a known biophysical mechanism to explain any harmful effects. Thus, the available evidence, overall, does not suggest a cause-and-effect relationship, and does not constitute an “evidence of harm,” contrary to the assertions of Dr. Carpenter. In fact, the quote that Dr. Carpenter chose from the internet site of the WHO continues as follows: *“However, scientists have not generally concluded that these results indicate a cause-effect relation between exposure to the fields and disease (as opposed to artifacts in the study or effects unrelated to field exposure).”*

Dr. Carpenter uses an interpretation of the precautionary principle, which is contrary to recommendations of the WHO, when he calls for further reduction of field levels in the Barkers home based on the available scientific evidence. The WHO recommends the adoption of international science-based guidelines, such the guidelines developed by ICNIRP. Exposure levels in the Barkers home are far below these exposure guidelines. With respect to precautionary exposure reduction, the WHO states that *“[g]iven the weakness of the evidence for a link between exposure to ELF magnetic fields and childhood leukaemia and the limited potential impact on public health, the benefits of exposure reduction on health are unclear and thus the cost of reducing exposure should be very low.”*

Similar conclusions were reached by other health agencies. For example, Health Canada concludes on its internet site, that “[e]xposure in Canadian homes, schools and offices present no known health risks.” (Based on available data, there is no reason to assume that ELF EMF exposure distributions are different in Canada and the United States.) With respect to precaution and exposure reduction, they state that “*Health Canada does not consider that any precautionary measures are needed regarding daily exposures to EMFs at ELFs.*”

**EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST**

**COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 85**

RESPONSIBLE PARTY: Gabor Mezei

Request 85. On page 11 and the following pages you discuss the IARC considerations in establishing carcinogenicity. As I have served on IARC panels I am aware that they consider three factors: a) human epidemiological studies; b) animal studies and c) mechanistic studies. It is true that chemical carcinogens are almost always found to cause cancer in animals if they cause cancer in humans, based on equivalent exposures based on body weight. As stated in the WHO information sheet referenced above, "Low-frequency magnetic fields induce circulating currents within the human body." However as was well documented by Kaune and Phillips in 1980 (Bioelectromagnetics 1: 117-129: 1980) the current induced in the human body are much larger than those induced by the same applied EMF in smaller and four-legged animals. Thus unlike the situation with a chemical exposure, it is not correct to require the same results from whole animal exposures as those in humans. Clearly animals do not respond to EMFs in the same fashion as humans. In the 2007 WHO Environmental Health Criteria document on ELF EMFs, there is the statement "Resolving the conflict between epidemiological data (which show an association between ELF magnetic field exposure and an increased risk of childhood leukemia and experimental and mechanistic data w(which do not support this association) is the highest research priority in this fields." You acknowledge these findings on page 15. Given these statements and the statistically significant evidence for elevations in leukemia in both children and adults in the meta-analyses that have been done, why do you (as well as many of the national and international organizations such as SCENIHR) insist on treating EMFs in the same manner as chemical carcinogens, when they do not act in a similar manner?

Responses 85. Dr. Carpenter's name is not shown as a member of the IARC expert panel that evaluated the carcinogenic risk due to ELF EMF exposure.

Dr. Carpenter again questions the relevance of the large number of negative laboratory animal studies that show no effect of ELF EMF on cancer development in laboratory animals. He argues that due to anatomical and size differences between laboratory animals and humans the findings of the negative laboratory animal studies are not relevant to human cancer risk assessment. Dr. Carpenter's conclusions are contrary to the generally accepted scientific methods used by IARC, WHO, and other scientific and health agencies worldwide that conduct risk assessments. As I explained in my report, laboratory animal studies play a crucial role in human cancer risk assessment. While it requires exposure scaling, the differences in size and anatomical shape between rodents and humans do not invalidate the findings of laboratory animal studies. The study by Kaune and Phillips (Bioelectromagnetics 1980; 1: 117-129) that Dr. Carpenter references is not relevant in this case, because it shows coupling and induced currents due to ELF electric fields (and not magnetic fields) in various species, including humans and rodents. A more appropriate reference would be the publication by Dawson et al. (Phys Med Biol 2002; 47: 2561-8) that calculates induced internal electric fields in humans and rodents due to external 60 Hz magnetic fields. Dawson et al. (Table 2, p. 2565) demonstrates that the induced internal electric fields (and consequently the induced internal currents) in a male and a female mouse are approximately 0.14 and 0.11 times of the induced electric fields in a human child at the same external magnetic field exposure levels. Using these scaling factors for induced internal electric fields, the 10 G (10,000 mG) external magnetic field exposure levels that were used in laboratory studies of mice and showed no increase in cancer risk (e.g., McCormick et al., Toxicol Pathol 1999; 27: 279-85) would correspond to external magnetic field exposure levels of 1,400 mG and 1,100 mG for children, which are still magnitudes higher than exposure levels we could expect even directly under high voltage power lines. Another study, for example, employed life-long magnetic field exposure of 50 G (50,000 mG) to rats and reported no excess

tumors (Yasui et al, 1997). Using the same scaling factors as above, this exposure would correspond to 7,000 mG and 5,500 mG for children. Rats are even larger animals than mice, thus scaling from rat studies to humans would require even smaller reduction in exposure and would result in even higher equivalent magnetic field exposure.

EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 86

RESPONSIBLE PARTY: Gabor Mezei

Request 86. Your own studies and meta-analyses show small but statistically significant associations between leukemia and brain cancer in adults in relation to ELF EMF exposure. Even your own pooled analysis of childhood leukemia shows associations with ELF EMF, although weaker and not statistically significant associations. In the light of your own studies how can you in good conscience argue that the Barkers have no reason to be concerned about operation of a power line so close to their home that it causes significant elevations in their exposure to magnetic fields? Is it because you are paid to draw that conclusion?

Response 86. The studies that I conducted and published in the ELF EMF research area are part of a much larger body of scientific literature and they should be considered along with the rest of the literature. No single study should be the basis for any overall conclusion. As I explained in my report, the generally accepted weight-of-evidence approach requires the evaluation of the entire body of scientific literature and not just selected studies, regardless of the specific authors and specific conclusions of the papers. However, in the specific papers Dr. Carpenter referenced, my colleagues and I showed that more recent publications tended to show weaker statistical associations with childhood leukemia (Kheifets et al., BJC 2010; 103: 1128-35) and that more recent and higher quality studies tended to show lower risk estimates for adult leukemia and brain cancer (Kheifets et al., JOEM 2008; 50: 677-88). In the latter publication, my colleagues and I concluded in 2008 that “[i]he apparent lack of a clear pattern of exposure

and risk substantially detracts from the hypothesis that measured magnetic fields in the work environment are responsible for the observed excess risk of leukemia or brain cancer.”

My conclusions are based on my overall knowledge and familiarity with the relevant scientific literature, and the scientific reviews conducted by a number of international multidisciplinary expert panels. I have developed my scientific conclusions independently from the specific legal matter at hand and will receive no personal compensation for my evaluation of the issues in this case.

EAST KENTUCKY POWER COOPERATIVE, INC.

PSC CASE NO. 2013-00291

RESPONSE TO INFORMATION REQUEST

COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14

REQUEST 87

RESPONSIBLE PARTY: Gabor Mezei

Request 87. Again with your recent publication on ELF EMF and Alzheimer's Disease, you acknowledge that your own analysis shows "a moderate association between Alzheimer's disease and estimated magnetic field levels", but then you pass it off as possibly being due to publication bias (page 26). As above how can you ethically report these associations, even if more research needs to be done, and then argue that the Barker family has no reason to be concerned about the increased exposure they will experience from operation of this high voltage power line?

Response 87. One may be concerned about an exposure even though the scientific evidence indicates otherwise. As I indicated earlier and also in my report, scientific conclusions should not be based on individual studies but should be based on the overall assessment of the scientific literature. The meta-analysis that Dr. Carpenter referenced is a summary of the literature of occupational exposure studies of neurodegenerative diseases (Vergara et al., JOEM 2013; 55: 135-46). The meta-analysis showed statistical evidence for publication bias (i.e., studies reporting an association with magnetic field exposure are more likely to be published than those reporting no association) that may explain, at least, some of the results. In a more recent study of neurodegenerative diseases and residential proximity to transmission lines (Frei et al., AJE 2013; 177: 970-8), which is clearly more relevant to the Barkers case, my colleagues and I observed no association between any of the investigated neurodegenerative diseases and living close to transmission lines. However, my conclusions are not based on this single study

alone, but on my overall knowledge and familiarity with the relevant scientific literature, and the scientific reviews conducted by a number of international multidisciplinary expert panels.

**EAST KENTUCKY POWER COOPERATIVE, INC.
PSC CASE NO. 2013-00291
RESPONSE TO INFORMATION REQUEST**

**COMPLAINANTS' REQUEST FOR INFORMATION DATED 06/12/14
REQUEST 88**

RESPONSIBLE PARTY: Gabor Mezei

Request 88. Your critique of my report is flawed for many of the reasons discussed above. There is no question but that the evidence for harm from ELF EMFs is to a degree "limited". That alone is sufficient reason for the Barkers to oppose the operation of this power line adjacent to their home. The essence of the Precautionary Principle is that one doesn't wait to have absolute, causal proof of associations before taking responsible action to reduce one's exposure to an agent. As documented by many reports, including the reviews found in the Bioinitiative Report as well as your own publications, there is evidence for associations between ELF EMF exposure and various human diseases. One does not need to report every negative study when the weight of evidence from the human studies is clear. As documented above, animal studies are not directly relevant to human studies of EMFs, in contrast to the situation with chemical carcinogens. Why do you not accept your own work to draw appropriate public health interventions to reduce risk of human disease?

Responses 88. Dr. Carpenter has not demonstrated any flaws in my criticism of his report. He simply highlighted results of individual studies (that appear to support his conclusions) and attempted to summarily dismiss the large number of negative laboratory animal studies that have not found adverse effects of exposure to EMF. Reliance on selected studies to reach any conclusion ('cherry picking') is unscientific and cannot be justified. The overall dismissal of the negative laboratory animal studies has no scientific basis as I explained above and is contrary to generally accepted scientific methods of risk assessment used by expert review

panels (e.g., risk assessment panels of WHO and IARC). He also incorrectly invokes the precautionary principle as I indicated above.

The fallacious statement that “[o]ne does not need to report every negative study when the weight of evidence from the human studies is clear” clearly indicates Dr. Carpenter’s misunderstanding of the weight-of-evidence approach. As described in my report (pp. 10-11), the weight-of-evidence evaluation requires the careful identification and evaluation of **all** relevant studies. Dr. Carpenter cannot and should not selectively identify and quote individual studies based on their outcomes and based on whether they support his pre-conceived opinions.