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August 23, 2005

RECEIVED

AUG 23 2005

PUBLIC SERVICE  
COMMISSION

**Via: Hand Delivery**

Ms. Elizabeth O'Donnell  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602-0615

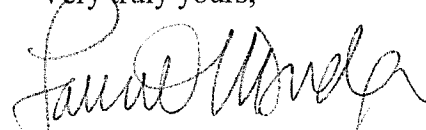
RE: *Application of Kentucky Utilities Company for Certificate of Public Convenience and Necessity for the Construction of Transmission Facilities in Franklin, Woodford and Anderson Counties, Kentucky - Case No. 2005-00154*

Dear Ms. O'Donnell:

Enclosed please find an original and ten (10) copies of the Post Hearing Brief to be filed in the above-referenced matter on behalf of the Concerned Citizens Against the Power Line Extension.

If you have any questions regarding the enclosed, please feel free to contact me.

Very truly yours,



Laurie K. Dudgeon

LDK/edl

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

IN THE MATTER OF:

AUG 23 2005

APPLICATION OF KENTUCKY UTILITIES COMPANIES  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY FOR THE CONSTRUCTION OF TRANSMISSION  
FACILITIES IN FRANKLIN, WOODFORD AND ANDERSON  
COUNTIES, KENTUCKY

PUBLIC SERVICE  
COMMISSION

CASE NO. 2005-00154

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**POST-HEARING BRIEF  
FILED BY THE CONCERNED CITIZENS  
AGAINST THE TRANSMISSION LINE**

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Come the Intervenors, Concerned Citizens Against the Transmission Line ("Citizens"), and for their Post-Hearing Brief in Case No. 2005-00154, in the matter of the Application of Kentucky Utilities Companies for a Certificate of Public Convenience and Necessity ("CPCN") for the construction of transmission facilities in Franklin, Woodford and Anderson Counties, Kentucky, state as follows:

**INTRODUCTION**

At the conclusion of the hearing held July 26, 2005, on the Application of Kentucky Utilities Company ("KU") for a CPCN for the construction of a one hundred thirty-eight (138) kilovolt transmission line in Woodford, Anderson and Franklin Counties, Kentucky, the Commission required that post-hearing briefs are to be filed on or before August 23, 2005. These briefs are filed simultaneously and no Reply Brief will be tendered by either party. The purpose of the Brief is to summarize the evidence presented at the hearing and discuss whether KU satisfied the criteria pursuant to KRS 278.020, et seq. to justify granting KU's application for CPCN to construct the transmission line.

## LEGISLATIVE BACKGROUND

### I. THE REVISION OF KRS 278.020

In 2004, the Kentucky General Assembly passed SB 247 which amended KRS 278.020 to create a process for issuance of a CPCN from the Public Service Commission for construction of certain transmission lines. KRS 278.020(8) was revised to state:

In a proceeding on an application filed pursuant to this section, 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 in a county in which the transmission line is proposed to be constructed, or, if the transmission line is proposed to be constructed in more than one county, in one of those counties. The commission shall issue its decision no later than ninety (90) days after the application is filed, unless the commission extends this period, for good cause, to one hundred twenty (120) days. The commission may utilize the provisions of KRS 278.255(3) if, in the exercise of its discretion, it deems it necessary to hire a competent, qualified, and independent firm to assist it in reaching its decision. The issuance by the commission of a certificate that public convenience and necessity require the construction of an electric transmission line shall be deemed to be a determination by the commission that, as of the date of issuance, the construction of the line is a prudent investment.

The revisions to KRS 278.020(8) were intended to enlarge the scope of issues and concerns considered by the Commission in reviewing the construction of certain transmission lines, both by creating a *prior* right of agency and public review of new or relocated transmission lines above a certain capacity and length and a corresponding obligation on the utility to *justify* the new line, and by enfranchising those interested in the proposed lines, *including* property owners over whose lands the lines would be located. Where formerly the Commission confined itself principally to issues of electrical necessity and duplication of services, the amendments to KRS 278.020 reflect a clear legislative intent that the concerns of landowners and other interested parties regarding the adverse effects of the routing and construction of these lines be evaluated in determining whether and under

what conditions to approve the request for construction.

KRS 278.020(8) allows “any interested person including a person over whose property the proposed transmission line will cross” a right of intervention and the right to request a local hearing. Through the enactment of the revisions to KRS 278.020(8), the General Assembly elevated the review and approval of 138 kV lines of over a mile in length by requiring the utility to obtain a CPCN and by explicitly involving affected landowners and other interested parties in that review process. In so doing, the General Assembly instructed the Commission that Satterwhite/and/ Duerson<sup>1</sup> were no longer controlling with respect to this class of high-voltage transmission lines, and that the specific concerns of landowners and other interested parties should be factored in the decision to grant or deny a CPNC. Based on these statutory changes and the new requirements that the utility must justify the line construction by requiring that the utility route the specific line beforehand; and by providing for intervention by landowners and other interested parties in the review process, it appears the General Assembly intended the concerns of landowners and other interested persons to be included among the factors evaluated in determining whether to grant, deny or require the utility to move its transmission line. Prior to these statutory changes, the Commission has considered the following:

- (1) The adequacy of the existing service;
- (2) The economic feasibility of the proposed facility;
- (3) The avoidance of wasteful duplication; and

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<sup>1</sup>This issue in Kentucky has previously been guided by judicial decision. The Commission has determined that the key cases are Satterwhite v. Public Service Commission, 474 SW 2d 387 (KY 1972), and Duerson v. East Kentucky Power Cooperative, Inc., 843 SW 2d 340 (KY. CT. APP. 1992).

- (4) The financial ability of the utility.

Together these concerns should be considered in light of the public's interest to determine public convenience and necessity. The Commission should evaluate whether the applicant demonstrated that due consideration has been given to location, configuration and maintenance of lines and corridors so as to minimize adverse impact on property, scenic environmental impacts and that all reasonable alternatives have been considered including but not limited to the location of the transmission line along utility rights-of-way and that adverse affects have been mitigated. Even under the most narrow view of KRS 278.020(8) in only allowing consideration of electrical demands and avoidance of wasteful duplication, the applicants have filed to establish that there is an immediate need for this transmission line, and that approval of the proposed path of the line would not constitute a wasteful duplication of service and a great inconvenience to the landowners.

### ARGUMENT

#### I. KU'S APPLICATION IS PREMATURE<sup>2</sup>

##### A. KU Has Failed To Satisfy Federal Permitting Requirements

In brief summary, the proposed West Frankfort to Tyrone transmission line is a fraction of a much larger transmission line project to expand the generation of power in this region of the state with the construction of a 750 MW nominal coal-fired base load generating unit in Trimble County. However, to date, KU has failed to satisfy federal permitting requirements prior to filing its respective applications in this case and in the cases identified as Docket Nos. 2004-00507, 2005-

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<sup>2</sup>By virtue of the relation of these cases, the Citizens adopt herein by reference the argument contained in the Motion to Dismiss and Memorandum in Support filed by Intervenors, Cathy L. Cunningham and Dennis Cunningham, Case No. 2005-00142, as if set forth fully herein. This argument is also set forth more fully in the Citizens' Motion to Dismiss filed July 26, 2005.

00155 and 2005-00142. In this proceeding, the Applicants ask this Commission to approve its application for a proposed transmission line whose path could be substantially altered at any time upon the Applicants' satisfaction of federal environmental law. Not only is this project pending U.S. Army Corps of Engineer approval, it has also yet to undergo the FERC permitting process and the National Historic Preservation Act, §106 process. (See testimony of Janie Rice Brother, pp. 163-169.) It is illogical to require the Citizens to shoulder the burden and expense of participating in this CPCN and their individual defense of an inevitable condemnation proceeding when it is not certain that the applicant will receive the necessary federal permits and approvals. In light of that fact, this application should be dismissed.

B. TC2 Should Be Approved Prior To Consideration Of Proposed Routes

The LG&E/KU application describes the Statement of Necessity, at paragraph 5, as transmission lines that will be utilized to transmit electric power from a "proposed 750 MW nominal net (732 MW summer rating) supercritical pulverized coal fired base load generating unit to be located at the Trimble County Generating Station ("TC2")." The proposed new generation at TC2 has not yet been given a CPCN. The hearing on that application, PSC Case No. 2004-00507, was held June 28, 2005. This application was strongly contested by the Office of the Attorney General of the Commonwealth of Kentucky. The Attorney General argued that the Applicants failed to meet their burden of proof concerning the need for TC2 at this time. Here, the Applicants should be required to establish that the construction of TC2 has been approved before the Commission considers its application to build the transmission line.

The Kentucky General Assembly anticipated that separating transmission line hearings from power generation hearings before the PSC could potentially delay bringing needed electrical power

on line. However, while the General Assembly has not enacted a statutory deadline date for a decision on a certificate for power generation, it has enacted a very severe statutory deadline for decisions regarding transmission lines. See KRS 278.020(8). This legislative mandate should be interpreted as legislative intent that transmission line decisions should be made after the power generation decision has been made. The decision on the lines should be made very rapidly so as to not delay delivery of power once the new generation facility has been constructed. Further, the Kentucky Court of Appeals has split determinations on generation facilities and transmission facilities in the past. Kentucky Utilities, 252 S.W. 2d 885, 892 (Ky. 1952). Again, it makes no sense to require the Citizens to suffer the inconvenience and time of defending against a CPCN application and the defense of a condemnation proceeding when it is not certain that TC2 will be approved.

KU has acknowledged some lack of immediacy in their claimed need for TC2, where, in 2005, they revised their 2002 integrated medium and long-term energy forecasts, by about 3 percent, which allowed the Applicants to defer the TC2 generation schedule from 2007 to 2010. (See Liberty Consulting Group Final Report ("Liberty") to PSC, page 11-12.)

KU relies on a MISO (Midwest Independent System Operator) study as supporting the need for this project. However, the Tyrone to West Frankfort Line is not needed if TC2 does not go online. (Cannata, cross, Vol. II, pg. 34).

Neither the Applicants, MISO, nor Liberty conducted an evaluation of "upcoming voltage problems" in Franklin, Anderson or Woodford Counties from the perspective of whether other utilities, such as the Frankfort Plant Board or Bluegrass Rural Electric would be constructing facilities to address the "upcoming voltage problems. "Likewise, there may be other ancillary service options that may address the upcoming voltage problems that deserve to be investigated fully before

the Public Service Commission takes action that would approve this transmission line.

KU, and by necessity, Liberty have only focused on the supply aspect of determining public convenience and necessity. Where the horizon for the projected need for TC2 has been extended by the Applicants to 2010, and where the claimed need for Tyrone to West Frankfort line is described as 5 years after TC2 begins commercial operation, the Public Service Commission should consider evidence of changing demand, both within Kentucky and across the United States of America to find that there are too many uncertainties to make a prudent decision by September 8, 2005. The Commission's decision should consider the increasing emphasis nationwide on improved energy efficiency.

C. At this time, construction of the line is not a prudent investment.

KRS 278.020(8) sets the standard for Commission's determination of whether to issue a certificate that public convenience and necessity require the construction of an electrical transmission line and that decision "shall be deemed to be a determination by the commission that, as of the date of issuance, the construction of the line is a prudent investment." At present, the PSC lacks the necessary proof that the Tyrone to West Frankfort line, at an estimated cost of \$7.9 million dollars, is a prudent investment, based on all the uncertainty surrounding this project.

II. KU HAS FAILED TO SATISFY THE REQUIREMENTS OF KRS 278.020

A. The Proposed New Construction Is Not Required by Public Convenience and Necessity

KRS 278.020 and 807 KAR 5:001 §9(2) require the Utility to establish that the proposed new construction is or will be required by public convenience or necessity. "Public convenience and necessity" has been defined as the absence of wasteful duplication as well as need for service. See



Kentucky Utilities Co. v. Public Service Commission, 252 S.W.2d 885 (Ky. 1952). To establish convenience and necessity for a new service system or facility requires a showing of a substantial inadequacy of the existing service due either to a substantial deficiency of service facilities beyond what could be supplied by normal improvements in the ordinary course of business, or due to indifference, poor management or disregard of the rights of consumers. Id. In previous proceedings before this Commission, KU has argued that the “substantial inadequacy of existing service clearly is not required to be a currently existing deficiency, but rather may be one expected a number of years into the future ‘in view of the long range planning necessary in the public utility field.’” (See KU’s Post-Hearing brief, Case No. 2004-00507, August 9, 2005). However, KU has taken Kentucky Utilities Co. v. Public Service Commission, 390 S.W.2d 171 (1965) out of context. Those statements were made with respect to the length of time it takes to construct a power generating facility. The distinction is significant because construction of a new generating facility is a more lengthy process. By KU’s own estimate, the transmission facilities are not needed for five (5) years after the generation facility goes online. (See Liberty Report, p. 11-12).

B. There Is No Immediate Need for Construction of this Line

The deficiency of service facilities should be measured by “immediately foreseeable needs.” Kentucky Utilities, 390 S.W.2d 168 (quoting Kentucky Utilities, 252 S.W.2d 885, 893). That case involved whether or not there was an immediately foreseeable need for construction of a new generating facility. In considering this need for construction of a new generating facility, the Court stated “clearly, in view of the substantial period of time required to construct and place in operation a major electric service facility, the immediately foreseeable future may embrace a number of years.” Kentucky Utilities, 390 S.W.2d 168, 171 (1965).

The Franklin/Anderson/Woodford County area is not in need of a new transmission line system. In fact, Mr. Johnson testified that the transmission systems in Frankfort are adequate and do not experience overload. (Johnson, Vol. I., p. 95). There are no local, reliability-driven problems in this area. It is uncontested that the proposed transmission line is not needed unless TC2 comes on line. At best, this capacity is not needed until 2015. Therefore, the alleged need is not “immediately foreseeable.” Significantly, the desire to have this application approved approximately ten (10) years before any forecasted need appears to be a desire to reserve a new corridor for future use.

C. Construction of this Transmission Line Constitutes a Wasteful Duplication of Service

“Wasteful duplication” has been defined as “an excess of capacity over need, an excessive investment in relation to productivity or efficiency, or an unnecessary multiplicity of physical properties.” Kentucky Utilities, 390 S.W.2d 168, 173 (Ky. App. 1965). If KU is able to reserve this new corridor and construct the proposed transmission line, wasteful duplication will most certainly occur. With an upgrade of existing facilities, KU’s hypothetical need for power can be served without the addition of unnecessary new lines.

A review of the record in this case reveals that the applicants failed to show that the proposed new transmission line through rural farmland in Franklin, Anderson and Woodford Counties will not result in “wasteful duplication”. In fact, the Citizens established through their pre-filed testimony and the testimony of the Applicants’ witnesses, that one of their alternatives to KU’s proposed transmission line route is reasonable. (Toll, Vol. I, p. 202, 215 and Johnson, Vol. I, p. 104). The Citizen’s first option, identified as Alternative D-1, proposes to utilize already existing transmission facilities between the West Frankfort and East Frankfort substations and the facilities

between the East Frankfort and Tyrone substations. The current line from the West Frankfort substation to the East Frankfort substation is a 138 kV and 69 kV double circuit transmission line. This line was constructed by KU/LG&E 10 to 20 years ago. As stated by Mr. Jones, this line is already constructed for 138 kV and could be upgraded for two 138 kV lines without substantial changes. The current line between the East Frankfort and Tyrone substations is a 138 kV line. Alternative D-1 provides for upgrading this existing line. The upgrading of these lines will also require the installation of a 93 MVA 138-69 kV transformer in the West Frankfort substation and an upgrade in the terminal facilities. Mr. Jones estimated that it will cost \$6,000,000 to implement alternative D-1 (see Exhibit 3 to Jones' Pre-filed Testimony).

Michael G. Toll, the Manager of Transmission and Planning for LG&E Energy, and a licensed professional engineer, testified on behalf of the Applicants. Mr. Toll testified that he studied alternative D-1 and confirmed that it was a reasonable alternative. (Toll, Vol. I, p. 202-203). Mr. Toll further stated that "From a planning standpoint, it meets our design criteria." (Toll, Vol. I, p. 240). Mark S. Johnson, the Director of Transmission for LG&E and KU also testified on behalf of the Applicants. Mr. Johnson also testified that the "dual 138s feeding into a substation and then a single 138 going from a power plant," as proposed in Alternative D-1 was "certainly doable", but deferred to Mr. Toll as to any problems this might cause. Mr. Toll testified that the upgrades reflected in alternative D-1 only cause vulnerability during the construction phase during peak load periods. (Toll, Vol. I, p. 205-206). He then stated that "this area peaks in the summer" and that a reasonable way to address this vulnerability is to construct the facilities in other than from June to mid-August. (Toll, Vol. I, p. 215).

The implementation of alternative D-1 will allow KU to use existing lines, poles and

structures. Additionally, KU will not be required to take, either through negotiation or condemnation, the approximately 140 miles of new right-of-way from the Citizens and KU will not have to install more poles and towers. (Mullins. Vol. II, p. 9). KU/LGE's use of its existing right-of-way will avoid the "cluttering of the land with poles and wires", which cluttering was declared improper by the Court in Kentucky Utilities, supra.

KU/LGE's stated reason to propose the new transmission line is to address a contingency issue. The implementation of alternative D-1 and its operation as a double circuit 138 kV line will solve the contingency problem between the West Frankfort and the East Frankfort substations in the event TC2 becomes operational. (Jones' Pre-filed Testimony, p. 3). The use of alternative D-1 would add an additional 138 kV line for service to the East Frankfort substation improving reliability to the residents of Frankfort and Franklin County. Furthermore, rebuilding the 138 kV line would not make Frankfort or Franklin County more vulnerable to outages. (Jones' Pre-filed Testimony, p. 5).

As stated above, Mr. Jones' testified that the cost to implement Alternative D-1 was \$6,000,000.00, and that this was a planning cost estimate. (Jones, Vol. I, p. 273, 274). Mr. Toll testified that the applicants believed it could cost \$7,900,000.00 to build the Applicants' proposed line versus a cost of \$9,700,000.00 to build Alternative D-1. (Toll, Vol. I, p. 198). However, Nate Mullins, the Manager of Transmission Line Services for LG&E Energy, testified that the \$7,900,000.00 estimate did not include condemnation costs. (Mullins, Vol. I, p. 142). Additionally, it is clear that the Applicants recognize that the \$7,900,000.00 figure is not "carved in stone" as it has requested authorization to make unsubstantial modifications to the proposed line and may have to make modifications based on federal requirements, which would increase the cost of it proposal.

(Johnson, Vol. I, p. 99, 100). Indeed, Mr. Cannata testified that planning estimates can contain a 10 to 15 percent error rate. (Cannata, Vol. II, p. 33.) Therefore, the cost difference between implementing the Applicants proposal and D-1 is unclear. What is clear is that Mr. Robert Conroy, KU rate manager, testified that this difference would “de minimus” or “nondiscernible” i.e. not be realized on customer bills. (Conroy cross, Vol. I, p 250). KU also acknowledged that their planning estimate did not consider the condemnation costs associated with condemning the estimated 150 acres necessary for construction of this line or the inevitable legal fees associated therewith. (Mullins, Vol. II, p. 9).

At the hearing, the Liberty consultant was not supportive of Citizens Alternative D-1, even though he admitted he had not performed a detailed or written analysis of either D-1 or D-2. (Cannata Vol. II, pps. 26, 27). Neither had ever inspected the West Frankfort Substation, a critical component to this entire process. Mr. Cannata testified that because Trimble County “is a remote generating station that serves two major load areas. One is the Lexington area and one is the Louisville area” he felt the direct path to Tyrone was the best. (Cannata, Vol. II, pps. 24-25, 26). Importantly, Mr. Cannata also conceded that KU’s engineers were more familiar with their system. (Cannata, Vol. II, p. 27). Therefore, the Applicants’ testimony of the reasonableness of Alternative D-1 is far more credible than Mr. Cannata’s.

Based on the above cited evidence, it is clear that the Applicants have failed to meet their burden to show that their proposed transmission line is needed and would not result in wasteful duplication. The existence of Alternative D-1 proposed by the Citizens and confirmed as reasonable by the Applicants’ own witnesses establishes this fact. To allow KU to reserve this new corridor is an “excessive investment” not justified by increased efficiency and should be rejected pursuant to

the rationale set forth in Kentucky Utilities, supra. Again, to approve this application as proposed will create multiple rights of way and “a cluttering of the land with poles and wires” that the Court has historically instructed the Commission to avoid. Id.

Significantly, the Applicants did not identify Alternative D-1 as an option until the Citizens proposed it in this case. Mr. Johnson testified that Kentucky Utilities did not specifically identify Citizens D-1 as an alternative. KU did not specifically consider upgrading the one hundred thirty-eight (138) kilovolt line from East Frankfort to West Frankfort and Mr. Johnson could not specifically identify whether the East Frankfort to Tyrone Line was even considered. He acknowledged that the MISO Report did not consider this option either. (Johnson cross, Vol. I, p.79). Mr. Mullins also testified that the Applicants did not consider adding the additional 138 kV line between the West Frankfort and East Frankfort substations (Toll, Vol.I, p. 220).

At the public hearing held July 5, 2005 before the Commission, ten members of the Citizens Group testified about the extreme negative impact construction of this line would have on their property. When questioned by PSC staff, Mark Johnson testified at the July 26, 2005 hearing, that with respect to each of these landowners, KU has done nothing to address or even consider any of their concerns. Mr. Johnson testified that KU would try to make “reasonable accommodations for the property owner if they want the structure moved 50 feet...” (Johnson, 7/26/05, Vol. I, p. 100). He defined these “unsubstantial modifications” as “slight movements of the actual structures themselves.” (Johnson, 7/26/05, Vol. I, p. 100). Mr. Johnson basically conceded that the citizens have no help once the line is approved. To minimize the impact on these property owners, and to follow the property boundaries, KU would have to zig-zag these lines at an increased cost of construction to KU. Clearly this is not an option KU would consider.

The burden on these landowners is unfair and inequitable. While KU avoided stating a specific number of acres it estimates will be condemned if its route is approved, it is a minimum of 150 acres, if you do the math as prescribed by Mr. Mullins. (Mullins, Vol. II, p. 9). Dee Downs, a real estate developer and broker, recently purchased a large tract of land located at 1285 Evergreen Road. The development was planned with 88 acres of greenspace with walking paths. He planned to begin development in 30-45 days after his closing and then he received KU's notice. The line as proposed will pass through the middle of the development, taking 10-15 lots at a minimum. Mr. Downs testified that immeasurable intrinsic value of the development will be lost. Another citizen, Mr. Larry Smith, testified that the proposed route appears to zig-zag throughout his family's property for the sole purpose of avoiding other properties. Lisa Brewer testified that the route bisects her family's property, taking approximately 44% of its acreage, and rendering it useless. There is no way to value the aesthetic damage done to their property. Mr. James "Buddy" Smith testified about the irony that the Citizens desire to preserve and protect their property, farms and heritage, has made them the ideal target for a utility's expansion. If no other reasonable alternative existed, then the Citizens might have to accept KU's proposed route. However, that is simply not the case.

Based on the above cited evidence, it is clear that the Applicants have failed to meet their burden to show that their proposed transmission line is needed and would not result in wasteful duplication. The existence of Alternative D-1 proposed by the Citizens and confirmed as reasonable by the Applicants' own witnesses establishes this fact. To allow KU to reserve this new corridor is an "excessive investment" not justified by increased efficiency and should be rejected pursuant to the rationale set forth in Kentucky Utilities, *supra*. Again, to approve this application as proposed will create multiple rights of way and "a cluttering of the land with poles and wires" that the Court

has historically instructed the Commission to avoid. Id.

As argued previously herein, alternative D-1 as proposed by the Citizens Group would not cause any impact on rates. In fact, Mr Conroy testified that the customer would not even see this difference on his bill. (Conroy cross, Vol. I, p. 250).

The Bridgeport and Benson Valley area is unique to Franklin and Anderson Counties. It is some of the richest, most fertile farmland in the area. Anthony Stratton, the Anderson County Judge Executive, testified that this property is prime agricultural farmland whose productivity would be greatly impacted if the route of this transmission line is approved. There are several historic structures and cemeteries located throughout. At the local public hearing, Jane Julian testified that in 1825, the Marquis de Lafayette stopped in Bridgeport while traveling the old stage coach road from Louisville to Lexington. Multiple stories have been handed down through generations of these landowners about early clashes between settlers and Native Americans. Several Indian artifacts have been found on the Smith property. Mr. George Mountjoy owns a home that has been deemed worthy of preservation by the Kentucky Heritage Commission. Construction began on his home in 1830. He testified that the proposed route of the transmission line passes within 150 yards of his home. A decision to approve this transmission line as routed would affect immeasurably the unique character of this community.

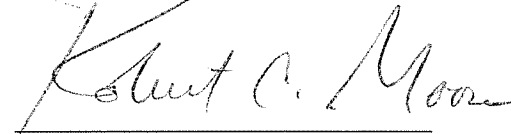
### **CONCLUSION**

Based on the above, the Citizens respectfully request that the Commission deny the Application and further balance all relevant factors, such as the fact that there is no immediate need for this line, that to allow construction of this line as proposed would result in the wasteful duplication of facilities due to the existence of an alternative route very close in cost to the one



proposed, the unique characteristics of the Bridgeport/Benson Valley community, and the inequitable burden the landowners must bear. For all the foregoing reasons, Kentucky Utilities application for a CPCN as proposed, should be denied.

Respectfully submitted,



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Against Power Line Extension

#### **CERTIFICATE OF SERVICE AND FILING**

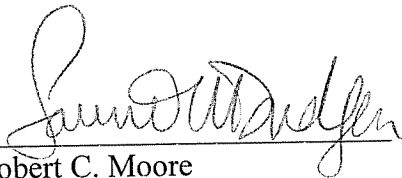
Undersigned counsel certifies that an original and ten photocopies of this document were served and filed by hand delivery upon Elizabeth O'Donnell, Executive Director, Kentucky Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; furthermore, it was served by mailing a true and correct copy of the same, first class postage prepaid to the following, by first class mail, postage prepaid, as follows:

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All on this the 23rd day of August, 2005.

  
Robert C. Moore  
Laurie K. Dudgeon