

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

JOINT APPLICATION OF)
LOUISVILLE GAS AND ELECTRIC)
COMPANY AND KENTUCKY UTILITES)
COMPANY FOR THE CONSTRUCTION)
OF TRANSMISSION FACILITIES IN)
JEFFERSON, BULLITT, MEADE, AND)
HARDIN COUNTIES, KENTUCKY)

CASE NO. 2005-00467

JOINT APPLICATION OF)
LOUISVILLE GAS AND ELECTRIC)
COMPANY AND KENTUCKY UTILITIES)
COMPANY FOR THE CONSTRUCTION)
OF ALTERNATIVE TRANSMISSION)
FACILITIES IN JEFFERSON,)
BULLITT, MEADE, AND HARDIN)
COUNTIES, KENTUCKY)

CASE NO 2005-00472

CUNNINGHAM MOTION TO INTERVENE

CUNNINGHAM REQUEST FOR PUBLIC HEARING

Come, Dennis L. Cunningham and Cathy L. Cunningham, by and through counsel, for their Motion to Intervene fully in the above-captioned proceeding, Case # 2005-00467 and Case # 2005-00472 consolidated by Order of January 6, 2006, and state as follows:

1. Movants' are owners of real property located at 2697 Bethlehem Academy Road, Cecilia, Kentucky 42724, that will be directly affected by the proposed "preferred" Transmission Line to run from Elizabethtown Substation to Mill Creek Generation Station. The affected property is a 150 acre private nature

preserve, with deed recorded in said name of CDH Preserve, LLC, a real estate holding company registered with the state of Kentucky and Indiana for the purpose of land preservation, specifically farm ground, and which company is engaged in the protection of land as habitat for wildlife, and for future generations, and which company is owned by Dennis and Cathy Cunningham, Movants.

2. The Movants' property is regularly visited by endangered species namely the endangered Whooping Crane and is the summer residence of the endangered Indiana Bat. The Department of Interior has recommended that E-On (parent company of Louisville Gas & Electric Company and Kentucky Utilities) avoid this property and all of the surrounding areas in order to preserve the surrounding habitat to assist the endangered Whooping Crane's full recovery. (See letter dated July 20, 2005).

3. The Movants' property is a watershed for over 400 acres of wetland woods, old growth forest and farm land where run off water drains through the five (5) acre lake and twenty-five (25) acres of wetland woods, Movants 100 acres of farm ground and from neighboring rural properties.

4. The proposed Transmission Line will dissect their 100 acre farm ground like a jigsaw puzzle taking 23 acres of the 100 acres in easement, and almost a fourth of their prime farm ground along with approximately 1700 feet of prime road frontage. This action will render portions of the 23 acres useless and will have

a direct impact on the economical and environmental vitality of this property.

5. This action will threaten and endanger the lives of many birds, resident and migrating, as well as create adverse health affects on fish, frogs, turtles, and other resident wildlife such as deer, turkey, raccoons, and opossums by herbicide contamination during and after construction. Endangered plant species, wetlands, and wildlife habitats will also be threatened through clear cutting and use of herbicides during and after construction. Farm ground and drinking water will also be contaminated during and after construction through the use of herbicides not just on the Cunningham property but along the entire route proposed by E-On.

6. The Movants' are members of the American Kiteflyers Association. They have plans to hold sanctioned kite flying events on the open 100 acres of land. The proposed Transmission Line will cause serious safety issues for all participants. Movants had recently built a meeting facility on their property to accommodate inner city school children to introduce them to the educational and recreational aspects of kite building and flying. The proposed Transmission Line will hinder Movants' ability to use the land in its intended educational and recreational use as well as cause serious liability and safety issues.

7. CUNNINGHAM REQUEST FOR PUBLIC HEARING. Movants' are aware of the February 1, 2006 scheduled public hearing as well as the public hearing scheduled for February 28, 2006 for cross-examination purposes. Movants' request that a public hearing be held in Elizabethtown to hear property owner comments, but that such hearing be held after the PSC Staff Consultant has filed its report with the PSC in the above consolidated proceedings.

WHEREFORE on behalf of Movants', Dennis L. and Cathy L. Cunningham moves pursuant to KRS Section 278.020 (8) and 807 KAR 5:001 3 (8) motion to fully intervene.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was duly served by first class mailing and postage prepaid to the following:

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This the 15 day of January, 2006.



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