

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF EAST KENTUCKY)	
POWER COOPERATIVE FOR A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY)	
FOR THE CONSTRUCTION OF A 345 kV)	CASE NO.
ELECTRIC TRANSMISSION PROJECT IN)	2006-00463
CLARK, MADISON, AND GARRARD COUNTIES,)	
KENTUCKY)	

MINUTES OF THE LOCAL PUBLIC HEARING
EASTERN KENTUCKY UNIVERSITY, PERKINS BUILDING
AUGUST 2, 2007 5:30 P.M.

The public hearing in the above referenced matter was called to order by Commissioner Clay, who welcomed the attendees. Commissioner Clay gave a brief opening statement on behalf of the Commission, explaining the purpose of the hearing, which was to hear public comments on EKPC's application for a 345 kV transmission line in Clark, Madison, and Garrard counties. He explained the purpose of the application. He then turned the floor over to EKPC's counsel, Sherman Goodpaster, who gave a brief opening statement and then introduced Mary Jane Warner, EKPC's Manager of Engineering, to speak on behalf of EKPC.

Ms. Warner gave a brief overview of EKPC's history and organization. She then explained the plans for the 345 kV transmission line project. She explained the route of the line and the need to build substations. She stated that EKPC will purchase necessary easements to allow the project to go forward. She explained the design of the tower structures, and explained that the need for the transmission line relates directly to the new generation certificated at the J.K. Smith Plant. She explained that EKPC determined the need for the line and, after determining to seek funding through RUS, proceeded with compliance with the environmental requirements that attach to such funding.

She stated that EKPC had recently finalized its transmission line design and would be filing amended maps to its application with the PSC within a week.¹ She stated that EKPC had determined it necessary to move the originally-planned center

¹ In a telephone call on August 7, 2007, counsel for EKPC informed Commission Staff that the updated maps would be filed a little later than originally thought because a property owner alerted EKPC after the hearing that they had not gotten notice of the line crossing their property, and EKPC needed additional time to review the impact on that property. However, EKPC stated that the maps would be filed prior to the August 22, 2007 hearing.

line up to 125 feet. She also noted that the comment period for the NEPA determination by RUS closed on July 26, 2007. RUS has taken the case under consideration, and EKPC expects RUS to make a finding of no significant impact within the next few months. She also stated that EKPC has determined to go ahead with acquisition of right-of-way for the rebuild portion of the line in the next few weeks in order to get the project completed in time and to avoid problems with critical outage.

After Ms. Warner's comments, Commissioner Clay then invited the public to speak. He explained that the written comments will be entered into the administrative record. He also explained that the Commission can only consider comments on the matters which are before it and over which the Commission has jurisdiction.

Five persons gave spoken comments:

Bryan Kirby, 1234 Lexington Road, Lancaster. Mr. Kirby stated that he is concerned that questions to EKPC will not be on the record in this hearing. He stated that the proposed route would intersect his property and divide it into four parts. He noted that it is a multi-generation farm and he and his family are concerned that the selected route will affect his property. Under Table 1 in the application, which shows that the properties needed to obtain right-of-way from his property lost "points" because of an unfiled residential development plot. He doesn't believe it is fair to use an unfiled plat for such purposes. Under the subject of "community issues," his property lost points because fewer properties will need to be bought. Under regulatory issues, the property lost points because there were fewer rights-of-way to be obtained. Finally, with regard to the environmental issues, in a property northeast to their property, there was a site that was potentially going to be on the National Historical Register. They believe the line could be re-routed northward despite encroaching on that "potential" Historical Register site. He closed by requesting that the PSC take into consideration the fact that their property will be unduly impacted and the value unfairly diminished by the siting of the line. Mr. Clay asked Mr. Kirby to point to his property on the map that EKPC had provided, which Mr. Kirby did.

Sheila Kirby Miller, 1234 Lexington Road, Lancaster. Ms. Miller stated her opposition to the transmission line because the line will bisect their property into 4 pieces. They predict that their property may be desirable for future development and that the line will devalue their property. She also stated that she is concerned about the potential destruction of a barn. She requests that EKPC first reconsider the route or, second, run the line along the perimeter of the property instead of over it.

Joanna Kirby, 1234 Lexington Road, Lancaster. Ms. Kirby displayed a photograph of their property, showing the existing KU power line. She considers herself a steward of the land and has farmed the property for many years. She believes the EKPC line will change the look of her farm and will adversely affect the property value. She stated that she and her family love the farm and would appreciate if EKPC would reconsider the proposed route.

Robert Miller, Richmond, Kentucky. Mr. Miller directed his comments to EKPC employees. He asked EKPC to plan the line as if they owned all of the properties along the proposed route. He stated that if EKPC did such, then it would not take steps which would devalue the properties along the right-of-way. He also said that EKPC should seek to foster good relations with the community.

Chad Smith, Florence, Kentucky. Mr. Smith stated that he represents the most recent generation of the Kirby family. He said that, "it is with great regret that we are discussing another large power line over the property." He believes the new line would cut the property into multiple checkerboard pieces. He said that the line would also have an adverse impact on the ecosystem of the farm. In closing, he said that better routes for the line are available and that "the multi-generation farm is threatened by the line and our heritage will be adversely affected by the decision to route the line over our property," so they are requesting that the line be re-routed to not impact the property.

There were no further speakers. Commissioner Clay thanked the speakers and attendants for their participation and then dismissed the hearing at approximately 6:30 p.m.

cc: EKPC