

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

O R D E R

On November 1, 2006, East Kentucky Power Cooperative, Inc. ("Applicant") filed a notice of intent to file an application for approval of the construction of a 345 kV transmission line in Clark, Madison, and Garrard counties, Kentucky. 807 KAR 5:120, Section 1(1) provides that, "[i]f an applicant fails to file an application within six (6) months of the filing of such a notice, the notice shall automatically expire without further notice to the applicant." In a letter received by the Commission on April 20, 2007, the Applicant stated that,

This [transmission line construction] Project is necessitated by the addition of the next increment of generation at the J.K. Smith Site which is projected to be an additional two combustion turbine generators ("CTs"). Due to unavoidable delays in negotiations with The General Electric Company, the manufacturer of the CTs, a decision as to the exact model of CT to be constructed at the Smith Site has not yet been made, and as a result thereof, any further proceedings before the Commission on these CTs, if any such proceedings are in fact required, have also been delayed.

EKPC stated that, as a result of those circumstances it would not be able to file its application within the 6-month timeline required by 807 KAR 5:120, Section 1(1).

EKPC stated that it was, therefore, filing a renewal of its notice of intent to file an application for approval of the construction of a 345 kV transmission line in Clark, Madison, and Garrard counties, Kentucky.

The application was filed with the Commission on May 22, 2007. According to the application, the route for the proposed line is to begin at the J.K. Smith Generating Station in Clark County and runs to the proposed West Garrard Substation near Lancaster, Kentucky, with a total length of 35.6 miles. The Applicant states that 9 miles of the project will be constructed on new right-of-way; 14.8 miles will be constructed parallel to an existing transmission line; and 11.8 miles will consist of a rebuild of existing transmission lines. Applicant's witness, Darrin Adams, states that the transmission line project is "needed to enable EKPC to reliably deliver energy from its existing and planned future generating resources to its member systems."¹

Pursuant to KRS 278.020(8), "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." Due to the nature of the case and the issues involved, the Commission finds that good cause exists in this matter to warrant such an extension. Pursuant to KRS 278.020(8) and KRS 278.255(3), the Commission shall retain the services of a staff consultant to review the application, the cost of which shall be borne by the Applicant. Using the 120-day schedule, the Commission now issues a preliminary procedural Order, attached hereto and incorporated herein.

¹ Adams Testimony, Applicant's Exhibit 4, p. 2

IT IS THEREFORE ORDERED that:

1. The time period in which the Commission must issue its decision in this case is extended to 120 days.

2. The Commission shall retain the services of a staff consultant to review the application, the cost of which shall be borne by the Applicant.

3. The procedural schedule set forth in Appendix A shall be followed.

Done at Frankfort, Kentucky, this 1st day of June, 2007.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2006-00463 DATED JUNE 1, 2007

Application filedMay 22, 2007

Any motion to intervene shall be filed
with the Commission no later thanJune 21, 2007

Any request for a public hearing
shall be filed no later thanJune 21, 2007

Staff consultant shall file its report on the
application no later thanJune 25, 2007

Public hearing (tentatively scheduled in
Richmond) for the purpose of hearing
local public testimony(to be scheduled)

Intervenors and Staff may file data requests
on the application, and Applicant and
Intervenors may file data requests on the
consultant's report no later than July 6, 2007

Responses to July 6, 2007 data
requests are due no later than July 16, 2007

Parties shall file direct testimony, if any,
no later than July 27, 2007

Public hearing to be held at 9:00 a.m.,
Eastern Daylight Time, in Hearing Room 1
of the Commission's offices at 211 Sower
Boulevard, Frankfort, Kentucky, for the
purpose of cross-examination of witnesses..... August 21-22, 2007

Parties shall file post-hearing briefs, if any,
no later than August 31, 2007

Decision due no later than.....September 19, 2007