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November 23, 2010

Mr. Jeff Derouen
Executive Director
Kentucky Public Service Commission
Kentucky State Board on Electric Generation & Transmission Siting
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602-0615

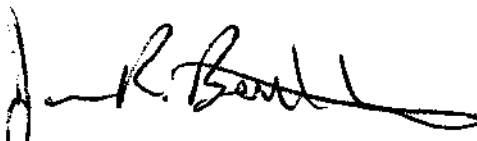
RE: Siting Board Case No. 2010-00223

Dear Mr. Derouen:

In the above referenced Siting Board Case, please find enclosed a Motion by Applicant Vectren to dispense with any local public hearing or evidentiary hearing, and for expedited review of the application before the Board.

Should you have any questions or concerns, please contact me at the number below.

Sincerely,



Jason R. Bentley
Attorney for Vectren Energy Delivery of Indiana
McBrayer, McGinnis, Leslie & Kirkland, PLLC
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Frankfort, KY 40601
(502) 875-1176

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY STATE BOARD

ON ELECTRIC GENERATION AND TRANSMISSION SITING

In the Matter of the Application of Southern)
Indiana Gas & Electric Co., d/b/a Vectren)
Energy Delivery of Indiana, Inc. for a)
Construction Certificate to Construct an)
Electric Transmission Line from its A.B.)
Brown Plant to the Big Rivers Reid EHV)
Station)

Case No. 2010-00223

**MOTION TO DISPENSE WITH LOCAL PUBLIC HEARING
AND EVIDENTIARY HEARING, AND FOR EXPEDITED REVIEW OF THE PENDING
APPLICATION**

Comes now Southern Indiana Gas & Electric Co., d/b/a Vectren Energy Delivery of Indiana, Inc. (“Vectren”), by counsel, and moves the Siting Board to dispense with any local public hearing or evidentiary hearing, and for expedited review of the pending application. In support of its motion, Vectren respectfully states as follows:

On July 15, 2010, Vectren filed an initial application for approval by the Board of a certificate to construct a non-regulated electric transmission line in Henderson and Webster Counties, Kentucky. Three parties intervened in that proceeding: the City of Henderson, Kentucky; Henderson Water Utility, and Henderson Power & Light (collectively, “Intervenors”). The Board, upon its own motion, held a local public hearing in Henderson, Kentucky on September 2, 2010, wherein the Board heard public comment from Intervenors, concerned citizens, and community interests on the impact and concerns of the proposed transmission line.

After several rounds of data requests among the parties and by Siting Board staff, and following an Informal Conference held at the Public Service Commission’s offices, applicant

Vectren and Intervenors reached an agreement whereby Vectren would amend its initial application to modify a portion of the proposed route. Intervenors subsequently withdrew their motions to intervene, motions to dismiss, and motions for a formal evidentiary hearing.

On October 14, 2010, Vectren filed an amended application in the above-styled matter with a proposed modification to a portion of the route for the line. Because the modified route crosses additional properties, the Siting Board determined that the statute, and notice and due process concerns, required a new round of public notice and opportunity for interested parties to intervene; and that the proposed alternate route amounted to a new application and therefore reset the statutory timeframe for the Board's decision.

As part of its complete amended application, pursuant to KRS 278.714(2)(e) and 807 KAR 5:110 Section 9, Vectren provided Proof of Public Notice, which published in the Henderson Gleaner, a newspaper general circulation in Henderson and Webster Counties, on October 10, 2010. Vectren likewise fully complied with all service of process requirements of KRS 278.714(2)(f) at the time of filing.

By Order dated October 20, 2010, the Board established a new Procedural Schedule in this matter to ensure that any and all interested parties had sufficient notice and opportunity to intervene. The revised Schedule established November 15, 2010, as the deadline for any motion to intervene, request for a local public hearing, or motion for an evidentiary hearing. The Order established November 22, 2010, as the deadline for any intervenor or Siting Board Staff to file information requests.

Pursuant to the statutory timeframes in KRS 278.714(3), the Board's October 20, 2010 Order likewise established January 12, 2011 as the deadline for the Board's decision, or February 11, 2011 as the deadline if a local public hearing is held. The Procedural Schedule noted that

“the evidentiary hearing may be cancelled if no parties request an evidentiary hearing or if the Siting Board determines that an evidentiary hearing is not necessary to determine the issues in the case.”

As of November 15, 2010, and to date, there have been no requests to intervene in this matter, nor has there been any request for a local public hearing or motion for evidentiary hearing. To date, Staff has not issued a request for information in addition to that already provided in multiple rounds of information requests and responses related to this proposed transmission line.

To assist the Siting Board in evaluating the visual impact of the initial route of the propose line, the Board contracted with BBC Research and Consulting (“BBC”). Having studied the proposed route and reviewed Vectren’s application and siting methodology, BBC concluded that the initial proposed route, though likely having more visual impact than one of the alternatives considered, was “a reasonable route for the proposed transmission line that will not result in significant degradation of scenic factors in Kentucky.”¹ In subsequently evaluating Vectren’s amended proposed route on behalf of the Siting Board, the matter now before it, BBC concluded, “the visual impact of the revised route will be further reduced by the route modifications.”²

In sum, the allotted time established by the Board for persons to request intervention, local public hearing, or evidentiary hearing—and for Staff requests for additional information—has expired. The Board previously held a local public hearing on this proposed transmission line, much of which remains unchanged by the amended application. The Board’s consultant has now studied and reported on the proposed route twice, and concluded that the proposed alternate

¹ *Visual Impact Evaluation of Proposed Vectren Transmission Line, Revised Report with Supplemental Evaluation*, BBC Research & Consulting, October 27, 2010, at 16.

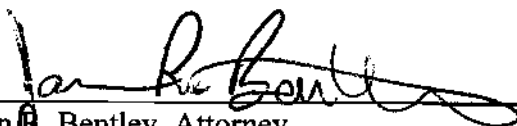
² *Id.* at 22.

route, which modifies only a portion of the initial proposed route, further minimizes significant adverse impact on the on the scenic assets of Kentucky. The Board has not yet requested a formal evidentiary hearing in this matter, nor do the statutes or regulations require that a formal evidentiary hearing be held in regard to the pending application.³ Prior to Vectren amending a portion of the route, parties to the proceeding engaged in multiple rounds of information requests and procedural motions. Under such circumstances, a formal evidentiary hearing would serve no purpose and result only in unnecessary costs, expenses, and expenditures of time. The record, both procedurally and factually, is well established in this matter.

WHEREFORE, in light of the extensive record in this proceeding, the lapsing of certain dates established by Order of the Board in the Procedural Schedule, and the time that has elapsed since the initial filing of an application in this matter, Vectren respectfully requests that the Board dispense with any local public hearing or formal evidentiary hearing and rule on the proposed application based on the record before it as expeditiously as possible.

Filed with the Siting Board this 23rd day of November, 2010.

SOUTHERN INDIANA GAS & ELECTRIC CO.,
D/B/A VECTREN ENERGY DELIVERY OF INDIANA, INC.

By: 
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³ See 807 KAR 5:110 Section 6(1).


CERTIFICATE OF SERVICE

I certify that the original and one copy of the foregoing was served via HAND DELIVERY on the following:

Mr. Jeff Derouen
Executive Director
Kentucky Public Service Commission
Kentucky State Board on Electric Generation & Transmission Siting
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602-0615

And I hereby certify a true and accurate copy of the foregoing was filed electronically with the Kentucky State Board on Electric Transmission and Siting, c/o the Kentucky Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40601.

Done this 23rd day of November, 2010



Jason R. Bentley
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