

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

Electronic Application Of Kentucky Power)	
Company For A Certificate Of Public Convenience)	
And Necessity To Construct A 138 kV)	Case No. 2020-00062
Transmission Line And Associated Facilities)	
In Pike And Floyd Counties (Kewanee-Enterprise)	
Park 138 kV Transmission Line Project))	

Kentucky Power Company's Notice Of Filing Of Encroachment Permit

In accordance with Paragraph 11 of the Commission's December 29, 2020 Order in this proceeding, Kentucky Power files as **EXHIBIT A** to this notice a copy of encroachment permit No. 12-2024-00099 it received from the Kentucky Transportation Cabinet on September 3, 2024.

Respectfully submitted,



Katie M. Glass
STITES & HARBISON PLLC
421 West Main Street
P. O. Box 634
Frankfort, Kentucky 40602-0634
Telephone: (502) 223-3477
kglass@stites.com
COUNSEL FOR KENTUCKY POWER
COMPANY

EXHIBIT A



Andy Beshear
Governor

COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
Department of Highways, District 12 Office
109 Loraine Street
Pikeville, Kentucky 41501
(606) 433-7791
www.transportation.ky.gov/

Jim Gray
Secretary

September 3, 2024

Kentucky Power Company
Derek Coleman
3249 North Mayo Trail
Pikeville, Kentucky 41501

Subject: Permit #: 12-2024-00099
Permit Type: Utilities - Electric
Approval

Dear Applicant:

Attached is your permit approval and documentation for the subject permit.

Be advised that all work must be done in conformity with permit and application conditions. If you have any questions, please contact the Permits Section at this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jody G. Hunt".

Jody G. Hunt
D12 Permits - Supervisor

Attachments



An Equal Opportunity Employer M/F/D



COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
transportation.ky.gov

Andy Beshear
GOVERNOR

Jim Gray
SECRETARY

September 03, 2024

Kentucky Power Company
Derek Coleman
3249 North Mayo Trail
Pikeville, Kentucky 41501

Subject: Permit # 12-2024-00099 (Approval Conditions)

Dear Applicant,

I am writing to inform you that the Kentucky Transportation Cabinet has reviewed your permit application and have the following approval conditions:

1. All work on KYTC ROW shall be performed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). Proper traffic control shall be implemented when delivering equipment, materials, and performing the work.
2. All traffic control shall be conducted by properly certified personnel.
3. All overhead utility crossings shall maintain the minimum vertical clearances as set forth in the KYTC Permitting Manual.
4. Multi-lane crossings shall only be done on a Sunday of non-holiday weekends. Advance notice shall be given to District-12 Permits prior to crossings. All work shall be completed prior to 11am.
5. KYTC District-12 Permits Section shall be notified of upon start of project and upon completion of this project to perform a final inspection.

If you should have any comments or questions please feel free to contact me at (606) 433-7791.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jody G. Hunt".

Jody G. Hunt, P.E.
Transportation Engineer Supervisor - Permits
District 12, Pikeville
MWH: SR: DT: BR:
Enclosures:
File



ENCROACHMENT PERMIT

KYTC KEPT #: 12-2024-00099

Permittee: Kentucky Power Company

Permit Type / Subtype: Utilities / Electric

Work Completion Date: 9/30/2025

INDEMNITIES		
Type	Amount Required	Tracking Number
Performance Bond	\$0.00	
Cash / Check	\$0.00	
Self-Insured	\$0.00	
Payment Bond	\$0.00	
Liability Insurance	\$0.00	

This permit has been: **APPROVED** **DENIED**

Jody G. Hunt	D12 Permits - Supervisor	9/3/2024
SIGNATURE	TITLE	DATE

The TC 99-1(B), including the application TC-99 1(A) and all related and accompanying documents and drawings make up the permit. It is not a permit unless both the TC 99-1(A) and TC 99-1(B) are both present.

LOCATION(S)			
Description	County - Route	Latitude	Longitude
Install 3 and remove 1 - 3 Phase Structures to cross US 23 to gain access from Marions Branch Bridge Road to existing Kentucky Power facilities to tie new Kewanee Substation to the AEP system.	Pike - US 23	37.444160	-82.525347



To Submit a Locate Request
 24 Hours a Day, Seven Days a Week:
 Call 811 or 800-752-6007

Kentucky Encroachment Permit Tracking

Maintenance Division



[Home](#) [Search+](#) [Reports+](#) [Add Permits](#) [Perks Data](#)

Welcome KYTC\dewayne.thornsbury! [Sign Out](#)

PERMIT QUICK SEARCH

Search Criteria:

Search Value:

[Search](#)

PERMIT GENERAL INFORMATION

Permit/Tracking #: A12-2024-00099

[Not Follow](#)

Permit Status: Approved

Status Date: 9/3/2024

Created By: Dewayne Thornsbury

Created Date: 8/12/2024

District: 12 - Pikeville

Filing Date: 8/12/2024

Cancellation Date: 9/30/2025

Completion Date: 9/30/2025

Permit Type: Utilities

Permit Subtype: Electric

[Kentucky Power Company : Applicant](#)

Address: 3249 North Mayo Trail
Pikeville, KY 41501

Phone: (606)616-1654

Email: dacoleman1@aep.com

Company

[Maintain Contacts](#)

[Application](#) [Attachments](#) [Routing](#) [Comments](#) [Locations/Inspections](#) [Indemnity](#) [Approvals](#)

LOCATION DATA

Description:
Install 3 and remove 1 - 3
Phase Structures to cross

MOST RECENT INSPECTION

There are no inspections for this location.

County: Pike

Route: 23

BMP/EMP: 20.878 /
20.878

Activity: New Install

Location: Overhead

Contract Agr #:

Bridge #:

Description:

Install 3 and remove 1 - 3 Phase Structures to cross US 23 to gain access from Marions Branch Bridge Road to existing Kentucky Power facilities to tie new Kewanee Substation to the AEP system. Near Pole# 72-362

[Edit](#)

[View on Map](#)

[Edit Permit](#)

v1.1.8762.29106



Kentucky Transportation Cabinet
200 Mero Street, Frankfort, KY 40622

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NOTICE OF COMPLETION OF ENCROACHMENT PERMIT WORK

PERMITTEE

Name: Kentucky Power Company
Contact Person: Derek Coleman
Address: 3249 North Mayo Trail
City: Pikeville
State: Kentucky
Zip: 41501
Telephone: (606) 616-1654

PROJECT IDENTIFICATION

Permit Number: 12-2024-00099

I wish to notify the Department of Highways that the above mentioned permit work and any necessary right-of-way restoration have been completed and are ready for final inspection.

Permittee

Please return this form to the address below when work is completed and ready for final inspection.

Please Return to: Permit Engineer
Department of Highways, District 12 Office
109 Loraine Street
Pikeville, Kentucky 41501
(606) 433-7791
www.transportation.ky.gov/

LOCATION(S)			
Description	County - Route	Latitude	Longitude
Install 3 and remove 1 - 3 Phase Structures to cross US 23 to gain access from Marions Branch Bridge Road to existing Kentucky Power facilities to tie new Kewanee Substation to the AEP system.	Pike - US 23	37.444160	-82.525347



APPLICATION FOR ENCROACHMENT PERMIT

KYTC KEPT #: 12-2024-00099

SECTION 1: APPLICANT CONTACT INFORMATION

APPLICANT Kentucky Power Company	ADDRESS 3249 North Mayo Trail	CITY Pikeville	
EMAIL dacoleman1@aep.com		STATE KY	ZIP 41501
CONTACT NAME 1 Derek Coleman	EMAIL dacoleman1@aep.com	PHONE # 606-616-1654	
		CELL #	
CONTACT NAME 2 (if applicable)	EMAIL	PHONE #	
		CELL #	

SECTION 2: PROPOSED WORK LOCATION

ADDRESS Marion Branch Bridge Road	CITY Pikeville KY	STATE Kentucky	ZIP 41501
COUNTY Pike	ROUTE # US 23	MILE POINT 20.9	LONGITUDE (X) -82.525384
			LATITUDE (Y) 37.444152

ADDITIONAL LOCATION INFORMATION:

Crossing at Marions Branch Bridge Rd intersection to East side of US 23 across ditch.

FOR KYTC USE ONLY

PERMIT TYPE: Air Right Entrance Utilities Vegetation Removal Other: _____

ACCESS: Full Partial by Permit **LOCATION:** Left Right Crossing

SECTION 3: GENERAL DESCRIPTION OF WORK

Install 3 and remove 1 3 Phase Structures to cross US 23 to gain access from MArions Branch Bridge Road to existing Kentucky Power facilities to tie new Kewanee Substation to the AEP system. Near Pole# 72-362

THE UNDERSIGNED APPLICANT(s), being duly authorized representative(s) or owner(s), DO AGREE TO ALL ORIGINAL UNEDITED TERMS AND CONDITIONS ON THE TC 99-1A, pages 1-4.

Derek Coleman

SIGNATURE

8/8/2024

DATE

This is not a permit unless and until the applicant(s) receives an approved TC 99-1B from KYTC. This application shall become void if not approved by the cancellation date. The cancellation date shall be a minimum of one year from the date the applicant submits their application.



APPLICATION FOR ENCROACHMENT PERMIT

TERMS AND CONDITIONS

1. The permit, including this application and all related and accompanying documents and drawings making up the permit, remains in effect and is binding upon the Applicant/Permittee, its successors and assigns, as long as the encroachment(s) exists and also until the permittee is finally relieved by the Department of Highways from all its obligations.
2. Applicant shall meet all requirements of the Clean Water Act if the project will disturb one acre or more, the applicant shall obtain a KPDES KYR10 Permit from the Kentucky Division of Water. All disturbed areas shall meet the requirements of the Department of Highway's Standard Specifications, Sections 212 and 213, as amended.
3. **INDEMNITY:**
 - A. **PERFORMANCE BOND:** The permittee shall provide to the Department a performance bond according to the Permits Manual, Section PE-203 as a guarantee of conformance with the Department's Encroachment Permit requirements.
 - B. **PAYMENT BOND:** At the discretion of the department, a payment bond shall be required of the permittee to ensure payment of liquidated damages assessed to the permittee.
 - C. **LIABILITY INSURANCE:** Liability insurance shall be required of the permittee (in an amount approved by the department) to cover all liabilities associated with the encroachment.
 - D. It shall be the responsibility of the permittee, its successors and assigns, to maintain all indemnities in full force and effect until the permittee is authorized to release the indemnity by the Department.
4. A copy of this application and all related documents making up the approved permit shall be given to the applicant and shall be made readily available for review at the work site at all times.
5. Perpetual maintenance of the encroachment is the responsibility of the permittee, its successors and assigns, with the approval of the Department as required, unless otherwise stated.
6. Permittee, its successors and assigns, shall comply with and agree to be bound by the requirements and terms of (a) this application and all related documents making up the approved permit, (b) by the Department's Permits Manual, and (c) by the Manual on Uniform Traffic Control Devices, both manuals as revised to and in effect on the date of issuance of the permit, all of which documents are made a part thereof by this reference. Compliance by the permittee, its successors and assigns, with subsequent revisions to applicable provisions of either manual or other policy of the Department may be made a condition of allowing the encroachment to persist under the permit.
7. Permittee agrees that this and any encroachment may be ordered removed by the Department at any time, and for any reason, upon thirty days written notice to the last known address of the applicant or to the address at the location of the encroachment. The permittee agrees that the cost of removing and of restoring the associated right-of-way is the responsibility of the permittee, its successors and assigns.
8. Permittee, its successors and assigns, agree that if the Department determines that motor vehicular safety deficiencies develop as a result of the installation or use of the encroachment, the permittee, its successors and assigns, shall provide and bear the expenses to adjust, relocate, or reconstruct the facilities, add signs, auxiliary lanes, or other corrective measures reasonably deemed necessary by the Department within a reasonable time after receipt of a written notice of such deficiency. The period within which such adjustments, relocations, additions, modifications, or other corrective measures must be completed will be specified in the notice.
9. Where traffic signals are required as a condition of granting the requested permit or are thereafter required to correct motor vehicular safety deficiencies, as determined by the Department, the costs for signal equipment and installation(s) shall be borne by the permittee, its successors and assigns and the Department in its reasonable discretion and only in accordance with the Department's current policy set forth in the Traffic Operations Manual and Permits Manual. Any modifications to the permittee's entrance necessary to accommodate signalization (including necessary easement(s) on private property) shall be the responsibility of the permittee, its successors and assigns, at no expense to the Department.



APPLICATION FOR ENCROACHMENT PERMIT

10. The requested encroachment shall not infringe on the frontage rights of an abutting owner without their written consent as hereinafter described. Each abutting owner shall express their consent, which shall be binding on their successors and assigns, by the submission of a notarized statement as follows, "I (we), _____, hereby consent to the granting of the permit requested by the applicant along Route _____, which permit does affect frontage rights along my (our) adjacent real property." By signature(s) _____, subscribed and sworn by _____, on this date _____.
11. The permit, if approved, is subject to the agreement that it shall not interfere with any similar rights or permit(s) previously granted to any other party, except as otherwise provided by law.
12. Permittee shall include documentation which describes the facilities to be constructed. Permittee, its successors and assigns, agree as a condition of the granting of the permit to construct and maintain any and all permitted facilities or other encroachments in strict accordance with the submitted and approved permit documentation and the policies and procedures of the Department. Permittee, its successors and assigns, shall not use facilities authorized herein in any manner contrary to that prescribed by the approved permit. Only normal usage as contemplated by the parties and by this application and routine maintenance are authorized by the permit.
13. Permittee, its successors and assigns, at all times from the date permitted work is commenced until such time as all permitted facilities or other encroachments are removed from the right-of-way and the right-of-way restored, **shall defend, protect, indemnify and save harmless** the Department from any and all liability claims and demands arising out of the work, encroachment, maintenance, or other undertaking by the permittee, its successors and assigns, related or undertaken pursuant to the granted permit, due to any claimed act or omission by the permittee, its servants, agents, employees, or contractors. This provision shall not inure to the benefit of any third party nor operate to enlarge any liability of the Department beyond that existing at common law or otherwise if this right to indemnity did not exist.
14. Upon a violation of any provision of the permit, or otherwise in its reasonable discretion, the Department may require additional action by the permittee, its successors and assigns, up to and including the removal of the encroachment and restoration of the right-of-way. In the event additional actions required by the Department under the permit are not undertaken as ordered and within a reasonable time, the Department may in its discretion cause those or other additional corrective actions to be undertaken and the Department shall recover the reasonable costs of those corrective actions from the permittee, its successors and assigns.
15. Permittee, its successors and assigns, shall use the encroachment premises in compliance with all requirements of federal law and regulation, including those imposed pursuant to Title VI of the Civil Right Act of 1964 (42 U.S.C. § 2000d et seq.) and the related regulations of the U.S. Department of Transportation in Title 49 C.F.R. Part 21, all as amended.
16. Permittee, its successors and assigns, agree that if the Department determines it is necessary for the facilities or other encroachment authorized by the permit to be removed, relocated or reconstructed in connection with the reconstruction, relocation or improvement of a highway, the Department may revoke permission for the encroachment to remain under the permit and may order its removal, relocation or reconstruction by the permittee, its successors and assigns, at the expense of the permittee, except where the Department is required by law to pay any or all of those costs.



APPLICATION FOR ENCROACHMENT PERMIT

17. Permittee agrees that the authorized permit is personal to the permittee and shall remain in effect until such time as (a) the permittee's rights to the adjoining real property to have benefitted from the requested encroachment have been relinquished, (b) until all permit obligations have been assumed by appropriate successors and assigns, and (c) unless and until a written release from permit obligations has been granted by the Department. The permit and its requirements shall also bind the real property to have benefitted from the requested encroachment to the extent permitted by law. The permit and the related encroachment become the responsibility of the successors and assigns of the permittee and the successors and assigns of each property owner benefitting from the encroachment, or the encroachment may not otherwise permissibly continue to be maintained on the right-of-way. (Does not apply to utility encroachments serving the general public.)
18. If work authorized by the permit is within a highway construction project in the construction phase, it shall be the responsibility of the permittee to make personal contact with the Department's Engineer on the project in order to coordinate all permitted work with the Department's prime contractor on the project.
19. This permit is not intended to, nor shall it, affect, alter or alleviate any requirement imposed upon the permittee, its successors and assigns, by any other agency.
20. Permittee, its successors and assigns, agree to contain and maintain all dirt, mud, and other debris emanating from the encroachment away from the surrounding right-of-way and the travel way of the highway hereafter and at all times that its obligations under the permit remain in effect.
21. Before You Dig: The contractor is instructed to call 1-800-752-6007 to reach KY 811, the One-Call system for information on the location of existing underground utilities. The call is to be placed a minimum of two (2) and no more than ten (10) business days prior to excavation. The contractor should be aware that the owners of underground facilities are not required to be members of the KY 811 One-Call Before U-Dig (BUD) service. The contractor must coordinate excavation with the utility owners, including those whom do not subscribe to KY 811. It may be necessary for the contractor to contact the County Clerk to determine what utility companies have facilities in the area.



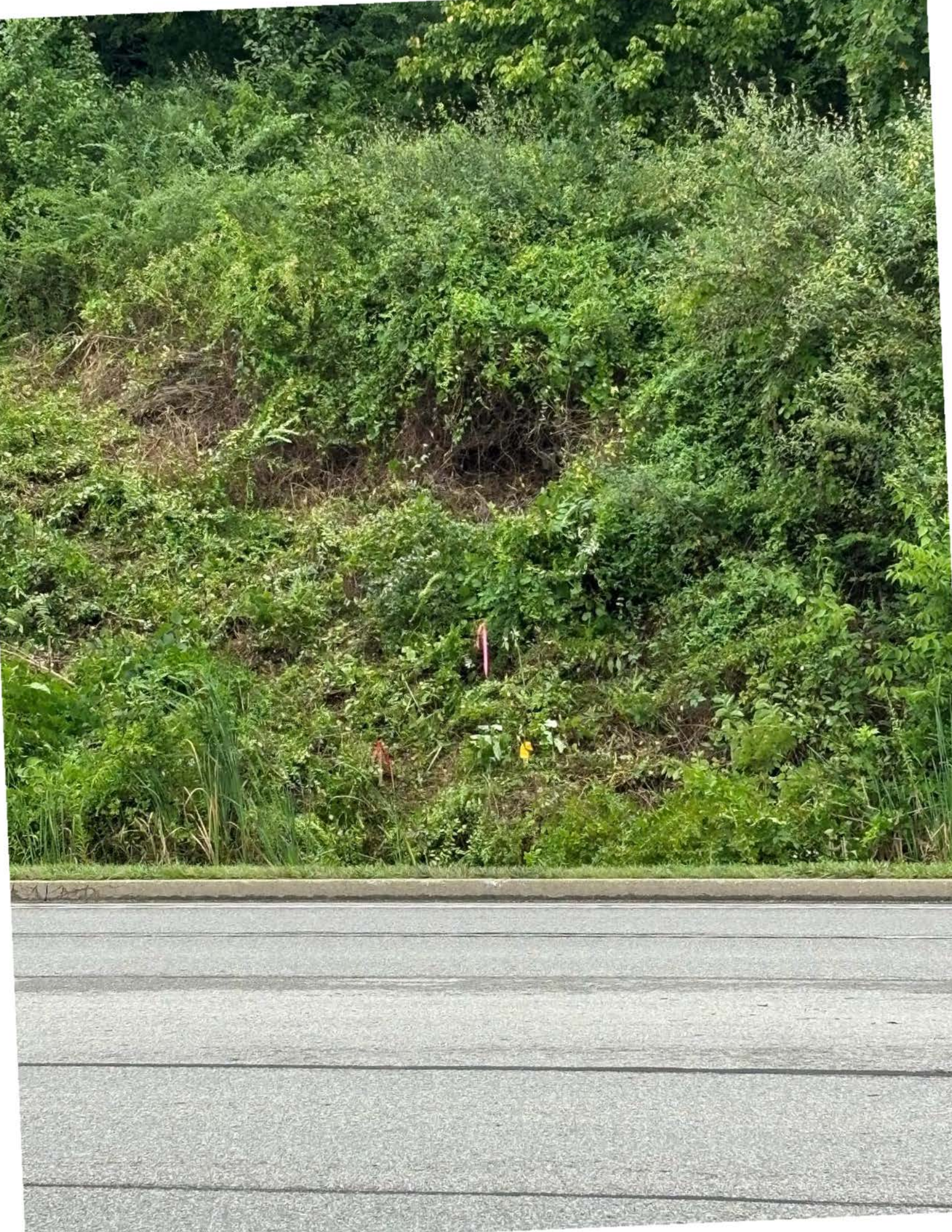
To Submit a Locate Request
24 Hours a Day, Seven Days a Week:
Call 811 or 800-752-6007



25'

14'

DITCH

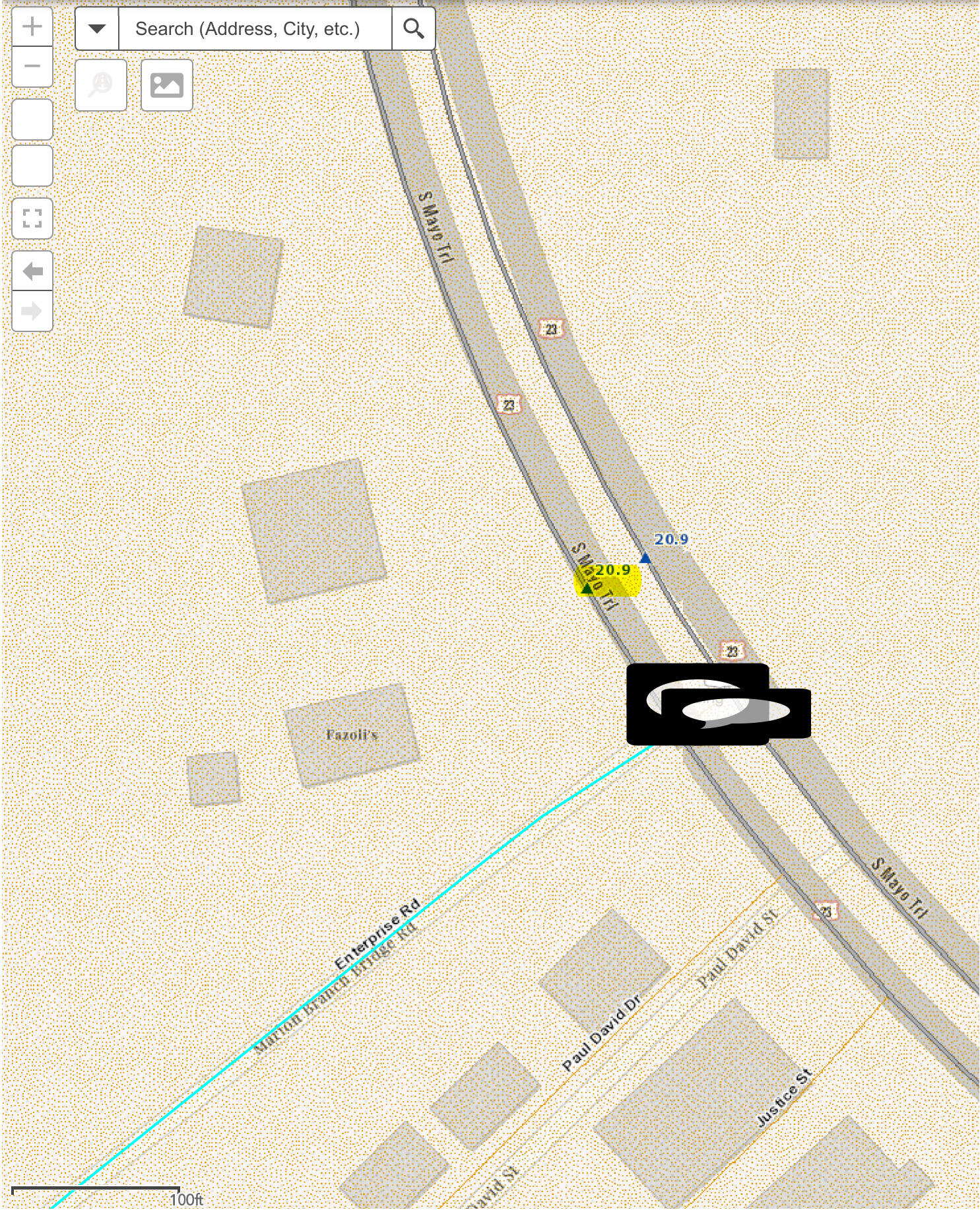




Local Roads











Search (Address, City, etc.)

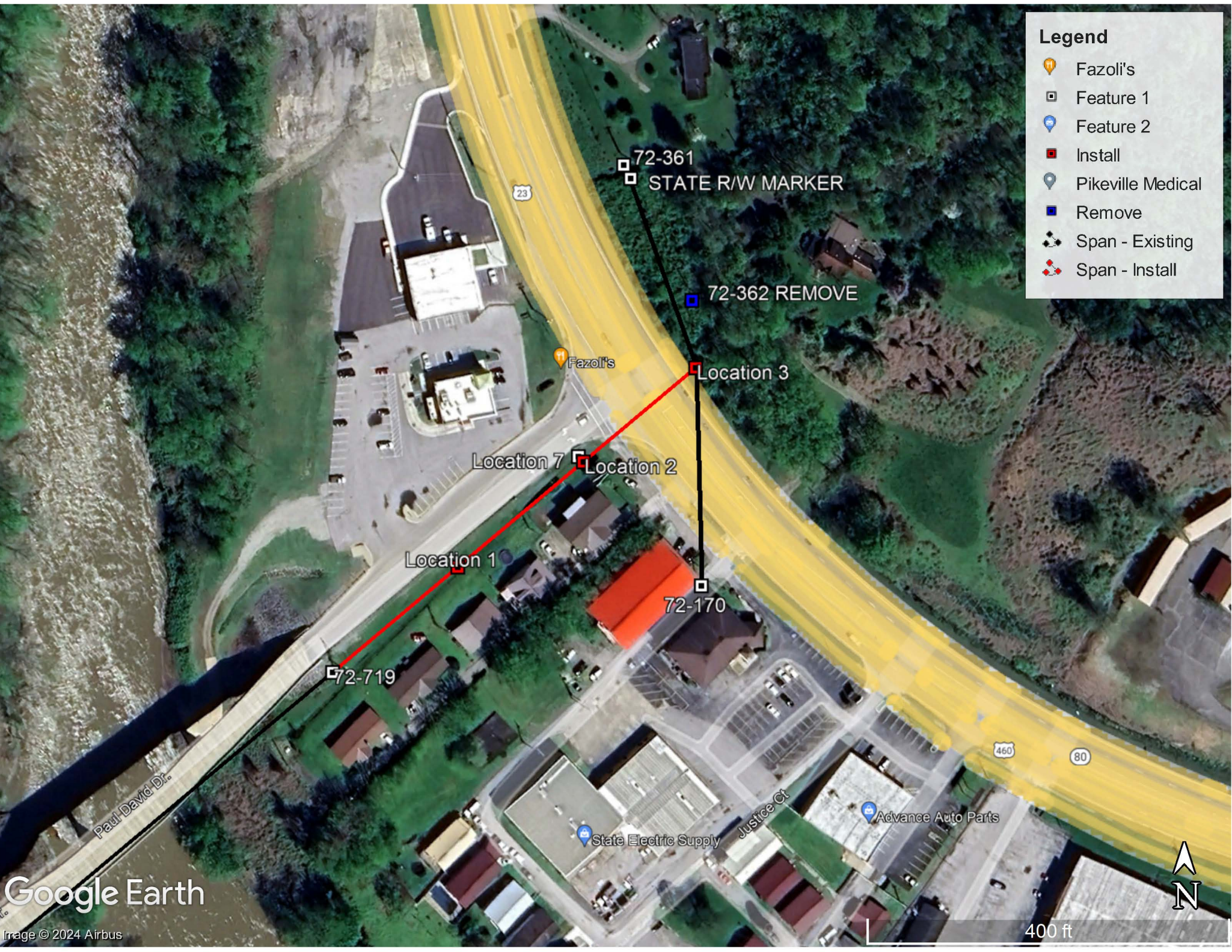


100ft

-82.525 37.445 Degrees

Legend

-  Fazoli's
-  Feature 1
-  Feature 2
-  Install
-  Pikeville Medical
-  Remove
-  Span - Existing
-  Span - Install



Google Earth

Image © 2024 Airbus

400 ft

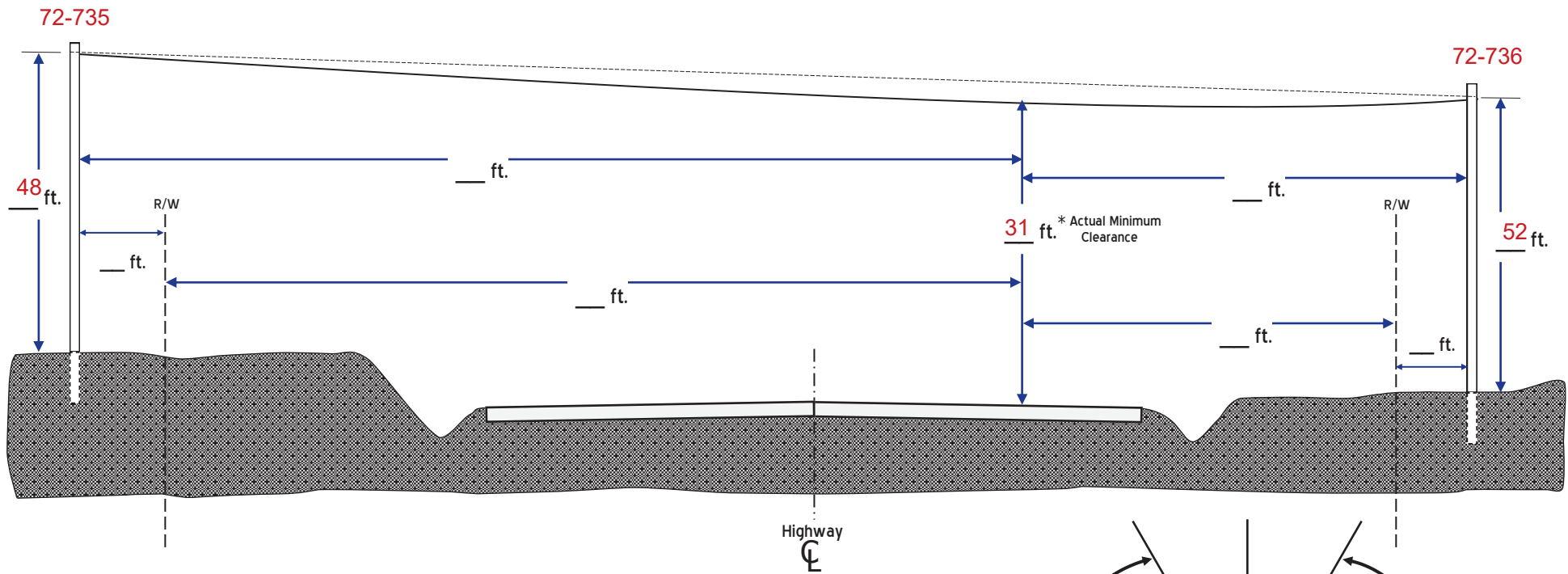


OVERHEAD UTILITY ENCROACHMENT DIAGRAM FOR FULLY CONTROLLED HIGHWAYS

County: Pike
Highway Route: US-23
Mile Point: 20.9

Minimum Clearance to Roadway: 31'
Type of Utility Crossing: POWER
Voltage of Line: 12.5 kV

KYTC KEPT #:



GENERAL NOTES - For Fully Controlled Access Highways:

- The vertical clearance of overhead utility lines crossing shall be a minimum of **24 feet** or greater per NESC guidelines or other applicable codes.
- The plans shall include a statement that the facility, as proposed, meets National Electrical Safety Code (NESC) Grade "B" - Heavy Loading standards and all Department permit requirements identified in the Kentucky Transportation Cabinet's Permits Manual policy PE-302, Utilities - "Installations on Fully Controlled Access Highways."

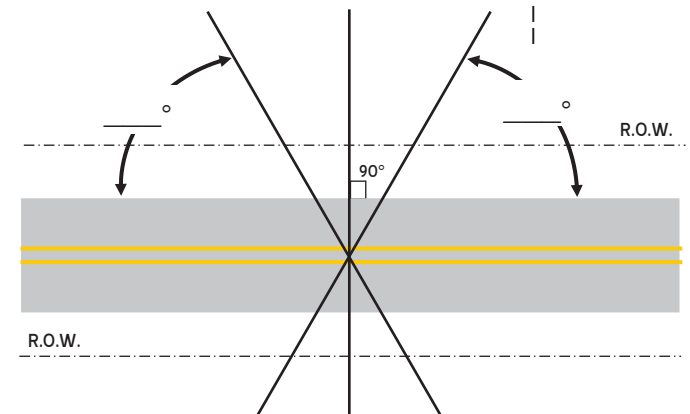
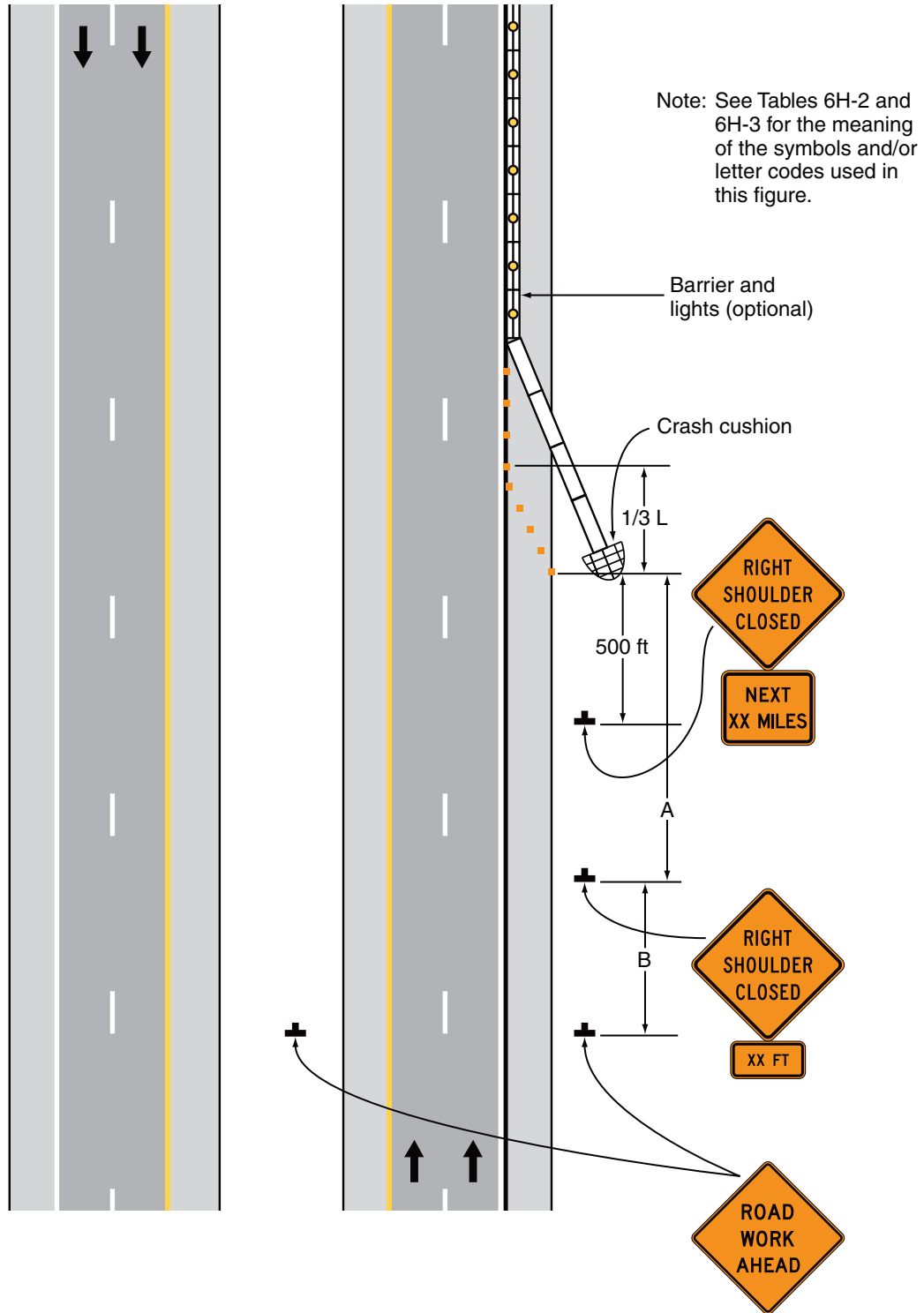
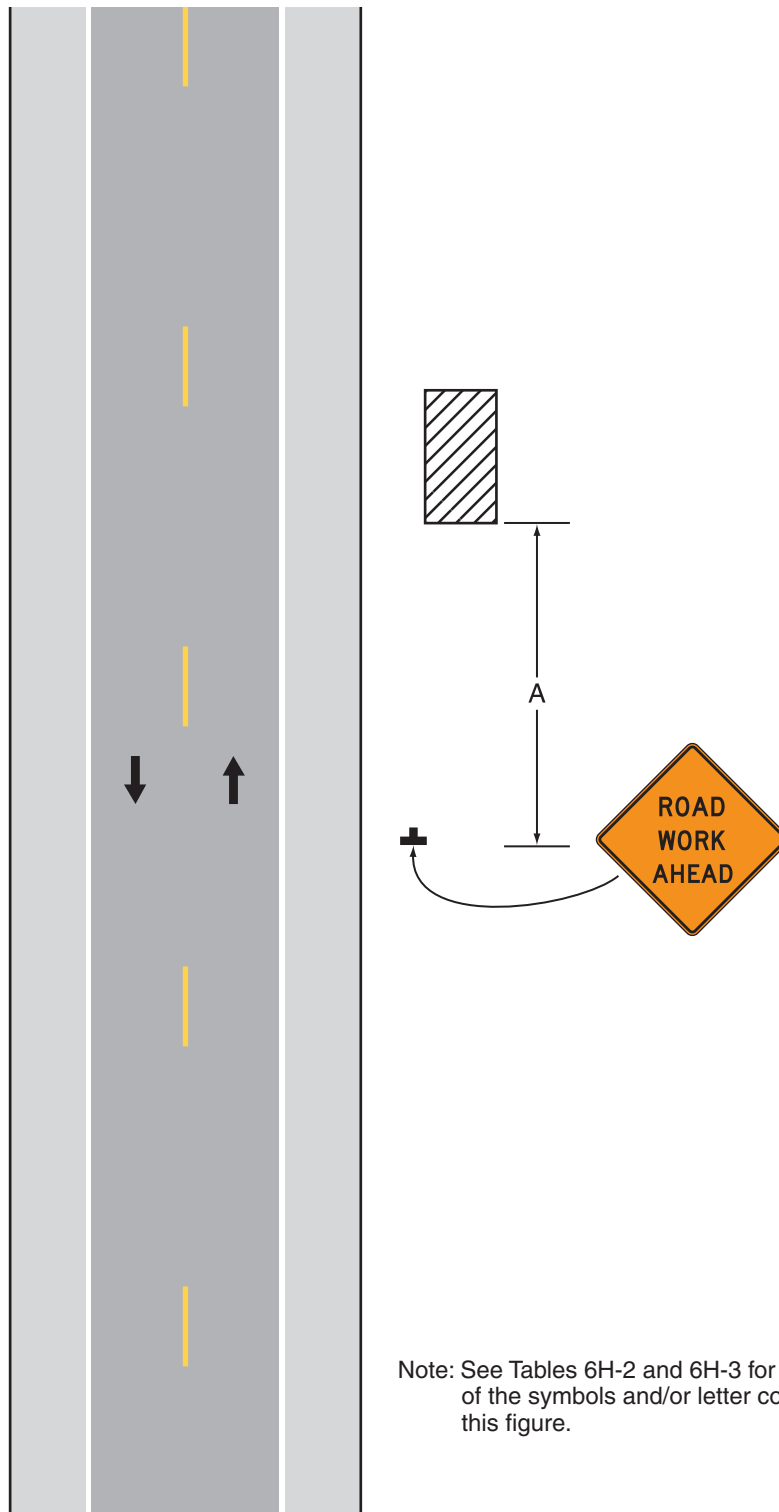


Figure 6H-5. Shoulder Closure on a Freeway (TA-5)



Typical Application 5

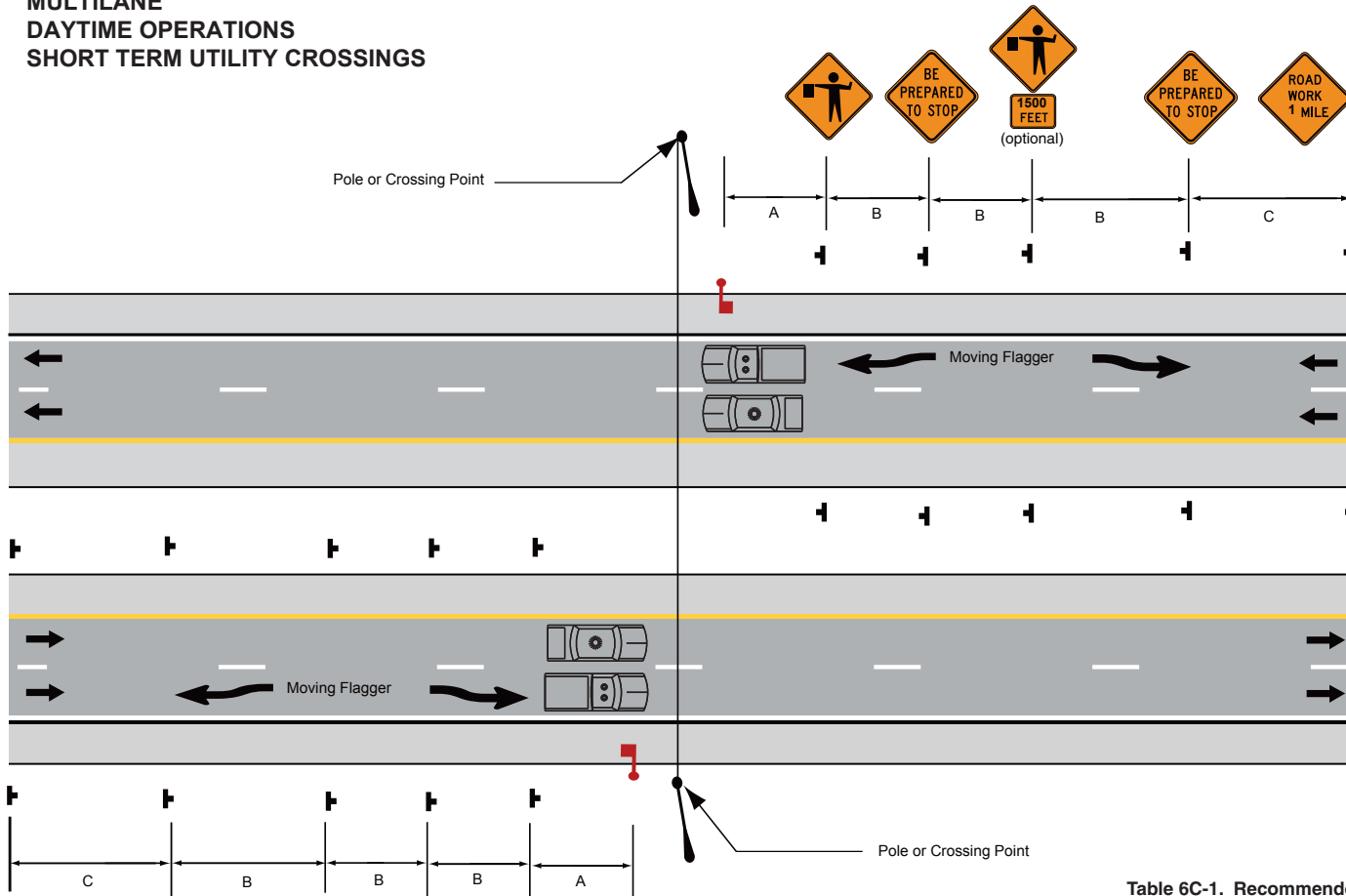
Figure 6H-1. Work Beyond the Shoulder (TA-1)



Note: See Tables 6H-2 and 6H-3 for the meaning of the symbols and/or letter codes used in this figure.

Typical Application 1

**MULTILANE
DAYTIME OPERATIONS
SHORT TERM UTILITY CROSSINGS**



GENERAL NOTES

1. This Case also applies when work is being performed on multilane undivided highways. Under these conditions the signs normally mounted in the median shall be omitted.
2. Flashing warning lights may be used to call attention to the advance warning signs as noted on the plans and/or as directed by the ENGINEER.
3. When a side road intersects the highway on which work is being performed additional traffic control devices shall be erected as directed by the ENGINEER.
4. The site shall be completely prepared (signs, devices, work equipment, etc.) then traffic stopped for maximum of 15 minutes, or as otherwise noted on the plans. Then periodically platoons of vehicles shall be allowed to proceed followed by other stoppages.
5. This operation shall normally only occur on a Sunday morning prior to 11:00 AM. Other times must be approved by the DISTRICT ENGINEER or TRAFFIC ENGINEERING DIVISION.
6. Moving Flagger Special Provision (As Necessary): All flaggers shall be furnished by the contractor and all flaggers shall be his responsibility. Where moving flagger is noted or called for, two flaggers shall be provided at each end of the areas where traffic is being stopped. One flagger is to be positioned in accordance with the manual, while the other flagger is to continually move with stopping traffic two-way radios shall be provided to the flaggers when they are out of sight of each other.
7. If (Optional) flagger sign is used contractor shall install an additional "BE PREPARED TO STOP" sign.

Symbols

- Sign on Portable or Permanent Support
- Flagger With Paddle
- Law Enforcement Vehicle With Flashing Lights
- Contractor Vehicle With Flashing Lights

Typical Applications
Setting Bridge Beams
Short Term Utility Operations

Table 6C-1. Recommended Advance Warning Sign Minimum Spacing

Road Type	Distance Between Signs**		
	A	B	C
Urban (low speed)*	100 feet	100 feet	100 feet
Urban (high speed)*	350 feet	350 feet	350 feet
Rural	500 feet	500 feet	500 feet
Expressway / Freeway	1,000 feet	1,500 feet	2,640 feet

* Speed category to be determined by the highway agency
 ** The column headings A, B, and C are the dimensions shown in Figures 6H-1 through 6H-46. The A dimension is the distance from the transition or point of restriction to the first sign. The B dimension is the distance between the first and second signs. The C dimension is the distance between the second and third signs. (The "first sign" is the sign in a three-sign series that is closest to the TTC zone. The "third sign" is the sign that is furthest upstream from the TTC zone.)