

**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 )  
Transmission Line And Associated Facilities )  
In Breathitt, Floyd, And Knott Counties, Kentucky )  
(Garrett Area Improvements 138 kV Transmission )  
Project) )

Case No. 2021-00346

**REBUTTAL TESTIMONY OF**

**BRIAN K. WEST**

**ON BEHALF OF KENTUCKY POWER COMPANY**

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**I. INTRODUCTION**

1 **Q. PLEASE STATE YOUR NAME, POSITION AND BUSINESS ADDRESS.**

2 A. My name is Brian K. West. My position is Vice President, Regulatory & Finance for  
3 Kentucky Power Company (“Kentucky Power” or the “Company”). My business  
4 address is 1645 Winchester Avenue, Ashland, Kentucky 41101.

**II. BACKGROUND AND PURPOSE OF REBUTTAL TESTIMONY**

5 **Q. ARE YOU THE SAME BRIAN K. WEST WHO OFFERED DIRECT**  
6 **TESTIMONY IN THIS PROCEEDING?**

7 A. Yes. My testimony was offered in support of the Company’s application for a  
8 certificate of public convenience and necessity to construct, own, and maintain certain  
9 components of the Garrett Area Improvements 138 kV Transmission Project  
10 (“Project”). I also provided responses to certain of the Commission’s November 29,  
11 2021 and December 15, 2021 data requests.

**III. OVERVIEW**

12 **Q. HAVE YOU REVIEWED VOLNEY BRENT ALLEN’S NOVEMBER 16, 2021,**  
13 **NOVEMBER 19, 2021, DECEMBER 8, 2021, DECEMBER 14, 2021, AND**  
14 **JANUARY 4, 2022 FILINGS RAISING HIS CONCERNS REGARDING THE**

1           **PROPOSED TRANSMISSION LINE?**

2    A.    Yes. Mr. Allen purports to raise seven claims in opposition to the Company’s proposal:

3           (1)    His claim that Kentucky Power routed the transmission line “entirely out of the  
4           way, to take in 2 millionaire properties, for their Political contributions ... (I will be  
5           making KY. Open Requests, to your office) for this information, to share with ‘Media  
6           Outlets.’”

7           (2)    His claim that “[t]here is an “**Endangered Species**” ... namely the “**Indiana  
8           Bat**”, living on my property, which will be disturbed....”

9           (3)    His claim that “[a] “**Historical Artifact**”, is in the way of the proposed route.  
10          This artifact, is well known as the “**DANIEL BOONE ROCK**”. This is documented  
11          by the Kentucky Historical Society, Morehead State Archives and Floyd County Times  
12          Archives. Carved on the Rock: Initials of Daniel Boone and year 1775. (Exhibit No.  
13          1)”

14          (4)    His claim that “[o]n property I own, ‘Diversified Gas Co.’, has an (8” inch)  
15          natural gas ‘Transmission Line’, laying on top of the ground. ‘Unbelievable, K.E.P.,  
16          didn’t reveal this to the KPSC!!”

17          (5)    His claim that his two fish ponds and amenities “would have ‘irreparable  
18          damage’ to them. Major investment. Silt drainage is directly above these pond!!!!”  
19          Mr. Allen also refers to alleged runoff into the ponds from the Company’s vegetation  
20          management efforts.

21          (6)    His claim that, contrary to the sworn data request response of Company Witness  
22          Koehler, the Hays Branch Substation, is “located 150 feet on a hillside and never  
23          flooded. “Noah’s Ark’ ... Duh!”

1 (7) His claim that the proposed transmission line will produce electromagnetic  
2 radiation that would affect his and his family's health.

3 **Q. DO MR. ALLEN'S CLAIMS HAVE MERIT?**

4 A. No. Each of his claims will be addressed separately and in more detail in the  
5 Company's rebuttal testimony. But the claims are wholly unfounded, or present  
6 possible conditions that can be addressed and mitigated in connection with the  
7 construction of the line, or both.

8 **Q. PLEASE IDENTIFY THE OTHER COMPANY WITNESSES FILING**  
9 **REBUTTAL TESTIMONY.**

10 A. Company Witness Reese, who also submitted direct testimony in this case, will address  
11 issues raised by Mr. Allen not addressed in my rebuttal testimony.

12 **Q. BEFORE ADDRESSING MR. ALLEN'S CLAIMS, PLEASE IDENTIFY FOR**  
13 **THE COMMISSION THE LOCATION OF MR. ALLEN'S PROPERTY.**

14 A. The Floyd County Property Valuation Administrator's records indicate Mr. Allen owns  
15 two parcels crossed by the proposed right-of-way. By definition the two parcels also  
16 are crossed by the Company's proposed filing corridor. The two parcels are listed as  
17 Parcel No. 028-00-00-033.04 (Parcel 5) and 028-00-00-033-02 (Parcel 6). The parcels  
18 are contiguous and each parcel lies on both sides of State Route 680. The parcels are  
19 illustrated on Page 1 of 5 of Exhibit 3A to the Company's application.

20 **Q. WHERE DO THE TWO PARCELS LIE WITH RESPECT TO THE**  
21 **PROPOSED RIGHT-OF-WAY?**

22 A. The proposed transmission centerline enters the southern boundary of Parcel 6 and  
23 proceeds in a northerly direction longitudinally across the property; it then crosses State

1 Route 680 where it proceeds again longitudinally across the northern portion of Parcel  
2 6 to the boundary between Parcel 6 and Parcel 155. The line turns in a northeasterly  
3 direction and crosses Parcel 155 and Parcel 66, neither of which is owned by Mr. Allen.  
4 The proposed transmission line right-of-way leaves Parcel 66 and continues across the  
5 northwestern corner of Parcel 5 where it turns in a more northerly direction before  
6 leaving Parcel 5 and crossing the southeasterly corner of Parcel 171. Parcel 171 is not  
7 owned by Mr. Allen. The proposed centerline crosses Parcel 6 for an approximate total  
8 of 1,320 feet. It crosses Parcel 5 for approximately 1,220 feet.

9 **Q. WHAT IS THE TOPOGRAPHY OF THOSE PORTIONS OF PARCEL 5 AND**  
10 **PARCEL 6 CROSSED BY THE CENTERLINE?**

11 A. The topography of Parcel 5 and Parcel 6 consists of higher elevation steep ridgetops  
12 grading into a lower narrow valley that drains to Gosling Branch. Elevations range  
13 from approximately 760 feet in the valley to 1,440 feet on the ridgetop. The proposed  
14 route was designed to cross Parcel 5 and Parcel 6 by utilizing the higher elevation areas,  
15 allowing the line to span from ridgetop to ridgetop.

16 **Q. HAS KENTUCKY POWER SURVEYED OR OTHERWISE INSPECTED MR.**  
17 **ALLEN'S PROPERTY?**

18 A. No. The Company requested permission to do so at approximately the time Mr. Allen  
19 moved to intervene. When he requested to speak to legal counsel, negotiations for  
20 survey rights were suspended.

21 **Q. MR. ALLEN'S CLAIMS IN PART INVOLVE TWO MAN-MADE PONDS AND**  
22 **HIS RESIDENCES. WHERE ARE THESE FEATURES LOCATED ON HIS**  
23 **PROPERTY?**

1 A. The two ponds are located approximately 250 feet north (southernmost pond) and 1,000  
2 feet north (northernmost pond) of Kentucky Route 680. The southernmost pond is  
3 located to the east of the right-of-way, and at its closest point is approximately 665 feet  
4 from the proposed route centerline. The northernmost pond is located to the southeast  
5 of the right-of-way. At its closest proximity, it is approximately 820 feet from the  
6 centerline. There are two residences on Mr. Allen's property that are located to the east  
7 of the proposed route centerline. The southernmost residence is located approximately  
8 730 feet from the centerline and approximately 680 feet from the right-of-way. The  
9 northernmost residence is located approximately 640 feet from the centerline and  
10 approximately 590 feet from the right-of-way.

#### **IV. ALLEGED POLITICAL INFLUENCE**

11 **Q. MR. ALLEN ALLEGES THAT KENTUCKY POWER ROUTED THE**  
12 **PROPOSED TRANSMISSION LINE IN RESPONSE TO POLITICAL**  
13 **CONSIDERATIONS. HAS MR. ALLEN PROVIDED ANY EVIDENCE IN**  
14 **SUPPORT OF HIS CLAIMS?**

15 A. No, although he was requested by the Company to file all evidence supporting these  
16 claims. In possible response to the Commission on January 18, 2022, Mr. Allen filed  
17 what appear to be two aerial views of his property, designated as A and B, where he  
18 marked what he claimed to be alternative routes. He also filed a disclosure made by  
19 the Company's parent and its affiliates disclosing the third quarter 2021 lobbying  
20 expenditures by the Company's parent and its affiliates.

21 **Q. WERE THESE FILINGS SWORN TO AS REQUIRED BY THE**

1           **COMMISSION’S REGULATIONS?**

2    A.    No, they were not.

3    **Q.    WAS THE PROPOSED ROUTE IN ANY WAY INFLUENCED BY POLITICAL**  
4           **CONSIDERATIONS AS ALLEGED BY MR. ALLEN?**

5    A.    No, absolutely not.

6    **Q.    DOES THE DISCLOSURE STATEMENT SUPPORT MR. ALLEN’S**  
7           **POSITION?**

8    A.    No. There is no indication that the lobbying expenditures, the overwhelming majority  
9           of which were made by the Company’s parent and its non-Kentucky Power affiliates,  
10          are in any way tied to the routing of the proposed transmission line. The single page  
11          does not mention Kentucky, Floyd County, the proposed Garrett Project, Mr. Allen,  
12          the properties over which Mr. Allen suggests the line should have been built, or  
13          anything else to do with the routing of the line. In this regard, it is important to note  
14          that Mr. Allen, despite being requested to do so in data requests, declined to identify  
15          the recipient of the contributions allegedly involved in the routing of the line, the owner  
16          or owners of the “2 millionaire properties” he mentions, or anything beyond  
17          speculation.

**V. EMF**

18   **Q.    DID KENTUCKY POWER REQUEST MR. ALLEN TO PRODUCE**  
19           **EVIDENCE INDICATING THAT THE CONSTRUCTION OF THE**  
20           **PROPOSED TRANSMISSION LINE WOULD ENDANGER HIS HEALTH?**

21   A.    Yes, but to date, Mr. Allen has produced no such evidence.



1 **Q. PLEASE EXPLAIN EMF.**

2 A. Electric and magnetic fields (“EMF”) occur in nature and wherever electricity flows,  
3 including household wiring, appliances and electrical power lines and equipment.  
4 Because EMF occurs in nature and because our society relies on electricity, people are  
5 exposed to EMF much of the time.

6 **Q. ARE THERE ANY HEALTH EFFECTS ASSOCIATED WITH EXPOSURE TO**  
7 **EMF?**

8 A. Independent health researchers over the past several decades have explored the  
9 possibility of health effects from EMF, particularly magnetic fields. Laboratory studies  
10 have found no evidence of biological changes that could lead to adverse health effects.  
11 American Electric Power and Kentucky Power take health and safety issues very  
12 seriously. Therefore, scientific and technical developments and public policy related  
13 to EMF are routinely monitored as part of an ongoing effort to provide a safe  
14 environment for employees and the public.

15 **Q. CAN EXPOSURE TO MAGNETIC FIELDS BE MINIMIZED?**

16 A. In our electrically-powered world, magnetic fields are found anywhere electric current  
17 flows through wires or electrical devices. While magnetic field strength increases as  
18 current flow increases, it rapidly becomes weaker with distance from the source. With  
19 transmission lines, the measured EMF generally dissipates to natural levels at the edge  
20 of the right-of-way.

21 **Q. WHERE DOES THE PROPOSED TRANSMISSION LINE LIE WITH**  
22 **RESPECT TO MR. ALLEN’S TWO RESIDENCES?**

1 A. As described earlier in my testimony, the proposed route of the transmission line is  
2 approximately 640 feet from the closest of Mr. Allen's two residences and  
3 approximately 590 feet from the edge of the right-of-way as shown on **Exhibit 3A** to  
4 the Company's application. At these distances from the proposed line, Mr. Allen  
5 would not be exposed to levels of EMF greater than that occurring naturally in his  
6 home from electric wiring and appliances.

## **VI. MITIGATION EFFORTS**

7 **Q. IS KENTUCKY POWER WILLING TO MAKE REASONABLE EFFORTS TO**  
8 **WORK WITH MR. ALLEN REGARDING THE PLACEMENT OF THE**  
9 **PROPOSED LINE ON HIS PROPERTY?**

10 A. Yes. Kentucky Power is willing to work with Mr. Allen to address any concerns within  
11 reason. Kentucky Power can move structures and the centerline within the filing  
12 corridor so long as the moves are not detrimental to construction (*i.e.*, move structures  
13 or centerline to hazardous or unfavorable terrain), economically burdensome (*i.e.*,  
14 additional heavy angle structures), or disproportionately affects other landowners (*i.e.*,  
15 move structures or the centerline off his property entirely).

16 **Q. WHAT OTHER STEPS IS THE COMPANY WILLING TO UNDERTAKE TO**  
17 **ADDRESS HIS CONCERNS?**

18 A. Mr. Allen stated his concerns with exposure to herbicides. With respect to the spraying  
19 of herbicides to inhibit the growth of vegetation in the rights-of-way, the Company can  
20 agree to designate the proposed transmission lines that cross Mr. Allens' parcels as "no

1 spray” zones. This is a reasonable request and one that the Company can easily agree  
2 to in order to address a landowner’s concern.

3 **Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?**

4 **A.** Yes, it does.

VERIFICATION

The undersigned, Brian K. West, being duly sworn, deposes and says he is Vice President, Regulatory & Finance for Kentucky Power Company, that he has personal knowledge of the matters set forth in the foregoing testimony and the information contained therein is true and correct to the best of his information, knowledge, and belief.



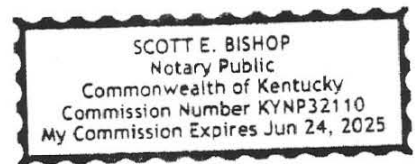
Brian K. West

Commonwealth of Kentucky )  
County of Boyd )

Case No. 2021-00346

Subscribed and sworn before me, a Notary Public, by Brian K. West this 26<sup>th</sup> day of January, 2022.

Scott F. Bishop  
Notary Public



My Commission Expires June 24, 2025

Notary ID Number: KYNP 32110