

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Electronic Application Of Kentucky Utilities)	
Company For A Certificate Of Public Convenience)	
And Necessity For The Construction Of)	Case No. 2022-00066
Transmission Facilities In Hardin County, Kentucky)	

**Frank D. Brown and Martha V. Brown’s Supplemental Data Requests to
Kentucky Utilities Company**

Pursuant to the Commission’s Order dated April 6, 2022, Frank D. Brown and Martha V.

Brown (together, “the Browns”) propound the following supplemental data requests to be answered by Kentucky Utilities Company (“KU”):

DEFINITIONS

- “Document” means the original and all copies (regardless of origin and whether or not including additional writing thereon or attached thereto) of memoranda, reports, books, manuals, instructions, directives, records, forms, notes, letters, notices, confirmations, telegrams, pamphlets, notations of any sort concerning conversations, telephone calls, meetings or other communications, bulletins, transcripts, diaries, analyses, summaries, correspondence investigations, questionnaires, surveys, worksheets, and all drafts, preliminary versions, alterations, modifications, revisions, changes, amendments and written comments concerning the foregoing, in whatever form, stored or contained in or on whatever medium, including computerized memory or magnetic media.
- “Study” means any written, recorded, transcribed, taped, filmed, or graphic matter, however produced or reproduced, either formally or informally, a particular issue or situation, in whatever detail, whether or not the consideration of the issue or situation is in a preliminary stage, and whether or not the consideration was discontinued prior to completion.
- “Person” means any natural person, corporation, professional corporation, partnership, association, joint venture, proprietorship, firm, or the other business enterprise or legal entity.
- A request to identify a natural person means to state his or her full name and residence address, his or her present last known position and business affiliation at the time in question.

- A request to identify a document means to state the date or dates, author or originator, subject matter, all addressees and recipients, type of document (e.g., letter, memorandum, telegram, chart, etc.), number of code number thereof or other means of identifying it, and its present location and custodian. If any such document was, but is no longer in KU's possession or subject to its control, state what disposition was made of it.
- A request to identify a person other than a natural person means to state its full name, the address of its principal office, and the type of entity.
- "Identify" used in a fashion other than as described above means to provide in detail, including all assumptions, bases, facts considered, and rationale if not called for in another part of the data request, the requested information.
- "And" and "or" should be considered to be both conjunctive and disjunctive, unless specifically stated otherwise.
- "Each" and "any" should be considered to be both singular and plural, unless specifically stated otherwise.
- Words in the past tense should be considered to include the present, and words in the present tense include the past, unless specifically stated otherwise.
- "You" or "your" means the person whose filed testimony is the subject of these interrogatories and, to the extent relevant and necessary to provide full and complete answers to any request, "you" or "your" may be deemed to include any person with information relevant to any interrogatory who is or was employed by or otherwise associated with the witness or who assisted, in any way, in the preparation of the witness' testimony.
- "Brown Parcels" means the parcels owned by the Browns with Hardin County Parcel ID nos. 190-30-00-020 and 207-00-00-010.

INSTRUCTIONS

1. If any matter is evidenced by, referenced to, reflected by, represented by, or recorded in any document, please identify and produce for discovery and inspection each such document.
2. These interrogatories are continuing in nature, and, without regard to the date created or obtained, information which the responding party later becomes aware of, or has access to, and which is responsive to any request is to be made available to the Browns. Any studies, evaluations, analyses, documents, or other subject matter not yet completed that will be relied upon during the course of this case should be so identified and provided as soon as they are completed. The respondent is obliged to change, supplement and correct all answers to interrogatories to conform to available information, including such information as it first becomes available to the respondent after the answers hereto are served.
3. Unless otherwise expressly provided, each interrogatory should be construed independently and not with reference to any other interrogatory herein for purpose of limitation.
4. The answers provided should first restate the question asked and also identify the person(s) supplying the information.
5. Please answer each designated part of each information request separately. If you do not have complete information with respect to any interrogatory, so state and give as much information as you do have with respect to the matter inquired about, and identify each person whom you believe may have additional information with respect thereto.
6. In the case of multiple witnesses, each interrogatory should be considered to apply to each witness who will testify to the information requested. Where copies of testimony, transcripts or depositions are requested, each witness should respond individually to the information request.
7. The interrogatories are to be answered under oath by the witness(es) responsible for the answer.
8. Please furnish any non-disclosure or other required for disclosure of any information or response for which confidential treatment provided.

DATA REQUESTS

1. Please refer to KU's answer to the Browns' First Set of Data Requests, Question 2 ("Data Request 1-2"). Please explain whether KU has any transmission work planned in or around the Glendale area associated with the new battery plants that is not currently included as part of the CPCN application in this case. If yes, please explain in detail what such work entails.

2. Please refer to KU's answer to the Browns' Data Request 1-3. KU's answer is non-responsive. Please explain whether KU has completed any studies or analysis with respect to whether the proposed Glendale West 345kV transmission line could be sited above, or adjacent and parallel to, the two existing sewer easements across and through the Brown Parcels, of record at Book 1385, Page 1343, and Book 1385, Page 1346, in the Office of the Hardin County Clerk. If yes, please provide copies of all such studies or analysis.
3. Please refer to Question 2 above. Please explain whether KU has the ability to complete any required studies or analysis with respect to whether the proposed Glendale West 345kV transmission line could be sited above, or adjacent and parallel to, the two existing sewer easements across and through the Brown Parcels, of record at Book 1385, Page 1343, and Book 1385, Page 1346, in the Office of the Hardin County Clerk. If yes, please perform such studies and/or analysis and provide copies of any results of the same.
4. Please refer to KU's answers to the Browns' Data Request 1-3 and Data Request 1-5. KU answered that "KU has requested authority to move the location of the proposed lines up to 500 feet on either side of the centerline to account for property owner preferences or unexpected conditions encountered during surveying or construction provided that no new property owners are affected." The Browns have advised KU that they prefer to move the proposed line from the route as proposed by KU through the middle of the Brown Parcels. Please state whether KU will commit prior to the hearing in this case to move the line to accommodate the Browns' preference (with respect only to the portion of the line that crosses the Brown Parcels).
5. Please refer to Question 4 above. If KU cannot make such a commitment at this time, please explain whether KU will engage with the Browns and counsel in good-faith discussions prior to the hearing in this case regarding moving the line (with respect only to the portion of the line that crosses the Brown Parcels) to accommodate the Browns' preference.
6. Please explain all types of obstacles or other discoveries may cause KU to have to move the centerline from the proposed route, and the likelihood (to the best of KU's current ability) that any such obstacles or other discoveries may be found on the Brown Parcels.
7. Please refer to KU's answer to the Browns' Data Request 1-6. Please state what easement width would be required by the NESC to run the Glendale West 345 kV line and Glendale East 345 kV line parallel to each other.
8. Please refer to KU's answer to the Browns' Data Request 1-7. Please explain in detail 1) how many alternatives were proposed, 2) why the alternatives proposed were "immediately adjacent to the existing locations," and not anywhere else 3) why "only minor adjustments in final location were made to accommodate final design considerations."

9. Please refer to KU's answer to the Browns' Data Request 1-9. Please confirm whether page 27 of 87 and page 82 of 87 of the Siting Study demonstrate the location of any proposed future roadways that do not currently exist.
10. Please refer to KU's answer to the Browns' Data Request 1-9. Please state whether KU has knowledge of any future proposed roadways that do not currently exist within the study area. If KU does have such knowledge, please state in detail where any such future roads may be located and provide any documentation regarding the same.
11. Please refer to KU's answer to the Browns' Data Request 1-9. If KU does have knowledge of any future proposed roadways that do not currently exist within the study area, please state whether KU considered routing either proposed 345 kV transmission line in proximity to or along the path of those proposed future roads.
12. Please refer to KU's answer to the Browns' Data Request 1-10. Please explain in detail why KU believes the optimal route for the Glendale West 345 kV line is through the middle of the Brown Parcels and not along or in proximity to the western boundary of the Brown Parcels.
13. Please refer to KU's answers to the Browns' Data Request 1-11, Data Request 1-12, and Data Request 1-13. Please explain why KU has not studied the engineering feasibility of the route proposed in red on each of the three maps provided.
14. Please refer to KU's answers to the Browns' Data Request 1-11, Data Request 1-12, and Data Request 1-13. If KU has not studied the engineering feasibility of the route proposed in red on each of the three maps provided, then how can KU state that Team Spatial's methodology identified the "best routes?"
15. Please refer to KU's answers to the Browns' Data Request 1-11, Data Request 1-12, and Data Request 1-13. Please state what studies would need to be performed by KU in order to determine the engineering feasibility of the route proposed in red on each of the three maps provided.
16. Please refer to KU's answers to the Browns' Data Request 1-11, Data Request 1-12, and Data Request 1-13. Please state whether KU will commit to study the engineering feasibility of the route proposed in red on each of the three maps provided. If the answer is anything other than an unqualified yes, please explain in detail all support for KU's response.
17. Please refer to KU's answers to the Browns' Data Request 1-11, Data Request 1-12, and Data Request 1-13. Please explain whether KU has the ability to complete any required studies or analysis with respect to the feasibility of the route proposed in red on each of the three maps provided. If yes, please perform such studies and/or analysis and provide copies of any results of the same.
18. Please refer to KU's answers to the Browns' Data Request 1-11, Data Request 1-12, and Data Request 1-13. Please state whether KU will agree to move the proposed line to any

of the routes proposed in red on the maps provided. If the answer is anything other than an unqualified yes, please explain in detail all support for KU's response.

19. Please refer to KU's answers to the Browns' Data Request 1-11, Data Request 1-12, and Data Request 1-13. Based on the information KU currently possesses from the studies it has currently performed, does KU possess any information that would support that the proposed line could not be moved as proposed in red on the maps provided? If the answer is anything other than an unqualified no, please provide any and all such support and/or documentation supporting KU's answer.
20. Please refer to the Commission's Order issued March 8, 2022 in Case No. 2021-00346¹ wherein the Commission denied Kentucky Power Company's request for authority to move the proposed transmission line up to 500 feet on either side of the proposed centerline (similar to what KU requests here) and stated at page 29 of the Order:

"The Commission notes that Kentucky Power would have no need to request authority to move the centerline and right-of-way freely within a 1,000 foot filing corridor, if it had been more thorough in investigating the construction constraints found on its proposed route prior to seeking a CPCN. Commission regulations 807 KAR 5:001, Section 15 (2)(c) and 2(d)(1) require a utility seeking a CPCN to file a description of the proposed route as well as maps of the proposed route along with the CPCN application. The intent of this regulation is to provide the Commission with knowledge about where facilities will ultimately be built, not just to provide the Commission with a 1,000 foot zone of possible locations for proposed facilities. The Commission notes that too frequently Kentucky Power and similarly situated utilities have not determined the exact location of proposed transmission lines with reasonable certainty before applying for a CPCN. Such requests to move freely within a wide filing corridor do not permit the Commission to exercise adequate oversight of the location of electric transmission lines."

(a) Please state whether KU was aware of this order prior to filing its application herein on March 31, 2022.

(b) Without regard to KU's awareness of this order, please explain in detail what steps KU took prior to filing its application to address the Commission's concerns expressed in the order, specifically in terms of:

(i) the level of investigation of the construction constraints found on its proposed route prior to seeking a CPCN;

(ii) the level of study completed to determine the ultimate location of the line;
and

¹ Order, *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)*, at 29 (Ky. P.S.C. March 8, 2022).

(iii) whether KU made all possible efforts to determine the ultimate location of the line with reasonable certainty before applying for a CPCN.

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

T. Morgan Ward, Jr.
STITES & HARBISON PLLC
400 West Market Street
Suite 1800
Louisville, KY 40202-3352
Telephone: (502) 587-3400
mward@stites.com

COUNSEL FOR FRANK D. BROWN &
MARTHA V. BROWN