

**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	)	

**DIRECT TESTIMONY OF ALLEN SUMMERS  
ON BEHALF OF FRANK D. BROWN AND MARTHA V. BROWN**

1 **Please state your name and address.**

2 My name is Allen Summers. I am 62 years old, and my address is 11043 Red Hill Maxwell  
3 Road, Utica, Kentucky 42376.

4 **On whose behalf are you testifying?**

5 I am testifying on behalf of intervenors Frank and Martha Brown, who are 92 and 82 years old,  
6 respectively, and not able to provide this testimony for themselves in response to the request by  
7 Kentucky Utilities Company (“KU”) to place transmission lines across their property. Frank  
8 (who is legally blind) and Martha asked for my assistance with this matter, working with their  
9 two daughters, Sharon Priddy and Susan Summers.

10 **Will you please state your relationship to the property owners, Frank and Martha Brown?**

11 I am the Browns’ son-in-law, having been married to their daughter Susan Brown Summers  
12 since 1982. I have been granted limited power of attorney by the Browns specifically to assist  
13 them in this matter.

14 **How long have you known the Browns?**

15 I grew up in Glendale and have known the Browns and their family for over 55 years.

16 **Have the Browns approved this testimony?**

17 Yes.

18 **Does your testimony reflect the positions and wishes of Frank and Martha Brown?**

19 Yes.

20 **What is the purpose of your testimony?**

21 The purpose of my testimony is to state the position of the Browns that KU should not be granted  
22 permission to place one of its proposed transmission lines directly through the Browns’ property.  
23 Rather, if a proposed transmission line must cross the Browns’ property, the transmission line

1 should be placed along the route of one of the Browns' proposed alternative routes in order to  
2 minimize the otherwise significant impact to the Browns' use and value of their property. The  
3 Browns recommend that their first preferred alternative, Alternative C (as described below), be  
4 constructed across their property in lieu of KU's proposed route. Specifically, Alternative C only  
5 slightly modifies the proposed route of the Glendale West 345 kV Transmission Line by shifting  
6 it to run parallel to the western boundary of the Browns' property rather than through the middle  
7 of it. The Browns' Alternative C would not require any additional structures and may require less  
8 conductor length, and therefore could actually cost less than the route proposed by KU.  
9 I also describe the Browns' attempts to discuss their alternatives and resolve their concerns with  
10 KU prior to and during the course of this proceeding.

11 **Please describe the Brown Parcels?**

12 The Brown Parcels are made up of two parcels located in Hardin County with parcel numbers  
13 190-30-00-020 and 207-00-00-010 ("Brown Parcels"),<sup>1</sup> which are adjacent to each other, directly  
14 east of downtown Glendale, and lie on either side of Kentucky Highway 222 Glendale  
15 Hodgenville Road W. The Brown Parcels directly abut the Glendale Megasite to the north. The  
16 345 kV substation proposed to be sited on the north side of the Glendale Megasite would be  
17 located south of the Brown Parcels, but not on it. There is one parcel to the south between the  
18 Brown Parcels and the proposed substation that is owned by Larry and Carol Jagers.<sup>2</sup> The  
19 proposed Glendale West 345 kV transmission line proceeds north out of the proposed substation  
20 and crosses through the Jagers property and then both of the Brown Parcels. The proposed  
21 Glendale East 345 kV transmission line proceeds northeast out of the proposed 345 kV

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<sup>1</sup> The Brown Parcels are depicted on KU's Attachment 1 to Response to PSC-1 Question No. 1, Pages 14 and 24 (filed April 8, 2022).

<sup>2</sup> Parcel No. 190-00-00-032.

1 substation and generally follows the southern boundary of one of the Brown Parcels, but does not  
2 cross it, before turning more north.

3 Frank and Martha Brown have owned the Brown Parcels since 1958 and have made their living  
4 farming the property. The property is currently zoned as R2 - Rural Residential by the Hardin  
5 County Planning Commission, but we expect that zoning will certainly change as the Glendale  
6 Megasite is developed.

7 **Do the Browns have any future plans for the use of the Brown Parcels?**

8 After Hardin County purchased the real property to form the Glendale Megasite, the Browns  
9 decided to continue farming the Brown Parcels as long as they could with the expectation of  
10 ultimately selling or leasing the land for commercial or industrial development when a factory  
11 was built on the Glendale Megasite. The Browns have had numerous opportunities over the past  
12 twenty years to subdivide or sell individual parcels, but they believed that waiting until a factory  
13 was built on the Glendale Megasite would maximize the value of the Brown Parcels. The  
14 Browns have not sold any of their land since Hardin County purchased and formed the Glendale  
15 Megasite in 2002.

16 **Are the Brown Parcels crossed by the proposed transmission line(s)?**

17 Yes. The Glendale West 345 kV Transmission Line, as proposed by KU, would cross over and  
18 through the middle of both of the Brown Parcels. The proposed Glendale East 345 kV  
19 Transmission Line does not cross the Brown Parcels.

20 **Do the Browns have any objections to KU's application?**

21 Yes.

22 **Can you please describe their objections?**

1 The Browns object to the proposed route of the Glendale West 345 kV Transmission Line as it is  
2 currently proposed to cross the Brown Parcels. The proposed route of that transmission line  
3 crosses through the middle of both Brown Parcels. Considering the substantial 200-foot right-of-  
4 way that KU claims is required for 345 kV transmission lines, the Brown Parcels would be  
5 substantially affected if the line is constructed as proposed by KU. The 200-foot right-of-way  
6 would not only render useless for commercial purposes a broad section across the middle of the  
7 Brown Parcels, but it would also have a substantial negative impact on the ability to use the  
8 remainder of the property for future commercial or industrial purposes.

9 **How would running the Glendale West 345 kV Transmission Line through the middle of**  
10 **the Brown Parcels, as proposed by KU, substantially affect the use of the Brown Parcels for**  
11 **future commercial or industrial purposes?**

12 The Browns' property is immediately to the north of, and adjacent to, the Glendale Megasite, on  
13 which the Ford battery plant will be constructed. Accordingly, the Browns have been advised  
14 that the highest and best use of their property will be for industrial use that is complimentary to  
15 the Ford plant. For this to happen – i.e., for an industrial site or sites to be constructed on the  
16 Brown property, a large unencumbered parcel or parcels is required. While constructing a  
17 power line anywhere on the Brown Parcels is problematic due to the massive 200 foot right-of-  
18 way, placing the power line through the middle of the parcels would be devastating to future  
19 commercial or industrial development. Furthermore, if the transmission line is routed through  
20 the middle of the parcels as proposed by KU, it would result in approximately 13 acres of  
21 triangular-shaped land being cut off from any potential of being developed at all.

22 The Browns have never attempted to stop progress in their community but rather have worked to  
23 find mutually acceptable solutions with respect to their property, including agreeing to easements

1 across the Brown Parcels for sewers for the City of Glendale and the Glendale Megasite. They  
2 likewise seek a mutually agreeable solution here.

3 **Do the Browns have any proposed solutions to address their objections?**

4 Yes. The Browns propose several potential alternate routes for the Glendale West 345 kV  
5 Transmission Line that will minimize the impact of the proposed transmission lines on the  
6 Browns and the Brown Parcels. Informal drawings that depict the Browns' proposed alternate  
7 routes are attached to my testimony as **Exhibits 1, 2, 3, and 4.**

8 **Were these informal drawings created by you?**

9 Yes.

10 **Please generally describe each of the alternate routes proposed by the Browns?**

11 Below are general descriptions of the Browns' proposed alternatives:

12 Alternative B (Exhibit 1): Shows potential alternate route of the Glendale West 345  
13 kV Transmission Line over existing sewer easements on the Brown Parcels to minimize  
14 impact to the Brown's property.

15 Alternative C (Exhibit 2): Shows potential alternate route of the Glendale West 345  
16 kV Transmission Line to run along the western-most boundary line of the Brown Parcels  
17 and over existing sewer drainage easements to minimize impact.

18 Alternative D (Exhibit 3): Shows potential alternate route of the Glendale West 345  
19 kV Transmission Line to run parallel and in tandem with the Glendale East 345 kV  
20 Transmission Line as it is proposed in KU's application. This alternative would route the  
21 Glendale West 345 kV Transmission Line completely around the Brown Parcels.

22 Alternative E (Exhibit 4): Shows potential alternate route of the Glendale West 345  
23 kV Transmission Line to run towards the Glendale East 345 kV Transmission Line then  
24 across a small portion of one of the Brown Parcels before running parallel with the  
25 Glendale East 345 kV Transmission Line.

26 **Do these informal drawings show the precise location of the Browns' proposed alternate  
27 routes?**

28 No, these drawings are informal in nature and are meant only to demonstrate potential alternate  
29 routes proposed by the Browns.

1 **Which alternative do the Browns propose should be constructed across the Brown Parcels**  
2 **in lieu of the route proposed by KU?**

3 If the Commission grants KU a CPCN to construct the Glendale West 345 kV Transmission  
4 Line, and if it must cross the Brown Parcels, the Browns propose that Alternative C be  
5 constructed in lieu of KU's proposed route.

6 The Browns have engaged G-Tower, PLLC ("G-Tower"), who are transmission planning and  
7 siting experts to evaluate the feasibility of the Browns' proposed alternate routes. As G-Tower  
8 Witness Güneş Demirbaş describes in further detail in his testimony, it is possible for Alternative  
9 C to be constructed with minor modifications to the route proposed by KU. In order to construct  
10 Alternative C, the centerline as proposed by KU would be moved to the west and follow the  
11 western property boundary of the Brown Parcels approximately 100 feet from the property  
12 boundary to account for the right-of-way. Alternative C would not require any additional  
13 structures than those already accounted for by KU. The exact structures that KU proposes to use  
14 for its proposed route could be repurposed to form the route of Alternative C. Mr. Demirbaş also  
15 describes that, in his professional opinion, Alternative C could even cost approximately \$50,000  
16 less to construct than the route proposed by KU.

17 **Have Frank and Martha Brown raised their objections and proposed solutions with KU?**

18 Yes.

19 The Browns expressed their timely objections to the placement of the proposed line on their  
20 property, unless absolutely necessary. The Browns and I met with a representative of KU in  
21 person on February 24, 2022 before receiving the initial notification letter about this proceeding  
22 from KU dated March 11, 2022. We asked questions to help understand what the scope of the  
23 proposed project would be. We requested that KU find another route for the proposed line, if at

1 all possible, as running the line through the middle of the Brown Parcels would be strongly  
2 opposed by the Browns. We concluded the meeting with our request that KU's representative  
3 provide further information in response to our questions about alternative routes.

4 On March 16, 2022 Susan Summers contacted KU's representative and advised him again that  
5 the Brown family strongly opposed KU's proposed line being placed on the Brown Parcels, and  
6 even more so to the line running through the middle of the parcels. KU was advised that the  
7 Browns would maintain that position until KU provided suitable responses regarding alternative  
8 routes and showed a willingness to work together toward a mutually agreeable solution for the  
9 location of the proposed line with respect to the Brown Parcels.

10 Each time KU responded to our inquiries regarding alternative routes, KU provided a brief,  
11 unsatisfactory answer that was not indicative of a willingness to seriously consider alternative  
12 routes.

13 The Browns then requested, in their first round of data requests to KU (*see* Brown DR 1-11, 1-  
14 12, and 1-13 filed April 14, 2022), that KU explain whether Alternatives B, C, and E were  
15 feasible. KU responded that "KU has not studied the engineering feasibility of the exact route  
16 proposed in red [the Browns' proposed alternatives]. However, as explained in response to  
17 Question No. 10, Team Spatial's methodology identified the best possible corridors for the entire  
18 study area and then identified the best routes within those corridors. The route proposed in red  
19 was not one of those routes" (*see* KU's responses to Brown DR 1-11, 1-12, and 1-13 filed April  
20 21, 2022).

21 On May 3, 2022, we and our counsel met with KU representatives and their counsel. When  
22 arranging this meeting, we clearly communicated that the purpose of the meeting would be to  
23 discuss our objections to KU's proposed route for the transmission line to run through the middle



1 of the Brown Parcels and to discuss in detail the alternative routes we had proposed. While we  
2 appreciated KU meeting with us, they made it clear to us, both prior to the meeting and at the  
3 meeting, that KU would not agree to any changes to the proposed route of the line at that time.  
4 The implication was that KU preferred that we agree to their request to route the line as  
5 proposed, and then discuss further after KU receives a CPCN from this Commission. However,  
6 this is not agreeable to the Browns.

7 Some of KU's responses to the Browns' first set of data requests were insufficient or lacked  
8 specificity, so the Browns issued follow-up data requests to obtain more information on why KU  
9 would not agree to any of the Browns' proposed alternative routes (*see* Brown DR 2-12 through  
10 2-19 filed April 29, 2022). KU's responses filed on May 6, 2022 again did not indicate that KU  
11 would consider any of the Browns' proposed alternative routes. KU stated, in its responses to  
12 several requests, that "KU stands by the commitment it made in Brown 1-3 (and elsewhere) to  
13 work with all affected property owners, including the Browns, to accommodate their preferences  
14 if possible and feasible given the numerous considerations made in locating a transmission line.  
15 To that end, KU met with Brown representatives on May 3, 2022 for that very purpose" (*see*  
16 KU's responses to Brown DR 2-12, 2-15, 2-16, 2-17, 2-18, and 2-19 filed May 6, 2022).  
17 However, it was made clear at the May 3, 2022 meeting that KU was unwilling to commit to any  
18 of the Browns' proposed alternative routes.

19 **Have there been any further recent developments?**

20 Yes, I understand that KU representatives contacted my counsel on May 11, 2022 to arrange for  
21 KU to access the Brown Parcels to core drill in order to study the feasibility of locating the four-  
22 post tower(s) that would be located on the Brown Parcels for the line as proposed by KU *and* the

1 Browns' proposed Alternative C. Based on this communication, we understand that KU may  
2 now be showing a willingness to consider proposed Alternative C.

3 **Do adjacent landowners have any objection to the Browns' proposed Alternative C?**

4 None that we are aware of. Larry and Carol Jagers, long-time neighbors who own the parcel to  
5 the south of the Brown Parcels, face the same dilemma regarding KU's proposed line cutting  
6 through the center of their property. The Jagers have informed us that they support the  
7 alternative routes proposed by the Browns, including specifically Alternative C. We also are in  
8 discussion with a property owner to the northwest of the Brown Parcels regarding the Browns'  
9 proposed alternatives.

10 **Do the Browns have concerns with KU's representations that they will work with affected**  
11 **property owners with respect to the ultimate location of the transmission lines after they**  
12 **receive a certificate of public convenience and necessity from this Commission?**

13 Yes. Although KU has represented that they are willing to work with landowners on *possibly*  
14 moving the transmission line, we are not comfortable relying on mere assurances to consider our  
15 interests *after* a CPCN is granted. The Browns and, we believe, other affected property owners  
16 (such as the Jagers to the south of the Brown Parcels), much prefer that the location of the line  
17 be resolved *before* a CPCN is granted by this Commission.

18 **Does this conclude your direct testimony?**

19 Yes.

**VERIFICATION**

The undersigned, Allen Summers, being duly sworn, deposes and says he is the representative of Frank Brown and Martha Brown, that he has been granted limited power of attorney to represent their interests and testify on their behalf with respect to the matters giving rise to this case, 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 after reasonable inquiry.

  
 \_\_\_\_\_  
 Allen Summers

COMMONWEALTH OF KENTUCKY    )  
   )  
 COUNTY OF Daviess                        )

The foregoing instrument was subscribed, sworn, and acknowledged before me this 12<sup>th</sup> day of May, 2022, by Allen Summers.

My commission expires:

7/21/2025\_\_\_\_\_

Commission Number:

KY,NP33509\_\_\_\_\_

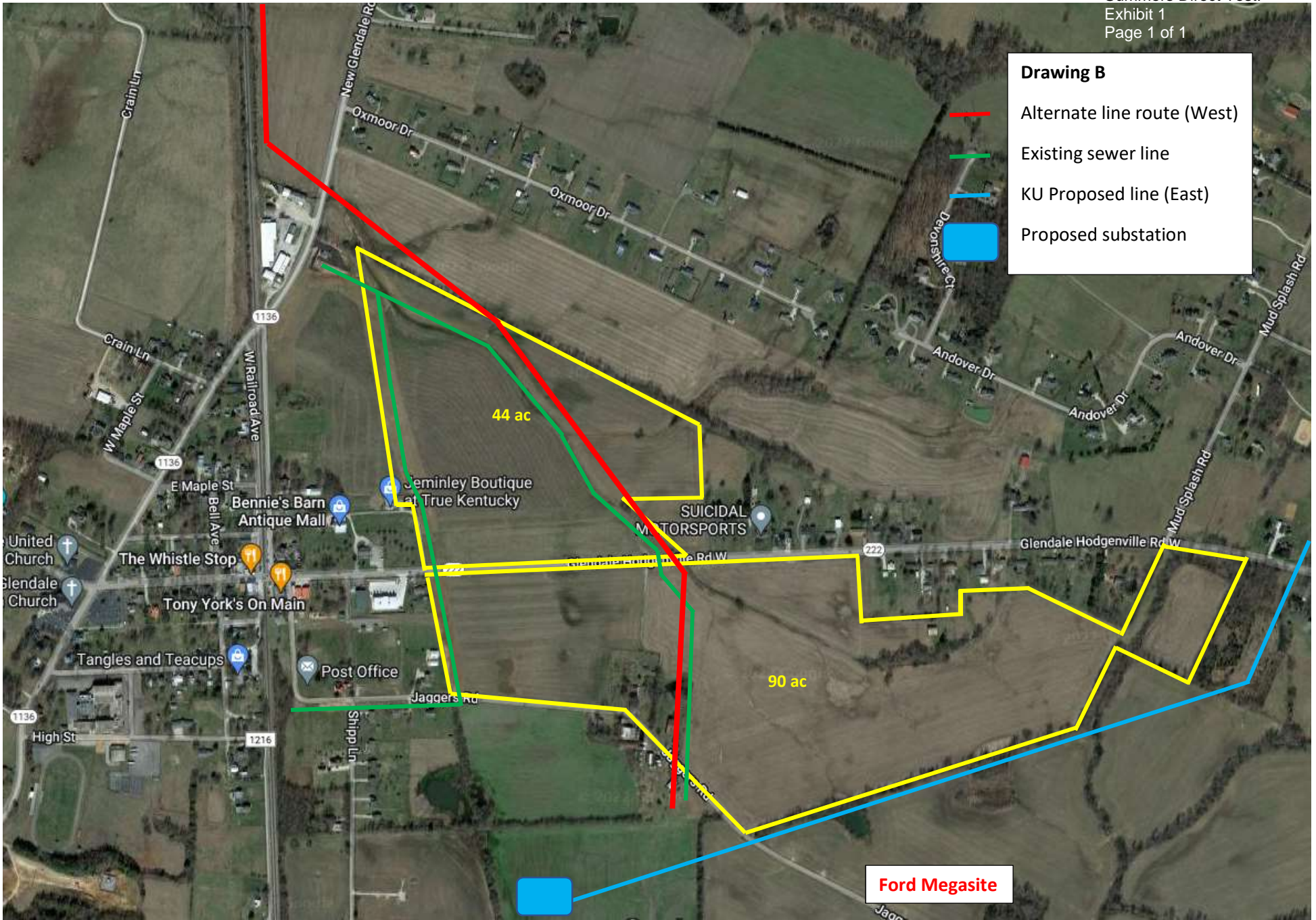
  
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 NOTARY PUBLIC

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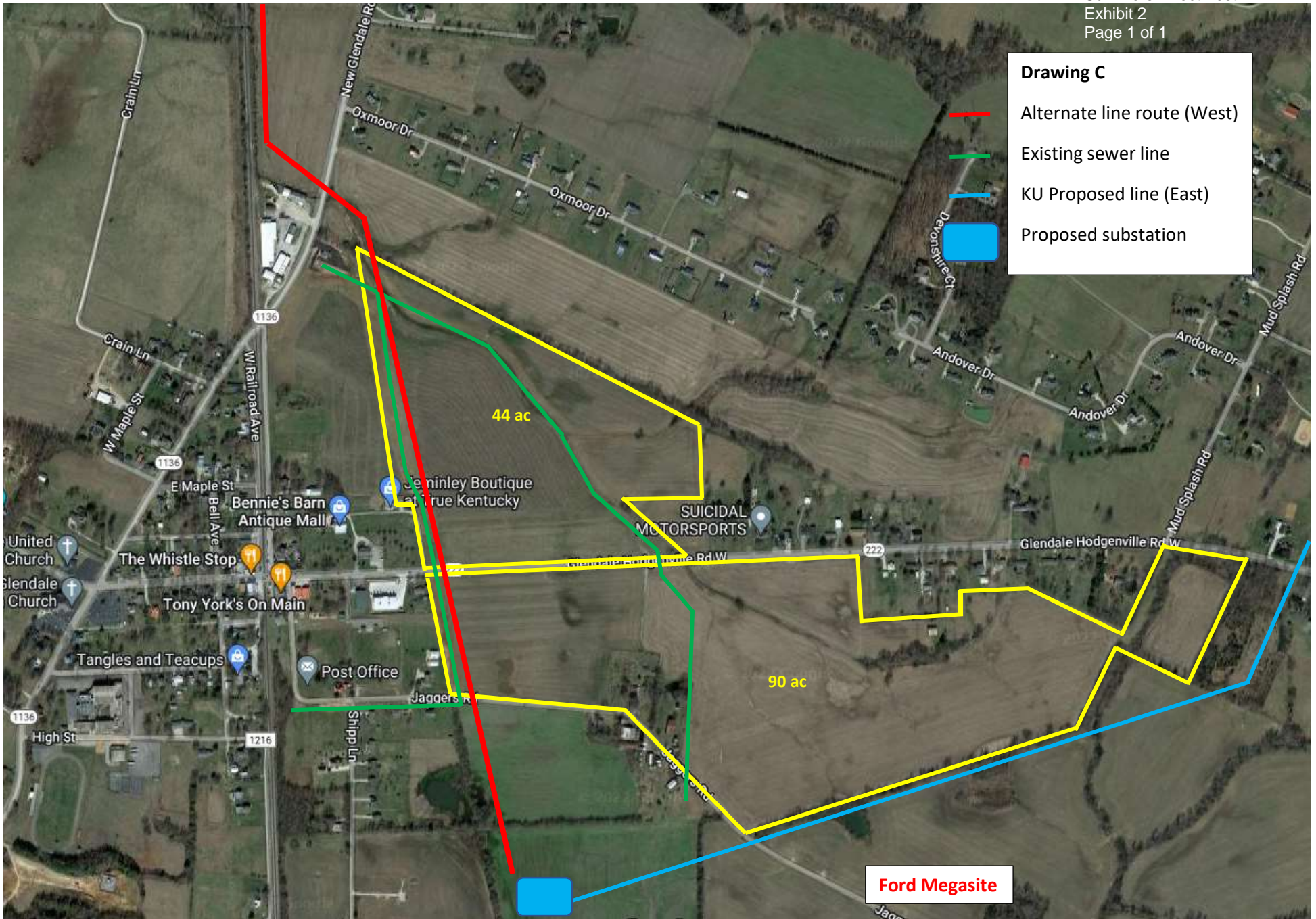
**Drawing B**

- Alternate line route (West)
- Existing sewer line
- KU Proposed line (East)
- Proposed substation



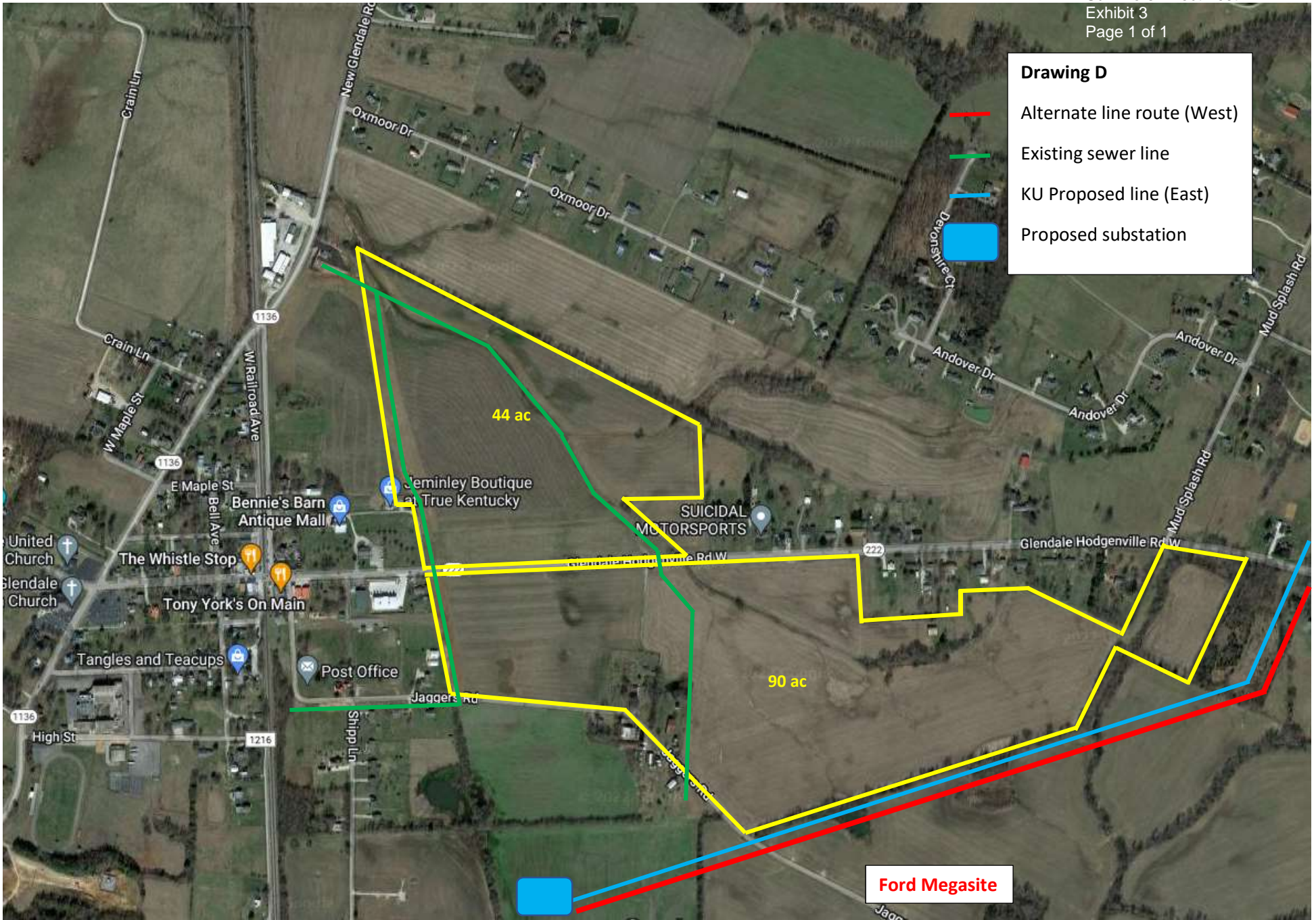
**Drawing C**

- Alternate line route (West)
- Existing sewer line
- KU Proposed line (East)
- Proposed substation



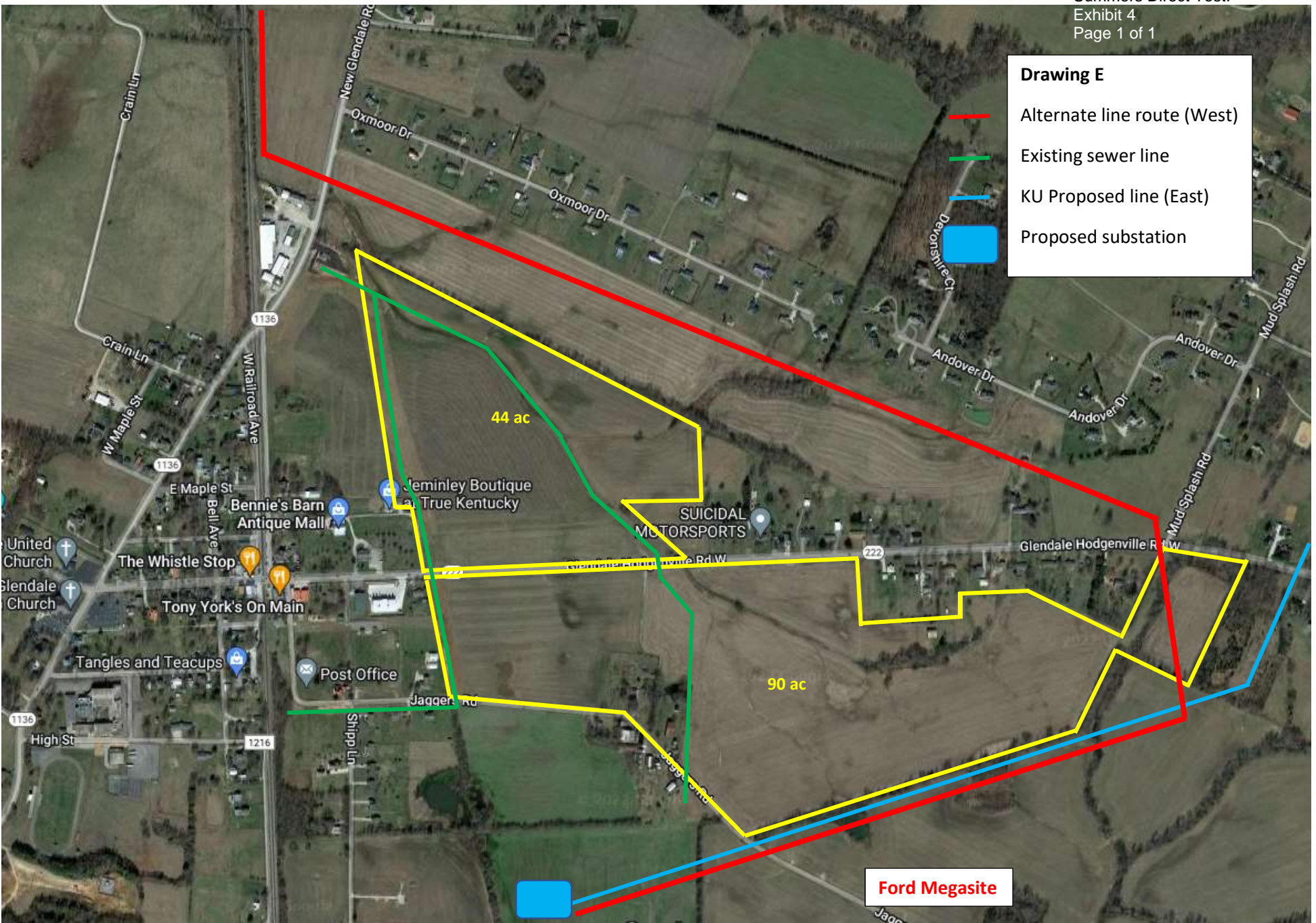
**Drawing D**

- Alternate line route (West)
- Existing sewer line
- KU Proposed line (East)
- Proposed substation



**Drawing E**

- Alternate line route (West)
- Existing sewer line
- KU Proposed line (East)
- Proposed substation



**Ford Megasite**