

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

IN THE MATTER OF:

THE ELECTRONIC APPLICATION OF KENTUCKY )  
UTILITIES COMPNAY FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY FOR ) Case No. 2022-00066  
THE CONSTRUCITON OF TRANSMISSION )  
FACILITIES IN HARDIN COUNTY, KENTUCKY )

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**WADE FAMILY FARM MANAGEMENT, LLC'S**  
**SUPPLEMENTAL DATA REQUESTS TO KENTUCKY UTILITIES COMPANY**

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May 2, 2022

## I. DEFINITIONS AND INSTRUCTIONS

1. With respect to each discovery request, all information is to be divulged that is within the knowledge, possession or control of the parties to whom it is addressed, including their agents, employees, advisors, consultants, attorneys and/or investigators.

2. Please identify the witness(es) who will be prepared to answer questions concerning each request.

3. These requests shall be deemed continuing so as to require further and supplemental responses if the party receives or generates additional information within the scope of these requests between the time of the response and the time of any hearing conducted hereon.

4. All answers must be separately and fully stated in writing under oath.

5. Where a data request calls for an answer in more than one part, each part should be separated in the answer so that the answer is clearly understandable.

6. If any request appears confusing, please request clarification directly from counsel for Wade Family Farm Management, LLC, (“Wade Family Farm”).

7. For purpose of these discovery requests, the following terms shall have meanings set forth below:

- (a) As used herein, “document,” “documentation” and/or “record,” whether stated as the singular or the plural, means any course of binders, book, pamphlet, periodical, letter, correspondence, memoranda, including but not limited to, any memorandum or report of a meeting or telephone or other conversation, invoice, account, credit memo, debit memo, financial statement, general ledger, ledger, journal, work papers, account work papers, report, diary, telegram, record, contract, agreement, study, draft,

telex, handwritten or other note, sketch, picture, photograph, plan, chart, paper, graph, index, tape, data processing card, data processing disc, data cells or sheet, check acceptance draft, e-mail, studies, analyses, contracts, estimates, summaries, statistical statements, analytical records, reports and/or summaries of investigations, opinions or reports of consultants, opinions or reports of accountants, trade letters, comparisons, brochures, pamphlets, circulars, bulletins, notices, forecasts, electronic communication, printouts, all other data compilations from which information can be obtained (translated if necessary by defendants into usable form), any preliminary versions, drafts or revisions of any of the foregoing, and/or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced and regardless of origin or location, in the possession, custody and/or control of the defendant and/or their agents, accountants, employees, representatives and/or attorneys. "Document" and "record" also mean all copies of documents by whatever means made, if the copy bears any other markings or notations not found on the original.

- (b) The terms "relating to," "referring to," "referred to," "pertaining to," "pertained to" and "relates to" means referring to, reporting, embodying, establishing, evidencing, comprising, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, presenting and/or constituting and/or in any way involving.

- (c) The terms “and,” “or,” and “and/or” within the meaning of this document shall include each other and shall be both inclusive and disjunctive and shall be construed to require production of all documents, as above-described, in the broadest possible fashion and manner.
- (d) The terms “KU” and “Company” shall mean Kentucky Utilities Company, and shall include, but is not limited to, each and every agent, employee, servant, advisor, consultant, insurer and/or attorney of Kentucky Utilities Company. The term “you” shall be deemed to refer to KU and the Company.
- (e) The term “Commission” shall mean the Kentucky Public Service Commission.
- (f) To “identify” shall mean:
  - (1) With respect to a document, to state its date, its author, its type (for example, letter, memorandum, chart, photograph, sound reproduction, etc.), its subject matter, its present location, and the name of its present custodian. The document may be produced in lieu of supplying the foregoing information. For each document which contains information as privileged or otherwise excludable from discovery, there shall be included a statement as to the basis for such claim of privilege or other grounds for exclusion.
  - (2) With regard to a natural person, to state his or her full name, last known employer or business affiliation, title and last known home address.

- (3) With regard to a person other than a natural person, state the title of that person, any trade name, or corporate name or partnership name used by that person, and the principal business address of that person.
- (g) To “produce” or to “identify and produce,” shall mean that KU shall produce each document or other requested tangible thing. For each tangible thing which KU contends is privileged or otherwise excludable from discovery, there shall be included a statement as to the basis for such claim of privilege or other grounds for exclusion.
- (h) The terms “Party or Parties” shall mean any organization, person, corporation, entity, etc., which intervened, or whose request for intervention is still pending, in the above-captioned proceeding and shall further include the Commission Staff.
- (i) The term “Ford” shall mean both the “Ford Motor Company” and “SK Innovations” collectively, however, any specific reference to either company shall refer only to that company.
- (j) The term “Western 345 kV Transmission Line” refers to the transmission line for which KU seeks a CPCN and, unless specifically described otherwise, all alternative routes considered by KU.

## II. INITIAL DATA REQUESTS

### **Request No. 1.**

Please refer to KU's response to Commission's Staff's Second Request for Information, Question No. 1.a. Please confirm that the entire known load of "the Ford battery production facilities and future load growth in the area" could be fully served by a single 345 kV transmission line.

### **Response.**

### **Request No. 2.**

Please refer to KU's response to Commission's Staff's Second Request for Information, Question No. 1.a. Please confirm that the initial purpose of a second proposed 345 kV transmission line is to provide redundancy in the event of a maintenance or emergency outage.

### **Response.**

### **Request No. 3.**

Please refer to KU's response to Commission's Staff's Second Request for Information, Question No. 1.b. Please provide a schedule of all outages on KU's 345 kV transmission lines in 2019, 2020 and 2021 and identify the cause of the outage and the duration of the outage.

### **Response.**

**Request No.4.**

Please confirm that KU has existing industrial customers on its system whose load is served by a single high-voltage transmission line. In such situations, how does KU work with the customer on scheduled transmission maintenance outages?

**Response.**

**Request No. 5.**

Please refer to KU's response to Commission's Staff's Second Request for Information, Question No. 5.b. Please identify the "house and land on the national historic registry" that is referenced in the response by PVA parcel number and the owner's name.

**Response.**

**Request No. 6.**

Please refer to KU's response to Commission's Staff's Second Request for Information, Question No. 6.b. Please confirm that KU intends to install a 138 kV transmission line on the proposed Western 345 kV Transmission Line's structures at some point in the future. If KU confirms that this is correct, please state when the installation is expected to occur and why it is necessary.

**Response.**

**Request No. 7.**

Please refer to KU's response to Commission's Staff's Second Request for Information, Question No. 10, Routing Map p. 29 of 37.

- a) Please confirm that the red dashed line which represents the extent of the transmission corridor which KU seeks in this case overlaps the pivot irrigation system shown on the map.
- b) Please identify how many feet the proposed 345 kV Circuit West easement could move to the west before it interferes with the pivot irrigation system.

**Response.**

**Request No. 8.**

Please refer to KU's response to Commission's Staff's Second Request for Information, Question No. 10, Routing Map pp. 30-35 of 37. Please provide any and all records or documents involving or describing any communications with the City of Elizabethtown to obtain an easement to locate a portion of the Western 345 kV Transmission on the parcels identified as 188-00-00-27 and 188-00-00-035.

**Response.**

**Request No. 9.**

Please refer to KU's Response to the Wade Family Farm's Initial Request for Information, Question 12(c). The response is non-responsive. Please provide the documents that demonstrate



that KU and Team Spatial agreed to the weighting criteria for the Expert Judgment Model prior to developing the proposed and alternative routes for the Western 345 kV Transmission Line.

**Response.**

**Request No. 10.**

Please provide an explanation of why Team Spatial and/or KU changed the weighting of certain criteria from the Kentucky Transmission Line Siting Methodology/Kentucky Transmission Line Model and how they determined the new weights. Please provide any documents prepared or created by Team Spatial or KU with the rationale for determining the weighting of the criteria that differ from the Kentucky Transmission Line Siting Methodology/Kentucky Transmission Line Model.

**Response.**

**Request No. 11.**

Refer to paragraph four (4) of the Application which states that KU anticipates beginning pre-construction in July 2022.

- (a) Please explain what future on-site field surveys are anticipated and the proposed schedule for those surveys given that the statutory deadline for issuance or denial of the requested CPCN is June 28, 2022.
- (b) Will all the surveys identified above be completed prior to the start of the proposed pre-construction activities in July 2022? If not, which surveys will be completed prior to

- the proposed pre-construction activities in July 2022 and which surveys will not be completed prior to commencement of pre-construction activities?
- (c) .Will any field surveys for underground storage tanks be completed prior to the proposed pre-construction activities in July 2022?
  - (d) Does KU or its consultants plan to conduct historic properties and archaeological field studies or surveys and if so, what is the anticipated schedule?
  - (e) Will historic properties and archaeological studies or surveys be completed prior to the start of pre-construction activities?

**Response.**

**Request No. 12.**

Please refer to Application, Exhibit 4, List of Required Permits.

- (a) Exhibit 4 identifies the need for a Nationwide Permit (NWP) No. 57, please identify when this permit and any supporting studies will be prepared and submitted to the United States Army Corps of Engineers (USACE).
- (b) Under NWP No. 57 General Condition 18: Endangered Species, no activity is authorized which “may affect” a listed species unless Endangered Species Act Section 7 consultation has been completed. Since habitat for the federally listed endangered Indiana bat and threatened northern long-eared bat (proposed to be reclassified as endangered, 87 Fed. Reg. 16442-16452 (March 23, 2022)) has been identified in the project area, will KU or its consultants conduct bat studies this year during the survey window (May 15 - August 15) to determine the presence/probable absence of listed bat

species or assume their presence and participate in formal Section 7 consultations with the USFWS prior to starting pre-construction activities?

- (c) Under NWP No. 57 General Condition No. 20: Historic Properties, has KU or its consultants submitted a pre-construction notification or had informal consultation with the USACE or Kentucky Heritage Council concerning potential effects (including indirect visual effects) to historic properties listed or potentially eligible for listing on the National Register of Historic Properties?

**Response.**

**Request No. 13.**

Please refer to KU Response to Wade Family Farm Management, LLC's Initial Request for Information (April 21, 2022), Question No. 10. Also refer to the Team Spatial Report, Source Data Appendix A, Page 84.

- (a) Assuming sandhill crane roost sites and foraging habitat occurs on the Wade Family Farm, how will KU avoid or minimize impact to sandhill cranes on the Wade Family Farm?
- (b) Has KU or its consultants contacted the USFWS – Kentucky Field Office as required under Nationwide Permit No. 57 General Condition No. 19 to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds?

- (c) If KU has had any such contact, please provide copies of documentation of any such contacts or discussions with the USFWS. If no contact has occurred, please provide a schedule on when contact is anticipated.

**Response.**

**Request No. 14:**

Please refer to KU Response to Wade Family Farm Management, LLC's Initial Request for Information (April 21, 2022), Question Nos. 18 and 19.

- (a) In response to Question No. 18(b), Team Spatial states data was brought into the site study via electronic GIS files from Arcadis. Please provide the list of the historic resources and archaeological sites used by Arcadis and included in this data.
- (b) The Kentucky Office of State Archaeology (OSA) provides data on the location of archaeological sites and GIS of areas previously archaeological surveyed within the Study Area. Is Arcadis stating it does not have data on how much of the Study Area or the transmission line alternates have been surveyed based on OSA data?
- (c) How will KU mitigate for the potential adverse visual impact on Maplehurst (HD-7) a listed historic property on the National Register of Historic Properties?
- (d) What mitigation measures has KU previously used for mitigating adverse visual impacts on listed or eligible for listing historic properties from proposed transmission line projects?

**Response.**

**Request No. 15:**

KU and its consultants appear to have initiated geotechnical studies/investigations.

- (a) What geotechnical investigations or studies have been started or completed?
- (b) Did these studies evaluate sinkholes in the Study Area or proposed routes?

**Response.**