

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

**In the Matter of:**

<b>APPLICATION OF KENTUCKY UTILITIES</b>	)	
<b>COMPANY FOR A CERTIFICATE OF</b>	)	
<b>PUBLIC CONVENIENCE AND NECESSITY</b>	)	<b>CASE NO.</b>
<b>FOR THE CONSTRUCTION OF</b>	)	<b>2022-00066</b>
<b>TRANSMISSION FACILITIES IN HARDIN</b>	)	
<b>COUNTY, KENTUCKY</b>	)	

**KENTUCKY UTILITIES COMPANY’S RESPONSE TO**  
**THE DOBSON/HAGAN ALLEGATION OF FAILURE TO NOTIFY**  
**LANDOWNERS AND REQUEST TO DELAY THE HEARING DATE**

On April 29, 2022, the “Dobson and Hagan Families” filed a document (“Dobson Filing”) alleging KU failed to properly notify affected landowners of this proceeding, and, based on that alleged failure, requested the Commission to delay the scheduled June 1, 2022 hearing by thirty days. For purposes of this response, KU assumes that the Dobson Filing is for the individual Dobsons (Stephen Dobson, Raymond Dobson, Deanna Dobson, and Betty Dobson) who were permitted to intervene by Order of April 25, 2022. For purposes of this response, KU further assumes that the Dobson Filing is for the individual Hagans (John and Loretta Hagan and Larry and Kay Hagan) who the Commission permitted to intervene by a separate April 25, 2022 Order. As set forth below, KU complied with all legal obligations to notify affected landowners. Thus, the allegation that KU failed to do so is incorrect and there is no reason to reschedule the June 1, 2022 hearing on that basis.

The Dobson Filing incorrectly relies on the notion that KU had an obligation to identify and notify landowners based on deeds on file at the Hardin County Clerk's<sup>1</sup> office. The legal requirement to identify and notify affected landowners is based on property owners as identified by the Hardin County Property Valuation Administrator records – not the Hardin County Clerk's office. The Dobson Filing ignores that basic but critical difference even though it properly cites to the applicable regulation which relies exclusively on county property valuation records. Thus, the Dobson Filing and any allegation and request therein should be summarily dismissed.

The Dobson Filing accurately quotes the Commission's regulation – 807 KAR 5:120, Section 2(3) -- which states that a utility's application in this type of matter must contain:

A verified statement that, according to *county property valuation administrator records*, each property owner over whose property the transmission line right-of-way is proposed to cross has been sent by first-class mail, addressed to the property owner at the owner's address as indicated by the *county property valuation administrator records*, or hand delivered.<sup>2</sup>

- (a) Notice of the proposed construction;
- (b) The Commission docket number under which the application will be processed and a map showing the proposed route of the line;
- (c) The address and telephone number of the executive director of the commission;
- (d) A description of his or her rights to request a local public hearing and to request to intervene in the case; and
- (e) A description of the project.

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<sup>1</sup> KU assumes that when the Dobson Filing refers to the "Hardin County Clerk of Courts" it is referring to the Hardin County Clerk.

<sup>2</sup> Emphasis added.

There is *nothing* in the regulation that refers to, relies on, or in any way obligates a utility to review county clerk records in an attempt to identify affected landowners.

The Dobson Filing raises the notification issue as it pertains to Parcel No. 207-00-00-030. For that Parcel Number, the Hardin County Property Valuation Records list a single address for the owner: 400 Aspen Court, Elizabethtown, Kentucky 42701.<sup>3</sup> By mailing the required notice to that address, KU fulfilled its notice obligation under the governing regulation. Having made that mailing, KU was properly positioned to verify that it had complied with the regulation.<sup>4</sup> Further, KU provided a sample copy of the letter<sup>5</sup> that was mailed and a list of property owners<sup>6</sup> to whom it was mailed in accordance with the regulation.<sup>7</sup> KU also complied with another part of the regulation that requires newspaper publication notice<sup>8</sup> so that a broader notification can be made beyond affected property owners.<sup>9</sup> Clearly, KU's notice efforts were successful as proven by the timely intervention accomplished by the Dobsons and the Hagans.

The Dobson Filing wrongfully reads a requirement into the regulation to review county clerk records and deeds rather than property valuation records. But, as stated, the only requirement is to notify property owners as identified in property valuation records. And that requirement makes sense. County property valuation records are kept current on a yearly basis for the imposition of real property taxes and are mailed to the owner of record per the property valuation administrator. As a general rule, they are more easily accessible

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<sup>3</sup> For a printout of the Hardin County Property Valuation Record for this parcel KU relied upon to mail its notice to landowners, see Exhibit 1 attached hereto.

<sup>4</sup> KU witness Elizabeth McFarland made that verification when she verified KU's March 31, 2022 Application (see Paragraph 14, p. 7).

<sup>5</sup> Application Exhibit 19.

<sup>6</sup> Application Exhibit 20.

<sup>7</sup> 807 KAR 5:120, Section 2(4).

<sup>8</sup> Application Exhibit 21.


<sup>9</sup> 807 KAR 5:120, Section 2(5).

than deeds on file with a county clerk. Property deeds that are on file at a county clerk's office may identify others who have some fractional interest in the property, but they do not necessarily have valid and current mailing addresses for fractional interest owners nor are they necessarily indicative of whether a former fractional interest owner is even alive. Presumably for all these reasons, when the Commission promulgated 807 KAR 5:120, it required applicants to provide notice based on property valuation records -- which is precisely what KU did.

Thus, the Dobson Filing's allegation that KU failed to properly notify affected landowners of this proceeding is incorrect and should be rejected. There is no reason to reschedule the June 1, 2022 hearing on that basis.

Dated: May 6, 2022

Respectfully submitted,

By:  \_\_\_\_\_

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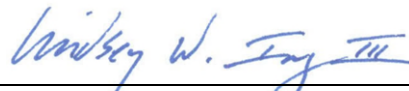
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**CERTIFICATE OF COMPLIANCE**

In accordance with the Commission's Order of July 22, 2021 in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19), this is to certify that the electronic filing has been transmitted to the Commission on May 6, 2022; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.



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*Counsel for Kentucky Utilities Company*

**Summary**

Parcel Number 207-00-00-030  
 Location Address 1055 GLENDALE HODG RD W  
 Property Class Farm  
 Tax District 10  
 Acres 16.838  
 Description HAGAN FARM LT 1A & 2  
 (Note: Not to be used on legal documents)  
 Subdivision HAGAN FARM  
 Deed Book/ Deed Page 1038-072  
 Deed Date 06/05/2002

[View Map](#)



**Valuation**

	2022	2021	2020	2019	2018
Farm Fair Cash Value	\$200,800	\$200,800	\$200,800	\$202,200	\$0
+ Farm Land Value	\$13,600	\$13,600	\$13,600	\$113,300	\$106,200
+ Farm Residence Value	\$92,000	\$92,000	\$92,000	\$0	\$0
+ Farm Special Adjustment Value	\$6,300	\$6,300	\$6,300	\$0	\$0
= Farm Ag Value	<b>\$111,900</b>	<b>\$111,900</b>	<b>\$111,900</b>	<b>\$113,300</b>	<b>\$106,200</b>
- Homestead Exemption	\$0	\$0	\$0	(\$39,300)	\$0
- Disability Exemption	\$0	\$0	\$0	\$0	\$0
= Taxable Assessment Total	<b>\$111,900</b>	<b>\$111,900</b>	<b>\$111,900</b>	<b>\$74,000</b>	<b>\$106,200</b>

**Owner**

HAGAN LELIA LIFETIME ESTATE  
 400 ASPEN CT  
 ELIZABETH TOWN KY 42701

**Improvement Information**

Description	HAGAN FARM LT 1A & 2	Finished Basement %	0
Type of Residence	1-STORY RANCH	Bedrooms	3
Year Built	1995	Full Baths	2
Num Stories	1	Half Baths	0
Above Ground Sqft	1362	Exterior	BRICK
Total Living Area	1362	Heat	ELECTRIC
Basement	FULL	Air Condition	CENTRAL/AC
Basement Sqft	1362	Fireplace	0
Basement Sqft Finish	0		

**Outbuildings**

Description	GARAGE FRAME OR CONCRETE BLOCK DETACHED GARAGE	Square Footage	576
Year Built	1995	Condition	D

**Sales**

Sale Date	Sale Price	Deed Book/Page	Grantor	Grantee
6/5/2002	\$0	1038-072	HAGAN JAMES S -ETAL-	HAGAN LELIA LIFETIME ESTATE

### Recent Sales In Area

Sale date range:

From:

05/03/2019

To:

05/03/2022

Sales by Area

1500

Feet

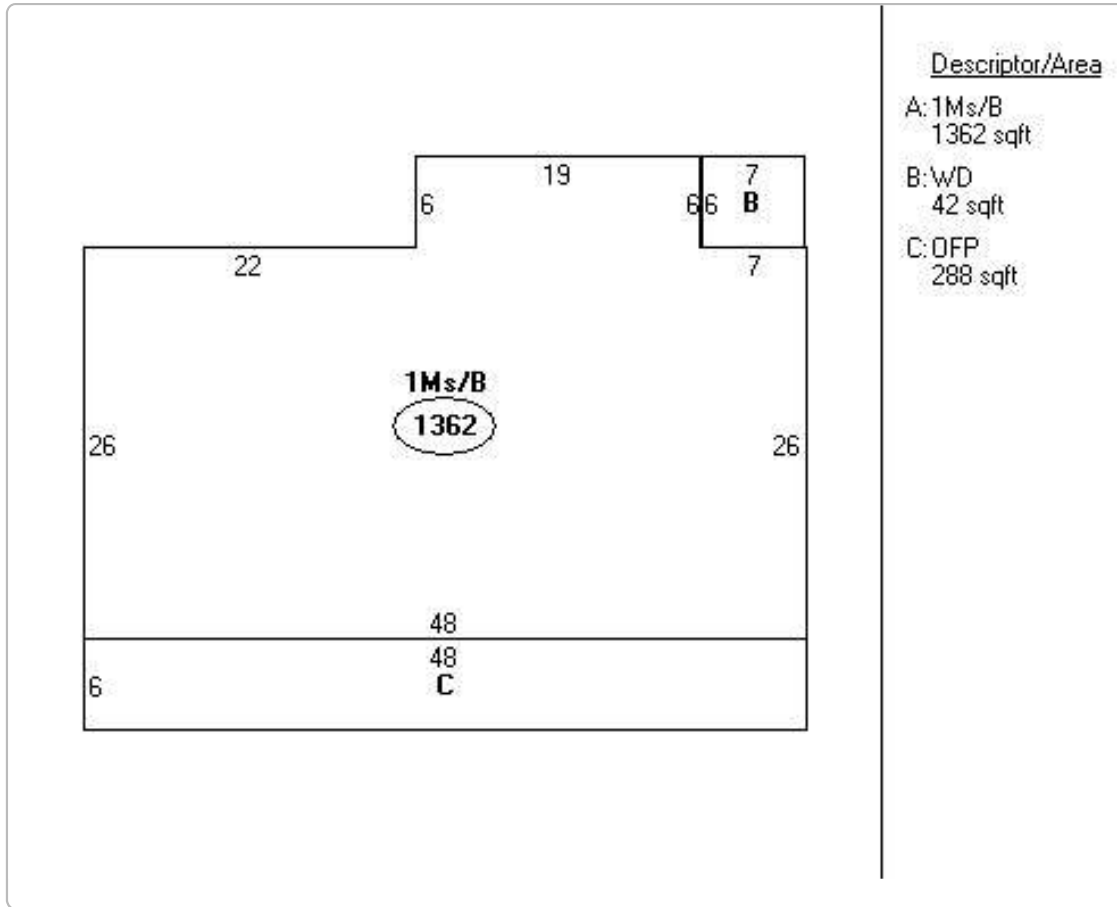


Sales by Distance

### Photos



### Sketches



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