

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

**KENTUCKY UTILITIES COMPANY’S RESPONSE TO
PETITIONS TO INTERVENE FROM UNAFFECTED LANDOWNERS**

Kentucky Utilities Company (“KU”) opposes the Petitions to Intervene filed by those whose property will not be crossed by the proposed transmission lines in this matter. As they are not affected landowners, they have no special interest in this proceeding and therefore their intervention should be denied.

As of the filing of this response, five petitions to intervene were timely¹ filed by those who are not affected landowners. Those five petitions were filed by:

1. Edward & Rose Mary Gravell with a stated address of 1055 Glendale Hodgenville Road West, Glendale, KY 42740²;
2. William & Kimberly Goodman with a stated address of 131 Glenwood Drive, Glendale, KY 42740;
3. Ernest & Beverly Kerr with a stated address of 745 Glendale Hodgenville Road West, Glendale, KY 42740;

¹ They were timely as they were received by the Commission no later than the Commission’s April 8, 2022 deadline for petitions to intervene.

² It appears that multiple people have an interest in the property at 1055 Glendale Hodgenville Road West as indicated by the multiple petitions to intervene stating that address (John & Loretta Hagan, Dobson Ownership Group, and Larry & Kay Hagan). KU does not oppose the interventions by those for whom KU has knowledge of that interest. But based on KU’s research, Edward & Rose Mary Gravell have no interest in that property. If they can provide proof, KU would withdraw its opposition to their intervention.

4. Leslee Wayne Ferguson with a stated address of 97 Glenwood Drive, Glendale, KY 42740; and
5. Thomas & Betty Schnieders with a stated address of 124 Glenwood Drive, Glendale, KY 42740.

Additionally, six other petitions were untimely³ filed by those who are not affected landowners. Those petitions were filed by:

1. Dale & Sheri Adams with a stated address of 474 Glenwood Drive, Glendale, KY 42740;
2. Sandra Clark with a stated address of 545 Glenwood Drive, Glendale, KY 42740;
3. Shirley Curry with a stated address of 90 Vangosen Court, Glendale, KY 42740;
4. Heather Richards with a stated address of 30 Glenwood Drive, Glendale, KY 42740;
5. Raymond & Elizabeth Clark with a stated address of 221 Glenwood Drive, Glendale, KY 42740; and
6. Delberta Hagan who did not provide an address.

At Exhibit 20 to KU's March 31, 2022 Application in this matter, KU identified all affected property owners as required by 807 KAR 5:120, Section 2(3) which are property owners "over whose property the transmission line right-of-way is proposed to cross" according to the Hardin County's Property Valuation Administrator records. The people identified in the two above lists are not affected property owners.

Intervention is allowed where the party seeking intervention: (1) has a special interest in the case not otherwise represented; or (2) his or her intervention is likely to present issues or develop facts that will assist the Commission in fully evaluating the matter

³ Their petitions were not received by the Commission until April 11, 2022 and should be denied on that basis alone.

without unduly complicating or disrupting the proceedings.⁴ In cases involving applications for the approval of a certificate of public convenience and necessity for a transmission line, KRS 278.020(9) indicates that "interested persons" include "person[s] over whose property the proposed transmission line will cross."

Based on the addresses the individuals listed above provided, they may have some general connection to property in the vicinity of the proposed transmission lines, but owning nearby property that the transmission line will not cross is not a basis for intervention.⁵ Indeed, the Commission recently denied intervention to just such a property owner. In Case No. 2021-00346, the Commission stated, "[t]he proposed route of the transmission line does not cross Mr. Allen's property. Therefore, he is not an interested person pursuant to KRS 278.020(9)."⁶ The Commission also observed:

Mr. Allen could intervene in these proceedings pursuant to 807 KAR 5:001, Section 4(11)(a) if he could demonstrate some special interest or if he presented evidence that he would present issues or develop facts that would assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. The interests Mr. Allen proffered in his motion do not rise to the level of a special interest. Mr. Allen's interest is rooted in the fact that the proposed transmission line is near his property. The proposed line does not cross his property; it is simply in the vicinity. Mr. Allen's interest in this proceeding is the same as any other landowner in the area; it is not a special interest. Mr. Allen's motion also does not document that he would present relevant issues or develop facts to assist the Commission in fully considering the matter before it.⁷

⁴ 807 KAR 5:001, Section 4(11)(b).

⁵ KU recognizes that William & Kimberly Goodman and Leslee Wayne Ferguson have property within 500 feet of the proposed centerline of one of the transmission lines which is why their property was identified in KU's April 8, 2022 response to PSC 1-1. KU also recognizes that it has requested permission to move the proposed lines 500 feet either way of the proposed centerlines, but only if *no new* property owners are affected. Thus, under that request, KU could not move the route in a way that would cross the Goodman's and Mr. Ferguson's property as they would be new property owners.

⁶ Case No. 2021-00346, Order of December 7, 2021, p. 3 (emphasis added).

⁷ Id.

The petitions filed by the unaffected property owners in this case are very similar to the petition Mr. Allen filed in Case No. 2021-00346. Just like Mr. Allen in that case, the unaffected property owners in this case do not have a “special interest” warranting intervention. And they have provided nothing that indicates they will present relevant issues or develop facts to assist the Commission in fully considering this matter. Therefore, their petitions should be denied.

Dated: April 12, 2022

Respectfully submitted,



By: _____

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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 April 12, 2022; that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means; and that a paper copy of this filing has been mailed to the following on April 12, 2022:

All attempted intervenors to date who mailed their papers.

A handwritten signature in blue ink, reading "Gerald R. Nigro". The signature is written in a cursive style and is positioned above a horizontal line.

Counsel for Kentucky Utilities Company