

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)	CASE NO. 2020-00066
THE CONSTRUCTION OF TRANSMISSION)	
FACILITIES IN HARDIN COUNTY, KENTUCKY)	

RESPONSE OF
KENTUCKY UTILITIES COMPANY
TO
FRANK D. BROWN AND MARTHA V. BROWN'S
SUPPLEMENTAL REQUEST FOR INFORMATION
DATED APRIL 29, 2022

FILED: MAY 6, 2022

VERIFICATION

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF JEFFERSON)

The undersigned, **Robert M. Conroy**, being duly sworn, deposes and says that he is Vice President, State Regulation and Rates, for Kentucky Utilities Company and an employee of LG&E and KU Services Company, and that he has personal knowledge of the matters set forth in the responses for which he is identified as the witness, and the answers contained therein are true and correct to the best of his information, knowledge, and belief.



Robert M. Conroy

Subscribed and sworn to before me, a Notary Public in and before said County and State, this 5th day of May _____, 2022.



Notary Public

Notary Public ID No. 603967

My Commission Expires:

July 11, 2022

VERIFICATION

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF JEFFERSON)

The undersigned, **Elizabeth J. McFarland**, being duly sworn, deposes and says that she is Vice President, Transmission, for Kentucky Utilities Company and an employee of LG&E and KU Services Company, and that she has personal knowledge of the matters set forth in the responses for which she is identified as the witness, and the answers contained therein are true and correct to the best of her information, knowledge, and belief.



Elizabeth J. McFarland

Subscribed and sworn to before me, a Notary Public in and before said County and State, this 5th day of May 2022.



Notary Public

Notary Public ID No. 603967

My Commission Expires:

July 11, 2022

KENTUCKY UTILITIES COMPANY

**Response to Frank D. Brown and Martha V. Brown's
Supplemental Request for Information
Dated April 29, 2022**

Case No. 2020-00066

Question No. 1

Responding Witness: Elizabeth J. McFarland

- Q-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.
- A-1. KU does not have any planned transmission work associated with the new battery plants that is not included with the proposed facilities in the CPCN application.

KENTUCKY UTILITIES COMPANY

**Response to Frank D. Brown and Martha V. Brown's
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Question No. 2

Responding Witness: Elizabeth J. McFarland

- Q-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.
- A-2. KU disagrees that its response to Brown 1-3 is non-responsive. KU has completed the required studies and analysis. The Team Spatial Siting Study is a comprehensive data-driven analysis of all possible routes within the study area and includes analysis regarding placement of the transmission line above, adjacent, and parallel to the two existing sewer easements across and through the Brown Parcels. Having said that, KU stands by the commitment it made in Brown 1-3 (and elsewhere) to work with all affected property owners, including the Browns, to accommodate their preferences if possible and feasible given the numerous considerations made in locating a transmission line. To that end, KU met with Brown representatives on May 3, 2022 for that very purpose.

KENTUCKY UTILITIES COMPANY

**Response to Frank D. Brown and Martha V. Brown's
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Case No. 2020-00066

Question No. 3

Responding Witness: Elizabeth J. McFarland

- Q-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.
- A-3. KU has completed required studies and analysis. The Team Spatial Siting Study is a comprehensive data-driven analysis of all possible routes within the study area and includes analysis regarding placement of the transmission line above, adjacent, and parallel to the two existing sewer easements across and through the Brown Parcels. KU stands by the commitment it made in Brown 1-3 (and elsewhere) to work with all affected property owners, including the Browns, to accommodate their preferences if possible and feasible given the numerous considerations made in locating a transmission line. To that end, KU met with Brown representatives on May 3, 2022 for that very purpose.

KENTUCKY UTILITIES COMPANY

**Response to Frank D. Brown and Martha V. Brown's
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Question No. 4

Responding Witness: Elizabeth J. McFarland

- Q-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).
- A-4. KU stands by the commitment it made in Brown 1-3 (and elsewhere) to work with all affected property owners, including the Browns, to accommodate their preferences if possible and feasible given the numerous considerations made in locating a transmission line. To that end, KU met with Brown representatives on May 3, 2022 for that very purpose. KU cannot commit at this time to "move the line," because, at this point, the Commission has not approved the construction of a line, the location of it, or any ability of KU to adjust the location of an approved line based on the 500-foot request KU has made.

KENTUCKY UTILITIES COMPANY

**Response to Frank D. Brown and Martha V. Brown's
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Question No. 5

Responding Witness: Elizabeth J. McFarland

- Q-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.
- A-5. Yes, KU has already done so in a May 3, 2022 meeting with the Brown representatives and will continue to do so going forward. See the response to Question No. 4.

KENTUCKY UTILITIES COMPANY

**Response to Frank D. Brown and Martha V. Brown's
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Question No. 6

Responding Witness: Elizabeth J. McFarland

- Q-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.
- A-6. KU has completed wetland delineation surveys which identify potential wetlands that may be located on the property. KU is currently working on completing geotechnical evaluations for the structure foundation on the Brown property which would identify the soil conditions. See the response to PSC 3-2 for additional underground utilities identified along the property. These surveys and evaluations, along with the linear infrastructure and environmental inputs identified by Team Spatial in their study, help in determining the final location of the West 345 kV route.

KENTUCKY UTILITIES COMPANY

**Response to Frank D. Brown and Martha V. Brown's
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Question No. 7

Responding Witness: Elizabeth J. McFarland

- Q-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.
- A-7. The easements to run the Glendale West 345 kV line and Glendale East 345 kV line parallel to each other are derived from the NESC, which does not provide a specific width, and would be on the magnitude of 150% to 175% of the current 200 feet wide right-of-ways. However, as noted in response to Brown 1-6, construction of the two lines in close proximity to each other would not be as reliable and would be far more susceptible to a simultaneous interruption of each line from a single event.

KENTUCKY UTILITIES COMPANY

**Response to Frank D. Brown and Martha V. Brown's
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Question No. 8

Responding Witness: Elizabeth J. McFarland

Q-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."

A-8.

- 1) Two alternatives were proposed.
- 2) The two locations were constrained to the northern property boundary to minimize interference with other existing or proposed utility and industrial infrastructure on the Glendale Megasite.
- 3) Minor location changes were made to accommodate a proposed screening easement and environmental considerations.

KENTUCKY UTILITIES COMPANY

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Question No. 9

Responding Witness: Elizabeth J. McFarland

- Q-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.
- A-9. As indicated in response to Brown 1-9, all current and future roadway projects that were supplied by Kentucky Transportation Cabinet ("KYTC") were incorporated into Team Spatial Siting Report. As shown in Figure 20 – Linear Infrastructure Suitability Grid page 27 of 87 and Appendix A page 82 of 87 of the Team Spatial Siting Report, Future DOT Plans as provided by the Kentucky Transportation Cabinet were considered.

KENTUCKY UTILITIES COMPANY

**Response to Frank D. Brown and Martha V. Brown's
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Question No. 10

Responding Witness: Elizabeth J. McFarland

- Q-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.
- A-10. No. See the response to Question No. 9.

KENTUCKY UTILITIES COMPANY

**Response to Frank D. Brown and Martha V. Brown's
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Question No. 11

Responding Witness: Elizabeth J. McFarland

- Q-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.
- A-11. See the response to Question No. 10.

KENTUCKY UTILITIES COMPANY

**Response to Frank D. Brown and Martha V. Brown's
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Question No. 12

Responding Witness: Elizabeth J. McFarland

Q-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.

A-12. The Team Spatial Siting Study is a comprehensive data-driven analysis of all possible routes within the study area, including all of the Brown property, in the development of the corridors. The Browns' western property line does not align with the entry point into the Glendale South Substation and there are known Karst features in the general area that were identified. Therefore, due to geotechnical engineering factors, the termination location of the line, and overall cost of construction, the western property line was not identified for the Western 345 kV route.

KU stands by the commitment it made in Brown 1-3 (and elsewhere) to work with all affected property owners, including the Browns, to accommodate their preferences if possible and feasible given the numerous considerations made in locating a transmission line. To that end, KU met with Brown representatives on May 3, 2022 for that very purpose.

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**Response to Frank D. Brown and Martha V. Brown's
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Question No. 13

Responding Witness: Elizabeth J. McFarland

- Q-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.
- A-13. Team Spatial's use of the EPRI-GTC methodology does consider the entire study area in the development of the route, including all of the Brown property. Based on the application of the Kentucky Siting Model in this methodology, these routes identified in Brown 1-11 and 1-13 were not considered a viable corridor based on the criteria laid out in the EPRI-GTC methodology (Figure 38 Page 45 of 87 in the Team Spatial Report). See the response to Brown 1-12.

See the response to Question No. 4 regarding KU's willingness to work with affected landowners.

KENTUCKY UTILITIES COMPANY

**Response to Frank D. Brown and Martha V. Brown's
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Question No. 14

Responding Witness: Elizabeth J. McFarland

- Q-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?"
- A-14. See the response to Question No. 13. Team Spatial identifies corridors based on the Kentucky Siting Model and the EPRI-GTC routing methodology. The West 345 kV route is in this corridor developed by this methodology. The routing study is designed to route the line in these corridors. A route outside of the defined corridor would be inconsistent with this methodology.

KENTUCKY UTILITIES COMPANY

**Response to Frank D. Brown and Martha V. Brown's
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Question No. 15

Responding Witness: Elizabeth J. McFarland

- Q-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.
- A-15. Individual design, engineering and cost studies would have to be done to determine the engineering feasibility. However, these studies could not be done in isolation as any resulting changes would likely impact other parcels on the preferred route and ultimately impact the siting study as a whole.

It is important to note that the area that the routes in red traverse were included in the study area identified in the Team Spatial Siting Study and were analyzed from an Engineering, Natural, and Built environment perspective. This information was then used in the EPRI-GTC methodology to ultimately produce a seamless corridor and then finally a preferred route. Any deviation from the corridor and preferred route impacts the broader siting study. See the response to Brown 1-10.

As stated previously, KU stands by the commitment it made in Brown 1-3 (and elsewhere) to work with all affected property owners, including the Browns, to accommodate their preferences if possible and feasible given the numerous considerations made in locating a transmission line.

KENTUCKY UTILITIES COMPANY

**Response to Frank D. Brown and Martha V. Brown's
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Case No. 2020-00066

Question No. 16

Responding Witness: Elizabeth J. McFarland

Q-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.

A-16. See the response to Question Nos. 13 and 15. The routes proposed in Brown Data Request 1-11 and 1-13 fall outside of the identified corridors from the Team Spatial Siting Study. The Brown Data Request 1-12 route would require additional structures and route the line towards a known Karst area. The route also takes the line away from the termination point at the Glendale South Substation.

See the response to Question No. 4 regarding KU's willingness to work with affected landowners and KU's meeting with the Brown representatives on May 3, 2022.

KENTUCKY UTILITIES COMPANY

**Response to Frank D. Brown and Martha V. Brown's
Supplemental Request for Information
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Case No. 2020-00066

Question No. 17

Responding Witness: Elizabeth J. McFarland

- Q-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.
- A-17. KU does not have ability to complete the feasibility studies in isolation. As stated previously, KU stands by the commitment it made in Brown 1-3 (and elsewhere) to work with all affected property owners, including the Browns, to accommodate their preferences if possible and feasible given the numerous considerations made in locating a transmission line.

KENTUCKY UTILITIES COMPANY

**Response to Frank D. Brown and Martha V. Brown's
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Case No. 2020-00066

Question No. 18

Responding Witness: Elizabeth J. McFarland

- Q-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.
- A-18. Routes shown in Brown Data Request 1-11 and 1-13 are outside of the Team Spatial corridors and would not fit with the methodology used in routing the line. Brown Data Request 1-12 goes toward identified Karst region and moves away from the termination point of the Glendale South substation.

See the response to Question No. 4 regarding KU's willingness to work with affected landowners and KU's meeting with the Brown representatives on May 3, 2022.

KENTUCKY UTILITIES COMPANY

**Response to Frank D. Brown and Martha V. Brown's
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Question No. 19

Responding Witness: Elizabeth J. McFarland

Q-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.

A-19. See the response to Question No. 18.

KENTUCKY UTILITIES COMPANY

**Response to Frank D. Brown and Martha V. Brown's
Supplemental Request for Information**

Dated April 29, 2022

Case No. 2020-00066

Question No. 20

Responding Witness: Robert M. Conroy / Elizabeth J. McFarland

Q-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:

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).

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

A-20.

- a. Yes, KU was aware of the referenced Order prior to filing its March 31, 2022 Application. However, KU was and is also aware of other recent Commission Orders that have granted a utility's request for a 500-foot adjustment from the centerline. See, for example, the Commission's January 14, 2022 Order in Case No. 2021-00275 at pages 14-15 as noted in KU's March 31, 2022 Application (p. 6) and in Ms. McFarland's Direct Testimony (p. 9).
- b. Team Spatial developed inputs shown from various sources and cited in Appendix A of the Team Spatial Siting Study (pp. 82 – 86). KU also began field surveys for parcels and wetland delineation and geotechnical investigations in the month of March 2022. Based on Team Spatial's analysis, KU has proposed the optimal route with precision that allows the Commission to know the exact location of the proposed route with certainty. The 500-foot request does not affect the Commission's ability to know the exact route. Indeed, it reflects the reality that KU may seek to make minor deviations in the route as KU has repeatedly explained in this case. And if a deviation becomes necessary that requires more than a 500-foot adjustment, then KU would be obligated to return to the Commission to explain why it would be necessary and seek the Commission's approval.
 - i. KU used the data developed from Team Spatial along with LIDAR surveys, environmental desktop reviews to lay out the final location for the West and East 345 kV lines.
 - ii. Field studies further confirmed the East and West 345 kV route locations by confirming the inputs used in the Team Spatial study and desktop reviews.
 - iii. KU took all reasonable and prudent efforts to determine the ultimate location of the line with reasonable certainty. The 500-foot deviation request is to allow flexibility for landowner preferences and unforeseen construction difficulties.