

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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)	CASE NO.
AND ASSOCIATED FACILITIES IN BREATHITT,)	2021-00346
FLOYD AND KNOTT COUNTIES, KENTUCKY)	
(GARRETT AREA IMPROVEMENTS 138 KV)	
TRANSMISSION PROJECT))	

ORDER

The Commission, on its own motion, reopens this case for the purpose of addressing a motion filed by Kentucky Power Company (Kentucky Power). On January 23, 2023, Kentucky Power filed a motion for modifications in the project as authorized. Kentucky Power's motion requested the ability to move the proposed centerline in a current transmission line construction project.¹ The Commission granted Kentucky Power's request for a Certificate of Public Convenience and Necessity (CPCN) to construct an improvement project that included construction of approximately 15 miles of transmission lines.² In accordance with the final Order in Case No. 2021-00346,³

¹ Kentucky Power's Motion for Approval to Modify As-Filed Centerline (Motion to Modify) (filed Jan. 23, 2023); Order (Ky. PSC Mar. 8, 2022).

² Order (Ky. PSC Mar. 8, 2022).

³ Order (Ky. PSC Mar. 8, 2022), ordering paragraphs 3 and 8.

Kentucky Power has filed a motion for approval to deviate from the originally proposed centerline at 11 separate locations.⁴

LEGAL STANDARD

Kentucky Power's motion was made pursuant to a requirement set out in the Commission's final Order, ordering paragraph 3, which stated:

Kentucky Power shall notify the Commission upon knowledge of any material changes to the project, including but not limited to, increase in cost, any significant delays in construction, or any changes in the route of the transmission line not expressly authorized by his Order.⁵

In conjunction with ordering paragraph 3, the Commission outlined when Kentucky Power shall file a motion,

Kentucky Power's request for the authority to move the centerline and the right-of-way within the 1,000 foot filing corridor, and to expand the right-of-way as described in the application, is denied. Kentucky Power shall not move the centerline more than 100 feet in any direction from the location as shown on the maps filed in this proceeding without first seeking Commission approval.⁶

DISCUSSION AND FINDINGS

Kentucky Power requested to modify the as filed centerline more than 100 feet at 11 separate locations.⁷ Kentucky Power filed detailed maps for each location.⁸ None of the modifications affected property owners, as no new property owners would be

⁴ Kentucky Power's Motion to Modify at 1.

⁵ Order (Ky. PSC Mar. 8, 2022), ordering paragraph 3.

⁶ Order (Ky. PSC Mar. 8, 2022), ordering paragraph 8.

⁷ Kentucky Power's Motion to Modify at 1.

⁸ Kentucky Power's Motion to Modify, Exhibit 1 and Exhibit 2.

impacted by the modifications. Therefore, all of the affected property owners were previously given notice of the project in the original application.⁹

Kentucky Power provided a basis for each requested modification. As to request number one, Kentucky Power stated that a new building was constructed directly in the proposed centerline route after the original application was filed.¹⁰ In order to avoid this new structure, Kentucky Power requested a deviation of 120 feet to the southwest.¹¹ The remaining modification requests, ranging from 105 feet to 300 feet, were made to address more desirable locations for structure placement. According to Kentucky Power, the LIDAR survey conducted during the detailed design phase presented a more desirable location for structure placement in each of the remaining ten locations. In support of the requests, Kentucky Power averred that shifting the proposed centerline¹² conforms to Kentucky Power's means and methods for safety and constructability.¹³

The Commission finds that approval of each of the modifications requested by Kentucky Power should be granted. The proposed modifications do not affect new landowners so no additional notices¹⁴ are required. The modifications either create efficiencies, accommodate situations that have changed or weren't in existence when the CPCN was sought, or result in construction on more desirable locations that should result

⁹ Kentucky Power's Motion to Modify at 2-6, Exhibit 3.

¹⁰ Kentucky Power's Motion to Modify at 2.

¹¹ Kentucky Power's Motion to Modify at 2.

¹² Kentucky Power's Motion to Modify at 2-6. The remaining requested modifications were the following distances: 175 feet, 110 feet, 235 feet, 140 feet, 220 feet, 105 feet, 180 feet, 290 feet, 275 feet, and 300 feet, respectively.

¹³ Kentucky Power's Motion to Modify at 2-6.

¹⁴ 807 KAR 5:001E and Kentucky Power's Motion to Modify, Exhibit 3.

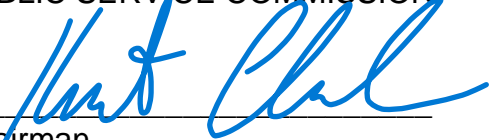
in better reliability for consumers. As such, the Commission finds good cause to approve Kentucky Power's request.

IT IS HEREBY ORDERED that:

1. This case is re-opened for the purpose of addressing the motion filed by Kentucky Power on January 23, 2023.
2. Kentucky Power's motion for modifications from the as filed centerline is granted.
3. All other Orders not in conflict with the modifications granted in this Order are still in effect.
4. This case is closed and removed from the Commission's docket.

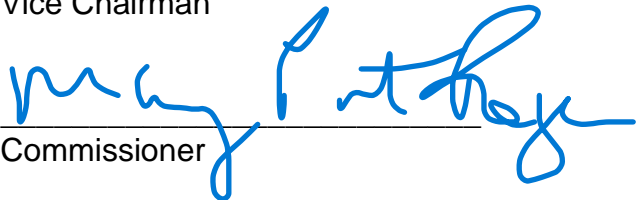
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PUBLIC SERVICE COMMISSION

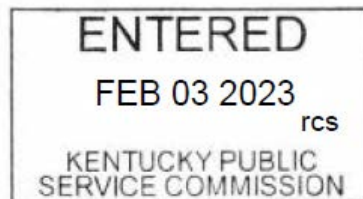


Chairman

Vice Chairman



Commissioner



ATTEST:



Executive Director

*Brent Allen
427 KY Route 680 West
Eastern, KENTUCKY 41622

*John A. Lowry
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Post Office Box 16631
Columbus, OHIO 43216

*Kentucky Power Company
1645 Winchester Avenue
Ashland, KY 41101

*Katie M Glass
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634

*Honorable Mark R Overstreet
Attorney at Law
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634

*Tanner Wolfram
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Post Office Box 16631
Columbus, OHIO 43216