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PUBLIC SERVICE
COMMISSION

April 8, 2022

VIA ELECTRONIC FILING

Hon. Linda Bridwell, P.E.
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601

RE: In the Matter of the Application of Kentucky Utilities Company for a Certificate of Public Convenience and Necessity for the Construction of Transmission Facilities in Hardin County, Kentucky; Case No. 2022 00066

Dear Ms. Bridwell:

Attached, please find a copy of the Dobson Ownership Group's motion for leave to intervene as owners with interest in 1055 Glendale-Hodgenville Road West, Glendale, KY 42740 (Parcel ID 207-00-00-030) to be filed in the above referenced case. Please return stamped copies of this motion once it is accepted for filing. This will further certify that the attached document is a true and correct copy of the filing being made via the Commission's electronic filing system, that no parties have been excused from electronic service and that, pursuant to the Commission's prior Orders, no paper copy of this filing will be tendered to the Commission. Please do not hesitate to contract me if you have any questions.

Sincerely,



Stephen L. Dobson
125 Stirling Lane
Versailles, KY 40383



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

IN THE MATTER OF: **Case No. 2022-00066**

THE ELECTRONIC APPLICATION OF KENTUCKY UTILITIES COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF TRANSMISSION FACILITIES IN HARDIN COUNTY, KENTUCKY

BETTY J. DOBSON, RAYMOND E. DOBSON, DEANNA D. DOBSON, STEPHEN L. DOBSON

MOTION FOR LEAVE TO INTERVENE

Comes now, Betty J. Dobson, Raymond E. Dobson, Deanna D. Dobson and Stephen L. Dobson, ("Dobson Ownership Group"), by self-representation, pursuant to 807 KAR 5:001, Section 4(11), and other applicable law, and does hereby request the Kentucky Public Service Commission ("Commission") to grant leave to intervene in this docket, respectfully stating as follows:

1. The Dobson Ownership Group consists of owners of the property at 1055 Glendale-Hodgenville Road West, Glendale, KY 42740, Parcel ID 207-00-00-030 ("Hagan Property").
2. On or about March 1, 2022, Kentucky Utilities Company ("KU") filed a Notice of Intent to File an Application for a Certificate of Public Convenience and Necessity to construct two 345 kilovolt ("kV") electric transmission lines and two 138kV electric transmission lines in Hardin County, Kentucky. According to the Notice of Intent, the construction is necessary "to provide electrical service to the Glendale Megasite, upon which the Ford Motor Company has proposed to construct two battery manufacturing plants and expected growth in the area."

3. On March 31, 2022, KU filed its application with the Commission. The application was accepted for filing by the Commission later that same day.

4. The Dobson Ownership Group consists of landowners whose property will be crossed by the route for at least one of the proposed transmission lines, as confirmed by a March 11, 2022 notice received from KU, informing the owners that “KU plans to construct a 345 kV electric transmission line on your property, parcel ID 207-00-00-030. The route of the planned line is shown on the map enclosed with this letter.”¹ Moreover, the Hagan Property is identified as an affected landowner in Exhibit 20 of KU’s application.

5. Only the Attorney General enjoys a statutory right of intervention in proceedings before the Commission. The right of all other parties to intervene in a case is a matter within the Commission’s discretion.² The manner in which this discretion is to be exercised is set forth in 807 KAR 5:001, Section 4(11)(b), which states in relevant part:

The commission shall grant a person leave to intervene if the commission finds that he or she has made a timely motion for intervention and that he or she has a special interest in the case that is not otherwise adequately represented or that his or her intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.

6. In addition, KRS 278.020(9) recognizes the Dobson Ownership Group as interested parties in such proceedings by stating: “In a proceeding on an application filed pursuant to this section, any interested person, including a person over whose property the proposed transmission line will cross, may request intervention....” Indeed, the Commission has consistently recognized the special interest held by

¹ See Letter from Michael E. Hornung (March 11, 2022), attached and incorporated herein as Exhibit A.

² See *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

landowners whose land is to be impacted by a proposed high-voltage electric transmission line and permitted such landowners to intervene in CPCN cases.³

7. The Dobson Ownership Group satisfies the Commission's regulatory criteria for being granted intervention. First, this motion is being filed in a timely manner and before any deadline for seeking intervention has passed or even been established. Second, The Dobson Ownership Group, by ownership in the Hagan Property, have a special interest in this proceeding that is not otherwise adequately represented and its intervention is likely to present issues and develop facts that assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Last, at least one of the proposed electric transmission lines – Eastern Route B - will cross the Dobson Ownership Group's Hagan Property.

8. The Dobson Ownership Group's interest is separate and distinct from the general interest of all consumers that the Attorney General will or may be able to represent in this proceeding if he chooses to intervene as a matter of right.

9. Furthermore, in Case No. 2021-00346,⁴ the Commission granted intervention to a property owner whose land the proposed transmission line would cross. In its December 7, 2021 Order in that case the Commission stated: "It is reasonable to expect property in the direct path of the proposed line to be impacted by the construction of the line if the CPCN is granted."⁵

³ See, e.g., *In the Matter of the Electronic Application of Kentucky Power Company for a Certificate of Public Convenience and Necessity to Construct a 138KV Transmission Line and Associated Facilities in Breathitt, Floyd and Knott Counties, Kentucky (Garrett Area Improvements 138 KV Transmission Project)*, Order, Case No. 2021-00346 (Ky. P.S.C. Dec. 7, 2021); *In the Matter of the Electronic Application of Louisville Gas & Electric Company for a Certificate of Public Convenience and Necessity for the Construction of an Electric Transmission Line*, Order, Case No. 2017-00195 (Ky. P.S.C. Aug. 8, 2017); *In the Matter of the Application of Louisville Gas and Electric Company and Kentucky Utilities Company for a Certificate of Public Convenience and Necessity for the Construction of Transmission Facilities in Jefferson, Bullitt, Meade and Hardin Counties, Kentucky*, Order, Case No. 2005-00467 (Ky. P.S.C. Jan. 6, 2006).

⁴ *In the Matter of the Electronic Application of Kentucky Power Company for a Certificate of Public Convenience and Necessity to Construct a 138KV Transmission Line and Associated Facilities in Breathitt, Floyd and Knott Counties, Kentucky (Garrett Area Improvements 138 KV Transmission Project)*, Order, Case No. 2021-00346 (Ky. P.S.C. Dec. 7, 2021).

The Commission went on to say:

There is no other party to this proceeding representing the interests of landowners in the proposed path of the transmission line. Kentucky Power states that that it is required to obtain all permits and comply with environmental regulations in order to construct the transmission line if the CPCN is granted. However, Kentucky Power's obligation to operate within the limits of applicable law is not a substitute for adequate representation.⁶

10. The Dobson Ownership Group has a special interest in this proceeding regarding the service provided by Kentucky Utilities, as service is defined in KRS 278.010(13). The Commission recognized this in Case No. 2021-00346 by stating, "the [electric transmission line] CPCN review process is related to [a utility's] service."⁷

11. The Commission has recognized that only one aspect of the two-part test set forth in 807 KAR 5:001 Section 4(11) must be satisfied in order to be granted permissive intervention.⁸ Since the Dobson Ownership Group has demonstrated a special interest in the proceeding, it is not necessary to demonstrate how the Dobson Ownership Group would present issues or develop facts to assist the Commission in fully considering the matter without unduly complicating the matter. However, the Dobson Ownership Group's participation would satisfy both elements of the two part test as well. For example, the Dobson Ownership Group anticipates being able to examine and potentially challenge the need for the requested service, whether it will result in wasteful duplication, the adequacy of KU's route selection and decision to not co locate the proposed transmission facilities within or adjacent to existing transmission rights-of-way, the preference for avoiding existing structures at the

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

expense of natural resources and other related issues. Moreover, the very nature and scope of the study area is likely to be an issue.

12. The Dobson Ownership Group is well-suited to thoughtfully and efficiently present and understand the details presented in this case to assist the Commission in developing a full record. Given the alternative routes included in KU's application and the fact that the interest of individual landowners will likely conflict with one another in terms of what route is most appropriate, no other party or landowner can represent the Dobson Ownership Group's unique interests. WHEREFORE, on the basis of the foregoing, Dobson Ownership Group respectfully requests the Commission to grant it leave to intervene in this proceeding and award it any and all relief to which it or its members may be entitled.

Respectfully Submitted,

Betty J. Dobson 4/8/2022
Betty J. Dobson Date

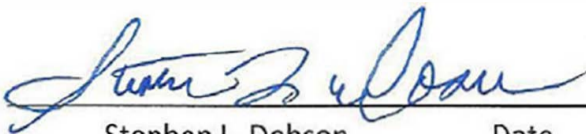
Raymond E. Dobson 4/8/22
Raymond E. Dobson Date

Deanna D. Dobson 4/8/2022
Deanna D. Dobson Date

Stephen I. Dobson 4/8/2022
Stephen I. Dobson Date

CERTIFICATE OF SERVICE

This will certify that the foregoing document was filed via the Commission's electronic filing system this 8th day of April 2022; there are currently no parties that the Commission has excused from participation by electronic means in this proceeding and pursuant to prior Commission orders, no paper copies of this filing will be made.

 4/8/22
Stephen L. Dobson Date
Representative, Dobson Ownership Group
Hagan Property



a PPL company

February 25, 2022

Stephen L. & Deanna D. Dobson
125 Stirling Ln.
Versailles, KY 40383

Kentucky Utilities Company
Real Estate & Right of Way
820 West Broadway
Louisville, KY 40202
www.lge-ku.com

Re: Kentucky Utilities Company's Transmission Lines Project in Hardin County, Kentucky

Dear Mr. & Mrs. Dobson,

We are reaching out to inform you of upcoming work that Kentucky Utilities Company ("KU") will soon perform in your area as part of KU's construction of new electric transmission lines in Hardin County, Kentucky, necessary to serve the anticipated demand of customers in the area.

In preparation for this work, KU has engaged the firms AGE Engineering Services, Inc., American Engineers, Inc., and Burns & McDonnell Engineering Company, Inc. to perform property boundary and field surveys, and environmental analysis. The results of these surveys and analysis will aid KU in designing the transmission lines and determining where easements will be required.

In accordance with Kentucky statute KRS 416.560(4), KU has the right to access your property for surveying purposes with ten (10) days prior notice. By this letter, KU is providing the ten days' notice to you to inform you that KU's engineers, surveyors, and environmental specialists will be working on or near your property starting the week of March 7th or soon after to collect information necessary for the design of the transmission lines and the assessment of any environmental impacts. Where possible, efforts will be made (e.g., knock on door) by these individuals to personally contact you prior to accessing your property to ensure your awareness of this work.

KU must complete surveys to determine if or where an easement may exist on your property (Parcel Number 207-00-00-030) and ensure the easement is suitable from an engineering and environmental perspective. If an easement on your property is required, KU will contact you to discuss and offer compensation for the easement. KU cannot make such an offer without surveying the property and determining the size of the needed easement. KU has engaged Emerald Energy & Exploration Land Company to assist KU with those negotiations and provide ongoing communications of field survey activity on your property.

If you have questions or would like additional information, please contact us by phone at 859-367-5423 (Press 5) or by email at transmission.line@lge-ku.com. Please be sure to provide your name and a number where you can be reached along with a brief explanation about your question or concern. We will reply to you as soon as possible. We appreciate your cooperation on this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'JK', is written over a horizontal line.

Jeff Kuriger, Lead Right of Way Agent



a PPL company

February 21, 2022

Larry Hagan
400 Aspen Ct.
Elizabethtown, KY 42701

Kentucky Utilities Company
Real Estate & Right of Way
820 West Broadway
Louisville, KY 40202
www.lge-ku.com

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Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeff Kuriger', is written over a light blue horizontal line.

Jeff Kuriger, Lead Right of Way Agent



a PPL company

Larry Hagan, et al.
400 Aspen Ct.
Elizabethtown, KY 42701

Kentucky Utilities Company
State Regulation and Rates
220 West Main Street
P.O. Box 32010
Louisville, Kentucky 40232
www.lge-ku.com

Michael E. Hornung
Manager Pricing/Tariffs
T 502-627-4671
F 502-627-3213
mike.hornung@lge-ku.com

March 11, 2022

RE: Notice of Proposed Construction of Electric Transmission Line

Larry Hagan, et al.

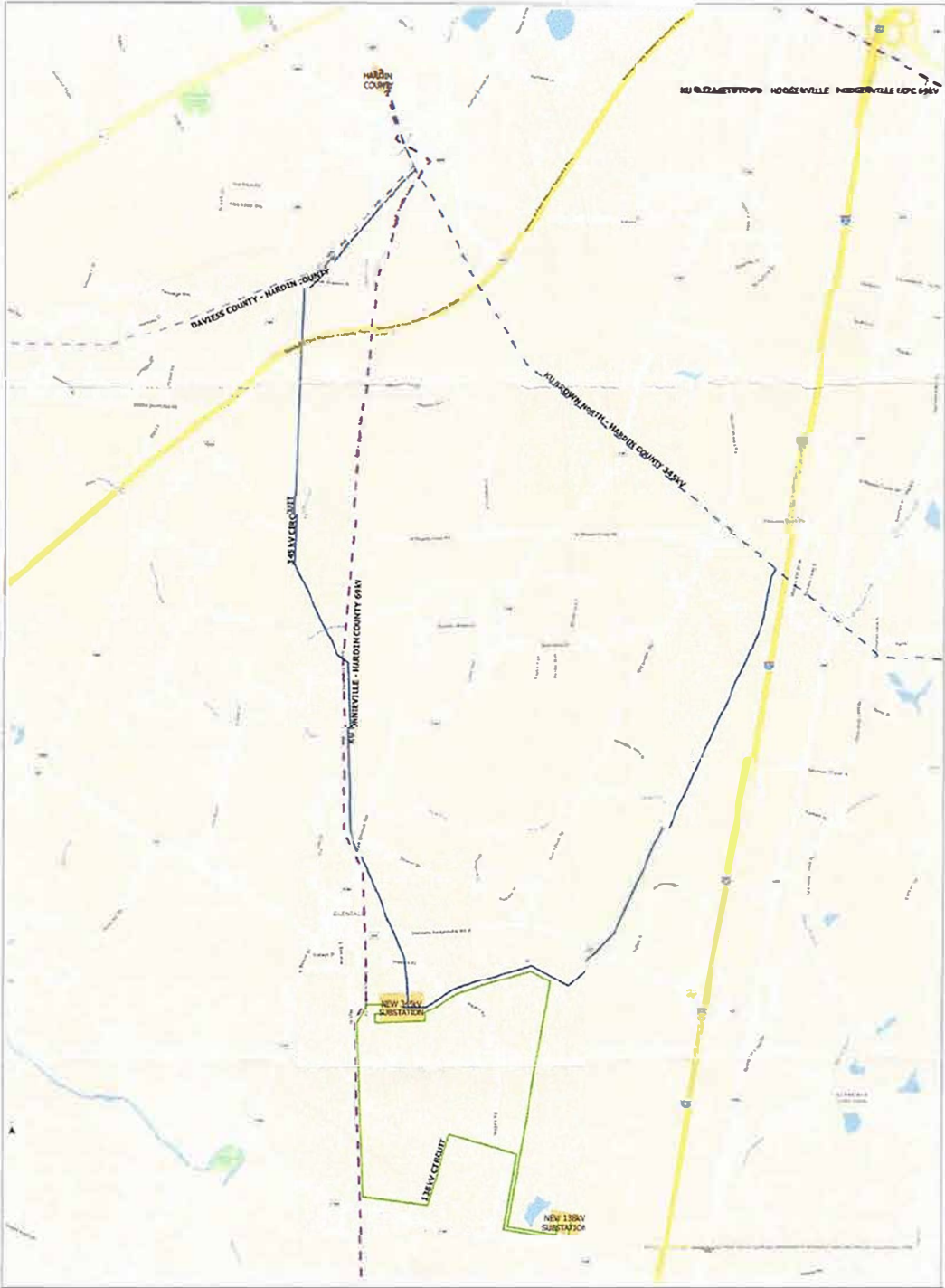
In February 2022, you received a notice regarding upcoming work by Kentucky Utilities Company (“KU”) to construct new utility transmission lines. This letter serves as your official notice that KU plans to construct a 345 kV electric transmission line on your property, parcel ID 207 00 00-030. The route of the planned line is shown on the map enclosed with this letter.

KU plans to file an application with the Kentucky Public Service Commission (“Commission”) on or after March 31, 2022, seeking a certificate of public convenience and necessity authorizing construction of the proposed transmission line. Under Kentucky law, after KU has filed its application with the Commission, a property owner has the right to request that the Commission hold a local public hearing regarding the planned line. A property owner also has the right to request intervention in the case. To seek intervention in the Commission’s proceeding on KU’s application for a certificate of public convenience and necessity for the proposed transmission line, or to request local public hearing in that case, contact the Executive Director, Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602, telephone number (502) 564 3940. The docket number under which this application will be processed is Case No. 2022 00066.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michael E. Hornung', with a long horizontal flourish extending to the right.

Michael E. Hornung



Kentucky Utilities - Glendale Circuit Routing



0 0.1 0.2 0.3 Miles

1/25/2022

KU Circuit Routing - New
 Date: 01/25/2022
 Project: KU Circuit Routing - New
 Scale: 1" = 1000'
 Successors: [List of successor sheets]