

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST)	
KENTUCKY POWER COOPERATIVE, INC. FOR)	
AN AMENDMENT TO ITS CERTIFICATE OF)	CASE NO.
PUBLIC CONVENIENCE AND NECESSITY FOR)	2024-00263
THE CONSTRUCTION OF TRANSMISSION)	
FACILITIES IN MADISON COUNTY, KENTUCKY)	

ORDER

On September 17, 2024, East Kentucky Power Cooperative, Inc. (EKPC) filed an application for an amendment to a Certificate of Public Convenience and Necessity (CPCN) granted by Order of the Commission on February 23, 2023.¹ EKPC proposed to move the location of the switching station and a portion of the transmission line approved in the original Order. The movement of the switching station would impact the southern portion of the project, specifically the alignment of the transmission line, the location of the Madison County 138 kV to 69 kV step-down transformer, the future location of the New Industrial Substation, the relocation of the KU Fawkes-Duncannon Lane Tap 138 kV and 69 kV double-circuit termination point.²

¹ Case No. 2022-00314, *Electronic Application of East Kentucky Power Cooperative, Inc. for a (1) Certificate of Public Convenience and Necessity for The Construction of Transmission Facilities in Madison County, Kentucky; and (2) Declaratory Order Confirming that a Certificate of Public Convenience and Necessity is Not Required for Certain Facilities* (Ky. PSC Feb. 23, 2023).

² Application, Exhibit 2, Direct Testimony of Laura LeMaster at 5.

In addition, EKPC filed a motion to incorporate the record from Case No. 2022-00314, by reference, in its entirety. In support of the motion, EKPC stated that much of the information is relevant and should be incorporated.³

Having reviewed the application and the Motion, the Commission finds that the Motion should be granted. EKPC is requesting an amendment to its CPCN approved in Case No. 2022-00314. After reviewing the application, it is evident that both the testimony and the application filed in this matter rely on the information contained within that case. Without incorporating Case No. 2022-00314, the application may be considered deficient for failing to comply with several regulations including but not limited to 807 KAR 5:001, Section 15(2).

However, the Commission notes that the application is still deficient for failing to comply with 807 KAR 5:120, Section 2(3).⁴ The application contains a statement from Nick Comer, External Affairs Manager, EKPC.⁵ The statement contains the following language “[a] sample copy of the notice is attached to this Verification as well as a list of the property owners - names and addresses - to whom notice was sent.”⁶ However, there is no such list included in this application. There is a letter in Exhibit 5 addressed to a party at an address that is not in the proximity of the proposed amendment area.⁷ In

³ EKPC’s Motion to Incorporate (filed Sept. 17, 2024) (Motion).

⁴ 807 KAR 5:120 - 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:

⁵ Application, Exhibit 6.

⁶ Application, Exhibit 6, Affidavit.

⁷ Application, Exhibit 5, Letter.

addition, there is also a map with a notation of landowner not notified but the markings appear to encompass at least three separate parcels of land.⁸ However, no additional information was provided identifying landowners or parcels affected by this application.

The Commission notes that, until all deficiencies have been resolved, the application should not be accepted as filed, thus the statutory time for this matter will not begin to run.

IT IS THEREFORE ORDERED that:

1. EKPC's September 17, 2024 Motion to incorporate, by reference, the record in Case No. 2022-00314 is granted.

2. EKPC's application is deficient for failure to comply with 807 KAR 5:120.

3. EKPC's application shall not be accepted as filed until all deficiencies have been cured.

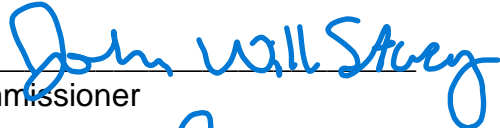
4. The statutory time for a final order to be issued in response to this application shall not begin to run until all deficiencies have been resolved and the application is accepted as filed.


⁸ Application, Exhibit 5, map.

PUBLIC SERVICE COMMISSION


Chairman

*signed
on behalf
w/ permission*


Commissioner


Commissioner

ENTERED
SEP 27 2024
rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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