

Local Vegetation Management Planning

Interim Joint Committee
on Local Government

June 21, 2022





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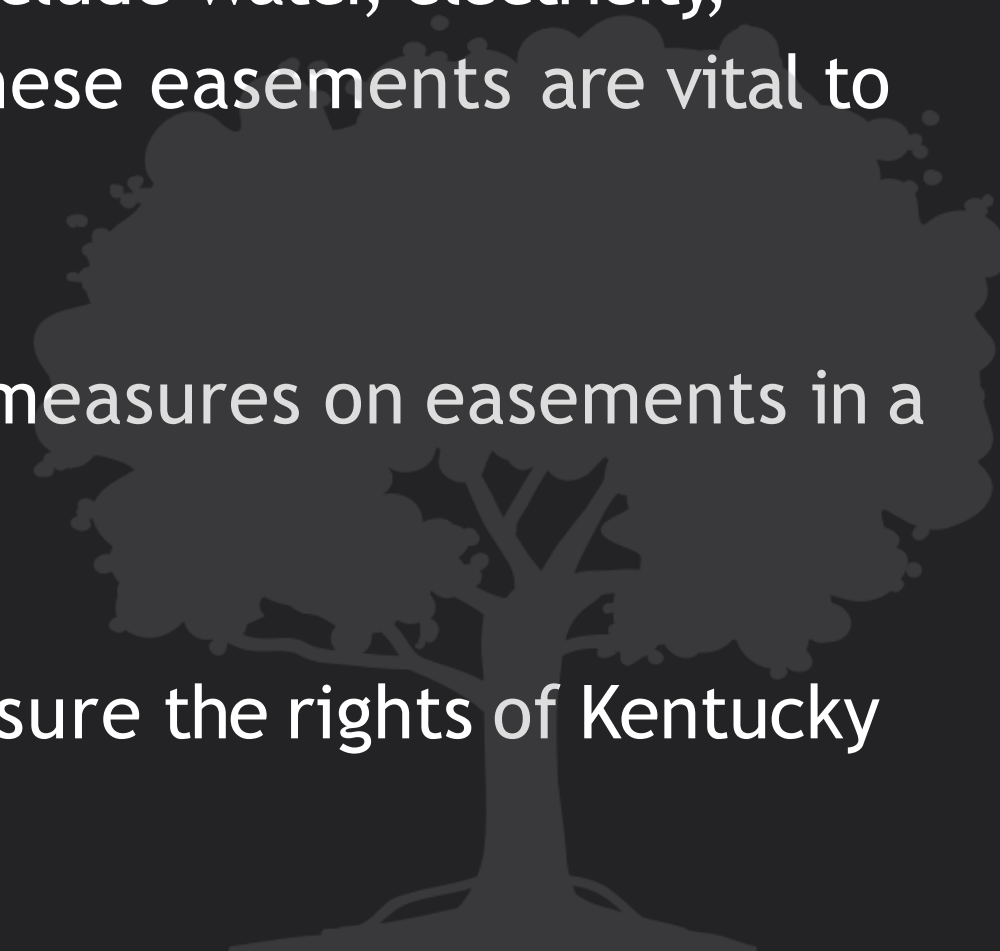


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Transmission lines in Kentucky

- A utility easement is a designated parcel of land that gives utility companies the right to use the real property of another for a specific purpose. These utilities include water, electricity, telecommunications, natural gas and sewage and sanitation. These easements are vital to supplying the utilities we use daily.
- However, should the utilities have the ability to perform extreme measures on easements in a wide area without contacting local government and filing a plan?
- Does the Kentucky Legislature not have the power and duty to assure the rights of Kentucky residents are protected?
- **WE BELIEVE PROTECTION AND LIMITATIONS ARE IMPERATIVE.**



Southpoint and Lansdowne

- KU is clearing areas of trees which exceed previous standard.
- Citizens are concerned with recent cuttings and future plan.

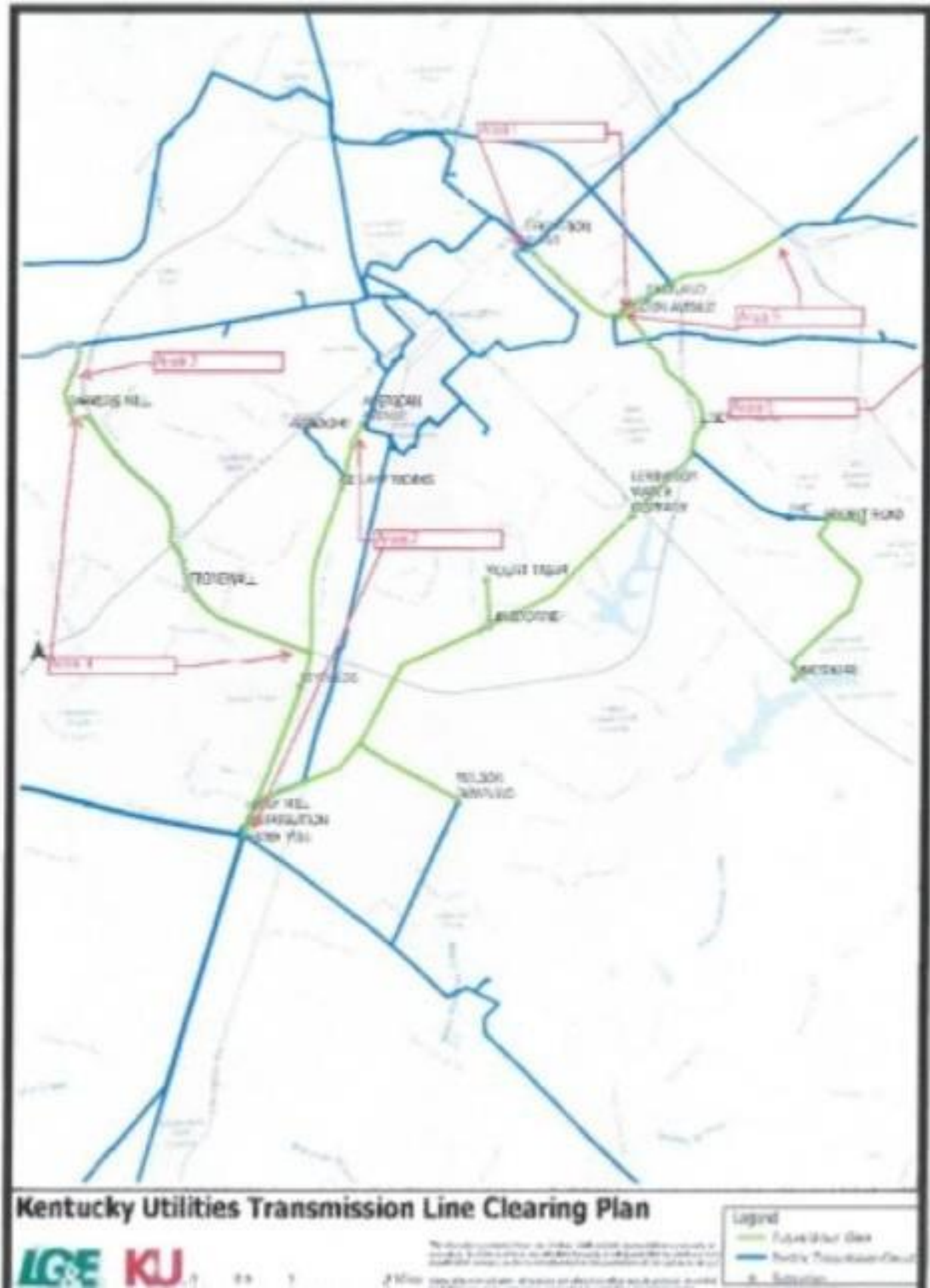


Before



After

Kentucky Utilities Transmission Line Clearing Plan



Electric Distribution Service Areas

PSC Regulated Rural Electric Utilities

Members of East Kentucky Power Cooperative, Inc. (transmission cooperative)

- Big Sandy RECC
- Blue Grass Energy Cooperative
- Clark Energy Cooperative
- Cumberland Valley Electric
- Farmers RECC
- Fleming-Mason Energy Cooperative
- Grayson RECC
- Inter-County Energy Cooperative
- Jackson Energy Cooperative
- Licking Valley RECC
- Nolin RECC
- Owen Electric Cooperative
- Salt River Electric Cooperative
- Shelby Energy Cooperative
- South Kentucky RECC
- Taylor County RECC

Members of Big Rivers Electric Corporation (transmission cooperative)

- Jackson Purchase Energy
- Kenergy Corporation
- Meade County RECC

Municipal Utilities

Barbourville, Bardstown, Bardwell, Benham, Benton, Berea, Bowling Green, Corbin, Falmouth, Frankfort, Franklin, Fulton, Glasgow, Henderson, Hickman, Hopkinsville, Jellico (TN), Madisonville, Mayfield, Murray, Nicholasville, Olive Hill, Owensboro, Paducah, Paris, Princeton, Providence, Russellville, Vanceburg, Williamstown

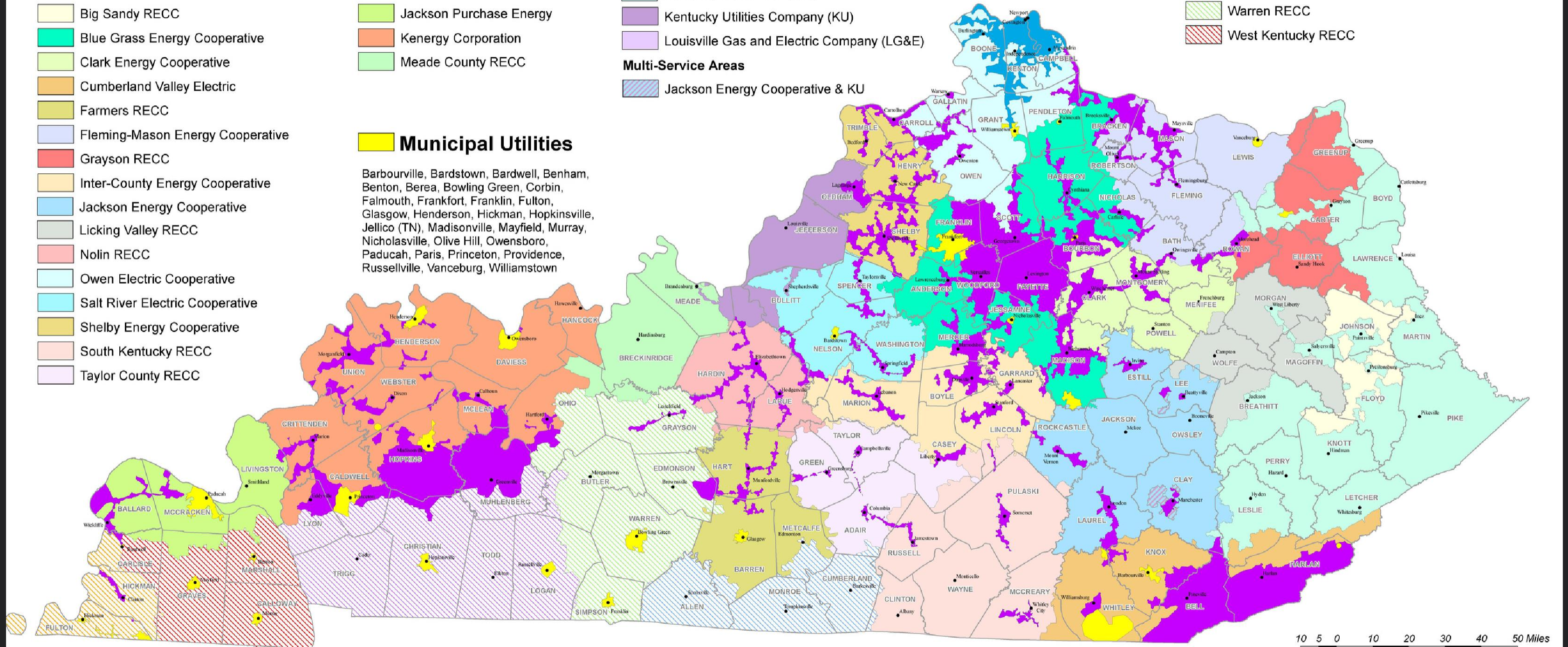
PSC Regulated Investor Owned Utilities

- Duke Energy Kentucky, Inc.
- Kentucky Power Company
- Kentucky Utilities Company (KU)
- Louisville Gas and Electric Company (LG&E)
- Multi-Service Areas**
- Jackson Energy Cooperative & KU

- County Seats
- County Boundaries

TVA Regulated Utilities

- Gibson EMC (TN)
- Pennyrile RECC
- Tri-County REMC
- Warren RECC
- West Kentucky RECC



The electric service areas are compiled from certified territory maps on file with the Public Service Commission. These are legal documents which define the retail service area of electric suppliers regulated by the Commission (Kentucky Statute 278.017). The legal certified territory boundaries are drafted on 1:24,000 USGS topographic maps, and can be assumed to have an accuracy of 100 feet. This map, which was compiled from that data, is for informational purposes only, and has no legal standing.

Kentucky has 30 municipal systems serving over 500,000 customers. Ten of these are provided wholesale power by the Tennessee Valley Authority (TVA) and are regulated by them. The others are self-regulated by the municipality. The boundaries for the municipal systems were either derived from the Public Service Commission's certified territory maps, or from boundaries submitted for informational purposes to the PSC from the utility. If the municipal service area boundaries were unknown, a circle was placed around the urbanized area.

10 5 0 10 20 30 40 50 Miles



Kentucky Public Service Commission
March 17, 2020

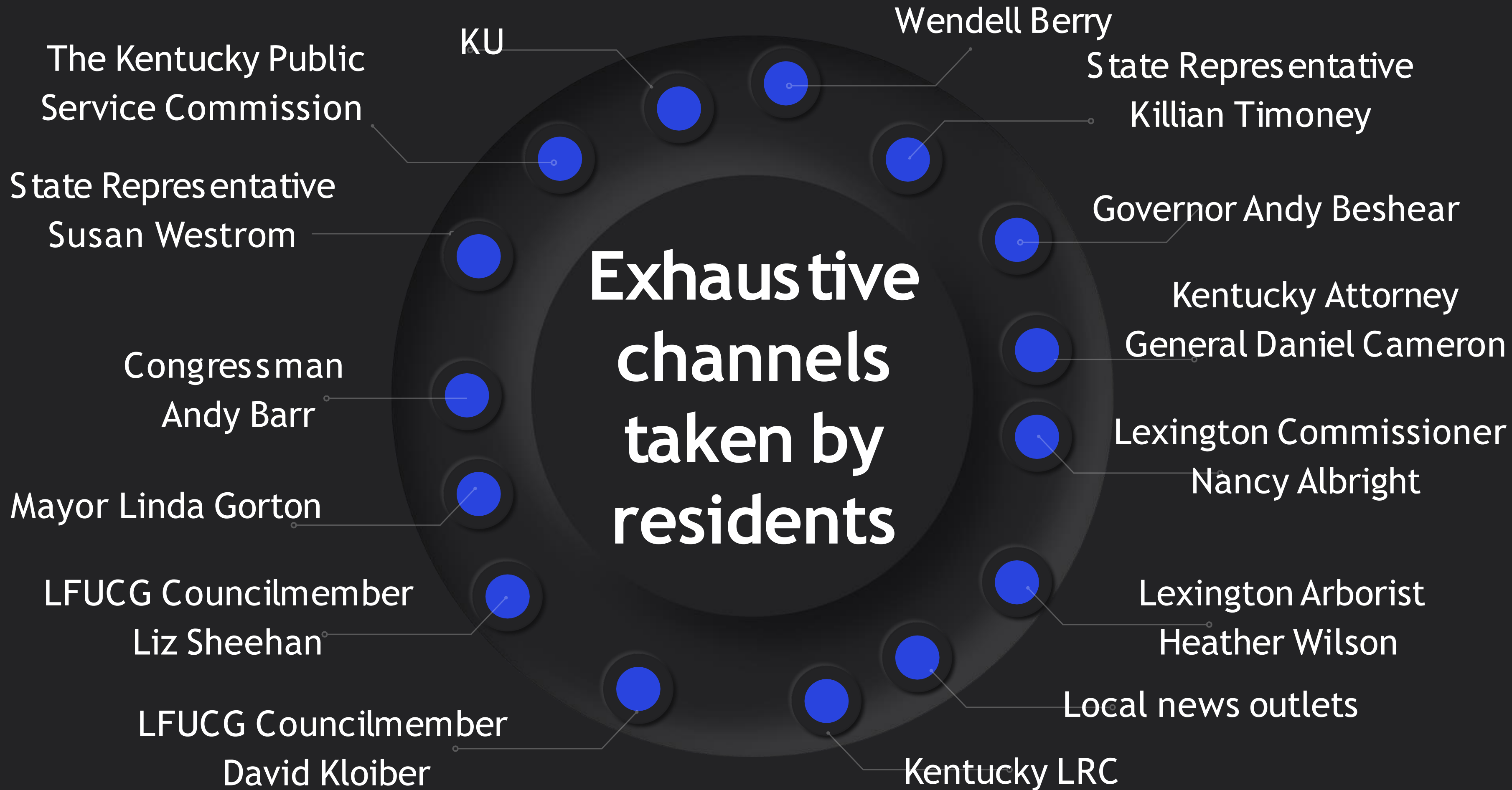
Primary Concerns

- The “one size fits all” program implemented by Kentucky Utilities is unfair and dangerous to communities.
- The City was not originally notified by KU that over 42 miles of transmission lines in the urban service area would be virtually cleared of trees.
- Property owners were not given ample notification or explanation of what would happen on their property.
- Kentucky Utilities notified small areas to keep their plans from being widely known.
- Decisions for areas of our state need to be made as close as possible to the point of service.
- Without legislation to limit the use of easements by utility companies Kentucky stands to lose significant control over our land.
- Property owners in Kentucky deserve local input into utility plans.





Exhaustive channels taken by residents

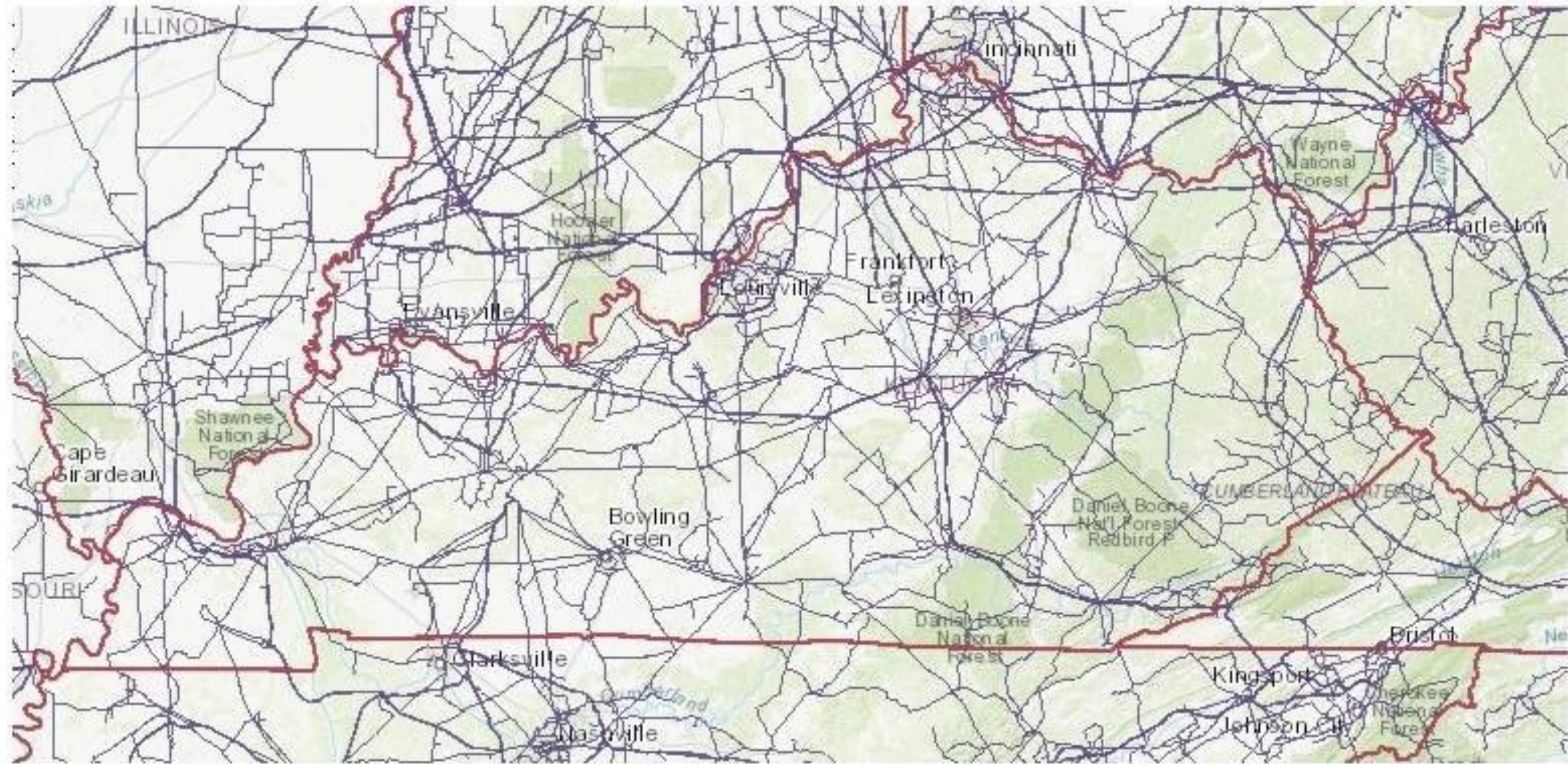




77 Kentucky counties served by KU

ADAIR	CHRISTIAN	GREEN	LINCOLN	OHIO
ANDERSON	CLARK	HARDIN	LIVINGSTON	OLDHAM
BALLARD	CLAY	HARLAN	LYON	OWEN
BARREN	CRITTENDEN	HARRISON	MCCRACKEN	PENDLETON
BATH	DAVIESS	HART	MCCREARY	PULASKI
BELL	EDMONSON	HENDERSON	MCLEAN	ROBERTSON
BOURBON	ESTILL	HENRY	MADISON	ROCKCASTLE
BOYLE	FAYETTE	HICKMAN	MARION	ROWAN
BRACKEN	FLEMING	HOPKINS	MASON	RUSSELL
BULLITT	FRANKLIN	JESSAMINE	MENIFEE	SCOTT
CALDWELL	FULTON	KNOX	MERCER	SHELBY
CAMPBELL	GALLATIN	LARUE	MONTGOMERY	SPENCER
CARLISLE	GARRARD	LAUREL	MUHLENBERG	TAYLOR
CARROLL	GRANT	LEE	NELSON	TRIMBLE
CASEY	GRAYSON	LESLIE	NICHOLAS	UNION
	WASHINGTON	WEBSTER	WHITLEY	WOODFORD

Transmission lines in Kentucky



Trees as Infastructure

Lexington's Consent Decree

- EPA January 3, 2011 placed a consent decree on Lexington to manage its waste water.
- As of 9/20/2021, the city has spent 311 million dollars remediating waste water.
- Local trees provide tremendous water absorption that costs millions of dollars to replace.



Lack of city control

- Removal of trees represents substantial cost to tax payers far exceeding any savings to the utility.
- Maintenance costs incurred by utilities are already passed on through regular rate increases.
- Local leaders (Mayor, City Council) have worked hard to negotiate policies that would protect both the utility and the citizen's interests.
- However, the city had very little leverage in negotiations because of the broad approval of a vegetation management plan by the PSC.



PSC and their role

- The PSC requires that utilities approve a plan for maintenance of the power grid - which includes a wide range of options from trimming to tree removal to herbicide use.
- Because of this flexibility, the utilities have been given full discretion on which plans to implement without any further oversight from local or state levels.
- This removes large powers of oversight from the PSC while simultaneously placing the burden of regional engagement and oversight unfairly on the utility.

What we have done

- Lexington being the first municipality to face this issue, we have gone through every legal avenue available to us in order to prevent an unjust encumbrance on the tax payers of the city (negotiation appeal to PSC and injunction in court).
- Residents have offered to pay for additional trimming services in order to avoid full removal from their properties, but the utility has been unwilling to waiver in their position.



Recommendation



- We support the intention of HB 485 and would like to see it amended to provide more protections and input from local municipalities.
- Within the discretion granted by the PSC, local governments should have some say in what happens to their infrastructure - especially if all methods will provide adequate transmission security by the standards of the PSC.
- We recommend the creation of a new mechanism for local input or oversight in the VMP process. Requiring either local approval for regional plans, or a well defined process for local area variances through the PSC.
- With all members of the PSC being appointed positions holding unchecked discretion over these issues, additional avenues for accountability on regional variance are in everyone's best interest.



Questions?

Contact us if there are any questions.

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