

# Goss • Samford PLLC



Attorneys at Law

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November 14, 2012

Mr. Jeff Derouen  
Executive Director  
Kentucky Public Service Commission  
P.O. Box 615  
211 Sower Boulevard  
Frankfort, KY 40602

**RECEIVED**

**NOV 16 2012**

**PUBLIC SERVICE  
COMMISSION**

Re: PSC Case No. 2012-00169

Dear Mr. Derouen:

Please find enclosed for filing with the Commission in the above-referenced case an original and ten (10) copies of East Kentucky Power Cooperative, Inc.'s Requests for Findings by Kentucky Public Service Commission. Please return a file-stamped copy to me in the enclosed self-addressed stamped envelope.

Do not hesitate to contact me if you have any questions.

Very truly yours,

Mark David Goss

Enclosures

M:\Clients\4000 - East Kentucky Power\8764 - 2012-169 PJM Membership  
and Integration\Correspondence\Ltr to Jeff Derouen 121114.docx

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE  
COMMISSION

IN THE MATTER OF:

THE APPLICATION OF EAST KENTUCKY )  
POWER COOPERATIVE, INC. TO TRANSFER )  
FUNCTIONAL CONTROL OF CERTAIN ) CASE NO. 2012-00169  
TRANSMISSION FACILITIES TO )  
PJM INTERCONNECTION, LLC )

**EAST KENTUCKY POWER COOPERATIVE, INC.'S REQUESTS  
FOR FINDINGS BY KENTUCKY PUBLIC SERVICE COMMISSION**

Comes now East Kentucky Power Cooperative, Inc. ("EKPC"), by and through counsel, and provides its Requests for Findings to be made by the Kentucky Public Service Commission in its Final Order in this case.

In support of these Requests, EKPC states that at the conclusion of the hearing on November 7, 2012, staff counsel, Hon. Richard Raff, requested that EKPC provide staff and the parties with a list of subjects which it believed needed to be addressed by the Commission in the Final Order in this case. In compliance therewith, EKPC requests that the Commission make the following Findings:

1. That all the terms and provisions of the Stipulation and Recommendation dated November 2, 2012, and filed at the Commission on November 5, 2012, are reasonable and that they be accepted without change by the Commission and incorporated into the Final Order;
2. That EKPC's requested transfer of functional control of its transmission facilities to PJM is for a proper purpose and is consistent with the public interest. K.R.S. 278.218;
3. That EKPC be allowed to fully integrate into PJM effective on June 1, 2013;

4. That EKPC's interruptible load and direct load control resources be allowed to enroll in PJM's demand response program upon entering into a special contract (or contract amendment) with EKPC which is subject to Commission approval;

5. That EKPC should have thirty (30) days following entry of the Final Order to file confirming tariffs or contracts for the above-referenced interruptible load and direct load control resources;

6. That EKPC should be allowed to participate in PJM's Reliability Pricing Model construct beginning in the 2016/17 delivery year, following the initial period of participation in the Fixed Resource Requirement construct for the 2013/14, 2014/15 and 2015/16 delivery years, all subject to similar approvals that will subsequently be required from the Federal Energy Regulatory Commission ("FERC");

7. That EKPC should be allowed to participate in the May 2013 base residual auction for the 2016-2017 delivery year;

8. That approval of the Application will not diminish the Commission's jurisdiction or authority with respect to its review and prescription of rates for EKPC based upon the value of its property used to provide electric service; the obligation of EKPC to file any Integrated Resource Plans; the obligation of EKPC to provide bundled generation and transmission service to its members; and EKPC's obligation to obtain any Certificate of Public Convenience and Necessity that may be required prior to commencing construction of an electric generation or transmission facility;

9. That EKPC should be allowed to execute the PJM Transmission Owners Agreement and the PJM Reliability Assurance Agreement (Exhibits 5 and 6 to Application), and

all other documents and agreements necessary to effectuate EKPC's full integration into PJM;  
and,

10. That EKPC's integration into PJM as a full member be conditioned upon the requisite approvals and consents from both FERC and the Rural Utilities Service ("RUS").

So that EKPC can be assured of obtaining the requisite FERC and RUS approvals in time to meet the June 1, 2013 integration date, EKPC respectfully requests that the Commission enter its Final Order in this case on or before December 31, 2012.

Dated this 15<sup>th</sup> day of November, 2012.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon the following persons by United States first class mail, postage prepaid, on the 15<sup>th</sup> day of November, 2012:

Hon. Jennifer Hans  
Hon. Dennis G. Howard, II  
Hon. Lawrence W. Cook  
Office of the Attorney General  
Division of Rate Intervention  
1024 Capital Center Drive, Suite 200  
Frankfort, KY 40601-8204

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*Counsel for East Kentucky Power  
Cooperative, Inc.*