

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY POWER)
COMPANY FOR APPROVAL OF ITS 2011)
ENVIRONMENTAL COMPLIANCE PLAN,)
FOR APPROVAL OF ITS AMENDED)
ENVIRONMENTAL COST RECOVERY)
SURCHARGE TARIFF, AND FOR THE)
GRANT OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY FOR THE)
CONSTRUCTION AND ACQUISITION OF)
RELATED FACILITIES)

CASE NO. 2011-00401

**KENTUCKY POWER COMPANY'S RESPONSE TO THE MOTION BY TOM
VIERHELLER, BEVERLY MAY, AND THE SIERRA CLUB FOR EXTENSION OF
TIME TO FILE DIRECT TESTIMONY**

For its Response to the motion by Tom Vierheller, Beverly May, and the Sierra Club (collectively the "Sierra Club") for extension of time to file direct testimony Kentucky Power Company states:

Introduction

Kentucky Power files this response for the limited purpose of addressing certain factual statements made by the Sierra Club in its February 24, 2012 motion for extension of time to file direct testimony. In particular, certain of the statements appear to be inaccurate or incomplete, and fail to acknowledge the efforts by Kentucky Power to work with the Sierra Club.

Kentucky Power reiterates its position, as set out in footnote 1 to the Sierra Club's February 24, 2012 motion, that it does not object to the Sierra Club's motion for extension so long as all deadlines in the current procedural schedule, except for the deadline for a Commission decision, are extended a like amount. Kentucky Power respectfully states it can not agree to any extension of the deadline fixed by KRS 278.183.

Response

Faced with answering hundreds of data requests, including over 190 requests (counting subparts) propounded by Sierra Club alone, in 14 days, Kentucky Power personnel worked nights and weekends over a two week period to compile the requested information, assemble responsive documents (including nearly 10,000 documents in response to Sierra Club 1-1 alone), draft and assemble written responses, and then print, compile, tab and serve the bound notebooks containing the requested information. A set of responses to the four parties was packed in each shipping box and then re-checked by Kentucky Power personnel before it was dispatched by overnight delivery.¹ At the request of Ms. Henry, four sets of responses were sent to persons affiliated with the Sierra Club: Ms. Henry (San Francisco, California), Mr. Childers (Lexington, Kentucky), Synapse Energy Economics, Inc. (Cambridge, Massachusetts), and Mr. Fisk (Philadelphia, Pennsylvania) beginning on January 27, 2012. It was Kentucky Power's intent and belief that the boxes delivered to the Sierra Club representatives were identical to the boxes of responses delivered to the other parties and their consultants, and filed with the Commission.²

Since initially being informed of Sierra Club's claims about missing documents, Kentucky Power has worked to provide additional copies promptly of any materials claimed to be missing.³ Phone calls and e-mails concerning the data request responses were promptly responded to, and material claimed to be missing was provided by e-mail and overnight delivery without challenge or further inquiry.

¹ The United States mail was used to serve those addressees to whom United Parcel Service could not provide overnight service.

² The only difference would be that confidential materials were not provided to persons who had not signed the non-disclosure agreement.

³ Kentucky Power's willingness to do so should not be construed as an admission that the material was not originally provided.

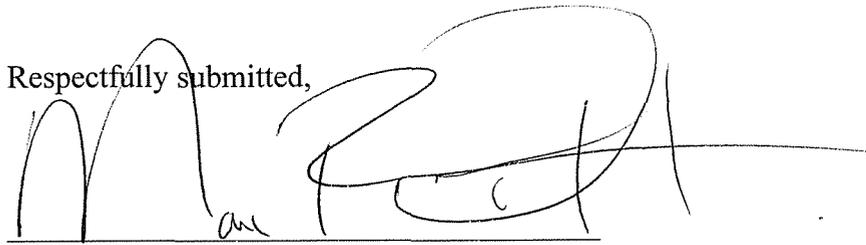
On February 10, 2012, counsel for Kentucky Power left a voice mail message with Ms. Henry (because of the three hour difference in time zones) suggesting that the most efficient means of resolving any remaining concerns would be for non-attorney personnel of the Sierra Club to contact Ms. Munsey, who supervised the production. Following the February 10, 2012 phone call from Ms. Henry and Mr. Comings, in which it appeared that most of the Sierra Club's claims centered around the compact discs included with the filed responses, Kentucky Power that same day sent to Sierra Club by overnight delivery an additional full-set of CDs containing the following:

1. Commission Staff's First Set of Data Requests
 - a. Item 3b, Attachments 1&2
 - b. Item 48, 4A-4E
2. AG's First Set of Data Requests
 - a. Items 14, 16F, 26, 28, 31, & 32
 - b. Item 30, Attachments 1& 2
 - c. Item 34, Attachments 1-3
3. KIUC's First Set of Data Requests
 - a. Item 6, 40, 41, & 43
 - b. Item 7, Attachments 1-10
 - c. Item 18, Attachments 1 & 2
4. Sierra Club's First Set of Data Requests
 - a. Item 1, Redacted
 - b. Item 3, Volumes A-C
 - c. Item 3, 2009 & 2010 IRP Filings

- d. Item 25, Attachments 1 & 2
 - e. Item 27, Attachments A & C
 - f. Item 28, Attachment 1
 - g. Item 42, Attachment 1
 - h. Item 61, Attachment 1
5. Sierra Club's First Set of Data Requests
- a. Item 4, Attachments 1-7
 - b. Item 69
6. Sierra Club's First Set of Data Requests – Item 5, Redacted
7. Sierra Club's First Set of Data Requests – Item 5, Confidential
8. Sierra Club's First Set of Data Requests – Confidential
- a. Item 1
 - b. Item 3, Volume D
 - c. Item 4, Attachments 5 & 7

In a further effort to address Sierra Club's claims, Kentucky Power also made Mr. Becker available on two separate occasions. On the first, he facilitated communication between Synapse Energy Economics, Inc. and Ventyx, the licensor of the STRATEGIST model, to aid Synapse's efforts to gain access to protected information. In addition, Mr. Becker spoke with Synapse representatives on February 24, 2012 for the limited purposes of assisting Sierra Club in initially executing Strategist using the .FSV files provided in response to Sierra Club 1-37.

Respectfully submitted,



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CERTIFICATE OF SERVICE

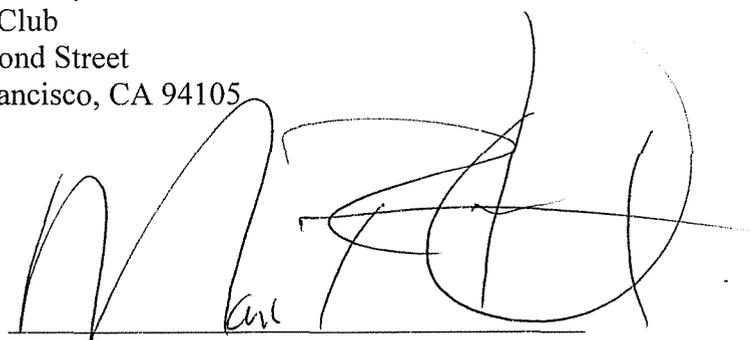
I hereby certify that a copy of the foregoing was served by overnight or hand delivery, upon the following parties of record, this 29th day of February, 2012.

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