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**Case Management System - KY Public Service Commission***Regular Cases Before the Commission as of April 18, 2026***2011-00401**

RECEIVED: 12/05/11

FILED: 12/05/11

FINAL: 05/31/12

REOPENED:

SUSPENSION DATE:

**CASE CODE**

Construct

Surcharge - Environmental

**UTILITIES:**

Kentucky Power Company

**HEARINGS:**

04/30/12 Formal Hearing  
 04/26/12 Teleconference  
 04/20/12 Teleconference  
 04/17/12 Formal Hearing  
 04/16/12 Formal Hearing  
 04/04/12 Informal Conference  
 01/05/12 Informal Conference

**INDEX OF EVENTS:**

12/05/19 Final Order Entered: 1. This case is opened to address certain outstanding petitions for confidential treatment. 2. The petitions for confidential treatment listed in Appendix B to this Order are granted. 3. The granting of these petitions shall not be cited as precedent in other proceedings before the Commission. 4. All movants shall review the petitions to determine if the material for which confidential treatment was requested still warrants confidential treatment. 5. A movant shall inform the Commission in writing, and filed in the original case file, if it determines that the information contained in a petition that is granted by this Order no longer warrants confidential treatment. 6. The Commission shall make available for inspection, upon request, any materials that a movant determines no longer warrants confidential treatment. 7. This case is closed and removed from the Commission's docket.

05/31/12 Order Entered: Kentucky Power's motion to withdraw its application is granted without prejudice and this case is closed and removed from the Commission's docket.

05/30/12 Kentucky Power Company's Motion for Leave to Withdraw Application Without Prejudice

05/25/12 KY Power's Modified Public and Confidential Versions of Response to Sierra Club 2-43

05/18/12 AG's Notice to Commission Staff RE Post Hearing Brief Redacted Portions of Confidential Session

05/17/12 KIUC Unredacted Brief Public Version

05/17/12 KY Power Filing on 051112 RE Confidentiality Petition

05/16/12 Letter of support to Representative Rocky Adkins

05/16/12 Notice of Filing of Hearing Documents

05/16/12 Notice of Errata to Post Hearing Brief (Public and Confidential)

05/15/12 Sierra Club Post Hearing Brief Letter of Explanation of Confidential Information

05/15/12 Rocky Adkins Letter of Support

05/14/12 KY Power Original Transcript of Hearing on 043012 with Confidential Petition

05/14/12 Brief of KIUC with Confidential Info to JCline

05/11/12 AG's Post-Hearing Brief Public Redacted Version with Confidential Info to JCline

05/11/12 Ky Power's Post-Hearing Brief with Confidential Petition

05/11/12 Tom Vierheller, Beverly May, and Sierra Club's Post Hearing Brief

05/10/12 KY Power Notice of Filing of Declaration of Mark A. Becker

05/10/12 KY Power Notice of Filing of Certain Data Request Responses

05/10/12 KY Power Responses to Commission Staffs 043012 Hearing Data Requests

05/10/12 Revised Exhibit LK 8 to Direct Testimony and Exhibits of Lane Kollen

05/10/12 KY Power Previously Filed Responses to Hearing Data Requests

05/09/12 Letter to Parties of Record verifying information from April 30, 2012 hearing

05/08/12 Notice of Filing of Certain Data Request Responses

05/08/12 KY Power's Notice of Filing of Certain Data Request Responses

05/04/12 Memorandum dated 5/4/12 for Informal Conference of 4/26/12; Comments, if any, due 5/14/12

05/04/12 Kentucky Power Company Responses to Hearing Data Requests

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05/04/12 Kentucky Power Company's Supplemental Response to Identified Data Requests  
05/03/12 Response letters to multiple comment letters  
05/01/12 KY Power Response to Commission Order of 042312 with Confidential Petition  
The Files are located at this link:  
<http://psc.ky.gov/Home/Library?type=Cases&folder=2011%20Cases/2011-00401/Kentucky%20Power%20Responses%20to%20042312%20Order>

05/01/12 Multiple Public Comments  
04/27/12 Response E-mail to CREDO Action  
04/27/12 Response letter to Rodney Gilliam  
04/27/12 Response letter to Roberta Gilliam  
04/27/12 CREDO Action Public Comments  
04/27/12 Bruce Nilles Declaration  
04/26/12 Letter to Michael L. Kurtz for confidential materials received 4/3/12  
04/26/12 Letter to Michael L. Kurtz for confidential materials received 3/6/12  
04/26/12 Letter to James Giampietro for clarification of Jeremy fisher Testimony  
04/26/12 Letter to James Giampietro for clarification of confidential materials received 2/10/12  
04/26/12 Letter to Joe Childers for clarification of Motion to Deviate  
04/26/12 Letter to Joe Childers for clarification of Fisher and Hornby Testimonies  
04/26/12 Response Letter to Representative Leslie A. Combs  
04/25/12 Letter to Mark Overstreet granting Kentucky Power's petition for confidentiality filed 3/28/12  
04/25/12 Letter to Mark Overstreet granting Kentucky Power's petition for confidentiality filed 2/20/12  
04/25/12 Summary Notes from Public Meeting in Hazard, KY on April 5, 2012  
04/25/12 Memorandum dated 4/25/2012 for Informal Conference of 4/04/2012; Comments, if any, due within five days of receipt  
04/25/12 Summary Notes from Public Meeting in Pikeville, KY on April 4, 2012  
04/25/12 Summary Notes from Public Meeting in Whitesburg, KY on April 5, 2012  
04/25/12 Summary Notes from Public Meeting in Louisa, KY on April 4, 2012  
04/25/12 Order Entered: that Hector Garcia is admitted pro hac vice for the purpose of representing Kentucky Power Company in the above-styled proceeding, provided that Mark R. Overstreet or another member of the Kentucky Bar Association acts as co-counsel and is present at any and all proceedings before this Commission.  
04/25/12 Roberta Gilliam Public Comments  
04/24/12 Order Entered: The Sierra Club's motion to compel is denied as moot.  
04/24/12 Order Entered: (1) Sierra Club's motion for a one-day extension to file its confidential responses to Kentucky Power's First Information Request is granted. (2) Sierra Club's motion for authority to file its data responses in electronic format only is granted in part and denied in part. (3) Sierra Club is authorized to file in electronic format the required number of copies of each data response containing 500 or more pages and shall file in paper the required copies of each data response containing less than 500 pages. (4) Sierra Club shall file in paper the original of each data response without regard to the number of pages unless the response consists of only computer-general modeling input and output files or information that would be mostly unintelligible in paper format because it is intended to be computer read. (5) Within seven days of the date of this Order, Sierra Club shall file the required paper originals and paper copies of its data responses.  
04/24/12 Order Entered: (1) Kentucky Power's motions to deviate from the filing requirements are granted in part and denied in part. (2) Kentucky Power is authorized to file in electronic format the required number of copies of each data response containing 500 or more pages and shall file in paper the required copies of each data response containing less than 500 pages. (3) Kentucky Power shall file in paper the original of each data response without regard to the number of pages unless the response consists of only computer generated modeling input and output files or information that would be mostly unintelligible in paper format because it is intended to be computer read. (4) Kentucky Power shall file within 7 days of the date of this Order the paper originals and the required number of paper copies of each data response not included in the deviation granted by this Order.  
04/24/12 Commission Staff's Notice of Telephone Informal Conference  
04/24/12 Representative Leslie A. Combs Comments Letter from Kentucky Power Company  
04/23/12 Rodney Gilliam Public Comments  
04/23/12 KY Power's Notice of Filing of Proofs of Publication  
04/23/12 KY Power's Motion for Admission of Pro Hac Vice of Hector Garcia  
04/19/12 Letter to Parties entering electronic mail messages into the record

**Case Management System - KY Public Service Commission***Regular Cases Before the Commission as of April 18, 2012*

04/19/12 Response E-mail to Lynn Bartley

04/19/12 Mrs. James Kelly Public Comments

04/19/12 KY Power's Corrected Rebuttal Testimony of Mark Becker

04/16/12 KY Power's Response to Commission Staff's 4th Set of DR

04/16/12 KY Power Rebuttal Testimony and Exhibits

04/13/12 Intervenor's Response to Commission's Request for Clarification of Confidential Info Filed on 03/12/12

04/12/12 Order Entered: Movant's motion for a one-day extension of time is granted and their responses to the information requests of Commission Staff and responses and objections to Kentucky Power are accepted for filing on April 3, 2012.

04/12/12 Intervenor's Notice of Errata to Direct Testimony of Jeremy Fisher and James Hornby with Confidential Info

04/05/12 Letter to Kristen Henry, Sierra Club, in response to material received for confidential treatment.

04/05/12 KY Power Notice of Filing of Supplemental Response to Identified DR

04/04/12 Response Letter to Representative Combs

04/04/12 Response E-mail to Mary Miller

04/04/12 Response E-mail to Joseph Anderson

04/03/12 Sierra Club Response to KY Power DR Item 9

04/03/12 Representative Leslie A. Combs Public Comments

04/03/12 ENVIRONMENTAL INTERVENORS MOTION FOR EXTENSION

04/03/12 Intervenor's Responses to Commission Staff and KY Power DR and Motions to Deviate

04/03/12 KIUC's Responses to Commission Staff and KY Power's Data Requests with CD

04/03/12 KY POWER NOTICE OF FILING OF PROOFS OF PUBLICATION

04/02/12 Commission Staff's Fourth Information Request to Kentucky Power Company

04/02/12 Attorney General's Responses to KY Power's Data Requests

03/30/12 Letter dated 3/29/2012 to Mark Overstreet granting Kentucky Power Company's petition for confidentiality filed 2/16/2012

03/30/12 Notice of filing of Original affidavit

03/28/12 Kentucky Power Company's Responses to Commission Staff's Third Set of Data Requests and Petition for Confidential Treatment

03/26/12 KY Power DR to Vierheller, May and Sierra Club, AG, KIUC and Notice of Filing

03/23/12 Commission Staff's First Request for Information to Kentucky Industrial Utility Customers, Inc.

03/23/12 Commission Staff's First Request for Information to Tom Vierheller, Beverly May and Sierra Club

03/21/12 Response letter to Janice Stapleton

03/21/12 Janice Stapleton Public Comments

03/20/12 Order Entered: The revised procedural schedule set forth in the Appendix to this Order shall be followed in this case.

2. Kentucky Power shall publish notice of this hearing in compliance with KRS 424.300 and 807 KAR 301 I , Section 8(5).

3. Kentucky Power shall file with the Commission proof of publication of the notice of hearing by April 27, 2012. 4. The official record of these proceedings shall be by video only.

03/20/12 Commission Staff's notice of informal Conference

03/14/12 Commission Staff's Third Information Request to Kentucky Power Company

03/12/12 Attorney General's Pre-Filed Testimony

03/12/12 Affidavits of Wilson, Hornby & Fisher For Direct Testimony w/Conf Material to JCline

03/12/12 KY Power's Notice of Service of Confidential Info on Staff Consultants

03/09/12 KY Power's Supplemental Response to KIUC 1-41 and AG 1-26

03/07/12 KY Power Company's Executed Signature Page and Certificate of Service for 030112 Filing

03/06/12 KIUC Direct Testimony and Exhibits of Stephen G. Hill, Stephen J. Baron and Lane Kollen

03/06/12 KY Power Notice of Filing of Supp Response to Identified DR

03/02/12 Order Entered:

(1) That portion of the AG's motion requesting an extension of time to file testimony is granted.

(2) That portion of the GA's motion requesting the hearing be rescheduled is taken under advisement and will be ruled on at a later date.

(3) The revised procedural schedule set forth in the appendix shall be followed in this case.

03/02/12 Order Entered: Shannon W. Fisk is admitted pro hac vice for the purpose of representing Intervenor Sierra Club.

03/02/12 KY Power Response to AGs Motion to Alter or Amend Commissions 2 Orders dtd 030112

03/01/12 Order Entered:

1. A hearing in this matter shall be held on April 16, 2012 at 10:00 a.m., Eastern Daylight Time, in

## Case Management System - KY Public Service Commission

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Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

2. Kentucky Power Company ("Kentucky Power") shall publish notice of this hearing in compliance with 807 KAR 5101 1, Section 8(5).

3. Kentucky Power shall file with the Commission, no later than April 13, 2012, proof of publication for its notice of the hearing in each of the publications in which it published notice.

4. The official record of these proceedings shall be by video only.

5. Any request to cancel or postpone this hearing shall be made by motion filed with the Commission at least one week before the hearing is scheduled to commence.

03/01/12

Order Entered:

(1) Sierra Club's motion for an extension of time is granted to the extent that Sierra Club shall have ten additional days, or up to and including March 12, 2012 to file its testimony in verified prepared form.

(2) The revised procedural schedule set forth in the Appendix shall be followed with respect to the direct testimony of Sierra Club, data requests to Sierra Club, and the responses of Sierra Club to data requests.

03/01/12

AG Motion to Alter or Amend Commissions 2 Orders dtd 030112

02/29/12

KY Power Response to Sierra Club Motion for Extension of Time

02/28/12

Kentucky Power Company's Notice of Filing Supplemental Response to Identified Data Request

02/27/12

Order Entered: Riverside's motion for rehearing is denied.

02/27/12

Movants Motion for Admission Pro Hac Vice of Shannon Fisk

02/24/12

Letter to Mark R. Overstreet granting Kentucky Power Company's petition for confidentiality filed 1/27/12 and amended on 2/7/12 for protection of certain information

02/24/12

Letter to Mark R. Overstreet granting Kentucky Power's petition for confidentiality filed 2/15/12 for protection of certain information.

02/24/12

KY Power's Original Affidavit of Toby Thomas and Supplemental Response to KPSC 2-13(b)

02/24/12

Intervenors Motion For Extension of Time to File Direct Testimony

02/22/12

KY Power's Responses to AG 1-11(c) and Sierra Club 1-1 with Excel CD to Exhibit SCW-4A thru SCW-4E

02/22/12

KY Power Response to Motion To Compel Disclosure by Sierra Club

02/20/12

Ky Power's Responses to Various Data Requests with Confidential Petition and Motion to Deviate

02/17/12

Memorandum dated 2/17/2012 for Informal Conference of 1/05/2012; Comments, if any, due within five days of receipt of letter

02/17/12

Intervenors Motion to Compel Disclosure

02/16/12

Order Entered: Kristin Henry is admitted pro hac vice for the purpose of representing Intervenor Sierra Club in the above-styled proceeding, provided that Joe Childers or another member of the Kentucky Bar Association acts as co-counsel and is present at any and all proceedings before this Commission

02/16/12

KY Power Supp Responses to Sierra Club with CD and Conf Petition

02/15/12

KY Power's Supplemental Responses to Sierra Club with Conf Petition and CD

02/14/12

Support Response Letter to Scotty Hanberry

02/10/12

Sierra Club's Letter of Clarification for Confidential Material Filed 020812

02/09/12

Scotty Hanberry Public Comments

02/09/12

KIUC 2nd Set of DR to KY Power Company

02/09/12

KY Power's Response to Riverside Generating Motion for Rehearing

02/08/12

Commission Staff's Second Request for Information to Kentucky Power Company

02/08/12

Movants Supplemental Requests for Information to Kentucky Power (Confidential Info)

02/08/12

Attorney General's Supplemental Data Requests

02/07/12

KY Power's Responses to Sierra Club's Identified Data Requests

02/07/12

KY Power's Response to AG's Data Request 1-11

02/07/12

Riverside Generating Company's Motion for Rehearing

02/07/12

KY Power's Motion For Leave to Amend 012712 Petition for Confidential Treatment (CD)

02/06/12

Motion to admit Pro Hac Vice by Sierra Club

01/31/12

Support Response Letter to Walter Anderson

01/30/12

Walter Anderson Public Comments

01/27/12

KY Power Responses to Initial Data Requests with Confidential Petition and Motion to Deviate

01/26/12

Order Entered: Riverside's motion for intervention is denied.

01/24/12

Support Response Letter to Billy Day

01/24/12

Support Response Letter to Michael W. Autry

01/23/12

Public Comments from Michael W. Autry

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**Case Management System - KY Public Service Commission***Regular Cases Before the Commission as of April 18, 2026*

01/23/12 Public Comments from Billy Day  
01/19/12 Order Entered:  
(1) The motion of Tom Vierheller, Beverly May, and the Sierra Club to intervene is granted and Tom Vierheller, Beverly May and the Sierra Club shall accept the existing procedural schedule.  
(2) Tom Vierheller, Beverly May, and the Sierra Club shall be entitled to the full rights of a party.  
(3) Should Tom Vierheller, Beverly May, and the Sierra Club file documents of any kind with the Commission, Tom Vierheller, Beverly May, and the Sierra Club shall also serve a copy of said documents on all other parties of record.

01/17/12 First set of data request of KIUC Customers to Kentucky Power Company  
01/13/12 Commission Staff's First Request for Information to Kentucky Power Company  
01/13/12 Attorney General's Initial Data Requests  
01/13/12 Proposed Intervenor's Initial Requests for Info to KY Power  
01/06/12 Movant's Petition for Full Intervention  
01/05/12 Riverside Generating Company, LLC's Motion to Intervene  
12/28/11 Order Entered:  
(1) The procedural schedule set forth in the Appendix shall be followed in this proceeding.  
(2) a. Responses shall be appropriately bound.  
(2) b. Each response shall be answered under oath.  
(2) c. Any party shall make timely amendment to any prior response.  
(2) d. Any request a party fails to furnish the requested information, that party shall provide a written explanation.  
(3) Any party filing testimony shall file an original and ten copies.  
(4) Kentucky Power shall give notice of the hearing in accordance with the provision set forth in 807 KAR 5:011, Section 8(5).  
(5) At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.  
(6) Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

12/28/11 Commission Staff's Notice of Informal Conference  
12/21/11 Order Entered:  
(1) The petition of KIUC to intervene is granted.  
(2) KIUC shall be entitled to the full rights of a party.  
(3) Should KIUC file document with the Commission, KIUC shall also serve a copy of said documents on all other parties of record.

12/14/11 Order Entered: The motion is granted and the Attorney General is hereby made a party to these proceedings.

12/12/11 KIUC's Petition to Intervene  
12/08/11 No Deficiency Letter  
12/07/11 Attorney General's Motion to Intervene  
12/06/11 Acknowledge Receipt of Filing  
12/06/11 KY Power's Notice of Re-Filing of Application  
12/05/11 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

12/05/11 Kentucky Power's Motion for Informal Conference  
11/18/11 Kentucky Power Company's Amended Notice of Intent to File Application  
10/28/11 Kentucky Power Company's Amended Notice of Intent to File Application for Approval of 2011 Environmental Compliance Plan and Environmental Surcharge Recovery and Related Relief

10/03/11 Acknowledge Receipt of Filing  
09/30/11 Kentucky Power Company's Notice of Intent to File Application for Approval of 2011 Environmental Compliance Plan and Environmental Surcharge Recovery and Related Relief

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Total Number of Cases: 1