# Case Management System - KY Public Service Commission

Regular Cases Before the Commission as of May 20, 2024

2022-00387

RECEIVED: 10/28/22 FILED: 10/28/22 FINAL: SUSPENSION DATE: 04/26/23

FINAL: 08/28/23

**REOPENED**:

CASE CODE Contracts

### UTILITIES:

Kentucky Power Company

### **HEARINGS**:

07/20/23	Formal Hearing
06/21/23	Formal Hearing

## **INDEX OF EVENTS:**

NDEX OF EVEN	TS:
10/06/23	Order Entered: Hector Garcia Santana is admitted pro hac vice, effective as of July 20, 2023, for the purpose of representing Kentucky Power in association with Katie M. Glass in the above-styled proceeding, provided that Katie M. Glass or another member of the Kentucky Bar Association acts as co-counsel and is present at all proceedings before this Commission.
08/28/23	Final Order Entered: 1. Kentucky Power's proposed Contract with Ebon is denied. 2. This case is closed and removed from the Commission's docket.
08/11/23	Lerah M. Kahn Kentucky Power Company Reply Brief of Kentucky Power Company
08/11/23	Byron Gary Joint Intervenors Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Ken Reply Brief of Joint Intervenors Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc.
08/11/23	J. Michael West Office of the Kentucky Attorney General Post-Hearing Response of Attorney General and KIUC
08/08/23	Byron Gary Joint Intervenors Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Ken Post-Hearing Brief of Joint Intervenors Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc.
08/08/23	Marilyn Michelle Caldwell Kentucky Power Company Initial Post Hearing Brief of Kentucky Power Company
08/08/23	Michael L Kurtz Kentucky Industrial Utility Customers and Attorney General Kentucky Industrial Utility Customers and Attorney General Post-Hearing Brief (PUBLIC)
07/28/23	Marilyn Michelle Caldwell Kentucky Power Company Kentucky Power Companys Response to Joint Intervenors Post-Hearing Data Request
07/28/23	Marilyn Michelle Caldwell Kentucky Power Company Kentucky Power Companys Response to Attorney General and Kentucky Industrial Customers, Inc.s Post-Hearing Data Request
07/28/23	Marilyn Michelle Caldwell Kentucky Power Company Kentucky Power Companys Responses to Commission Staffs July 21, 2023 Post Hearing Data Requests
07/24/23	Scott E. Bishop Kentucky Power Company Kentucky Power Company filing Notice of Filing of Special Contract Addendum.
07/21/23	Tom FitzGerald Joint Intervenors Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens Law Center, Sierra Club, and Kent Post-Hearing Data Requests Of Joint Intervenors Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc
07/21/23	COMMISSION STAFF'S POST-HEARING REQUEST FOR INFORMATION TO KENTUCKY POWER COMPANY
07/21/23	Order Entered: 1. Post-hearing requests for information, if any, shall be filed on or before July 21, 2023. 2. Responses to post-hearing requests for information shall be filed on or before July 28, 2023. 3. All parties shall file a memorandum brief, should they choose to do so, in support of their respective post-hearing positions on or before August 8, 2023. 4. All parties shall file any post hearing response briefs, should they choose to do so, addressing only issues raised in the initial briefs on or before August 11, 2023. 5. This case shall stand submitted for a decision by the Commission effective 12:01 a.m. Eastern Daylight Time, August 12, 2023.
07/21/23	Order Entered: 1. Kentucky Power's motions for confidential treatment filed October 28, 2022, December 28, 2022, January 27, 2023, February 13, 2023, and March 15, 2023, are granted. 2. Designated material from the direct testimony of Brian K. West and Exhibit 1 to Mr. West's testimony,

<ul> <li>General/KIUC's First Request, Items 30, 31, 32, 33, and 34; and Joint Intervenors' First Request, Item 8, Attachment 1, granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further Order of this Commission.</li> <li>3. Designated material from Kentucky Power's responses to Attroney General/KIUC's First Request, Item 24, Attachment 1; and Item 25, Attachment 1 granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for five years or until further Order of this Commission.</li> <li>4. Designated material from the rebutal testimony of Brian K. West, Exhibit 1; Kentucky Power's responses to Staff's First Request, Item 24, Attachment 1; and Joint Intervenors' Second Request, Item 7, Attachment 1, and Joint Intervenors' Second Request, Item 7, Attachment 1, and Joint Intervenors' Second Request, Item 7, Attachment 1, and Joint Intervenors' Second Request, Item 7, Attachment 1, and Joint Intervenors' Second Request, Item 7, Attachment 1, and Joint Intervenors' Second Request, Item 7, Attachment 1, and Joint Intervenors' Second Request, Item 7, Attachment 1, and Joint Intervenors' Second Request, Item 7, Attachment 1, and Joint Intervenors' Second Request, Item 7, Attachment 1, and Joint Intervenors' Second Request Item 7, Attachment 1, and Joint Intervenors' Second Request Item 7, Attachment 1, and Joint Intervenors' Second Request Item 7, Attachment 1, and Joint Intervenors' Second Request Item 7, Attach Kentucky Power Company Kentucky Power Companys Notice of Filing of Proof of Newspaper Publician and Micro Romany Kentucky Power Companys Notice of Filing of Proof Second Request Intervenors' Mountain Association, Kentuckians for The Commonwealth, Appalachian Citizens Law Center, Sierra Club, and Kent Witness List For Joint Intervenors Mountain Association, Kentuckians for The Commonwealth, Appalachian Citizens Law Center, Sierra Club</li></ul>		Kentucky Power's responses to Staff's First Request, Item 9, Attachments 1 and 2; Attorney
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<ul> <li>offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. 3. Pursuant to 807 KAR 5:001E, Section 2, if the hearing is not concluded on the designated day, the hearing shall be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing. 4. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at any hearing scheduled in this matter. 5. Kentucky Power shall give notice of the hearing in compliance with 807 KAR 5:001E, Section 9(2)(b).</li> <li>06/01/23 Byron Gary Joint Intervenors Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Ken Mountain Association, Kentucky Resources Council, Inc.'s Motions to Admit Thomas Cmar and Hema Lochlan Pro Hac Vice</li> <li>06/01/23 Byron Gary Joint Intervenors Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc.'s Motions to Admit Thomas Cmar and Hema Lochlan Pro Hac Vice</li> <li>06/01/23 Byron Gary Joint Intervenors Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc.'s Motions to Admit Thomas Cmar and Hema Lochlan Pro Hac Vice</li> </ul>	00/02/23	
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<ul> <li>hearing scheduled in this matter. 5. Kentucky Power shall give notice of the hearing in compliance with 807 KAR 5:001E, Section 9(2)(b).</li> <li>06/01/23 Byron Gary Joint Intervenors Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Ken Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Hema Lochlan Pro Hac Vice</li> <li>06/01/23 Byron Gary Joint Intervenors Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Hema Lochlan Pro Hac Vice</li> <li>06/01/23 Byron Gary Joint Intervenors Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc.'s Motions to Admit Thomas Cmar and Hema Lochlan Pro Hac Vice</li> <li>06/01/23 Byron Gary Joint Intervenors Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Counci Entry of Appearance of additional counsel</li> </ul>		
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<ul> <li>Inc.'s Motions to Admit Thomas Cmar and Hema Lochlan Pro Hac Vice</li> <li>Byron Gary Joint Intervenors Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Counci Entry of Appearance of additional counsel</li> </ul>		
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	06/01/23	
	05/24/23	Tom FitzGerald Joint Intervenors Mountain Association, Kentuckians for the Commonwealth,
Appalachian Citizens Law Center, Sierra Club, and Kent Response Of Joint Intervenors To Kentucky Power Company's Motion To Amend Procedural Schedule		
05/23/23 J. Michael West Kentucky Attorney General Response to Motion to Amend Procedural Schedule	05/23/23	
	05/22/23	Marilyn Michelle Caldwell Kentucky Power Company Kentucky Power Companys Motion to Amend
		Procedural Schedule
	05/22/23	

05/19/23 Order Entered: 1. A hearing in this matter shall be held on June 21, 2023, at 9 a.m. Eastern Daylight Time and continuing until called from the bench by the presiding officer, in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. 2. Pursuant to 807 KAR 5:001E, Section 2, if the hearing is not concluded on the designated day, the hearing may be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing. 3. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at the June 21, 2023 hearing. 4. Kentucky Power Company (Kentucky Power) shall give notice of the hearing in compliance with 807 KAR 5:001E, Section 9(2)(b). In addition, the notice of hearing shall include the following statements: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov" and "Public comments may be made at the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listed on the PSC website, psc.ky.gov." At the time the notice is mailed or publication is requested, Kentucky Power shall forward a duplicate of the notice and request to the Commission. 5. Pursuant to KRS 278.360 and 807 KAR 5:001E, Section 9(9), a digital video transcript shall be made of the hearing. 05/15/23 Order Entered: Kentucky Power's motion to strike is denied. 05/01/23 J. Marc Coolen Public Comments 04/10/23 Tom FitzGerald Joint Intervenors Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens Law Center, Sierra Club, and Kent Statement of Joint Intervenors Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council. Inc. Regarding Joint Participation In This Proceeding 04/07/23 Tom FitzGerald Joint Intervenors Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens Law Center, Sierra Club, and Kent Joint Intervenors Statement Regarding Receipt of Electronic Transmissions 03/30/23 Order Entered: 1. Joint Movants' motion to intervene is granted. 2. Joint Movants are entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order. 3. Joint Movants shall comply with all provisions of the Commission's regulations, 807 KAR 5:001E, Section 8, related to the service and electronic filing of documents. 4. Joint Movants shall adhere to the procedural schedule set forth in the Commission's November 23, 2022 Order and as amended by subsequent Orders. 5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, Joint Movants shall file a written statement with the Commission that: a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served. 6. Each of the Joint Movants shall file a separate copy with the Commission of their individual agreement regarding their joint participation in this matter within ten days of entering into the agreement. Ashley Wilmes Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens' Law 03/27/23 Center, Sierra Club, and Kentucky Resources Co Joint Intervenors' Response to Kentucky Power Company's Motion to Partially Strike Scott Bishop Kentucky Power Company Kentucky Power Company filing Motion to Partially Strike Joint 03/24/23 Intervenors Motion for a Hearing and Establishment of a Procedural Schedule. 03/23/23 Scott Bishop Kentucky Power Company Kentucky Power Company filing Notice of Filing Concerning Non-Disclosure Agreements. Tom FitzGerald Joint Intervenors Mountain Association, Kentuckians for the Commonwealth, 03/22/23 Appalachian Citizens Law Center, Sierra Club, and Kent Motion of Joint Intervenors Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc. For a Hearing And The Establishment Of A Procedural Schedule. Lerah M Kahn Kentucky Power Company Kentucky Power Company's Response to Attorney General's 03/20/23 and Kentucky Industrial Utility Customers, Inc.'s Request for Hearing Tom FitzGerald Joint Intervenors Mountain Association, Kentuckians for the Commonwealth, 03/17/23 Appalachian Citizens Law Center, Sierra Club, and Kent Motion For Leave To File Testimony Of Stacy L. Sherwood (Corrected) on behalf of Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc. as Joint Intervenors, and Testimony J. Michael West Kentucky Attorney General Request for Hearing of AG/KIUC 03/16/23 03/15/23 Lerah M Kahn Kentucky Power Company Kentucky Power Rebuttal Testimonies and Exhibits

03/08/23 Tom FitzGerald Movants For Joint Intervention Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens Law Center, Sierra C Response of Joint Intervenors (Movants) Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc. To Data Requests From Kentucky Power Company and from Commission Staff 03/08/23 J. Michael West Office of Attorney General Response of Attorney General to Company Data Requests J. Michael West Kentucky Attorney General OAGs Response to Data Requests of Commission Staff 03/08/23 Scott Bishop Kentucky Power Company Kentucky Power Company filing initial Data Requests to Joint 02/22/23 Intervenors. 02/22/23 Scott Bishop Kentucky Power Company Kentucky Power Company filing initial Data Requests to Kentucky Industrial Utility Customers, Inc. and the Attorney General. COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO THE ATTORNEY GENERAL OF 02/22/23 THE COMMONWEALTH OF KENTUCKY, BY AND THROUGH THE OFFICE OF RATE INTERVENTION AND KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC. 02/22/23 COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO MOUNTAIN ASSOCIATION, KENTUCKIANS FOR THE COMMONWEALTH, APPALACHIAN CITIZENS' LAW CENTER, SIERRA CLUB, AND KENTUCKY RESOURCES COUNCIL, INC. Lerah M Kahn Kentucky Power Company Motion for confidential treatment. 02/13/23 02/08/23 Tom FitzGerald Movants For Joint Intervention Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens Law Center, Sierra C Testimony of Stacy L. Sherwood and Testimony of Chelsea Hotaling (Redacted Public Version) on behalf of Movants For Joint Intervention Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens Law Center, Sierra Club. and Kentucky Resour J. Michael West Office of the Attorney General Testimony of Stephen Baron 02/08/23 Lerah M Kahn Kentucky Power Company Kentucky Power Company's supplemental responses to JI 1-02/02/23 6, JI 2-2, AG-KIUC 1-33, and AG-KIUC 2-4. 01/27/23 Lerah M Kahn Kentucky Power Company Kentucky Power Company's responses to Joint Intervenors' January 17, 2023 data requests. 01/27/23 Lerah M Kahn Kentucky Power Company Kentucky Power Company's responses to Attorney General's and Kentucky Industrial Utility Customers, Inc.'s January 17, 2023 data requests. 01/27/23 Lerah M Kahn Kentucky Power Company Kentucky Power Company's responses to Commission Staff's January 17,2023 data requests. Tom FitzGerald Movants For Joint Intervention Mountain Association, Kentuckians For The 01/17/23 Commonwealth, Appalachian Citizens Law Center, Sierra C Tendered Supplemental Data Requests Of Movants For Joint Intervention Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc. COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION TO KENTUCKY POWER 01/17/23 COMPANY J. Michael West Office of the Attorney General Supplemental Data Requests of Kentucky Attorney 01/17/23 General and KIUC Michael Kurtz Kentucky Industrial Utility Customers (KIUC) Kentucky Industrial Utility Customers 01/06/23 (KIUC) Written Statement 01/05/23 Order Entered: 1. KIUC's motion to intervene is granted. 2. KIUC is entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order. 3. KIUC shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents. 4. KIUC shall adhere to the procedural schedule set forth in the Commission's November 23, 2022 Order and as amended by subsequent Orders. 5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, KIUC shall file a written statement with the Commission that: a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served. Lerah M Scott Kentucky Power Company Kentucky Power Company's Supplemental Response to 01/03/23 Joint Intervenors' Data Request 1-8. Scott E. Bishop Kentucky Power Company Kentucky Power Company filing responses to Attorney 12/28/22 Generals and Kentucky Industrial Utility Customers, Inc.s December 8, 2022 data requests and attachments. 12/28/22 Scott E. Bishop Kentucky Power Company Kentucky Power Company filing responses to Joint Intervenors December 9, 2022 data Requests.

12/28/22	Scott E. Bishop Kentucky Power Company Kentucky Power Company filing responses to Commission Staffs December 9, 2022 data requests, Motion for Confidential Treatment and attachments.
12/28/22 12/13/22	Lerah M Scott Kentucky Power Company Errata Direct Testimony of Brian K. West Order Entered: 1. The Attorney General's motion to intervene is granted. 2. The Attorney General is entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order. 3. The Attorney General shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents. 4. The Attorney General shall adhere to the procedural schedule set forth in the Commission's November 23, 2022 Order and as amended by subsequent Orders. 5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, the Attorney General shall file a written statement with the Commission that: a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and b. Sets forth the electronic mail address to which all electronic notices and
12/09/22	messages related to this proceeding shall be served. Ashley Wilmes Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Co Initial Data Requests of Joint Intervenors Mountain Association, Kentuckians for The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council.
12/09/22	COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO KENTUCKY POWER COMPANY
12/08/22	J. Michael West Office of the Attorney General OAG/KIUC Initial Data Requests Redacted
12/08/22	J. Michael West Office of the Attorney General Notice of Witness Sharing
12/02/22	Tom FitzGerald Movants For Joint Intervention Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens Law Center, Sierra C Joint Motion Of Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc. For Full Intervention As Joint Intervenors
11/28/22	Scott E. Bishop Kentucky Power Company Kentucky Power Company filing Notice of Entry of Appearance of Counsel and Written Statement.
11/25/22	Michael L Kurtz Kentucky Industrial Utility Customers (KIUC) Kentucky Industrial Utility Customers (KIUC) Motion to Intervene
11/23/22	J. Michael West Kentucky Attorney General OAGs Motion to Intervene
11/23/22	Order Entered: 1. This proceeding is established to investigate the reasonableness of the proposed Special Contract. 2. Kentucky Power's proposed Special Contract is suspended for five months from November 27, 2022, up to and including April 26, 2023.
	3. Kentucky Power shall, by counsel, enter an appearance in this proceeding within seven days of the date of service of this Order. The entry of appearance shall include the name, address, telephone number, fax number, and electronic mail address of counsel. 4. Unless otherwise ordered by the Commission, the procedures set forth in 807 KAR 5:001, Section 8, related to service and electronic filing of papers shall be followed in this proceeding. 5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, Kentucky
	Power shall file by electronic means a written statement that it waives any right to service of Commission Orders by United States mail and that it or its authorized agent possess the facilities to
10/28/22	receive electronic submissions. Kentucky Power Company Contract Filing

Total Number of Cases: 1