

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF	)	
AMERICAN ELECTRIC POWER COMPANY, INC.,	)	
KENTUCKY POWER COMPANY AND LIBERTY	)	CASE NO.
UTILITIES CO. FOR APPROVAL OF THE	)	2021-00481
TRANSFER OF OWNERSHIP AND CONTROL OF	)	
KENTUCKY POWER COMPANY	)	

ORDER

On January 4, 2022, Liberty Utilities Co. (Liberty) filed an application, pursuant to KRS 278.020(6) and KRS 278.020(7), requesting approval of Liberty's acquisition of Kentucky Power Company, a utility subject to the Commission's jurisdiction.

KRS 278.020(7) states that the Commission shall render a decision on an application for the acquisition of control of a jurisdictional utility within 60 days after the application was filed, unless it is necessary to continue the application for up to 60 additional days, for good cause. Based upon a review of the application, the Commission finds that an investigation will be necessary and that the investigation cannot be completed by March 4, 2022. Therefore, the Commission will continue the application for up to 60 additional days, up to and including May 4, 2022.

The Commission also finds that a procedural schedule should be established for the orderly processing of this case. A procedural schedule is set forth in the Appendix to this Order.

Finally, the Commission finds that a hearing should be held on March 28, 2022, at 9 a.m. Eastern Daylight Time, and continuing on March 29, 2022, in the Richard Raff

Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky.

IT IS THEREFORE ORDERED that:

1. This case shall be continued for 60 additional days, up to and including May 4, 2022.
2. The procedural schedule set forth in the Appendix to this Order shall be followed.
3. A hearing in this matter shall be held on March 28, 2022, at 9 a.m. Eastern Daylight Time, and continuing on March 29, 2022, in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky.
4. Any party filing a paper with the Commission shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Commission directs the parties to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>1</sup> regarding filings with the Commission.
5. As set forth in 807 KAR 5:001, Section 4(11)(a), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceeding that is not adequately represented in the case, or (2) that the person requesting permissive intervention is likely to present issues or develop

---

<sup>1</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Further, KRS 278.040(2) requires that a person seeking intervention must have an interest in the rates or service of a utility, as those are the only matters that are subject to the Commission's jurisdiction. Therefore, any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not otherwise adequately represented, or the issues and facts that the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of utility service consumed by the movant or a general statement regarding a potential impact of possible modification of rates will not be deemed sufficient to establish a special interest. In addition, any motion to intervene filed after the date established in the procedural schedule shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

6. Liberty shall give notice of any scheduled hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). In addition, the notice of hearing shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website, [psc.ky.gov](http://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 listing on the PSC website, [psc.ky.gov](http://psc.ky.gov)." At the time publication is requested, Liberty shall forward a duplicate of the notice and request to the Commission.

7. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

8. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made of the hearing.

9. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

10. Nothing contained herein shall prevent the Commission from entering further Orders in this matter

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Commission

ENTERED  
JAN 06 2022 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

Case No. 2021-00481

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2021-00481 DATED JAN 06 2021

Last day for intervention requests to be accepted.....01/11/2022

All initial requests for information to Liberty  
shall be filed no later than ..... 01/13/2022

Liberty shall file responses to initial requests for  
information no later than..... 01/24/2022

All supplemental requests for information to Liberty  
shall be filed no later than ..... 02/04/2022

Liberty shall file responses to supplemental requests  
for information no later than ..... 02/14/2022

Intervenor testimony, if any, in verified prepared  
form shall be filed no later than ..... 02/21/2022

All requests for information to Intervenors shall  
be filed no later than..... 03/04/2022

Intervenors shall file responses to requests for  
information no later than..... 03/14/2022

Liberty shall file, in verified form, its rebuttal  
testimony no later than ..... 03/18/2022

Public Hearing to be held in the Richard Raff Hearing Room  
at the offices of the Public Service Commission at 211 Sower Boulevard,  
Frankfort, Kentucky, for the purpose of cross-examination  
of witnesses of Liberty and Intervenors ..... 03/28/2022–03/29/2022

\*Brian West  
Kentucky Power Company  
1645 Winchester Avenue  
Ashland, KY 41101

\*Kentucky Power Company  
1645 Winchester Avenue  
Ashland, KY 41101

\*Tanner Wolfram  
American Electric Power Service Corporation  
1 Riverside Plaza, 29th Floor  
Post Office Box 16631  
Columbus, OHIO 43216

\*Christen M Blend  
American Electric Power Service Corporation  
1 Riverside Plaza, 29th Floor  
Post Office Box 16631  
Columbus, OHIO 43216

\*Kentucky Power Company  
Kentucky Power Company  
1645 Winchester Avenue  
Ashland, KY 41101

\*Dmitry Balashov  
,

\*Katie M Glass  
Stites & Harbison  
421 West Main Street  
P. O. Box 634  
Frankfort, KENTUCKY 40602-0634

\*Hector Garcia  
Kentucky Power Company  
1645 Winchester Avenue  
Ashland, KY 41101

\*Honorable Mark R Overstreet  
Attorney at Law  
Stites & Harbison  
421 West Main Street  
P. O. Box 634  
Frankfort, KENTUCKY 40602-0634

\*John C. Crespo  
,

\*Peter Eichler  
,

\*James W Gardner  
Sturgill, Turner, Barker & Moloney, PLLC  
333 West Vine Street  
Suite 1400  
Lexington, KENTUCKY 40507

\*Sarah Knowlton  
,

\*Kenneth Tillotson  
,

\*M. Todd Osterloh  
Sturgill, Turner, Barker & Moloney, PLLC  
333 West Vine Street  
Suite 1400  
Lexington, KENTUCKY 40507