

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST	)	
KENTUCKY POWER COOPERATIVE, INC. FOR	)	
APPROVAL TO AMEND ITS ENVIRONMENTAL	)	
COMPLIANCE PLAN AND RECOVER COSTS	)	CASE NO.
PURSUANT TO ITS ENVIRONMENTAL	)	2023-00177
SURCHARGE, AND FOR ISSUANCE OF	)	
CERTIFICATES OF PUBLIC CONVENIENCE AND	)	
NECESSITY AND OTHER RELIEF	)	

ORDER

On July 21, 2023, East Kentucky Power Cooperative, Inc. (EKPC), pursuant to KRS 278.020, KRS 278.183, and 807 KAR 5:001, submitted an application for a Certificate of Public Convenience and Necessity (CPCN) to construct Peg’s Hill Phase 2 of the landfill at its Hugh L. Spurlock Station in Mason County, Kentucky, a project resulting in the Closure in Place of the Cooper former impoundment (CFI) at the John S. Cooper Station in Pulaski County, Kentucky, as well as a request to amend its Compliance Plan and recover the costs associated with these activities through its environmental surcharge pursuant to KRS 278.183.

KRS 278.020(9) requires the Commission to issue a decision no later than 90 days after the application is filed unless the Commission extends this period, for good cause, to 120 days. Due to the nature of the case and the issues involved, the Commission finds that good cause exists in this matter to warrant such an extension to permit the Commission to thoroughly review the application. Therefore, the Commission will continue the application for six months up to and including January 21, 2024.

The Commission further 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.

Additionally, any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001, 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. Hearings are held in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. Witnesses who sponsor schedules, testimony, or responses to requests for information are expected to participate in person at a hearing.

IT IS THEREFORE ORDERED that:

1. This case is continued for six months days, up to and including January 21, 2024.
2. The procedural schedule set forth in the Appendix to this Order shall be followed.
3. EKPC shall respond to all requests for information propounded by Commission Staff, whether identified on the procedural schedule or otherwise, as provided in those requests.
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 facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. 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.

6. 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.

7. EKPC 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

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<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).

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 listing on the PSC website, psc.ky.gov.” At the time publication is requested, EKPC shall forward a duplicate of the notice and request to the Commission.

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

9. Any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001, 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.

10. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at any hearing scheduled in this matter.

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

12. 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.

13. The Commission does not look favorably upon motions to excuse witnesses from testifying at Commission hearings. Accordingly, motions to excuse a witness from testifying at a Commission hearing or from testifying in person at a Commission hearing shall be made in writing and will be granted only upon a showing of good cause.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

  
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Vice Chairman

  
\_\_\_\_\_  
Commissioner

ENTERED  
JUL 31 2023  
rCS  
KENTUCKY PUBLIC  
SERVICE COMMISSION

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ATTEST:

  
\_\_\_\_\_  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2023-00177 DATED JUL 31 2023

Last day for intervention requests to be accepted..... 08/11/2023

All initial requests for information to EKPC  
shall be filed no later than..... 08/15/2023

EKPC shall file responses to initial requests for  
information no later than..... 08/29/2023

All supplemental requests for information to EKPC  
shall be filed no later than..... 09/12/2023

EKPC shall file responses to supplemental requests  
for information no later than..... 09/26/2023

Intervenor testimony, if any, in verified prepared  
form shall be filed no later than..... 10/06/2023

All requests for information to Intervenors shall  
be filed no later than..... 10/20/2023

Intervenors shall file responses to requests for  
information no later than..... 11/03/2023

EKPC shall file, in verified form, its rebuttal  
testimony no later than..... 11/09/2023

Last day for Parties to request a Public Hearing or submit a  
request for the matter be decided based upon the written  
record..... 11/14/2023

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