

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

PUBLIC SERVICE  
COMMISSION

The 2012 Integrated Resource Plan of  
East Kentucky Power Cooperative, Inc.

)  
) CASE NO. 2012-00149  
)

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SONIA MCELROY AND SIERRA CLUB'S SUPPLEMENTAL REQUESTS FOR  
INFORMATION TO EAST KENTUCKY POWER COOPERATIVE

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Intervenors Sonia McElroy and Sierra Club (collectively "Intervenors") pursuant to the Kentucky Public Service Commission's ("Commission") Orders of May 25 and July 5, 2012 propound the following requests for information on the East Kentucky Power Cooperative, Inc. ("EKPC") regarding EKPC's Integrated Resource Plan that is the subject of the above-captioned proceeding.

EKPC shall answer these requests for information in the manner set forth in the May 25 Order and by the August 20, 2012 deadline set forth in the Appendix of the July 5 Order. Please produce the requested documents in electronic format at the offices of Sierra Club, 85 Second Street, 2<sup>nd</sup> Floor, San Francisco, CA 94105 or at such other location as may be mutually agreed upon between counsel of record.

Wherever the response to an interrogatory or request consists of a statement that the requested information is already available to the Intervenors, provide a detailed citation to the document that contains the information. This citation shall include the title of the document, relevant page number(s), and to the extent possible paragraph number(s) and/or chart/table/figure number(s).

In the event that any document referred to in response to any request for information has been destroyed, specify the date and the manner of such destruction, the reason for such destruction, the person authorizing the destruction and the custodian of the document at the time of its destruction.

The Intervenors reserve the right to serve supplemental, revised, or additional discovery requests as permitted in this proceeding, including with regards to Intervenors' initial requests that EKPC failed to substantively respond to as addressed in Intervenors' August 2, 2012 Motion to Compel and for Continuance of the Case Schedule.

## DEFINITIONS

Unless otherwise specified in each individual interrogatory or request, “you,” “your,” “EKPC,” or “Company” refers to East Kentucky Power Cooperative, and its distribution cooperatives, affiliates, employees, and authorized agents.

“And” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these interrogatories and requests for production of documents any information which might be deemed outside their scope by another construction.

“Any” means all or each and every example of the requested information.

“CSAPR” means the Cross-State Air Pollution Rule.

“Communication” means any transmission or exchange of information between two or more persons, whether orally or in writing, and includes, without limitation, any conversation or discussion by means of letter, telephone, note, memorandum, telegraph, telex, telecopy, cable, email, or any other electronic or other medium.

“Document” refers to written matter of any kind, regardless of its form, and to information recorded in any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software, and includes all copies, drafts, proofs, both originals and copies either (1) in the possession, custody or control of EKPC regardless of where located, or (2) produced or generated by, known to or seen by EKPC, but not in their possession, custody or control, regardless of where located or whether still in existence.

Such “documents” shall include, but are not limited to, applications, permits, monitoring reports, computer printouts, contracts, leases, agreements, papers, photographs, tape recordings, transcripts, letters or other forms of correspondence, folders or similar containers, programs, telex, TWX and other teletype communications, memoranda, reports, studies, summaries, minutes, minute books, circulars, notes (whether typewritten, handwritten or otherwise), agenda, bulletins, notices, announcements, instructions, charts, tables, manuals, brochures, magazines, pamphlets, lists, logs, telegrams, drawings, sketches, plans, specifications, diagrams, drafts, books and records, formal records, notebooks, diaries, registers, analyses, projections, email correspondence or communications and other data compilations from which information can be obtained (including matter used in data processing) or translated, and any other printed, written, recorded, stenographic, computer-generated, computer-stored, or electronically stored matter, however and by whomever produced, prepared, reproduced, disseminated or made.

Without limitation, the term “control” as used in the preceding paragraphs means that a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person or public or private entity having actual possession thereof. If a document is responsive to a request, but is not in your possession or custody, identify the person with possession or custody. If any document was in your possession or subject to your control,

and is no longer, state what disposition was made of it, by whom, the date on which such disposition was made, and why such disposition was made.

In the interest of efficiency during discovery and the hearing process, bates stamp all documents produced in response to these interrogatories and requests for production.

For purposes of the production of “documents,” the term shall include copies of all documents being produced, to the extent the copies are not identical to the original, thus requiring the production of copies that contain any markings, additions or deletions that make them different in any way from the original

“DSM” means demand-side management programs including demand-response, interruptible load, and energy efficiency programs.

“EPA” or “US EPA” means the United States Environmental Protection Agency

“GHG” means greenhouse gas

“Identify” means:

- (a) With respect to a person, to state the person’s name, address and business relationship (e.g., “employee”) to KPC;
- (b) With respect to a document, to state the nature of the document in sufficient detail for identification in a request for production, its date, its author, and to identify its custodian. If the information or document identified is recorded in electrical, optical or electromagnetic form, identification includes a description of the computer hardware or software required to reduce it to readable form.

“IRP” means EKPC’s Integrated Resource Plan, including all appendices, filed with the Kentucky PSC in the above-captioned proceeding on April 20, 2012.

“kWh” means kilowatt-hours.

“MW” means megawatt.

“MWh” means megawatt-hours.

“NOx” means nitrogen oxides

“Relating to” or “concerning” means and includes pertaining to, referring to, or having as a subject matter, directly or indirectly, expressly or implied, the subject matter of the specific request.

“SO2” means sulfur dioxide

## **PRIVILEGE OR CONFIDENTIALITY**

If you claim a privilege including, but not limited to, the attorney-client privilege or the work product doctrine, as grounds for not fully and completely responding to any interrogatory or request for production, describe the basis for your claim of privilege in sufficient detail so as to permit the Commission to adjudicate the validity of the claim if called upon to do so. With respect to documents for which a privilege is claimed, produce a “privilege log” that identifies the author, recipient, date and subject matter of the documents or interrogatory answers for which you are asserting a claim of privilege and any other information pertinent to the claim that would enable the Intervenors or the Commission to evaluate the validity of such claims.

To the extent that you can legitimately claim that any interrogatory response or responsive document is entitled to confidentiality, the Intervenors are willing to enter into a confidentiality agreement that would protect such response or document from public disclosure.

## **TIME**

Unless otherwise provided, the applicable time period for each of these requests for information is January 1, 2009 to the present.

## **REQUESTS FOR INFORMATION**

1. Refer to your response to Intervenors’ Initial Request 9d.
  - a. State whether the 27,848MWh of energy savings identified therein is the cumulative savings over five years or annual savings.
  - b. Explain how the 27,848MWh of energy savings figure is consistent with the levels of DSM impacts on energy requirements identified on page 15 of the IRP.
  
2. Refer to p. 8 of the IRP where you state that “EKPC’s experience indicates that the financial investment required to successfully implement DSM programs exceeds the investment assumed in the California tests, principally due to promotional costs incurred to derive awareness, education and adoption in the EKPC service territory”. State whether this purported additional investment needed to implement DSM programs in the EKPC service territory in comparison to the investment assumed in the California tests was factored into the evaluation of DSM programs that is incorporated into this IRP. If so, explain how.

3. Refer to your response to Intervenors' Initial Request 13, Table 7-2 on page 70 of the 2010 Load Forecast, and page 44 of the IRP.
  - a. Confirm whether Large Commercial Class customers identified in Table 7-2 of the 2010 Load Forecast are equivalent to the Industrial Class referenced on page 44 of the IRP.
  - b. Confirm that the 2010 Load Forecast projects 4 new Large Commercial Class customers in 2012.
  - c. Confirm that on page 44 of the IRP, you project 20 new Industrial Class customers in 2012.
  - d. Confirm that for the years 2013 through 2026, the same number of new Large Commercial Class customers is projected in Table 7-2 of the 2010 Load Forecast as are the number of new Industrial Class customers projected on page 44 of the IRP.
  - e. Identify and explain the specific factors that led you to increase the projected number of new customers in 2012 from 4 in Table 7-2 of the 2010 Load Forecast to 20 on page 44 of the IRP.
  
4. Refer to your response to Intervenors' Initial Request 17 and to the newspaper article titled *EKPC: Rules to be very costly*, which is included as Attachment 1.
  - a. Refer to the statement in the newspaper article from EKPC spokesperson Nick Comer that:

“By 2015, East Kentucky Power Cooperative is going to have to make a decision with Dale Station because of federal regulations,” EKPC spokesman Nick Comer said. “As it stands right now, (at) Dale Station, none of the four units there would meet that regulation, and in order to do that we would need to retrofit all four of those units with emissions control equipment. (We’re) looking at an investment of certainly tens of millions and maybe more than that.”

State whether you still believe that EKPC would need to install emission control equipment on the Dale Station to bring it into compliance with federal regulations if the plant continues to operate after 2015 or 2016. If not, explain why not. If so:

- i. Identify the emission control equipment that would need to be installed.
- ii. Explain how the need to install controls to bring the Dale Station into compliance with federal regulations is consistent with EKPC's response to Sierra Club Initial Request 17c that “all other units capable of emissions controls are suitably equipped.”

- iii. State whether any of the five resource optimization plans identified in Table 8.5(a) on page 162 of the IRP includes the installation of emission control equipment on the Dale Station.
        1. If not, explain why not.
        2. If so, explain how such controls are included in each of the plans.
5. Refer to your response to Intervenor's Initial Request 22b.
  - a. Describe the "environmental control strategy" referenced therein.
  - b. Identify what emission controls would be added to the Cooper or Dale generating units as part of that "environmental control strategy"
  - c. Produce any document regarding that "environmental control strategy"
  - d. Explain how, in the event that the U.S. Court of Appeals for the District of Columbia upholds CSAPR, EKPC's "current fleet and environmental control strategy will allow" its fleet to operate within the CSAPR 2014 allowances.
  - e. Produce any document evaluating how, in the event that the U.S. Court of Appeals for the District of Columbia upholds CSAPR, EKPC can comply with CSAPR.
6. Refer to your response to Intervenor's Initial Request 24.
  - a. Identify your basis for contending that "KYDAQ is currently considering whether to revise its Regional Haze SIP." Produce any documents supporting that contention.
  - b. Produce EKPC's initial and revised BART compliance plans referenced therein
7. With regards to each of the following existing or expected environmental regulations, state whether EKPC has since January 1, 2009 evaluated options for bringing any of its coal-fired electric generating units into compliance with proposed or finalized versions of each such regulation. If so, explain the results of such evaluation and produce any documentation of such evaluation.
  - a. Clean Air Interstate Rule
  - b. Cross State Air Pollution Rule
  - c. Regional Haze Rule
  - d. Maximum Achievable Control Technology standards for hazardous air pollutants
  - e. National Ambient Air Quality Standards
  - f. Clean Water Act Section 316(a)
  - g. Clean Water Act Section 316(b)

- h. Clean Water Act Effluent Limitation Guidelines
- i. Coal Combustion Residuals Rule

8. Refer to your response to Intervenors' Initial Request 26.
  - a. Explain how EKPC's stated lack of plans to retire any of its units is responsive to each of Initial Requests 26(b) through 26(j).
  - b. For each of Initial Requests 26(b) through 26(j) provide substantive responses or confirm that EKPC has not evaluated or has no knowledge regarding the issue raised in each request.
  
9. Refer to your response to Intervenors' Initial Request 27. State whether EKPC has, since January 1, 2009, evaluated the economics or feasibility of retiring, mothballing, or deactivating any of its coal-fired electric generating units, or of replacing any of those units with other energy resources. If so, produce such evaluation. If not, explain why not.
  
10. Refer to your response to Intervenors' Initial Request 29, which asked whether EKPC had prepared preliminary 2012 load forecasts for each member system. Your response stated that such forecasts had not been produced "at the time of its IRP filing" which is not fully responsive to the request. State whether, at the time you are answering this request, EKPC has prepared preliminary 2012 load forecasts for each member system. If so, produce such forecasts.
  
11. Refer to your response to Intervenors' Initial Request 33.
  - a. Confirm whether your 2012 IRP incorporates a load forecast that, in turn, uses a price of electricity forecast from 2009.
    - i. If not, identify from what year is the price of electricity forecast that was used in the load forecast incorporated in the 2012 IRP.
    - ii. If so, explain why it is appropriate to use an approximately three-year-old price of electricity forecast in a 2012 IRP.
  - b. In response to Initial Request 33d, which requested production of the most recent Board approved Twenty Year Financial Forecast, you referred to page 9-1 of the 2009 IRP filing. Page 9-1 of the 2009 IRP does not constitute the Twenty Year

Financial Forecast and would appear to predate the 2010 Twenty Year Financial Forecast referenced in your response to Staff Initial Request 22. As such:

- i. State whether the 2010 Twenty Year Financial Forecast referenced in your response to Staff Initial Request 22 is the most recent such EKPC financial forecast.
  1. If so, produce a complete copy of that document.
  2. If not, identify and produce the most recent Twenty Year Financial Forecast.

12. Refer to your responses to Intervenors' Initial Requests 31 and 34.

- a. Confirm whether the 2007 EISA end-use efficiency standards discussed in your response to Request 31 are the only efficiency improvements or "government regulation" efficiency provisions factored into the 2010 Load Forecast.
  - i. If not, identify what other efficiency improvements or "government regulation" efficiency provisions were factored into the 2010 Load Forecast.
- b. EKPC did not respond to the portion of Initial Requests 31 and 34 seeking the level of annual energy savings or peak demand reduction from efficiency improvements or "government regulation" efficiency provisions that were assumed in the 2010 Load Forecast. As such, confirm whether EKPC knows those levels. If so, identify them as requested in Initial Requests 31 and 34.

13. Refer to pages 7-10 of the DSM Report found in Technical Appendix Volume 2. Produce in machine readable or txt format the input and output files for the *DSMore* modeling described therein.

14. Refer to p. 8 of the DSM Report found in Technical Appendix Volume 2. Identify the natural gas cost by year referenced therein.

15. Refer to your response to Intervenors' Initial Request 40a. Explain how the marginal energy cost of \$0.036 per kWh in 2012 was determined. Identify and produce any documents upon which that cost figure is based.



16. Refer to your response to Intervenor's Initial Request 40a. Explain the basis for assuming a compound annual growth rate in marginal energy costs of 4% for the period 2012 through 2026. Identify and produce any documents upon which that growth rate is based.

17. Refer to your response to Intervenor's Initial Request 42.

- a. State whether the assumption that "there are no planned capital investments during the IRP 2012 reporting period" means that the cost of "capital investments for compliance" factored into the evaluation of DSM documented in the DSM Report found in Technical Appendix Volume 2 was zero.
- b. State whether the evaluation of DSM documented in the DSM Report found in Technical Appendix Volume 2 assumed that any of EKPC's existing coal-fired generating units would be retired, mothballed, deactivated, or otherwise replaced.
  - i. If so, identify which units and when.
  - ii. If not, explain why you assumed that all of EKPC's coal units could continue operating without any capital investments for compliance.

18. Refer to your response to Intervenor's Initial Request 44. Produce the EPRI DSM technical potential study referenced therein.

19. Refer to your response to Intervenor's Initial Request 47. Explain why EKPC did not perform any sensitivity analyses as part of its 2012 IRP.

20. Refer to pages 63 through 65 of the IRP.

- a. Explain why no data is presented for after the year 2015 for Cooper Unit 1 or any of the Dale units.

- b. If the explanation includes that EKPC assumed such units would be retired, mothballed, deactivated, or otherwise replaced after 2015, explain why such assumption was made and how that assumption was factored into the IRP.
  
21. Refer to pages 63 through 66 of the IRP. Explain how the fuel price projections for the coal-fired generating units listed therein were determined, and identify and produce any documents upon which those prices were based.
  
22. Refer to pages 66 through 72 of the IRP. Explain how the fuel price projections for the natural gas units listed therein were determined, and identify and produce any documents upon which those prices were based.
  
23. Refer to your response to Intervenors' Initial Request 50.
  - a. Identify the "assumptions about fuel prices" that were embedded in the retail rate to the consumer as part of the 2010 and 2011 Load Forecasts. Include in your response the specific prices of natural gas and coal that were assumed.
  - b. Explain how the load forecast would change if it had used the fuel cost data used in the 2012 IRP, rather than the data used in the 2010 and 2011 Load Forecasts.
  
24. Refer to your response to Staff Initial Request 1b.
  - a. Explain why "many EKPC Existing DSM Programs are not currently performing at that theoretical maturity level."
  - b. Produce any analyses or evaluations of the performance of EKPC's existing DSM programs
  - c. Produce any analyses or evaluations of ways to improve the performance of such programs.
  - d. Identify and explain any steps that EKPC is taking to improve the performance of any of its existing DSM programs.

25. State whether EKPC has made any calculations of the potential impact that bidding of efficiency resources into the PJM base residual auctions or supplemental auctions may have on either the market clearing price for capacity and/or the magnitude of bill savings that its customers would realize from lowering market clearing prices.
  - a. If so, please provide EKPC's estimates of the potential impact on both market clearing prices and customer bills
  
26. State whether you factored the ability to bid energy efficiency resources into PJM base residual or supplemental auctions into your evaluation of the level of DSM that EKPC plans to pursue.
  - a. If so, explain how that ability to bid was factored in.
  - b. If not, explain why not.
  
27. Explain in detail all assumptions, purpose, and reasoning behind any plans to bid or not bid energy efficiency resources into future PJM base residual and supplemental auctions.
  
  
  
  
  
  
  
  
  
  
28. Produce any documents you created or consulted regarding EKPC's participation in future PJM base residual auctions and supplemental auctions, including any and all calculations, notes, or correspondence reflecting your assumptions, purpose, and reasoning behind a decision to bid or not bid energy efficiency into the PJM auctions.
  
  
  
  
  
  
  
  
  
  
29. Describe all circumstances under which EKPC would not bid at least some energy efficiency resources into the PJM auctions.
  
  
  
  
  
  
  
  
  
  
30. Does EKPC believe that any of the savings that its energy efficiency programs will achieve would not be eligible to be bid into future PJM auctions? If so, explain why.

31. Regarding previous Base Residual Auctions (“BRAs”):
- a. Identify any previous BRA in which EKPC has participated;
  - b. Identify the amount of energy efficiency and peak demand savings bid into each auction;
  - c. Summarize the outcome of each auction with regard to EKPC’s participation as described in letter b.

Respectfully submitted,



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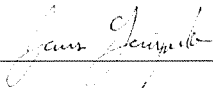
Dated: August 3, 2012

## CERTIFICATE OF SERVICE

I certify that I had filed with the Kentucky Public Service Commission and served a copy of this **SONIA MCELROY AND SIERRA CLUB'S SUPPLEMENTAL REQUESTS FOR INFORMATION TO EAST KENTUCKY POWER COOPERATIVE** via electronic mail and U.S. Mail on August 2, 2012 to the following:

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James Giampietro

Docket 2012-00149  
Before the Kentucky Public Service Commission

**SONIA MCELROY AND SIERRA CLUB'S SUPPLEMENTAL REQUESTS FOR INFORMATION TO EAST  
KENTUCKY POWER COOPERATIVE**

# **Attachment 1**

August 3, 2012

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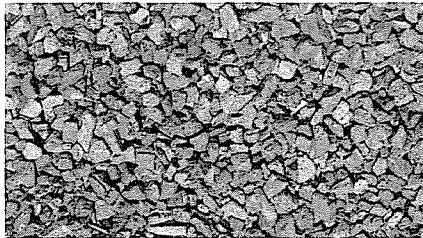
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## EKPC: Rules to be very costly

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By Katie Perkowski  
The Winchester Sun  
11:03 a.m. EDT, June 11, 2012

East Kentucky Power Cooperative's Dale Station doesn't meet the federal Mercury and Air Toxics Standards Act that will take effect in 2015.

The cooperative must now decide what the best option for compliance is, and what option would be most affordable and reliable for its customers.

On Friday, the cooperative issued a news release requesting proposals for up to 300 megawatts of electric-generating resources to replace the plant that could be shut down.

#### Topics

- Plant Openings
- Standards
- U.S. Environmental Protection Agency

"By 2015, East Kentucky Power Cooperative is going to have to make a decision with Dale Station because of federal regulations," EKPC spokesman Nick Comer said. "As it stands right now, (at) Dale Station, none of the four units there would meet that regulation, and in order to do that we would need to retrofit all four of those units with emissions control equipment. (We're) looking at an investment of certainly tens of millions and maybe more than that."

That is also the case with Cooper Unit No. 1 in Pulaski County, he said.

Comer said the cooperative must decide whether adding new technologies to the existing system or building a new plant is the most economical option.

The proposals are due by Aug. 30, and the cooperative expects to execute agreements in January 2013, according to the news release.

"And from this we hope to get an idea of what the alternatives are and what it would cost for each one of those and what are the costs and benefits of each one of those alternatives," Comer said.

If the cooperative decides to build a new plant, it would have to shut down Dale Station, Comer said. He said the cooperative would have to take into consideration the plant's long presence in Clark County.

"And we have coal delivery contracts and we're accustomed to operating a plant there, so if we could affordably retrofit that power plant, that would be a good thing for East Kentucky Power and for Clark County and Winchester," he said. "But we also need to be cognizant of the fact that, at the end of the line, the people who pay for an upgrade or a new plant or whatever the decision is, are the rate payers — the homeowners and businesses that buy the electricity from the 16 cooperatives we serve."

The U.S. Environmental Protection Agency announced the standards to limit mercury, acid gases and other toxic pollution from power plants on Dec. 21, 2011. Power plants, according to the EPA, are responsible for about half of mercury emissions and 77 percent of acid gas emissions.

The EPA estimates that about 1,400 plants are affected by the standards. About 1,100 of those are existing coal-fired plants.

The federal standards, the EPA states, will prevent hundreds of thousands of illnesses and thousands of premature deaths each year. The total national annual cost of the standards is estimated to be \$9.6 billion.

For request for proposals and related information, visit [www.ekpc-rfp2012.com](http://www.ekpc-rfp2012.com).

Contact Katie Perkowski at [kperkowski@winchestersun.com](mailto:kperkowski@winchestersun.com) or follow her on Twitter, @TheSunKatie.

#### Local News

- 25 Years Ago: July 27, 2012
- Community Calendar: July 27, 2012
- Boonesboro Road collision
- Clark County Fire: July 27, 2012
- Winchester Fire-EMS: July 27, 2012
- Winchester Police: July 27, 2012
- Abacadabra
- Clark County Sheriff: July 27, 2012
- Death notices: July 27, 2012
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