

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY POWER	)	
COOPERATIVE, INC. FOR ISSUANCE OF A	)	CASE NO.
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	2016-00269
NECESSITY, APPROVAL OF CERTAIN ASSUMPTION	)	
OF EVIDENCES OF INDEBTEDNESS AND	)	
ESTABLISHMENT OF A COMMUNITY SOLAR TARIFF	)	

ORDER

On July 21, 2016, East Kentucky Power Cooperative, Inc. ("EKPC") tendered for filing an application for issuance of a Certificate of Public Convenience ("CPCN"), approval of certain assumption of evidences of indebtedness, establishment of a wholesale community solar tariff ("Wholesale Tariff"), and approval of a retail community solar tariff template ("Retail Tariff Template"). EKPC included with its application a motion for deviation from 807 KAR 5:001, Section 15(2)(d)(2), which requires plans, specifications, and drawings of a proposed construction project to be submitted as part of an application for a CPCN. The motion was granted by the Commission's August 4, 2016 Order, which established that date as the date EKPC's application was considered filed.

EKPC's proposed Wholesale Tariff and Retail Tariff Template, attached to its application as Exhibits DC-3 and DC-4, respectively, do not comply with Commission regulation 807 KAR 5:0111, Section 3(2), in that they do not contain an effective date, a date of issue, or the signature of the representative of the

utility authorized to issue tariffs. Further, the omission of an effective date means that EKPC's proposed tariffs do not provide the 30 days' notice to the Commission as required by 807 KAR 5:011, Section 3(2), and KRS 278.180(1). Thus, there is no need for the Commission to suspend the proposed tariffs pursuant to KRS 278.190(2), since the proposed tariffs cannot become effective until they are refiled with an effective date, a date of issue, and a signature. However, the Commission will use its best efforts to expeditiously review EKPC's application.

EKPC's application also includes its request for approval of certain assumption of evidences of indebtedness, which is governed by the provisions of KRS 278.300. One such provision requires that the Commission rule on such a request within 60 days after it is filed. However, for good cause, the Commission may continue the matter for more than 60 days. In this instance, the application seeks a CPCN and approval of the proposed community solar tariff plus the assumption of evidences of indebtedness. The Commission finds that it will not be able to render a decision on all of these matters within 60 days and that it would be administratively inefficient to separate these three requests in an attempt to rule on the assumption of evidences of indebtedness within the 60-day timeframe. Therefore, as KRS 278.300(2) permits, the time for rendering a decision on the certain assumption of evidences of indebtedness will be extended beyond 60 days.

In the application, EKPC stated that it provided notice of the Wholesale Tariff pursuant to 807 KAR 5:001, Section 8(1)-(2), but does not indicate that it provided notice of the Retail Tariff Template. EKPC contends that approval of the Retail Tariff Template in this matter will result in a standard tariff that would apply uniformly across

the entire EKPC system. The Retail Tariff Template would not be effective until after its filing in the future by EKPC members who participate in the project. The Commission finds that EKPC should provide notice of the Retail Tariff Template, because ratepayers will not be afforded the opportunity to provide public comment until after the tariff template is approved, and because EKPC's members' ratepayers may pay a portion of the project's costs through base rates if the project is not fully licensed. On its own motion, the Commission finds that EKPC should publish notice in a newspaper of general circulation in its members' service areas, but that EKPC may deviate from the requirement in 807 KAR 5:001, Section 8(2)(b), by publishing only one time, rather than three times. Considering the voluntary nature of the proposed tariff, publishing one time is sufficient to inform customers and allow for written comments to be filed with the Commission.

The Commission expects the parties to use their best efforts to informally resolve any discovery disputes or requests for extensions of time. Absent informal resolution, an objection or motion should be filed at least four business days prior to the established due date. If this deadline is not met, the filing party should include in the written objection or motion a full and complete explanation for such failure.

IT IS THEREFORE ORDERED that:

1. EKPC's proposed tariffs shall be investigated in this proceeding.
2. EKPC shall publish notice of the Retail Tariff Template one time in a newspaper of general circulation in EKPC members' services areas.
3. EKPC's application for approval of certain assumption of evidences of indebtedness is continued beyond the 60-day period specified in KRS 278.300(2).

4. The procedural schedule set forth in the Appendix to this Order shall be followed.

5. a. Responses to requests for information shall be appropriately bound, tabbed and indexed and shall include the name of the witness who will be responsible for responding to questions related to the information provided, with the original and ten copies to the Commission and copies to all parties of record.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or an association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. A party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

e. A party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that the personal information cannot be read.

6. Any party filing testimony shall file an original and ten copies with the Commission and a copy to all parties of record. The original and ten copies should be appropriately bound, tabbed and indexed.

7. Any motion to to intervene filed after August 23, 2016, shall show a basis for intervention and good cause for being untimely. If an untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

8. EKPC shall give notice of any hearing in accordance with the provisions set out in 807 KAR 5:001, Section 9(2). At the time publication is requested, EKPC shall forward a duplicate of the notice and request to the Commission.

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

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

11. Any objections or motions relating to discovery or procedural dates shall be filed upon four business days' notice or the filing party shall explain, in writing, why such notice was not possible.

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



By the Commission

ENTERED  
AUG 17 2016  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2016-00269 DATED **AUG 1. 7 2016**

Requests for intervention shall be filed no later than .....08/23/16

Initial requests for information to EKPC shall  
be filed no later than .....08/30/16

EKPC shall file responses to initial requests for  
information no later than .....09/09/16

Supplemental requests for information to EKPC  
shall be filed no later than .....09/19/16

EKPC shall file responses to supplemental requests  
for information no later than .....09/29/16

Intervenor testimony, if any, in verified prepared  
form shall be filed no later than ..... 10/10/16

Requests for information to Intervenors shall  
be filed no later than ..... 10/20/16

Intervenors shall file responses to requests for  
information no later than ..... 10/31/16

Any request for evidentiary hearing or any request for waiver  
of hearing shall be filed no later than ..... 11/07/16

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