

NOV 16 2016

PUBLIC SERVICE COMMISSION

David S. Samford (859) 368-7740 david@gossssamfordlaw.com

November 16, 2016

VIA HAND DELIVERY

Dr. Talina R. Mathew, Ph.D. Executive Director Kentucky Public Service Commission P.O. Box 615 211 Sower Boulevard Frankfort, KY 40602

Re:

East Kentucky Power Cooperative, Inc.'s Post-Hearing Data Requests;

PSC Case No. 2016-00231

Dear Dr. Mathews:

Please find enclosed for filing with the Commission in the above-referenced case an original and eight redacted copies of the responses of East Kentucky Power Cooperative, Inc. ("EKPC"), to the information requests from the hearing held on November 9, 2016. Also enclosed are an original and eight copies of EKPC's Motion for Confidential Treatment of Information ("Motion"). One unredacted copy of the designated confidential portions of these responses, which are the subject of the Motion, is enclosed in a sealed envelope.

Please return a file-stamped copy of this fling to my office.

Sincerely,

David S. Samford

Enclosures

BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

AN EXAMINATION OF THE APPLICATION)	
OF THE FUEL ADJUSTMENT CLAUSE OF)	
EAST KENTUCKY POWER COOPERATIVE,)	CASE NO. 2016-00231
INC. FROM NOVEMBER 1, 2015 THROUGH)	
APRIL 30, 2016)	

MOTION FOR CONFIDENTIAL TREATMENT

Comes now East Kentucky Power Cooperative, Inc. ("EKPC"), by and through counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other applicable law, and for its Motion requesting that the Kentucky Public Service Commission ("Commission") afford confidential treatment to documents filed in response to a post-hearing request for information in the above-captioned proceeding, respectfully states as follows:

1. The Commission held a hearing in the above-captioned case on November 9, 2016. At that hearing the Commission requested that EKPC provide certain information to the hearing in the form of responses to post-hearing data requests. Request No. 5 states as follows:

Please refer to EKPC's Response No. 19, page 2 to the Commission's August 12, 2016 information requests. Please provide a revised response including the bid analysis and result of the solicitation.

- 2. In its response to Request No. 5, EKPC is providing a copy of its bid tabulation sheets, which includes information that is responsive to the request for information.
- 3. The information and documents tender by EKPC in response to Request 5 are being tendered in redacted form in the public version of EKPC's filing and in an unredacted form filed

under seal herewith. Collectively, this information is hereinafter referred to as the "Confidential Information."

- 4. The Confidential Information contains extensive information received by EKPC in the course of conducting a solicitation for fuel for its Spurlock 1 and 2 units. This information is commercially sensitive and proprietary. More specifically, the Confidential Information includes:
 - a. Coal specifications received from third-party bidders;
 - b. Pricing data for coal bids received from third-party bidders; and
- c. Recommendations from EKPC Staff regarding the selection of particular vendors to supply fuel to EKPC's generating fleet.
- 5. The Confidential Information is retained by EKPC on a "need-to-know" basis and is not publicly available. If disclosed, the Confidential Information would give potential vendors and competitors a tremendous competitive advantage in the course of ongoing and future negotiations to procure fuel. These market advantages would likely translate into higher costs for EKPC and, by extension, detrimentally higher rates for EKPC's Members. Thus, disclosure of the Confidential Information would be highly prejudicial to EKPC, EKPC's Members and those Members' retail customers.
- 6. The Kentucky Open Records Act exempts the Confidential Information from public disclosure. See KRS 61.878(1)(c). As set forth above, disclosure of the Confidential Information would permit an unfair advantage to third parties. Moreover, the Kentucky Supreme Court has stated, "information concerning the inner workings of a corporation is 'generally accepted as confidential or proprietary." Hoy v. Kentucky Industrial Revitalization Authority, 907 S.W.2d 766, 768 (Ky. 1995). Because the Confidential Information is critical to EKPC's effective execution of business decisions and strategy, it satisfies both the statutory and common law standards for

being afforded confidential treatment. Indeed, the Commission has already recognized the confidential nature of the Confidential Information and has afforded confidential treatment to the same document in a prior proceeding.¹

- 7. EKPC does not object to limited disclosure of the Confidential Information, pursuant to an acceptable confidentiality and nondisclosure agreement, to the Attorney General or any other intervenors with a legitimate interest in reviewing the same for the sole purpose of participating in this case.
- 8. In accordance with the provisions of 807 KAR 5:001, Section 13(2), EKPC is filing one copy of the Confidential Information separately under seal. The filing of the Confidential Information is noted in the public version of EKPC's response to Request No. 5. Due to the pervasive nature of the confidential and proprietary information included in the bid tabulation sheets, confidential treatment is sought for the entirety of the Confidential Information.
- 9. In accordance with the provisions of 807 KAR 5:001, Section 13(3), EKPC respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten years. This will assure that the Confidential Information if disclosed after that time will be less likely to include information that continues to be commercially sensitive so as to impair the interests of EKPC if publicly disclosed. However, EKPC reserves the right to seek an extension of the grant of confidential treatment if it is necessary to do so at that time.

WHEREFORE, on the basis of the foregoing, EKPC respectfully requests the Commission to enter an Order granting this Motion for Confidential Treatment and to so afford such protection

¹ See In the Matter of an Examination of the Application of the Fuel Adjustment Clause of East Kentucky Power Cooperative, Inc. from May 1, 2013 Through October 31, 2013, Order, Case No. 2013-000445 (Ky. P.S.C., June 17, 2014).

from public disclosure to the unredacted copies of Confidential Information, which is filed herewith under seal, for a period of ten years from the date of entry of such an Order.

This 16th day of November, 2016.

Respectfully submitted,

Mark David Goss

David S. Samford

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Counsel for East Kentucky Power Cooperative, Inc.

COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION OF)	
THE FUEL ADJUSTMENT CLAUSE OF EAST)	CASE NO.
KENTUCKY POWER COOPERATIVE, INC.)	2016-00231
FROM NOVEMBER 1, 2015 THROUGH APRIL)	
30, 2016)	

RESPONSE OF EAST KENTUCKY POWER COOPERATIVE, INC.
TO COMMISSION'S DATA REQUESTS FROM
HEARING HELD ON NOVEMBER 9, 2016

BEFORE THE PUBLIC SERVICE COMMISSION

IN	THE	MA	TTER	OF.
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AN EXAMINATION OF THE APPLICATION OF)	
THE FUEL ADJUSTMENT CLAUSE OF EAST)	CASE NO.
KENTUCKY POWER COOPERATIVE, INC.)	2016-00231
FROM NOVEMBER 1, 2015 THROUGH APRIL)	
30, 2016)	

CERTIFICATE

STATE OF KENTUCKY)
COUNTY OF CLARK)

Mark Horn, being duly sworn, states that he has supervised the preparation of the responses of East Kentucky Power Cooperative, Inc. to the Public Service Commission Staff Data Requests from the hearing in the above-referenced case held on November 9, 2016, and that the matters and things set forth therein are true and accurate to the best of his knowledge, information and belief, formed after reasonable inquiry.

Subscribed and sworn before me on this the day of November 2016.

Notary Public

GWYN M. WILLOUGHBY Notary Public State at Large Kentucky

My Commission Expires Nov 30, 2017

BEFORE THE PUBLIC SERVICE COMMISSION

IN	THE	TALA	TTER	OF.
	Inr	IVIA	LIEK	UF:

AN EXAMINATION OF THE APPLICATION OF)	
THE FUEL ADJUSTMENT CLAUSE OF EAST)	CASE NO.
KENTUCKY POWER COOPERATIVE, INC.)	2016-00231
FROM NOVEMBER 1, 2015 THROUGH APRIL)	
30, 2016)	

CERTIFICATE

STATE OF KENTUCKY)
COUNTY OF CLARK)

Craig A. Johnson, being duly sworn, states that he has supervised the preparation of the responses of East Kentucky Power Cooperative, Inc. to the Public Service Commission Staff Data Requests from the hearing in the above-referenced case held on November 9, 2016, and that the matters and things set forth therein are true and accurate to the best of his knowledge, information and belief, formed after reasonable inquiry.

Subscribed and sworn before me on this

_ day of November 2016.

Motary Public

GWYN M. WILLOUGHBY Notary Public State at Large Kentucky

My Commission Expires Nov 30, 2017

BEFORE THE PUBLIC SERVICE COMMISSION

IN	THE	MA	TTER	OF.
117	Inc	IVIA	IIIK	UF:

AN EXAMINATION OF THE APPLICATION OF)	
THE FUEL ADJUSTMENT CLAUSE OF EAST)	CASE NO.
KENTUCKY POWER COOPERATIVE, INC.)	2016-00231
FROM NOVEMBER 1, 2015 THROUGH APRIL)	
30, 2016)	

CERTIFICATE

STATE OF KENTUCKY)
COUNTY OF CLARK)

Julia J. Tucker, being duly sworn, states that she has supervised the preparation of the responses of East Kentucky Power Cooperative, Inc. to the Public Service Commission Staff Data Requests from the hearing in the above-referenced case held on November 9, 2016, and that the matters and things set forth therein are true and accurate to the best of her knowledge, information and belief, formed after reasonable inquiry.

Subscribed and sworn before me on this

day of November 2016.

Notary Public

GWYN M. WILLOUGHBY Notary Public State at Large

Kentucky
My Commission Expires Nov 30, 2017

PSC CASE NO. 2016-00231 FUEL ADJUSTMENT CLAUSE RESPONSE TO POST HEARING DATA REQUEST

COMMISSION'S DATA REQUEST FROM HEARING HELD ON 11/09/16 REQUEST 1

RESPONSIBLE PARTY:

Mark Horn

Request 1. For the review period, please provide the quantity of natural gas burned, the kWh generated and the actual capacity factors for each of EKPC's natural gas units.

Response 1. Please see page 2 of this response.

PSC FUEL ADJUSTMENT CLAUSE CASE NO. 2016-00231

RESPONSE TO POST HEARING DATA REQUEST DATED 11/09/16

Station	<u>N</u> ovember	December	January	February	March	April
Smith 1-3		•	-			
Gas Burned (MCF)	16,467.00	1,376.00	0.00	81,002.00	36,609.00	17,372.00
Generation—Net kWh	1,020,000.00	-187,000.00	-390,000.00	6,205,000.00	2,552,000.00	1,100,000.00
Actual Capacity Factor (net)	0.45	-0.08	-0.17	2.86	1.10	0.49
Smith 4-7						·
Gas Burned (MCF)	82,298.00	147.00	61,730.00	79,274.00	75,003.00	250,779.00
Generation—Net kWh	6,884,000.00	-288,000.00	5,067,000.00	6,458,000.00	6,156,000.00	20,864,000.00
Actual Capacity Factor (net)	3.41	-0.14	2.43	3.31	2.96	10.35
Smith 9-10						
Gas Burned (MCF)	67,135.00	0.00	13,379.00	44,724.00	36,548.00	136,065.00
Generation—Net kWh	7,302,000.00	-270,000.00	1,051,000.00	4,304,000.00	3,406,000.00	13,480,000.00
Actual Capacity Factor (net)	5.83	-0.21	0.81	3.55	2.63	10.76
Bluegrass 1-2						
Gas Burned (MCF)	0.00	0.00	67,430.00	19,663.00	0.00	0.00
Generation—Net kWh	0.00	0.00	6,140,000.00	1,831,000.00	0.00	0.00
Actual Capacity Factor (net)	0.00	0.00	2.50	0.80	0.00	0.00

PSC CASE NO. 2016-00231 FUEL ADJUSTMENT CLAUSE RESPONSE TO POST HEARING DATA REQUEST

COMMISSION'S DATA REQUEST FROM HEARING HELD ON 11/09/16 REQUEST 2

RESPONSIBLE PARTY:

Julia J. Tucker

Request 2. Please refer to EKPC's Response No. 6, page 36 to the Commission's August 12, 2016 information requests. Please provide the definition of the term "Non-Displacement Capacity".

Response 2. The term "non-displacement" is a legacy term that was used in bilateral agreements that defined the terms and conditions of transactions between two counterparties. Generally speaking, the term non-displacement applied to electric energy available from surplus capacity that could be utilized advantageously for short intervals by the counterparty. As such, it predates EKPC's integration into PJM and, upon review, no longer adequately describes the nature of transactions that EKPC enters into as a PJM Member. EKPC will use a better term for these transactions in future FAC filings. The use of the term "non-displacement" had no impact on the results of EKPC's calculations in its FAC filings.

PSC CASE NO. 2016-00231 FUEL ADJUSTMENT CLAUSE RESPONSE TO POST HEARING DATA REQUEST

COMMISSION'S DATA REQUEST FROM HEARING HELD ON 11/09/16 REQUEST 3

RESPONSIBLE PARTY:

Craig A. Johnson

Request 3. Please provide information describing the extent to which EKPC's landfill gas to energy units are able to generate energy on an economic basis.

Response 3. EKPC's landfill gas to energy units generate energy on a variable cost basis, including fuel and variable O&M, of less than \$10/MWh. This value compares favorably to EKPC's coal and gas resources which all cost more than twice this amount to generate on a comparable basis. EKPC's landfill gas to energy units' total costs, including fixed charges, also compare similarly to EKPC's other resources.

PSC CASE NO. 2016-00231 FUEL ADJUSTMENT CLAUSE RESPONSE TO POST HEARING DATA REQUEST

COMMISSION'S DATA REQUEST FROM HEARING HELD ON 11/09/16 REQUEST 4

RESPONSIBLE PARTY:

Mark Horn

Request 4. Please refer to EKPC's Response No. 9 to the Commission's August 12, 2016 information requests. Please provide a chart similar to that provided in EKPC's previous response, but instead using an average for coal costs during the review period.

Response 4. Please refer to the table on page 2 of this response. The prices are sorted (lowest to highest) on the six-month average.

East Kentucky Power Cooperative Utility Benchmarking Deliveried Fuel Price Cents/mmBtu For Six Month Period November 2015 - April 2016

Utility	2015	2015	2016	2016	2016	2016	Six Month
Name	Nov	Dec	Jan	Feb	Mar	Apr	Average
Dayton Power & Light	215.42	207.17	207.28	196.76	193.20	186.90	201.12
Hoosier Energy REC	207.42	208.50	211.37	197.53	200.89	195.11	203.47
Duke Energy Kentucky	216.88	210.21	208.91	202.25	195.46		206.74
Appalachian Power	213.38	210.97		203.37	213.81	212.99	210.90
Kentucky Utilities	219.78	219.56	212.84	210.71	205.40	201.00	211.55
Louisville Gas & Electric	224.91	224.53	214.81	212.84	212.99	213.70	217.30
East Kentucky Power Coop	220.55	226.87	227.78	223.22	225.07	221.38	224.15
Big Rivers Electric Corp	242.21	223.19	222.95	215.88	216.65	228.00	224.81
Tennessee Valley Authority	222.59	227.75	226.54	221.27	229.37	223.61	225.19
Kentucky Power	245.27	236.64	222.46	213.35	225.13	229.92	228.80
Consumers Energy	224.65	222.82	236.46	237.24	232.94	230.41	230.75
Southern Indiana Gas & Elec	237.73	260.40	228.85	232.50	232.38	228.86	236.79
Georgia Power	269.37	297.33	281.82	295.76	289.01	282.36	285.94
Virginia Electric & Power	283.90	289.19	290.88	294.94	290.86	287.21	289.50
Duke Energy Progress	309.96	309.13	276.47	283.63	286.69	278.76	290.77
S. Mississippi Electric Power	300.00		308.90	306.50			305.13
Duke Energy Carolinas	350.20	344.47	322.17	326.35	304.01	313.52	326.79
S. Carolina Electric & Gas	369.20	353.30	330.89	312.56	325.45	333.48	337.48
South Carolina Generating	390.97	374.43	352.78	316.25	306.99	340.13	346.93

PSC CASE NO. 2016-00231 FUEL ADJUSTMENT CLAUSE RESPONSE TO POST HEARING DATA REQUEST

COMMISSION'S DATA REQUEST FROM HEARING HELD ON 11/09/16 REQUEST 5

RESPONSIBLE PARTY:

Mark Horn

Request 5. Please refer to EKPC's Response No. 19, page 2 to the Commission's August 12, 2016 information requests. Please provide a revised response including the bid analysis and result of the solicitation.

Response 5. Please see pages 2 through 7 of this response. Pages 3 through 7 are subject to a motion for confidentiality.

PSC FUEL ADJUSTMENT CLAUSE CASE NO. 2016-00231

RESPONSE TO POST HEARING DATA REQUEST DATED 11/09/16

				Quantity			Number of	Number of	Tabulation
_	Unit	Date	Contract/Spot	(Tons)	Quality	Time Period	Vendors Sent	Vendors Respond	Sheet
	Spurlock 1&2	04/26/16	Contract	1,200,000	7.2# SO ₂ /MMBtu <16% Ash >11,000 Btu	01/01/17—12/31/18	81	19	Pages 3-7

OXFORD & WHITE OAK REOPENERS

Date: 09/27/2016 Bid End Date: 05/31/2016 Event Nbr:

	ō	Quality Btu			Delive	Delivery Cost	aluated C	
Coal Supplier Nun	% Sulfu Number % Ash	% Sulfur % Ash	Tons	Term	\$ Ton	S MMBtu	S S Ton MMBtu	Reason for Recommendation
		14		•				
		19		•		-		
				•				
		19		•				
		14		•				
				•				
		14		•				

EKPC Fuel Evaluation System

Page 1 of 5

OXFORD & WHITE OAK REOPENERS

Event Nbr: 253 Bid End Date: 05/31/2016 Date: 09/27/2016

Reason for Recommendation							
Evaluated Cost \$ S Ton MMBtu							
Delivery Cost \$ \$ Ton MMBtu							
Term	•	•	•	•	•	•	
Tons							
Quality Btu % Sulfur % Ash				lm		19	y
Number							
Coal Supplier							

EKPC Fuel Evaluation System

Page 2 of 5

OXFORD & WHITE OAK REOPENERS

09/27/2016	253	05/31/2016
Date:	Event Nbr:	Bid End Date:

	Reason for Recommendation								
Evaluated Cost S S	Ton MMBtu								
Delivery	Ton MMBtu								
ļ	Term	•	•	•	•	•	•	•	
	Tons								
Quality Btu % Sulfur	% Ash	19	19				19	19	
,	Number								
2	Coal Supplier								

KPC Fuel Evaluation System

Page 3 of 5

Date: 09/27/2016 Event Nbr: 253 Bid End Date: 05/31/2016	Reason for Recommendation						
OPENERS	Evaluated Cost \$ Ton MMBtu						
FUEL EVALUATION FOR SPURLOCK UNIT NOS. 1 & 2 OXFORD & WHITE OAK REOPENERS	Delivery Cost \$ S Ton MMBtu						
OXFORI	Term	0	0		0	0	
FUELF	Btu nr h Tons	3					
	Quality Btu % Sulfur % Ash	14					
	Number			ļ			
	Coal Supplier						

OXFORD & WHITE OAK REOPENERS

Date: 09/27/2016 Event Nbr: 253 Bid End Date: 05/31/2016

Coal Supplier N	Quality B % Sulfur Number % Ash	Term	<u>Delivery Co</u> \$ Ton M	s S MBtu	Evaluated Cost \$ \$ Ton MMBtu	Reason for Recommendation
		•				
	3	•			(A14) (339)	