

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

In the Matter of:

NOV 05 2018

THE APPLICATION OF EAST KENTUCKY)
POWER COOPERATIVE, INC. FOR APPROVAL)
TO AMEND ITS ENVIRONMENTAL)
COMPLIANCE PLAN AND RECOVER COSTS)
PURSUANT TO ITS ENVIRONMENTAL)
SURCHARGE, AND FOR THE ISSUANCE OF)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY)

PUBLIC SERVICE
COMMISSION

CASE NO.
2018-000270

ATTORNEY GENERAL'S DATA REQUESTS

Comes now the intervenor, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, and submits these Data Requests to East Kentucky Power Cooperative, Inc. [hereinafter "EKPC" or "Company"] to be answered by the date specified in the Commission's Order of Procedure, and in accord with the following:

- (1) In each case where a request seeks data provided in response to a staff request, reference to the appropriate request item will be deemed a satisfactory response.
- (2) Identify the witness who will be prepared to answer questions concerning each request.
- (3) Repeat the question to which each response is intended to refer. The Office of the Attorney General can provide counsel for EKPC with an electronic version of these questions, upon request.
- (4) These requests shall be deemed continuing so as to require further and supplemental responses if the company receives or generates additional information within the scope of these requests between the time of the response and the time of any hearing conducted hereon.
- (5) Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association, 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.

(6) If you believe any request appears confusing, request clarification directly from Counsel for the Office of Attorney General.

(7) To the extent that the specific document, workpaper or information as requested does not exist, but a similar document, workpaper or information does exist, provide the similar document, workpaper, or information.

(8) To the extent that any request may be answered by way of a computer printout, identify each variable contained in the printout which would not be self-evident to a person not familiar with the printout.

(9) If the company has objections to any request on the grounds that the requested information is proprietary in nature, or for any other reason, notify the Office of the Attorney General as soon as possible.

(10) As used herein, the words "document" or "documents" are to be construed broadly and shall mean the original of the same (and all non-identical copies or drafts thereof) and if the original is not available, the best copy available. These terms shall include all information recorded in any written, graphic or other tangible form and shall include, without limiting the generality of the foregoing, all reports; memoranda; books or notebooks; written or recorded statements, interviews, affidavits and depositions; all letters or correspondence; telegrams, cables and telex messages; contracts, leases, insurance policies or other agreements; warnings and caution/hazard notices or labels; mechanical and electronic recordings and all information so stored, or transcripts of such recordings; calendars, appointment books,

schedules, agendas and diary entries; notes or memoranda of conversations (telephonic or otherwise), meetings or conferences; legal pleadings and transcripts of legal proceedings; maps, models, charts, diagrams, graphs and other demonstrative materials; financial statements, annual reports, balance sheets and other accounting records; quotations or offers; bulletins, newsletters, pamphlets, brochures and all other similar publications; summaries or compilations of data; deeds, titles, or other instruments of ownership; blueprints and specifications; manuals, guidelines, regulations, procedures, policies and instructional materials of any type; photographs or pictures, film, microfilm and microfiche; videotapes; articles; announcements and notices of any type; surveys, studies, evaluations, tests and all research and development (R&D) materials; newspaper clippings and press releases; time cards, employee schedules or rosters, and other payroll records; cancelled checks, invoices, bills and receipts; and writings of any kind and all other tangible things upon which any handwriting, typing, printing, drawings, representations, graphic matter, magnetic or electrical impulses, or other forms of communication are recorded or produced, including audio and video recordings, computer stored information (whether or not in printout form), computer-readable media or other electronically maintained or transmitted information regardless of the media or format in which they are stored, and all other rough drafts, revised drafts (including all handwritten notes or other marks on the same) and copies of documents as hereinbefore defined by whatever means made.

(11) For any document withheld on the basis of privilege, state the following: date; author; addressee; indicated or blind copies; all persons to whom distributed, shown, or explained; and, the nature and legal basis for the privilege asserted.

(12) In the event any document called for has been destroyed or transferred beyond the control of the company, state: the identity of the person by whom it was destroyed or transferred, and the person authorizing the destruction or transfer; the time, place, and method of destruction or transfer; and, the reason(s) for its destruction or transfer. If destroyed or disposed of by operation of a retention policy, state the retention policy.

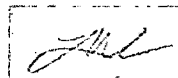
(13) Provide written responses, together with any and all exhibits pertaining thereto, in one or more bound volumes, separately indexed and tabbed by each response, in compliance with Kentucky Public Service Commission Regulations.

(14) "And" and "or" should be considered to be both conjunctive and disjunctive, unless specifically stated otherwise.

(15) "Each" and "any" should be considered to be both singular and plural, unless specifically stated otherwise.

Respectfully submitted,

ANDY BESHEAR
ATTORNEY GENERAL



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Certificate of Service and Filing

Counsel certifies that an original and ten photocopies of the foregoing were served and filed by hand delivery to Ms. Gwen R. Pinson, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; counsel further states that true and accurate copies of the foregoing were mailed via First Class U.S. Mail, postage pre-paid, to:

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This 5th day of November, 2018.



Assistant Attorney General

Application of East Kentucky Power Cooperative, Inc. for Approval to Amend its Environmental Compliance Plan, Recover Costs Pursuant to its Environmental Surcharge, and for The Issuance of a Certificate Of Public Convenience and Necessity
Case No. 2018-000270
Attorney General's Initial Data Requests

1. Has EKPC undertaken any measures, both throughout the course of the instant docket and other ECR dockets, to analyze issues involving and implicating the CCR and ELG rules, as well as KDOW requirements, together in a comprehensive manner? If so:
 - a. Describe any and all efforts EKPC undertook to develop solutions and strategies that would minimize duplication of compliance efforts with regard to both the CCR, ELG, and KDOW regulations and requirements.
2. With regard to the proposed CPR Project, identify where in the ELG regulation, and/or in the KDOW requirements the particular requirement that the CPR must be capable of containing a 100-year, 24-hour storm event can be found.
 - a. Identify all alternatives the Company considered. Of those, which ones would have still allowed the Company to comply with all of the relevant regulations?
 - b. Does EKPC have any documentation establishing how frequently 100-year, 24-hour storm events have occurred at Spurlock? If so provide that documentation.
3. Reference the Mosier testimony at pp. 14-15, wherein he states KDOW has issued a draft revised KPDES permit for Spurlock Station. Provide a copy of that draft permit.
4. Reference the Purvis testimony generally. Will the construction of the proposed CPR project in any way alter or modify the layout of EKPC's CCR monitoring wells?
5. Reference the Purvis testimony, p. 24. Explain if the CPR pond is located along the banks of the Ohio River. If so, will the height of the CPR pond's dike have to be increased?
6. Reference the Purvis testimony, p. 25, lines 7-23, wherein he states EKPC "expects" the KDOW's revision to the Spurlock Station KPDES Permit will require the Company to insure that the CPR facilities will need to accept 4 to 5 inches of rainfall to meet the Total Suspended Solids daily maximum level, as well as the required pH range. State all facts upon which EKPC relies for this expectation.
 - a. When does the Company expect the draft revision of its KPDES permit to be renewed and finalized?
 - b. If the finalization of the KPDES permit occurs during the course of this docket, will EKPC file a copy into the record of this docket?
7. Reference the Purvis testimony, p. 27, lines 8-11, wherein he states, "Often, however, the same control equipment used to meet ELGs will ensure compliance with WQBELs." Will the proposed CPR project in fact allow EKPC to attain compliance with the requirements of both such regulations?

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8. Reference the Johnson testimony, p. 13, line 9. Identify EKPC's design engineer for the CPR Project.
9. Reference the Burns & McDonnell ("BMcD") Scoping Report ("the Report") attached as Exhibit SY-2 to the Yoder testimony. In the Report's Executive Summary, p. 1-1, the statement is made that, "The design storm chosen for analysis was the 10-year, 24-hour event."
 - a. Identify who "chose" the design storm, including the names and titles of the individuals involved in the decision, and whether they are employed by EKPC or BMcD.
 - b. Identify any and all alternatives BMcD considered to the design storm referenced in the Report.
 - c. At p. 1-2, the Report states, "Prior to the development of this Project Scoping Report (PSR), a stormwater model was developed by BMcD and utilized to provide a screening level Stormwater Management Report for Spurlock." Identify precisely where in the application this stormwater model can be found. If it is not included, provide copies.
 - d. Provide any documentation EKPC may have of volumes discharged through outfalls from the existing CPR pond after heavy rain events that would not have been discharged had the additional design enhancements as proposed in the current application been in place.
 - e. Reference the Report's Table 1-1, at p. 1-1, the optional "CPR Pond Supplemental Wall." Is the price of this three-foot high concrete Supplemental Wall included in the project's estimate, or would construction of this optional Supplemental Wall require additional sums?
 - (i) If additional sums would be required, provide the amount of those additional sums.
 - (ii) Has EKPC decided to build the optional Supplemental Wall? If so, does it plan to amend its CPCN application? If EKPC decides to build the optional Supplemental Wall at a later date, will it file a new CPCN application?
10. Reference the Report, pp. 1-1 through 1-2, where it is stated, "Additionally, the scope does not include chemical treatment of the coal pile runoff or other on-Chemical Metal Cleaning (NMC) wastes which may come from air heater washes, boiler washes, precipitator washes, or similar."
 - a. Under what circumstances does EKPC anticipate that chemical treatment of the coal pile runoff or of Non-Chemical Metal Cleaning wastes would be required? Identify the federal or state regulation(s) that would require any such treatment.

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- b. Has EKPC produced a cost estimate for any such treatment? If so, identify where that estimate is included in the application. If not, provide copies of the estimate.
 - c. Would EKPC file a new CPCN application if any such treatment becomes necessary?
11. Reference the Commission Staff's first data requests, question numbers 3 and 11. Does EKPC have any other environmental projects underway at either its Spurlock or Cooper stations, or both, that have not been identified in the instant application?
- a. If so:
 - (i) Do any such projects require the filing of a CPCN application?
 - (ii) Are any such projects incurring costs?