

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION BY THE PUBLIC SERVICE)	
COMMISSION OF THE ENVIRONMENTAL)	
SURCHARGE MECHANISM OF EAST KENTUCKY)	
POWER COOPERATIVE, INC. FOR THE)	CASE NO.
SIX-MONTH BILLING PERIOD ENDING)	2010-00021
DECEMBER 31, 2009 AND THE PASS THROUGH)	
MECHANISM FOR ITS SIXTEEN-MEMBER)	
DISTRIBUTION COOPERATIVES)	

O R D E R

On March 17, 2005, the Commission approved East Kentucky Power Cooperative, Inc.'s ("EKPC") environmental surcharge application and established a surcharge mechanism.¹ The Commission also approved a mechanism to pass through the environmental surcharge to EKPC's 16-member distribution cooperatives.² Pursuant to KRS 278.183(3), the Commission must review the past operations of the environmental surcharge at six-month intervals. After hearing, the Commission may, by temporary adjustment in the surcharge, disallow any surcharge amounts found not to be

¹ Case No. 2004-00321, Application of East Kentucky Power Cooperative, Inc. for Approval of an Environmental Compliance Plan and Authority to Implement an Environmental Surcharge (Ky. PSC Mar. 17, 2005).

² Case No. 2004-00372, Application of Big Sandy RECC, Blue Grass Energy Cooperative Corporation, Clark Energy Cooperative, Cumberland Valley Electric, Farmers RECC, Fleming-Mason Energy, Grayson RECC, Inter-County Energy Cooperative, Jackson Energy Cooperative, Licking Valley RECC, Nolin RECC, Owen Electric Cooperative, Salt River Electric, Shelby Energy Cooperative, South Kentucky RECC and Taylor County RECC for Authority to Pass Through the Environmental Surcharge of East Kentucky Power Cooperative, Inc. (Ky. PSC Mar. 17, 2005).

just and reasonable and reconcile past surcharges with actual costs recoverable pursuant to KRS 278.183(1). Therefore, the Commission hereby initiates a six-month review of EKPC's surcharge as billed from July 1, 2009 to December 31, 2009 to the member distribution cooperatives. The Commission also initiates the corresponding review of the pass-through mechanism of the 16-member distribution cooperatives as billed from August 1, 2009 to January 31, 2010 to retail member customers.³

To facilitate this review, a procedural schedule is set forth in Appendix A, attached hereto and incorporated herein. In accordance with that schedule, EKPC is to file prepared direct testimony in support of the reasonableness of the application of its environmental surcharge mechanism during the time period under review. In addition, the 16-member distribution cooperatives, or EKPC on their behalf, are to file prepared direct testimony in support of the reasonableness of the application of the pass-through mechanism during the time period under review. EKPC and the 16-member distribution cooperatives should also file responses to the information requested in Appendix B, attached hereto and incorporated herein. Since the period under review in this proceeding may have resulted in over- or under-recoveries, the Commission will entertain proposals to adopt one adjustment factor to net all over- or under-recoveries.

³ The Settlement Agreement approved in Case Nos. 2004-00321 and 2004-00372 allows the member distribution cooperatives to pass through the environmental surcharge to their customers at approximately the same time as EKPC bills the environmental surcharge to the member distribution cooperatives, thus avoiding a billing lag for the member distribution cooperatives. Therefore, the costs incurred from June 2009 through November 2009 are billed to the member distribution cooperatives in the months of July 2009 through December 2009, with these same costs passed through to the member customers on the bills for August 2009 through January 2010.

Since the approval of its original environmental compliance plan and surcharge mechanism, EKPC has sought and been granted one amendment to its original compliance plan and surcharge mechanism. The environmental surcharge, as billed during the period under review, provides recovery of the incremental costs associated with the original and first amendment to the compliance plan. When determining its over and under-recovery of the surcharge in this proceeding, EKPC should reflect the impacts of these prior cases, as is applicable.

IT IS THEREFORE ORDERED that:

1. EKPC and each of its 16-member distribution cooperatives listed in footnote 2 shall be parties to this case.

2. The procedural schedule set forth in Appendix A, attached hereto and incorporated herein, shall be followed in this proceeding.

3. EKPC shall appear at the Commission's offices on the date set forth in Appendix A to submit itself to examination on the application of its environmental surcharge as billed to its member distribution cooperatives from July 1, 2009 through December 31, 2009. The 16-member distribution cooperatives, or EKPC on their behalf, shall also submit themselves to examination on the application of the pass-through mechanism as billed to the distribution cooperatives' member customers from August 1, 2009 through January 31, 2010. There shall be no opening statements or summaries of testimony at the public hearing.

4. EKPC shall, by the date set forth in Appendix A, file its prepared direct testimony in support of the reasonableness of the application of its environmental surcharge mechanism and the 16-member distribution cooperatives, or EKPC on their

behalf, shall file by that date their prepared direct testimony in support of the reasonableness of the application of the pass-through mechanism during the period under review.

5. Any party filing testimony shall file an original and 10 copies.

6. a. The information requested herein is due on or before March 3, 2010. Responses to requests for information shall be appropriately bound, tabbed and indexed and shall include the name of the witness responsible for responding to the questions related to the information provided, with copies to all parties of record and seven copies to the Commission. Any request for information by letter from the Commission Staff shall be responded to as if set forth in a Commission Order.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or 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. Any 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.

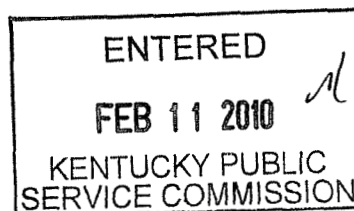
7. Within seven days of the Commission granting intervention to a party, EKPC shall provide the party with a copy of its monthly environmental surcharge reports as filed with the Commission for the review period.

8. EKPC's monthly environmental surcharge reports and supporting data for the review period shall be incorporated by reference into the record of this case.

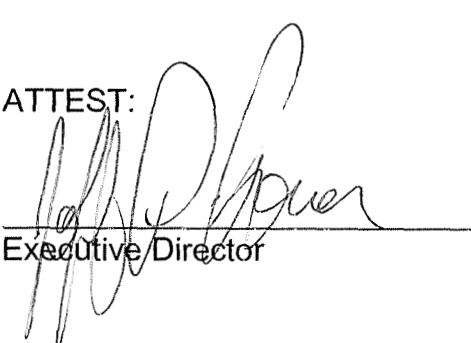
9. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

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

By the Commission



ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2010-00021 DATED FEB 11 2010

EKPC and the 16-member distribution cooperatives, or EKPC
on their behalf, shall file their prepared direct testimony and
responses to the information requested in Appendix B
no later than..... 03/03/10

An informal technical conference is to begin at 2:00 p.m.,
Eastern Daylight Time, in Conference Room No. 1 of the
Commission's offices at 211 Sower Boulevard,
Frankfort, Kentucky for the discussion of issues..... 03/23/10

All additional requests for information to EKPC shall
be filed no later than 04/13/10

EKPC and the 16-member distribution cooperatives
shall file responses to additional requests for
information no later than 04/23/10

Intervenor testimony, if any, in verified prepared form
shall be filed no later than..... 05/07/10

All requests for information to Intervenors shall be
filed no later than 05/21/10

Intervenors shall file responses to requests for
information no later than 06/04/10

Public Hearing is to begin at 10:00 a.m., Eastern
Daylight Time, in Hearing Room 1 of the Commission's
offices at 211 Sower Boulevard, Frankfort, Kentucky,
for the purpose of cross-examination of witnesses of
EKPC, the 16-member distribution cooperatives, and Intervenors To be scheduled

Briefs, if any, shall be filed by To be scheduled

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2010-00021 DATED FEB 11 2010

FIRST DATA REQUEST OF COMMISSION STAFF TO
EAST KENTUCKY POWER COOPERATIVE, INC.
AND THE 16-MEMBER DISTRIBUTION COOPERATIVES

1. Prepare a summary schedule showing the calculation of $E(m)$ and the surcharge factor for the expense months covered by the billing periods under review. Form 1.1 can be used as a model for this summary. Include the expense months for the two expense months subsequent to the billing period in order to show the over- and under-recovery adjustments for the months included for the billing period. Include a calculation of any additional over- or under-recovery amount EKPC believes needs to be recognized for the six-month review. Include all supporting calculations and documentation for the additional over- or under-recovery.

2. Prepare summary schedules showing the pass-through revenue requirement for each of the 16-member distribution cooperatives for the months corresponding to the six-month review. Include the two months subsequent to the billing period included in the review periods. Include a calculation of any additional over- or under-recovery amount the distribution cooperative believes needs to be recognized for the six-month review. Include all supporting calculations and documentation for the additional over- or under-recovery.

3. Refer to Form 2.3, Inventory and Expense of Emission Allowances, for each of the expense months covered by each billing period under review. For the sulfur dioxide ("SO₂") emission allowance inventory, explain the reason(s) for all purchases of allowances reported during these expense months.

a. For the nitrogen oxide (“NOx”) emission allowance inventory, explain the reasons for all purchases of allowances reported during these expense months.

b. Explain how the purchase of allowances in the expense months covered by the billing period complies with EKPC’s emissions allowance strategy plan.

4. Refer to Form 2.5, Operating and Maintenance Expenses, for each of the expense months covered by each billing period under review. For each of the 20 expense account numbers listed on this schedule, explain the reason(s) for any change in the expense levels from month to month if that change is greater than plus or minus 10 percent.

5. Provide the percentage of EKPC’s debt issuances directly related to projects in the approved compliance plan that have a variable interest rate as of the November 2009 expense month.

6. The Settlement Agreement approved in Case No. 2004-00321 provides that EKPC’s rate of return on compliance-related capital expenditures will be updated to reflect current average debt cost at the conclusion of the six-month surcharge review. Provide the following information as of November 30, 2009:

a. The debt issuances directly related to projects in the approved compliance plan and subsequent amendment and corresponding outstanding balances of each debt issuance.

b. The debt cost for each debt issuance directly related to the projects in the approved compliance plan and subsequent amendment.

c. EKPC's calculation of the weighted average debt cost and the rate of return resulting from multiplying the weighted average debt cost by a 1.35 TIER. Include all supporting calculations showing how the weighted average debt cost was determined.

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