

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	CASE NO.
CLAUSE OF EAST KENTUCKY POWER)	2020-00010
COOPERATIVE, INC. COOPERATIVES FROM)	
MAY 1, 2019 THROUGH OCTOBER 31, 2019)	

ORDER

The Commission, pursuant to 807 KAR 5:056, Section 1(11), hereby initiates the six-month review to examine the application of the Fuel Adjustment Clause of: Big Sandy Rural Electric Cooperative Corporation, Blue Grass Energy Cooperative Corporation, Clark Energy Cooperative, Inc., Cumberland Valley Electric, Inc., Farmers Rural Electric Cooperative Corporation, Fleming-Mason Energy Cooperative, Inc., Grayson Rural Electric Cooperative Corporation, Inter-County Energy Cooperative Corporation, Jackson Energy Cooperative Corporation, Licking Valley Rural Electric Cooperative Corporation, Nolin Rural Electric Cooperative Corporation, Owen Electric Cooperative, Inc., Salt River Electric Cooperative Corporation, Shelby Energy Cooperative, Inc., South Kentucky Rural Electric Cooperative Corporation, and Taylor County Rural Electric Cooperative Corporation (collectively Cooperatives or individually Cooperative) from May 1, 2019, through October 31, 2019.

IT IS THEREFORE ORDERED that:

1. Each Cooperative shall individually file with the Commission, no later than 21 days from the date of entry of this Order, an affidavit attesting to its compliance or noncompliance with the requirements of 807 KAR 5:056.

2. All documents that the Cooperatives filed with the Commission pursuant to 807 KAR 5:056, Section 1(7) and 1(9), during the period under review are incorporated by reference into the record of this proceeding.

3. Unless otherwise ordered by the Commission, the electronic filing procedures set forth in 807 KAR 5:001, Section 8, shall be followed when filing papers in this proceeding. As set forth in 807 KAR 5:001, Section 4(11)(a), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceedings which is not adequately represented in the case, or (2) that the person requesting permissive intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Further, KRS 278.040(2) requires that a person seeking intervention must have an interest in the rates or service of a utility, as those are the only matters that are subject to the Commission's jurisdiction.

Based on the foregoing, the Commission finds that any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not adequately represented, or the issues and facts the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of electricity consumed by the movant or a general statement regarding a

potential impact of a possible modification of rates will not be deemed sufficient to establish a special interest.

4. Any request for intervention must be filed by February 28, 2020.

5. A person who submits a motion to intervene after February 28, 2020, and upon a showing of good cause is granted full intervention, shall accept and abide by the existing procedural schedule.

6. Any request for a hearing, or that the case should be submitted on the record, shall be filed no later than April 3, 2020.

7. Due to a potential constitutional challenge by Foresight Coal Sales, LLC (Foresight) that Foresight intends to pursue legal action to invalidate as unconstitutional 807 KAR 5:056, Section 3(5) (Section 3(5)), the Commission will not be enforcing Section 3(5) in its proceeding.¹

¹ The Commission has requested a legal opinion from the Attorney General for the Commonwealth of Kentucky regarding the constitutionality of Section 3(5). After the Attorney General renders his opinion, the Commission will determine the next steps regarding Section 3(5).

By the Commission

ENTERED
FEB 11 2020
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director
for Kent A. Chandler

Case No. 2020-00010

*Big Sandy R.E.C.C.
504 11th Street
Paintsville, KY 41240

*Fleming-Mason Energy Cooperative, In
Fleming-Mason Energy Cooperative, Inc.
1449 Elizaville Road
P. O. Box 328
Flemingsburg, KY 41041

*Clark Energy Cooperative, Inc.
2640 Ironworks Road
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Winchester, KY 40392-0748

*Big Sandy R.E.C.C.
Big Sandy R.E.C.C.
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Paintsville, KY 41240

*Nolin R.E.C.C.
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Elizabethtown, KY 42701-6767

*Clark Energy Cooperative, Inc.
Clark Energy Cooperative, Inc.
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*Taylor County R.E.C.C.
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*Nolin R.E.C.C.
Nolin R.E.C.C.
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*Cumberland Valley Electric, Inc.
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*Jackson Energy Cooperative Corporation
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McKee, KY 40447

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Jackson Energy Cooperative Corporation
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*Salt River Electric Cooperative Corp.
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*Grayson R.E.C.C.
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