

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 KENTUCKY POWER COMPANY)	2022-00036
FROM MAY 1, 2021 THROUGH OCTOBER 31,)	
2021)	

ORDER

On September 26, 2022, Kentucky Industrial Utility Customers (KIUC) filed a motion for leave to reply to Kentucky Power Company's (Kentucky Power) supplemental response to Commission Staff's First Request for Information (Staff's First Request), Item 16 filed on September 19, 2022, at 4:42 p.m. Eastern Daylight Time. KIUC claims that since Kentucky Power's supplemental response was filed on the day the post-hearing response briefs were due to be filed it deprived KIUC of the opportunity to respond. On September 26, 2022, Kentucky Power filed a response in opposition of KIUC's motion stating that the Commission should deny the motion on the ground that KIUC previously made the arguments in its post-hearing brief and its post-hearing response brief regarding its challenge to the Commission-approved start-up costs.

On August 8, 2022, the Commission issued a post-hearing procedural schedule setting forth the dates in which post-hearing data requests and post-hearing briefs were to be filed. Post-hearing briefs were ordered to be filed no later than September 7, 2022, and the post-hearing response briefs were ordered to be filed no later than September 19, 2022. Additionally, the Commission ordered that the case shall stand submitted for a

decision by the Commission effective 12:01 a.m. Eastern Daylight Time, September 20, 2022. Kentucky Power asserts that following a review of KIUC's post-hearing brief, it discovered that the information provided in response to Staff's First Request, Item 16 contained an error. Kentucky Power has the ability to make timely amendments to any prior response if Kentucky Power obtains information that indicates the response was incorrect when made or, though correct when made, is now incorrect in any material respect.¹ The Commission finds that the time in which Kentucky Power filed the supplemental response did not provide the Commission or KIUC an opportunity to respond to or issue discovery on the new information.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the record in this case should be reopened. The Commission, on its own motion, finds that a procedural schedule is established for the orderly processing of this case. A procedural schedule is set forth in Appendix to this Order.

IT IS THEREFORE ORDERED that:

1. KIUC's motion for leave to reply to Kentucky Power's supplemental response to Commission Staff's First Request for Information, Item 16 is granted.
2. This case is reopened for the purpose of issuing additional discovery.
3. The procedural schedule set forth in Appendix to this Order shall be followed.
4. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

¹ Staff's First Request (filed March 31, 2022), Appendix at 1.

PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner



ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00036 DATED NOV 29 2022

All supplemental requests for information to Kentucky Power
shall be filed no later than 12/12/2022

Kentucky Power shall file responses to supplemental requests
for information no later than 01/06/2023

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