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**Case Management System - KY Public Service Commission***Regular Cases Before the Commission as of June 24, 2026***2013-00259**

RECEIVED: 08/21/13

FILED: 08/21/13

FINAL: 02/20/14

REOPENED:

SUSPENSION DATE:

**CASE CODE**

Construct  
 Surcharge - Environmental  
 Environmental - Compliance Plan

**UTILITIES:**

East Kentucky Power Cooperative, Inc.

INTERVENORS: Childers-Sierra

**HEARINGS:**

01/15/14 Formal Hearing  
 01/14/14 Formal Hearing

**INDEX OF EVENTS:**

- 12/05/19 Final Order Entered: 1. This case is opened to address certain outstanding petitions for confidential treatment. 2. The petitions for confidential treatment listed in Appendix B to this Order are granted. 3. The granting of these petitions shall not be cited as precedent in other proceedings before the Commission. 4. All movants shall review the petitions to determine if the material for which confidential treatment was requested still warrants confidential treatment. 5. A movant shall inform the Commission in writing, and filed in the original case file, if it determines that the information contained in a petition that is granted by this Order no longer warrants confidential treatment. 6. The Commission shall make available for inspection, upon request, any materials that a movant determines no longer warrants confidential treatment. 7. This case is closed and removed from the Commission's docket.
- 06/18/19 Order Entered: 1. EKPC's August 21 , 2013 petition for confidential protection is granted. 2. The designated materials in EKPC's August 21 , 2013 petition shall not be placed in the public record or made available for public inspection for ten years, or until further Orders of this Commission. 3. Use of the designated materials of EKPC's August 21, 2013 petition in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9). 4. EKPC shall inform the Commission if the designated materials of EKPC's August 21, 2013 petition become publicly available or no longer qualify for confidential treatment. 5. If a non-party to this proceeding requests to inspect the designated materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, EKPC shall have 30 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If EKPC is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection. 6. The Commission shall not make the designated materials of EKPC's August 21 , 2013 petition available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow EKPC to seek a remedy afforded by law.
- 02/20/14 Order Entered:  
 1. EKPC is granted a CPCN to construct the Cooper Unit 1 retrofit.  
 2. EKPC is authorized to amend its Environmental Compliance Plan, pursuant to KRS 278.183.  
 3. EKPC is allowed to recover the costs associated with its amended Environmental Compliance Plan through its existing environmental surcharge mechanism.  
 4. The proposed revisions and additions to EKPC's monthly environmental surcharge forms as set forth in the application are approved.  
 5. EKPC's proposal to use a Times Interest Earned Ratio component of 1.50 to calculate the rate of return on the project is approved, subject to change by a future order of the Commission.  
 6. EKPC shall promptly file with the Commission a notice and supporting analysis in the event that a new or revised environmental requirement or regulation impacts any facility in service or under construction.  
 7. Any documents filed in the future pursuant to paragraph 6 herein shall reference this case number and shall be retained in the utility's general correspondence files.

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8. The Executive Director is delegated authority to grant reasonable extensions of time for the filing of any documents required by this Order upon a showing of good cause for such extension.

02/04/14	Gallatin Steel Company Brief Supporting the Application of EKPC
02/03/14	Sonia McElroy & Sierra Club's Confidential Post Hearing Brief
02/03/14	East Kentucky Power Cooperative, Inc.'s Brief
02/03/14	Sonia McElroy and Sierra Club's Public Post Hearing Brief
01/27/14	Notice of Filing Hearing Documents
01/24/14	East Kentucky Power Cooperative's Motion for Confidential Treatment
01/24/14	East Kentucky Power Cooperative's Responses to PSC Staff's Information Request at Hearing on 01-14-14 to 01-15-14
01/23/14	Sonia McElroy & Sierra Club's Responses to EKPC's Request for Information from the Hearing of 01-14-14 to 01-15-14
01/21/14	East Kentucky Power Cooperative Inc.'s Original Affidavit of Hearing Scheduled 01-14-2014
01/15/14	Order Entered: Susan Laureigh Williams is admitted pro hac vice for the purpose of representing Sierra Club in the above-styled proceeding, provided that Joe F. Childers or another member of the Kentucky Bar Association acts as co-counsel and is present at any and all proceedings before this Commission.
01/13/14	East Kentucky Power Cooperative Notarized Proof of Publication
01/06/14	Sonia McElroy & Sierra Club's Motion for Admission Pro Hac Vice
01/03/14	East Kentucky Power Cooperative Inc. Rebuttal Testimony of James Read
01/03/14	Sonia McElroy and Sierra Club's Second Supplemental Response to Commission Staff's Information Requests
12/27/13	Sonia McElroy and Sierra Club's Supplemental Response to Commission's Information Request
12/27/13	Sonia McElroy and Sierra Club's Supplemental Direct Testimony of Jeffrey Loiter
12/27/13	Sonia McElroy and Sierra Club's Supplemental Direct Testimony of Tyler Comings
12/27/13	Sonia McElroy and Sierra Club Confidential Supplemental Direct Testimony of Jeffrey Loiter and Tyler Comings
12/19/13	Sonia McElroy & Sierra Club's Responses to East Kentucky Power Cooperative Inc.'s Information Requests
12/19/13	Sonia McElroy & Sierra Club's Corrections to Cover Letters of Responses to East Kentucky Power Cooperative, Inc.'s Information Requests (Public and Confidential)
12/19/13	Sonia McElroy and Sierra Club's Responses to Commission Staff's Request for Information
12/18/13	Sonia McElroy & Sierra Club Responses to East Kentucky Power Cooperative, Inc.'s Information Requests (Confidential)
12/17/13	East Kentucky Power Cooperative Motion for Confidential Treatment
12/17/13	East Kentucky Power Cooperative Additional Responses to Sonia McElroy and Sierra Club's 11/04/13 Supplemental Requests pursuant to Commission's Order Dated 12-10-13
12/11/13	East Kentucky Power Cooperative Inc. Notice Regarding Filing of Confidential Information
12/10/13	Order Entered: <ol style="list-style-type: none"> <li>1. Sierra Club's motion for leave to file a reply in support of its motion to compel is granted.</li> <li>2. Sierra Club's motion to compel is granted to the extent described herein.</li> <li>3. EKPC shall file responses to the discovery items described herein within seven days of the issuance of this Order.</li> <li>4. Sierra Club shall file supplemental testimony, if any, limited to addressing the information that is the subject of its motion to compel on or before December 27, 2013.</li> <li>5. Sierra Club's motion for continuance to file intervenor testimony is denied.</li> </ol>
12/09/13	Commission Staff's Request for Information to Sonia McElroy and The Sierra Club
12/09/13	East Kentucky Power Cooperative, Inc.'s Response in Opposition to Intervenor's Motion for Leave to File Out of Time Reply in Support of Motion to Compel and for a Continuance
12/09/13	East Kentucky Power Cooperative Information Request to Sonia McElroy and Sierra Club (Environmental Intervenors) (Public Version)
12/06/13	Sierra Club_Affidavit of Jeff Loiter for Direct Testimony
12/06/13	Sierra Club_Affidavit of Tyler Comings for Direct Testimony
12/05/13	East Kentucky Power Cooperative Inc. Responses to Commission Staff's Third Request for Information
12/04/13	Sonia McElroy and Sierra Club's Reply in Support of Motion to Compel and for a Continuance (Confidential Copy)
12/04/13	Sonia McElroy & Sierra Club Motion for Leave to File Out of Time Their Reply in Support of Motion to Compel and for a Continuance

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12/04/13 Sonia McElroy & Sierra Club Replay in Support of Motion to Compel and for a Continuance  
12/03/13 Sierra Club Exhibits to Direct Testimony of Tyler Comings Inadvertently Left Off of Filing (Public Version)  
12/02/13 Sierra Club Direct Testimony of Tyler Comings (Confidential Version) and Jeffrey Loiter (Confidential Version)  
11/27/13 EKPC's Response to Motion to compel Responses to Intervenors' Supplemental Requests for Information  
11/27/13 Sierra Club's Direct Testimony of Tyler Comings  
11/27/13 Sonia McElroy & Sierra Club's Motion to Deviate from the Schedule  
11/27/13 Sierra Club's Direct Testimony of Jeffrey Loiter  
11/25/13 Order Entered:  
1. The joint motion of Sierra Club and EKPC to modify the procedural schedule is granted.  
2. The existing procedural schedule as established pursuant to the September 20, 2013 Order is amended to the limited extent that intervenor testimony shall be filed on or before November 27, 2013, and all data requests to intervenors shall be filed on or before December 9, 2013.  
3. The remaining scheduling dates established by the September 20, 2013 Order shall remain unchanged.

11/22/13 Sonia McElroy & Sierra Club's Motion to Compel EKPC to Respond to Intervenors' Supplemental Requests for Information & for Continuance of Case Schedule (Public Version)  
11/21/13 Commission Staff's Third Request for Information to East Kentucky Power Cooperative, Inc.  
11/21/13 Order Entered: Shannon W. Fisk is admitted pro hac vice for the purpose of representing Sierra Club in the above-styled proceeding, provided that Joe Childers or another member of the Kentucky Bar Association acts as co-counsel and is present at any and all proceedings before this Commission.  
11/21/13 Order Entered: Matthew E. Gerhart is admitted pro hac vice for the purpose of representing Sierra Club in the above-styled proceeding, provided that Joe Childers or another member of the Kentucky Bar Association acts as co-counsel and is present at any and all proceedings before this Commission.  
11/21/13 Sonia McElroy and Sierra Club to Compel East Kentucky Power Cooperative to Respond to Intervenors' Supplemental Requests for Information and for Continuance of Case Schedule (Public Version)  
11/21/13 Sonia McElroy & Sierra Club and East Kentucky Power Cooperative's Joint Motion to Modify the Procedural Schedule  
11/14/13 East Kentucky Power Cooperative's Motion for Confidential Treatment  
11/14/13 East Kentucky Power Cooperative's Responses to Sonia McElroy and Sierra Club's Supplemental Requests for Information  
11/13/13 Sonia McElroy and Sierra Club's Motion for Admission Pro Hac Vice of Shannon W. Fisk as Counsel for Intervenors  
11/13/13 Sonia McElroy and Sierra Club's Motion for Admission Pro Hac Vice of Matthew E. Gerhart as Counsel for Intervenors  
11/12/13 EKPC responses to PSC staff second request for Info dated Oct 31, 12 with confidential petition  
11/08/13 Order Entered: that Kristin Henry is admitted pro hac vice for the purpose of representing Sierra Club in the above-styled proceeding, provided that Joe F. Childers or another member of the Kentucky Bar Association acts as co-counsel and is present at any and all proceedings before this Commission.  
11/07/13 EKPC's Supplemental Response to Sonia McElroy and the Sierra Club's Initial Requests for Information  
11/07/13 EKPC's Motion for Confidential Treatment of Information  
11/04/13 Sierra Club\_Sonia McElroy and Sierra Club's Supplemental Requests for Information to EKPC  
11/04/13 Sierra Club Motion to Admit Pro Hac Vice  
10/30/13 Commission Staff's Second Request for Information to East Kentucky Power Cooperative, Inc.  
10/25/13 East Kentucky Power Cooperative Inc.'s Responses to Sonia McElroy and Sierra Club's Initial Requests for Information  
10/18/13 Order Entered: (1) The motion of the Sierra Club to intervene is granted, and the Sierra Club shall accept the existing procedural schedule. (2) The Sierra Club shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order. (3) Should the Sierra Club file documents of any kind with the Commission in the course of these proceedings, the Sierra Club shall also serve a copy of said documents on all other parties of record.  
10/18/13 EKPC responses to PSC staff initial request for information and motion for confidential treatment

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10/04/13 Commission Staff's Initial Request for Information to East Kentucky Power Cooperative, Inc.  
 10/04/13 Sierra Club's Initial Requests for Information to East Kentucky Power Cooperative  
 09/25/13 Sierra Club and Sonia McElroy's Petition for Full Intervention  
 09/20/13 Order Entered: (1) Procedural schedule in Appendix A shall be followed. (2) a. Requests for information and responses shall be bound, tabbed, indexed and original and ten copies filed with Commission, with copies to all parties of record. (b) Each response shall be answered under oath or be accompanied by a signed certification. (c) A party shall make timely amendment to any prior response if it is now incorrect in any material respect. (d) For any request which a party fails or refuses to furnish all or part of information, that party shall provide written explanation of specific grounds for its failure to completely and precisely respond. (3) Any party filing testimony shall file an original and ten copies. (4) EKPC shall give notice of hearing in accordance with provisions in 807 KAR 5:001, Section 9(2)(b). (5) A person who submits a motion to intervene after September 27, 2013, and upon a showing of good cause is granted leave to intervene, shall accept and abide by the existing procedural schedule. (6) At any public hearing in this matter, neither opening statements nor summarization of direct testimonies is permitted. (7) Motions for extensions of time with respect to the schedule shall be made in writing and will granted only upon a showing of good cause.

09/12/13 Order Entered:  
 1. The petition of Gallatin Steel to intervene is granted.  
 2. Gallatin Steel shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.  
 3. Should Gallatin Steel file documents of any kind with the Commission in the course of these proceedings, Gallatin Steel shall also serve a copy of said documents on all other parties of record.

09/04/13 Petition to intervene of Gallatin Steel Company  
 08/27/13 No Deficiency Letter  
 08/21/13 Application of East Kentucky Power Cooperative, Inc. for a Certificate of Public Convenience and Necessity for Alteration of Certain Equipment at the Cooper Station and Approval of a Compliance Plan Amendment for Environmental Surcharge Cost Recovery

07/03/13 Acknowledge Receipt of Filing  
 07/03/13 East Kentucky Power Cooperative, Inc.'s Notice of Intent to File an Application for an Amended Environmental Surcharge Compliance Pan, a Revised Environmental Surcharge to Recover the Costs of this Amended Plan; and a CPC&N Pursuant to KRS 278.020(1) for the Cooper 1 Duct Reroute Project on or after August 1, 2013

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 Total Number of Cases: 1