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**Case Management System - KY Public Service Commission***Regular Cases Before the Commission as of May 17, 2026***2015-00358**

RECEIVED: 10/30/15

FILED: 10/30/15

FINAL: 01/10/17

REOPENED:

SUSPENSION DATE:

CASE NATURE: Deviation from Obligation Resulting from Case No. 2012-00169

**CASE CODE**

Deviation

**UTILITIES:**

East Kentucky Power Cooperative, Inc.

INTERVENORS: Boehm-KIUC/Cohn-

**HEARINGS:**

12/21/16	Teleconference
11/09/16	Informal Conference
06/24/16	Informal Conference
03/17/16	Informal Conference
01/29/16	Informal Conference
01/22/16	Informal Conference
12/22/15	Informal Conference
11/20/15	Informal Conference

**INDEX OF EVENTS:**

12/12/18	Order Entered: 1. EKPC's petition for confidential protection for its Amended Application and the McNalley Testimony is granted. 2. The designated materials shall not be placed in the public record or made available for public inspection for ten years, or upon further Orders of this Commission. 3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9). 4. EKPC shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment. 5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, EKPC shall have 20 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 materials available for inspection for 20 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.
12/12/18	Order Entered: 1. EKPC's motion for confidential protection is granted. 2. The designated materials in EKPC's status report shall not be placed in the public record or made available for public inspection for ten years, or upon further Orders of this Commission. 3. Use of the materials in question 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 granted confidential protection become publicly available or no longer qualifies for confidential treatment. 5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, EKPC shall have 20 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 materials available for inspection for 20 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.
01/10/17	Final Order Entered: 1. EKPC's motion for leave to file an amended application is granted. 2. EKPC's motion to accept and approve the Stipulation is granted and the Stipulation is approved.
12/28/16	Memorandum dated 12/27/2016 for Informal Conference of 12/21/2016; Comments, if any, due within five days of receipt of letter
12/21/16	Commission Staff's Notice of Informal Conference

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11/15/16 Memorandum dated 11/14/2016 for Informal Conference of 11/09/2016; Comments, if any, due within five days of receipt

11/14/16 EKPC Supplement to Motions

11/09/16 Commission Staff's Notice of Informal Conference

08/08/16 EKPC Motion to Accept and Approve

07/18/16 Order Entered: 1. EKPC's petition for confidential protection for its Responses an Supplemental Response is hereby granted. 2. The materials granted confidential protection will not be placed in the public record or made available for public inspection for a period of ten years from the date of this Order, or upon further Orders of this Commission. 3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9). 4. EKPC shall inform the Commission if the materials granted confidential protection become publicly available or no longer qualify for confidential treatment. 5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, EKPC shall have 20 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 materials available for inspection for 20 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.

06/29/16 Memorandum dated 6/29/2016 for Informal Conference of 6/24/2016; Comments, if any, due within five days of receipt

06/24/16 EKPC Verification of Michael McNalley

06/22/16 EKPC Motion for Leave to File Amended Application and Motion for Confidential Treatment

06/16/16 Commission Staff's Notice of Informal Conference

06/10/16 Order Entered: 1. EKPC's motion to extend for 30 days, through June 27, 2016, the period of abeyance is granted to the extent that the Commission shall take no action on EKPC's application during that time period to allow EKPC time to reduce into writing the proposal for the mechanism to flow back the net PJM-related capacity benefits to EKPC's customers and to discuss the details of that proposal with the parties to this case and Commission Staff. 2. The temporary suspension of the requirement for EKPC to file a rate mechanism shall continue during the period of abeyance, as extended by this Order. 3. Nothing shall prevent the parties from filing documents or the Commission from entering further Orders during the abeyance of this case.

05/24/16 EKPC Motion for Extension of Period of Abeyance

04/13/16 EKPC Status Report

03/28/16 Memorandum dated 3/28/2016 for Informal Conference of 3/17/2016; Comments, if any, due within five days of receipt

03/18/16 EKPC Notice of Filing and Adoption of Motion for Confidential Treatment

03/02/16 Order Entered: EKPC's motion to extend for 90 days, through May 28, 2016, the period of abeyance is granted to the extent that the Commission shall take no action on EKPC's application during that time period to allow the parties and Commission Staff to further discuss the issues in this case.

2. The temporary suspension of the requirement in the PJM Integration Order for EKPC to file a rate mechanism to flow back capacity market benefits to customers shall continue during the period of abeyance, as extended by this Order.

3. EKPC shall file, on or before April 13, 2016, and at the end of the extended period of abeyance, written reports summarizing the status of the efforts by the parties and Commission Staff to reach a consensus on the issue of a flow-back rate mechanism.

4. Nothing shall prevent the parties from filing documents or the Commission from entering further Orders during the abeyance of this case.

02/29/16 COMMISSION STAFF'S NOTICE OF INFORMAL CONFERENCE

02/26/16 EKPC Notice of Filing Response to KIUC

02/26/16 EKPC Notice of Filing Second Status Report

02/26/16 EKPC Motion for Confidential Treatment

02/22/16 Memorandum dated 2/22/2016 for Informal Conference of 1/29/2016; Comments, if any, due within five days of receipt

02/12/16 EKPC Motion for Abeyance

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01/20/16 COMMISSION STAFF'S RENOTICE OF INFORMAL CONFERENCE  
01/14/16 EKPC Motion for Confidential Treatment  
01/14/16 EKPC Status Report In Compliance with Nov. 30, 2015 Order  
01/07/16 Commission Staff's Notice of Informal Conference  
12/29/15 Memorandum dated 12/29/2015 for Informal Conference of 12/22/2015; Comments, if any, due within five days of receipt of letter

12/16/15 COMMISSION STAFF'S NOTICE OF INFORMAL CONFERENCE  
11/30/15 Order Entered: 1. EKPC's motion to hold this case in abeyance for a period of 90 days is granted to the extent that the Commission shall take no action on EKPC's application during that time period to allow the parties and Commission Staff to further discuss the issues in this case. 2. The requirement of the PJM Integration Order for EKPC to file by November 30, 2015, a rate mechanism to flow back capacity market benefits to customers is temporarily suspended while this case is in abeyance. 3. EKPC shall file, 45 days from the date of this Order and at the end of the 90-day period of abeyance, written reports summarizing the status of the efforts by the parties and Commission Staff to reach a consensus on the issue of a flow-back rate mechanism. 4. Nothing shall prevent the parties from filing documents or the Commission from entering further Orders during the abeyance of this case.

11/30/15 Memorandum dated 11/30/2015 for Informal Conference of 11/20/2015; Comments, if any, due within five days of receipt

11/25/15 EKPC Motion to Hold in Abeyance  
11/20/15 Order Entered: 1. KIUC's motion to reschedule the informal conference is granted. 2. The informal conference currently scheduled for Friday, November 20, 2015, at 1:00 p.m. EST, is rescheduled to Friday, November 20, 2015, at 3:00 p.m. EST. 3. Commission Staff will contact the parties to this matter by electronic mail to provide details for participation by telephone.

11/20/15 Order Entered: 1. The motion of the Attorney General to intervene is granted. 2. The Attorney General 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. The Attorney General shall comply with all provisions of the Commission's regulation, 807 KAR 5:001 , Section 7, related to the service and filing of documents. 4. Within seven days of entry of this Order, the Attorney General shall provide his electronic mail address to which all electronic documents issued by the Commission and other parties of record may be served upon the Attorney General in accordance with 807 KAR 5:001, Section 4(8)(b) .

11/19/15 KIUC Motion to Reschedule IC  
11/18/15 Order Entered: 1. EKPC's motion for an informal conference is granted. 2. An informal conference is scheduled for Friday, November 20, 2015, at 1 :00 p.m. Eastern Standard Time, for the purpose of discussing any issues in this matter. 3. Commission Staff will contact the parties to this matter by electronic mail to provide details for participation by telephone.

11/16/15 KIUC Response to Order of Procedure  
11/13/15 Order Entered: 1. The motion of KIUC to intervene is granted. 2. KIUC 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. KIUC shall comply with all provisions of the Commission's regulation, 807 KAR 5:001, Section 7, related to the service and filing of documents. 4. Within seven days of entry of this Order, KIUC shall provide the electronic mail address to which all electronic documents issued by the Commission and other parties of record may be served upon KIUC in accordance with 807 KAR 5:001, Section 4(8)(b).

11/13/15 AG Opposition to Application for Deviation  
11/13/15 AG Motion to Intervene  
11/13/15 EKPC Motion to Schedule IC  
11/09/15 KIUC Motion to Intervene and Response to EKPC  
10/30/15 Acknowledge Receipt of Filing  
10/30/15 East Kentucky Power Cooperative, Inc. Application for Deviation from Obligation Resulting from Case No. 2012-00169