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**Case Management System - KY Public Service Commission***Regular Cases Before the Commission as of March 31, 2025***2022-00387**

RECEIVED: 10/28/22

FILED: 10/28/22

FINAL: 08/28/23

REOPENED:

SUSPENSION DATE: 04/26/23

**CASE CODE**

Contracts

**UTILITIES:**

Kentucky Power Company

**HEARINGS:**

07/20/23 Formal Hearing

06/21/23 Formal Hearing

**INDEX OF EVENTS:**

- 12/04/24 Order Entered: 1. Kentucky Power's July 28, 2023 motion for confidential treatment is granted. 2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for five years or until further order of this Commission. 3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9). 4. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Kentucky Power shall inform the Commission and file with the Commission an unredacted copy of the designated material. 5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Kentucky Power shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Kentucky Power is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.
- 10/06/23 Order Entered: Hector Garcia Santana is admitted pro hac vice, effective as of July 20, 2023, for the purpose of representing Kentucky Power in association with Katie M. Glass in the above-styled proceeding, provided that Katie M. Glass or another member of the Kentucky Bar Association acts as co-counsel and is present at all proceedings before this Commission.
- 08/28/23 Final Order Entered: 1. Kentucky Power's proposed Contract with Ebon is denied. 2. This case is closed and removed from the Commission's docket.
- 08/11/23 Lerah M. Kahn Kentucky Power Company Reply Brief of Kentucky Power Company
- 08/11/23 Byron Gary Joint Intervenors Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Ken Reply Brief of Joint Intervenors Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc.
- 08/11/23 J. Michael West Office of the Kentucky Attorney General Post-Hearing Response of Attorney General and KIUC
- 08/08/23 Byron Gary Joint Intervenors Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Ken Post-Hearing Brief of Joint Intervenors Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc.
- 08/08/23 Marilyn Michelle Caldwell Kentucky Power Company Initial Post Hearing Brief of Kentucky Power Company
- 08/08/23 Michael L Kurtz Kentucky Industrial Utility Customers and Attorney General Kentucky Industrial Utility Customers and Attorney General Post-Hearing Brief (PUBLIC)
- 07/28/23 Marilyn Michelle Caldwell Kentucky Power Company Kentucky Power Companys Response to Joint Intervenors Post-Hearing Data Request
- 07/28/23 Marilyn Michelle Caldwell Kentucky Power Company Kentucky Power Companys Response to Attorney General and Kentucky Industrial Customers, Inc.s Post-Hearing Data Request
- 07/28/23 Marilyn Michelle Caldwell Kentucky Power Company Kentucky Power Companys Responses to Commission Staffs July 21, 2023 Post Hearing Data Requests
- 07/24/23 Scott E. Bishop Kentucky Power Company Kentucky Power Company filing Notice of Filing of Special Contract Addendum.
- 07/21/23 Tom FitzGerald Joint Intervenors Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens Law Center, Sierra Club, and Kent Post-Hearing Data Requests Of Joint

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Intervenors Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc

07/21/23 COMMISSION STAFF'S POST-HEARING REQUEST FOR INFORMATION TO KENTUCKY POWER COMPANY

07/21/23 Order Entered: 1. Post-hearing requests for information, if any, shall be filed on or before July 21, 2023. 2. Responses to post-hearing requests for information shall be filed on or before July 28, 2023. 3. All parties shall file a memorandum brief, should they choose to do so, in support of their respective post-hearing positions on or before August 8, 2023. 4. All parties shall file any post hearing response briefs, should they choose to do so, addressing only issues raised in the initial briefs on or before August 11, 2023. 5. This case shall stand submitted for a decision by the Commission effective 12:01 a.m. Eastern Daylight Time, August 12, 2023.

07/21/23 Order Entered: 1. Kentucky Power's motions for confidential treatment filed October 28, 2022, December 28, 2022, January 27, 2023, February 13, 2023, and March 15, 2023, are granted. 2. Designated material from the direct testimony of Brian K. West and Exhibit 1 to Mr. West's testimony, Kentucky Power's responses to Staff's First Request, Item 9, Attachments 1 and 2; Attorney General/KIUC's First Request, Items 30, 31, 32, 33, and 34; and Joint Intervenors' First Request, Item 8, Attachment 1, granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further Order of this Commission. 3. Designated material from Kentucky Power's responses to Attorney General/KIUC's First Request, Item 24, Attachment 1; and Item 25, Attachment 1 granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for five years or until further Order of this Commission. 4. Designated material from the rebuttal testimony of Brian K. West, Exhibit 1; Kentucky Power's responses to Staff's First Request, Item 4, Attachment 1; and Joint Intervenors' Second Request, Item 7, Attachment 1, granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection until December 31, 2037, or until further Order of this Commission.

07/21/23 Michael L Kurtz Kentucky Industrial Utility Customers and Attorney General JOINT POST-HEARING DATA REQUESTS OF THE ATTORNEY GENERAL AND KIUC TO KENTUCKY POWER COMPANY

07/17/23 Marilyn Michelle Caldwell Kentucky Power Company Kentucky Power Companys Notice of Filing of Proof of Newspaper Publication and Motion for Deviation

07/13/23 Lerah M. Kahn Kentucky Power Company Motion for leave to appear pro hac vice.

07/13/23 Marilyn Michelle Caldwell Kentucky Power Company Kentucky Power Companys Responses to Commission Staffs July 5, 2023 Data Requests

07/12/23 Tom FitzGerald Joint Intervenors Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens Law Center, Sierra Club, and Kent Witness List For Joint Intervenors Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc.

07/12/23 J. Michael West Kentucky Attorney General Witness List for AG/KIUC

07/12/23 Marilyn Michelle Caldwell Kentucky Power Company Kentucky Power Companys Witness List

07/12/23 Order Entered: Hema Lochan and Thomas Cmar are admitted pro hac vice for the purpose of representing collectively Joint Intervenors in association with Byron Gary in the above-styled proceeding, provided that Byron Gary or another member of the Kentucky Bar Association acts as co-counsel and is present at all proceedings before this Commission.

07/05/23 COMMISSION STAFF'S THIRD REQUEST FOR INFORMATION TO KENTUCKY POWER COMPANY

06/30/23 Order Entered: 1. Joint Intervenors' motion for Chelsea Hotaling to participate virtually in the July 20, 2023 hearing is granted. 2. Commission Staff shall contact participants with instructions for participating remotely.

06/29/23 Marilyn Michelle Caldwell Kentucky Power Company Kentucky Power Companys Notice of Filing of Request for Publication of Notice of Public Hearing

06/13/23 Byron Gary Joint Intervenors Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Ken Motion for Leave to Permit Its Witness to Testify Virtually

06/02/23 Order Entered: 1. The motion to reschedule the hearing is granted. 2. A hearing in this matter shall be held on July 20, 2023, at 9 a.m. Eastern Daylight Time, in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. 3. Pursuant to 807 KAR 5:001E, Section 2, if the hearing is not concluded on the designated day, the hearing shall be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing. 4. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at any

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hearing scheduled in this matter. 5. Kentucky Power shall give notice of the hearing in compliance with 807 KAR 5:001E, Section 9(2)(b).

06/01/23 Byron Gary Joint Intervenors Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Ken Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc.'s Motions to Admit Thomas Cmar and Hema Lochlan Pro Hac Vice

06/01/23 Byron Gary Joint Intervenors Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council Entry of Appearance of additional counsel

05/24/23 Tom FitzGerald Joint Intervenors Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens Law Center, Sierra Club, and Kent Response Of Joint Intervenors To Kentucky Power Company's Motion To Amend Procedural Schedule

05/23/23 J. Michael West Kentucky Attorney General Response to Motion to Amend Procedural Schedule

05/22/23 Marilyn Michelle Caldwell Kentucky Power Company Kentucky Power Companys Motion to Amend Procedural Schedule

05/19/23 Order Entered: 1. A hearing in this matter shall be held on June 21, 2023, at 9 a.m. Eastern Daylight Time and continuing until called from the bench by the presiding officer, in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. 2. Pursuant to 807 KAR 5:001E, Section 2, if the hearing is not concluded on the designated day, the hearing may be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing. 3. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at the June 21, 2023 hearing. 4. Kentucky Power Company (Kentucky Power) shall give notice of the hearing in compliance with 807 KAR 5:001E, Section 9(2)(b). In addition, the notice of hearing shall include the following statements: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov" and "Public comments may be made at the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listed on the PSC website, psc.ky.gov." At the time the notice is mailed or publication is requested, Kentucky Power shall forward a duplicate of the notice and request to the Commission. 5. Pursuant to KRS 278.360 and 807 KAR 5:001E, Section 9(9), a digital video transcript shall be made of the hearing.

05/15/23 Order Entered: Kentucky Power's motion to strike is denied.

05/01/23 J. Marc Coolen Public Comments

04/10/23 Tom FitzGerald Joint Intervenors Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens Law Center, Sierra Club, and Kent Statement of Joint Intervenors Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc. Regarding Joint Participation In This Proceeding

04/07/23 Tom FitzGerald Joint Intervenors Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens Law Center, Sierra Club, and Kent Joint Intervenors Statement Regarding Receipt of Electronic Transmissions

03/30/23 Order Entered: 1. Joint Movants' motion to intervene is granted. 2. Joint Movants are 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. Joint Movants shall comply with all provisions of the Commission's regulations, 807 KAR 5:001E, Section 8, related to the service and electronic filing of documents. 4. Joint Movants shall adhere to the procedural schedule set forth in the Commission's November 23, 2022 Order and as amended by subsequent Orders. 5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, Joint Movants shall file a written statement with the Commission that: a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served. 6. Each of the Joint Movants shall file a separate copy with the Commission of their individual agreement regarding their joint participation in this matter within ten days of entering into the agreement.

03/27/23 Ashley Wilmes Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Co Joint Intervenors' Response to Kentucky Power Company's Motion to Partially Strike

03/24/23 Scott Bishop Kentucky Power Company Kentucky Power Company filing Motion to Partially Strike Joint Intervenors Motion for a Hearing and Establishment of a Procedural Schedule.

03/23/23 Scott Bishop Kentucky Power Company Kentucky Power Company filing Notice of Filing Concerning Non-Disclosure Agreements.

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03/22/23 Tom FitzGerald Joint Intervenors Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens Law Center, Sierra Club, and Kent Motion of Joint Intervenors Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc. For a Hearing And The Establishment Of A Procedural Schedule.

03/20/23 Lerah M Kahn Kentucky Power Company Kentucky Power Company's Response to Attorney General's and Kentucky Industrial Utility Customers, Inc.'s Request for Hearing

03/17/23 Tom FitzGerald Joint Intervenors Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens Law Center, Sierra Club, and Kent Motion For Leave To File Testimony Of Stacy L. Sherwood (Corrected) on behalf of Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc. as Joint Intervenors, and Testimony

03/16/23 J. Michael West Kentucky Attorney General Request for Hearing of AG/KIUC

03/15/23 Lerah M Kahn Kentucky Power Company Kentucky Power Rebuttal Testimonies and Exhibits

03/08/23 Tom FitzGerald Movants For Joint Intervention Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens Law Center, Sierra C Response of Joint Intervenors (Movants) Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc. To Data Requests From Kentucky Power Company and from Commission Staff

03/08/23 J. Michael West Office of Attorney General Response of Attorney General to Company Data Requests

03/08/23 J. Michael West Kentucky Attorney General OAGs Response to Data Requests of Commission Staff

02/22/23 Scott Bishop Kentucky Power Company Kentucky Power Company filing initial Data Requests to Joint Intervenors.

02/22/23 Scott Bishop Kentucky Power Company Kentucky Power Company filing initial Data Requests to Kentucky Industrial Utility Customers, Inc. and the Attorney General.

02/22/23 COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO THE ATTORNEY GENERAL OF THE COMMONWEALTH OF KENTUCKY, BY AND THROUGH THE OFFICE OF RATE INTERVENTION AND KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.

02/22/23 COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO MOUNTAIN ASSOCIATION, KENTUCKIANS FOR THE COMMONWEALTH, APPALACHIAN CITIZENS' LAW CENTER, SIERRA CLUB, AND KENTUCKY RESOURCES COUNCIL, INC.

02/13/23 Lerah M Kahn Kentucky Power Company Motion for confidential treatment.

02/08/23 Tom FitzGerald Movants For Joint Intervention Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens Law Center, Sierra C Testimony of Stacy L. Sherwood and Testimony of Chelsea Hotaling (Redacted Public Version) on behalf of Movants For Joint Intervention Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens Law Center, Sierra Club, and Kentucky Resour

02/08/23 J. Michael West Office of the Attorney General Testimony of Stephen Baron

02/02/23 Lerah M Kahn Kentucky Power Company Kentucky Power Company's supplemental responses to JI 1-6, JI 2-2, AG-KIUC 1-33, and AG-KIUC 2-4.

01/27/23 Lerah M Kahn Kentucky Power Company Kentucky Power Company's responses to Joint Intervenors' January 17, 2023 data requests.

01/27/23 Lerah M Kahn Kentucky Power Company Kentucky Power Company's responses to Attorney General's and Kentucky Industrial Utility Customers, Inc.'s January 17, 2023 data requests.

01/27/23 Lerah M Kahn Kentucky Power Company Kentucky Power Company's responses to Commission Staff's January 17, 2023 data requests.

01/17/23 Tom FitzGerald Movants For Joint Intervention Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens Law Center, Sierra C Tendered Supplemental Data Requests Of Movants For Joint Intervention Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc.

01/17/23 COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION TO KENTUCKY POWER COMPANY

01/17/23 J. Michael West Office of the Attorney General Supplemental Data Requests of Kentucky Attorney General and KIUC

01/06/23 Michael Kurtz Kentucky Industrial Utility Customers (KIUC) Kentucky Industrial Utility Customers (KIUC) Written Statement

01/05/23 Order Entered: 1. KIUC's motion to intervene is granted. 2. KIUC is 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 regulations, 807 KAR 5:001, Section 8, related to

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the service and electronic filing of documents. 4. KIUC shall adhere to the procedural schedule set forth in the Commission's November 23, 2022 Order and as amended by subsequent Orders. 5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, KIUC shall file a written statement with the Commission that: a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

01/03/23 Lerah M Scott Kentucky Power Company Kentucky Power Company's Supplemental Response to Joint Intervenors' Data Request 1-8.

12/28/22 Scott E. Bishop Kentucky Power Company Kentucky Power Company filing responses to Attorney Generals and Kentucky Industrial Utility Customers, Inc.s December 8, 2022 data requests and attachments.

12/28/22 Scott E. Bishop Kentucky Power Company Kentucky Power Company filing responses to Joint Intervenors December 9, 2022 data Requests.

12/28/22 Scott E. Bishop Kentucky Power Company Kentucky Power Company filing responses to Commission Staffs December 9, 2022 data requests, Motion for Confidential Treatment and attachments.

12/28/22 Lerah M Scott Kentucky Power Company Errata Direct Testimony of Brian K. West

12/13/22 Order Entered: 1. The Attorney General's motion to intervene is granted. 2. The Attorney General is 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 regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents. 4. The Attorney General shall adhere to the procedural schedule set forth in the Commission's November 23, 2022 Order and as amended by subsequent Orders. 5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, the Attorney General shall file a written statement with the Commission that: a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

12/09/22 Ashley Wilmes Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Co Initial Data Requests of Joint Intervenors Mountain Association, Kentuckians for The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council.

12/09/22 COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO KENTUCKY POWER COMPANY

12/08/22 J. Michael West Office of the Attorney General OAG/KIUC Initial Data Requests Redacted

12/08/22 J. Michael West Office of the Attorney General Notice of Witness Sharing

12/02/22 Tom FitzGerald Movants For Joint Intervention Mountain Association, Kentuckians for the Commonwealth, Appalachian Citizens Law Center, Sierra C Joint Motion Of Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens' Law Center, Sierra Club, and Kentucky Resources Council, Inc. For Full Intervention As Joint Intervenors

11/28/22 Scott E. Bishop Kentucky Power Company Kentucky Power Company filing Notice of Entry of Appearance of Counsel and Written Statement.

11/25/22 Michael L Kurtz Kentucky Industrial Utility Customers (KIUC) Kentucky Industrial Utility Customers (KIUC) Motion to Intervene

11/23/22 J. Michael West Kentucky Attorney General OAGs Motion to Intervene

11/23/22 Order Entered: 1. This proceeding is established to investigate the reasonableness of the proposed Special Contract. 2. Kentucky Power's proposed Special Contract is suspended for five months from November 27, 2022, up to and including April 26, 2023.

3. Kentucky Power shall, by counsel, enter an appearance in this proceeding within seven days of the date of service of this Order. The entry of appearance shall include the name, address, telephone number, fax number, and electronic mail address of counsel. 4. Unless otherwise ordered by the Commission, the procedures set forth in 807 KAR 5:001, Section 8, related to service and electronic filing of papers shall be followed in this proceeding. 5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, Kentucky Power shall file by electronic means a written statement that it waives any right to service of Commission Orders by United States mail and that it or its authorized agent possess the facilities to

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10/28/22 receive electronic submissions.  
Kentucky Power Company Contract Filing

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Total Number of Cases: 1