

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY	)	
POWER COMPANY FOR APPROVAL OF (1) A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO MAKE THE CAPITAL	)	
INVESTMENTS NECESSARY TO CONTINUE	)	
TAKING CAPACITY AND ENERGY FROM THE	)	CASE NO.
MITCHELL GENERATING STATION AFTER	)	2025-00175
DECEMBER 31, 2028, (2) AN AMENDED	)	
ENVIRONMENTAL COMPLIANCE PLAN, (3)	)	
REVISED ENVIRONMENTAL SURCHARGE	)	
TARIFF SHEETS, AND (4) ALL OTHER	)	
REQUIRED APPROVALS AND RELIEF	)	

ORDER

On October 10, 2025, Kentucky Power filed a motion to amend the procedural schedule (Motion) in which it requested to file supplemental testimony based on new information and to amend the procedural schedule to allow for additional discovery and testimony from intervenors related to the supplemental testimony. Kentucky Power represented in its Motion that the Office of the Attorney General of the Commonwealth of Kentucky (Attorney General) and Kentucky Industrial Utility Customers, Inc. (KIUC) supported its Motion, and that Sierra Club did not object to its Motion. There are no other intervenors in this matter. No party objected to the motion.

LEGAL STANDARD

The Commission has indicated it will grant a motion to amend the procedural schedule for good cause shown.¹ Further, pursuant to 807 KAR 5:001, Section 4(5), “for good cause shown, the Commission shall allow a complaint, application, answer, or other paper to be amended or corrected or an omission supplied.” However, “[u]nless the commission orders otherwise, the amendment shall not relate back to the date of the original paper.”²

BACKGROUND

This matter arises from Kentucky Power’s application filed on June 30, 2025, for a certificate of public necessity and convenience (CPCN) to make capital investments at the Mitchell Generating Station, an amended Environmental Compliance Plan, Revised Environmental Tariff Sheets, and other required relief. Kentucky Power filed sworn testimony and other documents in support of its application and to satisfy certain requirements in 807 KAR 5:001. In its August 1, 2025 Order (August 1, 2025 Order), the Commission established a procedural schedule that included discovery to Kentucky Power, intervenor testimony, discovery to intervenors, and rebuttal testimony from Kentucky Power, along with a hearing to be scheduled in a separate order. The August 1, 2025 Order indicated that the procedural schedule would only be amended for good cause shown.³

¹ Order (Ky. PSC Aug. 1, 2025) (establishing the procedural schedule and indicating the standard that would be applied to amend it).

² 807 KAR 5:001, Section 4(5).

³ Order (Ky. PSC Aug. 1, 2025).

Kentucky Power asserted in its October 10, 2025 Motion “that good cause exists to amend the procedural schedule to allow the Company to file supplemental testimony, for the intervenors to submit supplemental testimony in response, and for the parties to conduct additional discovery on the issues contained in the supplemental testimony.”⁴ Kentucky Power noted that its witness, Joshua Snodgrass, filed testimony in support of the application that described structural upgrades being made to the cooling tower at Unit 2 of the Mitchall Generating Station. Kentucky Power asserted that it has since become aware that expected costs have exceeded projections and warrant the evaluation of the various alternatives to address the cooling tower for Unit 2, which will require significant additional expenditures not currently included in the economic evaluation of alternatives filed with the application. Kentucky Power argued that the additional expenditures are not ELG-related and will not impact the requested recovery under the environmental surcharge, the 2025 Environmental Compliance Plan, or the information contained in the customer notice provided in this case.⁵

Kentucky Power stated that in the interest of transparency and creating a robust record to aid the Commission in its review that it is requesting leave to file the supplement testimony attached to its motion to incorporate its evaluation of the impacts of these additional projects in its evaluation of the alternatives. Kentucky Power further requested leave to amend the Procedural Schedule to allow for additional discovery and supplemental testimony from the intervenors in response to Mr. Vaughan’s Supplemental Testimony.

⁴ Kentucky Power’s Motion (filed Oct. 10, 2025).

⁵ Kentucky Power’s Motion.

Kentucky Power asserted that pursuant to KRS 278.183(2) the Commission must complete its review and issue its order on Kentucky Power's Application with respect to the 2025 Environmental Compliance Plan and the proposed modifications to the environmental surcharge on or before December 30, 2025. Kentucky Power also expressed its desire to have a decision in advance of the next legislative session. Kentucky Power asserted that its proposed amendments to the procedural schedule with the intention of leaving time for the Commission to issue an order by December 30, 2025. Specifically, Kentucky Power proposed the following new procedural events or changes to the current procedural schedule:

	Current Procedural Schedule	Proposed Amended Procedural Schedule
Kentucky Power's Supplemental Testimony	N/A	10/10/2025
Additional supplemental data requests to Kentucky Power related to Supp. Testimony	N/A	10/20/2025
Kentucky Power's responses to additional supplemental data requests	N/A	10/27/2025
Intervenors' Supplemental Testimony related to Kentucky Power's Supp. Testimony	N/A	11/7/2025
Data requests from Kentucky Power to intervenors	10/13/2025	11/11/2025
Kentucky Power's Rebuttal Testimony	11/10/2025	11/14/2025
Intervenors' responses to data requests	10/27/2025	11/18/2025
Hearing	11/17/2025*	11/19/2025**

*Estimated date of hearing

** To the extent the hearing is scheduled on this date, AG-KIUC have requested that their witness be permitted to testify remotely. Kentucky Power supports this request.

Notably, Kentucky Power indicated that in supporting the motion that the Attorney General and KIUC requested that their witness, Lane Kollen, be authorized to testify remotely, and Kentucky Power indicated that it supported that request.

DISCUSSION

The Commission finds that good cause exists to amend the procedural schedule as generally proposed by Kentucky Power and to allow Kentucky Power to file additional testimony based on the new information Kentucky Power indicated it identified since the application was filed as to the cost of capital projects expected at the Mitchell Generating Station. However, in order accommodate other scheduled events, the hearing in this matter will be scheduled to begin on November 18, 2025, as opposed to November 19, 2025, as proposed by Kentucky Power. For that reason, the Commission finds that the dates proposed by Kentucky Power for all events beginning with Intervenor's Supplemental Testimony shall be pushed back one day each as reflected in the revised procedural schedule attached hereto as an Appendix to this Order. Consistent with the Attorney General and KIUC's request in supporting this motion, the Commission also finds that their witness, Lane Kollen, should be permitted to testify remotely at the hearing in this matter.

IT IS THEREFORE ORDERED that:

1. Kentucky Power's October 10, 2025 Motion to amend the procedural schedule is granted in part and denied in part as discussed herein.
2. With respect to all procedural dates on or after October 10, 2025, the procedural schedule in the August 1, 2025 Order is stricken and replaced with the amended procedural schedule attached as an Appendix to this Order.
3. All other provisions of the August 1, 2025 Order not inconsistent with this Order shall remain in effect.

4. Kentucky Power's Supplemental Direct Testimony of Alex E. Vaughan is accepted as filed on October 10, 2025.⁶

5. A hearing in this matter shall be held at 9 a.m. Eastern Standard Time on November 18, 2025, and shall continue 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.

6. Pursuant to 807 KAR 5:001, 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.

7. Except as otherwise provided herein or in the August 1, 2025 Order, witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at the November 18, 2025 hearing.

8. The Attorney General and KIUC's witness, Lane Kollen, may participate virtually at the November 18, 2025 hearing.

9. Kentucky Power shall file a witness list at least seven days prior to the hearing date.

10. Kentucky Power shall give notice of the hearing in compliance with 807 KAR 5:001, 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 by connecting to the

⁶ While the Commission is seeking to complete the review of this matter by December 30, 2025, this Order should not be read as accepting Kentucky Power's implicit argument that the filing of the supplemental testimony does not affect the statutory date. This order does not address the effect of the filing of the supplemental testimony on the statutory date, because it is unnecessary to do so at this time.

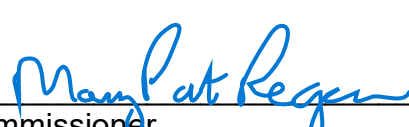
YouTube link posted on the PSC website, psc.ky.gov” and “Public comments may be made at the beginning of the hearing. Those wishing to provide public comments may do so by arriving at 211 Sower Blvd., Frankfort, Kentucky, before the start of the hearing.” At the time the notice is mailed or publication is requested, Kentucky Power shall forward a duplicate of the notice and request to the Commission.

11. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video transcript shall be made of the hearing.

PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

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ATTEST:


Executive Director



APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2025-00175 DATED OCT 17 2025

Kentucky Power's supplemental testimony	10/10/2025
Initial requests for information to intervenors shall be filed no later than	10/13/2025
Second supplemental requests for information to Kentucky Power shall be filed no later than	10/20/2025
Kentucky Power's shall file responses to second supplemental requests for information no later than	10/27/2025
Intervenors shall file responses to initial requests for information no later than.....	10/27/2025
Intervenors supplemental testimony, if any, related to Kentucky Power's supplement testimony shall be filed no later than	11/06/2025
Supplemental requests for information to intervenors shall be filed no later than	11/10/2025
Kentucky Power shall file, in verified form, its rebuttal testimony no later than	11/13/2025
Intervenors shall file responses to supplement requests for information no later than.....	11/17/2025
Public hearing to be held at 9:00 a.m. Eastern Standard Time in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of cross-examination of witnesses of Kentucky Power and intervenors.....	11/18/2025
Post-hearing briefs, if any.....	To be scheduled

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