

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

In the Matter of:

THE APPLICATION OF KENTUCKY UTILITIES)
COMPANY FOR CERTIFICATES OF PUBLIC) CASE NO.
CONVENIENCE AND NECESSITY AND APPROVAL) 2016-00026
OF ITS 2016 COMPLIANCE PLAN FOR RECOVERY)
BY ENVIRONMENTAL SURCHARGE)

ATTORNEY GENERAL’S INITIAL DATA REQUESTS

Comes now the intervenor, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, and submits these Initial Data Requests to Kentucky Utilities Company [hereinafter “KU”] to be answered by the date specified in the Commission’s Order of Procedure, and in accord with the following:

- (1) In each case where a request seeks data provided in response to a staff request, reference to the appropriate request item will be deemed a satisfactory response.
- (2) Please identify the witness who will be prepared to answer questions concerning each request.
- (3) Please repeat the question to which each response is intended to refer. The Office of the Attorney General can provide counsel for KU with an electronic version of these questions, upon request.
- (4) These requests shall be deemed continuing so as to require further and supplemental responses if the company receives or generates additional information within the scope of these requests between the time of the response and the time of any hearing conducted hereon.

(5) Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

(6) If you believe any request appears confusing, please request clarification directly from Counsel for the Office of Attorney General.

(7) To the extent that the specific document, workpaper or information as requested does not exist, but a similar document, workpaper or information does exist, provide the similar document, workpaper, or information.

(8) To the extent that any request may be answered by way of a computer printout, please identify each variable contained in the printout which would not be self-evident to a person not familiar with the printout.

(9) If the company has objections to any request on the grounds that the requested information is proprietary in nature, or for any other reason, please notify the Office of the Attorney General as soon as possible.

(10) As used herein, the words "document" or "documents" are to be construed broadly and shall mean the original of the same (and all non-identical copies or drafts thereof) and if the original is not available, the best copy available. These terms shall include all information recorded in any written, graphic or other tangible form and shall include, without limiting the generality of the foregoing, all reports; memoranda; books or notebooks; written or recorded statements, interviews, affidavits and depositions; all letters or correspondence; telegrams, cables and telex messages; contracts, leases, insurance

policies or other agreements; warnings and caution/hazard notices or labels; mechanical and electronic recordings and all information so stored, or transcripts of such recordings; calendars, appointment books, schedules, agendas and diary entries; notes or memoranda of conversations (telephonic or otherwise), meetings or conferences; legal pleadings and transcripts of legal proceedings; maps, models, charts, diagrams, graphs and other demonstrative materials; financial statements, annual reports, balance sheets and other accounting records; quotations or offers; bulletins, newsletters, pamphlets, brochures and all other similar publications; summaries or compilations of data; deeds, titles, or other instruments of ownership; blueprints and specifications; manuals, guidelines, regulations, procedures, policies and instructional materials of any type; photographs or pictures, film, microfilm and microfiche; videotapes; articles; announcements and notices of any type; surveys, studies, evaluations, tests and all research and development (R&D) materials; newspaper clippings and press releases; time cards, employee schedules or rosters, and other payroll records; cancelled checks, invoices, bills and receipts; and writings of any kind and all other tangible things upon which any handwriting, typing, printing, drawings, representations, graphic matter, magnetic or electrical impulses, or other forms of communication are recorded or produced, including audio and video recordings, computer stored information (whether or not in printout form), computer-readable media or other electronically maintained or transmitted information regardless of the media or format in which they are stored, and all other rough drafts, revised drafts (including all handwritten notes or other marks on the same) and copies of documents as hereinbefore defined by whatever means made.

(11) For any document withheld on the basis of privilege, state the following: date; author; addressee; indicated or blind copies; all persons to whom distributed, shown, or explained; and, the nature and legal basis for the privilege asserted.

(12) In the event any document called for has been destroyed or transferred beyond the control of the company, please state: the identity of the person by whom it was destroyed or transferred, and the person authorizing the destruction or transfer; the time, place, and method of destruction or transfer; and, the reason(s) for its destruction or transfer. If destroyed or disposed of by operation of a retention policy, state the retention policy.

(13) Please provide written responses, together with any and all exhibits pertaining thereto, in one or more bound volumes, separately indexed and tabbed by each response, in compliance with Kentucky Public Service Commission Regulations.

Respectfully submitted,

ANDY BESHEAR
ATTORNEY GENERAL



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Certificate of Service and Filing

Counsel certifies that: (a) the foregoing is a true and accurate copy of the same document being filed in paper medium; (b) pursuant to 807 KAR 5:001 § 8(7)(c), there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and (c) the original and copy in paper medium is being filed with the Commission on March 14, 2016.

I further certify that in accordance with 807 KAR 5:001 § 4 (8), the foregoing is being contemporaneously provided via electronic mail to:

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Hon. Michael Kurtz
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this 11th day of March, 2016



Assistant Attorney General

Application of Kentucky Utilities
Company for Certificates of Public
Convenience and Necessity and Approval
of its 2016 Compliance Plan for Recovery
by Environmental Surcharge
Case No. 2016-00026

1. How will KU know where to install groundwater monitoring wells (“GMWs”), and how many?
2. Reference the Voyles testimony, p. 8. After the GMWs are installed and the eight (8) independent samples are taken, in the event the testing results of the samples show coal combustion residuals (“CCR”) constituent readings in excess of the limits established in the EPA’s Coal Combustion Residuals Rule (“CCR Rule”), is there any possibility that KU will have to undertake more extensive measures in order to trace the source of the pollutants and in order to take remediative measures?
 - a. If so, what would or could those more extensive measures involve?
3. Will there have to be a separate groundwater monitoring system for each impoundment? Please explain.
4. Reference the Voyles testimony generally, and in particular at p. 8 regarding the CCR Rule operational standards and requirements pertaining to location requirements. At p. 8, he states the company is still evaluating whether the CCR Rule’s location restrictions will affect any of the company’s CCR facilities.
 - a. In what manner could the location requirements affect any CCR facilities? Please discuss the potential implications.
5. Regarding the closure of the surface impoundments, for each impoundment is closure the least-cost alternative, or is it merely “economical?” Please explain.
6. Does the CCR Rule provide any extensions of compliance deadlines? If so, on what basis or bases?
7. Reference the Revlett testimony, p. 19, lines 5-9. If a “triggering” event occurs requiring the “initiation” of closure of a CCR surface impoundment, how much time does the CCR Rule allow for the actual closure of that impoundment?
8. Has the company already made the decision to close all surface impoundments even prior to the construction of test wells and the eight (8) independent groundwater samplings? If so why? Is the company’s decision based in part on any assumptions?

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9. Will CCRT facilities, such as are being or have been constructed at Trimble and Ghent stations, be required at each of Mill Creek and Brown? If not, why not?
10. When completed, will Project 37 at Ghent Unit 2 provide the companies with more flexibility of dispatch? Could it enhance opportunities for off-system sales?
11. When completed, will or could Ghent Projects 37 and 38 enable KU to earn more SO₂ and/or any other emissions allowances? If so, what does the company intend to do with the allowances?
12. Could Project 37 and/or Project 38 trigger an EPA New Source Review? Please explain.
13. With regard to Project 39 (the closure of surface ash impoundments at each of Tyrone, Green River and Pineville), provide citations to the KDWM regulations, rulings and/or state special waste landfill permits upon which the company believes the KDWM will rely in ordering the closure of these facilities. Please provide copies of any and all such citations.
 - a. Is the closure of these facilities required as a matter of law, or does the company “reasonably anticipate” they will require closure, as Mr. Voyle states on pp. 25-26 of his testimony?
 - b. If the Commission approves closure of these facilities, is it possible it would still have to comply with the EPA’s ELG¹ Rule? If so, what types of measures would have to be employed?
14. Regarding Green River station’s three (3) impoundments, please confirm in which pond(s) the company proposes to utilize the clean close method.
 - a. Please confirm that the clean close method involves removing the ash from the impoundments.
 - b. What does the company propose to do with that ash after it is removed?
 - c. Would it be more cost-effective to dewater, regrade the ash, then cap it?

¹ Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category.

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15. Are there any other impoundments at other stations for which the company proposes using the clean close method? If so, please identify them and the reasons for choosing that method.
16. Once the surface impoundments are closed, will they be above the flood plains at their respective locations?
17. With regard to any CCR Rule-compliant landfills, will they be located above the flood plains at their respective locations?
18. Reference the Revlett testimony, p. 18, beginning at line 14 through p. 19, line 3. Regarding the groundwater samples discussed in this passage, are the statistical thresholds referenced those utilized in the CCR Rule?
19. Please explain what effect, if any, bonus depreciation rules will have on the depreciation costs associated with this filing. Does the company plan to file for bonus depreciation treatment, and if not, why not?