

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| ELECTRONIC APPLICATION OF KENTUCKY) | |
| POWER COMPANY FOR A CERTIFICATE OF) | |
| PUBLIC CONVENIENCE AND NECESSITY TO) | CASE NO. |
| CONSTRUCT A 161 KV TRANSMISSION LINE) | 2017-00328 |
| IN PERRY AND LESLIE COUNTIES,) | |
| KENTUCKY AND ASSOCIATED FACILITIES) | |

THE ATTORNEY GENERAL’S MOTION FOR REHEARING

Comes now the intervenor, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention (“Attorney General”), and hereby requests that the Public Service Commission (“Commission”) grant a rehearing in this matter.

PROCEDURAL HISTORY

Kentucky Power Company (“KPCo” or the “Company”) filed an application for a CPCN to rebuild the Hazard-Wooton transmission line and to make various upgrades supporting this rebuild on November 17, 2017. Following two rounds of discovery, the Attorney General’s motion to submit briefs and to waive a formal hearing was granted, with the case submitted for a final ruling upon the filing of briefs. On March 16, 2018, the Commission issued its final order, approving the requested CPCN in part—granting the request for the baseline designated project including the rebuild of the 6.5 mile 161 kV transmission line and the replacement of the 161/138 kV single-phase transformer with a three-phase 161/138 kV transformer—and denying in part, by not approving the supplemental portion of the proposed CPCN.

On April 5, 2018, KPCo filed a motion for partial rehearing to address: 1) the Commission’s silence on the Hazard-Jackson 69 kV Reconfiguration, 2) the final order’s granting

limited approval to the Baseline projects identified in the order but not nine Supplemental projects “required to implement the Baseline projects approved by the Commission”; and 3) the denial of KPCo’s request for a CPCN for the Hazard and Wooton Substations, which “are required for electric transmission reliability in conformity with the Company’s planning and operational performance requirements and so as to provide adequate and reliable transmission service to Kentucky Power’s customers.” The Commission granted the motion for partial rehearing, and following another two rounds of discovery, on its own motion and in agreement with both parties’ requests, scheduled a hearing in this matter.

On November 14, 2018, the Commission issued an order in which it amended two of the ordering paragraphs from its previous final order. On November 16, 2018, KPCo filed a Motion to Cancel Hearing and for Leave to Dismiss Without Prejudice the Pending Rehearing. On November 20, 2018, the Commission issued an order cancelling the hearing scheduled for November 27, 2018 and dismissing the case without prejudice.

ARGUMENT

I. Standard of Review

Under KRS 278.400, “any party to the proceedings may, within twenty (20) days after the service of the order, apply for a hearing with respect to any of the matters determined.” Rehearing is also appropriate to address errors or omissions contained in the Commission’s orders.¹

¹ Commission Order, In the Matter of: *Application of Jessamine-South Elkhorn Water District for a Certificate of Public Convenience and Necessity to Construct and Finance a Waterworks Improvement Project Pursuant to KRS 278.020 and 278.300*, Case No. 2012-00470, at 11 (Ky. Commission Jan. 3, 2014), *citing* Commission Order, *DPI Teleconnect, LLC v. BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky*, at 3 (Ky. Commission Mar. 2, 2012).

II. Rehearing Is Required to Address An Error In The Commission’s November 14, 2018 Order

In the order denying KPCo and the Attorney General’s pending motions issued on November 14, 2018, the Commission also amended the language of two ordering paragraphs in its March 16, 2018 order:

4. Ordering paragraph 2 of the March 16, 2018 Order is amended as follows:

Kentucky Power is granted a CPCN to rebuild its existing 6.5 mile Hazard-Wooton 161 kV Transmission Line in Perry and Leslie counties, to perform the related replacement of the existing 161/138 kV single-phase transformer located at the Hazard substation with a new three-phase 161/138 kV transformer, as set forth as a Baseline Project in the Application, and to construct the Hazard-Jackson 69 kV reconfiguration, as set forth as one of the 46 improvements in the Supplemental Project in its Application.

5. Ordering **paragraph 2** of the March 16, 2018 Order is amended as follows:

Kentucky Power’s request for a CPCN for improvements to the Wooton substation and Hazard substation as set forth as a Supplemental Project in the Application is denied, with the exception of the Hazard-Jackson 69 kV reconfiguration for which a CPCN was approved in ordering **paragraph 2**.²

However, the language mistakenly refers to paragraph 2 for both of the Commission’s amendments. The Attorney General thus asks for rehearing insofar as to correct this error and clarify the record—that the Commission intended to amend the language of ordering paragraphs 2 and 3 of the March 16, 2018 order.

III. The Attorney General Waives His Further Right To Rehearing Of This Order

In its most recent motion, KPCo indicated that it will seek to file a new application in the future to address building the remainder of the projects in this matter. The Attorney General looks

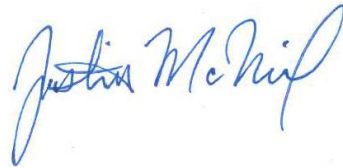
² Commission Order, *Electronic Application of Kentucky Power Company for a Certificate of Public Convenience and Necessity to Construct a 161 kV Transmission Line in Perry and Leslie Counties, Kentucky and Associated Facilities*, Case No. 2017-00328, at 8–9 (Ky. Commission Nov. 14, 2018) (emphasis added).

forward to addressing the substance of that application and these ongoing issues in a future proceeding, and hereby waives any further right to rehearing in the instant case beyond what is requested herein.

WHEREFORE, the Attorney General asks that the Commission grant his motion for rehearing on this issue.

Respectfully submitted,

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ATTORNEY GENERAL



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