

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RIVERSIDE GENERATING COMPANY, L.L.C.)	
)	
v.)	Case No. 2017-00472
)	
KENTUCKY POWER COMPANY)	

NOTICE OF FILING

PLEASE TAKE NOTICE that Riverside Generating Company, L.L.C., by counsel, does hereby file in the record of this action the accompanying stenographic transcript of the hearing held September 18, 2018, in order to aid the Commission and the parties in their review of the case.

Dated this 5th day of November, 2018.

Respectfully submitted,



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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION
CASE NO. 2017-00472

IN THE MATTER OF:
RIVERSIDE GENERATING COMPANY, LLC
V.
KENTUCKY POWER COMPANY

HEARING
ON
SEPTEMBER 18, 2018
FRANKFORT, KENTUCKY

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1 CHAIRMAN SCHMITT: We are now on the
2 record. This is the Kentucky Public
3 Service Commission. My name is Michael
4 Schmitt. I'm Chairman of the Commission.
5 And seated to my left is Commissioner
6 Talina Mathews. Vice Chairman Robert
7 Cicero is not with us this morning. He has
8 read the entire record in the case;
9 however, will be viewing the testimony here
10 at a later date and will be participating
11 in the decision.

12 We're here this morning on Case
13 No. 2017-00472, *Riverside Generating*
14 *Company, LLC versus Kentucky Power Company.*

15 I notice that the notice of the
16 Hearing has been duly published and the
17 proof of that has been filed in the record.

18 At this time would counsel for the
19 respective parties please identify
20 themselves and their clients for the record.

21 MR. GOSS: Please the Commission, my name
22 is Mark David Goss with the law firm of
23 Goss Samford in Lexington. I'd like to
24 introduce Mr. David Sass, who is general
25 counsel for LS Power. Mr. Sass, welcome,

1 welcome to Kentucky.

2 MR. SASS: Thank you. Good morning, Your
3 Honors.

4 CHAIRMAN SCHMITT: Thank you.

5 MR. GOSS: And, also, we have Dave
6 Olsheski, who is with the company, and Tony
7 Hammond, who are seated behind me.

8 Mr. Hammond will be our witness today. And
9 then my associate Evan Buckley is here
10 today.

11 CHAIRMAN SCHMITT: Thank you.

12 Mr. Overstreet?

13 MR. OVERSTREET: Thank you, Mr. Chairman.
14 Mark Overstreet with the law firm of Stites
15 & Harbison here in Frankfort. Present with
16 me today, but not entering an appearance
17 are Kristin Glenn (phonetic) and John
18 Pollom. Ms. Glenn (phonetic) is with AEP.
19 And John Pollom is with our Lexington
20 office. He's the new Ken Gish.

21 CHAIRMAN SCHMITT: All right. Well,
22 welcome.

23 And for staff?

24 MR. NGUYEN: Good morning, Your Honors.

25 Quang Nguyen on behalf of Commission Staff,

1 along with Mary- -- Mary Beth Purvis, the
2 one who did the financial analysis.

3 CHAIRMAN SCHMITT: All right. Before we
4 begin are there any motions or anything
5 anyone would like to brief before the
6 Commission?

7 MR. GOSS: Yes, Your Honor. You are
8 correct that we published the Hearing
9 notice yesterday. We did include a motion
10 for deviation in that. There were 20
11 newspapers that this -- this notice was
12 published in. There was one newspaper, the
13 Hyden Leslie News, that sort of dropped the
14 ball and they did not make their -- they
15 didn't run the notice in the paper during
16 the window that -- that is appropriate
17 under the regulations and it ran two days
18 late. So we ask for deviation for that.
19 We think there have been substantial
20 compliance, Your Honor.

21 MR. OVERSTREET: We have no objection.
22 That's happened to us many times.

23 CHAIRMAN SCHMITT: All right. That motion
24 will be sustained and a formal order will
25 be entered later.

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Is there anything else,
Mr. Overstreet, Mr. Nguyen?
MR. OVERSTREET: No, Your Honor.
MR. NGUYEN: No, Your Honor.
CHAIRMAN SCHMITT: All right. If there's
no reason why we shouldn't delay, please
call your first --
MR. GOSS: Mr. Chairman, I would say to you
just for purposes of housekeeping that we
have a few exhibits that we wish to offer.
The vast majority of those would be
exhibits that are already contained in the
record. There are just a handful that we
may want to offer depending upon how the
proof goes that was not in the record.
Mr. Overstreet and I have communicated both
by telephone and e-mail over the past few
days, and I provided him with my exhibits,
or at least at listing of what I intend my
exhibits to be. He's done the same for me.
We know how the Chairman likes to have
exhibits sort of taken care of. So we have
essentially shared those prior to the
hearing, just so you know.
CHAIRMAN SCHMITT: Okay. Has staff counsel

1 been provided any of this information or...
2 MR. GOSS: No. And that's -- that's
3 something that I should have done, but we
4 did not and --
5 CHAIRMAN SCHMITT: We'll work through it.
6 It's --
7 MR. GOSS: -- and I apologize for that.
8 CHAIRMAN SCHMITT: -- if it comes out that
9 we need to begin to do that --
10 MR. GOSS: Yes, of course --
11 CHAIRMAN SCHMITT: -- we'll just stop and
12 say that they'll take care of it.
13 MR. GOSS: Should have done it. Didn't
14 even think to.
15 CHAIRMAN SCHMITT: That's no problem.
16 MR. GOSS: All right.
17 CHAIRMAN SCHMITT: Okay. Mr. Goss, are you
18 ready otherwise to go forward?
19 MR. GOSS: Yes, yes, Your Honor. I will
20 call Tony Hammond to the witness stand.
21 CHAIRMAN SCHMITT: Mr. Hammond, please
22 raise your right hand.
23 THE WITNESS: (Witness does same.)
24 CHAIRMAN SCHMITT: Do you solemnly swear or
25 affirm under the penalty of perjury that

1 the testimony you are about to give will be
2 the truth, the whole truth and nothing but
3 the truth?

4 THE WITNESS: I do.

5 CHAIRMAN SCHMITT: Thank you. Please be
6 seated. Mr. Goss, you may ask.

7 MR. GOSS: Thank you, Mr. Chairman.

8 * * * * *

9 The witness, **TONY HAMMOND**, after first
10 being duly sworn, was examined and testified as
11 follows:

12 DIRECT EXAMINATION

13 By Mr. Goss:

14 Q Mr. Hammond, would you please
15 state your full name for the record, by whom you're
16 employed and what your title is.

17 A Anthony Charles Hammond.
18 Employed by LS Power Development. My title is Vice
19 President of Asset Management.

20 Q And have you caused to be filed
21 prefiled testimony and/or responses to data
22 requests in the record in this case?

23 A I have.

24 Q And do you have any revisions or
25 amendments or changes that you would like to make

1 to any of your prefiled testimony or data request
2 responses?

3 A I do not.

4 Q Do you adopt your prefiled
5 testimony and all the answers that you've
6 previously given in the data request responses as
7 your testimony today? And if asked the same
8 questions today, would your answers be the same?

9 A I do and I would.

10 MR. GOSS: Okay. I pass the witness for
11 Cross.

12 CHAIRMAN SCHMITT: Mr. Overstreet?

13 MR. OVERSTREET: Thank you, Mr. Chairman.

14 CROSS-EXAMINATION

15 By Mr. Overstreet:

16 Q Good morning, Mr. Hammond.

17 A Good morning.

18 Q You indicate at Page 3 of your
19 rebuttal testimony that the Foothills Generating,
20 LLC -- and I'll give you a moment to get there.

21 A Go ahead.

22 Q That Foothills Generating, LLC
23 acquired the Foothills site in 2000; is that
24 accurate?

25 A Yes.

1 Q Does Foothills Generating, LLC
2 still exist?

3 A I think -- I'm not a -- my
4 understanding is that Foothills, LLC was acquired
5 and dissolved by Riverside Generating Company.

6 Q So you say it was acquired and it
7 no longer exists?

8 A I believe that to be accurate.
9 I'd like to look at the testimony again.

10 Q Sure.

11 A So I think per my testimony in
12 May of 2002, Foothills Generating signed this lease
13 with the county to Riverside.

14 Q Okay. And but that -- just so
15 that I'm clear and you and I are communicating --

16 A Sure.

17 Q -- accurately, that -- my
18 question is, is does the entity Foothills
19 Generating, LLC still exist?

20 A I -- I would need to check. I
21 don't know that.

22 MR. OVERSTREET: Is that something,
23 Mr. Goss, that you would be willing to
24 provide subsequent to the hearing?

25 MR. GOSS: Yes, we're -- we're happy to.

1 I'm -- and, I mean, I -- frankly, I don't
2 understand the relevance of it because I
3 understand that -- that Kentucky Power in
4 its response to our motion for hearing has
5 indicated that ownership, common ownership
6 is no longer an issue in this case.

7 MR. OVERSTREET: Okay. We -- we, of
8 course, can discuss that later on, but I
9 think it's a fair question and I'm trying
10 to understand the own -- that ownership
11 structure and --

12 CHAIRMAN SCHMITT: I think you should
13 provide the information.

14 MR. GOSS: That's fine.

15 CHAIRMAN SCHMITT: Whether it's relevant or
16 not will be determined later.

17 MR. GOSS: Okay.

18 BY MR. OVERSTREET:

19 Q Mr. Hammond, can you turn to
20 Page 5 of 35 of AH-3 to your rebuttal testimony?
21 So we're still on your rebuttal testimony.

22 A Okay.

23 Q Are you there?

24 A I think so. Page 5 of the
25 rebuttal?

1 Q Yes. No. I'm sorry. Page 5 of
2 AH-3. It's an exhibit to your rebuttal testimony.

3 A Oh, I'm sorry. Okay.

4 Q Okay. And do you see the fourth
5 whereas clause?

6 A Yeah.

7 Q And it indicates -- make sure I
8 get it right. It indicates, "Whereas, the
9 Lessee" -- and the Lessee is Foothills Generating,
10 LLC -- "will sublease the Project to Lawrence
11 County Colped Trust (in such capacity, the
12 'Sublessee')." "

13 Do you know whether that sublease took
14 place?

15 A I don't have specific knowledge
16 of the -- of the sublease.

17 Q Okay. Now, we're going to be
18 discussing throughout your testimony here this
19 morning the Zelda site, the three Zelda units, the
20 Foothills sites, the two Foothills units. You
21 understand what mean when I refer to those?

22 A Yes.

23 Q Okay. Could you just describe
24 briefly for the Commission the equipment and
25 machinery that is located on what you characterize

1 as the Zelda site? And it's just a high level.
2 I'm not looking for an inventory.

3 A Sure. At a high level, the Zelda
4 site consists of three units manufactured by
5 Siemens, Model 501F A, administration building, a
6 natural gas yard, and associated balance of plant
7 equipment for the Zelda site.

8 Q Okay. Are those assets recorded
9 on the books of Foothills Generating, LLC?

10 A The assets that are on the Zelda
11 site?

12 Q That you just described?

13 A I do not believe so, but I -- I
14 don't -- I do not believe they are recorded on the
15 books of my -- I believe that the assets are held
16 by Riverside Generating Company. They are not
17 recorded on the books, and certainly not of the
18 Foothills Company.

19 Q So it's your testimony that the
20 assets are recorded on the books of Riverside
21 Generating, LLC?

22 A Riverside Generating, LLC holds
23 the assets of Zelda and Foothills.

24 Q All right. Could you turn to
25 Page 6 of your direct testimony.

1 A The initial testimony?

2 Q Yes.

3 A Okay.

4 Q And then on Page 6, you indicate,
5 "Riverside" -- excuse me. "Riverside desires to
6 provide Station Power to its Zelda site from other
7 generation facilities that are not located on the
8 Zelda site." Do you see that?

9 A Line 10, Line 9 and 10?

10 Q Yes.

11 A Yes.

12 Q Okay. What is the identity of
13 the other generation facilities that are not
14 located on the Zelda site?

15 A The Foothills site.

16 Q And it's only the Foothills?

17 A Yes. It's adjacent to the Zelda
18 site.

19 Q And it's no other generating
20 assets?

21 A Currently. Correct.

22 Q Does Riverside have plans to use
23 other generating assets?

24 A Well, LS Power is in the business
25 of buying and operating power plants. So I guess

1 that that could change in the future, but currently
2 the -- the only facility is the adjacent Foothills
3 facility.

4 Q Okay. And then right in the same
5 general area you say, "Riverside desires to provide
6 Station Power to its Foothills site from other
7 generation facilities that are not located on the
8 Foothills site." Would that be -- is this
9 currently the Zelda facilities?

10 A Correct.

11 Q Now, turn to Page 4 of your
12 direct testimony, your initial testimony, beginning
13 at Line 6.

14 A Okay.

15 Q Okay. You indicate there, "Of
16 course, because the retail electric service
17 provided by Kentucky Power is significantly more
18 expensive than the wholesale electric power
19 Riverside sells into" -- excuse me -- "PJM,
20 Riverside has examined with particularity its
21 ability to self-supply (or 'net') its Station Power
22 in accordance with the terms of PJM's OATT." Do
23 you see that?

24 A Yes.

25 Q Okay. You would agree, would you

1 not, that if the rates at which Kentucky Power --
2 if Kentucky Power's retail rates were significantly
3 less than the price at which Riverside sells its
4 energy into PJM, it would be looking to purchase
5 power from Kentucky Power at retail and not
6 self-supply; is that correct?

7 A I don't -- I mean, that sounds
8 like a hypothetical, and it would seem sort of
9 impossible in that Kentucky Power could supply
10 power to Riverside cheaper than Riverside, who is
11 an actual generator, could supply itself. So I
12 don't know how that would -- how that would even be
13 possible.

14 Q Well, the question is, you're --
15 you want to self-supply because it's in Riverside's
16 economic self-interest?

17 A Well, so I won't deny that
18 there's an economic motivation to it. I think we
19 want to self-supply because there is an economic
20 motivation, but it's also within the rules of the
21 PJM Open Access Transmission Tariff to do so, and
22 we comply with those rules -- all of those rules
23 whether they are beneficial to the plant or not.
24 So I believe that we would comply with those rules
25 and self-supply even if Kentucky Power's power to

1 Riverside was free, because that's what's required
2 under the rules.

3 Q Okay. And that's your testimony?

4 A Yeah, that's -- that would be my
5 testimony, that in all cases we would follow the
6 PJM Open Access Tariff rules and that we do that
7 with all of our plants in every state, so...

8 Q And the PJM Open Access rules
9 require that you self-supply?

10 A It allows the generator to
11 self-supply. Permits --

12 Q So you still have that
13 discretion?

14 A Yes. So I think that the nuance
15 is that some generators can enter into a retail
16 agreement with the interconnected utility or a
17 third party or they can self-supply. They have the
18 option.

19 Q Isn't it true that the net
20 effect, if you will, of being able to self-supply
21 is that Riverside is paying wholesale rates for the
22 power that's consumed at the Zelda and Foothills
23 sites?

24 A That is correct.

25 Q Okay. You're familiar with

1 Kentucky Power's Tariff N.U.G.?

2 A Yes, I've --

3 Q And that's the tariff we're
4 talking about today; right?

5 A Yes.

6 Q And then the -- as part of that
7 tariff, there is the special terms and conditions
8 which talks about remote self-supply?

9 A Yes.

10 Q Okay. Do you know when that
11 tariff was first filed with the Public -- Public
12 Service Commission and approved by the Commission?

13 A I understand that I guess it had
14 a predecessor Tariff Q.P. I don't remem- -- I
15 don't have the dates memorized, but I believe the
16 tariff to have been in existence for many years.

17 Q Well, okay, I guess we can talk
18 about that, but the Tariff N.U.G. was filed and
19 approved with the Commission in September 2001.
20 That's in Kentucky Power's response to Staff 1-5,
21 if you want to verify that.

22 A Okay.

23 Q Okay. And it's -- and in
24 response to data requests that Riverside propounded
25 to Kentucky Power, we provided every iteration

1 of -- of that tariff in the intervening --

2 MR. GOSS: We'll stipulate to the effective
3 date, Mr. Chairman.

4 BY MR. OVERSTREET:

5 Q -- seventeen (17) years?

6 A Yeah, I -- I agree -- or I
7 believe you.

8 Q Okay. And if you were to look at
9 those iterations, the provision dealing with remote
10 self-supply has existed in every approved version
11 of the tariff; would you agree with that?

12 A I believe I agree with that, yes.

13 Q When did the three Zelda units
14 first start operating?

15 A I believe commercial operations
16 was 2001.

17 Q And of the five units we're
18 taking about, the three Zeldas were the ones that
19 started operating first?

20 A Yeah, they were developed and
21 constructed first.

22 Q Yeah. And then when did the two
23 Foothills units first start operating?

24 A It was 2002.

25 Q Okay. So those five units had

1 Q All right. Could you turn to
2 your response to Staff 1-9?

3 A You said Riverside response to
4 Staff?

5 Q Yes. I'm sorry. Am I speaking
6 loud enough?

7 A No, that's good. I just
8 wanted --

9 Q I've got a little bit of allergy.

10 A -- there's a lot of pages in this
11 book. I'm just trying to make sure I'm on the
12 right one.

13 Q Sorry.

14 A Okay.

15 Q And then I'm looking at the
16 response to Subpart A. No, I'm sorry. Subpart B.
17 And the Subpart B says, "State the amount Riverside
18 would have been billed by Kentucky Power for
19 service for calendar year 2017 if it had been
20 permitted to self-supply its Station Power." Do
21 you see that?

22 A It says, response to Staff
23 Item 9.

24 Q Right.

25 A Okay.

1 Q I'm sorry, that -- that's the
2 question up at the top.

3 A 9b. Oh, yeah.

4 Q Sub b. Okay. And then if you
5 drop down to the response and you can read -- take
6 a moment to look at it and read it.

7 A Yes, okay.

8 Q So in the first sentence you say
9 being allowed to self-supply, you would have taken
10 it consistent with the OATT, PJM OATT.

11 A Yes.

12 Q And then in the second and third
13 sentences, which is what I'd like to focus on,
14 "While the specific details of the station power
15 settlement process in this hypothetical are
16 unknown, Riverside would generally expect a net
17 zero settlement, net zero settlement for the sites
18 unless generation was insufficient to offset
19 consumption." Is that right?

20 A Correct.

21 Q Am I correct in understanding
22 that response to mean that if the generation by any
23 or all of the five units in a single month, single
24 calendar month, exceeded the amount of power
25 consumed by Riverside at what you characterize as

1 the Zelda and Foothills sites, that Riverside would
2 not pay Kentucky Power for retail service?

3 A That's correct, and consistent
4 with the PJM Open Access Tariff.

5 Q All right. And just so we're
6 clear, the output from the five units is to be on
7 a -- over the course of a calendar month is to be
8 netted against the consumption over the course of
9 the same calendar month?

10 A That's correct.

11 Q Okay. You're familiar with
12 Kentucky Power's Tariff I.G.S.?

13 A I've read the tariff.

14 Q Industrial General Service?

15 A Yes.

16 Q And those are the rates Riverside
17 currently is paying to Kentucky Power; is that
18 correct?

19 A Correct.

20 Q And the billing increments under
21 that tariff are what period of time?

22 A Fifteen (15) minutes.

23 Q Fifteen (15) minutes. As
24 compared to the monthly billing or monthly netting
25 under the OATT, PJM OATT?

1 A Correct.

2 Q Now, if I could get you to turn
3 to your Response to Staff 1.3 -- excuse me -- 1-3.
4 I apologize.

5 MR. OVERSTREET: May I approach the
6 witness, Your Honor?

7 CHAIRMAN SCHMITT: Yes, you may.

8 BY MR. OVERSTREET:

9 Q And you're welcome to look at
10 your book. I just -- in case you didn't have it
11 with you.

12 A Thank you.

13 Q And what I'm interested in is
14 actually the second page. I just want to
15 understand what's being illustrated there. So let
16 me know when you've had a chance to look at it and
17 we can talk about it.

18 A I -- I have it.

19 Q Okay. There are two tables
20 presented on -- on this second page; is that fair?

21 A Correct.

22 Q And one is for what you refer to
23 Zelda and one is for what you refer to as
24 Foothills?

25 A I think everyone refers to it as

1 Zelda and Foothills.

2 Q Okay, okay. So the first row,
3 which is labeled Energy Usage, do you see that?

4 A Yes.

5 Q And by month, that illustrates
6 the amount of energy that the Zelda consumes; is
7 that correct?

8 A Correct.

9 Q And that is as metered by the
10 Kentucky Power meter?

11 A Metered separately for Zelda,
12 correct.

13 Q And so in -- let's just talk
14 about January right now. For January it was
15 537,144 kilowatt hours?

16 A Correct.

17 Q Okay. Below it you show the
18 production by each of the three Zelda units. Do
19 you see that?

20 A Yes.

21 Q So in the month of January 2017,
22 Zelda 1 produced 5,823 megawatt hours. Do you see
23 that?

24 A Correct.

25 Q And just so that you and I are on

1 the same page, whereas usage is reported in
2 kilowatt hours, generation is reported in megawatt
3 hours?

4 A Correct. There is a multiplier
5 of a thousand.

6 Q Right. And that was my only
7 point. So that if you -- if you were to use that
8 multiplier or if you were to convert usage to
9 megawatt hours, in the month of January, Zelda's
10 usage was approximately 537.1 megawatt hours?

11 A I would say that Zelda generated
12 about 30 times the -- the auxiliary power usage if
13 you're trying to equate the two. Is that what
14 you're trying to do?

15 Q Well, I wasn't necessarily trying
16 to equate them. I was just trying to understand --
17 make sure I understood what is illustrated here.

18 A Yeah, I think the units being
19 separate is -- is confusing. It looks -- but the
20 generation exceeded the usage by a factor of about
21 30.

22 Q Okay, great. Thanks. And then
23 what is the factor in January for Foothills?

24 A Foothills also looks like about
25 30.

1 Q Okay. So --

2 A Maybe 20, 25, something like
3 that.

4 Q Okay.

5 A My math is a little shady on the
6 fly here.

7 Q And then in February the energy
8 consumption was approximate -- at Zelda was
9 approximately 561 megawatt hours?

10 A Correct.

11 Q And then at Foothills it was
12 approximately 301 megawatt hours?

13 A Correct.

14 Q But there was no energy produced
15 by any of the five units; is that accurate?

16 A Correct.

17 Q Why was that?

18 A The units are economically
19 dispatched by PJM based on the fuel -- price of
20 fuel and the price of power and the need. And
21 at -- during the month of February there was not a
22 need for the Riverside units to generate, so they
23 did not.

24 Q Okay. But there -- although
25 there was not a need for the five Riverside units

1 to generate, there was a need for the five
2 Riverside units to consume power; right?

3 A There is a standby power
4 requirement that -- I think you can see from the --
5 from the table, it was pretty consistent month to
6 month.

7 Q All right.

8 A But, you know, the Zelda site
9 uses about 500 megawatts and the Foothills site
10 uses about 300 megawatts in a given month.

11 Q And who supplies that power to
12 the site?

13 A Well, the power is -- who do we
14 pay for the power?

15 Q Yeah. Who --

16 A We pay Kentucky Power for the
17 power. I don't know who actually supplies it.

18 Q I understand we're not talking
19 about where the electrons originate.

20 A Right.

21 Q But we're talking about the
22 entity with whom you rely upon for that 537
23 megawatt hours.

24 A Currently, in Kentucky we pay
25 Kentucky Power for that under the Tariff N.U.G.

1 Q I want you to assume, if you
2 will, please, that Riverside had the ability to
3 remote self-supply beginning the first second of
4 calendar year 2017 and it retained that ability
5 throughout the calendar year 2017, okay?

6 For the Zelda and Foothills units, what
7 months would there have not been a net zero
8 settlement?

9 A I'm not sure I understand the
10 question, but I think where you're going is that
11 there would have been a bill in February, but not
12 in the other 11 months where the generation did
13 not -- in February generation did not exceed the
14 station power usage, and the other 11 months
15 generation did exceed the station power usage.

16 Q Okay, thanks. Now, in my -- is
17 it fair for me to assume that as illustrated by the
18 February 2017 numbers, that the Zelda site and the
19 Foothills site consumed power even when they're not
20 generating any energy?

21 A I couldn't quite hear you. Could
22 you say that again?

23 Q I'm sorry. May I get some water?

24 A Sure.

25 Q I'm having some...

1 In February 2017, none of the five units
2 generated any energy; is that correct?

3 A Correct.

4 Q But there was energy consumption
5 during that same month?

6 A That is true.

7 Q So would it be fair for me to
8 assume that the Zelda and Foothills sites consume
9 energy even when the five units are not generating?

10 A That is true.

11 Q And can you just tell me what
12 that energy is used for?

13 A Sure. I mean, it's things simple
14 as keeping the lights on in -- in the buildings,
15 keeping the heat on in areas that are heated. But
16 there is also -- and these units may not have
17 generated, but they are peaking units, which are
18 always available. They are quick -- they start up
19 in about 20 minutes. So they could be called at
20 any time. So we keep those units in a standby
21 state. They're on what we call turning gear, where
22 the CT rotor and generator are spinning in a very
23 low RPM, about 3 RPM, right, and that maintains the
24 ability for PJM to call and say, please, dispatch
25 that unit immediately, and within 20 minutes we can

1 put that unit's output onto the grid. And that,
2 what we call auxiliary load, is used to keep that
3 plant in a state of readiness, as well as some
4 simple things like lights and heat and, you know,
5 that -- that type of usage.

6 Q So the types of things that you
7 just explained are what give rise to the 561
8 megawatt hours that were consumed at Zelda, for
9 example, in February when it wasn't generating
10 anything?

11 A True.

12 Q Okay. You would agree, would you
13 not, that Kentucky Power has fixed assets and
14 accompanying costs that are required to be
15 available to provide that power to the site when
16 Riverside is not generating?

17 A I think I would disagree with
18 that. And, you know, we may need a -- a drawing or
19 picture to go over that, but Riverside, for its
20 station service, uses the same high lines and
21 switchyard that it -- that it generates its power
22 and disseminates into the grid, so there's no
23 incremental equipment associated with auxiliary
24 power. You know, there's no additional transformer
25 on the street or on the pole or something like

1 that. We use our high line from the generators
2 through the GSUs and we have an auxiliary
3 transformer that comes off the high line. So
4 there's no incremental equipment associated with
5 auxiliary power for Riverside.

6 We use the equipment that was paid for by
7 Riverside when Riverside was constructed. Riverside
8 was -- when Zelda was constructed in 2000, we -- the
9 Zelda site paid about 9.2 million for network
10 upgrades required to interconnect the Zelda site
11 into the Baker substation. And, subsequently, when
12 Foothills was built, Foothills paid about
13 \$2.8 million for its upgrades at the Baker
14 Substation. And those are the same upgrades which
15 Zelda and Foothills paid for that are used for
16 station service. So both the power going out and
17 the power coming back in use all the same equipment
18 and all the same lines.

19 The portion of the lines that Riverside has
20 exclusive use of outside of the Baker Substation,
21 are owned and maintained by Riverside. So I would
22 disagree that Kentucky Power has incremental costs
23 associated with delivering station service back to
24 Riverside.

25 Q Well, I really wasn't saying

1 incremental cost. I'm saying that Kentucky Power
2 has the obligation to have the facilities in place
3 or have the -- the contracts in place to provide
4 reasonable service, reasonable and adequate service
5 to Riverside; correct?

6 A I don't know what that means.
7 There's no additional equipment. I think Kentucky
8 Power has a billing program in place for that power
9 to Riverside, but I don't know what else they do
10 incrementally to deliver that power to Riverside
11 since we're utilizing that same equipment.

12 Q So because you're utilizing that
13 same equipment, essentially what you're saying is
14 that you're buying it from the wholesale market?

15 A That power is coming from the
16 wholesale market. I don't -- you know, it's being
17 paid to Kentucky Power, but on -- under the -- if
18 we filed the PJM Tariff, it would be wholesale
19 power. Currently, it's an invoice to Kentucky
20 Power.

21 Q So it's your position that it's
22 appropriate under Kentucky Law for a customer, for
23 an entity to bypass the retail utility and purchase
24 power from the wholesale market?

25 MR. GOSS: I'm going to object to that

1 portion of the question that asked under
2 Kentucky Law. He's not an attorney here.
3 He doesn't -- he doesn't understand -- I
4 can tell you, he doesn't understand the
5 law, the nuances of the laws of the state
6 of Kentucky in this issue, so I would
7 object, Your Honor.

8 CHAIRMAN SCHMITT: Sustained.

9 BY MR. OVERSTREET:

10 Q Is it accurate that the Zelda
11 site is consuming electricity 24 hours a day, seven
12 days a week?

13 A No, because the Zelda site
14 generates electricity. I'd say it may be accurate
15 to say that when the Zelda site is not generating
16 electricity that it would be consuming electricity.

17 Q Okay, fair enough. What
18 percentage of the hours of a month -- and you can
19 pick any month you like -- does the Zelda site not
20 generate electricity?

21 A I'd say that -- I mean, that's a
22 round number that probably requires a little
23 additional facts, but -- or additional detail. But
24 just to put a round number on it, these units
25 operate at about a 10 percent capacity factor. You

1 know, individual units may -- without going into
2 sort of a lot of detail here, all three units at
3 Zelda are not always dispatched at the same time;
4 right? You could have one unit dispatched, two
5 units dispatched, three units dispatched. When you
6 look at -- so if each unit operates, say, at 8 or
7 10 or 15 percent capacity factor, the site may have
8 a unit running for something higher than that
9 because you may be running this unit today and
10 another one tomorrow. But if we're just going to
11 put a round number on it, we could just say that,
12 you know, the plant is generating about 10 percent
13 of the time and not generating about 90 percent of
14 the time.

15 Q Okay. And that's -- you remember
16 RKW 1, Exhibit 1 to Mr. Wohnhas's testimony?

17 A I can pull it up.

18 Q Okay.

19 A What page is it?

20 Q It's a single-page exhibit. It's
21 Exhibit RKW 1 --

22 A Okay.

23 Q -- Page 1 of 1. It's the last
24 page but for the verification.

25 A Got it. I have it.

1 Q You filed your rebuttal testimony
2 after Mr. Wohnhas filed this; is that correct?

3 A Yes.

4 Q And you didn't challenge this in
5 here, in your rebuttal testimony, did you?

6 A I don't believe so.

7 Q And if you look at the capacity
8 number, capacity factor numbers, they're not too
9 far off from the 10 percent that -- that you
10 shared?

11 A Okay.

12 Q We saw -- we're both in the same
13 ballpark?

14 A Yeah. I was just doing an
15 approximation.

16 Q Right. And that's -- and that's
17 all I'm -- I'm just suggesting that we're not --
18 we're not too far apart on that.

19 Okay. If I could get you to turn... If I
20 could get you to turn to Page 4 of your rebuttal
21 testimony.

22 A Okay.

23 Q And beginning at Line 14 you
24 state, "Riverside has put forth extensive,
25 probative evidence that fully supports the

1 conclusion that the Zelda site and the Foothills
2 site are distinct." And then you go on to list
3 some factors. Is that fair?

4 A Accurate.

5 Q Yeah, okay. And then one of the
6 factors that you indicate is the fact that the
7 Zelda and Foothills are separately metered?

8 A Correct.

9 Q Are you aware that it's not
10 uncommon for Kentucky Power's customers to have
11 multiple meters at a single site?

12 A I am not aware of Kentucky
13 Power's customer's metering situations, but I would
14 say that having more than one meter at a power
15 facility is not highly unusual.

16 Q And, for example, the Marathon
17 refinery in Catlettsburg has multiple meters at a
18 single site?

19 A I think that -- that drawing any
20 parallels between industrial sites is complicated
21 and would -- you'd have to understand the history
22 of those sites, expansions, developments,
23 additions, right, that -- and that is more
24 indicative of how a site is metered as opposed to
25 any program that a site has a single meter or

1 multiple meters that -- I think it's much more
2 complicated than that. And I wouldn't propose that
3 power -- I wouldn't propose that power plants only
4 have one meter, right. That's not unique.

5 Q Even if they're at one site?

6 A It's possible they could have one
7 meter. It's possible we have -- yeah. We visit a
8 lot of sites in my line of work and we have seen
9 different metering configurations with -- I'd say
10 without any specific rhyme or reason to it.

11 Q And then you also mentioned --
12 well, let me back up.

13 So isn't it also true that notwithstanding
14 the existence of the two meters, that Riverside
15 receives a single bill from Kentucky Power?

16 A I believe the bill lists both
17 meters and indicates the Zelda usage and the
18 Foothills usage, but it is a single bill given to
19 the Riverside Generating Company.

20 Q And then at Page 6 of your direct
21 testimony, if you want to flip back there, you list
22 some other factors.

23 A Sure. Let me get there. Okay.

24 Q And one of those factors is,
25 "Each site is individually identified by PJM and

1 uniquely reported to PJM as evidenced that the
2 Foothills and Zelda are distinct sites." Do you
3 see that?

4 A Yes.

5 Q Okay. Are you familiar with
6 Kentucky Power's Mitchell Generating Station?

7 A I am not.

8 Q Well, Mr. Wohnhas can -- will
9 address that.

10 A Okay.

11 Q And then you also mention, and I
12 think you've already mentioned it before, the
13 generation ties from the -- from Zelda and from
14 Foothills into the Baker Switchyard, and they're
15 separate for Baker and Zelda?

16 A Yeah, they -- because the -- they
17 are separately interconnected to Baker.

18 Q Are you aware that when Big Sandy
19 Unit 1 and Big Sandy -- excuse me. When Big Sandy
20 Unit 2 was operating, that Big Sandy Unit 1 and Big
21 Sandy Unit 2 each had independent generation ties
22 to Baker?

23 A I am not aware, but I am also not
24 surprised by that.

25 Q And even though Big Sandy is a

1 single site?

2 A I -- I guess my point is that I'm
3 unaware of it, but I'm not surprised that Big Sandy
4 had separate ties into the interconnect.

5 Q Okay.

6 A I wouldn't refute it or dispute
7 it.

8 Q And then when we were talk -- you
9 were -- excuse me. Baker, the Baker Switchyard,
10 you indicated that the Zelda and Foothills, when
11 they weren't operating, weren't generating any
12 energy, that they could acquire their energy
13 without any incremental, I believe was the term you
14 used, assets owned by Kentucky Power. Is that fair
15 to say?

16 A I think that it would -- it is
17 accurate that I say we utilize the same switchyard,
18 high line and service lines that the plan utilizes
19 to send the power out over the lines.

20 Q Okay. That switchyard is owned
21 by Kentucky Power?

22 A Correct.

23 Q And so when you're -- when power
24 is flowing to River -- to Riverside, you're
25 utilizing Kentucky Power's assets; right?

1 A Correct.

2 Q And though -- that Baker
3 Switchyard is connected to Kentucky Power-owned
4 transmission facilities; is that correct?

5 A Correct. Well, my understanding
6 is that's correct.

7 Q And when power is flowing from
8 the grid, you're using Kentucky Power's
9 transmission facilities; is that correct?

10 A Correct.

11 Q Isn't it true that a single
12 administrative building serves both Foothills and
13 Zelda?

14 A I don't know what serve means,
15 but we have a single administrative building. We
16 have -- well, we have multiple buildings on the
17 site. We have one of them designated as
18 administrative.

19 Q And you indicated in your
20 Response to Kentucky Power 1-1 that there was a
21 single administrative building?

22 A Yeah, there's one building
23 designated as -- as the administrative building.

24 Q And that building is located
25 on --

1 A The Zelda site.

2 Q -- Zelda site?

3 A Yes.

4 Q And does it perform functions for
5 Foothills, administrative --

6 A It has the capability of
7 performing functions for Foothills.

8 Q Does it perform functions for
9 Foothills?

10 A It -- it can and does.

11 Q And I think you indicated in your
12 Response to Kentucky Power 1-1E, as in Edward, that
13 there is a single 9-mile long gas lateral from a
14 Tennessee gas line pipeline station that supplies
15 the gas to both -- that's consumed in both the
16 Foothills and Zelda units; is that correct?

17 A That is true.

18 Q And that --

19 A Both -- gas for both sites comes
20 on the 9-mile lateral out the Tennessee gas
21 pipeline.

22 Q And that 9-mile lateral enters
23 where?

24 A Well, it enters both -- the
25 9-mile lateral approaches the Zelda property, at

1 which point it Ts or splits or Ys. It's
2 underground, so you can't see it. But a leg goes
3 to the Zelda facility and a leg goes to the
4 Foothills facility -- or site. Sorry, I didn't
5 mean to say facility.

6 Q And is that 9 -- who owns that
7 9 -- that 9-mile lateral?

8 A Riverside Generating Company owns
9 that.

10 Q And the T or the Y, however it
11 splits, is that located on Zelda property or
12 Foothills property?

13 A I'd have to pull a print to see
14 what's underground, but I strongly believe that
15 it's on the Zelda property that the T or the split
16 in the line occurs and leaves the -- the Foothills
17 leg, then leaves the Zelda property and goes to the
18 Foothills property.

19 Q Okay. And there's -- as you
20 indicated in your Response to Kentucky Power 1-1G,
21 there is a single warehouse that's located on
22 Zelda.

23 A There is a -- there is a single
24 building we designate as a warehouse located on the
25 Zelda property. There is also a smaller building

1 that's on the Foothills property where some parts
2 for Foothills are stored. But I think on the
3 exhibit that you are correct in saying we
4 identified the warehouse on the Zelda property.

5 Q Well, let me make sure I
6 understood your response then.

7 MR. GOSS: You're still at 1-1, Mark?

8 MR. OVERSTREET: Yes.

9 A We're on my original testimony?

10 Q No. I'm looking at Riverside's
11 Response to Kentucky Power 1-1. I'll just let you
12 get there. I apologize for jumping.

13 A That's okay.

14 MR. GOSS: I think he's looking at his
15 testimony.

16 MR. OVERSTREET: Right. I -- I jumped him
17 back and forth.

18 A Okay. Riverside Response 1-1?

19 Q Right. And you see then there's
20 on Page 1 of 9 there is Subpart g, as in George, at
21 the very bottom. Let's take a moment to look at
22 that.

23 A Yes, I got it.

24 Q It says, "Please clearly indicate
25 on an aerial photograph map or diagram of the Zelda

1 and Foothills Facilities the location or locations
2 of any common or shared facility or facilities or
3 building or buildings" -- sounds like a lawyer
4 wrote that -- "used in the operation of the Zelda
5 and Foothills Facilities." Do you see that?

6 A Yes.

7 Q And it says, "Please label each
8 such building and facility and clearly indicate its
9 purpose." And then you flip over to Page 3 of 9,
10 the response to g. Says, "Please see Page 7 of
11 this Response."

12 A I have it.

13 Q Okay. And then when I flip over
14 to Page 7 of 9, the only thing labeled is the
15 warehouse. Is that accurate?

16 A That's accurate.

17 Q So it is a common facility?

18 A It is a common facility. I
19 wanted to -- and I don't want to confuse the
20 matter. This is a working power plant, so they --
21 so parts are sometimes stored in the individual
22 units, you know, if they're parts that are used a
23 lot. There are some parts that are located out at
24 the Foothills site in a separate, smaller building
25 that we did not identify, so that was our mistake.

1 But you are correct that the primary warehouse is
2 identified here on the Zelda ware site -- Zelda --
3 on the Zelda site as the warehouse.

4 Q And it performs warehousing
5 functions for Foothills?

6 A Correct.

7 Q Do the Zelda and Foothills --
8 Zelda and Foothills facilities consume water?

9 A We have -- we use water at the
10 facilities, correct.

11 Q And who is your water company?

12 A That's the Big Sandy -- Big Sandy
13 Water District --

14 Q Okay.

15 A -- I believe is the supplier.

16 Q And does -- isn't it true that
17 the Big Sandy Water District supplies water through
18 means of a 6-inch line?

19 A I believe that's accurate, yes.

20 Q And where does that 6-inch line
21 enter?

22 A I believe it comes into the Zelda
23 facility.

24 Q And it's a single line?

25 A Zelda site. Correct.

1 Q And so just like the gas, it then
2 splits off to Foothills?

3 A That's my understanding.

4 Q And isn't it true that you
5 indicated in your Response to Kentucky Power 1-1k,
6 that Foothills and Zelda receive sewerage service
7 from a common hookup or line?

8 A I believe that's accurate, yes.

9 Q And just so I understand that,
10 sewerage service, that -- that's actually by means
11 of a septic system?

12 A I think that's indicated on one
13 of the -- one of the aerials.

14 Q So you're not tied into a sewer
15 district or sewer --

16 A I didn't study that point prior
17 to this, but, yeah, I don't believe so.

18 Q Okay. I -- I grew up with a
19 septic system and -- so it -- and that septic
20 system is located on Zelda; right?

21 A Zelda site.

22 Q And so any sewerage from
23 Foothills is sent there?

24 A Yes.

25 Q Could I get you to turn to

1 Page 13 of Mr. Wohnhas' testimony, please.

2 A (Witness does same.) Okay.

3 Q And at Line -- well, actually, I
4 apologize. On Page 12, a question is posed to
5 Mr. Wohnhas. "Are the Zelda and Foothills
6 Facilities separate sites?" And then he goes on to
7 explain why he disagrees with Riverside's position
8 on the issue. Are you familiar with his testimony?

9 A I have read it.

10 Q Okay. And one of the bases for
11 his disagreement is that the Kentucky Department
12 for Environmental Protection assigns a single
13 agency identification number to both Foothills and
14 Zelda. And you did not dispute that in your
15 rebuttal testimony; is that correct?

16 A I do not dispute that.

17 Q And you don't dispute it today?

18 A No.

19 Q Okay. And he also indicates that
20 Foothills and Zelda have a single Kentucky
21 pollution environ- -- let me just get -- just get
22 it right. A single Kentucky Pollution Discharge
23 Elimination System permit, KPDES.

24 A The -- the permit is held at the
25 Riverside Generating Company.

1 Q And -- but it covers both
2 Foothills and Zelda?

3 A Correct.

4 Q Are you familiar with that
5 permit?

6 A I'm aware of the permit. I
7 wouldn't say that I have any particular expertise
8 in that permit.

9 MR. OVERSTREET: Well, that makes us even.
10 May I approach the witness, Your Honor?

11 CHAIRMAN SCHMITT: Yes, you may.

12 MR. OVERSTREET: Could I make item --
13 Riverside's Response to Staff 1-3 Kentucky
14 Power Exhibit 1? Mr. Goss was kind
15 enough --

16 MR. GOSS: No objection.

17 MR. OVERSTREET: -- kind enough to remind
18 me.

19 CHAIRMAN SCHMITT: Is there any objection?

20 MR. GOSS: No objection.

21 CHAIRMAN SCHMITT: Let it be filed as
22 Kentucky Power Exhibit 1.

23 (Kentucky Power Exhibit No. 1 was marked.)

24 MR. OVERSTREET: And then I'm handing what
25 I'd like to have marked as Exhibit 2.

1 (Kentucky Power Exhibit No. 2 was marked.)

2 THE WITNESS: Thank you.

3 BY MR. OVERSTREET:

4 Q And I understand that you're not
5 familiar with this, so please take whatever time
6 you need or require. But I'd like to eventually
7 talk about Page 6, and it's Part 1-4 DMR Monitoring
8 Requirements.

9 A Okay. I have Page 6.

10 Q And then have you had a chance to
11 look at Part 1.4?

12 A Yes.

13 Q And do you know what a Pollution
14 Elimination Discharge System Permit is?

15 A It's a permit to basically
16 discharge liquid from the site, water from the
17 site.

18 Q In -- into a body of water?

19 A In this case in the Big Sandy
20 River.

21 Q Into the Big Sandy River. And
22 that's regulated, at least in Kentucky, by the
23 Kentucky Department for Environmental Protection?

24 A Correct.

25 Q Okay. And how many outfalls does

1 the Zelda site have?

2 A When we amended this permit that
3 you -- when we amended this permit that you have
4 presented here, we went from four outfalls to one
5 outfall.

6 Q And that's for both Foothills and
7 Zelda?

8 A Originally, it was two for
9 Foothills and two for Zelda. And with this permit,
10 we combined them into a single outfall.

11 Q That serves both Foothills --

12 A That serves both Foothills and
13 Zelda.

14 MR. OVERSTREET: Okay. Thank you. I would
15 move for the admittance of Exhibit 2.

16 CHAIRMAN SCHMITT: Any objection?

17 MR. GOSS: No objection.

18 CHAIRMAN SCHMITT: Sustained. Let it be
19 filed as Exhibit 2.

20 BY MR. OVERSTREET:

21 Q And Mr. Wohnhas at Page 13 of his
22 testimony also indicated that the Kentucky Division
23 of Air Quality issued a single air quality permit
24 for both Zelda and Foothills. You didn't dispute
25 that in your rebuttal testimony?

1 A I do not dispute that.

2 Q Okay. And then in your Response
3 to Kentucky Power 1-1a, you indicate that, "For
4 convenience and efficiency, both sites commonly use
5 the Zelda control room for operations." Is that --

6 A That is accurate.

7 Q And that is continuing?

8 A That is -- that's accurate, yes.

9 Q And it's accurate today?

10 A It is accurate today.

11 Q Isn't it true that there's a
12 common entrance to Foothills and Zelda from
13 U.S. 23?

14 A I don't know how to -- so when
15 you come off of Highway 23, there is the -- the
16 turn is common, and you can go to the right for
17 Foothills or to the left for Zelda. But there are
18 gates for both facilities, so --

19 Q Right.

20 A -- so the access off Highway 23
21 or the -- I don't know, the first 30 feet of
22 driveway is the same until you either make a right
23 to -- a left to go to Zelda or a right to go to
24 Foothills.

25 Q And that first 30 feet or so,

1 that -- that belongs to -- that's part of the Zelda
2 site?

3 A I believe that is on the Zelda
4 site.

5 Q Yeah. And then, as you said, you
6 can go right?

7 A Yes.

8 Q And there's a gate?

9 A Yes.

10 Q And that gate -- and then
11 there's -- once you cross that gate, you continue
12 along the Zelda site until you reach Foothills?

13 A I'll have to pull the map up. I
14 don't know how long you're on the Zelda property.
15 I think that gate is pretty close to the property
16 line of Foothills. The -- but it's potential that
17 the -- that -- I think the gate lines up with the
18 end of the transmission yard. I can -- if you give
19 me a second, I can flip to one of these drawings.
20 Hold on.

21 Q Is it possible that there's two
22 gates on that road?

23 A Yeah. Okay. So I have the First
24 Response to Kentucky Power Data Request.

25 Q Uh-huh (affirmative).

1 Foothills. The contracts and mail, and just like
2 the Kentucky Power bill, is issued to Riverside
3 Generating Company.

4 Q Okay. And that goes to -- even
5 though it's for something that happened at
6 Foothills, it would go to 25038 U.S. Highway 23?

7 A Yeah, that's -- that's true.

8 MR. OVERSTREET: May I have a moment, Your
9 Honor?

10 CHAIRMAN SCHMITT: Yes, you may.

11 MR. OVERSTREET: That's all I have right
12 now.

13 THE WITNESS: Actually, could I clarify
14 that last statement, too?

15 MR. OVERSTREET: Sure.

16 THE WITNESS: We -- we do have a street
17 address for Riverside, which is on
18 Highway 23, Riverside Generating Company,
19 and we do get mail there. We also get mail
20 for Riverside Generating Company in our New
21 Jersey office, right. So we get mail in
22 both locations. I just wanted to clarify
23 that.

24 MR. OVERSTREET: Okay, okay. Fair enough.
25 Thanks for that clarification.

1 CHAIRMAN SCHMITT: Is that all?

2 MR. OVERSTREET: That's all.

3 CHAIRMAN SCHMITT: Mr. Nguyen.

4 MR. NGUYEN: Yes. Thank you, Your Honor.

5 CROSS-EXAMINATION

6 By Mr. Nguyen:

7 Q Good morning, Mr. Hammond.

8 A Good morning.

9 Q Can you -- let's go back to --
10 let me refer you to your testimony first. If you
11 look at your direct testimony on Page -- Page 4.
12 And you had testified -- you touched on this a
13 little bit earlier. At Lines 6 through 10, you
14 discuss the reason why Riverside examined its
15 ability to self-supply station power for -- for
16 both Zelda and the Foothills sites pursuant to the
17 PJM OATT. And you state in your testimony that,
18 "because the retail electric service provided by"
19 electric -- "provided by Kentucky Power is
20 significantly more expensive than the wholesale
21 electric power Riverside sells into PJM." And you
22 also mentioned during testimony that -- in response
23 to Cross-Examination from Mr. Overstreet, that --
24 and I think you mentioned that, of course,
25 self-supplying is always going to be less expensive

1 than purchasing retail from Kentucky Power; is that
2 correct?

3 A Yes.

4 Q Okay. So if that's the case,
5 then Riverside didn't approach Kentucky Power until
6 February of 2017 with respect to its ability to
7 self-supply under Tariff N.U.G.; is that correct?

8 A That's correct.

9 Q So why -- why wait those 14, 15
10 years to approach Kentucky Power to discuss the
11 self-supply option?

12 A That's a great question. So
13 there are some -- some dates that are key that I
14 think explain at least a portion of it. My
15 understanding is that Kentucky Power didn't join
16 PJM until 2004. So the arrangements between
17 Riverside or Zelda and Foothills predate their
18 admission to PJM. LS Power did not acquire control
19 of Riverside until approximately 10 years after the
20 site went commercial -- or the sites went
21 commercial.

22 Q So around 2011?

23 A I will -- I think I need to pull
24 the date for you. I believe it was 2010.

25 Q 2010? Okay.

1 A But I don't -- it was -- it
2 was -- it was 10 or 11. I can -- we can probably
3 submit that after the fact as to the acquisition
4 date. But the -- you know, whatever it was, it
5 was, like, sort of 10 years down the road.

6 Q Okay.

7 A The -- and it -- so it -- we
8 didn't own the site until then.

9 Q Sure.

10 A But that doesn't fully explain
11 why you wait, you know, even from then. And I'd
12 say that the -- the reason is that we didn't look
13 hard enough. We didn't -- we were -- in the last
14 several years LS Power has acquired more sites in
15 PJM. We have a pretty substantial PJM footprint.
16 I think we're the ninth largest merchant owner in
17 PJM, close to 9,000 megawatts of PJM installed
18 capacity. And as a result of owning more plants in
19 PJM, we got smarter and learned more of the rules.
20 And we did -- we did a review, as we do every fall
21 when we're developing our budgets for our sites.
22 And when we're going through the budgets,
23 Riverside's cost of utilities, you know, stuck out
24 from our other facilities and -- and that caused us
25 to dig in and say, why is Riverside paying so much

1 more for station service than our other sites? And
2 what we learned is every one of our other sites in
3 PJM was self-supplying with the exception of
4 Riverside. And that was the genesis of, well, why
5 is Riverside different than the rest of our sites
6 within PJM, which are in numerous other states in
7 the footprint. And that's when we started the
8 dialogue with Kentucky Power, when we got smarter
9 about Tariff N.U.G. and the exemption in Tariff
10 N.U.G., and then how Tariff N.U.G. is in conflict
11 with the PJM Open Access Tariff. And that started
12 our -- our conversations with Kentucky Power, which
13 led us here today.

14 Q Okay. So -- and you also
15 mentioned in your direct testimony that either
16 Riverside or LS Power owns other generating
17 facilities that self-supply --

18 A We do.

19 Q -- its own station power?

20 A Yes.

21 Q How many other stations do that?

22 A Currently, we have 16 stations
23 in -- in PJM. I think at the time of this review
24 we owned 12 at the time.

25 Q So how many of those 12 or --

1 well, how many of those 16 currently are
2 self-supplied?

3 A Of the 12 at the time, 11 were
4 without -- without Riverside. Of the 16, I would
5 need to check. We just recently acquired some
6 facilities, so we need to look into their -- into
7 their service station arrangements. But Riverside
8 was uniquely not self-supplying in our portfolio at
9 the time that we did the review.

10 Q So of the -- so 11 of the 12
11 self-supply. I take it the only one that doesn't
12 self-supply is River -- is Riverside, that station?

13 A Correct.

14 Q Okay. And for the -- for the
15 other 11, what states are those plants located in?

16 A We have facilities in Virginia,
17 facilities in Illinois, facilities in Pennsylvania,
18 facilities in New Jersey. Let's see. Of course we
19 have Riverside in Kentucky. I think I got
20 them all. We have a map online. I can pull it up
21 and --

22 Q Okay.

23 A -- show you, but I think that
24 would --

25 Q Okay. You think those five

1 states including Kentucky are --

2 A Within the PJM footprint. And
3 I -- if I -- if I missed a state, it was
4 unintentional.

5 Q Okay. No. So Illinois,
6 Pennsylvania and New Jersey, those are all
7 deregulated states; is that correct?

8 A That is correct.

9 Q Virginia, is that deregulated or
10 is that still traditionally regulated?

11 A Regulated.

12 Q It is, okay.

13 A (Witness nods head.)

14 Q And for Virginia, who is the
15 retail electric supplier for that station?

16 A The plant is in the Dominion
17 footprint, but the Rappahannock Electric Company, I
18 think, is --

19 Q I'm sorry, what was that?

20 A Ra- -- the plant is in the
21 Dominion footprint.

22 Q Okay.

23 A The -- the interconnected utility
24 within that footprint is Rappahannock.

25 Q Okay.

1 A And I don't know if it's electric
2 company or, you know, Rappahannock Energy and Light
3 or something, but that's the...

4 Q And so for -- what's the name of
5 that station in -- in the Dominion footprint that
6 LS Power -- or Riverside owns?

7 A That's the -- Riverside doesn't
8 own it. LS Power --

9 Q Okay.

10 A -- is the controlling entity.
11 It's Doswell Limited Partnership.

12 Q I'm sorry, what was that again?

13 A Doswell, D-O-S-W-E-L-L, Limited
14 Partnership.

15 Q Okay. And the Doswell Limited
16 Partnership, is that self-supply or is that remote
17 self-supply?

18 A All of our facilities, all of our
19 other facilities self-supply. They're single
20 stations.

21 Q Okay.

22 A And so Doswell self-supplies.

23 Q How many units are at the
24 Doswell?

25 A Seven currently.

1 Q And so --

2 A I'm sorry, that -- we should say
3 five units. I was mischaracterizing the combined
4 cycle arrangement.

5 Q And so the Rappahannock retail,
6 the distribute -- distribution company --

7 A Yes.

8 Q -- they have a tariff on file
9 that provides for -- the ability for Doswell to
10 self-supply under the PJM OATT; is that correct?

11 A I -- so I haven't read the
12 Rappahannock file -- or the Rappahannock Tariff. I
13 don't know if I could provide testimony on what
14 they have --

15 Q Okay.

16 A -- on file or not. But Doswell
17 does self-supply under the PJM Open Access Tariff.
18 And if -- if Doswell did not generate for a month,
19 it would get an invoice from Rappahannock for the
20 station service use.

21 Q Okay. And as a post-hearing data
22 request could you provide the tariff that Doswell
23 Limited Partnership is served under by the
24 Rappahannock distribution -- Electric Company?

25 A Yes. Yeah, I think we can...

1 Q Does LS Power own any other
2 generation facilities outside of -- or does LS
3 Power own any generation facilities outside of PJM?

4 A Yes, many.

5 Q Okay. Do they own any in the
6 MISO territory?

7 A We own -- yes, we own a plant
8 in -- in MISO, the -- our Carville combined cycle
9 plant.

10 Q Okay. And is that -- how many
11 units are in that station? When you say plants,
12 it's just one unit or --

13 A It's two-by-one combined cycle,
14 so it's about 500 megawatt combined cycle facility.

15 Q Okay. So self-supply, is that a
16 picture for that one?

17 A The -- they -- yes. So they're
18 in the Entergy territory that -- I mean, without
19 spending a lot of time on it, they have a full PPA
20 with Entergy.

21 Q Okay.

22 A So even though LS Power owns and
23 controls the facility and manages it, it's full
24 output is controlled by Entergy. And, you know,
25 with -- under the -- probably wouldn't be a good

1 comp as a -- as a pure peaker, or excuse me, a pure
2 merchant facility, because it's -- has a full PPA
3 with the interconnected utility.

4 Q Well, let me step back.

5 Does -- is self-supply an option for a power
6 station that's within the MISO footprint similar to
7 what a power station or plant that is in the PJM
8 footprint?

9 A So I have to be honest, I would
10 need to reread the MISO rules. MISO and PJM are
11 very close, their rules, but I -- I couldn't say,
12 without digging into it, that they're exactly the
13 same.

14 Q Okay.

15 A So I would -- I would want to
16 read that before I would...

17 Q Are you generally aware if there
18 are other tariff provisions that are similar to
19 what is allowed within the PJM footprint for
20 self-supply?

21 A It's my understanding that MISO
22 is similar. But I do most of my work in PJM, so,
23 you know, I'm most familiar with PJM. I would need
24 to study a little bit on MISO to comment on it.
25 But the MISO market is set up very similar to PJM

1 with some nuances around capacity. So I would
2 expect that they would be very similar, but I can't
3 say with certainty as I sit here today.

4 Q Okay. So going back, if the
5 Zelda and the Foothills sites are considered to be
6 eligible under Tariff N.U.G. for remote
7 self-supply, does that mean that -- just for
8 confirmation, that for those months that those two
9 sites generate more power than they consume,
10 that -- I think I'm getting this right -- that
11 there will be zero retail cost associated with the
12 usage provided by Kentucky Power?

13 A Yeah, that's correct. On an
14 annual basis, Riverside has in the -- historically
15 has generated about 50 times more power than it has
16 used. And the expectation would be that it would
17 not -- in most months, without, you know, barring
18 an outage or something where the unit did not
19 generate or economically did not generate for the
20 month, that there would not be a bill or usage
21 would be netted against our generation. And,
22 therefore, we will have self-generated. So, you
23 know, without going into gross detail, you know,
24 if -- if we generate 10 megawatts, but we use one,
25 then what PJM does is pay us for nine, right.

1 That's -- that's how they net it out.

2 Q And in your research to
3 determine, you know, the anomaly with respect to
4 both the Zelda and Foothills Station, why their
5 expenses were more than the other stations that are
6 owned by LS Power, did you research into the
7 reasons why self-supply was provided in those other
8 jurisdictions, in Virginia, Illinois, Pennsylvania
9 and New Jersey?

10 A Well, because those -- those
11 jurisdictions are members of PJM. And the PJM Open
12 Access Tariff permits self-supplying in Section
13 1.7.10, both of a single facility and multiple
14 facilities.

15 Q Right. But did you -- did you
16 dig deeper into determining, you know, why PJM
17 would allow for self-supply?

18 A Why PJM would allow for
19 self-supply?

20 Q Yes.

21 A Well, I -- I don't -- I mean, why
22 would they allow for self-supply? I guess because
23 it makes sense, right, that, you know, if you
24 generate a product that you would net out your use
25 of that product and sell the remainder, right.

1 That's the way the PJM market works and that's the
2 way it is in these other jurisdictions.

3 Q Okay. Even though there seems to
4 be an overlap between PJM as a wholesale market
5 provider and a consumption of energy at the retail
6 level, do you -- do you sense a conflict there in
7 terms of PJM's ability -- the rule maybe having a
8 negative or an unintended consequence of perhaps
9 entering into the retail space?

10 A I -- I'm not sure I understand
11 the -- the question.

12 Q Well, you agree that PJM is a
13 wholesale market, that they provide a market on a
14 wholesale level for those that -- that need it,
15 access to power, capacity and energy?

16 A I do agree that it's a wholesale
17 market of which we are members. Kentucky Power is
18 a member. All the interconnected utilities are
19 members.

20 Q Right.

21 A So they're all participants in
22 that market.

23 Q Right. But the rate that you pay
24 is a retail rate; is that correct, with respect to
25 the Tariff N.U.G. that -- that you're served under

1 by Kentucky Power?

2 A Currently, yes.

3 Q Okay. And I understand that --
4 and I'll have questions for Kentucky Power, but do
5 you sense that there is a conflict there in terms
6 of what the PJM rules are and how it may conflict
7 with the ultimate provision of power on a retail
8 basis? So in this instance there's a -- you know,
9 Kentucky Power has indicated that there's going to
10 be a \$1.1 million annual impact to Kentucky Power
11 if Riverside -- if Zelda and Foothills are deemed
12 to be eligible to remote self-supply. And even
13 though Kentucky Power is still required under
14 Kentucky Statutes to provide that power, that
15 energy to -- to Zelda and Foothills, but because of
16 the self-supply provision that PJM has, that --
17 that retail connection is -- is being overwritten
18 by a PJM rule?

19 A Well, so PJM has a tariff which
20 created the Open Access Transmission System. And
21 the purpose was, I guess, along those lines, that
22 we -- that we as a generator would utilize that
23 system to deliver our power, and we would utilize
24 that same system to -- for our self-supply. I
25 guess I'm -- I'm not under- -- quite understanding

1 the conflict. I think I -- I recognize that, you
2 know, if we -- if we are -- if we self-supply, that
3 Kentucky Power would receive a million dollars less
4 in revenue, I think I'd probably agree with that.
5 And I can understand why that may be viewed as
6 somehow Kentucky Power is harmed. But I think we
7 have the alternate opinion that it's really
8 Riverside that is being harmed by paying this --
9 for this service, which is not required in PJM of a
10 merchant generator or our competitors in PJM that
11 are merchant generators. Riverside is, you know,
12 basically overpaying for a services that it can
13 generate itself and is permitted under the -- under
14 the tariff in PJM.

15 Q Fair enough. I was just asking
16 if -- if there was a recognition by Riverside with
17 respect to a retail impact as a result of the
18 PJM --

19 A Yeah, one --

20 Q -- self-supply.

21 A -- one nuance, I think, is that
22 when -- because of the type of station that
23 Riverside is, right, it's a peaking facility. When
24 Riverside is using power, when it's using its
25 auxilliary power, demand on the system is low and

1 the price of power is low. And when demand on the
2 system increases and the price of power increases,
3 that's when Riverside generates, right. It's a
4 peaker, so it -- it comes on when the load
5 increases or when the power increases. So the
6 times that Kentucky Power is delivering power or,
7 you know, under their current service, is the time
8 when the system requirements are the least. And
9 when they're at their most is when Riverside is
10 generating, right. That's how -- that's how a
11 peaker arrangement works. So I think it just goes
12 back to the point, is that there's not an
13 incremental -- that Kentucky Power isn't doing
14 anything incremental to deliver this service to
15 PJM -- I mean, to -- to Foothills or Zelda, right.
16 That when -- when the system would be taxed or when
17 the price of it goes higher, that's when Riverside
18 would generate.

19 Q Okay. So it's my understanding
20 that you just mentioned that LS Power acquired
21 Riverside around 2010. So do you have any
22 familiarity with when Riverside and -- when
23 Foothills and Zelda were developed, other than what
24 had been provided already in your direct and
25 rebuttal testimony in terms of when -- who they

1 acquired the lines from, when it was acquired, and
2 the transition to the common ownership?

3 A Yeah, both sites were developed
4 in the early 2000s. And there would have been, you
5 know, maybe in the late '90s some permitting
6 activities and things like that that would have
7 went into the development of both sites. Is that
8 what you're asking?

9 Q Yeah, but you wouldn't be aware
10 if -- so Dynegy is actually the entity that
11 constructed and developed the Zelda and Foothills
12 sites; is that correct?

13 A Yes.

14 Q Okay. But you would have no --
15 or would you have any -- any knowledge as to
16 whether that was considered by Dynegy as a single
17 project or multiple projects?

18 A They were two projects under
19 Dynegy because they were two parcels, two -- two
20 different times, two -- but I don't have Dynegy
21 documents, no.

22 Q Okay. So when you say that, it's
23 just based upon your understanding of the timeline
24 of when the sites were developed and constructed?

25 A Well, and more than that. I

1 mean, the sites are completely electrically
2 isolated, right, but, you know, one of -- one of
3 the tests would be, could you sell one site without
4 the other? And you could; right? And that's the
5 way they were developed and constructed, that you
6 could sell Zelda and keep Foothills, sell Foothills
7 and keep Zelda, right; that they are not, you know,
8 tangled in such a way that you would have to -- it
9 would be all or none. And they were developed that
10 way.

11 So to -- we've always understood them as
12 separate projects. LS Power acquired them from
13 Dynegy, you know, in that, you know, '9, '10, '11
14 range. I would have to get you the date. But they
15 were always separate projects. They're -- they're
16 separately -- they're separate projects in PJM. You
17 know, the reporting in PJM is separate. They are --
18 everything about them is separate. The only thing
19 common is the owner, which is Riverside Generating
20 Company, is who -- you know, the way they were
21 constructed. They weren't -- they weren't
22 constructed together or as the -- as the same
23 projects.

24 Q Okay.

25 A And, you know, I don't -- we

1 could probably pull an 8K from Dynegy back in 2001
2 and see if they -- if they called them out. I
3 don't know the answer to that.

4 Q Okay. But you're just basing
5 that on -- upon your own experience?

6 A Yeah, upon my own experience,
7 exactly.

8 Q Can you turn to your rebuttal
9 testimony at Page 1, the bottom of Page 1?

10 A Okay.

11 Q Okay. And you mentioned -- I
12 guess you mentioned -- or you characterize Kentucky
13 Power's position as being "rooted in flawed
14 analysis and a desire to maintain a lucrative
15 status quo." What do you mean by Kentucky Power's
16 desire to maintain a lucrative statuses quo?

17 A Well, I mean, we're not kidding
18 anybody here, right, that, you know, our desire
19 would be to pay less for station service, which we
20 believe is available to us under the Open Access
21 Tariff. And Kentucky Power's position would be to
22 keep getting our million dollars from us every
23 year. That's the -- that would be the status quo.
24 So their incentive to not allow us to net and we're
25 incented to net. That's a, I think, sort of brutal

1 honesty, but that's -- that's why we're here today.

2 Q Okay. So just the basic
3 economics of -- but you're not suggesting in any
4 way that Kentucky Power's rates under Tariff N.U.G.
5 or the rates that both Zelda and Foothills are --
6 are served under the IGS is excessive or
7 unreasonable?

8 A I don't have an -- yeah, I don't
9 have an opinion on the actual rate of IGS.

10 Q Okay.

11 A I just have an opinion on our
12 ability to remote self-supply in lieu of IGS.

13 Q Okay. In your research in
14 determining why Foothills and Zelda were -- their
15 costs were more than the other power plants within
16 the PJM footprint -- let me go back.

17 Is Dynegy still in -- in existence?

18 A Yes, Dynegy still exists. They
19 had a -- they have acquired and sold and merged,
20 but the -- the --

21 Q Did you-all reach out to Dynegy
22 to ask?

23 A Ask?

24 Q To ask -- to determine, you know,
25 the costs, structure of the -- of the two plants,

1 of the two sites?

2 A I'm sorry, can you -- can you --

3 Q Well, let me scratch that.

4 A -- be more specific?

5 Q Let me scratch that.

6 A Okay.

7 MR. NGUYEN: Those are all the questions I
8 have. Thank you.

9 CHAIRMAN SCHMITT: Ms. Mathews, questions?

10 MS. MATHEWS: I don't have any.

11 CHAIRMAN SCHMITT: Redirect, Mr. Goss?

12 MR. GOSS: Yes, sir, Mr. Chairman.

13 REDIRECT EXAMINATION

14 By Mr. Goss:

15 Q To Mr. Nguyen's question about
16 sort of the tension or conflict between the retail
17 tariff and PJM's wholesale provision. Kentucky
18 Power, at the end of the day, still has a retail
19 tariff that recognizes and allows Riverside to
20 avail itself of the PJM OATT with respect to remote
21 self-supply; am I correct in that?

22 A Yeah, correct. So the -- the PJM
23 Tariff allows a single facility to self-supply --

24 Q Yeah, explain the --

25 A -- or it allows --

1 Q -- difference between self-supply
2 and remote self-supply --

3 A Sure.

4 Q -- so everybody understands that.

5 A So PJM's Open Access Tariff
6 Section 1.7.10 has a provision for stations to
7 self-supply. So a station can self-supply against
8 itself in a given calendar month. And it -- it
9 also has a provision for remote self-supply, where
10 multiple stations can net against themselves for a
11 calendar month, provided those multiple stations
12 are held at the lowest level common entity, so that
13 the -- they have -- the lowest level entity is a
14 common owner. In this case, Riverside Generating
15 is the lowest level entity common owner of the
16 Zelda and Foothills Facilities.

17 The Kentucky Power Tariff N.U.G. does not
18 permit a single station to self-supply, because if
19 it allowed a single station to self-supply, this
20 would already be over. It does, however, permit
21 multiple stations to self -- to remote self-supply
22 in that -- in that tariff, and that is the -- the
23 provision that -- that stipulation or that -- what
24 they -- an exemption, I believe they call it, for
25 remote self-supply is what we're here today about,

1 to -- to allow Foothills and Zelda to remote
2 self-supply against each other.

3 CHAIRMAN SCHMITT: Can I ask a question?
4 So what is remote? What does remote mean?

5 THE WITNESS: It means one station is
6 supplying another station.

7 CHAIRMAN SCHMITT: Without any reference or
8 consideration of where they are? They can
9 be side by side or 5 miles apart?

10 THE WITNESS: Correct.

11 CHAIRMAN SCHMITT: I'm sorry.

12 THE WITNESS: No, that's fine.

13 MR. GOSS: No, that's fine.

14 THE WITNESS: That's correct. There is no
15 distinction for --

16 MR. GOSS: -- crux of the case.

17 THE WITNESS: Yeah, there's no distinction
18 for how -- how far they have to be apart.

19 BY MR. GOSS:

20 Q And, in fact, does Kentucky
21 Power's Tariff N.U.G., and special terms and
22 conditions contained therein, provide any guidance
23 to anybody about the very question that the
24 Chairman just asked?

25 A No.

1 Q Kentucky Power's Tariff was -- I
2 don't -- I don't suppose that Riverside was
3 consulted when the tariff was -- was originally
4 enacted or any of the amendments?

5 A Not to my knowledge.

6 Q Do you understand -- and I'll ask
7 Mr. Wohnhas this, but if you know, it's fine. Do
8 you know if any other customer besides Riverside
9 Generating, LLC takes service from Kentucky Power
10 under Tariff N.U.G.?

11 A It's my understanding that
12 Riverside is the only customer under Tariff N.U.G.

13 Q Now, I want to go through some of
14 the unique characteristics of these two separate
15 sites here in just a second, but -- but before we
16 do that, while I have it in my hand, I want to ask
17 you about Exhibit 2, which Kentucky Power just
18 offered, and that's the KPDES Water Discharge
19 Permit. Do you have that in front of you?

20 A Yes.

21 Q You're not -- I presume you're
22 not an expert on Kentucky Pollutant Discharge
23 Elimination Systems or permitting or anything like
24 that, are you?

25 A That's a fair statement.

1 Q Okay. Are you -- do you -- let
2 me ask you this question. Are there water
3 discharge permits typically part of the other
4 10,000 megawatts of assets that you manage for the
5 company?

6 A Yes. Most sites have water
7 discharge permits. There are a few sites which we
8 refer to as ZLD, or Zero Liquid Discharge, that do
9 not require a -- a water discharge permit, but --

10 Q And, typically, whose name is
11 that permit in?

12 A The owning entity.

13 Q And is the owning entity in
14 this -- who is the owning entity in this case?

15 A Riverside Generating.

16 Q Riverside Generating Company,
17 LLC, that's the name that's on Page 2 of the
18 permit.

19 A Yeah. There you go.

20 Q And for purposes of the record,
21 Riverside Generating Company, LLC is the owner of
22 the Zelda site and the owner of the Foothills site?

23 A Correct.

24 Q So does it surprise you that this
25 permit is a unitary or single permit?

1 A It does not surprise me.

2 Q Mr. Overstreet also asked you
3 some questions -- before we leave this permit --
4 about why the company chose to amend the permit
5 from four outfalls -- first of all, what's an
6 outfall?

7 A An outfall is where the, in this
8 case, water leaves the property and enters the
9 river.

10 Q What does this -- what is the
11 purpose of this water, what's it used for and why
12 is it -- why are you putting it in the river?

13 A Generally, this can be storm
14 water, right, that's coming off the site that
15 enters the river.

16 Q Any -- does the outfall include
17 any water that is used in the generation of
18 electricity?

19 A I do not believe so. The water
20 that's used in the generation of electricity is --
21 is consumed in the process. There -- there could
22 be a small amount that is used for cooling or
23 something, but I -- I can double-check. I believe
24 this is just storm water. This is --

25 Q Storm water?

1 A -- like runoff associated with
2 the two facilities.

3 Q Okay. And so there shouldn't be
4 any sort of concern about pollution other than what
5 might be in the storm water, obviously?

6 A No. We do monitor it. In fact,
7 we -- one of the -- one of the reasons we combined
8 these outfalls was just to make it easier to
9 monitor. Rather than monitoring four points, we're
10 just monitoring one point. But it originally was
11 two outfalls for Foothills and two outfalls or
12 Zelda and --

13 Q So you were having to monitor
14 four separate outfalls?

15 A Yes.

16 Q Now you're only monitoring one?

17 A Correct.

18 Q Was that to promote efficiency
19 for the company?

20 A It was convenience, yes. It was
21 a matter of convenience.

22 MR. GOSS: If we could have just one
23 second, Mr. Chairman. We're going to put
24 something up on the wall here for you to
25 look at. I want to take Mr. Hammond

1 through it.

2 CHAIRMAN SCHMITT: We might -- this might
3 be a good time to take a break.

4 MR. GOSS: Okay. That would be fine.

5 CHAIRMAN SCHMITT: And we'll come back at
6 11:00 --

7 MR. GOSS: Okay.

8 CHAIRMAN SCHMITT: -- or a few minutes
9 after.

10 MR. GOSS: Thank you, Mr. Chairman.

11 CHAIRMAN SCHMITT: We'll be in recess until
12 11:05.

13 (THEREUPON, A BREAK WAS TAKEN.)

14 CHAIRMAN SCHMITT: Okay. We are back on
15 the record. Mr. Goss, are you ready to
16 continue?

17 MR. GOSS: Yes. Thank you, Mr. Chairman.

18 Mr. Chairman, at this point in time,
19 we're going to -- we're going to dim --
20 we're going to ask that the lights be dimmed
21 and we're going to go through a -- up on the
22 screen here, a description by the witness of
23 these two sites so that the Commission can
24 get oriented just a little bit better. I've
25 spoken to Mr. Overstreet, and what I intend

1 to do -- there was really no way of offering
2 the Google Earth presentation that we've got
3 here and that he's going to run through as
4 evidence. Certainly, his -- I think his
5 testimony can be used as substantive
6 evidence, but I do have an exhibit that I
7 would mark as Exhibit 3, assuming there's no
8 objection and the Commission approves, of
9 sort of the initial view of these two sites.
10 It's basically a screenshot of what you're
11 about to see so that there's some paper in
12 the record as to what this is, if that makes
13 sense. So I'm going to mark that. Your
14 Honor, do you like to do just sequential
15 Exhibits 1, 2, 3, or do you separate them?
16 CHAIRMAN SCHMITT: We separate them by
17 party.
18 MR. GOSS: By party? Okay.
19 CHAIRMAN SCHMITT: So these would be
20 Riverside 1 --
21 MR. GOSS: One, okay.
22 CHAIRMAN SCHMITT: -- 2, whatever.
23 MR. GOSS: Is this too dark? Would you
24 like to go up a --
25 MS. MATHEWS: No. We're good.

1 CHAIRMAN SCHMITT: No, that's fine.

2 MR. GOSS: Are you sure?

3 CHAIRMAN SCHMITT: That's fine.

4 MR. GOSS: Mr. Overstreet, is this okay
5 with you?

6 MR. OVERSTREET: Yes, thank you.

7 MR. GOSS: If -- if you --

8 MR. OVERSTREET: I appreciate you --

9 MR. GOSS: -- want the lights to go up,
10 just tell me.

11 MR. OVERSTREET: Thank you.

12 BY MR. GOSS:

13 Q So, Mr. Hammond, I'd like to
14 state for the record that there is a photo depicted
15 on the -- on the wall, which we'll call a screen
16 here at the PSC hearing room, that appears to be a
17 Google Earth depiction of something. Would you
18 please authenticate for the Commission what we're
19 looking at here?

20 A Sure. This is a Google -- Google
21 Earth view of the Zelda and Foothills complex.

22 Q And is this the same view that's
23 depicted on what I have marked as Riverside Exhibit
24 No. 1, essentially?

25 A It is.

1 MR. GOSS: All right. Your Honor, at this
2 point, I would move for admission of
3 Riverside Exhibit No. 1.

4 CHAIRMAN SCHMITT: Any objection?

5 MR. OVERSTREET: No objection, Your Honor.

6 CHAIRMAN SCHMITT: Let it be so admitted.

7 (Riverside Exhibit No. 1 was marked.)

8 MR. GOSS: Let me get my glasses,
9 Mr. Hammond.

10 Q If you would, just generally
11 describe for the Commission what we're seeing. And
12 what I'd like for you to do is -- is start at one
13 site or the other and point out some of the unique
14 attributes of each site, please.

15 A Okay. I'll start with the Zelda
16 site. So if I drew sort of a square around the
17 Zelda site, this would be the Zelda property. The
18 Zelda site contains three gas turbines. These are
19 the stacks for those gas turbines. These are the
20 air intakes for those gas turbines. The gas
21 turbines are oriented this way. The generators are
22 here.

23 Those generators send their output through
24 an electrical bus duct, which is a little tough to
25 see here on the wall, but that's what these are.

1 And that bus duct goes into an electrical
2 transformer, what we refer to as the generator
3 step-up transformer. And it converts the 18,000
4 volts from the generator to 345,000 volts. When it
5 leaves the generator step-up transformer, it goes
6 out on high lines, which are, again, tough to see on
7 the wall here, but they angle up towards the top of
8 the picture here and then head down along the river.
9 And you can see -- it's hard to see, but --

10 UNIDENTIFIED LADY: It's not being picked
11 up on the mic.

12 A -- I think that's a transmission
13 tower.

14 CHAIRMAN SCHMITT: I hate to interrupt, but
15 you need to speak up, because we understand
16 maybe the record is not picking up what
17 you're saying.

18 THE WITNESS: Okay.

19 CHAIRMAN SCHMITT: So I don't know if we
20 have a microphone we can take over there or
21 what, but maybe we better do that.

22 MR. GOSS: Well...

23 CHAIRMAN SCHMITT: There's nothing worse
24 than having a silent movie --

25 MR. GOSS: Sure.

1 CHAIRMAN SCHMITT: -- when you don't have a
2 court reporter.

3 MR. GOSS: I understand. But thank you,
4 Mr. Chairman.

5 THE WITNESS: Okay. Is that better?

6 CHAIRMAN SCHMITT: Yes.

7 THE WITNESS: Okay. You want me to start
8 over?

9 CHAIRMAN SCHMITT: I would if -- well,
10 that's up to your --

11 MR. GOSS: Yes.

12 CHAIRMAN SCHMITT: -- attorney, but I would
13 not discourage you from doing that.

14 MR. GOSS: I hate -- I hate to. Thank you
15 for bringing that to our attention.

16 Q Let's kind of start over. Tell
17 the Commission what we're looking at here on the
18 wall.

19 A Sure. This is an aerial photo of
20 the Zelda and Foothills sites via Google Earth that
21 matches Exhibit 1.

22 Q All right.

23 UNIDENTIFIED LADY: Hold that mic up, too.

24 MR. GOSS: Hold the mic up, yeah.

25 THE WITNESS: We'll start with -- with --

1 MR. GOSS: And there's Karaoke afterwards.

2 THE WITNESS: Exactly. I can't dance
3 though.

4 A We'll start with the -- with the
5 Zelda site. So if I -- if I take my marker here
6 and I sort of draw an outline around the Zelda
7 site, this would represent the boundaries of the
8 Zelda site. The Zelda site contains three simple
9 cycle Siemens gas turbines, these three here.
10 These are the stacks, the exhaust stacks for each
11 turbine. These are the air inlets for each
12 turbine. The generator is oriented this way for
13 each turbine. And the output of the generator
14 leaves the generator at 18,000 volts on this bus
15 duct for each turbine and goes into a generator
16 step-up transformer where the voltage is stepped up
17 from 18,000 to 345,000 volts to be -- head over to
18 the Baker Substation.

19 There is associated equipment with this,
20 what we refer to as balance of plant equipment or
21 sometimes BOP equipment. But there's lots of
22 heaters and lubrication skids and things that are
23 required to run gas turbines. There are water tanks
24 for the Zelda site. There is an administration --

25 Q Let me ask you. Let me interrupt

1 you as you go. What are those water tanks for?

2 A One is a process water tank. The
3 other is a fire tank. So a fire tank is a tank of
4 water specifically held for fire protection for the
5 site.

6 Q What is the process water -- what
7 is processed water for?

8 A Process water is water used in
9 the process of generating electricity. In this
10 case the bulk of the processed water is used for
11 what we call fogging. Fogging is a -- where we
12 inject water in the inlet of the turbine in the
13 summertime. It cools the air, it increases the
14 mass flow of the air, and then augments the output
15 of the facility.

16 Q All right. So you got two water
17 tanks. Go ahead.

18 A Okay. We also have the
19 administration building that we referred to
20 earlier. We have a --

21 Q What's in the administration
22 building?

23 A The administration building
24 contains a control room for the Zelda units. It
25 contains some offices. It contains a warehouse

1 storage area and other various administrative
2 functions or, you know --

3 Q All right.

4 A -- things that you need to keep
5 heated and cooled, I guess.

6 Q All right.

7 A We have the gas yard. This is
8 where the gas, natural gas comes into the Zelda
9 facility here on this end.

10 Q What's the -- what's the building
11 behind -- between the gas yard and the
12 administrative building?

13 A Is that the warehouse? I'll have
14 to look at the -- can I look at that --

15 Q Wasn't that for contractors or
16 something?

17 A I'm sorry. You're correct.
18 You're right. This was a -- this was a building
19 left over from construction that the -- that the
20 site currently uses as a -- as a workshop or
21 contractor building, you know, should they need to
22 pull something under roof or need a staging area
23 for -- for contractors. Thank you for that.

24 Q And so let's -- before we leave
25 that corner of the site, in terms of the

1 administration building how many -- how many bodies
2 work at this address?

3 A We have eight people that work at
4 this address.

5 Q And are they employees of
6 Riverside Generating or are they -- are they in
7 some other capacity?

8 A They're hired as contractors by
9 Riverside Generating. So Riverside Generating does
10 not directly employ the folks that work at the
11 site. Riverside Generating has a contract with the
12 folks who are working at the site. They use a
13 third-party operations company.

14 Q Does Riverside Generating direct
15 the day-to-day operations and tasks of these
16 individuals or is that done at -- sort of at a
17 higher level?

18 A The answer to that is yes. I
19 guess the -- the operator that we hire -- in this
20 case, IHI Power Services Company, we have --
21 Riverside Generating has a contract with. They are
22 employees of IPS -- IPSC. And they -- IPSC directs
23 the activities. LS Power is a party to the -- you
24 know, we make joint decisions and talk about the
25 things that we want to do at the facility, but

1 they're directly employed by the contractor.

2 Q Okay. Before we leave that site,
3 let me ask you a couple of questions. If I'm
4 heading -- if I understand correctly, that's north?

5 A Yes. I think here's the north
6 arrow.

7 Q Okay. Not exactly due north,
8 but -- and so if I'm heading north on U.S. 23 and I
9 turn into the common driveway that's shown here at,
10 you know, in the bottom of the picture --

11 A (Indicating)

12 Q Yes, sir. Tell the Commission
13 and the parties here today how would one -- how one
14 would get to one site or the other.

15 A Okay. So when you pull through
16 this driveway, this is open, there's no gate here.
17 You would either turn left and go through a gate
18 that exists here to enter the Zelda site, or you
19 would turn right and enter through a gate here that
20 would give you access to the Foothills site.

21 Q Okay. And are those gates -- is
22 there some security associated with them?

23 A Yes. They have card readers. So
24 that the staff or regular contract employees will
25 have cards that allow them electronic access. And

1 then they can be remotely operated from either of
2 the two control rooms. So that if, you know, we
3 were getting a delivery or something like that
4 then, you know, you would open the gate.

5 Q It appears that the gate that
6 leads to the Foothills site, which is to the right,
7 is more on the Zelda -- what I'll call the Zelda
8 property. Is there any significance to that?

9 A No. It's outside the fenced area
10 of the Zelda property. So the fenced area runs
11 along the inside of the road and then along the
12 back of the switchyard. So this area is -- is
13 fenced. So you're mainly on the -- it's almost
14 like there's an easement through the Zelda
15 property, but you're -- you can't -- even if you
16 get through this gate, you can't access Zelda,
17 right. Zelda is still within the fenced boundary.
18 So you're -- you could get to River- -- you could
19 get to Foothills only. You know, you just have
20 access along this road to this site.

21 Q All right. So let's talk --
22 let's -- and so there is a -- there is a fence that
23 separates the adjacent sites there that I'm looking
24 at in the photo; is that correct?

25 A Yes.

1 Q And describe that fence.

2 A You're talking about this fence?

3 Q Yes, sir.

4 A Okay. So there is a chain-link
5 fence that goes around the perimeter of the Zelda
6 site, and then also goes through the perimeter of
7 the high line substation -- or excuse me, our --
8 our step-up transformer and high line area. And
9 the reason for that is that you want to -- even
10 within a protected area, you also protect the high
11 voltage areas even within that area, so that our
12 employees or contractors cannot enter into the area
13 where the high voltage exists.

14 Q All right. Move us over then to
15 the Zelda site --

16 A Foothills.

17 Q -- and describe that.

18 A Foothills.

19 Q I'm sorry, Foothills, yes.

20 A Yeah. So if you -- if you made
21 the right after the access and you came through the
22 gate to Foothills, you come down the access road
23 and you would enter the Foothills site. So
24 Foothills contains two simple cycle gas turbines
25 similarly oriented. There -- there are a few

1 nuances between the two sites. You can see that
2 the stacks here are rectangular as opposed to
3 round. That has to do with the development of, you
4 know, at two different times, two different -- two
5 different contractors to build the site. So there
6 are -- there are some differences between the sites
7 like that. But you have -- you have two turbines,
8 they have two air inlets. It's a little harder to
9 see here. But you also have, you know, the same
10 configuration. The -- you have -- the generator is
11 approximately here. The output of the generator is
12 also 18,000 volts. Leaves on this bus duct and
13 goes into a generator step-up transformer in the
14 Foothills Switchyard, which is here. And then
15 Foothills, which is also difficult to see, they go
16 on high lines that go out to towers out this way
17 and then over to Baker Substation.

18 Q Mr. Overstreet asked you some
19 questions about gas supply to the property --

20 A Yes.

21 Q -- or properties. Would you
22 please describe generally where you think -- let's
23 talk about the gas supply first, the lateral that
24 comes from the Tennessee line. About where does it
25 come in? We're not going to hold you to it, but

1 tell us where you think it does.

2 A Yeah. So this is the -- this is
3 the gas interconnect for Zelda. And this is where
4 the lateral comes in. Somewhere just upstream of
5 this there will be a T in the line where the gas
6 for Foothills comes off of. So you have the -- the
7 lateral coming in. This serves Zelda. Then you'll
8 have a T in the line. It will come down to the
9 Foothills gas yard, which is here.

10 CHAIRMAN SCHMITT: Excuse me. Where does
11 that line run? Approximately, what is the
12 location of that line that runs to
13 Foothills after the split off?

14 THE WITNESS: Underground?

15 CHAIRMAN SCHMITT: Underground, yeah.

16 THE WITNESS: Yeah.

17 CHAIRMAN SCHMITT: I mean, is it under the
18 driveway, is it out in the grass, or where?
19 Do you know?

20 THE WITNESS: I don't know off the top of
21 my head. I thought it was along the --
22 this area over to the -- to the -- but I --
23 I would have to get an underground print to
24 be sure, so -- but it -- my understanding
25 is, is it basically Ts off, runs along the

1 property down to the gas yard for
2 Foothills.

3
4 CHAIRMAN SCHMITT: This is part two of
5 Riverside Power hearing.

6 BY MR. GOSS:

7 Q And what about the water line
8 from the Big Sandy Water District?

9 A I --

10 Q You were asked some questions
11 about that and the fact that there's probably a T
12 in the line. Do you have any idea where that line
13 would be?

14 A I suspect that it's going to come
15 in here close to the water tanks, but without, you
16 know, pulling the underground prints I can't be
17 certain about that, but this is -- this would be
18 the area where it would come close to the tanks.

19 Q And there would be another line
20 that would run --

21 A There would be a T probably
22 somewhere out here, you know, after the meter, but
23 before the plant where that line runs over to the
24 Foothills tanks -- the Foothills tanks.

25 Q And then in the upper right-hand

1 portion of the photo there appears to be a path
2 with some -- there's some spidering or some paths
3 that go in different directions going toward the
4 river. Do you see what I'm talking about?

5 A Yeah. These are the four
6 outfalls that you -- that we were talking about
7 earlier from the KPDES permit. So we had four
8 outfalls, 1, 2, 3, 4, that we combined into one
9 single outfall. And two outfalls were associated
10 with the Foothills facility, and two with Zelda.

11 Q Are those outfalls actually -- I
12 mean, are those ditches?

13 A They're --

14 Q Or pipes? Because I'm seeing
15 them there on the photo, I'm just curious as to
16 whether or not they're -- it's storm water. Is it
17 just -- is it open? Is it an open outfall?

18 A You know, I haven't walked those
19 down in a long time. It would be common for them
20 to be like a riprap, like rock outfall, but I would
21 believe that there was a pipe -- either way the
22 water, you know, that's contained in the storm
23 drains, you know, discharges down there, and it's
24 either a path with a pipe under it or a riprap,
25 like large rock outfall.

1 Q Where is the control room for the
2 Foothills site?

3 A It's right here. (Indicating)

4 Q Describe for the Commission -- I
5 think everybody generally knows what a control room
6 does, but tell the Commission how these two control
7 rooms are configured for the sites.

8 A So these control rooms are both
9 redundant to each other. You can control the Zelda
10 and Foothills sites from the Zelda control room,
11 and you can control the Zelda and Foothills sites
12 from the Foothills control room.

13 For convenience, we generally control both
14 sites from the Zelda control room, but we have the
15 ability to do either, and in fact we have the
16 ability to control all five of the units remote to
17 the site altogether. You can start the units with a
18 laptop from your house, if you -- if we need to.

19 Q If you had the proper
20 credentials?

21 A Yeah.

22 Q I couldn't do it, could I? If I
23 could, I'm scared.

24 A Yeah, we have a -- LS Power, we
25 have a pretty good familiarity, and we do a lot of

1 remote operations. So this provides us, you know,
2 a redundancy. And then if we were to have an issue
3 with the Zelda control room, we a fully-installed
4 backup at Foothills. We also have the ability to
5 remotely operate from wherever the employee is, or
6 another facility altogether. And we do that at a
7 number of our facilities across the country.

8 Q Are these two sites electrically
9 isolated from each other?

10 A They are.

11 Q Tell the Commission what
12 electrical isolation means.

13 A These sites cannot -- they are
14 basically like electric -- the same way your house
15 and your neighbor's house are electrically
16 isolated. You know, you -- your usage doesn't have
17 an impact on your neighbor. You couldn't supply
18 power to your neighbor through your house. That's
19 the same way these are.

20 They have the separate transmission lines
21 that come off and go out to the Baker Substation,
22 and that's how the back feed comes back, so they're
23 in no way tied together.

24 There are sites that -- you know, that can
25 cross tie, but these sites are -- they are not that.

1 They are -- they are separate and apart
2 electrically.

3 Q All right. And so now take us
4 from the -- do you call those switchyards, where
5 the power is stepped up from 18,000 to 345?

6 A Yeah, it's commonly referred to
7 as a switchyard.

8 Q Take us from the Zelda Switchyard
9 there and show the Commission how the electrons
10 that are produced there makes it to Kentucky
11 Power's Baker Switchyard.

12 A Sure. So it's difficult to see,
13 because you're trying to -- we're looking at a line
14 here, but basically there's a set of power lines
15 that come off of each of these units, and they
16 move -- there we go -- they move out on these
17 transmission towers, and these transmission towers
18 go about one mile over to the Baker Substation,
19 which is here.

20 So those transmission lines follow the river
21 and then they cross the street into the Baker
22 Substation, and they are separate lines for Zelda
23 and for Foothills.

24 Q Take us back to the structure
25 where the two conductors for each site join. I

1 guess join is the best word.

2 A So you can see here -- this is a
3 good picture -- that you have one tower associated
4 with the line coming from Zelda, you have one tower
5 associated from the line coming from Foothills, and
6 then they combine here on this structure. And you
7 can see the -- you know, the shadow that -- of that
8 structure. But it's a common tower after -- I
9 don't know, after about a quarter of mile it's a
10 common for the rest of the way.

11 Q Who owns the poles and wires from
12 the two sites, Zelda and Foothills, to the Baker
13 Switchyard?

14 A Riverside owns and maintains
15 those.

16 Q I'm sorry?

17 A Riverside -- Riverside Generating
18 owns and maintains those.

19 Q How much did the -- strike that.

20 Let's talk about back feed for just a
21 second. Do these -- and I'm a lawyer, so I'm not
22 going to ask you any engineering, so forgive me.

23 But is there capability for the electrons to
24 run in both directions?

25 A Yes.

1 Q Into these plants?

2 A Yes.

3 Q Describe how that works for the
4 Commission.

5 A Well, basically when we're
6 back-feeding, basically the power is just flowing
7 back from Baker along the same structures
8 through -- into our switchyard and then back into
9 the plant. It's the same path, right, so the same
10 road is used.

11 Q So you have a step-up transformer
12 to get it out and a step-down transformer to get it
13 in?

14 A Yes.

15 Q Is that typical of facilities
16 like this?

17 A It is very common.

18 Q And there appears to be, just for
19 purposes of the record, I'll call it a parking lot
20 or a gravel lot of some kind right there in the
21 middle of the photo we're seeing. What is that?

22 A Yeah. So the actual Foothills
23 property comes down to about here. The fenced area
24 of the Foothills property is around this area. And
25 this was a lay-down area used in construction, a

1 staging area for construction, and still available
2 to the facility during outages and things like that
3 when you need some space to put stuff.

4 Q Let's go back to an overview of
5 both those sites. You had said previously in your
6 testimony, in response to one of the questions,
7 about these two sites being capable of being sold
8 separately. What did you mean by that and explain
9 that, if you would.

10 A Sure. You know, if someone
11 wanted to buy a two-peaker plant, right -- you
12 know, each one of these is -- we'll just round it
13 off to say 175 megawatts. You know, so if someone
14 was looking to buy 350 megawatts of peaking
15 capacity in PJM, or in Kentucky or in a specific
16 zone, or Kentucky Power wanted to buy one of the
17 other -- whoever the potential buyer was, you could
18 sell this site and retain this one, or retain this
19 site and -- or sell that one and retain this one.
20 Because they're electrically isolated, because they
21 have separate fence lines, they're separate pieces
22 of property, right, that all that would be -- they
23 would be salable.

24 Q Okay. As we're -- and so with
25 respect to a common gas lateral, a common water

1 line, I mean, are those things that are easily
2 solvable?

3 A Yeah. In fact, it's common for
4 two owners or multiple owners to share a lateral.
5 We -- that lateral that comes into the plant, the
6 gas lateral that comes into the plant is 9 miles
7 long. We have been approached over the years by
8 third parties who wanted to tap into that lateral
9 to use gas for their, you know, potential
10 industrial facility or whatever it was.

11 You know, you're not -- just because you
12 have joint use of a lateral, you know, doesn't
13 preclude from you using it, right. It's not like
14 only one person can use the lateral.

15 In fact, the plant we were talking about
16 earlier in Doswell in Virginia, the one that's
17 served by Rappahannock, it is served by a lateral
18 that's about, I don't know, probably 80 miles long.
19 It's called the joint use pipeline, and there are
20 five major customers on that pipe -- that service
21 which comes off of Dominion's transmission system.
22 In this case it's Tennessee Gas.

23 But, you know, they involve a city -- the
24 City of Richmond heating load, another power plant,
25 Doswell. You know, there's -- so that lateral is

1 fine to be used.

2 Q So as we look at these two plants
3 and these two sites, Zelda and Foothills, describe
4 for the Commission the concept of remote
5 self-supply as Riverside views it and such that
6 would comply with the Kentucky Power Tariff.

7 A Right. So I guess the point of
8 contention is, is are the sites, you know, separate
9 sites, right? Is Zelda a separate site from
10 Foothills? And if -- if they are separate sites,
11 which we believe they are, then they would supply
12 each other. And effectively the way that it's done
13 is that the power goes out on the line and then
14 effectively comes back in, but it's done on a
15 30-day, or excuse me, on a monthly basis. So you
16 don't have to actually generate the power in real
17 time. You're netting out for the month. And I
18 think we talked about earlier that on a monthly
19 basis, Riverside generates about 50 times more
20 power than it uses.

21 MR. GOSS: Mr. Chairman, those are all the
22 questions that I have of this witness with
23 respect to the -- the photo on the wall.
24 While it's up I don't know if -- I'm happy
25 to defer to you. I'm happy if you want to

1 ask questions or anybody, so we don't have
2 to get it back up again.

3 CHAIRMAN SCHMITT: Yeah, I'd like to ask a
4 couple. I'm embarrassed because I may not
5 know how to do it.

6 But it would seem to me -- I mean, I
7 can understand how you could sell one site
8 and keep the other, but if you kept Frontier
9 and sold Zelda, I would suspect if -- I
10 mean, if you kept Frontier and sold Zelda,
11 wouldn't you have a lot of problems with
12 most of what it takes to operate Frontier,
13 requires the use of pipelines, water lines
14 and so forth, that are across Zelda's track?
15 All the outlets, all of the whatever it is,
16 the pipe outlets or -- off whatever, where
17 the water -- surface water goes, the outfall
18 pipes are all on Zelda; correct?

19 THE WITNESS: Most of the interconnection
20 with the utilities are at the Zelda site,
21 correct.

22 CHAIRMAN SCHMITT: And then as the
23 electricity is generated from Zelda, for
24 instance, its lines must cross Frontier in
25 order to ultimately get to the Baker

1 Station or the Kentucky Power --

2 THE WITNESS: They don't actually cross.

3 They're on a -- there are separate towers

4 until they get to about here, I guess, and

5 then they join.

6 CHAIRMAN SCHMITT: No. But they're on the

7 towers -- the lines cross over and the

8 towers are located on the Frontier side;

9 isn't that correct?

10 THE WITNESS: I believe so, yes. Well, at

11 some point they go off the --

12 CHAIRMAN SCHMITT: Oh, I understand.

13 THE WITNESS: -- property altogether.

14 CHAIRMAN SCHMITT: I'm just talking about

15 if I wanted to --

16 THE WITNESS: Yeah.

17 CHAIRMAN SCHMITT: -- buy one of these

18 places, I mean, whoever has one tract,

19 whatever tract it is, a lot of your

20 property is subject to a use by an owner of

21 an adjoining tract.

22 THE WITNESS: Well, so if we think through

23 that, like if -- let's say we were going to

24 sell one or the other, it is very common

25 for adjacent facilities to have easements

1 when other facilities -- you know, take
2 water for instance. So you'd have a single
3 water line, you know, coming in here and
4 then T'ing off, what would happen is that
5 you'd install a meter at Foothills for the
6 metered usage at Foothills, and then you'd
7 know the metered usage at here and the
8 metered usage at here, and each would pay
9 its own bill accordingly.

10 That's how it's done with the gas,
11 too. You know, you buy your gas basically
12 9 miles up the road, and that's where you
13 would pay for it. So you would -- you know,
14 Foothills would purchase the gas that it
15 needs, Zelda would purchase the gas that it
16 needs and they would deliver it on the
17 lateral. And they would have shared
18 maintenance costs of the lateral, right. If
19 we sold Foothills and retained Zelda, and
20 Zelda retained the lateral, then Foothills
21 would have an obligation to pay for required
22 maintenance on the lateral when it comes up.
23 But that is very common in power.

24 In fact, it's very common because most
25 laterals are shared. You know, a lot of

1 water services are shared, a lot of
2 discharge services are shared. That's
3 really common in the industry.

4 CHAIRMAN SCHMITT: Let me ask you, I think
5 the last question, about remote supply.
6 Are you talking about, for instance, power,
7 electricity produced by Frontier would go,
8 I guess, north up the river over the lines
9 you showed, and basically then come back
10 and go to where? Would it go to Zelda? Is
11 that what remote service is, or is remote
12 service it goes from Frontier up the river
13 and then comes back to Frontier?

14 THE WITNESS: Well, if you were in a
15 situation where Foothills was running and
16 Zelda was idle, for instance, then your
17 statement is correct. The power would
18 leave Foothills. They are electrically
19 isolated, so it's not -- we don't have,
20 like, a back door to, like, send it
21 straight over.

22 CHAIRMAN SCHMITT: So power -- can power
23 produced, electricity produced by Frontier
24 be routed into Zelda or not?

25 THE WITNESS: Well, not -- okay. So it

1 won't go from here to here.

2 CHAIRMAN SCHMITT: No. I understand.

3 THE WITNESS: Correct. It will go out on
4 this high line and it will go down to the
5 Baker Substation, and then it basically
6 returns on the other set of lines over to
7 Zelda.

8 CHAIRMAN SCHMITT: Okay. I understand.
9 That was the question. Thank you.

10 THE WITNESS: Yeah.

11 CHAIRMAN SCHMITT: I have no further
12 questions.

13 THE WITNESS: Yeah, that's -- so...

14 CHAIRMAN SCHMITT: Commissioner Mathews, do
15 you have anything before Mr. Overstreet?

16 MS. MATHEWS: No.

17 CHAIRMAN SCHMITT: Mr. Overstreet.

18 MR. OVERSTREET: Thank you, Mr. Chairman.
19 And, Mr. Goss, could I get the lights
20 turned up a little?

21 MR. GOSS: Sure. Yes, sir.

22 MR. OVERSTREET: I'm an old man and having
23 trouble seeing.

24 And we -- first, are you going to ask
25 him some more questions?

1 MR. GOSS: I prob- -- yes, I am.

2 MR. OVERSTREET: Okay. So I'll limit my
3 questions now to the map.

4 CHAIRMAN SCHMITT: Oh, I apologize, Mr.
5 Goss. I thought you were finished. I'm
6 sorry.

7 MR. GOSS: No, sir. Just while this was up
8 I thought it would be easier to...

9 CHAIRMAN SCHMITT: Okay.

10 MR. OVERSTREET: So I'll just limit my
11 questions to the screen.

12 UNIDENTIFIED MAN: Do you want the remote,
13 Mr. Overstreet?

14 MR. OVERSTREET: That would challenge my
15 technical abilities.

16 UNIDENTIFIED MAN: If you need to zoom in,
17 just let me know, I'll be happy to zoom.

18 RE CROSS-EXAMINATION

19 By Mr. Overstreet:

20 Q All right. So, Mr. Hammond, I
21 thought I understood you to say that the T -- or
22 the Y for the gas line that feeds the Foothills
23 site is located on property owned by Zelda; is that
24 correct?

25 A That's my understanding. I

1 will caveat that --

2 Q Okay. All right. I just wanted
3 to make sure I understand that.

4 A -- I didn't read the prints
5 before we...

6 Q And then, secondly, can you show
7 me or put your finger on there where the fence
8 between the two properties is?

9 A Sure. So you have a fence here
10 and then you have a gate here.

11 Q Okay. So the water meter,
12 there's a single water meter; is that correct?

13 A Currently, yes, there's a single
14 water meter.

15 Q And that water meter is located
16 where? And before you answer I just want to make
17 sure you look at Page 8 of your response to
18 Kentucky Power 1-1. I understand there's a lot of
19 pieces to keep track of.

20 A Okay, got it.

21 Q And that -- so that water meter
22 is located on Zelda property or Foothills property?

23 A Looks like it's Foothills. I
24 apologize. It's here.

25 Q And it comes in across the road,

1 the water line --

2 A Yes.

3 Q -- comes in across the road, and
4 then there's a T or a Y?

5 A Yeah, there should be a T that
6 would go this way.

7 Q And may I get a little closer?
8 I'm just having trouble seeing.

9 CHAIRMAN SCHMITT: Yes. Yes, you may.

10 BY MR. OVERSTREET:

11 Q I see the two water tanks on the
12 Zelda property. Where are the corresponding water
13 tanks on the -- there's a single tank?

14 A Single tank.

15 Q So the water line comes in on
16 Foothills, some water goes to that tank, other
17 water crosses the Foothills property onto Zelda and
18 feeds the --

19 A Yes.

20 Q So if I enter the common entrance
21 and turn right, can you show me where the gate is
22 leading to the -- strike that.

23 A (Indicating.)

24 Q And so if I pass through that
25 gate, it looks like to my left there is a road

1 leading towards the Big Sandy River.

2 A Yes.

3 Q And there's no gate across that;
4 is that correct?

5 A There's a -- this is fenced --

6 Q Right.

7 A -- around and a fenced down. But
8 there is a gate here. I think you can see.

9 Q So there's a gate across that --

10 A There's a gate here.

11 Q -- road leading to the Big Sandy
12 River?

13 A Yes.

14 Q In the direction of the Big Sandy
15 River?

16 A Yes.

17 Q Do -- the Chairman was asking --
18 you know, discussing things in terms of if you were
19 to sell two of the -- the two Foothills units or
20 sell three of the -- the three Zelda units, about
21 the need for easements and joint use agreements,
22 and you talked about that.

23 Does there exist an easement of record for
24 the road that crosses the Zelda site leading onto
25 the Foothills site?

1 CHAIRMAN SCHMITT: Mr. Overstreet, I
2 understand there are problems hearing you.
3 So maybe -- I don't know. We only have one
4 microphone, I'm afraid.

5 UNIDENTIED LADY: Just sit a little closer.

6 MR. OVERSTREET: I apologize.

7 CHAIRMAN SCHMITT: No. That's okay. I
8 just want to make sure that you're on the
9 record.

10 MR. OVERSTREET: I appreciate that,
11 Mr. Chairman.

12 Q Is there an easement allowed for
13 the roadway that leads across the Zelda property
14 onto the Foothills property, of record?

15 A Not that I'm aware of.

16 MR. OVERSTREET: I think that's all I have
17 about the screen.

18 CHAIRMAN SCHMITT: Okay. Mr. Goss?

19 FURTHER REDIRECT EXAMINATION

20 BY MR. GOSS:

21 Q With respect to that question,
22 it's my understanding that there's one common owner
23 for each of these sites, and that's Riverside
24 Generating Company, LLC.

25 A Correct.

1 Q So there wouldn't need to be an
2 easement for -- between Foothills and Zelda,
3 because the road is owned by the same entity?

4 A Correct.

5 MR. GOSS: Okay, I'm done with that for
6 now.

7 You can turn the lights up if you want
8 to. We can just leave it up in case
9 somebody has any questions about it.

10 Q I'm going to try to speed this up
11 just a little bit and ask you just a few more
12 questions, and I'll be done.

13 If you would, there's been a lot of
14 discussion about the PJM Open Access Transmission
15 Tariff 1.7.10 in this case, and that's of record.
16 No need to offer an additional exhibit, I don't
17 think, at this point. But if you would, summarize
18 for the Commission sort of the interplay between the
19 Kentucky Power Tariff N.U.G. and the PJM Open Access
20 Tariff.

21 A Sure. There -- the PJM Open
22 Access Tariff, it's actually 1.7.10, permits a
23 station to self-supply or to remotely self-supply
24 via other stations owned by the same entity.

25 The Kentucky Power Tariff permits the second

1 portion of that, for a station to self-supply by
2 another owned site of the same entity. In this case
3 Riverside owning Zelda and Foothills would be in
4 compliance with both the PJM and the Kentucky Power
5 Tariff N.U.G.

6 The PJM Tariff would also allow a station to
7 supply itself even if it wasn't multiple stations,
8 where the Kentucky Power Tariff doesn't currently
9 allow that. So I think that's the difference in the
10 two.

11 Both allow multiple stations owned by the
12 same owner to remote self-supply. The PJM Tariff
13 allows a single station owned by an owner -- or a
14 single-owned station to supply against itself.

15 Q So there's reference to -- I
16 don't know if there's reference specifically to the
17 PJM OATT and the Kentucky Power Retail Tariff, but
18 there is reference to -- let's just look at it.
19 There's reference to the applicable Open Access
20 Transmission Tariff as filed and accepted by the
21 FERC. Is that the tariff you're talking about?

22 A That's the tariff I'm referring
23 to, PJM's Open Access Tariff.

24 Q There's a recognition by Kentucky
25 Power in their own tariff that there may be an OATT

1 that is applicable in a remote self-supply
2 situation?

3 A That's my understanding.

4 Q Do you know, I mean, from what
5 you've seen from Mr. Wohnhas' testimony or the data
6 requests responded to by Kentucky Power, that if --
7 that if these sites weren't adjacent, let's say
8 there was a 10-foot road or a 10-foot swath of land
9 between these two sites, do you have -- can you
10 glean from their -- and I'll ask Mr. Wohnhas, but
11 can you glean from their testimony or their data
12 request responses whether or not their position
13 would be any different?

14 A I don't know if I can glean that,
15 no.

16 Q Okay, fair enough.

17 Kentucky Power in some of its data request
18 responses has estimated it would lose revenues, a
19 little over a million dollars annually, and that
20 Riverside would become a free rider on the Kentucky
21 Power system. Do you remember that?

22 A I do.

23 Q What is Riverside's response to
24 that?

25 A Well, I think it's -- I think

1 it's a mischaracterization of calling Riverside a
2 free rider. It's utilizing facilities that it paid
3 for. Riverside installed or paid for the
4 installation of the required network upgrades at
5 the time of construction which, indicated by the
6 interconnection agreement signed by both parties at
7 the time, would be approximately \$12 million.

8 We continue to own and maintain the portion
9 of the transmission system for which we are the
10 exclusive users, one mile of transmission lines over
11 to the Baker Station. So we own and maintain those.
12 We pay for that ourselves.

13 For the reasons stated earlier, Kentucky
14 Power is not providing any additional equipment that
15 we didn't already pay for or that we don't use in
16 the generation of our facilities. So we're
17 utilizing the same equipment that sends the power
18 out that we paid for to bring power back in, and
19 we're doing it at about 2 percent of the usage of
20 what we send out. So it's not like we're overtaxing
21 the system, right, we're -- we're bringing back a
22 very limited amount of power. The -- so I think
23 it's a mischaracterization to say that we're a free
24 rider.

25 We're also using power when the price is low

1 and demand on the system is least. So the Kentucky
2 Power system is designed for the highest capacity
3 that could be used, and we're using it when the
4 capacity is the lowest. And we're generating, which
5 is hopefully helping Kentucky Power, when the power
6 is needed on the system, so...

7 Q Who dispatches these two sites?

8 A PJM dispatches the sites, that is
9 members of PJM, they're offered into the -- into
10 the market daily. PJM dispatches all of the sites
11 in PJM, both regulated and deregulated. If you're
12 a PJM member, you follow the PJM dispatch
13 instruction.

14 Q All right. Now, Mr. Wohnhas in
15 his testimony at Page 13 -- would you go there,
16 please. Tell me when you are there.

17 A Yeah, got it.

18 Q He makes a sentence -- or makes a
19 statement at Line 5. It says, "The Kentucky
20 Department for Environmental Protection treats the
21 Riverside station as a single site: Riverside has
22 only one Agency ID Number, only one Title V air
23 permit, only one KPDES wastewater discharge
24 permit."

25 Now we've talked about the KPDES discharge

1 permit. Let's talk about the Title V air permit
2 just a minute.

3 As vice president of asset management for
4 LS Power, you're responsible for how many megawatts
5 of generation?

6 A Currently about 9,000.

7 Q And are you familiar with what --
8 generally speaking, what a Title V air permit is
9 and generally how such a permit is issued?

10 A Yes.

11 Q You're not an environmental
12 lawyer, you're not a permitting expert, but you
13 deal with Title V pretty often?

14 A Correct.

15 Q How is -- what is the --
16 generally at a very high level what's the interplay
17 between the federal EPA and the state --
18 essentially the state EPA?

19 A I think the federal EPA sets
20 the -- sets a -- I don't know if I want to
21 characterize it as a minimum set of requirements
22 that are applicable; and then the states can
23 enforce those requirements and additional
24 requirements as needed, or as they --

25 Q So the federal government

1 basically tells the state, here are the minimum
2 requirements and we're leaving it to you to issue
3 permits or to review permits, issue them and
4 regulate them?

5 A Yeah, it's a simplification, but
6 that's -- that's reasonable.

7 Q What types of industries and
8 sources are subject to Title V permitting?

9 A I would say large quantity, or
10 what they would call major sources, right, but it
11 generally is, like, industrial type facilities.

12 Q And how does the federal EPA,
13 from your understanding and experience, mandate
14 that states should address permitting for major
15 sources under the Clean Air Act, in terms of how
16 permits are reviewed and how they're issued?

17 A I think -- I don't quite follow
18 the question.

19 Q Okay. Well --

20 A I mean, sites file an application
21 for a new source through their state agency.

22 Q What generally is the criteria
23 when you have an entity such as Riverside
24 Generating Company, LLC that has multiple sites
25 that are in close proximity?

1 A Oh, so there's a Code of Federal
2 Regulations, CFR 70. Is that what you're referring
3 to?

4 Q I don't know. You're -- you're
5 the one that knows about Title V.

6 A Yeah, I mean, there is a Code of
7 Federal Regulations associated with air permitting,
8 and as I said earlier, it's sort of a
9 simplification of what the -- you know, federal EPA
10 will set like a minimum set of regulations, right,
11 which the states will follow, and states may
12 implement their own regulations that could be
13 incremental to the federal regulations. And each
14 state is sort of nuanced, you know, depending on a
15 lot of criteria, you know, if it's attainment,
16 non-attainment, all these different things that
17 come into play, in each particular zone, how close
18 you are to a national park. There's a lot that
19 goes into a Title V permit.

20 But at a high level, the EPA sets sort of
21 the minimum requirements and then states impose
22 their own.

23 Q I'm going to hand you what I've
24 marked as Riverside Exhibit No. 2. And I would
25 represent to you that this is a section from the

1 Kentucky Administrative Regulations, entitled
2 "Title V Permits." I'm not going to ask you to
3 interpret it at all, because you're not qualified
4 to do that, but I'm going to ask you to read
5 Section 1 into the record, if you would.

6 A "Section 1. Applicability. The
7 administrative -- the administrative regulation
8 shall apply to sources required to obtain a Title V
9 permit, including: (1), Major sources; (2),
10 Affected sources subject to the Acid Rain Program;
11 (3), Sources subject to new source review under 401
12 KAR 51:017, or 401 KAR 51:052; (4), Sources that
13 are (a), Subject to federal standards promulgated
14 under 42 U.S.C. 7411 (NSPS) or 42 U.S.C. 7412
15 (NESHAP); and (b), not exempt or deferred from
16 Title V permitting under the U.S. EPA."

17 Q And so this regulation appears to
18 say that the state of Kentucky is obligated under
19 Title V to regulate and issue permits for major
20 sources?

21 A Yes.

22 Q And would the Zelda and Foothills
23 sites be considered major sources?

24 A Yes.

25 Q Then I want to hand you what I've

1 marked as Riverside Exhibit No. 3.

2 MR. OVERSTREET: I'm sorry, was that 2?

3 MR. GOSS: The first one was 2, I'm sorry.

4 May I ask for admission of
5 Riverside --

6 CHAIRMAN SCHMITT: Any objection,
7 Mr. Overstreet?

8 MR. OVERSTREET: No.

9 CHAIRMAN SCHMITT: Let 401 KAR 52.020 be
10 filed into the evidence as Riverside
11 Exhibit 2.

12 (Riverside Exhibit No. 2 was marked.)

13 BY MR. GOSS:

14 Q So what I've handed you now,
15 that's Riverside Exhibit 3, is a Federal Code -- a
16 Code of Federal Regulations 40 CFR Section 70.2.
17 Let me ask you, Mr. Hammond, to turn over to Page 3
18 of that exhibit, the fifth -- tell me when you're
19 there.

20 A Yeah.

21 Q The fifth paragraph down, which
22 starts, "Major source." Do you see that?

23 A Yes.

24 Q Would you read that into the
25 record, please?

1 A "Major source means any
2 stationary source or any group of stationary
3 sources that are located on one or more contiguous
4 or adjacent properties."

5 MR. OVERSTREET: Excuse me, that's not what
6 it says.

7 MR. GOSS: Excuse me?

8 MR. OVERSTREET: My copy says, "continuous"
9 not "contiguous."

10 THE WITNESS: I'm sorry, you're right.

11 I'll --

12 MR. GOSS: Start over.

13 THE WITNESS: -- start again.

14 A "Major source means any
15 stationary source (or any group of stationary
16 sources that are located on one or more continuous
17 or adjacent properties and are under common control
18 of the same person (or persons under common
19 control)) belonging to a single major industrial
20 grouping and that are described in paragraph (1),
21 (2), or (3) of this definition. For the purposes
22 of defining "major source," a stationary source or
23 group of stationary sources shall be considered
24 part of a single industrial grouping if all of the
25 pollutant eliminating activities" --

1 Q Emitting.

2 A -- excuse me -- "emitting
3 activities at such source or group of sources on
4 contiguous or adjacent properties belong to the
5 same Major Group (i.e., all have the same two-digit
6 code) as described in the Standard Industrial
7 Classification Manual, 1987."

8 Q Okay. That's far enough.
9 So what does that tell you there?

10 A That Zelda and Foothills, known
11 as Riverside Generating, can only have one Item V
12 permit under EPA regulation, because they're on
13 adjacent properties controlled by the same owner.

14 Q And what is your experience as
15 vice president of asset management for Riverside
16 Generating Company, LLC, as to the issuance of
17 Title V permits for major sources in close
18 proximity?

19 A That there are no options other
20 than to have a single Title V. We tested this at
21 another facility, that same Doswell facility, where
22 we were building an adjacent facility which we
23 wanted to finance separately, and therefore obtain
24 a separate Title V permit for that facility. And
25 under the EPA regulation we could not get a

1 separate Title V permit for that new facility
2 because it was adjacent to the existing facility,
3 and both facilities were owned by the same company.

4 Q So could Zelda -- could the Zelda
5 site and the Foothills site have gotten separate
6 Title V permits if they would have wanted to?

7 A No.

8 MR. GOSS: Give me just one second,
9 Mr. Chairman.

10 That's all I have. Pass the witness.

11 CHAIRMAN SCHMITT: Mr. Overstreet.

12 MR. OVERSTREET: Thank you, Mr. Chairman.

13 FURTHER RECROSS-EXAMINATION

14 BY MR. OVERSTREET:

15 Q Mr. Hammond, I think it was in
16 response to a question Mr. Nguyen asked you about
17 the lapse of time before Riverside began exploring
18 the remote self-supply provision of the -- of the
19 agreement -- I mean of the tariff, and you
20 indicated that one part of the explanation was the
21 fact that Kentucky Power did not join PJM until
22 2004. Do you remember that?

23 A I do.

24 Q But isn't it true that under the
25 tariff as initially filed and -- filed with and

1 approved by this Commission, the language
2 concerning applicable Open Access Transmission
3 Tariff approved by FERC existed at that time?

4 A That's possible. I -- I don't
5 know if I know the answer to that.

6 Q Okay. Well --

7 A I mean, honestly, prior to our
8 ownership of the plant, you know, I probably don't
9 have a prepared answer for.

10 Q Okay. But if the language were
11 the same, then notwithstanding the fact that AEP,
12 Kentucky Power was not in PJM, there would be the
13 opportunity if it qualified under the Tariff N.U.G.
14 to seek that sort of service?

15 A Possibly.

16 Q And I spoke to Mr. Goss during
17 the break, and just to sort of clarify for the
18 record, because I think you were real close about
19 when LS Power acquired Zelda and Foothills.

20 A Yes.

21 MR. OVERSTREET: May I approach, Your
22 Honor?

23 CHAIRMAN SCHMITT: Yes, you may.

24 MR. OVERSTREET: Article from Power
25 Engineering, if I could have it marked as

1 Kentucky Power Exhibit -- is it 3?

2 CHAIRMAN SCHMITT: What would be the number
3 on this, 3 or 4? Is it 3? I guess we're
4 checking. It's Kentucky Power Exhibit 3.

5 (Kentucky Power Exhibit No. 1 was marked.)

6 BY MR. OVERSTREET:

7 Q And I just want to ask you a
8 couple of questions. Number one, does this refresh
9 your memory that LS Power bought a number of plants
10 from Dynegy in 2000- --

11 A Yes, that sounds accurate. I
12 know it was '9, '10, '11 --

13 Q Right, and you were close.
14 That's not the point.

15 And then with respect to Kentucky, it
16 actually acquired Riverside and then Bluegrass. Do
17 you see that down at the bottom, the last sentence?

18 A Yeah, I see that last -- last
19 line.

20 Q And then Bluegrass, that was
21 located in Oldham County; is that correct?

22 A I'm not familiar with the
23 Bluegrass facility. I never visited that site.

24 Q But you-all --

25 A LS Power did own Bluegrass and

1 sold it.

2 Q Sold it to, in fact, East
3 Kentucky?

4 A East Kentucky, correct.

5 MR. OVERSTREET: Okay. I would move the
6 admission.

7 MR. GOSS: No objection.

8 CHAIRMAN SCHMITT: Let it be admitted as
9 Kentucky Power Exhibit 3.

10 Before we -- Mr. Goss -- has Mr. Goss'
11 exhibits, all of Riverside's exhibits been
12 admitted? I wasn't sure about the last one.

13 MR. OVERSTREET: I don't think it was and I
14 have no objection.

15 MR. GOSS: You're not sure because I didn't
16 ask for its admission, but I formally move
17 that it be admitted, Your Honor.

18 CHAIRMAN SCHMITT: I just wanted to make
19 sure we were all on the same page.

20 MR. GOSS: Thank you, sir.

21 BY MR. OVERSTREET:

22 Q And there's been some discussion
23 this morning and afternoon about an LS plant -- LS
24 power plant in Virginia, and I apologize, I can't
25 remember the name.

1 A Doswell.

2 Q Doswell. And I think you
3 indicated in response to questions from Mr. Nguyen
4 that unlike Kentucky and some of the other states
5 where LS Power owns plants within PJM, Virginia is
6 not -- is regulated; is that -- but isn't it also
7 true that there's choice in Virginia?

8 A So I would need to brush up on my
9 Virginia rules. I know that Virginia has a
10 regulated state, they have a regulated utility,
11 Dominion, that -- so there's potential that it's a
12 hybrid. I don't know.

13 Q Okay. Subject to check --

14 A Yeah.

15 Q -- it's -- it's a choice state?

16 A Okay.

17 Q Now, the Chairman was asking you
18 about the energy being generated at Zelda and
19 flowing out to the Baker Substation and then
20 flowing back to Foothills. Do you remember that
21 series of questions?

22 A Yes.

23 Q And that's -- in fact, once the
24 electrons are generated they go where they go;
25 right?

1 A Yeah. There's no marking which
2 electron goes where.

3 Q Right. And so during those times
4 when one -- when a unit, whether it's Zelda or
5 Foothills -- is operating, it travels along
6 Riverside's facilities, and then it -- the
7 electrons reach the Baker Switch. And who owns the
8 Baker Switch?

9 A That's Kentucky Power.

10 Q And then it -- they travel out
11 over Kentucky Power's transmission system; is that
12 correct?

13 A Correct.

14 Q Now, in terms of remote
15 self-supply and self-supply -- Zelda, for example,
16 but it would also be true of Foothills, has the
17 ability to self-supply, isn't that correct, even
18 under Kentucky Power's Tariff?

19 A In 15-minute increments it does
20 self-supply.

21 Q In 15-minute increments?

22 A Yes.

23 Q And so really what the difference
24 is, is whether the computation is made at 15-minute
25 increments or whether it's made on a calendar month

1 basis?

2 A That's one of the differences.

3 Q Yeah, okay. And I think you
4 indicated that the -- on average, and we understand
5 it's an estimate, that none of the five units --
6 three Zelda units, two Foothills units -- are
7 operating about 90 percent of the time.

8 A That's reasonable.

9 Q That's reasonable. And so when
10 you're talking about time them not operating at an
11 enhanced consuming power, at times of least demand
12 that's actually 90 percent of the time -- of time;
13 is that correct?

14 A That's reasonable.

15 Q Yeah, okay. And Mr. Goss asked
16 you about the, I guess for lack of a better word,
17 staffing or employee/non-employee contractor
18 staffing of --

19 A Yes.

20 Q -- the facility?

21 Can I get you, please, to turn to -- it's
22 Riverside's response to Kentucky Power 1-6 and 1-7.

23 A At Riverside response to Kentucky
24 Power, 1-6?

25 Q Riverside's response to Kentucky

1 Power 1-6 and Riverside's response to Kentucky
2 Power 1-7.

3 A Okay.

4 Q And, actually, 1-7 just refers
5 back to 1-6.

6 A Okay. I have 1-6.

7 Q 1-6 says it deals with Zelda, and
8 then 1-7 deals with Foothills, and says "See
9 Zelda."

10 A Okay.

11 Q So just so I understand, did I
12 understand you to suggest that there are no
13 Riverside employees providing services on these
14 sites?

15 A Yes. So I can clarify this --
16 and I apologize for the confusion -- we commonly
17 refer to employees of the plant as employees of
18 Riverside. They staff the plant on a daily basis,
19 they -- they operate the plant, they answer the
20 phone and say, you know, "Riverside" right there.
21 They are Riverside employees.

22 But technically they are employed by IHI
23 Power Services, who Riverside has hired to staff and
24 operate the facility. And there are a number of
25 reasons that that's the construct, but technically

1 they're employees of IHI Power Services.

2 So at times we generalize and say that
3 the -- that there are eight Riverside employees, but
4 in reality there are eight employees of IHI Power
5 Services who work at Riverside.

6 Q And by Riverside you mean
7 Foothills and Zelda?

8 A Yes.

9 Q Same employees?

10 A Riverside holds the contract
11 with -- Riverside Generating holds the contract
12 with IHI Power Services.

13 Q And they provide services both at
14 Foothills and Zelda?

15 A Correct.

16 Q The same employees?

17 A Correct.

18 Q And then -- is it IHI?

19 A IHI Power Services.

20 Q IHI Power Services. Is it in any
21 way affiliated with LS Power or any LS Power --

22 A No, there's no ownership, or
23 they're -- they're a third-party contractor that
24 Riverside has hired to staff and operate the plant.

25 Q Okay. And then on the next page,

1 if you look over, there's a group of -- for '16 and
2 '17 at least, there are a group of employees
3 described as being non-Riverside employees. So
4 these are contractors hired from entities other
5 than IHI?

6 A Are you talking about Page 2 of
7 3, Item 6?

8 Q Yes.

9 A Those are --

10 Q I'm sorry, 3 of 3 of Item 6.

11 A 3 of 3.

12 Q See the description,
13 non-Riverside employees?

14 A Yes.

15 Q So you got Kelly and then NAES
16 Staffing Services; is that correct?

17 A Correct.

18 MR. OVERSTREET: Okay. Thank you,
19 Mr. Chairman.

20 CHAIRMAN SCHMITT: Mr. Nguyen, questions?

21 MR. NGUYEN: No questions.

22 CHAIRMAN SCHMITT: Commissioner Mathews?

23 MS. MATHEWS: I don't have any.

24 CHAIRMAN SCHMITT: I guess the only one
25 question I have at this point is I saw in

1 your exhibits, and I guess in your direct
2 testimony, that the two tracts, the
3 Frontier tract and the Zelda tract, were
4 both I guess for tax purposes or pursuant
5 to the -- in lieu of tax payments agreement
6 were considered separate tracts; is that
7 correct?

8 THE WITNESS: That is correct.

9 CHAIRMAN SCHMITT: Is that still the case
10 today as it was whenever the bonds were
11 issued in apparently 2001?

12 THE WITNESS: They are still separate for
13 tax purposes.

14 CHAIRMAN SCHMITT: I have no further
15 questions.

16 MR. OVERSTREET: May I follow up? Just one
17 question.

18 CHAIRMAN SCHMITT: Do you want to --

19 MR. OVERSTREET: I'm sorry. Mr. --

20 CHAIRMAN SCHMITT: And I'll give -- I'll
21 let Mr. Goss follow you then. Go ahead.

22 MR. OVERSTREET: Surely.

23 FURTHER RECROSS-EXAMINATION

24 BY MR. OVERSTREET:

25 Q Now, it's my understanding that

1 the pilot payment in lieu of tax agreement for
2 Foothills was assigned to Riverside; right?

3 A I believe that's accurate.

4 Q So both agreements -- so
5 Riverside is now the counterparty, if you will, to
6 both agreements?

7 A I think that Riverside holds both
8 agreements, yes.

9 MR. OVERSTREET: Okay. Thank you.

10 MS. MATHEWS: But there are two?

11 THE WITNESS: But there are two.

12 CHAIRMAN SCHMITT: Two, that's correct.

13 Apparently -- well, okay, I'll -- Mr. Goss,
14 do you have any further questions?

15 MR. GOSS: No, sir.

16 CHAIRMAN SCHMITT: If that's the case,
17 then, is there anything further anyone has
18 of this witness?

19 MR. OVERSTREET: I cannot remember whether
20 I moved to admit my exhibit.

21 CHAIRMAN SCHMITT: I think you did, but
22 there aren't any objections, so I want to
23 make sure that all the Kentucky Power
24 entered exhibits are at least now entered
25 into the record.

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Is there any reason why this witness cannot be excused?

MR. OVERSTREET: No reason here, Your Honor.

CHAIRMAN SCHMITT: All right. You may step down and may be excused.

Do you have any other witnesses? This is the only witness, Mr. Goss?

MR. GOSS: No. The only witness, Your Honor.

CHAIRMAN SCHMITT: Why don't we break for lunch until, what, 1:30, that's an hour and five, six minutes, and then you can put on your case.

MR. OVERSTREET: Yes.

CHAIRMAN SCHMITT: We'll be in recess until 1:30.

(THEREUPON, A BREAK WAS TAKEN.)

CHAIRMAN SCHMITT: We are back on the record.

Mr. Overstreet, are you ready to call your witness?

MR. OVERSTREET: Yes, Mr. Chairman, thank you. Kentucky Power calls Ranie Wohnhas.

CHAIRMAN SCHMITT: Mr. Wohnhas, please

1 raise your right hand.

2 Do you solemnly swear or affirm under
3 penalty of perjury that the testimony you
4 are about to give will be the truth, the
5 whole truth and nothing but the truth?

6 WITNESS: I do.

7 CHAIRMAN SCHMITT: Please be seated. You
8 may ask, Mr. Overstreet.

9 MR. OVERSTREET: Thank you, Mr. Chairman.

10 * * * * *

11 The witness, **RANIE WOHNHAS**, after first
12 being duly sworn, was examined and testified as
13 follows:

14 DIRECT EXAMINATION

15 By Mr. Overstreet:

16 Q Mr. Wohnhas, did you -- well,
17 first of all, please state your name and employer
18 and position with your employer.

19 A Yes, my name is Ranie Wohnhas.
20 I'm the managing director of regulatory and finance
21 for Kentucky Power Company.

22 Q And did you cause to be filed in
23 the record of this proceeding direct testimony?

24 A I did.

25 Q And do you have any changes to

1 that direct testimony?

2 A I do not.

3 Q And did you cause to be filed in
4 the record of this proceeding responses to data
5 requests?

6 A Yes, I did.

7 Q And do you have any changes to
8 those responses?

9 A No, I do not.

10 MR. OVERSTREET: Your Honor, the witness is
11 available.

12 CHAIRMAN SCHMITT: Mr. Goss,
13 Cross-Examination?

14 MR. GOSS: Thank you, Mr. Chairman.

15 CROSS-EXAMINATION

16 BY MR. GOSS:

17 Q Mr. Wohnhas, good afternoon.

18 A Good afternoon, sir.

19 Q Let me start by asking you
20 whether or not through discovery it's your
21 understanding that this case has been narrowed to a
22 single issue of whether Riverside, Zelda's and
23 Foothills' Facilities are considered to be one site
24 or two sites under Tariff N.U.G.?

25 A I don't know that it's

1 particularly one issue. That is definitely I think
2 the key issue of determining that on the sites, but
3 you know, there was an ownership question in which
4 we had initially questioned. To be honest with
5 you, you know, it's a very complex set of documents
6 that were provided about where Riverside and such
7 went, that we've kind of just let that lie for now,
8 thinking that the more important issue was the idea
9 of remote self-supply and whether this is one or
10 two sites.

11 Q Well, so are you telling the
12 Commission today that -- well, let me just ask this
13 question: Kentucky Power has not abandoned its
14 common ownership objection that it previously made
15 in this case, is that what you're saying?

16 A That is correct. I mean, it's --
17 the record is what it is, but, you know, we've --
18 as we've moved forward, and the rebuttal testimony
19 of Mr. Hammond provided a lot of details, and it's
20 still really hard to tell whether it is one
21 ownership, but, you know, we just -- in moving
22 forward and trying to -- the more important issue,
23 the issue was around the idea of the sites and
24 remote self-supply.

25 MR. GOSS: Well, I didn't think I was going

1 to have to present this because I don't
2 have -- I don't know that I have extra
3 copies, but maybe we can supplement the
4 record.

5 CHAIRMAN SCHMITT: Is there a document or a
6 sworn statement in the record --

7 MR. GOSS: Yes, sir.

8 CHAIRMAN SCHMITT: -- that that isn't an
9 issue?

10 MR. GOSS: Yes, sir. That's correct.
11 That's what I want to ask him about.

12 CHAIRMAN SCHMITT: Well, I mean, the
13 question is, is that a judicial admission,
14 Mr. Overstreet?

15 MR. OVERSTREET: Your Honor, the -- what
16 Mr. Goss is alluding to, and this was part
17 of our exchange of exhibits is -- if the
18 Commission will remember in Kentucky
19 Power's rate case we had a host of entities
20 that wanted to intervene, and we opposed
21 the motion to intervene by Riverside based
22 upon our understanding of the facts at that
23 time. So the response to the motion to
24 intervene that I think Mr. Goss is alluding
25 to --

1 MR. GOSS: That's not -- I don't mean to
2 interrupt you. That's not what I'm
3 alluding to. What I'm alluding to is
4 Kentucky Power Company's request to submit
5 this matter for decision on the record,
6 following the filing of simultaneous
7 briefs, where it very clearly says that --
8 the way I read it, that Kentucky Power says
9 that this is a matter formally in dispute.

10 MR. OVERSTREET: Okay. And that's --
11 that's true. I mean, we're willing to
12 submit it on that one issue. I was
13 trying -- I was trying to address what I
14 thought was his -- his exhibit.

15 CHAIRMAN SCHMITT: Okay. Well, I mean,
16 on -- but going to your point, on the -- I
17 recall -- that's been a lot cases ago. But
18 I recall that we did not permit Riverside
19 to intervene, but it was suggested they
20 file something like this proceeding.

21 But if the -- based on what you know
22 now about the ownership issue, or believe,
23 would you have objected then to their
24 intervention?

25 MR. OVERSTREET: I think having looked at

1 the discovery, and then particularly having
2 heard Mr. Hammond this morning and then
3 having had some opportunity to look at the
4 documents, I think that the question of
5 common ownership has been nailed down.

6 MR. GOSS: The question of common ownership
7 what?

8 MR. OVERSTREET: Has been nailed down.

9 May I see that just --

10 MR. GOSS: Yes, sir. I'm referring to that
11 paragraph right there.

12 MR. OVERSTREET: Yeah, that's -- that's
13 consistent.

14 CHAIRMAN SCHMITT: Kentucky Power does not
15 dispute common ownership; is that correct?

16 MR. OVERSTREET: It's our understanding,
17 and we do not dispute, that what is
18 referred to as Foothills and Zelda are
19 commonly owned by, based on what we've
20 heard today, Riverside Generating, LLC.

21 CHAIRMAN SCHMITT: And this is where we're
22 putting on the evidence, right?

23 MR. OVERSTREET: Right.

24 CHAIRMAN SCHMITT: All right. Thank you.
25 Then there is no dispute.

1 MR. GOSS: I just wanted to make sure. All
2 right.

3 Q Mr. Wohnhas, I'm going to hand
4 you what I marked as Riverside Exhibit No. 4, and
5 which I would represent to you is a copy of
6 Kentucky Power's Tariff N.U.G., which is already in
7 the record, but for ease of review by everyone here
8 today I want them to have it in hand.

9 A She needs one.

10 Q I always forget you. You're the
11 most important person in the courtroom.

12 You have seen this tariff before, haven't
13 you?

14 A A time or two.

15 Q Let me ask you to look at the
16 second paragraph on Page 1. I'm not going to go
17 through this in great detail, but I do want to ask
18 you just a few questions about it.

19 The second paragraph at the very top on the
20 first page under "Availability of Service," read
21 that second sentence, please, the second paragraph.

22 A The second paragraph?

23 Q Yes, sir.

24 A Starts "Service to"?

25 Q Yes.

1 A All right. "Service to any load
2 that is electrically isolated from the Customer's
3 generator shall be separately metered and provided
4 in accordance with the generally available
5 demand-metered tariff appropriate for such service
6 to the Customer."

7 Q Now, in -- thank you, sir. In
8 that particular sentence, who is the load, in our
9 case?

10 A Riverside.

11 Q Riverside Generating?

12 A Uh-huh (affirmative).

13 Q All right. And you have heard
14 testimony that these two sites, Zelda and
15 Foothills, are electrically isolated, and I presume
16 you don't have any reason to dispute that, do you?

17 A No.

18 Q And it says that in that case
19 there will be separate meters. Do you see that?
20 Each generator will be separately metered.

21 A Yes.

22 Q And that is exactly what is
23 happening in our particular situation, isn't it?

24 A Well, I think the case here is
25 when we talk about separately metered, it is

1 talking about meter, you know, going into, as it
2 comes out in this case, the Baker Station.

3 So my example is -- so in this case we have
4 two meters that are summed and get one bill. But
5 the design of the engineering, as I think was stated
6 prior, we could have had one meter to supply to this
7 case. So when it says "separately metered" it's
8 talking about that generation station of --
9 generating station of both Zelda and Foothills.

10 Q Would -- I mean, this presumes
11 that if there's electrical isolation, then there
12 shall be separate meters, and that's exactly what
13 we have in this situation, because we have two
14 sites that are electrically isolated and they're
15 separately metered. I mean, that's what your
16 tariff says.

17 A I would argue that the isolation
18 is the idea of them being separately served as one
19 unit, not isolated by Foothills and Zelda.

20 Q What do you mean "separately
21 served as one unit"? What does that mean?

22 A So, you know, we see this site as
23 one site, that it was Foothills -- or I'm sorry --
24 Zelda was built and then it was expanded to include
25 Foothills. You know, so it's one station, and

1 which is why we, you know, tend what we do in this
2 case. So, you know, that is the isolation, is that
3 station of the generating -- what we call the
4 Riverside Generating Station.

5 Q I guess we'll just agree to
6 disagree, Mr. Wohnhas --

7 A Okay.

8 Q -- as to what that sentence
9 means, but it seems to me -- okay.

10 Let's then go down to -- I'll skip -- well,
11 the very end of that sentence says that that service
12 will be "provided in accordance with the generally
13 available demand-metered tariff appropriate for such
14 service to the Customer." And in this case what is
15 the demand-metered tariff that Kentucky Power
16 currently has Riverside under?

17 A It's called IGS.

18 Q And what is -- what does IGS
19 stand for and --

20 A Industrial General Service.

21 Q And how many utilities -- or not
22 utilities. How many generators does Kentucky Power
23 have that take service under Tariff N.U.G.?

24 A We only have one.

25 Q And which one is that?

1 A That's Riverside.

2 Q And how long has it been since
3 Kentucky Power -- strike that.

4 Has Kentucky Power ever had another
5 generator besides Riverside that has taken service
6 under Tariff N.U.G.?

7 A No, we have not.

8 Q Let me also ask you, then, to go
9 to Page 3 under the Special Terms and Conditions,
10 that's at the very bottom, which is sort of the
11 crux of this case. Let me ask you to read -- well,
12 it's short. Let me ask you to read all three
13 sentences under Special Terms and Conditions.

14 A First sentence, "The tariff is
15 subject to the Company's Terms and Conditions of
16 Service.

17 "This tariff shall not obligate the Company
18 to purchase or pay for any capacity or energy
19 produced by the Customer's generator.

20 "Customers desiring to provide Startup and
21 Station Power from other generation facilities,
22 owned by the same individual business entity that
23 are not located on the site of the customer's
24 generator (remote self-supply), shall take service
25 under the terms and conditions contained within the

1 applicable Open Access Transmission Tariff as filed
2 with and accepted by the Federal Energy Regulatory
3 Commission."

4 Q So what -- if you would capsuleize
5 Kentucky Power's position as to what that last
6 sentence means. I know what it says, but --

7 A You mean the last paragraph or
8 the whole -- it's just one sentence, okay. You
9 know, as we operate, you know, first thing is owned
10 by an individual business entity, which we've kind
11 of determined, that are not located on the site of
12 the customer's generator, meaning remote
13 self-supply. And so -- and this is the crux of
14 this, is that we have Foothills and Zelda, and from
15 the Kentucky Power's view, on the same site, at
16 that -- but if they weren't on the same site they
17 can take service under the terms and conditions
18 contained within the Open Access Transmission
19 Tariff accepted with FERC. So they would have the
20 ability to take that service under the FERC OATT.

21 Q And so this tariff allows for
22 remote self-supply, but it does not allow for
23 self-supply?

24 A No, that's not correct. All
25 right. It -- and they're currently being billed

1 self-supply, but it's on a 15-minute interval,
2 versus under the OATT Transmission Tariff that is
3 on a 30-day, that I think also Witness Hammond
4 described as well.

5 So we do self -- they do take advantage of
6 self-supply currently, but it's only a 15-minute
7 interval.

8 Q Under Tariff IGS, not under the
9 PJM OATT?

10 A That is correct.

11 Q That's a big distinction, isn't
12 it?

13 A It's a -- it is. And I think
14 that's where we haven't talked about, is that, you
15 know, the tariff -- and if you go back to when the
16 N.U.G. was created back 2000, 2001, when it was
17 introduced and signed up for, it was part of trying
18 to understand and work kind of in advance of -- in
19 the whole utility business of the IPPs and, you
20 know, FERC was pushing that, and the N.U.G. was
21 created to help with that transmission of those
22 services. And then later the courts ruled that,
23 hey, you know, this really isn't totally FERC's
24 jurisdiction, and I'm summarizing. But it really
25 goes back to the purview of the utility commissions

1 within the states.

2 And so that's where you see now a difference
3 between the OATT at FERC and what is being approved
4 by the Kentucky Utility Commission.

5 Q How many times has Tariff N.U.G.
6 been amended, to your knowledge?

7 A It's in the -- it's been, like,
8 four or five times where there's been terminology
9 or things updated over the years.

10 Q And I think this tariff was just
11 changed about a year ago in Case No. 2017-179,
12 Kentucky Power's recent rate case; is that right?

13 A That's correct, there were some
14 terms changed, yes.

15 Q Why were these change -- what was
16 changed and why were these changes made?

17 A Well, where we were just reading,
18 the terminology was to clarify about the ownership,
19 and that was the purpose there. And then up under
20 transmission service there was some terms changed
21 that -- where customers would have to know about
22 some certain things that now did not -- way back
23 they had to have certain correspondence and now
24 they didn't, so we just updated the tariff.

25 Q Well, so what -- when the tariff

1 was amended last year in last year's rate case,
2 what part of the amendment dealt with the issue
3 that's in this case, and that is whether we're
4 dealing with one site or two sites?

5 A There was nothing amended in the
6 tariffs that dealt with the sites. It was on
7 ownership.

8 Q Well, that's kind of interesting,
9 and I want to ask you about that. If you would,
10 please, sir, turn to your direct testimony at
11 Page 3.

12 A I'm there.

13 Q Okay. Bottom of Page 3 sort of
14 sets the stage for the tariff provision. And if
15 you would, sir, turn over to Page 4 and start
16 reading at Line 6 down to Line 10 into the record,
17 please.

18 A "The Company's proposed amendment
19 was approved by Order of the Commission dated
20 January 18, 2018 in Case No. 2017-00179. The
21 amendment made clear that the generators must be
22 owned by the same legal entity and not simply share
23 common ownership or otherwise be affiliated. The
24 addition of the term 'other' was intended to
25 emphasize the requirement of separate and

1 distinction generating facilities."

2 Q Well, that's completely
3 inconsistent with what you just said, isn't it?
4 You just said that there was no tariff change that
5 dealt with the separate and distinct generating
6 facility, but in your testimony you say that the
7 addition of the term "other" was intended to do
8 just that. Would you explain that, reconcile that
9 for me?

10 A So in reading that, you know,
11 there was a point of it that I'll have to agree
12 that it had to do with distinct facilities.

13 Q The addition of the term
14 "other" --

15 A Other.

16 Q -- did?

17 A Yes.

18 MR. GOSS: Well, I believe you said a
19 similar thing, and I'm not going to
20 relitigate the intervention issue, but I
21 think this goes to -- to this question
22 pretty closely, and so I want to ask you
23 some questions about that, if I may.

24 Your Honor, before I forget it, may I
25 please formally move for admission of

1 Riverside Exhibit No. 4?

2 CHAIRMAN SCHMITT: Any objection?

3 MR. GOSS: -- Tariff N.U.G.

4 CHAIRMAN SCHMITT: Let it be admitted,
5 Riverside No. 4.

6 THE WITNESS: Thank you.

7 BY MR. GOSS:

8 Q Mr. Wohnhas, this is Kentucky
9 Power's Response in Opposition to Riverside
10 Generating's Motion for Intervention.

11 Have you seen this document before?

12 A I have.

13 Q Before we get to that, let me --
14 I failed to ask you a question. Would you -- would
15 you explain how the addition of the term "other" in
16 the tariff in last year's rate case emphasized the
17 requirement of separate and distinct generating
18 facilities? I want to understand how Kentucky
19 Power believes that occurred.

20 A Well, if you go -- so back to on
21 my testimony, so just above that where it showed
22 what we did, the initial wording was "Customers
23 desiring to provide Startup and Station Power from
24 commonly owned generation facilities, owned by the
25 same individual business."

1 So we added, you know, "other generation
2 facilities." Again, the -- other facilities could
3 be beyond Foothills and Zelda, as we look at this
4 example. So it was just our efforts to try to
5 clarify.

6 Q Well, the phrase that was removed
7 in last year's rate case was "commonly owned" and
8 in its place the word "other" was inserted.

9 A And then it goes back to "owned
10 by the same individual business."

11 Q Right.

12 A It was -- you know, our efforts,
13 we felt that there was some ambi- -- ambiguity,
14 can't even say the word, about the way it was
15 written, so we tried to change it, and may or may
16 not made it clearer, but that was our attempt.

17 Q I understand, and I appreciate
18 that --

19 A Okay.

20 Q -- very much. But I'm trying to
21 nail this down, because it appears to me that the
22 changes that were made had to do with common
23 ownership. The portion that dealt with location on
24 the site of the customer's generator had no changes
25 made to it at all. Yet you say in your testimony

1 that the addition of the word "other" was intended
2 to do just that. And so all I'm trying to do is
3 understand what part of the -- of the "located on
4 the site of customer's generator" was changed to
5 clarify.

6 A I mean, if you look at -- I guess
7 I'm not sure I understand your question.

8 Q Well, okay. Let me ask you to
9 look at Riverside Exhibit No. 5, which I just
10 handed you, which as you said a second ago was
11 Kentucky Power's Response in Opposition to
12 Riverside's Motion to Intervene. And let me ask
13 you to look on Page 1 there in the second
14 paragraph, second sentence that says, "None of the
15 changes."

16 A Uh-huh (affirmative).

17 Q Read that sentence, please, up
18 until I tell you to stop, into the record.

19 A "None of the changes proposed to
20 the Company's Non-Utility Generating Tariff
21 ('Tariff N.U.G.') affect the ongoing discussions
22 between the Company and Riverside with regard to
23 the applicability of the remote self-supply
24 provision of Tariff N.U.G. to Riverside -- to
25 Riverside's facility."

1 Q And having read that sentence in
2 conjunction with your testimony given on Line 9 on
3 Page 4, those are not consistent, are they?

4 A Well, I can -- you know, they
5 seem to be somewhat inconsistent, but, you know,
6 again, when the -- when the motion was filed, you
7 know, this was where, as we saw this and what we
8 had filed, saw this as an ownership and not so much
9 the -- the idea of the distinct facilities, but I
10 think as discussions between us and Riverside and
11 things evolved, the other seemed to be also a way
12 of making that distinction. So it was somewhat of
13 a change from what was originally described.

14 Q And so look at the top of Page 3
15 of the same document.

16 A Uh-huh (affirmative).

17 Q The very top, it says, "The
18 Company is proposing," read that into the record,
19 please.

20 A "The Company is proposing no
21 other changes to the requirements for remote
22 self-supply, including, most importantly for
23 Riverside's motion, what constitutes being 'located
24 on the site of the customer's generator (remote
25 self-supply)."

1 Q Again, that's directly
2 inconsistent with --

3 A I would disagree with you
4 wholeheartedly. That is not inconsistent
5 whatsoever.

6 Q That is not inconsistent with
7 what you say on Line 9, Page 4 of your testimony in
8 this case?

9 A It is not consistent -- it is not
10 inconsistent with the tariff. You know, that
11 remote self-supply, the way that we interpreted the
12 remote self-supply and the way that we felt
13 Riverside interpreted remote self-supply from the
14 very beginning is not inconsistent.

15 Q But you say on the top of line --
16 on the top of Page 3, "The Company is proposing no
17 other changes for -- to the requirements for remote
18 self-supply, including, most importantly what
19 constitutes being 'located on the site of the
20 customer's generator.'" But you say in Line 9,
21 Page 4 of your testimony, the addition of the word
22 "other" was intended to address that very issue.

23 A I guess we can agree to disagree,
24 again, sir. I'm sorry.

25 Q All right. By offering this

1 tariff amendment in last year's rate case, that
2 tells me, and you tell me if I'm looking at it
3 wrong, but that tells me that Kentucky Power
4 believed that the tariff was somewhat vague and
5 subject to interpretation?

6 A Excuse me just a minute.

7 Q Yeah, sure.

8 A Thank you. Yeah, as we looked at
9 the tariffs, as we look at all the tariffs when we
10 file a rate case, and you do look at it and look at
11 things that are written, and felt that this --
12 these adjustments or these terminology changes
13 would help clarify this particular tariff, yes.

14 Q Thank you. If you would,
15 Mr. Wohnhas, would you please turn to Kentucky
16 Power's Response to Riverside's First Information
17 Request No. 16.

18 A Yes, sir.

19 Q That question of Riverside asks
20 Kentucky Power to explain each and every amendment
21 made to Tariff N.U.G. in 2017-179, and essentially
22 the reasons for those amendments. Would you agree
23 with me?

24 A That is correct.

25 Q And then in 16b, the question is

1 asked, "Describe and reproduce any and all portions
2 of the record of Case No. 2017-179. Will Kentucky
3 Power explain the reason behind and/or impact of
4 its proposed amendments to Tariff N.U.G." Do you
5 see that?

6 A Yes.

7 Q And Kentucky Power's response
8 was, I think, please see the information publicly
9 available on the Commission's website. Is that the
10 response that your company gave?

11 A For Part D or B?

12 Q D as in dog.

13 A Yes, that is -- that is the
14 answer.

15 Q Okay. So basically we were told
16 to go to the website and find it for ourselves, but
17 you were told -- or you said, and you're
18 responsible for these answers. You said elsewhere
19 in that response that Riverside should look at
20 Witness Vaughan's testimony and also witness
21 Sharp's testimony in 2017-179; is that right?

22 A Yes.

23 MR. GOSS: Bear with me one second,
24 Mr. Chairman.

25 Question the witness, Your Honor?

1 CHAIRMAN SCHMITT: Yes, you may.

2 MR. GOSS: Mr. Wohnhas, I want to hand you
3 two additional exhibits, what I've marked
4 as Riverside Exhibit No. 6, which is a
5 portion of the testimony of Alex Vaughan in
6 Case No. 2017-179. And I want to also hand
7 you what I marked as Riverside -- Riverside
8 Exhibit No. 7, which is a portion of the
9 testimony of Stephen L. Sharp, Jr. in the
10 same case. So Vaughan is 6, Sharp is 7.
11 (Riverside's Exhibit No. 6 was marked.)
12 (Riverside's Exhibit No. 7 was marked.)

13 Q First of all, tell the Commission
14 who Alex Vaughan and Stephen Sharp are.

15 A Sure. Stephen Sharp is a
16 Kentucky Power employee that is in -- under my
17 purview in the regulatory department here in
18 Frankfort. Alex Vaughan is in the Service Corps in
19 the regulatory that -- up in Columbus that helped
20 put together a great portion of the rate case.

21 Q Talk about Mr. Vaughan's
22 testimony first and this will be brief. I have --
23 Mr. Vaughan's testimony was quite lengthy in this
24 case, 2017-179, so I just pulled a page,
25 essentially a page out of his testimony that dealt

1 with the issues in this case, and that is
2 Non-Utility Generator Tariff changes.

3 Would you please look at Page 25 beginning
4 at Line 11.

5 A Yes, sir.

6 Q And if you would, just read the
7 paragraph that starts at Line 11 and ends at Line
8 19 into the record.

9 A Line 11 the question is, "Please
10 describe the proposed changes to the non-utility
11 generator ('N.U.G.') Tariff."

12 And answer starting on 13?

13 Q Yes, sir.

14 A "The N.U.G. tariff has been
15 updated to remove an antiquated clause regarding
16 potential future transmission congestion charges.
17 The tariff contemplated how existing customers
18 would be notified if a regional transmission
19 organization created such charges. Since there are
20 no customers currently on the N.U.G. tariff, and
21 PJM has already created transmission congestion
22 charges, the notice language relating to the
23 creation of these charges is no longer necessary.
24 The Company also made clarifying edits regarding
25 the provision of station power to the special terms

1 and conditions."

2 Q So the phrase that begins at the
3 end of Line 15, "Since there are no customers
4 currently on the N.U.G. tariff," that's absolutely
5 incorrect, isn't it?

6 A That's correct, and we corrected
7 that later, you know, but it was a misstatement and
8 we corrected that. But, yes, that was misstated.

9 Q And then Line 18, "The Company
10 also made clarifying edits regarding the provision
11 of station power to the special terms and
12 conditions section."

13 A Uh-huh (affirmative).

14 Q Is that -- is that consistent
15 with what you said the changes to the tariff were
16 previously in your testimony?

17 A Yeah. I think the key word there
18 is "clarifying." We didn't change anything. We
19 were trying to clarify. And that's even -- that's
20 even with remote self-supply.

21 Q And with respect to Stephen
22 Sharp's testimony --

23 A Uh-huh (affirmative).

24 Q -- Page 28, again, Non-Utility
25 Generator Tariff, beginning at Line 14, would you

1 read that into the record, going to Line 2 on the
2 next page.

3 A Okay. "Question: Please
4 describe the changes the Company is proposing to
5 the Company's Non-Utility Generator Tariff.

6 "Answer: The Company is proposing to
7 eliminate outdated language in its tariff that
8 states a 30-day written notice is provided to
9 customers taking service under this tariff should a
10 Transmission Provider implement charges for
11 transmission congestion. In addition, the Company
12 is proposing language under the tariffs special
13 terms and conditions to clarify the requirement to
14 take service for remote self-supply. Additional
15 information regarding need of these changes included
16 in the testimony of Company Witness Vaughan."

17 Q So Kentucky Power told the
18 Commission in its response to Riverside's motion to
19 intervene that there were no tariff changes that
20 would affect the controversy that they had, yet in
21 both the -- the testimony of both these individuals
22 it was very clear that there was tariff language
23 that dealt with the special terms and conditions
24 for remote self-supply; is that correct?

25 A No, I don't think it is correct.

1 To clarify, I mean, we have a different view on
2 that, sir.

3 MR. GOSS: All right, sir. Okay. Your
4 Honor, at this time I would move for
5 admission of Riverside 4, 5, 6 and 7.

6 CHAIRMAN SCHMITT: Any objection?

7 MR. OVERSTREET: No objection.

8 CHAIRMAN SCHMITT: Let the exhibits be
9 filed as numbered.

10 MR. GOSS: Thank you, Your Honor.

11 BY MR. GOSS:

12 Q Let me ask you to turn,
13 Mr. Wohnhas, to Kentucky Power's Response to
14 Riverside's First Data Request No. 3.

15 A (Witness does same.)

16 Q Let me ask you to turn to Item
17 No. 3, Attachment 1, Page 61 of 89.

18 A Page 61.

19 Q Are you there?

20 A Yeah, I am.

21 MR. GOSS: Approach the witness?

22 CHAIRMAN SCHMITT: Yes, you may.

23 BY MR. GOSS:

24 Q Let me hand you what I have
25 marked as Riverside Exhibit No. 8, which is a copy

1 of what's contained in the document that I just
2 asked you to look at, and I wish you would confirm
3 for the record that they are identical.

4 A They look to be identical, yes.

5 Q What is this darn thing?

6 A You're asking an accountant to
7 tell you what an engineering thing is. Some
8 diagrams of the connection between Riverside and
9 Foothills to Baker Station. And that's about as
10 good as I can tell you there, sir.

11 Q The time --

12 A I am not an expert here.

13 Q No, I understand. And if I ask
14 you something that you think crosses the line in
15 terms of your expertise, why, tell me and I --

16 A I will.

17 Q -- won't go any further.

18 But you are the witness responsible for
19 providing these documents and this data.

20 A Understood.

21 Q This document is entitled,
22 Metering Block Diagram, Riverside-Foothills Dynegy
23 IPP Project. The date of that, 7/18/2001. It
24 appears to me -- and I'm no electrical engineer
25 either, but it appears to me to be a schematic of

1 Kentucky Power's Baker 345kV Switch. Is that, do
2 you think, at least fair?

3 A It has -- you know, it's
4 definitely connecting between the project of the
5 Dynegy IPP Projects of Riverside, Foothills to our
6 station, yes.

7 Q And let me ask you to look in the
8 bottom left-hand corner of that schematic, and I
9 see two separate -- what appear to me to be
10 separate designations for Foothills IPP and
11 Riverside IPP. Do you see those?

12 A I do.

13 Q What does that tell you, if
14 anything?

15 A Well, it tells me a couple of
16 things. Number one, that the initial project, as
17 we've stated many times, included Riverside and
18 Foothills on this one site. And that --

19 Q Wait just a second, sir. How
20 does it tell you that?

21 A Well, down at the bottom it says,
22 "Riverside-Foothills Dynegy IPP Project." I'm
23 just -- I'm reading what it says, sir.

24 Q All right. This is presumably
25 Kentucky Power's document, isn't it? I mean, you

1 provided it?

2 A We provided it, but I mean, it
3 was in some discussion between -- at the time with
4 Dynegy, is what I can tell you.

5 Q Okay. Hold on just a second.
6 Your -- the question was, "Please provide a copy of
7 all correspondence, e-mails, et cetera, involving
8 Kentucky Power and Riverside or Riverside's
9 predecessors in interest." And so you --

10 A So this is a predecessor in
11 interest?

12 Q Yes. Kentucky Power provided
13 this.

14 A Oh, absolutely, we provided it.
15 And this would have been a schematic of how that --
16 those two were in -- going to be connected into the
17 Baker 345kV Station.

18 Q Does that appear to you that
19 those are separate connections?

20 A Yes.

21 Q Thank you.

22 A But as I said before, you know,
23 it could have been drawn differently, but that's
24 the way they -- most commonly the reason that you
25 do something has to do with economics, and it was

1 probably economically more feasible to have the two
2 interconnections and two meters.

3 Q Again, I don't want to beat a
4 dead horse here, but to summarize Kentucky Power's
5 position with respect to the Zelda and Foothills
6 site, Kentucky Power's position that these are --
7 that those two facilities are actually on one site
8 as opposed to separate plant sites; is that
9 correct?

10 A That is true. It's one site
11 divided by a fence, you know. And I think you see
12 in what you just gave me, Exhibit 8, that it was
13 planned that way all the way.

14 Q Well, I --

15 A And, you know, I realize that it
16 was bought, but that was the initial design with
17 Dynegy.

18 MR. GOSS: Move for admission of Exhibit 8,
19 Your Honor.

20 CHAIRMAN SCHMITT: Any objection?

21 MR. OVERSTREET: No objection, Your Honor.

22 CHAIRMAN SCHMITT: Let it be so admitted as
23 Exhibit 8.

24 (Riverside's Exhibit No. 8 was marked.)

25

1 BY MR. GOSS:

2 Q Who is -- if you know,
3 Mr. Wohnhas, who is E.J. Clayton?

4 A E.J. Clayton is an employee of
5 Kentucky Power. Currently he's in a role, in a PMO
6 role. He used to work for me as a manager of the
7 DSM project, and before that -- and he's an
8 electrical engineer, and he at one point in time
9 dealt with the large power customers.

10 Q Still on staff?

11 A He is still. Yes, he is.

12 Q A Kentucky Power employee?

13 A Yes, he is, sir.

14 Q I want to hand you what I've
15 marked as Riverside Exhibit No. 9, which I will
16 represent to you is a copy of an e-mail from
17 Mr. Clayton to, one, Dan Roethemeyer of Dynegy,
18 dated 3/22/2006, in which you -- I guess you on
19 behalf of Kentucky Power responded and provided as
20 Item No. 3, Attachment 1, Pages 88 and 89.

21 Would you please take a look at that and
22 confirm that this is a true and accurate copy of
23 what you provided in your data request responses?

24 A Yes, it looks to be the same.

25 Q And am I correct that this was an

1 e-mail that Mr. Clayton sent to Mr. Roethemeyer on
2 or about March the 15th, 2006?

3 A Yes, sir.

4 Q Let me refer you to the second
5 paragraph of that e-mail. It begins, "You
6 questioned why there are repetitive energy
7 readings." And the second sentence says, "As I
8 stated in our discussion, the bill constant for
9 both plants, Riverside and Foothills, is very
10 large." Do you see that?

11 A Yes, sir.

12 Q And then later on in that same
13 paragraph, the very last sentence, it starts,
14 "Energy consumption." Do you see that?

15 A Yes.

16 Q Would you read that into the
17 record?

18 A "Energy consumption for both
19 sites, Riverside and Foothills, are combined each
20 month to determine the total energy usage in KWH."

21 Q Read the next sentence that
22 starts "Normally."

23 A "Normally energy consumption is
24 several meter-registered units for both plant
25 sites. As an example, your most recent bill with

1 meter readings recorded through February 28th, the
2 meter for one plant site registered 2 units and the
3 other plant registered 3 units. Using the bill
4 constants identified above for these two meter
5 locations, results in a total energy consumption
6 for the -- for the account."

7 Q Okay. That's far enough.

8 So as I read this e-mail, Mr. Wohnhas, back
9 in 2006, well before this controversy ever arose,
10 Mr. Clayton, one of Kentucky Power's engineers, on
11 three occasions in one e-mail referred to -- to
12 these two facilities as separate plant sites, didn't
13 he?

14 A He referred to Riverside, which I
15 assume is Zelda and Foothills, just as we are
16 today. I don't know that he says they're
17 individual sites. He just -- well, he does say
18 both sites. He uses the word "sites."

19 Q And then in the upper paragraph
20 he refers to one plant site registered two units
21 and the other plant site registered three units.
22 So he specifically separated them out there, didn't
23 he?

24 A Well, he did, but I'm not sure he
25 was under the full understanding, as an employee at

1 that time, that the idea of what a site was in
2 total. So that's the words he used, but I'm not
3 sure he understood.

4 Q Well, now, Mr. Clayton was an
5 engineer for Kentucky Power that you just said
6 dealt with large industrial loads, didn't you?

7 A I did.

8 Q And Tariff N.U.G. in 2006 was in
9 existence, wasn't it?

10 A I did -- it was, yes.

11 Q And so Mr. Clayton -- I mean, I
12 know you don't know what Mr. Clayton knew, but
13 would you find it very hard to believe that
14 Mr. Clayton was not aware of the use of those
15 particular phrases at that time, knowing what he
16 knew?

17 MR. OVERSTREET: Your Honor, I'm going to
18 object. He's asking him to speculate.

19 A I was going to say, I just -- I
20 don't know.

21 CHAIRMAN SCHMITT: Sustained.

22 BY MR. GOSS:

23 Q Would you agree with me,
24 Mr. Wohnhas, that greater weight should be given as
25 to how the parties regarded these two sites much

1 closer to the beginning of the relationship between
2 them than now when this -- after this controversy
3 has arisen?

4 A Could you reask that again,
5 please? I'm sorry.

6 Q Would you agree with me that the
7 greater weight should be given as to how the
8 parties regarded these two sites at a time much
9 closer to the beginning of the relationship between
10 Kentucky Power and Riverside than after this
11 controversy arose?

12 A I would say of course a couple of
13 things. I don't think they are two sites. You
14 know, I would have to assume, you know, because I
15 wasn't involved directly with a lot of the
16 communication, that there was some communication,
17 there was an understanding of what remote
18 self-supply was, and why they did not participate
19 in that.

20 In general, you know, I would agree that,
21 you know, any type of communication as you go
22 through is more advantageous than when something
23 comes up like this, but that's just in general.

24 Q Did you tell me earlier that
25 Mr. Clayton at one point in his career was under

1 your supervision?

2 A He was.

3 Q Was he under your supervision in
4 2006 when this e-mail was written?

5 A No, he was not.

6 Q Had you seen this -- been a part
7 of this e-mail in 2006, would you have corrected
8 Mr. Clayton as to his terminology?

9 A I would hope I would have, but,
10 you know, I don't know what I would have done back
11 in 2006.

12 Q Now, is the hangup -- not the --
13 hangup is the wrong word. Is the fact that
14 Kentucky Power does not believe these are two
15 separate sites, but are instead one site because
16 they are adjacent to each other?

17 A No. Here -- so just give me the
18 opportunity to tell you what it's about, you know,
19 the cost to serve. We seem to have ignored that
20 all day today thus far. And the fact that -- so
21 Kentucky Power is under the obligation to serve its
22 customers, all right. General principle. And so
23 considering the Riverside Generating site, which
24 includes both Zelda and Foothills -- Foothills, as
25 we stated and as Mr. Hammond stated earlier on, it

1 runs approximately -- or one of those units runs
2 approximately 10 percent of the time.

3 The other 90 percent of the time, the other
4 90 percent of the time, right, Kentucky Power has to
5 provide service for those lights, for every --
6 anything that's running. And what we -- Mr. Hammond
7 mentioned multiple times that they paid, in rough
8 numbers, 9 million and \$2 million to build the --
9 what we call the generation tie lines to the Baker
10 Station. And that's true, they did. They own and
11 they operate and they maintain that.

12 But what seems to be forgotten is that in
13 that obligation to serve, right, Kentucky Power has
14 to have the generation, wherever that generation is,
15 Big Sandy, Mitchell, UPA with Rockport, we provide
16 the generation. And then we've got to provide
17 transmission to that -- to that site. And that's a
18 cost that doesn't go away. And so 90 percent of the
19 time we have to have those facilities ready to
20 serve.

21 And so that is -- when we talk about the
22 idea of self-supply and remote self-supply, that --
23 you know, the self-supply is -- they can only at a
24 15-minute interval because we want to be covered for
25 the cost to be ready to serve them.

1 And that is why it's billed the way it is.
2 That was the understanding, I believe that was from
3 day one, when -- with Dynegy and through, that
4 everyone understood. And -- and where we're at --
5 you know, why in 2017, you know -- my personal
6 opinion, we're nitpicking at words, try to create
7 something that was never intended.

8 Q Well, your Tariff N.U.G. -- I
9 mean, thank you for that explanation, and
10 that tutorial, I really appreciate it, but that's
11 not what the special terms and conditions of Tariff
12 N.U.G. says, does it? It says that "Customers
13 desiring to provide Startup and Station Power to
14 other generation facilities, owned by the same
15 individual business entity that are not located on
16 the site of the customer's generator shall take
17 service under the terms and conditions contained
18 within the applicable Open Access Transmission
19 Tariff as filed with and accepted by the Federal
20 Energy Regulatory Commission." Isn't that what
21 your tariff -- that's Kentucky Power's --

22 A It says, "not located on the site
23 of the customer generator."

24 Q Well, but my question to you was,
25 sir, is the problem with this site -- this business

1 about -- this semantic argument that we're in about
2 sites is the fact that Zelda and Foothills are
3 adjacent to each other. Irrespective of -- of
4 Kentucky Power being the provider of last resort
5 and all those sorts of things, I understand what
6 you're saying, but that's not really the issue, is
7 it? The issue is, is this one site or two? Would
8 you agree with me?

9 A Yes, it's -- and it's one site.

10 Q Okay. And is that -- that's all
11 I'm trying to ask you is, is that because Kentucky
12 Power believes that Zelda and Foothills are
13 adjacent to each other?

14 A That's part -- they are adjacent
15 to each other, all right. But, you know, as you
16 saw in what you provided in Exhibit 8, it was a
17 planned -- you know, it's like -- so Big Sandy. In
18 1963 Big Sandy unit one went into service, all
19 right. In 1969 Big Sandy unit two went into
20 service. All right. And so it's very similar that
21 it's on one site. You know, they're adjacent to
22 one another. It's...

23 Q What if they were 10 feet apart?
24 What if there was a strip of 10 feet going right
25 where that fence is now?

1 A So, you know, then we get
2 semantics of the word "remote" and, you know, the
3 remote is -- you know, the definition of remote is
4 far away. You know, there's no definition that
5 it's 10 feet, 200 miles, whatever, it's remote.
6 Just like, you know, Mr. Hammond mentioned earlier
7 today that they can operate those units remotely,
8 and that where was the remote, it was at someone's
9 house far away.

10 Q Well, remote self-supply is a
11 term of art in the utility business, isn't it? Its
12 term -- you're the rates person for Kentucky Power,
13 so surely you would agree with me that remote
14 self-supply and self-supply, for that instance, are
15 terms of art.

16 A I guess I don't --

17 Q Have special meaning in the
18 utility business?

19 A I mean, remote self-supply is
20 special to the utility business, yes.

21 Q And your tariff -- your tariff
22 says that a generator may take service under the
23 applicable OATT if they are not located on the site
24 of the generator.

25 A That's what it states.

1 Q And so -- and I understand what
2 I'm asking you is a hypothetical, but if the plants
3 were not adjacent to each other --

4 A Okay. So if --

5 Q What if they were 50 feet apart?

6 A If they were to build in
7 Pikeville -- let's say that LS Power would build
8 another facility in Pikeville, then they would
9 qualify, the way the tariff is written, for remote
10 self-supply.

11 Q You're not answering my question,
12 with all due respect. My question is, what would
13 it take to satisfy Kentucky Power that these two
14 separate sites are not one site in terms of the
15 separation between them?

16 A I don't have a specific length,
17 but adjacent is definitely not it.

18 Q Well --

19 A Ten (10) foot is not far enough.

20 Q Let's say that tomorrow Mr. Sass
21 here goes back to his headquarters and writes a
22 deem (phonetic) from Riverside Generating to XYZ
23 for a 25-foot swath in between these two sites and
24 presents it to Kentucky Power. Will Kentucky Power
25 say, oh, that's fine, you've satisfied Tariff

1 N.U.G. and you may now net your power?

2 A I mean, what you're trying to do
3 is pin me down to a specific distance, and I don't
4 have a specific distance. I'm sorry. But, you
5 know, remote, you know, clearly is not in the same
6 site. It may be across the road, it may be 10
7 miles down. You know, I think clearly as has been
8 bantered back and forth about the idea of, you
9 know, one water line, one gas line and one permit
10 and whether it's for the one site and everything
11 are all good bantering, but at the end of the day
12 it's on one site, you know, and we have the
13 obligation to serve and -- for that self -- when it
14 is not able to self-supply.

15 Q You say it's on one site and I
16 respect your position, sir. All I'm trying to get
17 from you, if you can tell me, is what Kentucky
18 Power's position is as to what would constitute two
19 sites.

20 A I don't have -- you know, I don't
21 know. Clearly, you know, I just don't have a --
22 what that would be.

23 Q All right. Is there any
24 situation where Kentucky Power would agree or
25 accept a remote self-supply scenario?

1 A As I just said, if they were to
2 build something -- I just used an example in
3 Pikeville, somewhere, then they would be able to
4 remote self-supply. If they build up in Ashland, I
5 just don't know -- I just don't have -- there's no
6 definition of remote equals one mile or remote
7 equals two miles or what that is, so clearly it has
8 to be a way to where -- some distance and...

9 Q All right, sir. Well, thank you
10 for that answer. I appreciate it.

11 Let me ask you then to turn to Page 18 of
12 your testimony. Look at Line 3, if you would. Tell
13 me when you're there.

14 A Page 18.

15 Q Page 18, Line 3. It starts,
16 "Finally." Read that sentence into the record.

17 A Sure. "Finally, if the
18 Commission were to conclude that the remote
19 self-supply provision of Tariff N.U.G. should be
20 interpreted as Riverside urges, and it should not,
21 the remote self-supply provision of the Tariff
22 N.U.G. should be eliminated to eliminate any
23 free-riding by Riverside and thereby protect the
24 interests of the other Kentucky Power customers."

25 Q I read that to say that there's

1 no situation or circumstance under which Kentucky
2 Power believes that Riverside or anybody else ought
3 to be able to remotely self-supply under Tariff
4 N.U.G.

5 A No. What that says is that if
6 they're going to interpret that the Riverside/Zelda
7 is one site, then anything, you know, that -- back
8 to the point that I made earlier, that we have an
9 obligation to serve. We have a cost that's to
10 serve those customers. And what this would do
11 shift those costs from Riverside to the remainder
12 of the rate payers within retail Kentucky Power.

13 Q And Kentucky Power, if that's the
14 case, and I'm -- I don't agree with you that it is,
15 but if that's the case, that's something that
16 Kentucky Power has known about for the last 16
17 years, isn't it, when Tariff N.U.G. was written?

18 A What have we known for the last
19 16 years?

20 Q That that's a possibility.

21 A No, I don't believe that. I
22 don't think so, sir. We don't think that this site
23 is one site. All right. So that, you know, our
24 interpretation, the way that we had this all the
25 way, was that it -- I mean, it was one site. It

1 was just one site, and so the thought of, you know,
2 if someone else were to come in to build, we'd have
3 gladly put them on -- or LS Power would come in or
4 if another company, which no one did, another
5 corporation did, we would have allowed them.

6 So it's not sitting there thinking that,
7 well, we're worried about shifting. The shifting
8 only comes if you change the meaning of what the
9 tariff initially was.

10 Q Okay. I mean, honestly, I read
11 your testimony on Page 3 to tell the Commission
12 that if you don't see things our way, you should
13 eliminate our tariff altogether.

14 A You mean on Page 18, Line 3?

15 Q Yes, sir, Page 18.

16 A Okay. I'm sorry.

17 Q Is that --

18 A That is correct, if -- if the
19 idea is that two -- that it is two sites and that's
20 the way it's going to operate, and we can remote
21 self-supply from there, that's right, we think it
22 ought to be eliminated, because then, you know,
23 that cost is going to be shifted to the other rate
24 payers.

25 Q So you're disavowing your own

1 tariff?

2 A We're just making a statement to
3 the Commission.

4 Q I mean, is that a yes or a no?

5 A No, we're not. We're just making
6 a statement.

7 Q So if the Commission chooses to
8 believe Riverside that these are two sites, is
9 Kentucky Power asking the Commission to eliminate
10 Tariff N.U.G.?

11 A Not that I -- I think that we
12 would propose that it be eliminated at some future
13 time, yes.

14 Q So if Riverside wins this case,
15 can I assume that in Kentucky Power's next rate
16 case it's going to ask the Commission to completely
17 eliminate Tariff N.U.G.?

18 A I think that it would be a great
19 possibility.

20 Q And is that principally because
21 that Kentucky Power views Riverside as a
22 competitor?

23 A Oh, not at all.

24 Q You don't view Riverside as a
25 competitor?

1 A No. You know, it's a peaking
2 unit that goes in -- as I stated, it's just
3 peaking. You know, they offer into the grid like
4 everyone else.

5 Q Well, let me ask you to go back,
6 sir. Do you have Riverside No. 4 there, which is
7 the Response and Opposition to Motion for
8 Intervention? It's this document here, Ranie.

9 A My 4 is the tariffs.

10 Q Well, I probably misnumbered
11 them.

12 A Which document are you looking
13 at?

14 Q It would be No. 5. Yeah, I
15 misnumbered mine.

16 A That's all right.

17 Q For the record, I'm referring to
18 Riverside -- which I hope is Riverside 5, which is
19 the Kentucky Power Response's and Opposition to
20 Motion for Intervention.

21 Let me ask you to look at Page 4 of that
22 response and read to the Commission what Heading B
23 says.

24 A Riverside's role as a competitor
25 would be unnecessarily conflict -- would -- I'm

1 sorry, let me start over.

2 "Riverside's role as a competitor would
3 unnecessarily complicate handling of the
4 confidential information in this case."

5 Q And so in your last rate case,
6 2017-179, Kentucky Power specifically referred to
7 Riverside as a competitor.

8 A That they did. I misspoke.

9 MR. GOSS: Okay. May I have just a second,
10 Your Honor?

11 CHAIRMAN SCHMITT: Yes, you may.

12 MR. GOSS: That's all I have, Mr. Chairman.
13 Thank you, Mr. Wohnhas.

14 THE WITNESS: You're welcome, sir.

15 CHAIRMAN SCHMITT: May I ask a couple of
16 questions before -- I may have this all --
17 all messed up. But if, say, instead of
18 being located on contiguous tracts, or
19 adjacent or however you want to describe
20 it, if Zelda is where it is and, say,
21 Frontier was at Lockwood, all right, in
22 Boyd County, you know --

23 THE WITNESS: Uh-huh (affirmative).

24 CHAIRMAN SCHMITT: -- Catlettsburg, or
25 close to Catlettsburg, would -- would

1 Riverside -- in your opinion, could
2 Riverside qualify for remote self-supply?

3 THE WITNESS: Yes, sir.

4 CHAIRMAN SCHMITT: Or if they were in
5 Pikeville --

6 THE WITNESS: Yes, sir.

7 CHAIRMAN SCHMITT: -- they could -- and, in
8 essence, that would mean exactly what?
9 They would be billed at a lesser rate, or
10 it would be computed at a longer interval,
11 so they wouldn't have to pay as much for
12 the commodity, is that what it is?

13 THE WITNESS: So when we talk about
14 remote -- so there's two things that could
15 happen there. You know, number one, and
16 this would be -- I think the Commission
17 here would have to rule on it, but to what
18 the tariff says, all right, we could all
19 agree that they could go and take service
20 under the FERC OATT. And by doing that,
21 then all their netting of their inputs and
22 outputs would be on a monthly basis. So
23 that option would be there.

24 CHAIRMAN SCHMITT: And that would be a
25 lower rate for them, obviously, than --

1 THE WITNESS: For them, yeah.

2 CHAIRMAN SCHMITT: -- paying now?

3 THE WITNESS: For them, as what he stated,
4 the wholesale rate historically has been
5 lower, yes.

6 But then, you know -- but they could
7 still -- again, the Commission could rule
8 that, you know, it's still remote
9 self-supply, but you can't go to the FERC,
10 but you take it under the IGS, which is
11 similar to what we do. But what would
12 happen is that you could, you know,
13 currently on those 15-minute intervals by
14 unit, by unit of Zelda and so forth, if it
15 was somewhere in Boyd County or Pikeville,
16 whatever, then those could be netted against
17 those and create -- use both to come up.
18 Because right now we are individually, the
19 Zelda units and the Foothills units, doing
20 those individually because of the metering
21 and such that's out there, that we can --
22 every 15 minutes that we provide something
23 in we can measure.

24 CHAIRMAN SCHMITT: Well, if -- for
25 instance, if Frontier was in Lockwood, or

1 Frontier was in Pikeville --

2 THE WITNESS: Uh-huh (affirmative).

3 CHAIRMAN SCHMITT: The cost to Kentucky
4 Power to provide and -- have the
5 infrastructure, the lines, the plan,
6 everything available to serve them, would
7 be the same, would be the same as it is now
8 with the two units side by side?

9 THE WITNESS: Yes. I think the total
10 cost --

11 CHAIRMAN SCHMITT: Is that true?

12 THE WITNESS: Yes.

13 CHAIRMAN SCHMITT: Well, what I'm trying to
14 get at --

15 THE WITNESS: Sure.

16 CHAIRMAN SCHMITT: -- then, in the final
17 analysis the reason that Kentucky Power
18 wants to enforce or draft in Tariff N.U.G.
19 is because it basically gets a higher right
20 rate of recovery for the service it
21 provides.

22 THE WITNESS: No.

23 CHAIRMAN SCHMITT: Otherwise, what's the
24 point? Well, what's -- that's the point of
25 having the remote location, isn't it?

1 THE WITNESS: To off -- the remote
2 locations -- so can I back up a little bit?

3 CHAIRMAN SCHMITT: Yeah.

4 THE WITNESS: So as I stated before, but
5 just to reiterate, you know, so we
6 developed N.U.G. back in 2000, 2001, you
7 know, with the idea of IPPs and, you know,
8 FERC felt it -- it was coming on and that
9 they wanted to operate similar to utility
10 generators, so, you know, Kentucky Power.

11 Now, Kentucky Power, as we stated in
12 there, has never remotely self-supplied.
13 You know, we only had units one and two at
14 Big Sandy that we owned, so it never
15 happened in Kentucky Power. But then, as I
16 said, court rulings down the road when it
17 was challenged, said, okay, FERC, you've
18 overstepped your bounds in saying that they
19 can go just FERC, it's -- we need to go back
20 to the state utilities. And so in that
21 sense, then it did.

22 And so when you talk about, you know,
23 the idea of self-supply, you know, you can
24 do it within that -- for instance, within
25 Zelda. When they're running, they can

1 self-supply.

2 When you talk about then remote
3 self-supply, so I got another site somewhere
4 else, all right, so then the cost is the
5 same. The rates that we charge are the
6 same. But your rate would offset more of
7 the kilowatt hours so you have fewer that
8 you're charged the rate. But the rates
9 remain the same. Does that help?

10 CHAIRMAN SCHMITT: Yeah.

11 THE WITNESS: Okay.

12 CHAIRMAN SCHMITT: The income is reduced.

13 THE WITNESS: Income would be -- the
14 revenue, all right, could be reduced, yes.

15 CHAIRMAN SCHMITT: Revenue reduced.

16 THE WITNESS: And so to follow that all the
17 way through, if the revenue is reduced, you
18 know, at some point in time that cost would
19 then get shared across the rest of --

20 CHAIRMAN SCHMITT: Among other rate payers?

21 THE WITNESS: -- the rate payers, yeah.

22 That would happen at that point as well.

23 CHAIRMAN SCHMITT: Okay. Thank you.

24 THE WITNESS: You're welcome.

25 MR. GOSS: May I ask a follow-up with

1 regard to that?

2 CHAIRMAN SCHMITT: Yeah, sure.

3 BY MR. GOSS:

4 Q I guess looking at it from
5 Riverside's perspective, though, the million
6 dollars that you say would be spread upon the other
7 rate payers is a million dollars, frankly, that
8 Kentucky Power's received for the last 16 years
9 that it probably shouldn't have.

10 A Oh, I disagree. I think, you
11 know, again, it's back to the one site, that we
12 should have collected.

13 MR. GOSS: All right. Thank you.

14 CHAIRMAN SCHMITT: Mr. Nguyen?

15 MR. NGUYEN: Yes, thank you, Your Honor.

16 Good afternoon, Mr. Wohnhas.

17 THE WITNESS: Good afternoon, sir.

18 CROSS-EXAMINATION

19 BY MR. NGUYEN:

20 Q So just for my own clarification,
21 peeling back the layers of this onion, there's a
22 couple of issues. So one is just to get clarity on
23 Kentucky Power's position with respect to Foothills
24 and the Zelda sites. So what the Chairman asked
25 you earlier, if the Foothills and the Zelda sites

1 were separated significantly apart such that
2 there's no argument whatsoever as to whether, you
3 know, the generators are located on the site or
4 not, okay, so it's clearcut, Kentucky Power had no
5 issue of finding or allowing Riverside to be
6 eligible for remote self-supply in that instance?

7 A That is correct.

8 Q Okay. And Kentucky Power would
9 have no issue with respect to free ridership?

10 A Well, I don't think at that point
11 there would be free -- the idea that that's the way
12 it was designed, so, you know.

13 Q Because it's consistent with the
14 terms of --

15 A With the terms of the tariff,
16 yes.

17 Q The tariff, okay.

18 Okay. So getting back to the terms of the
19 tariff itself, what was the initial reason for
20 Kentucky Power drafting Tariff N.U.G. way back in
21 2001 for providing the option to allow remote
22 self-supply? What was the genesis of --

23 A Sure. So Kentucky -- there was a
24 time when IPPs were starting to be more and more,
25 and there was -- and we thought -- AEP as a whole

1 thought we were getting ahead of the curve by
2 providing something that was similar to what the
3 utilities, and from the standpoint of self-supply
4 and such. So, you know, we drafted the N.U.G.
5 to -- again, to be prepared for IPPs such as
6 Dynegy, LS Power and such.

7 And only after, you know, developing it --
8 and this was in, you know, dealing with FERC, and
9 what FERC thought as developing the tariffs, you
10 know, then once it was challenged, as I stated
11 before, that, you know --

12 Q Let me --

13 A -- you've overstepped your
14 bounds. FERC thought, well, because there's
15 transmission of power that they had control.

16 Q Okay.

17 A And --

18 Q Let me -- apologize for stopping
19 you there. But just stepping back just one step,
20 was there a FERC requirement --

21 A No.

22 Q -- that dictated -- okay.

23 Was there a -- well, so there was no FERC or
24 federal requirement that dictated --

25 A No FERC mandate that said you had

1 to do -- no. This was us "trying to read the tea
2 leaves" to see what was coming and trying to be
3 responsive, you know, as we've done other tariff
4 sheets, you know, trying to think of what, you
5 know, customers need and so forth. So it was -- it
6 was not a mandate.

7 Q So was it implemented by AEP
8 systemwide as a whole?

9 A I'm sorry?

10 Q Was it implemented by AEP as a
11 whole throughout the AEP system?

12 A I can't say for sure. I know
13 that there were others at the time. Whether all
14 the different operating companies did this, I can't
15 say.

16 Q Okay. What about now, is there
17 any other Kentucky Power affiliate that has a
18 similar Tariff N.U.G. language that provides for
19 either self-supply or remote self-supply?

20 A I don't think so. I'd have to
21 check for sure. I don't believe so, but I'd have
22 to check.

23 MR. NGUYEN: Okay.

24 MR. GOSS: Could we ask for that
25 post-hearing data request, please?

1 MR. NGUYEN: Sure.

2 CHAIRMAN SCHMITT: You'll have to submit it
3 in writing.

4 MR. GOSS: Yes, sir.

5 BY MR. NGUYEN:

6 Q So I guess both, whether
7 initially were there any other AEP operating
8 companies that provided or implemented tariff --
9 similar tariffs to Tariff N.U.G. that Kentucky
10 Power has?

11 A There were. I don't know if it
12 was all at the same time, but there were some other
13 AEP affiliates that did.

14 Q So piggybacking on that,
15 currently what does the other AEP operating
16 companies offer, as a post-hearing data request.

17 So if Kentucky Power was under no FERC
18 requirement to provide this option, was there any
19 thought that allowing a non-utility generator to
20 self-supply, be it remote or self-supply, single
21 site, that that option would have a detrimental
22 impact on Kentucky Power?

23 A All I can say is that, you know,
24 so -- you know, in 2001 I was not -- and so I went
25 back and read the records. I wasn't involved in

1 creating it. So the answer is I don't know if
2 those discussions were had or not, sir.

3 Q When did you assume -- when did
4 you start with Kentucky Power? I know that you had
5 been with AEP in the past, but when did you start
6 with Kentucky Power?

7 A So I came down to Kentucky
8 Power -- I was here from 1983 to 1998, and then I
9 went to Appalachian Power for -- until 2001. And
10 then I actually left the company for a year, then
11 came back to the Service Corps in the 2002 time
12 frame and was there up through 2004; and then came
13 back to Kentucky Power in 2005 in a role -- at the
14 time I came back to Kentucky Power, I was in the
15 role of business operations support, which was
16 dealing with all the budgets and the financial
17 side. I didn't get back into regulatory until
18 2009.

19 Q Okay. So since 2009, when you
20 assumed your, I guess, current role in regulatory,
21 were there any, I guess, discussions with respect
22 to Tariff N.U.G.?

23 A No. I mean, again, it's -- it
24 was one of those tariffs that kind of -- we had one
25 customer, being Riverside, and other than some

1 minor term changes, did not look at this as being
2 an issue at all.

3 Q Okay. But I guess that --

4 A The one thing I can say --

5 Q -- it sort of popped up in the
6 last rate case; correct, because there were some
7 change that were made?

8 A You know, when you think about
9 why Tariff N.U.G. was initially established, and
10 then having the courts rule that that -- you know,
11 that FERC had overstepped their bounds, you know,
12 in hindsight, in all honesty, we probably should
13 have -- you know, looking at where we're at, we
14 should have eliminated N.U.G., because it was
15 developed for something that ended up not really
16 existing.

17 And so -- but we didn't. You know, we
18 didn't. It was one of those tariffs that was -- you
19 know, when things -- you know, unfortunately,
20 sometimes when things are going, you don't look at a
21 tariff, and so here we are today.

22 Q Okay. So just going back to the
23 initial implementation of Tariff N.U.G. and the
24 reasons behind that, you mentioned that that was
25 during the time when the onset of independent power

1 producers and a lot of the emergent generators were
2 just starting to begin to get a foothold and the
3 markets were sort of opening up. So AEP wanted
4 to -- I don't want to put the words in your mouth,
5 but is it a proper characterization that AEP wanted
6 to further that effort, that development, to
7 provide some sort of incentive to allow for the
8 IPPs to take shape?

9 A I don't know if -- you know,
10 again, when we look at our tariffs all the time we
11 look at what's going on in the industry, and so you
12 look to where the customers are, where the
13 utilities are going, and the utility industry is
14 going, and you try to make decisions, you know, as
15 to what, you know, you could offer that -- number
16 one, we have customers that are requesting all
17 types of different things, can you and does it make
18 sense to do it.

19 But part of it you see what's -- you know,
20 trying to say, all right, what is -- so you got the
21 IPPs are coming on, you know, is there something we
22 can do.

23 I wouldn't say it was to encourage it, but
24 to have something, because at the end of the day
25 they're a customer as well, that, you know, would

1 avail them to possibly, you know, participate or
2 whatever.

3 So general characterization, but that's kind
4 of -- you know, we do that all the time, and when we
5 look at our tariffs, you know, what can -- we're
6 always looking at them. We've had pilots we've used
7 before, and then -- be for a while and it doesn't
8 really work, and we pull them away. And there's
9 things that change when you develop certain things.
10 So it's just a common routine that we do.

11 Q And the self-supply aspect of it
12 didn't cause any concern to Kentucky Power with
13 respect to erosion of any sort of sales or
14 revenues?

15 A No, we didn't -- we didn't.

16 Q Okay. To the extent that PJM has
17 audits, OATT, a self-supply provision as well, and
18 which is calculated, the net calculation is
19 different from what Kentucky Power demand-metered
20 net in calculation provides, were there any
21 concerns with respect to that part of the tariff?

22 A There was no concerns up until,
23 you know, first quarter of 2017, when Riverside
24 came and started questioning. So up to that time
25 there was no concerns with any of the provisions

1 within, you know -- like I said, other than
2 changing some terms, you know, based on, you know,
3 as we said, some transmission changes, whatever,
4 there was no concerns.

5 Q Okay. Was the initial -- was
6 Kentucky Power's initial position with respect to a
7 delineation of whether the Riverside sites met the
8 eligibility requirement for remote self-supply, or
9 was Kentucky Power's initial position not only
10 that, but also the negative revenue impact as well,
11 did that come into play in terms of Kentucky
12 Power's thought process in assessing the overall
13 request by Riverside and wanting to have remote
14 self-supply?

15 A So let me go back, all right,
16 because you seem to go back there. So from when
17 the N.U.G. was developed and Riverside first went
18 on the N.U.G. Tariff, the idea of remote
19 self-supply, you know, it was the understanding
20 that it was one site, there wasn't an issue there,
21 there wasn't an issue about the revenue. You know,
22 everyone seemed to understand and as -- you know,
23 and followed through us joining PJM through the
24 acquisition by LS Power of Dynegy, you know, and up
25 to 2017, until that time there was no concern or

1 consideration or anything with the dollars or
2 anything that was there. The tariff was operating
3 as everyone under -- was under the premise that it
4 should.

5 Q Well, let me ask you this. When
6 Riverside first approached Kentucky Power in
7 February of 2017, requesting to take service under
8 the special provision of Tariff N.U.G. for remote
9 self-supply, was Kentucky Power's only concern was
10 whether Riverside met the eligibility requirement
11 at that time?

12 A Yes, I believe that, you know,
13 ownership and one site. So, yeah, that was -- you
14 know, are there some consequences if that were to
15 change, the answer is yes, all right, there are
16 consequences. But that wasn't -- you know, we were
17 going back to the tariff and saying, you know, we
18 want to, you know, follow the tariffs.

19 Q So I'm asking was that the only
20 or primary concern was the eligibility requirement,
21 or were there the other concern of the revenue
22 impact? Did that play a part in it as well?

23 A The answer is yes. When you
24 start looking at, you know, what happens and you
25 say, well, this is my concerns, and then you start

1 to follow that through, and what's the domino
2 effect. So, you know, I can't say that we just
3 stopped there, because we didn't. We looked and
4 said, all right, if this happens, if there is
5 legitimacy to this, if the Commission were to, what
6 is the effect. So then we started looking that
7 way. You know, to say that we just put the
8 blinders on and didn't look beyond that would not
9 be fair either.

10 Q Okay, fair enough. That was --
11 just wanted to get that perspective at the time.

12 A Sure.

13 Q Going back to -- you had
14 mentioned or you were asked by Mr. Goss whether the
15 term "remote self-supply" was a term of art in the
16 electric industry, and I believe you answered that
17 it was; is that correct?

18 A I ended up saying -- because I'm
19 not sure what art means, I ended up answering by
20 saying that it was -- it was unique to the utility
21 industry.

22 Q So at first I thought you
23 mentioned that remote to you meant -- the
24 definition of remote to you meant that it had to be
25 at a distance far away.

1 A And I still think that it does.
2 It's the remote self-supply -- you know, the idea
3 behind remote was that it is a distance away.
4 That's true.

5 Q So --

6 A That is my position.

7 Q So your definition of remote is
8 similar to the term of art "remote self-supply" as
9 well?

10 A I cannot -- so I'm not sure what
11 the term of art means, so --

12 Q I'm not sure either. You said
13 that you agree --

14 A I didn't agree to it.

15 MR. OVERSTREET: I don't think he
16 understands the concept of "term of art" as
17 opposed to the meaning of "remote."

18 BY MR. NGUYEN:

19 Q Okay. So I guess "term of art"
20 is something that would be uniquely -- would be
21 unique to the electric industry.

22 A Okay. If that's how you define
23 it, the answer is yes.

24 Q Which means that it may or may
25 not be far or at a distance. So what I'm asking

1 you is, is your definition of "remote" the same as
2 your definition of what "remote self-supply" would
3 be?

4 A Yes.

5 Q Okay. PJM, I think you reference
6 that; I think Riverside referenced in their
7 testimony as well. Let me see where you first
8 referenced it in yours.

9 On Page 9, Footnote 1 of your direct
10 testimony.

11 A Okay, my testimony?

12 Q Yes.

13 A Page 9?

14 Q Yes, sir.

15 A Okay. Just a moment. Yes, I'm
16 on Page 9.

17 Q Okay. So Footnote 1 -- well,
18 let's go back -- let's go up to Line 17, Line 17 to
19 19, where it says, "Under the PJM OATT provisions,
20 remote self-supply occurs so long as the combined
21 output for the entire month of the local and remote
22 generators exceeds the combined usage of those
23 generators for the entire month."

24 A Yes.

25 Q And then Footnote 1 cites to

1 Section 1.7.10 of the Appendix to Attachment K of
2 the PJM OATT; is that correct?

3 A Right, which it defines that
4 language is there.

5 Q Defines what language -- which
6 language?

7 A It's that language that we were
8 just talk- -- that you just read, "remote
9 self-supply occurs" -- it's describing that, I
10 believe.

11 Q It describes remote self-supply?

12 A Yeah.

13 Q Okay. Can you turn to, if you
14 have it, it's Riverside Generating Company's
15 Response to Commission Staff's First Data Request,
16 Item 5.

17 A Okay. So Riverside's to the
18 Commission?

19 Q Yes. Yes, sir.

20 A And what number, sir?

21 Q Item 5. And it would be the
22 attachment to that response, which the staff
23 requested Riverside to provide a copy of Section
24 1.7.10 of the PJM OATT.

25 A Uh-huh (affirmative). Yes.

1 Q Okay. So if you turn to the
2 attachment page -- I believe it's at the bottom of
3 Page 3 of 4, and then to the top of Page 4 of 4.
4 So it's -- at the bottom of Page 3 of 4 it says,
5 "Market seller may self-supply station power for
6 its generation facility in accordance with the
7 following provisions." Do you see that?

8 A Yes.

9 Q And then on the next page, I see
10 there's references to self-supply, where market
11 seller may self-supply, but I don't see any mention
12 of -- in the sub -- sub (i) any reference to remote
13 self-supply.

14 A There's not in this document.

15 Q Okay. But if you go down to the
16 second, (ii), where it has -- and this refers to
17 transmission provider. So is there a distinction
18 between transmission provider and a market seller
19 for PJM, under the PJM OATT, that you're aware of?

20 A So can you ask the question
21 again? I'm not the --

22 Q Sure.

23 A I'm not the PJM OATT specialist,
24 so I'm trying to...

25 Q I'm not either, so that's why I'm

1 asking.

2 A So I don't want to answer
3 incorrectly.

4 Q Okay. So sub (i) at the very
5 top, it says, "A market seller" --

6 A Right.

7 Q -- "may self-supply station
8 power."

9 A Yeah.

10 Q And I take it that a market
11 seller would be --

12 A Yeah, so there is a distinction
13 between a transmission provider and a market
14 seller.

15 Q Okay. So what is that
16 distinction?

17 A Well, we are a transmission
18 provider, AEP, Kentucky Power, and a market seller
19 would be Riverside.

20 Q Like an independent power
21 producer?

22 A Independent power producer.

23 Q That sells power into --

24 A Yes.

25 Q -- or any entity, any generation

1 that sells power into the wholesale market?

2 A Uh-huh (affirmative).

3 Q Okay. So the transmission
4 provider, the sub (ii), now there's a reference to
5 remote self-supply there. Let me see, I guess
6 reading -- can you read the second sentence
7 beginning with "In the event that a market seller"?

8 A "In the event that a market
9 seller self-supplies station power during any month
10 in the manner described in Subsection (i) of
11 Subsection (d)(i) above, the market seller will not
12 use and will not incur any charges for transmission
13 service."

14 Q Okay. And can you continue on to
15 that next sentence?

16 A "In the event and to the extent
17 that a market seller self-supplies station power
18 during any month in the manner described in the
19 subsection (ii) of subsection (d)(i) above (hereby
20 referred to as a remote self-supply of station
21 power)" and that's in parens, "market seller shall
22 use and pay for transmission service for the
23 transmission of energy in an amount equal to the
24 facility's negative net output from market sellers
25 generation facilities having positive net output."

1 Q Okay. So there is a reference to
2 remote self-supply of station power. Do you know
3 what that definition would be, according to PJM?

4 A No, I do not know the definition
5 of remote self-supply. I don't know that it's
6 defined within PJM either.

7 MR. NGUYEN: Those are all the questions I
8 have. Thank you.

9 CHAIRMAN SCHMITT: Commissioner Mathews?

10 MS. MATHEWS: I have a few.

11 EXAMINATION

12 BY MS. MATHEWS:

13 Q So is Riverside generating
14 station a market seller in PJM, or are they an
15 industrial customer of Kentucky Power?

16 A I would classify them as a market
17 seller into PJM.

18 Q So as that, would they not be
19 governed by the PJM OATT and be allowed to
20 self-supply under provision (i) or (ii) or (iii)
21 that we just read?

22 A And the answer is they could be
23 if the Commission -- within the rule -- the courts
24 that ruled when this all started, and FERC thought
25 everything should go to the OATT, they ruled that,

1 all right, you can't just take that position or
2 authority, you have to work through the lower,
3 which is the Utility Commission.

4 So, you know, I believe that this Commission
5 would have to grant that Riverside, in this case,
6 could take under the FERC OATT.

7 Q And your earlier assertions were
8 that if we believed that the systems were separate
9 and they could remote self-supply, that's what you
10 would tell us to do, which was throw away N.U.G.?

11 A Could you re-ask that, I'm sorry.
12 I thought I followed it to the very end.

13 Q Earlier Mr. Goss walked you
14 through your testimony about what this Commission
15 should do if we found that they were two separate
16 entities --

17 A Okay.

18 Q -- and that they could remote
19 self-supply. And I believe your answer was then we
20 would --

21 A We would propose that down the
22 road --

23 Q -- propose to throw away N.U.G.?

24 A -- N.U.G., that is correct.

25 Q And at that point where would

1 that leave Riverside as a market seller and,
2 therefore, a transmission customer of AEP, Kentucky
3 Power?

4 A They would still be a market
5 seller and, you know, they would be in the position
6 that they are today. In other words, we would be
7 monitoring their usage for the two -- for the two
8 generation facilities at the site, and so we would
9 continue to measure on the 15-minute interval and
10 bill them.

11 And so bottom line, the million dollars that
12 we're talking about, we would continue to receive
13 that.

14 Q Okay. Help me understand that.
15 Explain to me the relationship between N.U.G. and
16 the PJM OATT, and we can just look at self-supply,
17 remote self-supply, and then self-supply from
18 outside the PJM region, which are the three
19 different ways a market seller can self-supply, I
20 believe. So tell me how that doesn't govern this
21 relationship.

22 A I'm not trying to be difficult.
23 I'm not sure I quite follow you.

24 Q Explain to me how Tariff N.U.G.
25 and the PJM OATT can coexist, when even in your

1 Tariff N.U.G. you refer to the applicable areas of
2 the PJM OATT?

3 A I think they coexist when you
4 have -- they can coexist when you have two site
5 locations, two distinct, remote site locations,
6 they can exist. And I think that's the way the
7 tariff is written today, as we -- as Kentucky Power
8 interprets it, that would happen.

9 Q That the only way they could
10 self-supply would be under --

11 A If they wanted to get --

12 Q -- subpart (ii), and they could
13 not self-supply under subpart (i)? I guess I'm
14 wondering whether or not the remote -- or the
15 self-supply -- I mean, there are three different
16 pathways, it seems to me, through this OATT, that
17 you can be a market seller and, therefore, in my
18 opinion, a transmission customer of the
19 transmission provider.

20 And it seems to me that it's self-supply,
21 remote self-supply and supply from without -- you
22 know, without -- not within PJM. So help me,
23 because you say --

24 A Well, you're not --

25 Q -- you say applicable OATT

1 provision, and how are you just pulling the
2 applicable OATT provision being subpart (ii), and
3 hanging everything that we talked about today on
4 whether or not there are two locations or one
5 location? And help me understand, because I'm --

6 A Well, and I'm trying. I'm
7 trying. You know, I -- you know, again, the
8 tariff -- I'm trying to think of a better way to
9 say this, but as the tariff was initiated and, you
10 know -- and maybe it --

11 Q I want to know what it says
12 today.

13 A Well --

14 Q We're not in 2001.

15 A Okay. I still think it says
16 today that --

17 Q It's 2018, and it says what it
18 says, right? Filed tariff. That's -- that's what
19 we go by.

20 A It does not -- so the tariff
21 today, if you read -- you can't find the words in
22 our tariff that says "self-supply." It's -- you
23 know, I think it's inferred by whatever, but the
24 word "self-supply" is not there. The term "remote
25 self-supply" is there. All right?

1 But what we do, and what we do allow, is we
2 allow Riverside to self-supply, but we do it on a
3 15-minute interval. But they do self-supply. So
4 their bill -- the bills that they have always
5 received, the one bill, you know, shows the kilowatt
6 hours that we provided to them, when none of their
7 five units were operating, and then that's what
8 they're billed for. Everything else that they
9 self-supply -- you know, again, we didn't provide
10 any kilowatt hours.

11 So there's always been a self-supply there
12 even though it's not -- you know, the words aren't
13 there. Remote self-supply, you know, is where -- it
14 just states there is that they're on different site
15 locations. And then that's where that remote
16 self-supply, if that happens, that ties into the
17 PJM, they can follow the PJM provisions, and as
18 they've stated, pay the wholesale rates and be less
19 than what they pay in retail.

20 Q Okay. So that's provision two of
21 the OATT. Again, what about one that doesn't hinge
22 on -- it talks about a monthly netting. And it
23 seems --

24 A No, that's okay. So we would say
25 under the tariff as N.U.G. there, that they do not

1 qualify under (i).

2 Q Why?

3 A All right. Because the tariff
4 as -- was approved by the Commission, and the way
5 it's always been done is that the self-supply was
6 at the retail basis, not at FERC OATT.

7 So to your point, and I think, you know,
8 could we or could the Commission have -- and I think
9 the answer is yes, you know, under that, all right,
10 but we didn't. It never has been. The
11 interpretation that it didn't follow -- you know,
12 there are markets that we weren't providing net,
13 because that's on, again, a monthly basis. The way
14 that our tariffs were put together, and in the rate
15 cases that we have always done, is that that cost,
16 back to that cost, you know, is being recovered on
17 the retail basis for sitting there.

18 And so if, you know, again, all those
19 kilowatt hours that they would not pay for if they
20 went just on self-supply. If they went to the FERC
21 OATT, right, then that could be that --

22 Q They would pay for them.

23 A Huh?

24 Q They would pay for them. They
25 would pay the market for them.

1 A They would pay the market --

2 Q -- and pay you a transmission --

3 A There would be some

4 transmission --

5 Q -- cost.

6 A -- some --

7 Q Right.

8 A -- all right, that would happen,
9 yes, but, you know, the cost of preparing -- again,
10 it's a route -- who do you want to pay -- who do
11 you want paying for the cost to serve? Because
12 that cost would get --

13 Q If they did that, then they're no
14 longer included in your FRR calculations, you don't
15 have to reserve the capacity for them; correct?

16 A Okay.

17 Q And that you -- they then are a
18 transmission customer. Because it seems to me that
19 FERC really looks at a generator as differently --
20 or different and apart from an industrial customer,
21 that seems that your tariff wants to look at them
22 as an industrial customer. And you have accepted
23 the PJM OATT, right? When you joined, you said, We
24 shall be governed under this OATT?

25 A It's an option, yeah.

1 Q I don't know that it's an option,
2 because you joined --

3 A Well, and that's a bad word.
4 Yeah, that was a bad word.

5 Q -- PJM, and in joining PJM you
6 accepted the conditions of the OATT.

7 A But they aren't --

8 Q And one of the reasons the OATT
9 existed was to provide a level playing field.

10 A But I guess the question I would
11 have back to you as the Commission is, do you want
12 to have the FERC rule on this, or is this really in
13 the Commission's jurisdiction? And I'm not -- in
14 the way that it has been since day one as it's been
15 in Kentucky's --

16 Q It's not your grandmother's
17 Commission. This is -- you know. I'm only
18 concerned about today and looking at the --

19 A That's the way it still is today.

20 Q -- language of the OATT, and the
21 language of the OATT that you and every other
22 transmission provider in PJM is governed under.
23 I'm not argue- -- I'm not arguing with you. I'm
24 just really trying to understand your perspective
25 on that, because it seems like we've spent a whole

1 day just simply talking about whether or not these
2 are two sites or one site. And that to me has not
3 been the question I wanted the answer to. So I
4 found the person that I can ask, lucky you.

5 A That's all right.

6 Q So help me understand.

7 A You know, at the end of the day,
8 you know, today, all right, so, you know, the
9 rates, the way they're structured, you know, we're
10 collecting that retail, all right. If this
11 Commission feels that that should not be so, that
12 we should be following the FERC OATT in its
13 entirety with this subject, then those changes will
14 be made.

15 So, you know, again, I'm not arguing either.
16 I'm trying to, you know, say this is where -- this
17 is how we got to where we're at today, was that it
18 was covered under the retail, all right, due to the
19 court cases and things that happened when this
20 initially started.

21 Q Did you cite those in here?

22 A No.

23 Q Okay. I wasn't able to find
24 those, so --

25 A No, no, we did not cite those.

1 Q -- they're not part of the
2 record, so...

3 A No, it is not.

4 MS. MATHEWS: Could I in a post-hearing
5 data request ask for these court cases that
6 you referred to that lead us down the
7 retail rate versus the PJM OATT rate?

8 MR. OVERSTREET: Surely.

9 MR. NGUYEN: That would depend on whether
10 you-all want to brief it. That may be
11 included in the brief as well.

12 MR. OVERSTREET: Mr. Goss and I have
13 discussed and I think we would like to
14 brief it.

15 MR. GOSS: We do want to brief it. I would
16 -- you know, if there is a legal issue
17 here, though, if there is a line of cases
18 that Kentucky Power is relying on, sounds
19 like the Commission would like to hear
20 about them, and frankly I would, too.

21 I think my position would be that a
22 post-hearing data request would be the best
23 way to do that. And once -- because, I
24 mean, otherwise we may have to file a reply
25 brief or something like that, and I don't

1 know that that's necessary. I mean, if
2 the --

3 MS. MATHEWS: I think it gets us an answer
4 quicker.

5 MR. GOSS: I mean, I guess we can do the
6 briefing either simultaneously or we can
7 file a first brief and Kentucky Power can
8 file a second, and we would have a chance
9 to --

10 MS. MATHEWS: And then you'll file a third
11 and then they'll file a fourth and -- yeah.

12 CHAIRMAN SCHMITT: We normally don't do
13 quite that many.

14 MS. MATHEWS: Yeah.

15 CHAIRMAN SCHMITT: Three is the most.

16 MS. MATHEWS: But we have had people ask
17 for the fourth.

18 CHAIRMAN SCHMITT: Well, yeah.

19 MS. MATHEWS: No one in particular sitting
20 in the back of the hearing room.

21 CHAIRMAN SCHMITT: Mr. Chandler, he's
22 always a lightning rod every time he's --
23 even if he's here as a spectator.

24 Let me ask you, I gather, and perhaps
25 I'm in error, that the court case that --

1 you're talking about court cases which
2 ultimately determine that state public
3 service commissions had the ability to
4 establish these rates --

5 THE WITNESS: Yeah, they challenge the
6 FERCs.

7 CHAIRMAN SCHMITT: -- not that it was, you
8 know, whatever. And so then your position
9 is that under the proper -- what you
10 consider to be the proper interpretation of
11 the Tariff N.U.G., that basically they
12 ought to -- they, Riverside, ought to pay
13 the retail rate as they have for the last
14 17 years; is that correct?

15 THE WITNESS: In a very nice nutshell, yes.
16 I understand.

17 CHAIRMAN SCHMITT: Even --

18 THE WITNESS: There's a lot more pieces,
19 but yes.

20 CHAIRMAN SCHMITT: Yeah. Yeah. Okay.

21 THE WITNESS: And those court cases, I
22 think, you know, just directed that FERC
23 overstepped their bounds and that they had
24 to work with the low -- the state
25 utilities -- or utility commissions, I'm

1 sorry.

2 BY MS. MATHEWS:

3 Q And, again, that's not in the
4 record. What is in the record --

5 A Understand.

6 Q -- is the OATT. That's what I'm
7 asking -- that's what I was asking questions about,
8 is the OATT.

9 A So --

10 Q And you feel that under Tariff
11 N.U.G., if they are indeed two sites, then they can
12 self-supply under the OATT.

13 A Yes, ma'am.

14 Q So you're only accepting one of
15 the three criteria that's in the OATT?

16 A Yes.

17 Q Okay.

18 A I wanted to read the third
19 criteria, I'm sorry.

20 Q The second, second criteria.

21 A Right, but I was reading the
22 three real quick.

23 Q Right. You're saying one nor
24 three apply?

25 A Correct.

1 Q Okay. If you can point me in
2 directions --

3 A Understood.

4 Q -- for that, I would welcome that
5 as well.

6 A All right.

7 MS. MATHEWS: I don't have anything else.

8 CHAIRMAN SCHMITT: Do you have some --

9 MR. OVERSTREET: I do. Thank you.

10 CHAIRMAN SCHMITT: Can we -- maybe let's
11 take a ten-minute break 'til 25 'til 4:00
12 and come back. Is that fine?

13 MR. OVERSTREET: That will be fine.

14 CHAIRMAN SCHMITT: We'll be in recess until
15 25 minutes until 4:00.

16 (THEREUPON, A BREAK WAS TAKEN.)

17 CHAIRMAN SCHMITT: If I may at least make a
18 statement for the record, during recess
19 we've had all this discussion on remote, so
20 I did a little dictionary research. We
21 always have the most modern dictionaries
22 here, but we probably haven't bought one in
23 the last ten years.

24 But here's a Black's Law Dictionary of
25 some ancient vintage. "Remote: Far removed

1 or separated in time, space or relation."
2 And in a Merriam-Webster that I got off the
3 internet on my iPad, "Remote: Separated by
4 an interval or space greater than usual.
5 Far removed in space, time or relation. Out
6 of the way, secluded."

7 So I don't know what -- I mean, I
8 guess the issue is if we're defining remote,
9 and there's no definition in the tariff and
10 nobody else has another definition, that the
11 common, ordinary definitions used by the
12 general public probably ought to have some
13 significant weight.

14 But having said that, Mr. Overstreet,
15 would you care to Cross-Examine -- or care
16 to Redirect your witness. I'm sorry.

17 MR. OVERSTREET: Right. Thank you,
18 Mr. Chairman.

19 REDIRECT EXAMINATION

20 BY MR. OVERSTREET:

21 Q I want to make sure your
22 testimony is clear. Mr. Goss in his discussion
23 with you about whether Riverside and Kentucky Power
24 were competitors, you misspoke at first, but then
25 later corrected that to indicate that, in fact, at

1 least in the wholesale market, were competitors.

2 A That's correct.

3 Q Okay. Prior to that question,
4 however, he asked you another question, which was
5 the proposal at the very end of your testimony to
6 eliminate the terms and conditions allowing remote
7 self-supply, was that driven because they were
8 competitors; and just so it's not lost, what was
9 your answer to that?

10 A That it was not because they were
11 competitors.

12 Q Okay, thank you.

13 I think you offered the example of remote
14 self-supply of a unit being located in Pike County,
15 Kentucky.

16 A That is correct.

17 Q And then I think the Chair
18 offered up an example of a unit being located in
19 Boyd County, Kentucky.

20 A That's correct.

21 Q Okay. Would it be your
22 anticipation that a unit offered -- excuse me -- a
23 unit located in Boyd County or Pike County would
24 share all of the common characteristics that we
25 discussed at length this morning and this afternoon

1 that the Zelda and Foothills sites shared?

2 A There would be no one to share
3 with.

4 Q And Mr. Goss offered -- and I may
5 be having the same problem he has keeping track of
6 the exhibit numbers. I think it's Exhibit 9,
7 Mr. Clayton's e-mail.

8 A Yes.

9 Q And the discussion of plant
10 sites, et cetera, in there. Does Tariff N.U.G.
11 appear anywhere in that e-mail?

12 A Up in the -- in what E.J. -- from
13 Dan Roethemeyer, whatever, at the end of -- at the
14 top of there, it does say on another -- it does say
15 for the non-utility generator tariff, question
16 mark. So that's the only -- but E.J. does not
17 mention tariff number.

18 Q And he doesn't opine on whether
19 his description of what's happening here qualifies
20 for remote self-supply?

21 A He does not.

22 Q And at the time this was written,
23 which was 2006, who was in charge of regulatory for
24 Kentucky Power?

25 A Darrell Wagner.

1 Q And Mr. Wagner would make that
2 determination?

3 A Yes.

4 Q And Mr. Goss asked you about --
5 in connection with the same e-mail, about whether
6 more weight, if you will, should be given to
7 communications occurring or actions occurring prior
8 to the beginning of a controversy or after the
9 controversy starts, do you remember that?

10 A I do.

11 Q And in this case isn't it true
12 that both Kentucky Power on the one hand and
13 Riverside currently, and prior to that, Dynegey,
14 interpreted the remote self-supply provisions not
15 to apply; is that correct?

16 A Yes.

17 Q I want to ask you a question --
18 well, first of all, can I get you to turn to your
19 response to Riverside 1-10?

20 A One dash --

21 Q 10.

22 A -- 10.

23 MR. OVERSTREET: Just let me know when you
24 get caught up, Mr. Goss.

25 MR. GOSS: I'm sorry, I'm starting to --

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MR. OVERSTREET: That's okay.

MR. GOSS: Give me one second. I'm sorry.

MR. OVERSTREET: I'm slow too.

A Response to Riverside's
Kentucky --

Q It's your response to Riverside
1-10.

A Okay, thank you.

MR. GOSS: I apologize, Mr. Overstreet,
what are we looking at?

MR. OVERSTREET: 1-10, Riverside to
Kentucky Power 1-10.

MR. GOSS: Thank you.

THE WITNESS: I am there.

BY MR. OVERSTREET:

Q And would you mind, first of all,
reading the question and reading the response?

A "Does Kentucky Power's tariff
conflict with or defer from PJM's Open Access
Transmission Tariff (OATT) with respect to the
netting of station and startup power? Explain in
detail.

"Response: Yes. Tariff N.U.G. differs from
the PJM OATT. The PJM OATT does not govern retail
service. Kentucky Power is a Kentucky utility

1 providing resale service in the Commonwealth."

2 Q Okay. And then we had discussed
3 both with you and Mr. Hammond the fact that 90
4 percent of the time, 90 percent of the hours of any
5 year, 90 percent of on average the hours of any
6 month, Kentucky Power is providing retail service
7 to Riverside; is that correct?

8 A That is correct.

9 Q And so it would be your
10 anticipation that Tariff N.U.G. would govern;
11 right?

12 A Yes.

13 Q Now, if you look at the special
14 terms and conditions provision of Tariff N.U.G.,
15 that just -- original sheet 26-3 at the bottom.

16 A Uh-huh (affirmative).

17 Q The final paragraph/sentence, it
18 doesn't -- the ability to access the open access
19 tariff as filed and accepted with the Federal
20 Energy Regulatory Commission is not unconditional;
21 is that correct?

22 A That is correct.

23 Q And what are the two conditions?

24 A Condition is owned by the same
25 business entity, and that they are not located on

1 the site -- on the same site.

2 Q Right. And if you will just give
3 me one minute.

4 Could I get you to turn to Page 5 of
5 Mr. Hammond's direct testimony.

6 A I am there.

7 Q And if you could read the -- to
8 yourself, the first Q and A, and I want to ask you
9 a question.

10 MR. GOSS: What line are we at, Mark?

11 MR. OVERSTREET: It's the first question on
12 Line 1, "Do the terms."

13 A (Witness reads document.)

14 Q Just let me know when --

15 A Yes.

16 Q And is it your understanding that
17 Mr. Hammond also understands that the ability to
18 access the FERC OATT or to remote supply is
19 conditional?

20 A He does.

21 Q In fact, he uses that word?

22 A Same terminology, yes.

23 Q I want to ask you, because I went
24 to ask Mr. Hammond, and I think properly he said he
25 didn't know, so I indicated I would ask you. So I

1 want to ask you a couple of questions.

2 Prior to -- trying to remember -- 2000- --
3 let me ask the question this way. Remind me whether
4 it was 2014 or 2015 that Big Sandy unit two retired.

5 A It retired in 2014.

6 Q Okay. And, no, I think it was
7 '15, now that I think about it. But anyway, it
8 doesn't matter. It was either '14 or '15. But
9 prior to its retirement, isn't it true that there
10 were two units at the Big Sandy site?

11 A Yes.

12 Q Two generating units?

13 A Big Sandy 1 and Big Sandy 2.

14 Q Right. And did Kentucky Power --
15 I understand Riverside might disagree, but did
16 Kentucky Power treat that as a single site?

17 A Yes.

18 Q And did -- and it had two
19 generating units; is that correct?

20 A Yes.

21 Q And those generating units, Big
22 Sandy Unit 1 and Big Sandy Unit 2, prior to the
23 retirement of 2, did they have separate generation
24 ties to the Big Sandy Switchyard?

25 A They did.

1 Q Okay. That's just like Zelda
2 and --

3 A Yeah, and...

4 Q Did Big Sandy Unit 1 and Big
5 Sandy Unit 2 operate in unison?

6 A No. They could operate -- they
7 could be operating at the same time, but, you know,
8 many times if, you know, one was down for
9 maintenance, the other would run, or so -- but they
10 did not run in unison.

11 Q And Kentucky Power currently has
12 an undivided 50 percent interest in the Mitchell
13 Generating Station?

14 A That's correct.

15 Q And how many generating units are
16 there?

17 A There's two, Mitchell Unit 1 and
18 Mitchell Unit 2.

19 Q And does Kentucky Power consider
20 that one or two sites?

21 A One site.

22 Q And how many PJM numbers -- does
23 each of Mitchell 1 and Mitchell 2 have a unique PJM
24 identification number?

25 A They do.

1 MR. OVERSTREET: Just one moment. I think
2 that's it, Your Honor.

3 CHAIRMAN SCHMITT: Thank you. Anything
4 else? Any other examination?

5 MR. GOSS: Just a couple.

6 RECROSS-EXAMINATION

7 BY MR. GOSS:

8 Q Mr. Wohnhas, with respect to the
9 last set of questions that Mr. Overstreet asked
10 you, with respect to Big Sandy 1 and 2, were they
11 electrically isolated from each other?

12 A Were they electrically isolated?
13 I believe they were, yes.

14 MR. GOSS: Could we -- could I ask for a
15 post-hearing data request on...

16 Q Are you completely sure of that
17 or do we need -- because that's a pretty important
18 issue to me. Are you confident in that?

19 A You know, again, I'm not a --
20 so...

21 MR. OVERSTREET: Mr. Goss, we can certainly
22 provide that information if -- I think the
23 Chairman would anticipate a written filing.

24 THE WITNESS: I mean, you know, I'm pretty
25 sure, but it's -- to make sure let's get

1 Q Commissioner Mathews asked you
2 some questions about 1.7.10 (d) (i), (ii) and (iii).
3 Do you remember that set of questions?

4 A I do.

5 Q And did I understand your answer
6 to be that under Kentucky Power's -- it is Kentucky
7 Power's belief that the only way -- assuming that
8 Tariff N.U.G. is triggered and the PJM OATT
9 applies, that Riverside can only self-supply under
10 (d) (ii) of that provision?

11 A Currently as it's written, yes.

12 Q And why do you say that?

13 A Again --

14 Q Why do you take that position?

15 A Okay. So, you know, under (i)
16 and (iii), you know, it's asking for self-supply in
17 any month, and it says when the net output -- and
18 it's on a month. But the one thing that, you know,
19 maybe I failed to present and, you know, I can't
20 put my fingers on exact terminology, but within
21 PJM, and I'm sure we'll brief on this, there is
22 some wording such that if there is a contract with
23 the transmission provided from us and the market
24 seller, and our idea of the contract would be
25 "IGS." But if we have that contract, then it is

1 more to why (i) and (iii), you know, in the way
2 that contract is written and following Tariff IGS
3 and N.U.G., is why (i) and (iii) do not qualify.

4 (ii) qualifies based on N.U.G. and the fact
5 that they are two different locations. And because
6 they're two different locations, if (i) there, then
7 it would follow to the PJM OATT and pay the
8 wholesale prices.

9 Q Well, okay. Look at (d) (i) for
10 me, if you would.

11 A Uh-huh (affirmative).

12 Q And read -- read the first couple
13 of sentences of (d) (i), "A Market Seller may
14 self-supply."

15 A "A Market Seller may self-supply
16 Station Power for its generation facilities in any
17 month, (1) when the net output of such facility is
18 positive, or (2) when the net output of such
19 facility is negative and the market power during
20 the same month" --

21 Q No, "and the Market Seller."

22 A Oh, sorry.

23 Q You said "market power."

24 A -- thank you -- "Market Seller
25 during the same month has available at other of its

1 generation facilities positive net output in an
2 amount at least sufficient to offset fully such
3 negative net output."

4 Q Okay, stop there. Isn't that
5 No. 2 the exact definition of what remote
6 self-supply is? I mean, the phrase "remote
7 self-supply" is not used in sub (ii) there, but
8 isn't that exactly what remote self-supply is?

9 A No, because again, it says, "at
10 other of its generation facilities." And so we get
11 back to the site issue, and so it is not
12 necessarily remote self-supply, because it would be
13 other -- it'd have to be at another generation
14 facility.

15 Q Well, that phrase uses
16 "facilities," which is more general than even the
17 N.U.G., which requires size, doesn't it? Would you
18 agree with me on that?

19 A Say it again, sir. I'm sorry.

20 Q A facility is different from a
21 site. Do you say it is or it isn't?

22 A I don't think it is.

23 Q Okay. Well, then, humor me here.
24 Just a second ago, down to (d)(ii), about a third
25 of the way down, and there's a sentence that says,

1 "in the event." It's about seven or eight lines
2 down, in the middle of the page, "in the event and
3 to the extent."

4 A Uh-huh (affirmative).

5 Q Do you see that?

6 A Yes, sir.

7 Q Read that into the record,
8 please.

9 A "In the event, and to the extent,
10 that a Market Seller self-supplies Station Power
11 during any month in the manner described in
12 subsection (2) of section (d) (i) above (hereafter
13 referred to as 'remote self-supply of Station
14 Power')" --

15 Q Okay. That's far enough.

16 So, in fact, the OATT itself under (ii)
17 specifically refers to subsection (ii) of (d) (i) as
18 being remote self-supply, doesn't it?

19 A Yes, it does.

20 Q So would you say you're incorrect
21 in your belief that you just stated a second ago,
22 that (d) (i) (2) is not remote self-supply?

23 MR. OVERSTREET: I'm sorry, Mr. Goss, what
24 is (d) (i) (2)?

25 THE WITNESS: (i) (2), I think is what he

1 means.

2 MR. GOSS: I'm sorry, (d) (i) (2). I
3 apologize. Yeah.

4 A Yes, it would refer to remote
5 self-supply.

6 Q So when you said a minute ago
7 that you believed that Riverside could only
8 remotely self-supply under (d) (ii) and not (d) (i)
9 or (d) (iii), are you prepared to change that
10 opinion?

11 A No. The point is, you know, it
12 says, "other generation facilities." So we
13 could -- you could remote self-supply if it was at
14 a different location. So, you know, again, you
15 know, it's twisting the words a little bit, but you
16 know, it could be remote self-supply, but it
17 doesn't fit the Riverside situation.

18 Q Well, the Chairman was
19 concerned -- I think you heard him, and rightfully
20 concerned, that there's not a definition of remote
21 self-supply. Would you agree with me that at least
22 as far as the PJM OATT is concerned in (d) (2) (i)
23 that remote self-supply, which refers to (d) (i) (2)
24 provides a definition?

25 A No.

1 Q No?

2 A I wouldn't agree. I mean, if it
3 doesn't say what the distance -- it doesn't -- it
4 says "remote," all right. And so where in there
5 does it define remote self-supply, other than
6 providing the energy. I'm sorry, I just don't see
7 it there.

8 Q Mr. Wohnhas, (d)(ii) says, In the
9 event that a Market Seller self-supplies Station
10 Power under subsection (ii) above, we're going to
11 call that remote self-supply. And (2) above
12 provides a definition of what that means.

13 A Other than at other generation
14 facilities, all right, you know. You have to read
15 the entirety, sir.

16 MR. GOSS: Oh, I'm reading the entirety,
17 Mr. Wohnhas, yes, sir. Thank you. I
18 appreciate the admonition.

19 THE WITNESS: No problem.

20 MR. GOSS: That's all I have, Mr. Chairman.

21 CHAIRMAN SCHMITT: Anything else?

22 Commissioner Mathews, questions? All
23 right.

24 May Mr. Wohnhas step down and be
25 excused?

1 MR. GOSS: Yes, sir. Thank you,
2 Mr. Wohnhas.

3 CHAIRMAN SCHMITT: Okay. Do you have any
4 other witness, anything else?

5 MR. GOSS: No, Your Honor.

6 CHAIRMAN SCHMITT: All right, there's going
7 to be several data requests, obviously, and
8 I'm sure everybody will want to brief this.
9 So on data requests, is there -- if data
10 requests, written data requests were due to
11 be filed by the end of the day Friday, the
12 14th of this week, is that enough time to
13 file them?

14 MR. GOSS: Yes, sir.

15 CHAIRMAN SCHMITT: Is it?

16 MR. NGUYEN: You mean the 21st, Your Honor?
17 (Crosstalk)

18 CHAIRMAN SCHMITT: I'm sorry, I mean -- I'm
19 sorry -- I said the 14th. It's the -- I'm
20 a week behind as usual. I'm slow. I'm
21 slow, okay? On the 21st. Is the 21st
22 okay?

23 MR. GOSS: Yes, sir.

24 CHAIRMAN SCHMITT: And then how long do you
25 think it would take to respond? You can

1 have whatever time you want. I'm not going
2 to push you.

3 MR. OVERSTREET: Right. Mr. Goss, what's
4 reasonable?

5 MR. GOSS: Well, let me consult here.

6 We can respond in ten days once we --
7 after the 21st, yeah.

8 MR. OVERSTREET: Just to be clear, that's
9 ten calendar days, or ten business days?

10 MR. GOSS: Ten calendar days.

11 MR. OVERSTREET: Ten calendar days.

12 CHAIRMAN SCHMITT: Why don't we just give
13 you ten business days and make it
14 October 5th. That would be two weeks.

15 MR. OVERSTREET: All right. Thank you.

16 MR. GOSS: Yes, sir.

17 CHAIRMAN SCHMITT: Now, do you want to
18 brief simultaneously or do you want to
19 brief for Riverside, Kentucky Power
20 respond, and a short reply brief period, or
21 do you want to do it all at the same time?

22 MR. OVERSTREET: I don't think I've ever
23 been offered the option to do anything but
24 simultaneous, but I -- I think simultaneous
25 probably works best, but it's however you

1 guys want to go.

2 MR. GOSS: That's what I thought before,
3 but having heard what I've heard, and
4 especially with respect to maybe some of
5 the legal issues, my preference would be
6 for us to file a brief and then them file a
7 brief and then give us ten days to reply.
8 But if you'd rather have...

9 CHAIRMAN SCHMITT: How much time -- how
10 much time do you think you should have to
11 file your brief?

12 MR. GOSS: Thirty (30) days.

13 MR. OVERSTREET: I'm sorry. All I was
14 going to say is, I think that we would --
15 can we file simultaneous initial briefs and
16 simultaneous replies?

17 MR. GOSS: Well, that will be fine. Yeah,
18 that will be fine.

19 CHAIRMAN SCHMITT: Do you agree --

20 MR. GOSS: Because they might want to
21 respond to something we say, and I'll let
22 them have that right.

23 CHAIRMAN SCHMITT: Well, everybody ought to
24 have a chance, as Mr. Chandler pointed out,
25 we wanted -- agreed to brief simultaneous

1 briefs, and then Mr. Chandler, when
2 obviously someone raised something, he
3 claimed he didn't get due process. What
4 happened to waiver, you know. But anyway,
5 he got his chance, he got to do it.

6 So are you talking about 30 days to
7 file your briefs? I mean --

8 MR. OVERSTREET: Thirty (30) days from the
9 date of the data request.

10 CHAIRMAN SCHMITT: Of the date of the data
11 request. And then replies, 15 days, 10
12 days?

13 MR. OVERSTREET: Fifteen (15) days.

14 CHAIRMAN SCHMITT: Fifteen (15) days.

15 MR. OVERSTREET: Thirty (30), 15, yeah.

16 MR. GOSS: Simultaneous 30, simultaneous
17 15, that's fine.

18 MR. OVERSTREET: I think that makes sense,
19 yeah.

20 CHAIRMAN SCHMITT: All right. We'll have
21 the order out by the end of the day, or
22 first thing in the morning.

23 All right, thank you very much.

24 MR. GOSS: Thank you, Mr. Chairman. It's
25 always a pleasure.

1 CHAIRMAN SCHMITT: Anything else? Anything
2 else you want to --

3 MR. GOSS: No, sir.

4 CHAIRMAN SCHMITT: We have -- this will be
5 an interesting briefing, I suspect --

6 MR. OVERSTREET: Yeah, I think so.

7 CHAIRMAN SCHMITT: -- and one that we'll be
8 looking at closely.

9 All right. If there's nothing else --

10 MR. NGUYEN: Mr. Chairman, just one thing.

11 CHAIRMAN SCHMITT: Yes.

12 MR. NGUYEN: Thirty (30) days from the date
13 that the data requests falls on is Sunday.

14 So do you want to --

15 CHAIRMAN SCHMITT: We'll go to the
16 following Monday. We'll go to the
17 following business day.

18 MR. NGUYEN: All right.

19 MR. GOSS: You'll look at the calendar when
20 you do the order, I'm sure.

21 CHAIRMAN SCHMITT: Yeah. Hopefully I'll
22 have somebody with me that can read a
23 calendar better than I can.

24 All right. Anything further? If not,
25 this Hearing is adjourned. Thank you.

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THEREUPON, the Hearing was concluded at
4:08 p.m.

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<p>CHAIRMAN SCHMITT: [172] 2/15 4/3 4/10 4/20 5/2 5/22 6/4 6/24 7/4 7/7 7/10 7/14 7/16 7/20 7/23 8/4 9/11 11/11 11/14 24/6 34/7 49/10 49/18 49/20 51/15 51/17 55/9 55/25 56/2 76/8 76/10 78/2 78/6 78/10 83/1 83/4 83/7 83/10 83/13 84/15 84/18 84/21 84/25 85/2 86/3 86/5 87/13 87/18 87/22 87/25 88/5 88/8 88/11 97/9 97/14 97/16 98/2 108/2 108/21 109/5 109/11 109/13 109/16 111/3 111/21 112/1 112/7 112/10 112/13 112/16 113/3 113/8 115/8 116/25 117/6 117/17 127/5 127/8 130/10 131/22 132/1 133/7 133/17 139/19 139/21 139/23 140/8 140/13 140/17 140/19 141/11 141/15 141/20 142/4 142/10 142/15 142/18 142/24 143/6 144/11 146/4 146/7 146/11 147/14 148/13 148/20 148/23 159/1 159/3 165/25 170/5 170/7 170/21 174/19 174/21 178/20 192/10 192/14 192/23 193/3 193/6 193/23 194/1 194/23 195/2 195/10 195/12 195/15 195/22 196/2 197/9 197/11 197/14 197/19 197/22 198/1 198/13 202/1 216/8 227/11 227/14 227/17 227/20 228/6 228/16 228/19 230/7 230/9 230/13 230/16 240/2 241/16 247/20 248/2 248/5 248/14 248/17 248/23 249/11 249/16 250/8 250/18 250/22 251/9 251/13 251/19 251/25 252/3 252/6 252/10 252/14 252/20</p>	<p>MS. MATHEWS: [13] 76/9 84/24 112/15 139/22 141/9 216/9 226/3 227/2 227/9 227/13 227/15 227/18 230/6 THE WITNESS: [65] 7/22 8/3 50/1 55/12 55/15 78/4 78/9 78/11 78/13 78/16 87/17 88/4 88/6 88/24 89/1 97/13 97/15 97/19 108/18 109/1 109/9 109/12 109/15 109/21 111/13 111/24 112/2 112/9 112/12 128/9 128/12 140/7 140/11 141/10 159/5 192/13 192/22 193/2 193/5 193/12 193/25 194/2 195/1 195/8 195/11 195/14 195/21 195/25 196/3 197/10 197/12 197/15 197/20 197/23 198/16 228/4 228/14 228/17 228/20 235/13 240/23 241/4 241/17 245/24 247/18 UNIDENTIFIED LADY: [1] 117/4 UNIDENTIFIED LADY: [2] 87/9 88/22 UNIDENTIFIED MAN: [2] 113/11 113/15 WITNESS: [1] 143/5</p>	<p>1.7.10 [7] 67/13 77/6 118/15 118/22 212/1 212/24 242/2 10 [22] 14/9 14/9 35/7 56/13 57/19 58/2 157/16 181/2 183/23 183/24 184/5 185/19 186/6 234/19 234/21 234/22 235/7 235/11 235/12 241/14 241/19 251/11 10 megawatts [1] 66/24 10 percent [3] 34/25 35/12 36/9 10 years [1] 58/5 10,000 megawatts [1] 80/4 10-foot [2] 120/8 120/8 11 [8] 29/12 58/2 60/3 60/10 60/15 167/4 167/7 167/9 11 months [1] 29/14 11:00 [1] 83/6 11:05 [1] 83/12 12 [5] 48/4 59/24 59/25 60/3 60/10 13 [4] 48/1 51/21 122/15 167/12 14 [4] 20/19 36/23 57/9 168/25 142 [1] 2/8 14th [2] 248/12 248/19 15 [12] 20/19 23/22 23/23 57/9 168/3 194/22 241/11 251/11 251/13 251/14 251/15 251/17 15 percent [1] 35/7 15-minute [9] 135/19 135/21 135/24 155/1 155/6 181/24 194/13 218/9 221/3 15th [1] 176/2 16 [6] 60/1 60/4 164/17 188/16 188/19 198/8 16 stations [1] 59/22 16b [1] 164/25 17 [4] 19/5 211/18 211/18 228/14 175 megawatts [1] 105/13 179 [7] 156/11 164/21 165/2 165/21 166/6 166/24 192/6 18 [8] 1/17 157/20 168/9 187/11 187/14 187/15 189/14 189/15 18,000 [4] 87/3 89/14 89/17 102/5 18,000 volts [1] 96/12 19 [2] 167/8 211/19 1963 [1] 183/18 1969 [1] 183/19 1983 [1] 203/8 1987 [1] 129/7 1998 [1] 203/8 1:30 [2] 142/12 142/17 1a [1] 52/3 1E [1] 42/12 1G [1] 43/20 1k [1] 47/5</p>
<p>MR. GOSS: [111] 3/20 4/4 5/6 6/7 7/1 7/6 7/9 7/12 7/15 7/18 8/6 9/9 10/24 11/13 11/16 19/1 33/24 44/6 44/13 49/15 49/19 51/16 76/11 78/12 78/15 82/21 83/3 83/6 83/9 83/16 84/17 84/20 84/22 85/1 85/3 85/6 85/8 85/25 86/7 87/21 87/24 88/2 88/10 88/13 88/23 88/25 107/20 112/20 112/25 113/6 118/4 127/2 128/6 128/11 130/7 133/6 133/14 133/19 141/14 142/8 144/13 145/24 146/6 146/9 146/25 148/5 148/9 148/25 158/17 159/2 165/22 166/1 170/2 170/9 170/20 174/17 192/8 192/11 197/24 198/12 201/23 202/3 226/14 227/4 234/24 235/1 235/8 235/12 237/9 240/4 240/13 241/1 241/7 246/1 247/15 247/19 247/25 248/4 248/13 248/22 249/4 249/9 249/15 250/1 250/11 250/16 250/19 251/15 251/23 252/2 252/18</p>	<p>\$ \$1.1 [1] 69/10 \$1.1 million [1] 69/10 \$12 [1] 121/7 \$12 million [1] 121/7 \$2 [1] 181/8 \$2.8 [1] 32/13 \$2.8 million [1] 32/13</p>	<p>16 [6] 60/1 60/4 164/17 188/16 188/19 198/8 16 stations [1] 59/22 16b [1] 164/25 17 [4] 19/5 211/18 211/18 228/14 175 megawatts [1] 105/13 179 [7] 156/11 164/21 165/2 165/21 166/6 166/24 192/6 18 [8] 1/17 157/20 168/9 187/11 187/14 187/15 189/14 189/15 18,000 [4] 87/3 89/14 89/17 102/5 18,000 volts [1] 96/12 19 [2] 167/8 211/19 1963 [1] 183/18 1969 [1] 183/19 1983 [1] 203/8 1987 [1] 129/7 1998 [1] 203/8 1:30 [2] 142/12 142/17 1a [1] 52/3 1E [1] 42/12 1G [1] 43/20 1k [1] 47/5</p>
<p>MR. NGUYEN: [14] 4/23 6/3 56/3 76/6 139/20 198/14 201/22 201/25 216/6 226/8 248/15 252/9 252/11 252/17</p> <p>MR. OVERSTREET: [86] 4/12 5/20 6/2 9/12 10/21 11/6 24/4 44/7 44/15 49/8 49/11 49/16 49/23 51/13 55/7 55/10 55/14 55/23 56/1 85/5 85/7 85/10 86/4 112/17 112/21 113/1 113/9 113/13 117/5 117/9 117/15 127/1 127/7 128/4 128/7 130/11 131/20 131/23 133/4 133/12 139/17 140/15 140/18 140/21 141/8 141/18 142/2 142/14 142/22 143/8 144/9 146/14 147/9 147/24 148/7 148/11 148/15 148/22 170/6 174/20 178/16 210/14 226/7 226/11 230/8 230/12 231/16 234/22 234/25 235/2 235/10 237/10 239/25 240/20 245/22 249/2 249/7 249/10 249/14 249/21 250/12 251/7 251/12 251/14 251/17 252/5</p> <p>MR. SASS: [1] 4/1</p>	<p>0 00179 [1] 157/20 00472 [2] 1/3 3/13</p> <p>1 1-1 [5] 41/20 44/7 44/11 44/18 114/18 1-10 [4] 234/19 235/7 235/11 235/12 1-1a [1] 52/3 1-1E [1] 42/12 1-1G [1] 43/20 1-1k [1] 47/5 1-3 [2] 24/3 49/13 1-4 [1] 50/7 1-5 [1] 18/20 1-6 [6] 136/22 136/24 137/1 137/5 137/6 137/7 1-7 [4] 136/22 137/2 137/4 137/8 1-9 [1] 21/2 1.3 [1] 24/3 1.4 [1] 50/11</p>	<p>2 2 percent [1] 121/19 20 [2] 5/10 27/2 20 minutes [2] 30/19 30/25 200 miles [1] 184/5 2000 [6] 9/23 32/8 132/10 155/16 196/6 238/2 2000s [1] 72/4 2001 [11] 18/19 19/16 74/1 140/11 155/16 171/23 196/6 199/21 202/24 203/9 220/14 2002 [4] 10/12 19/24 20/1 203/11 2004 [3] 57/16 130/22 203/12 2005 [1] 203/13 2006 [8] 175/18 176/2 177/9 178/8 180/4 180/7 180/11 233/23 2009 [2] 203/18 203/19</p>

<p>2</p> <p>2010 [3] 57/24 57/25 71/21 2011 [1] 57/22 2014 [2] 238/4 238/5 2015 [1] 238/4 2017 [13] 20/8 20/12 21/19 25/21 29/4 29/5 29/18 30/1 57/6 182/5 206/23 207/25 208/7 2017-00179 [1] 157/20 2017-00472 [2] 1/3 3/13 2017-179 [7] 156/11 164/21 165/2 165/21 166/6 166/24 192/6 2018 [4] 1/17 157/20 220/17 254/15 2019 [1] 254/12 21st [4] 248/16 248/21 248/21 249/7 23 [6] 52/13 52/15 52/20 55/6 55/18 93/8 24 [1] 254/12 24 hours [1] 34/11 247 [1] 2/10 25 [4] 27/2 167/3 230/11 230/15 25-foot [1] 185/23 25038 [1] 55/6 26-3 [1] 236/15 28 [1] 168/24 286 [1] 2/15 28th [1] 177/1</p>	<p>6</p> <p>6-inch [2] 46/18 46/20 61 [2] 170/17 170/18</p> <p>7</p> <p>7/18/2001 [1] 171/23 70 [1] 125/2 70.2 [1] 127/16 7411 [1] 126/14 7412 [1] 126/14</p> <p>8</p> <p>80 [1] 106/18 88 [1] 175/20 89 [2] 170/17 175/20 8K [1] 74/1</p> <p>9</p> <p>9,000 [1] 123/6 9,000 megawatts [1] 58/17 9-mile [5] 42/13 42/20 42/22 42/25 43/7 9.2 million [1] 32/9 90 [1] 236/3 90 percent [8] 35/13 136/7 136/12 181/3 181/4 181/18 236/4 236/5 9b [1] 22/3 9th [1] 254/14</p>	<p>95/22 118/14 118/19 118/22 119/19 119/23 131/2 154/1 154/18 182/18 235/19 236/18 236/18 237/18 accompanying [1] 31/14 accordance [4] 15/22 150/4 152/12 213/6 according [1] 216/3 accordingly [1] 110/9 account [1] 177/6 accountant [1] 171/6 accurate [20] 9/24 10/8 20/25 27/15 34/10 34/14 37/4 40/17 45/15 45/16 46/19 47/8 52/6 52/8 52/9 52/10 132/11 141/3 175/22 254/10 accurately [1] 10/17 Acid [1] 126/10 acquire [2] 40/12 57/18 acquired [12] 9/23 10/4 10/6 58/14 60/5 71/20 72/1 72/1 73/12 75/19 131/19 132/16 acquisition [2] 58/3 207/24 across [9] 101/7 108/14 114/25 115/3 116/3 116/9 117/13 186/6 197/19 Act [1] 124/15 actions [1] 234/7 activities [4] 72/6 92/23 128/25 129/3 actual [3] 16/11 75/9 104/22 actually [15] 24/14 28/17 47/10 48/3 55/13 72/10 99/11 107/16 109/2 118/22 132/16 136/12 137/4 174/7 203/10 added [1] 160/1 addition [7] 157/24 158/7 158/13 159/15 161/1 163/21 169/11 additional [9] 31/24 33/7 34/23 34/23 118/16 121/14 123/23 166/3 169/14 additions [1] 37/23 address [10] 39/9 54/22 54/24 54/24 55/17 92/2 92/4 124/14 147/13 163/22 adequate [1] 33/4 adjacent [19] 14/17 15/2 94/23 109/25 120/7 128/4 128/17 129/4 129/13 129/22 130/2 180/16 183/3 183/13 183/14 183/21 185/3 185/17 192/19 adjoining [1] 109/21 adjourned [1] 252/25 adjustments [1] 164/12 administration [6] 13/5 89/24 90/19 90/21 90/23 92/1 administrative [11] 41/12 41/15 41/18 41/21 41/23 42/5 91/1 91/12 126/1 126/7 126/7 admission [9] 57/18 86/2 127/4 133/6 133/16 146/13 158/25 170/5 174/18 admit [1] 141/20 admittance [1] 51/15 admitted [6] 86/6 133/8 133/12 133/17 159/4 174/22 admonition [1] 247/18 adopt [1] 9/4 advance [1] 155/18 advantage [1] 155/5 advantageous [1] 179/22 AEP [14] 4/18 131/11 199/25 201/7 201/10 201/11 202/7 202/13 202/15 203/5 205/3 205/5 214/18 218/2 aerial [3] 44/25 54/7 88/19 aerials [1] 47/13 affect [2] 161/21 169/20 Affected [1] 126/10</p>
<p>3</p> <p>3 RPM [1] 30/23 3/22/2006 [1] 175/18 30 [9] 26/12 26/21 26/25 250/12 251/6 251/8 251/15 251/16 252/12 30 feet [2] 52/21 52/25 30-day [3] 107/15 155/3 169/8 300 [1] 28/10 301 [1] 27/12 345 [1] 102/5 345,000 [1] 89/17 345,000 volts [1] 87/4 345kV [2] 172/1 173/17 35 [1] 11/20 350 megawatts [1] 105/14</p>	<p>A</p> <p>abandoned [1] 145/13 abilities [1] 113/15 ability [17] 15/21 29/2 29/4 30/24 56/15 57/6 63/9 68/7 75/12 100/15 100/16 101/4 135/17 154/20 228/3 236/18 237/17 able [5] 17/20 186/14 187/3 188/3 225/23 about [128] 8/1 18/4 18/8 18/18 19/18 20/7 24/17 25/14 26/12 26/20 26/24 28/9 28/10 28/19 28/21 30/19 30/23 32/9 32/12 34/25 35/12 35/13 50/7 54/12 59/9 64/14 66/15 73/18 76/15 77/25 78/23 79/17 81/4 82/4 84/11 92/24 95/2 96/19 96/23 96/24 98/7 98/11 98/17 99/4 99/6 102/18 103/9 103/20 104/23 105/7 106/15 106/18 107/18 107/19 109/4 109/14 111/5 111/6 116/20 116/22 117/17 118/9 118/14 119/21 121/19 122/25 123/1 123/6 125/5 130/16 131/18 133/12 133/23 134/18 136/7 136/10 136/16 139/6 143/4 145/6 146/11 147/22 149/18 150/25 151/1 151/8 155/14 156/11 156/18 156/21 157/9 158/23 160/14 166/21 171/9 176/2 180/18 181/21 183/1 183/1 186/8 188/16 189/7 193/13 196/22 197/2 201/16 204/8 207/21 217/14 218/12 220/3 221/21 221/22 224/18 225/1 226/20 228/1 229/7 231/23 234/4 234/5 238/7 241/10 242/2 244/24 245/1 251/6 above [7] 159/21 177/4 215/11 215/19 245/12 247/10 247/11 absolutely [2] 168/4 173/14 accept [1] 186/25 accepted [7] 119/20 154/2 154/19 182/19 223/22 224/6 236/19 accepting [1] 229/14 access [33] 16/21 17/6 17/8 23/4 52/20 54/8 54/18 59/11 63/17 67/12 68/15 69/20 74/20 77/5 93/20 93/25 94/16 94/20 95/21</p>	
<p>4</p> <p>40 [1] 127/16 401 [3] 126/11 126/12 127/9 42 [2] 126/14 126/14 4:00 [2] 230/11 230/15 4:08 [1] 253/3</p> <p>5</p> <p>5,823 [1] 25/22 50 [1] 107/19 50 feet [1] 185/5 50 percent [1] 239/12 50 times [1] 66/15 500 [1] 28/9 500 megawatt [1] 64/14 501F [1] 13/5 51:017 [1] 126/12 51:052 [1] 126/12 52.020 [1] 127/9 537 [1] 28/22 537,144 [1] 25/15 537.1 [1] 26/10 561 [2] 27/9 31/7 5th [1] 249/14</p>		

<p>A</p> <p>affiliate [1] 201/17</p> <p>affiliated [2] 138/21 157/23</p> <p>affiliates [1] 202/13</p> <p>affirm [2] 7/25 143/2</p> <p>affirmative [13] 53/25 150/12 161/16 162/16 168/13 168/23 192/23 195/2 212/25 215/2 236/16 243/11 245/4</p> <p>afraid [1] 117/4</p> <p>after [16] 8/9 36/2 57/19 58/3 83/9 95/21 97/13 98/22 103/8 103/9 143/11 179/2 179/10 200/7 234/8 249/7</p> <p>afternoon [6] 133/23 144/17 144/18 198/16 198/17 232/25</p> <p>afterwards [1] 89/1</p> <p>again [33] 10/9 29/22 62/12 87/6 108/2 128/13 160/2 162/6 163/1 163/24 168/24 174/3 179/4 194/7 198/11 200/5 203/23 205/10 213/21 220/7 221/9 221/21 222/13 222/18 223/9 225/15 229/3 240/19 241/6 242/13 244/9 244/19 246/14</p> <p>against [7] 23/8 66/21 77/7 77/10 78/2 119/14 194/16</p> <p>agency [3] 48/13 122/22 124/21</p> <p>ago [6] 147/17 156/11 161/10 244/24 245/21 246/6</p> <p>agree [26] 15/25 19/6 19/11 19/12 31/12 68/12 68/16 70/4 152/5 158/11 163/23 164/22 178/23 179/6 179/20 183/8 184/13 186/24 188/14 193/19 210/13 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