

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

Riverside Generating Company, L.L.C.)	
COMPLAINANT)	
)	
v.)	Case No. 2017-00472
)	
Kentucky Power Company)	
DEFENDANT)	

**Kentucky Power Company's Request To Submit This Matter For Decision
On The Record Following The Filing Of Simultaneous Briefs**

Kentucky Power Company in accordance with the Commission's February 27, 2018 order in this matter requests that the case be submitted to the Commission for a decision on the record and without hearing.

Kentucky Power further requests that prior to the matter being submitted to the Commission for a decision on the record that the parties be permitted to complete the record by filing simultaneous briefs. Kentucky Power suggests that the briefs be filed within 30 days following the entry of the order providing for the submission of briefs.

In the interest of efficiency and the narrowing of the issues for a Commission decision, Kentucky Power would like to identify a matter formerly in dispute that was addressed by Mr. Hammond's June 14, 2018 rebuttal testimony. Mr. Wohnhas' testimony, which was explicitly based upon Riverside's responses to discovery by both the Staff and the Commission, raised the issue of whether the Riverside and Foothills facilities were commonly owned as required by the tariff. Kentucky Power now understands, based on Mr. Hammond's sworn testimony clarifying

and supplementing the discovery responses, that it appears Riverside holds an interest in the real estate associated with both facilities thereby narrowing this issue.

This also narrows the scope of issues remaining for Commission decision and further supports the efficient use of the Commission's time and resources through concurrent briefs and submission on the record. The remaining issue is Riverside's attempt to meet its burden of proving that it qualifies under the remote self-supply provisions of Tariff N.U.G. The facilities are located on a common site separated by a fence. The question of whether such an arrangement meets Riverside's burden of demonstrating remote self-supply under the tariff is a matter that can be determined by the record on file.

Wherefore, Kentucky Power Company respectfully requests that the Commission enter an order:

1. Permitting the filing of simultaneous briefs on the merits no later than 30 days following the entry of the order providing for the filing of the briefs;
2. Directing the submission of the matter for decision on the merits upon the expiration of the time for filing simultaneous briefs; and
3. Dismissing Riverside's complaint with prejudice and granting Kentucky Power Company all further relief to which it may appear entitled.

Respectfully submitted,



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