

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF SOUTH KENTUCKY RURAL )	
ELECTRIC COOPERATIVE CORPORATION )	CASE NO.
FOR APPROVAL OF MASTER POWER )	2018-00050
PURCHASE AND SALE AGREEMENT AND )	
TRANSACTIONS THEREUNDER )	

**JOINT INTERVENORS’ RESPONSE TO SALT RIVER ELECTRIC COOPERATIVE CORPORATION’S MOTION TO STRIKE PAGE 43, LINE 6, THROUGH PAGE 44 OF THE POST-HEARING BRIEF OF EAST KENTUCKY POWER COOPERATIVE, INC.**

Salt River Electric Cooperative Corporation (“Salt River”) filed a post-hearing brief on July 20, 2018, that included a motion to strike page 43, line 6, through page 44<sup>1</sup> of the post-hearing brief of East Kentucky Power Cooperative, Inc. (“EKPC”). By order entered July 23, 2018, the Public Service Commission (“Commission”) gave the parties until July 31, 2018 to file a response to Salt River’s motion to strike. Pursuant to that order, the Joint Intervenors<sup>2</sup> file this response to Salt River’s motion to strike.

The part of EKPC’s brief at issue describes a June 8, 2018 meeting of the EKPC board of directors convened to discuss the position that EKPC may take on how to resolve the Amendment 3 issues. South Kentucky’s representative on the EKPC board did not participate in

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<sup>1</sup> The Joint Intervenors do not know why Salt River seeks to strike the last paragraph on page 44 of EKPC’s brief. That paragraph does not pertain to the EKPC board of directors meeting at issue.

<sup>2</sup> The Joint Intervenors are nine of the sixteen EKPC distribution cooperatives, being Big Sandy Rural Electric Cooperative Corporation, Blue Grass Energy Cooperative Corporation, Clark Energy Cooperative, Inc., Cumberland Valley Electric, Inc., Farmers Rural Electric Cooperative Corporation, Fleming-Mason Energy Cooperative, Inc., Inter-County Energy Cooperative Corporation, Licking Valley Rural Electric Cooperative Corporation, and Nolin Rural Electric Cooperative Corporation.

the meeting because of the conflict of interest presented by its Application in this proceeding. EKPC's brief describes the resolution adopted by the balance of the EKPC board, the communication with South Kentucky to inform it of the proposed resolution and the inquiry to South Kentucky about whether it was interested in exploring resolution of this case.

As the basis for its motion to strike, Salt River claims that meeting was done "in secret, without counsel" and "the meeting was improper without notice to counsel [representing the distribution cooperatives] and without the opportunity for counsel to be present to correct any misstatements, misrepresentations or ideas from trial counsel for EKPC." The meeting was not conducted "in secret" or otherwise tainted, as there was no issue with notice of the meeting. Also, appropriate counsel, EKPC's counsel, was present because each member of the board of directors who attended the meeting did so in his or her capacity as a director of EKPC, not as a management or other representative of any distribution cooperative.

Based on the foregoing, the Commission should deny Salt River's motion to strike.

This the 26th day of July, 2018.

Respectfully submitted,



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