

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

In the Matter of:

Electronic Application Of Kentucky Power                    )  
Company For A Certificate Of Public Convenience        )  
And Necessity To Construct A 138 kV                        ) Case No. 2018-00072  
Transmission Line In Boyd County, Kentucky            )  
(EastPark 138 kV Transmission Line (Phase 1))        )

**Kentucky Power Company's Third Quarter 2022 Status Report and  
Motion to Surrender Conditional CPCN and for Related Relief**

Kentucky Power Company ("Kentucky Power") provides the following report on the status of the efforts of Unity Aluminum, Inc. ("Unity") to secure financing to complete construction of the facilities to be built in EastPark Industrial Center ("EastPark"), and moves to surrender the certificate of public convenience and necessity ("CPCN"), conditionally granted herein by the Commission, and for other related relief:

1.       Unity recently announced that it has entered into a joint venture with Steel Dynamics Inc. ("SDI") and no longer intends to locate its facilities at EastPark.<sup>1</sup> The joint venture's plans for the mill have increased in size, and the EastPark property no longer is large enough to accommodate those plans. The joint venture is purportedly looking at other sites in Kentucky, as well as in other states.

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<sup>1</sup> See "Gov. Beshear: Kentucky Recoups \$15 Million From Previous Administration's Mill Investment That Never Materialized," <https://www.kentucky.gov/Pages/Activity-stream.aspx?n=GovernorBeshear&prId=1520> (last accessed October 13, 2022).

2. Unity has confirmed its intention to no longer locate its aluminum mill at EastPark with both the Commonwealth<sup>2</sup> and Kentucky Power.

3. The Commission granted Kentucky Power a CPCN to construct and operate the EastPark project by Order in this case dated October 5, 2018, as amended by Order dated August 29, 2019. The CPCN was granted conditionally, “subject to reasonable assurance in writing from [Unity] that sufficient financing has been secured to complete construction of its planned facility.”<sup>3</sup>

4. Given Unity’s decision to no longer locate its facilities at EastPark, Kentucky Power hereby moves to surrender the conditional CPCN approved by the Commission in this case.

5. Kentucky Power also will be withdrawing its application for approval of the proposed special contract for electric service between the Company and Unity filed in Case No. 2018-00418.<sup>4</sup>

6. Finally, based upon the information above, the Company requests that the Commission relieve Kentucky Power of the requirement to submit quarterly status reports on Unity’s efforts to secure financing.

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<sup>2</sup> See *id.*

<sup>3</sup> Order at 9 (Ky. P.S.C. October 5, 2018).

<sup>4</sup> Application, *In the Matter of: Electronic Application Of Kentucky Power Company For Approval Of A Contract For Electric Service With Braidy Industries Inc.*, Case No. 2018-00418 (December 21, 2018).

WHEREFORE, Kentucky Power Company respectfully requests the Commission to enter an Order:

1. Accepting Kentucky Power's surrender of the conditional CPCN granted in this case;
2. Relieving Kentucky Power of the requirement to submit quarterly status reports on Unity's efforts to secure financing; and
3. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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