

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

In the Matter of:

ELECTRONIC 2018 JOINT INTEGRATED RESOURCE	)	CASE NO.
PLAN OF LOUISVILLE GAS AND ELECTRIC	)	2018-00348
COMPANY AND KENTUCKY UTILITIES COMPANY	)	

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**INITIAL DATA REQUESTS OF SIERRA CLUB, ALICE HOWELL, CARL VOGEL,  
AMY WATERS, AND JOE DUTKIEWICZ TO LOUISVILLE GAS AND ELECTRIC  
COMPANY AND KENTUCKY UTILITIES COMPANY**

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Pursuant to the Kentucky Public Service Commission’s (“Commission”) October 30, 2018, Order (“Scheduling Order”), Sierra Club, Amy Waters, and Joe Dutkiewicz hereby propound the following requests for information on Louisville Gas and Electric Company (“LG&E”) and Kentucky Utilities Company (“KU”) (jointly the “Companies”) in the above-captioned proceeding concerning the Companies’ 2018 Joint Integrated Resource Plan (“IRP”).

The Companies shall answer these requests for information in the manner set forth in the Scheduling Order, by no later than October 25, 2019. Please produce the requested documents in electronic format to:

Matthew E. Miller  
Sierra Club  
50 F Street, NW, Eighth Floor  
Washington, DC 20001  
Email: matthew.miller@sierraclub.org

Wherever the response to an interrogatory or request consists of a statement that the requested information is already available to the Intervenors, provide a detailed citation to the document that contains the information. This citation shall include the title of the document, relevant page number(s), and to the extent possible paragraph number(s) and/or chart(s)/table(s)/figure number(s).

In the event that any document referred to in response to any request for information has been destroyed, specify the date and the manner of such destruction, the reason for such destruction, the person authorizing the destruction and the custodian of the document at the time of its destruction.

Sierra Club reserves the right to serve supplemental, revised, or additional discovery requests as permitted in this proceeding.

## DEFINITIONS

Unless otherwise specified in each individual interrogatory or request “LG&E,” refers to Louisville Gas and Electric Company and its affiliates, officers, directors, employees, and agents; “KU” refers to Kentucky Utilities Company and its affiliates, officers, directors, employees, and agents; and “you,” “your,” and the “Companies” refer to LG&E and KU jointly, or to either Company as may make sense in context.

“And” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these interrogatories and requests for production of documents any information which might be deemed outside their scope by another construction.

“Any” means all or each and every example of the requested information.

“Communication” means any transmission or exchange of information between two or more persons, whether orally or in writing, and includes, without limitation, any conversation or discussion by means of letter, telephone, note, memorandum, telegraph, telex, telecopy, cable, email, or any other electronic or other medium.

“Document” refers to written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software, and includes all copies, drafts, proofs, both originals and copies either (1) in the possession, custody or control of the Companies regardless of where located, or (2) produced or generated by, known to or seen by the Companies, but now in their possession, custody or control, regardless of where located whether or still in existence.

Such “documents” shall include, but are not limited to, applications, permits, monitoring reports, computer printouts, contracts, leases, agreements, papers, photographs, tape recordings, transcripts, letters or other forms of correspondence, folders or similar containers, programs, telex, TWX and other teletype communications, memoranda, reports, studies, summaries, minutes, minute books, circulars, notes (whether typewritten, handwritten or otherwise), agenda, bulletins, notices, announcements, instructions, charts, tables, manuals, brochures, magazines, pamphlets, lists, logs, telegrams, drawings, sketches, plans, specifications, diagrams, drafts, books and records, formal records, notebooks, diaries, registers, analyses, projections, email correspondence or communications and other data compilations from which information can be obtained (including matter used in data processing) or translated, and any other printed, written, recorded, stenographic, computer-generated, computer-stored, or electronically stored matter, however and by whomever produced, prepared, reproduced, disseminated or made.

Without limitation, the term “control” as used in the preceding paragraphs means that a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person or public or private entity having actual possession thereof. If a document is responsive to a request, but is not in your possession or custody, identify the person with possession or custody. If any document was in your possession or subject to your control,

and is no longer, state what disposition was made of it, by whom, the date on which such disposition was made, and why such disposition was made.

For purposes of the production of “documents,” the term shall include copies of all documents being produced, to the extent the copies are not identical to the original, thus requiring the production of copies that contain any markings, additions or deletions that make them different in any way from the original.

“DSM” means “demand-side management”.

“EE” means “energy efficiency”.

“ICPA” refers to Inter-Company Power Agreement of the Ohio Valley Electric Corporation.

“Identify” means:

- (a) With respect to a person, to state the person’s name, address and business relationship (e.g., “employee”) vis-à-vis the Company;
- (b) With respect to a document, to state the nature of the document in sufficient detail for identification in a request for production, its date, its author, and to identify its custodian. If the information or document identified is recorded in electrical, optical or electromagnetic form, identification includes a description of the computer hardware or software required to reduce it to readable form.

“OVEC” means the Ohio Valley Electric Corporation, including its wholly owned subsidiary Indiana-Kentucky Electric Corporation.

“OVEC Units” means the Clifty Creek Generating Station (Units 1-6) as well as Kyger Creek Generating Station (Units 1-5).

“Relating to” or “concerning” means and includes pertaining to, referring to, or having as a subject matter, directly or indirectly, expressly or implied, the subject matter of the specific request.

“Workpapers” are defined as original, electronic, machine-readable, unlocked, Excel format (where possible) with formulas intact.

### **PRIVILEGE**

If you claim a privilege including, but not limited to, the attorney-client privilege or the work product doctrine, as grounds for not fully and completely responding to any interrogatory or request for production, describe the basis for your claim of privilege in sufficient detail so as to permit the Proposed Intervenors or the Commission to evaluate the validity of the claim. With respect to documents for which a privilege is claimed, produce a “privilege log” that identifies the author, recipient, date and subject matter of the documents or interrogatory answers for

which you are asserting a claim of privilege and any other information pertinent to the claim that would enable the Proposed Intervenors or the Commission to evaluate the validity of such claims.

### **TIME**

Unless otherwise provided, the applicable time period for each of these requests for information is January 1, 2013, to the present.

### **DATA REQUESTS**

1. Please produce an unredacted copy of the Companies' 2018 IRP.
2. Please produce unredacted copies of all the Companies' responses to other parties' data requests (including those of the Commission Staff) produced in this proceeding.
3. Reference the 2018 IRP at Vol. I, at 5-18, 5-36–5-37.
  - a) With respect to the Companies' increase of the upper-bound of their target capacity reserve margin from 21 percent in the Companies' 2014 IRP to 25 percent in their 2018 IRP, and the Companies' assertion (at 5-37 n.31) that "[t]he increase from 21 percent to 25 percent is driven primarily by an increase in the assumed variability of winter peak demands," explain whether/how that increase in the assumed variability of winter peak demands is the result of polar vortex events (and, if so, identify which specific events).
  - b) Whereas the Companies have chosen to "target a reserve margin range of 17 to 25 percent for resource planning" (at 5-37), discuss why, or (if the 2018 IRP already fully does so in the Companies' view) identify all relevant pages of the Companies' 2018 IRP that discuss why, it is economical, necessary, or otherwise reasonable that the Companies' forecasted reserve margin should always remain at the high end of that target range, never falling below 23.4 percent in all forecasted years through 2033.
  - c) Identify and provide all forecasts by any other utilities that feature a 25 percent upper bound on their target reserve margin, to the extent the Companies are aware of any.
  - d) Identify and provide all forecasts by any other utilities that project their actual capacity margin never falling below 23.4 percent through the year 2033, to the extent the Companies are aware of any.
  - e) Explain whether it is the Companies' position that they require OVEC's 152 MW for the purpose of meeting their target reserve margin.
4. Reference the 2018 IRP at Vol. I, at 5-20, and the statement: "After the Companies complete projects that are currently in progress to comply with the Coal Combustion

- Residual Rule (“CCR Rule”), all of the Companies’ generating units will be in compliance with known state and federal regulations.”
- a) For each coal-fired power plant in the Companies’ fleet, please confirm whether the plant is in compliance with all known groundwater protection standards, as of the latest monitoring reading reported.
  - b) If any exceedances are identified in response to part (a), explain the reconcilability of such exceedances with the Companies’ assertions that all its units are in compliance with all known CCR-related state and federal regulations.
5. Reference the 2018 IRP at Vol. I, 5-24, and the statement: “Compared to gas-fired technologies, the pace of renewable and battery technology development is far less certain.”
- a) Identify and provide all authorities/analysis on which the Companies’ relied in support of this assertion.
6. Reference the 2018 IRP at Vol. I, 5-29, and the statement: “Figure 5-15 compares the high and low distributed solar generation forecast scenarios to the base forecast. The high scenario was derived from a National Renewable Energy Laboratory (“NREL”) forecast of distributed solar generation for the Companies’ service territories and assumes a more aggressive consumer adoption rate than the base scenario. The base and low adoption scenarios were developed by the Companies.”
- a) Identify and provide the specific NREL analysis referenced there on which the Companies relied for the high scenario; and explain whether it was NREL which characterized that forecast scenario as “high” versus the Companies supplying that characterization.
  - b) Explain the basis for, and methodology behind, the Companies’ internal development of the base and low-adoption scenarios, and provide all authorities, data and analysis on which the Companies relied in developing them.
7. Reference the 2018 IRP at Vol. I, 5-40, and the statement “CO2 prices also weaken the overall value of battery storage, as the energy arbitrage value from off-peak coal-fired generation is eroded....”
- a) Identify and provide all authorities/analysis on which the Companies’ relied in support of the assertion that CO2 pricing would weaken the overall value of battery storage.
8. Reference the 2018 IRP at Vol. I, at 5-22, and the statement “With no regulations specifying a market for CO2 emissions allowances or a CO2 emissions tax, the Companies assumed CO2 prices would begin in 2026 in the High CO2 price scenario. The High CO2 scenario is not linked in any way to the proposed ACE Rule”; and at 5-24 n.17, the statement “The High CO2 emissions price is based on a forecast developed by Synapse Energy Economics in March 2016. Synapse’s Spring 2016 Low CO2 price forecast began in 2022 and was presented in real 2015 dollars. For this analysis, it was escalated to nominal dollars at 1.8% annually and the onset was delayed to 2026.”

- a) Confirm that the Companies' *High* CO2 price scenario is based on Synapse's 2016 *Low* CO2 scenario (or if denied, please explain); and discuss why the Company chose Synapse's *Low* scenario, as opposed to their *Mid* or *High* forecasts, for the Companies' *High* own scenario.
  - b) Explain the Companies' choice to begin the carbon price in 2026 rather than 2022, the latter being the start year of the Synapse model on which the Companies base their *High* scenario.
  - c) Explain the Companies' decision to model only a *Zero* case and a *High* case for future CO2 pricing (and not also a *Low* case, for instance); and explain which, if either, the Companies consider to be their "base," or most likely, case.
  - d) Explain whether the Companies have performed or obtained any analysis considering the prospective impact of the so-called ACE rule (assuming it were upheld and implemented) on the effect of that rule on the respective economics of their coal and gas units, their current PPAs (including with OVEC), DSM, or renewable energy and storage build-out. Further, if they have, identify and provide such analysis; or if they have not, explain whether or not they believe it is reasonable to do so, as well as an estimate of when they may perform such analysis.
9. Reference the 2018 IRP at Vol. I, at 5-37–5-39.
- a) Whereas the heading and context of discussion is the Companies' "Long-Term Resource Plan," and the title of Table 5-15 is "Long-Term Resource Plans," explain why the Companies choose to consider only the *near*-term with respect to battery storage and renewables, in stating (at 5-38): "Table 5-15 lists the least-cost resource plans from this analysis. ... In developing these resource plans, the Companies evaluated whether – in the *near*-term – existing resources should be replaced with a combination of battery storage and renewables and determined that this is not least-cost."
10. Reference the 2018 IRP at Vol. I, at 5-40, and the statement: "The economics of meeting load exclusively with renewable assets (wind and solar), coupled with SCCTs and batteries for peaking needs, is not cost effective. In the absence of significantly lower than forecasted costs of renewables and battery storage or significantly higher natural gas or CO2 prices, NGCC capacity is forecasted to be the primary source of replacement capacity as coal resources are retired."
- a) Identify and provide all authorities on which the Companies' relied in support of that assertion.
  - b) Identify/estimate specific numerical figures for the terms "significantly lower" and "significantly higher" as used by the Companies in that assertion.
11. Identify and provide the most recently published evaluation of the economics of solar generation and of battery storage, respectively, relied on by the 2018 IRP.

12. Reference the 2018 IRP at Vol. I, at 6-3, and the statement: “Moving forward, near-term gas prices are not expected to change materially and the pace of coal retirements is expected to slow.<sup>35</sup> 35 PJM coal capacity retirements in the most recent five years (2014-2018) total just over 20 GW, while announced PJM coal capacity retiring in the next five years (2019-2023) only total just over 3 GW.”
  - a) Identify the timeframe as well as the geographic area to which the Companies’ prediction that the “pace of coal retirements is expected to slow” pertains.
  - b) Identify and produce all authorities and analysis relied on by the Companies to support that prediction.
  
13. Reference the 2018 IRP at Vol. I, 6-17, addressing the Companies’ forward-going DSM-EE programs, and the statement: “For example, because the Companies are experiencing very low load growth and have no capacity constraints, the 2019-2025 DSM-EE Program Plan uses zero avoided capacity costs, which has a significant impact on program and portfolio cost-effectiveness.”
  - a) Whereas the Companies’ suggest that low load growth and no capacity constraints lead to the choice of a zero avoided capacity cost, explain whether this implies that, if the Companies choice to target/maintain a lower capacity reserve margin, DSM-EE programs might instead be cost-effective in such circumstances (including by identifying what percentage that reserve margin would have to be)?
  - b) Identify and provide all analysis performed or obtained by the Companies (whether by pointing to relevant parts of the 2018 IRP or otherwise) relied on by the Companies that compares the cost-effectiveness of investing in DSM-EE programs, versus maintaining baseload resources to provide capacity, in order to achieve energy margin goals.
  
14. Reference the 2018 IRP at Vol. I, 6-19, and the statement addressing the Companies’ forward-going DSM-EE programs, and the statement: “Unlined CCR storage impoundments (which account for most of the Companies’ ponds) must monitor groundwater surrounding CCR impoundments and begin closure of the ponds within 6 months if a statistically significant increase in contaminates is found. Those studies are nearing an end and will likely lead to the eventual closure of all current CCR storage impoundments.”
  - a) Provide an update on the referenced studies, including by explain whether the studies are completed and what they concluded with regard to the increase in contaminants.
  - b) Provide an update, with respect to each of the Companies’ currently active CCR storage impoundments, whether the Companies are committed to closing each impoundment; and for each such impoundment, identify the date by which the Companies have committed to closing it.

- c) Confirm whether the Companies have any plans to remediate any of their CCR impoundments, closed or active, via excavation. Further, confirm whether the Companies they have performed or consulted any analysis concerning what the cost of doing so might be, and produce any such analysis.
15. Reference the 2018 IRP at Vol. I, 8-6, and the statement: “The following programs have expired or will expire in 2018: Residential Refrigerator Removal, Residential Incentives, Residential Conservation/Home Energy Performance, Smart Energy Profile, and Customer Education and Public Information. The School Energy Management Program (“SEMP”) was not approved.”
- a) Discuss whether the Companies may re-propose to the Commission any of these programs, or any other not-currently-approved programs, for (re)instatement in the future.
16. Confirm whether KU nor any affiliate of KU has any contractual rights to the output of the Joppa Facilities in Illinois—namely, a six-unit coal-fired generating facility, with a capacity of approximately 948 MW (summer rating), and two gas turbines, located in Joppa, Illinois, under the operation and control of subsidiaries of Dynegy Inc., the majority (80 percent) owner of EEInc.; and further confirm whether KU holds a 20 percent interest in EEInc.
- a) Explain whether/how the power and capacity of the Joppa Facilities, or KU’s interest in EEInc, affect the Companies’ retail rates and provision of services in Kentucky.
17. Please produce an authentic copy of the current OVEC ICPA
- a) If your response to this request is the same as it was to the same request posed by Sierra Club DR 1-1 in Case Nos. 2018-00294 and 2018-00295, please confirm; or if your response is now different, confirm that and explain how it is different now.
18. Identify, discuss, and provide any study or analysis that the Company has performed or obtained, subsequent to that relied on in Case Nos. 2011-00099 and 2011-00100 before the Commission, regarding the cost-competitiveness of, or need for, its contractual relationship with OVEC or the power and capacity the Company obtains from the OVEC Units.
- a) If your response to this request is the same as it was to the same request posed by Sierra Club DR 1-2 in Case Nos. 2018-00294 and 2018-00295, please confirm; or if your response is now different, confirm that and explain how it is different now.
19. Confirm or deny that the Companies included the assumption of taking and paying for power from OVEC in every scenario presented in the resource planning analysis in the 2018 IRP. If denied, explain.



20. Reference the 2018 IRP at Vol. I, 5-20, and the statement: “Approximately one-third (2,500+ MW) of the Companies’ existing generation capacity will be 50 years old or older by 2030. As a generation unit ages, the economics of retrofitting the unit to comply with new environmental regulations become less favorable. For these reasons, the IRP considers two operating life scenarios for its generating units: 55-years and 65-years.” Further, reference the 2018 IRP at Vol. I, 5-37, and the statement: “2,428 MW of existing capacity is assumed to be retired by 2033 in the 55-year life scenario; only 49 MW is assumed to be retired in the 65-year life scenario (see Table 5-4).”
- a) Confirm the year(s) in which the OVEC Units were placed into service in the 1950s.
  - b) Whereas the Companies assume a useful life of 55 years for almost all of its own generating units, and a useful life of 65 years for the comparatively small remainder, explain whether and why the Companies believe it is reasonable to assume approximately an 85-year useful life for units that are even older than the Companies’ own, 55-year-useful-life units .
21. Identify any and all capital investments or projects that the Companies anticipates will be needed for each of the OVEC Units to comply with (while continuing to be able lawfully to operate) all current, anticipated or foreseeable environmental laws, regulations, or other obligations. For each such investments at the OVEC Units:
- a) Describe each such investment/project; its timeline; and the law, regulation, or other obligation it is needed to comply with.
  - b) Describe the decision-maker(s) (wither persons or bodies)—within the LG&E/KU, and/or within OVEC and among its member entities, as may be applicable—that must approve such investments;
  - c) For any such investment/project, provide the following in relation thereto:
    - i) In-service date
    - ii) Current or anticipated status of construction
    - iii) Required outage period for installation and interconnection
    - iv) projected capital cost
    - v) fixed O&M cost
    - vi) variable O&M cost
    - vii) effect on unit heat rate
    - viii) effect on unit availability
  - d) If your responses to this request are the same as to the same request posed by Sierra Club DR 1-3 in Case Nos. 2018-00294 and 2018-00295, please confirm; or if your response is now different, confirm that and explain how it is different now.
22. With respect to the OVEC Units, for each month from January 2013 through September 2019, provide the following charges as pertains to the Company:

- a) Total Monthly Charge, pursuant to Article 5.01 of the current ICPA
  - b) Energy Charge, pursuant to Article 5.02 of the ICPA
  - c) Demand Charge, pursuant to Article 5.03 of the ICPA
  - d) Transmission Charge, pursuant to Article 5.04 of the ICPA
  - e) Note that this request is the same as Sierra Club DR 1-4 in Case Nos. 2018-00294 and 2018-00295 except in that it extends the timeframe to September 2019. If your responses to this request are the same, for the period January 2013 through October 2018, as the same request posed by Sierra Club DR 1-4 in Case Nos. 2018-00294 and 2018-00295, please confirm; or if your responses are now different with respect to that timeframe (apart from the Companies' response to the subsequent timeframe leading through September 2019), confirm that and explain how they are different now.
23. With respect to the OVEC Generating Units, for each month from January 2019 through December 2026, identify (for those already incurred and known) or project (for future charges) the following charges as pertains to the Company:
- a) Total Monthly Charge, pursuant to Article 5.01 of the ICPA
  - b) Energy Charge, pursuant to Article 5.02 of the ICPA
  - c) Demand Charge, pursuant to Article 5.03 of the ICPA
  - d) Transmission Charge, pursuant to Article 5.04 of the ICPA
  - e) If your responses to this request are the same as to the same request posed by Sierra Club DR 1-5 in Case Nos. 2018-00294 and 2018-00295, please confirm; or if your responses are now different, confirm that and explain how they are different now.
24. Has the Company incurred any charges in connection with Minimum Loading Events, as described in the ICPA Section 5.05, during the period from January 1, 2013, to the present?
- a) If so, describe each such charge, including months incurred and amount of such charge.
  - b) If your responses to this request are the same as to the same request posed by Sierra Club DR 1-6 in Case Nos. 2018-00294 and 2018-00295, please confirm; or if your responses are now different, confirm that and explain how they are different now.
25. Provide a record of all funds accrued by OVEC "in connection with the decommissioning, shutdown, demolition and closing" of the OVEC Units as described in Articles 5.03(f) and 7.04 of the ICPA.
- a) If your response to this request is the same as it was to the same request posed by Sierra Club DR 1-7 in Case Nos. 2018-00294 and 2018-00295, please confirm; or if your response is now different, confirm that and explain how it is different now.

26. Provide any assessment of the sufficiency of OVEC's funding to support decommissioning, shutdown, demolition and closing of the OVEC Units.
- a) If your response to this request is the same as it was to the same request posed by Sierra Club DR 1-8 in Case Nos. 2018-00294 and 2018-00295, please confirm; or if your response is now different, confirm that and explain how it is different now.
27. For each of the years 2013 through 2018, and each month in 2019 to date, and for each of the OVEC Units, identify the:
- a) Capacity factor
  - b) Availability
  - c) Heat rate
  - d) Forced outage rate
  - e) Unforced outage rate
  - f) Fixed operating and maintenance ("O&M") cost
  - g) Variable O&M cost
  - h) Fuel cost
  - i) Environmental capital cost
  - j) Non-environmental capital cost
  - k) Depreciation cost
  - l) Return on equity
  - m) Interest expense
  - n) Taxes
  - o) Note that this request is the same as Sierra Club DR 1-9 in Case Nos. 2018-00294 and 2018-00295 except in that it extends the timeframe to the present. If your responses to this request are the same, for the period January 2013 through the time period the Company previously provided, as the same request posed by Sierra Club DR 1-9 in Case Nos. 2018-00294 and 2018-00295, please confirm; or if your responses are now different with respect to that timeframe (apart from the Companies' response to the subsequent timeframe leading through the present), confirm that and explain how they are different now.
28. For each of the years 2019 through 2030, for each of the OVEC Units, identify each unit's projected:
- a) Capacity factor
  - b) Availability
  - c) Heat rate
  - d) Forced outage rate
  - e) Unforced outage rate
  - f) Fixed O&M cost
  - g) Variable O&M cost
  - h) Fuel cost
  - i) Environmental capital cost
  - j) Non-environmental capital cost
  - k) Depreciation cost

- l) Return on equity
  - m) Interest expense
  - n) Taxes
  - o) If your responses to this request are the same as to the same request posed by Sierra Club DR 1-10 in Case Nos. 2018-00294 and 2018-00295, please confirm; or if your responses are now different, confirm that and explain how they are different now.
29. With regard to each of the OVEC Units:
- a) Describe in detail any planned outages for maintenance or repair scheduled between January 1, 2019, and June 1, 2025, including the duration of each such outage and the estimated cost of such maintenance or repairs.
  - b) Describe in detail any unplanned outages that have occurred since January 1, 2010, including the duration of each such outage, steps taken to address the cause of each such outage, and the cost of such steps.
  - c) If your responses to this request are the same as to the same request posed by Sierra Club DR 1-11 in Case Nos. 2018-00294 and 2018-00295, please confirm; or if your responses are now different, confirm that and explain how they are different now
30. Identify the currently planned retirement date for each of the OVEC Units.
- a) If your response to this request is the same as it was to the same request posed by Sierra Club DR 1-12 in Case Nos. 2018-00294 and 2018-00295, please confirm; or if your response is now different, confirm that and explain how it is different now.
31. Produce the minutes from each meeting of the OVEC Board of Directors since January 1, 2015.
- a) If your response to this request is the same as it was to the same request posed by Sierra Club DR 1-13 in Case Nos. 2018-00294 and 2018-00295, please confirm; or if your response is now different, confirm that and explain how it is different now.
32. Produce any and all presentations made to the OVEC Board of Directors regarding environmental capital projects subsequent to the presentation made on October 22, 2014.
- a) If your response to this request is the same as it was to the same request posed by Sierra Club DR 1-14 in Case Nos. 2018-00294 and 2018-00295, please confirm; or if your response is now different, confirm that and explain how it is different now.
33. For each of the years 2013 through 2018 and 2019 to date, for each of the OVEC Units, identify the forced outage rate.
- a) Note that this request is the same as Sierra Club DR 1-15 in Case Nos. 2018-00294 and 2018-00295 except in that it extends the timeframe to the present. If your responses to this request are the same, for the period January 2013 through the time period the Company previously provided, as the same request posed by Sierra Club DR 1-15 in Case Nos. 2018-00294 and 2018-00295, please confirm; or if your responses are now different with respect to that timeframe (apart from the Companies' response to the subsequent timeframe leading through the present), confirm that and explain how they are different now.

34. Confirm or deny, with respect to each coal ash storage unit at Clifty Creek and Kyger Creek, that each coal ash storage unit has transitioned to Assessment Monitoring pursuant to the Coal Combustion Residuals (“CCR”) Rule, *see generally* 40 C.F.R. Part 257; 80 Fed. Reg. 21,302 (Apr. 17, 2015).
- a) If confirmed, provide a list for each coal ash storage unit of all Appendix III constituents for which OVEC found a “statistically significant increase” over background groundwater levels.
  - b) If denied, explain whether (and when, if applicable) such transition is anticipated.
  - c) Provide an estimate of the cost of closure of each coal ash storage unit.
  - d) If your responses to this request are the same as to the same request posed by Sierra Club DR 1-16 in Case Nos. 2018-00294 and 2018-00295, please confirm; or if your responses are now different, confirm that and explain how they are different now.
35. Explain whether it is the Companies’ understanding that, under the ICPA, each of OVEC’s Sponsoring Companies is responsible for guaranteeing OVEC’s debt, such as in the event OVEC were to dissolve or to file for bankruptcy.
- a) If not, explain the Companies’ understanding otherwise, including why the Company does not interpret Article 5.03 of the ICPA to impose such obligation.
  - b) Conversely, if so, explain how the Companies reconcile that understanding with the Commission’s August 11, 2011, Order in Case Nos. 2011-00099 and 2011-00100, providing (at 3) that “LG&E and KU will not act as guarantors of OVEC’s debts nor will they issue securities or other evidence of indebtedness for the purpose of financing their participation in the Amended ICPA.”
  - c) If your responses to this request are the same as to the same request posed by Sierra Club DR 1-17 in Case Nos. 2018-00294 and 2018-00295, please confirm; or if your responses are now different, confirm that and explain how they are different now.
36. Reference Attachment to Filing Requirement 807 KAR 5:001 Section 16(7)(k), pp. 56, 102-103 (Garrett), in the Companies’ rate application filed in Case Nos. 2018-00294 and 2018-00295.
- a) Explain the characterization of the Companies’ investment in OVEC as “not significant.”
  - b) Without limitation, explain the consistency of that characterization with the Companies’ assertions that:
    - i) The Companies are “conditionally responsible for a pro-rata share of certain OVEC obligations” (and please identify the “certain OVEC obligations” to which the Companies refer).
    - ii) The Companies are “obligated to pay for its share of OVEC’s excess debt service, post-retirement and decommissioning costs, as well as any shortfall from amounts included within a demand charge designed and expected to cover these costs over the term of the contract,” with the Companies’ “proportionate share of OVEC’s outstanding debt [being] \$81 million at December 31, 2017.”
    - iii) The Companies’ “maximum exposure and the expiration date of these potential obligations are not presently determinable”

- c) If your responses to this request are the same as to the same request posed by Sierra Club DR 1-18 in Case Nos. 2018-00294 and 2018-00295, please confirm; or if your responses are now different, confirm that and explain how they are different now.
37. Identify and produce any request(s) the Company has issued, from 2015 through the present, for proposals for new or substitute generation capacity (whether or not connected to the question of OVEC).
- a) Identify and produce any responses thereto.
  - b) If your responses to this request are the same as to the same request posed by Sierra Club DR 1-20 in Case Nos. 2018-00294 and 2018-00295, please confirm; or if your responses are now different, confirm that and explain how they are different now.

Dated: October 4, 2019

Respectfully submitted,



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## CERTIFICATE OF SERVICE

This is to certify that the foregoing copy of the INITIAL DATA REQUESTS OF SIERRA CLUB, ALIC HOWELL, CARL VOGEL, AMY WATERS, AND JOE DUTKIEWICZ TO LOUISVILLE GAS AND ELECTRIC COMPANY AND KENTUCKY UTILITIES COMPANY is a true and accurate copy of the document being filed in paper medium; the electronic filing was transmitted to the Commission on October 4, 2019; there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and the filing in paper medium is being delivered to the Commission via express U.S. mail.



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JOE F. CHILDERS