

**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)	

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

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 December 17, 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

Joe F. Childers
Joe F. Childers & Associates
201 West Short Street
Suite 300
Lexington, Kentucky 40507
Email: Joe@Jchilderslaw.com

Wherever the response to an interrogatory or request consists of a statement that the requested information is already available to the Intervenor, 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 Intervenor 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 Intervenor 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. Reference the Companies’ response to SC 1-7, stating in part that “[t]he Companies’ analysis demonstrated that CO₂ pricing would weaken the overall value of battery storage because it would increase the cost of charging the battery.”
 - a) Please explain whether the Companies believe that CO₂ pricing would increase the cost of charging a battery if the battery were being charged specifically by a non-CO₂-emitting source of generation, such as solar or wind, as opposed to a CO₂-emitting generation source, such as a coal- or gas-fired power plant.
 - b) Please explain whether the Companies agree that, as a general matter, the institution of CO₂ pricing would tend to diminish any pre-existing economic advantage, or (by the same token) exacerbate any pre-existing economic disadvantage, of CO₂-emitting generation sources of generation compared to non-CO₂-emitting source (for example, CO₂ pricing would tend to worsen the comparative economics of a coal-fired plant relative to renewables plus storage).
2. Reference the Companies’ response to SC 1-8, stating in part that “[t]he Companies’ modeling of CO₂ prices was not an attempt to accurately forecast the CO₂ prices that might occur from any new regulation that might be developed,” but rather was “intended to demonstrate a range of possible futures that could drive different scenarios of future replacement generation capacity”; and that “the Companies did not treat either CO₂ price case [*i.e.*, “High” or “Zero”] as more likely than the other.”
 - a) Confirm whether the Companies have ever attempted to accurately forecast the CO₂ prices that might occur from any new regulation that might be developed; and provide such forecast(s) (and all supporting analysis), if any.
 - b) Granted the Companies’ IRP analysis did not treat either its High or Zero case as more likely than the other, explain whether the Companies have an opinion on whether any particular CO₂ price forecast, whether it is one of the two price cases set

out in the IRP or not, is in fact the most likely—or at least whether the Companies had one at the time the IRP was authored. Provide all documents showing or related to the development of such opinion, if any.

3. Reference the Companies' response to SC 1-9. Identify and provide all documents (including without limitation all reports, analysis, messages, slides, meeting minutes, etc.) comprising or otherwise related to the referenced "near-term replacement analysis that evaluated replacing Brown 3 with a combination of battery storage and renewables and determined that such a combination was not least-cost."
4. Reference the Companies' response to SC 1-18.
 - a) Whereas the Companies stated, in part, "It is economic for the Companies to continue purchasing energy from OVEC, given the Companies' obligation to participate through 2040 in the ICPA, which was amended in 2010 and approved by the Kentucky Public Service Commission in Case Nos. 2011-00099 and 2011-00100"—
 - i) Explain the meaning of "economic" as the Companies mean it there—i.e., "economic" for whom (the Companies' retail customers?); by what measure(s); relative to what alternatives; etc.
 - ii) Explain the basis for that assertion that it is "economic" (e.g., based solely on the record and decision in Case Nos. 2011-00099 and 2011-00100? other?).
 - b) Explain whether it is the Companies' contention that, if the Companies were not obligated to purchase energy from OVEC, the Companies' customers' retail rates would still be lowest if the Companies chose to continue purchasing energy from OVEC in the same way they do now, relative to other options.
 - c) Confirm or deny that, at least since Case Nos. 2011-00099 and 2011-00100, the Companies have not (re)assessed the relative net impacts on their customers of continuing to purchase energy from the OVEC units as required under the ICPA. If denied, explain and provide such assessment(s).
 - d) Other than the Company's contractual obligation under the ICPA or reliance on the approval in Case Nos. 2011-00099 and 2011-00100, identify and explain any Company need for taking power from OVEC.
 - e) Whereas the Companies stated that "OVEC's continued operation is determined by its board," identify the factors that the OVEC board considers in making that determination.
 - f) Whereas the Companies have two representatives on the OVEC board, explain whether the Companies' representatives and/or other OVEC board members regularly consider, as a consideration in discussions regarding whether to continue operations, the question of the relative net impact on OVEC members' customers' retail rates of continuing OVEC's operations.
 - g) Whereas the requests above compare substantively to those in SC 2-1 in Case Nos. 2018-00294 and 2018-00295, confirm or deny that the substance of the Companies' responses to the requests above, here, are the same as in the Companies' analogous

responses to SC 2-1 in those dockets. If denied, explain how and why the responses here are different.

5. Reference the Companies' response to SC 1-20(b).
 - a) Confirm or deny that the Companies conveyed an opinion to the Commission regarding the operating lives of the OVEC Units in Case Nos. 2011-00099 and 2011-00100, in which the Companies requested that the Commission authorize their entrance into the Amended ICPA and approve the proposed extension of the Companies' long-term purchase contract with OVEC from 2026 to 2040.
 - b) Indicate and explain the Companies' understanding of whether the Commission could effectively release the Companies from some or all of their obligations under the ICPA if the Commission (hypothetically in some proceedings) were to withdraw the authorizations it granted in Case Nos. 2011-00099 and 2011-00100.
6. Reference the Companies' response to SC 1-29(a) and Attachments 1 & 2 thereto.
 - a) Identify the preparer/author/source of each Attachment's charts (e.g., OVEC? the Companies?)
 - b) Whereas the above request compares substantively to request SC 2-3 in Case Nos. 2018-00294 and 2018-00295, confirm or deny that the substance of the Companies' response to the request above, here, is the same as in the Companies' analogous response to SC 2-3 in those dockets. If denied, explain how and why the response here is different.
7. Reference the Companies' response to SC 1-31 and Attachment thereto.
 - a) Discuss the "merchant plant analysis" referred to at pp. 3 and 9 of the Attachment, explaining (without limitation)—
 - i) who prompted it and why.
 - ii) when was it commenced and completed.
 - iii) what point in time, or timeframe, did it purport to address.
 - iv) who performed it.
 - v) was it a regular, periodic analysis or a one-off analysis.
 - vi) any other pertinent details.
 - b) Provide a copy of that merchant plant analysis (or analyses), along with (if distinct therefrom) the corresponding "handout" (or handouts) that were "provided to the Board," as referenced in the Attachment.
 - c) Whereas the above requests compare substantively to request SC 2-4 in Case Nos. 2018-00294 and 2018-00295, confirm or deny that the substance of the Companies' responses to the requests above, here, is the same as in the Companies' analogous response to SC 2-4 in those dockets. If denied, explain how and why the response here is different.
8. Reference the Companies' Response to SC 1-32 and Attachment.

- a) Confirm or deny that, as of today, no actual construction has commenced of any capital projects needed at the OVEC Units to achieve compliance with the ELG Rule or CCR Rule (see, e.g., Attachment at p.2).
 - i) If confirmed, explain whether any definitive, committed decisions have been made at this time regarding whether and when to commence construction of such capital projects.
 - (1) If so, identify such decided-upon, committed-to project(s), including (without limitation) the plant at which construction has commenced, when construction began and when it is projected to be completed, and compliance with which rule(s) it is intended to achieve.
 - ii) If denied, identify and discuss such project(s), including (without limitation) the plant at which construction has commenced, when construction began and when it is projected to be completed, and compliance with which rule(s) it is intended to achieve.
 - b) Whereas the above requests compare substantively to request SC 2-5 in Case Nos. 2018-00294 and 2018-00295, confirm or deny that the substance of the Companies' responses to the requests above, here, is the same as in the Companies' analogous response to SC 2-5 in those dockets. If denied, explain how and why the response here is different.
9. Reference the Companies' response to SC 1-36.
- a) Confirm or deny that it is the Company as a corporate entity which owns the referenced amount of OVEC common stock. If denied, explain who/what else instead "owns" that stock.
 - b) Whereas the above request compares substantively to request SC 2-6 in Case Nos. 2018-00294 and 2018-00295, confirm or deny that the substance of the Companies' response to the request above, here, is the same as in the Companies' analogous response to SC 2-6 in those dockets. If denied, explain how and why the response here is different.

Dated: November 25, 2019

Respectfully submitted,

Of counsel
(not licensed in Kentucky):

Matthew E. Miller, Esq.
Sierra Club
50 F Street, NW, Eighth Floor
Washington, DC 20001
Phone: (202) 650-6069
Fax: (202) 547-6009



Joe F. Childers, Esq.
Joe F. Childers & Associates
300 Lexington Building
201 West Short Street
Lexington, KY 40507
Phone: (859) 253-9824
Fax: (859) 258-9288
Email: Joe@Jchilderslaw.com

Email: matthew.miller@sierraclub.org

Counsel for Sierra Club, Alice Howell, Carl Vogel, Amy Waters, and Joe Dutkiewicz

CERTIFICATE OF SERVICE

This is to certify that the foregoing copy of the SUPPLEMENTAL 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 November 25, 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.



JOE F. CHILDERS