

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In The Matter Of:

The Electronic Application Of Kentucky Power)	
Company For Approval Of A Contract For)	Case No. 2018-00418
Electric Service With Braidy Industries Inc.)	

Motion To Withdraw Application

Kentucky Power Company respectfully moves the Public Service Commission of Kentucky for leave to withdraw its application in this matter and for entry of an Order dismissing this proceeding without prejudice. The Company states in support of its request:

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 Industrial Center (“EastPark”).¹ 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.

2. Unity has confirmed its intention to no longer locate its aluminum mill at EastPark with both the Commonwealth² and Kentucky Power. Thus, Unity also no longer will be taking service from Kentucky Power at that location.

3. The Commission granted Kentucky Power a CPCN to construct and operate the EastPark project by Order in Case No. 2018-00072 dated October 5, 2018, as amended by Order

¹ 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 See *id.*

dated August 29, 2019.³ 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.”⁴

4. Given Unity’s decision to no longer locate its facilities at EastPark, Kentucky Power moved to surrender the conditional CPCN approved by the Commission in Case No. 2018-00072 on October 17, 2022.

5. As such, the Company’s request for approval of the proposed special contract between the Company and Unity Aluminum, Inc. (f/k/a Braidy Industries, Inc.) in this case is moot, and the Company desires to withdraw its application.

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

1. Granting Kentucky Power leave to withdraw its application in this case;
2. Dismissing this proceeding without prejudice; and
3. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



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³ Orders, *In the Matter of: Electronic Application Of Kentucky Power Company For A Certificate Of Public Convenience And Necessity To Construct A 138 kV Transmission Line In Boyd County, Kentucky (EastPark 138 kV Transmission Line (Phase 1))*, Case No. 2018-00072 (Ky. P.S.C. Oct. 5, 2018, as amended Aug. 29, 2019).

⁴ *Id.* at 9 (Ky. P.S.C. October 5, 2018).