

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

In the Matter of: )  
)  
Electronic Application Of Kentucky Power )  
Company For (1) A General Adjustment Of Its )  
Rates For Electric Service; (2) Approval Of ) Case No. 2020-00174  
Tariffs And Riders; (3) Approval Of Accounting )  
Practices To Establish Regulatory Assets And )  
Liabilities; (4) Approval Of A Certificate Of )  
Public Convenience And Necessity; And (5) All )  
Other Required Approvals And Relief )

**SWVA KENTUCKY, LLC'S SECOND SET OF  
DISCOVERY REQUESTS TO  
KENTUCKY POWER COMPANY**

Pursuant to 807 KAR 5:001, Section 4(12) and the procedural Order entered July 14, 2020, intervenor SWVA Kentucky, LLC (“SWVA”) submits the following discovery requests (“Requests”) to Kentucky Power Company (“Kentucky Power” or “Company”) in the above-captioned proceeding.

**INSTRUCTIONS**

1. In answering each Request, please state the text of the Request prior to providing the response. Each Request and applicable response should be on a separate page. Where there are subparts to a Request, each subpart and applicable response should be on a separate page. Each Request is continuing in nature. Thus, if Kentucky Power acquires or discovers additional or different information with respect to a Request after the Request has been initially answered, Kentucky Power is required to supplement its response immediately following the receipt of such additional or different information, giving the additional or different information to the same extent as originally requested. Kentucky Power may not postpone serving such responsive supplemental information until after the filing of any testimony or supporting documents in this proceeding.

Initial and supplementary responses shall be full, complete and accurate since they will be relied upon by SWVA for the purposes of this proceeding. For each Request, list all assumptions made by Kentucky Power in answering said Request.

2. In the event that Kentucky Power asserts that any of the information requested is deemed by it to be privileged or proprietary, then Kentucky Power in its written response should identify any such data, and any supporting documents, by date and general content. Kentucky Power should also identify all persons who participated in the preparation of the document and all persons, inside or outside Kentucky Power, who received, read or examined any such document. In addition, Kentucky Power should indicate its claim of privilege with particularity and describe the grounds upon which privilege is claimed. State the present location of the document and all copies thereof and identify each person having custody or control of the document and said copies.

3. To the extent that Kentucky Power asserts that any requested information is not relevant or not material to any issue in the above-captioned matter, Kentucky Power, in its written response hereto, should indicate a specific basis for said assertion in the context of any issues arising in this proceeding.

4. In the event Kentucky Power asserts that any requested information is not available in the form requested, Kentucky Power, in its written response thereto, should disclose the following:

- (a) the form in which the requested data currently exists (identifying documents by title);
- (b) whether it is possible under any circumstances for Kentucky Power to provide the data in the form requested;
- (c) the procedures or calculation necessary to provide the data in the form requested;
- (d) the length of time (in hours or days) necessary for Kentucky Power to prepare the data in the form requested; and

- (e) the earliest dates, time period, and location that representatives of SWVA may inspect Kentucky Power's files, records or documents in which the requested information currently exists.

5. The Requests contained herein contemplate that individual copies of all documentary material requested will be provided to SWVA as is the usual custom in regulatory proceedings. In the event that Kentucky Power asserts that any requested documents are too voluminous, or, for some other reason, that copies cannot be provided, Kentucky Power is requested to make this documentary material available for inspection as of the date of the required written responses at such place as may be mutually agreed upon among counsel for the parties. Selective copying shall also be provided by Kentucky Power pursuant to SWVA's designation at that time.

6. In providing documents, Kentucky Power is requested to furnish all documents or items in its physical possession or custody, as well as those materials under the physical possession, custody or control of any other person acting or purporting to act on behalf of Kentucky Power or any of Kentucky Power's employees or representatives, whether as an agent, independent contractor, attorney, consultant, witness, or otherwise. If documents responsive to a request existed at one time but have been discarded, lost or destroyed, please describe by category such documents, state the identity of the person having knowledge of the circumstances of their discard, loss or destruction, and state the date on which such documents were discarded, lost or destroyed.

7. To the extent any requested document cannot be provided in full, it shall be provided to the extent possible, with an indication of what document or portion of what document is being withheld and the reasons for withholding said document.

8. Documents are to be produced as they are kept in the usual course of business. To the extent that they are attached to each other, documents should not be separated.

9. Documents not otherwise responsive to this Request shall be provided if such documents are attached to documents responsive to this Request, and constitute routing slips, transmittal memoranda, letters, comments, evaluations, or similar materials.

10. Unless otherwise indicated, the following Requests shall require you to furnish information and tangible materials pertaining to, in existence, or in effect for the whole or any part of the period from January 1, 2017, through and including the date of your response.

11. Where these Requests seek quantitative or computational information (*e.g.*, models, analyses, databases, formulas) stored by Kentucky Power or its consultants in machine-readable form, in addition to providing hard copy, Kentucky Power is requested to furnish such machine-readable information for Windows compatible PCs, as:

- (a) Excel worksheet files;
- (b) other Windows PC compatible worksheet or database files.

12. Responses to any of these Requests may include incorporation by reference to responses to other Requests only under the following circumstances:

- (a) the reference is explicit and complies with instruction 11; and
- (b) unless the entirety of the referenced response is to be incorporated, the specific information or documents of the referenced response shall be expressly identified.

13. SWVA requests that Kentucky Power send its responses to this Request to the following:

Michael A. Frye ([maf@JenkinsFenstermaker.com](mailto:maf@JenkinsFenstermaker.com))

Damon E. Xenopoulos ([dex@smxblaw.com](mailto:dex@smxblaw.com))

Responsive information and documents should be provided as they become available and should not be withheld until a complete response to all of SWVA's Requests is available.

14. For each Request answered, provide the name of the person or persons preparing the response, the title of each such persons and the name of the witness or witnesses who will be

prepared to testify concerning the matters contained in each response or document provided. Respondents shall provide all responses under oath.

### **DEFINITIONS**

1. “Kentucky Power” and/or “Company” refer to Kentucky Power Company, its parent(s), subsidiaries, affiliates, predecessors, successors, officers, directors, agents, employees, and other persons acting in its behalf.

2. “AEP” refers to American Electric Power Company, Inc., and its subsidiaries, affiliates, predecessors, successors, officers, directors, agents, employees, and other persons acting on its behalf.

3. “AEPSC” refers to American Electric Power Service Corporation and its subsidiaries, affiliates, predecessors, successors, officers, directors, agents, employees, and other persons acting on its behalf.

4. “Respondents” refers collectively to AEP, AEPSC and their subsidiaries (including Kentucky Power), affiliates, predecessors, successors, officers, directors, agents, employees, and other persons acting in their behalf.

5. “PSC” or “Commission” means the Kentucky Public Service Commission.

6. “SWVA” means SWVA Kentucky, LLC.

7. “Identify” means as follows:

- (a) when used in reference to an individual, to state his/her full name and present or last known residence address and telephone number, his/her present or last known position and business affiliation, and his/her position and business affiliation at the time in question;

- (b) when used in reference to a commercial or governmental entity, to state its full name, type of entity (*e.g.*, corporation, partnership, single proprietorship), and its present or last known address;
- (c) when used in reference to a document, to state the date, author, title, type of document (*e.g.*, letter, memorandum, photograph, recording, etc.) and its present or last known location and custodian;
- (d) when used in reference to a communication, to state the type of communication (*i.e.*, letter, personal conversation, etc.), the date thereof, and the parties thereto and, in the case of a conversation, to state the substance, place, and approximate time thereof, and identity of other persons in the presence of each party thereto; and
- (e) when used in reference to an act, to state the substance of the act, the date, time, and place of performance, and the identity of the actor and all other persons present.

8. The term “document” as used in the Requests contained herein is used in its customary broad sense, and includes, without limitation, any kind of printed, recorded, written, graphic, or photographic matter and things similar to any of the foregoing, regardless of their author or origin. The term specifically includes reports, studies, statistics, projections, forecasts, decisions and orders, e-mail communications, intra-office and inter-office communications, correspondence, memoranda, financial data, summaries or records of conversations or interviews, statements, returns, diaries, workpapers, graphs, sketches, computer printouts, summaries or reports of investigations or negotiations, opinions or reports of consultants, photographs, brochures, bulletins, pamphlets, books, articles, advertisements, circulars, press releases, graphic records or representations or publications of any kind (including microfilm, videotape and records, however produced or reproduced), electronic, mechanical and electrical records of any kind (including, without limitation, tapes, tape cassettes, disks and records), other data compilations (including,

without limitation, input/output files, source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, disks and recordings used in automated data processing together with the programming instructions and other material necessary to translate, understand or use the same), all drafts, prints, issues, alterations, modifications, changes and amendments to the foregoing, and all other documents or tangible things of whatever description that constitute or contain information within the scope of a Request that are in the possession of Kentucky Power. A Request seeking the identification or production of documents addressing, relating or referring to, or discussing a specified matter encompasses documents having a factual, contextual, or logical nexus to the matter, as well as documents making explicit or implicit reference thereto in the body of the documents. Originals and duplicates of the same document need not be separately identified or provided; however, drafts of a document or documents differing from one another by initials, interlineations, notations, erasures, file stamps, and the like shall be deemed to be distinct documents requiring separate identification or production.

9. "Communication" shall mean any transmission of information by oral, graphic, written, pictorial, or otherwise perceptible means, including, but not limited to, telephone conversations, letters, telegrams, e-mail and personal conversations. A Request seeking the identity of a communication addressing, relating or referring to, or discussing a specified matter encompasses documents having factual, contextual, or logical nexus to the matter, as well as communications in which explicit or implicit reference is made to the matter in the course of the communication.

10. The "substance" of a communication or act includes the essence, purport or meaning of the same, as well as the exact words or actions involved.

11. Words expressing the singular number shall be deemed to express the plural number; those expressing the masculine gender shall be deemed to express the feminine and neuter genders; those expressing the past tense shall be deemed to express the present tense; and vice versa.

12. The unqualified terms “or” and “and” shall be construed either conjunctively or disjunctively to bring within the scope of these Requests any matters that might otherwise be construed to be outside their scope.

13. The unqualified term “person” shall mean an individual, corporation, partnership, unincorporated association or other business or governmental entity.

14. The term “*e.g.*” or “for example” indicates illustration by example, not limitation.



## REQUESTS

- SWVA-2-1.** Why does the Company propose a larger percentage rate increase for the IGS transmission subclass compared to the IGS class as a whole? Explain in detail and provide all relevant documents.
- SWVA-2-2.** Please reference the Company’s response to SWVA-1-11, wherein the Company states, “CS-IRP is a capacity resource, proposed Tariff DRS is a load reducer. The two different products have different values and different participation requirements such as the 60 annual hours of interruption under proposed Tariff DRS.” Please answer the following questions in detail and provide all relevant documents:
- (a) What does the Company mean by “CS-IRP is a capacity resource, proposed Tariff DRS is a load reducer.” Explain the (i) meaning, and (ii) significance of this distinction.
- (b) Explain the rationale for crediting interruptions under CS-IRP less (i.e., a lower rate) than credited under Rider DRS.
- (c) Why is Rider DRS credited (paid) a higher rate for interruptions than CS-IRP is paid?
- (d) What is (are) the essential difference(s) between CS-IRP and Rider DRS that justifies paying/crediting interruptions under Rider DRS at a higher rate/amount than CS-IRP?
- SWVA-2-3.** Why would a customer select CS-IRP over Rider DRS? Explain in detail and provide all relevant documents.
- SWVA-2-4.** Why would a customer select Rider DRS over CS-IRP? Explain in detail and provide all relevant documents.
- SWVA-2-5.** Are certain (i) classes/categories of customer, and/or (ii) load profiles more likely to prefer CS-IRP over Rider DRS? Explain in detail and provide all relevant documents.
- SWVA-2-6.** Are certain (i) classes/categories of customer, and/or (ii) load profiles more likely to prefer Rider DRS over CS-IRP? Explain in detail and provide all relevant documents.
- SWVA-2-7.** As the Company is likely aware, PJM’s 2022/2023 base residual auction (“BRA”) has been delayed while PJM’s compliance filing regarding its minimum offer price rule (“MOPR”) is pending at FERC. Please explain (a) how the Company expects the MOPR to impact prices in the BRA and/or Capacity Performance prices; and (b) whether the Company expects to modify (i) the CS-IRP, and/or (ii) DRS credit/discount accordingly. Explain in detail and provide all relevant documents.

Respectfully submitted,

By: \_\_\_\_\_

Hon. Michael A. Frye (Kentucky I.D. No. 90246)  
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*Local Counsel for SWVA Kentucky, LLC*

Dated: September 16, 2020

## CERTIFICATE OF SERVICE

I hereby certify that SWVA's September 16, 2020, electronic filing is a true and accurate copy of the *SWVA Kentucky, LLC's Second Set of Discovery Requests to Kentucky Power Company*; and that on September 16, 2020, the electronic filing has been transmitted to the Commission. Pursuant to the Commission's Orders dated March 16, 2020 and March 24, 2020, in Case No. 2020-00085, and in accordance with all other applicable law, counsel certifies that an electronic copy of the foregoing was served by email to the following. SWVA, by and through its counsel, will serve a physical copy of this filing with the Commission within 30 days after the Governor lifts the current State of Emergency.

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