

**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 FIRST SET OF
DISCOVERY REQUESTS TO
KENTUCKY POWER COMPANY**

Intervenor SWVA Kentucky, LLC ("SWVA"), submits, pursuant to 807 KAR 5:001, Section 4(12)), the procedural Order entered July 14, 2020 and the Commission's Order dated August 13, 2020 in the above captioned proceeding, the following discovery requests ("Requests") to Kentucky Power Company ("Kentucky Power") 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 a copy, 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 IBM compatible PCs, as:

- (a) Excel worksheet files;
- (b) other IBM 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)

Damon E. Xenopoulos (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” refers 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-1-1.** Please provide copies of all discovery/data requests issued to Respondents in this proceeding.
- SWVA-1-2.** Please provide copies of all discovery/data requests issued by Respondents in this proceeding.
- SWVA-1-3.** Please provide all answers submitted by Respondents in response to discovery/data requests of all parties in this proceeding.
- SWVA-1-4.** Please provide all answers submitted to Respondents in response to discovery/data requests of Respondents in this proceeding.
- SWVA-1-5.** Under the proposed Tariff C.S.-I.R.P., the Company proposes to change the required contracted interruptible capacity from “capacity sufficient to meet normal maximum interruptible power requirements” to “capacity sufficient to meet average maximum interruptible power requirements” (emphasis added). Explain in detail why the Company is proposing to make this change. Include all relevant documentation and supporting workpapers with formulas intact.
- SWVA-1-6.** Under the proposed Tariff C.S.-I.R.P., the Company proposes to change the required contracted interruptible capacity from “capacity sufficient to meet normal maximum interruptible power requirements” to “capacity sufficient to meet average maximum interruptible power requirements” (emphasis added). Explain in detail how the Company expects the change from “normal” to “average” will impact the Tariff C.S.-I.R.P. customer’s (i) interruptible credit, and (ii) electricity bills/cost. Include all relevant documentation and supporting workpapers with formulas intact.
- SWVA-1-7.** Under the proposed Tariff C.S.-I.R.P., the Company proposes to change the required contracted interruptible capacity from “capacity sufficient to meet normal maximum interruptible power requirements” to “capacity sufficient to meet average maximum interruptible power requirements” (emphasis added). Explain in detail how the Company expects the change from “normal” to “average” will impact the Tariff C.S.-I.R.P. customer’s (i) interruptible obligation, and (ii) operations/interruption(s) to comply with the new language. Include all relevant documentation and supporting workpapers with formulas intact.
- SWVA-1-8.** Under the proposed Tariff C.S.-I.R.P., the Company adds tariff language stating that it “reserves the right to test and verify the customer’s ability to curtail.” Please explain the Company’s process for initiating a test under the proposed tariff. Include all relevant documentation and supporting workpapers with formulas intact.
- SWVA-1-9.** The Company proposes a new interruptible service option, Rider D.R.S, which includes establishing an Interruptible Demand Credit Rate of \$5.50/KW-month. Please explain in detail the basis for, and calculations arriving at, the proposed

credit rate. Include all relevant documentation and supporting workpapers with formulas intact.

- SWVA-1-10.** The Company proposes not to change the interruptible credit under Tariff C.S.-I.R.P. Please explain in detail the basis for this decision and provide details as to how the credit is calculated. Include all relevant documentation and supporting workpapers with formulas intact.
- SWVA-1-11.** Tariff C.S.-I.R.P. and Rider D.R.S. are both interruptible service options, yet the proposed credits differ. Please explain in detail what accounts for the difference and why the interruptible credit under C.S.-I.R.P. is lower than that proposed for Rider D.R.S. Include all relevant documentation and supporting workpapers with formulas intact.
- SWVA-1-12.** Please explain how the Company calculated the discount/credits under (a) Tariff C.S.-I.R.P. and (b) Rider D.R.S. Include all relevant documentation and supporting workpapers with formulas intact.
- SWVA-1-13.** Please explain in detail whether a portion of a customer's interruptible load could be served under Tariff C.S.-I.R.P. and a portion under Rider D.R.S. Explain whether and how the answer varies depending on the Company's metering of the load. Include all relevant documentation and supporting workpapers with formulas intact.
- SWVA-1-14.** Please explain how the proposed penalty for failure to curtail under Tariff C.S.-I.R.P. was calculated. Include all relevant documentation and supporting workpapers with formulas intact.
- SWVA-1-15.** Please explain how the proposed penalty for failure to curtail under Rider D.R.S. was calculated. Include all relevant documentation and supporting workpapers with formulas intact.
- SWVA-1-16.** Please explain the basis for distinct penalties for failure to curtail under Tariff C.S.-I.R.P. and Rider D.R.S. Include all relevant documentation and supporting workpapers with formulas intact.
- SWVA-1-17.** Under Section II—Application, Filing Requirements, Exhibit I, Average Customer Bill Impacts, the Company shows an average increase for the I.G.S tariff class of 7.6%. However, Section II—Application, Filing Requirements, Exhibit J, Page 33, shows an increase of 12.5% to I.G.S. Transmission voltage customers. Please explain why the increase to I.G.S. Transmission customers is higher than that to the I.G.S class as a whole. Include all relevant documentation and supporting workpapers with formulas intact.
- SWVA-1-18.** Please explain why the percentage increase to Tariff I.G.S. reflected in Company witness Stegall's table, "Base Rate Increase" (Exhibit JMS-2), is higher than the percentage increase listed in Section II—Application, Filing Requirements, Exhibit I, Average Customer Bill Impacts. Include all relevant documentation and supporting workpapers with formulas intact.

Respectfully submitted,

By: 

Hon. Michael A. Frye (Kentucky I.D. No. 90246)
Jenkins Fenstermaker, PLLC
325 Eighth Street
Huntington, WV 25701-2225
Phone: (304) 523-2100
Email: maf@JenkinsFenstermaker.com

Local Counsel for SWVA Kentucky, LLC

Dated: August 13, 2020

CERTIFICATE OF SERVICE

I hereby certify that SWVA's August 13, 2020, electronic filing is a true and accurate copy of the *SWVA Kentucky, LLC's First Set of Discovery Requests to Kentucky Power Company*; and that on August 13, 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.

Barry Alan Naum
Spilman Thomas & Battle, PLLC
1100 Brent Creek Blvd., Suite 101
Mechanicsburg, PA 17050
bnaum@spilmanlaw.com

Carrie H. Grundmann
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
crgrundmann@spilmanlaw.com

Robert D. Gladman
Brian K. West
Christen Blend
Tanner Wolffram
Hector Garcia
American Electric and Power Service Corp.
1 Riverside Plaza, 29th
Floor P.O. Box 16631
Columbus, OH 43216
Kentucky_regulatorv_services@aep.com
rgladman@aep.com
bkwest@aep.com
cblend@aep.com
tswolffram@aep.com
hgarcial@aep.com

J. Michael West
Lawrence W. Cook
John G. Horne, II
Angela M. Good
Assistant Attorneys General
700 Capital Avenue, Suite 20
Frankfort, KY 40601
Michael.West@ky.gov
Larry.Cook@ky.gov
John.Horne@ky.gov
Angela.Goad@ky.gov

Don C. A. Parker
Spilman Thomas & Battle, PLLC
300 Kanawha Blvd, East
Charleston, WV 25301
dparker@spilmanlaw.com

Michael L. Kurtz
Kurt J. Boehm
Jody Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
mkurtz@bkllawfirm.com
kboehm@bkllawfirm.com
jkylercohn@bkllawfirm.com

Randal A. Strobo
Clay A. Barkley
David E. Spenard
Strobo Barkley PLLC
239 S. Fifth Street, Suite 917
Louisville, Kentucky 40202
rstrobo@strobobarkley.com
cbarkley@strobobarkley.com
dspenard@strobobarkley.com

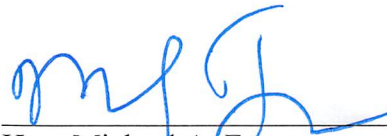
Mark R. Overstreet
Katie M. Glass
Stites & Harbison PLLC
421 West Main Street P.O. Box 634
Frankfort, KY 40602-0634
moverstreet@stites.com
kglass@stites.com

Matt Partymiller
President
Kentucky Solar Industries Association
1038 Brentwood Court, Suite B
Lexington, Kentucky 40511
matt@solar-energy-solutions.com

Matthew E. Miller
Sierra Club
2528 California Street
Denver, Colorado
matthew.miller@sierraclub.org

Tom FitzGerald
Kentucky Resources Council, In.
P.O. Box 1070
Frankfort, KY 40602
FitzRC@aol.com

Joe F. Childers
Joe F. Childers & Associates
300 Lexington Building
201 West Short Street
Lexington, Kentucky 40507
joe@jchilderslaw.com



Hon. Michael A. Erye
(Kentucky I.D. No. 90246)