

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

IN THE MATTER OF

THE JOINT APPLICATION OF EAST KENTUCKY	)	
POWER COOPERATIVE, INC. AND INTER-COUNTY	)	
ENERGY CORPORATION FOR APPROVAL OF	)	CASE NO.
AN INDUSTRIAL POWER AGREEMENT WITH	)	2020-00193
ECONOMIC DEVELOPMENT RIDER AND	)	
RENEWABLE ENERGY PURCHASES	)	

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**JOINT APPLICANTS’ MOTION TO SUBMIT  
CASE FOR DECISION BASED UPON THE EXISTING  
ADMINISTRATIVE RECORD**

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Come now East Kentucky Power Cooperative, Inc. (“EKPC”) and Inter-County Energy Corporation (“Inter-County”), collectively the “Joint Applicants”, by and through counsel, pursuant to the Commission’s July 24, 2020 Procedural Order and other applicable law, and do hereby jointly move the Commission to render a decision based upon the existing administrative record, respectfully stating as follows:

On June 26, 2020, the Joint Applicants filed an Application in this matter wherein they requested that the Commission enter an Order authorizing and approving an Industrial Power Agreement with Economic Development Rider and Renewable Energy Purchases by and between themselves and Diageo Americas Supply, Inc. (“Diageo”), dated May 28, 2020 (the “Agreement”). The Attorney General filed a motion for leave to intervene on July 6, 2020. That

motion was granted on July 24, 2020. The Commission also entered a procedural schedule on July 24, 2020, which provided for two rounds of written requests for information. Both the Commission Staff and Attorney General subsequently propounded requests for information, which the Joint Applicants answered on August 17, 2020 and September 9, 2020, respectively. On September 14, 2020, the Attorney General filed a Notice indicating that he would not be filing any testimony in this proceeding. Accordingly, the remainder of the known procedural schedule is no longer necessary.

The Joint Applicants believe that they have fully and adequately addressed the requests for information from Commission Staff and the Attorney General. When the substantial additional information set forth in the Joint Applicants' original Application and supporting exhibits is also taken into account, the Joint Applicants believe there is sufficient evidence in the administrative record, as it currently exists, to grant the relief sought in the Application. Accordingly, the Joint Applicants are willing to waive their right to a hearing in this matter and request the Commission to render its decision based upon the existing administrative record.

The Joint Applicants acknowledge, however, that the Commission may desire to have an evidentiary hearing and, if that is the case, the Joint Applicants respectfully request the Commission to amend the July 24, 2020 Procedural Order and to schedule a hearing in the near future. In order to give Diageo assurance as to its future energy costs, time is of the essence. Indeed, the Agreement itself dictates that if Commission approval is not received by November 30, 2020, any party to the Agreement may void it.

WHEREFORE, on the basis of the foregoing, Joint Applicants respectfully move to submit the case for a decision based upon the existing administrative record.

This 18<sup>th</sup> day of September, 2020.

Respectfully submitted,



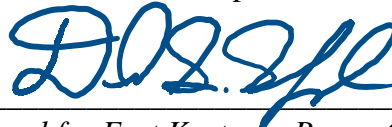
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David S. Samford  
L. Allyson Honaker  
GOSS SAMFORD, PLLC  
2365 Harrodsburg Road, Suite B325  
Lexington, KY 40504  
(859) 368-7740  
*david@gosssamfordlaw.com*  
*allyson@gosssamfordlaw.com*

*Counsel for East Kentucky Power Cooperative, Inc.  
and Inter-County Energy Corporation*

**CERTIFICATE OF SERVICE**

This will certify that the foregoing document was filed via the Commission's electronic filing system today. The undersigned hereby certifies that the electronic filing is a true and accurate copy of the documents being filed in paper medium; the electronic filing was transmitted to the Commission on September 18, 2020; there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; paper copies of this information will be hand-delivered to the Commission within thirty (30) days of the lifting of the present State of Emergency relating to the COVID-19 pandemic.



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*Counsel for East Kentucky Power Cooperative, Inc.  
and Inter-County Energy Corporation*