

Louisville Gas and Electric Company and Kentucky Utilities Company
Final Southeast Energy Exchange Market Quarterly Status Report
Case Nos. 2020-00349 and 2020-00350
December 30, 2022

Status of SEEM

The Southeast Energy Exchange Market (“SEEM”) commenced operations on November 9, 2022. The enabling provisions in the Companies’¹ Joint Pro Forma Open Access Transmission Tariff (“OATT”) have been accepted by FERC and reflect an effective date of November 9, 2022, consistent with SEEM’s commencement.² The Companies are not aware of any regulatory approvals currently pending for the original SEEM utilities, including the Companies.³

Appeal

On February 8, 2022, Clean Energy Coalition and Public Interest Organizations (collectively, “Rehearing Parties”) filed a joint petition for review with the D.C. Circuit Court of Appeals. The Companies, along with the other FERC-jurisdictional SEEM Members, intervened in the appeal proceeding and filed a motion to dismiss the appeal on May 16, 2022. FERC also filed a motion for summary affirmance on May 16, 2022.

The D.C. Circuit Court of Appeals issued an order on July 7, 2022, denying FERC’s motion for summary affirmance and defer the motion to dismiss. A briefing schedule was established, and the Rehearing Parties’ opening brief was filed on September 21, 2022. Amici briefs were filed in September by the R Street Institute and the Harvard Electricity Law Initiative. FERC’s reply brief was filed on December 8, 2022. The reply brief from the

¹ Kentucky Utilities Company (“KU”) and Louisville Gas and Electric Company (“LG&E”) are referred to jointly herein as the “Companies.”

² An informational was made on October 7, 2022, notifying FERC of the November 9, 2022 commencement date. *See*, LG&E/KU, Tariff Filing, Docket Nos. ER21-1118-004.

³ On November 1, 2022, filings were made at FERC to enable Duke Energy Florida, LLC and Tampa Electric Company to become members of the SEEM in Docket Nos. ER23-325-000, ER23-3338-000, ER23-323-000, and ER23-324-000. While these proceedings are ongoing, they are not expected to impact the other SEEM utilities, including the Companies.

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Companies and other FERC-jurisdictional SEEM Members was filed on December 22, 2022.

Conclusion

SEEM has commenced operation and there are no pending regulatory proceedings that could impact the Companies or original SEEM utilities' involvement in SEEM. The appeal is still pending, but it is highly likely that there will be no activity within the upcoming quarters meriting reporting. As such, the Companies propose this status report as the final quarterly status report to be filed on this matter. The Companies will notify the Commission on the outcome of the appeal after an appellate decision is made.