

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

**In the Matter of:**

<b>ELECTRONIC APPLICATION OF KENTUCKY</b>	)	
<b>POWER COMPANY FOR APPROVAL OF A</b>	)	
<b>CERTIFICATE OF PUBLIC CONVENIENCE</b>	)	
<b>AND NECESSITY FOR ENVIRONMENTAL</b>	)	<b>CASE NO.</b>
<b>PROJECT CONSTRUCTION AT THE</b>	)	<b>2021-00004</b>
<b>MITCHELL GENERATING STATION, AN</b>	)	
<b>AMENDED ENVIRONMENTAL COMPLIANCE</b>	)	
<b>PLAN, AND REVISED ENVIRONMENTAL</b>	)	
<b>SURCHARGE TARIFF SHEETS</b>	)	

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**SIERRA CLUB’S SUPPLEMENTAL POST-HEARING REQUESTS FOR  
INFORMATION TO KENTUCKY POWER COMPANY**

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Pursuant to the Commission’s August 19, 2021, Order on Kentucky Power Company’s (“KPC” or the “Company”) Motion for Rehearing in the above-captioned proceeding, Sierra Club hereby submits the below Supplemental Post-Hearing Requests for Information. The Company shall answer these data requests in the manner and timeframe set forth in the aforementioned Orders, including by no later than November 1, 2021. Please produce the requested documents in electronic format whenever possible, and to the following recipients:

Matthew E. Miller  
Sierra Club  
2528 California Street  
Denver, CO 80205  
Email: matthew.miller@sierraclub.org

Wherever the response to an interrogatory or request consists of a statement that the requested information is already available to Sierra Club, provide a detailed citation to the document that contains the information. This citation shall include the title of the document, relevant page number(s), and to the extent possible paragraph number(s) and/or

chart(s)/table(s)/figure number(s). In the event that any document referred to in response to any request has been destroyed, specify the date and the manner of such destruction, the reason for such destruction, the person authorizing the destruction and the custodian of the document at the time of its destruction.

Sierra Club reserves the right to serve supplemental and/or revised discovery requests as permitted in this proceeding.

### **DEFINITIONS**

Unless otherwise specified in each individual interrogatory or request, “you,” “your,” the “Company,” or “KPC,” refers to Kentucky Power Company, and its affiliates, officers, directors, employees, and agents.

“AEP” or “AEPSC” mean American Electric Power Service Corporation and its affiliates, officers, directors, employees, and agents.

“And” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these interrogatories and requests for production of documents any information which might be deemed outside their scope by another construction.

“Any” means all or each and every example of the requested information.

“CCR” means coal combustion residuals, or the so-called CCR Rule, the federal regulation/rulemaking that regulates the same.

“Communication” means any transmission or exchange of information between two or more persons, whether orally or in writing, and includes, without limitation, any conversation or discussion by means of letter, telephone, note, memorandum, telegraph, telex, telecopy, cable, email, or any other electronic or other medium.

“Document” refers to written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software, and includes all copies, drafts, proofs, both originals and copies either (1) in the possession, custody or control of the Company regardless of where located, or (2) produced or generated by, known to or seen by the Company, but now in their possession, custody or control, regardless of where located whether or still in existence.

- Such “documents” shall include, but are not limited to, applications, permits, monitoring reports, computer printouts, contracts, leases, agreements, papers, photographs, tape recordings, transcripts, letters or other forms of correspondence, folders or similar containers, programs, telex, TWX and other teletype communications, memoranda, reports, studies, summaries, minutes, minute books, circulars, notes (whether typewritten, handwritten or otherwise), agenda, bulletins, notices, announcements, instructions, charts, tables, manuals, brochures, magazines, pamphlets, lists, logs, telegrams, drawings, sketches, plans, specifications, diagrams, drafts, books and records, formal records, notebooks, diaries, registers, analyses, projections, email correspondence or communications and other data compilations from which information can be obtained (including matter used in data processing) or translated, and any other printed, written, recorded, stenographic, computer-generated, computer-stored, or electronically stored matter, however and by whomever produced, prepared, reproduced, disseminated or made.
- Without limitation, the term “control” as used in the preceding paragraphs means that a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person or public or private entity having actual possession thereof.

If a document is responsive to a request, but is not in your possession or custody, identify the person with possession or custody. If any document was in your possession or subject to your control, and is no longer, state what disposition was made of it, by whom, the date on which such disposition was made, and why such disposition was made.

- For purposes of the production of “documents,” the term shall include copies of all documents being produced, to the extent the copies are not identical to the original, thus requiring the production of copies that contain any markings, additions or deletions that make them different in any way from the original.

“ELG” means the federal Effluent Limitations Guidelines regulation.

“Identify” means:

- With respect to a person, to state the person’s name, address and business relationship (e.g., “employee”) vis-à-vis the Company;
- With respect to a document, to state the nature of the document in sufficient detail for identification in a request for production, its date, its author, and to identify its custodian.

If the information or document identified is recorded in electrical, optical or electromagnetic form, identification includes a description of the computer hardware or software required to reduce it to readable form.

“O&M” means operations and maintenance, and includes all items and costs typically associated in the industry under that umbrella.

“Relating to” or “concerning” means and includes pertaining to, referring to, or having as a subject matter, directly or indirectly, expressly or implied, the subject matter of the specific request.

“Workpapers” are defined as original, electronic, machine-readable, unlocked, Excel format (where possible) with formulas intact.

### **PRIVILEGE**

If you claim a privilege including, but not limited to, the attorney-client privilege or the work product doctrine, as grounds for not fully and completely responding to any interrogatory or request for production, describe the basis for your claim of privilege in sufficient detail so as to permit Sierra Club or the Commission to evaluate the validity of the claim. With respect to documents for which a privilege is claimed, produce a “privilege log” that identifies the author, recipient, date and subject matter of the documents or interrogatory answers for which you are asserting a claim of privilege and any other information pertinent to the claim that would enable Sierra Club or the Commission to evaluate the validity of such claims.

### **TIME**

Unless otherwise provided, the applicable time period for each of these requests for information is January 1, 2016, to the present.

### **REQUESTS FOR INFORMATION**

1. Refer to KPC’s October 15, 2021, Supplemental Response to Staff’s Second Rehearing Data Requests, including Attachment 1 thereto.
  - a. Please confirm the amount of Kentucky jurisdictional Mitchell ELG costs that the Company is asking the Commission to find prudent and is seeking to recover from ratepayers through a regulatory asset.
    - i. Please explain the \$1.903M figure in the Company’s Motion for Rehearing (at 1) and the \$1,446,998.35 figure in the Company’s October 15, 2021, Supplemental Response.
  - b. Please identify which specific line item(s) from Attachment 1 are/is associated with the following tasks/activities:
    - i. project initiation
    - ii. technology feasibility studies
    - iii. evaluation of risk balanced technical options

- iv. conceptual engineering
  - v. permitting
  - vi. site investigations
  - vii. surveying
  - viii. verifying as-built conditions
  - ix. geotechnical investigations
  - x. other tasks, if any, specifically necessary to establish the scope, schedule, and budget for the ELG project
    - 1. Please describe any such other tasks and explain how those items were necessary for the scoping, scheduling, and budgeting of the ELG project.
- c. Please expound in greater detail the following line items of Attachment 1, the spreadsheet of Mitchell Plant ELG Project Cost Components.
- i. Line 1, “Construction/Retirement Ovhd’s”
  - ii. Line 18, “Professional Svcs Exp Gen”
  - iii. Line 19, “Legal Services And Expenses”
  - iv. Line 25, “AEPSC Bill”
    - 1. Please explain the parameters of the kinds of services performed by AEP for which KPC must distinctly pay AEP, as distinguished from the kinds of services performed that AEP routinely performs for KPC without seeking or expecting distinct compensation in discrete transactions. Put another way, please identify generally what services, by AEP for KPC, essentially ‘go with the territory’ of the parent-subsidiary company relationship, versus those that AEP and KPC consider extraordinary and must be specially compensated; and discuss the guiding principles by which KPC draws that line.
- d. For each line item in Attachment 1, please indicate whether the identified cost was:
- i. for services performed by persons/entities who are external to KPC and AEP, in which case please also identify such external persons/entities;
  - ii. the value of services performed by in-house KPC or AEP employees, in which case please also indicate whether performing these services was within the scope of these employees’ job description, and whether the employees were paid extra, beyond their normal salary, for rendering such services;
  - iii. other, in which case please explain the nature of the costs; or
  - iv. some combination of (i), (ii), and/or (iii), in which case please explain.

- e. For any services performed by external persons/entities as identified above in response to 1-d-i, please discuss whether such services could have been performed competently by in-house KPC or AEP employees; and if so, why the Company chose to contract externally for the services.

Dated: October 18, 2021

Respectfully submitted,



*Of counsel*  
(not licensed in Kentucky):

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*Counsel for Sierra Club*

**CERTIFICATE OF SERVICE**

This is to certify that the foregoing copy of the SIERRA CLUB'S SUPPLEMENTAL POST-HEARING REQUESTS FOR INFORMATION TO KENTUCKY POWER COMPANY in this action is being electronically transmitted to the Commission on October 18, 2021; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.



JOE F. CHILDERS