DATA REQUEST

RH_1_1 Explain Kentucky Power and Wheeling Power's plan regarding Mitchell. Provide updated status reports every ten days through the pendency of this proceeding.

RESPONSE

Kentucky Power and Wheeling Power currently are implementing plans to ensure the construction of the CCR project to allow the operation of the Mitchell Generating Station through December 31, 2028.

Kentucky Power Company and Wheeling Power Company are reviewing their alternatives regarding the Mitchell Generating Station in light of the July 15, 2021 decision of this Commission, and the August 4, 2021 decision of the Public Service Commission of West Virginia. No decision regarding a plan for the Mitchell Generating Station beyond that described above has been reached by either Company.

Kentucky Power will file updated status reports every ten days during the pendency of this proceeding.

September 13, 2021 Update

Wheeling Power Company and Appalachian Power Company on September 8, 2021 filed with the Public Service Commission of West Virginia their "Petition to Reopen Case and to Take Further Action" in Case No. 20-1040-E-CN. The petition requests the West Virginia Commission to provide certain confirmations, acknowledgements, and commitments regarding, *inter alia*, the Mitchell Generating Station, in light of the inconsistent orders of the Kentucky and West Virginia commissions regarding the proposed ELG work at the Mitchell Generating Station. The petition further requests that the West Virginia Commission provide the confirmations, acknowledgements, and commitments prior to the October 13, 2021 deadline under the ELG Rule for notifying the West Virginia Department of Environmental Protection concerning the ELG modifications at the Mitchell Generating Station. Finally, Wheeling Power and Appalachian Power Company indicated in the petition that there were matters in need of resolution should West Virginia decide to fully fund the ELG investment and maintain the plant in order to preserve an option to run the Mitchell Generating Station past 2028.

A copy of the petition is attached as KPCO_SR_KPSC_RH_1_1_Attachment1.

The West Virginia commission by order dated September 9, 2021 established a procedural schedule, and provided for a September 24, 2021 evidentiary hearing, in connection with the petition.

A copy of the September 9, 2021 order is attached as KPCO_SR_KPSC_RH_1_1_Attachment2.

Kentucky Power Company and Wheeling Power Company continue to review their alternatives regarding the Mitchell Generating Station pending action by the West Virginia Commission on the petition. Kentucky Power Company also intends to explore these issues and will work to bring the Commission a recommendation on how to handle the Mitchell operating agreement in a new docket for review.

Kentucky Power will continue to file updated status reports every ten days during the pendency of this proceeding on the status of the West Virginia decision on ELG investment.

Witness: Deryle B. Mattison

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September 8, 2021

BY ELECTRONIC FILING
Connie Graley, Executive Secretary
Public Service Commission
of West Virginia
201 Brooks Street
Charleston, WV 25301

Re: Appalachian Power Company
and Wheeling Power Company
Case No. 20-1040-E-CN

Dear Ms. Graley:

On behalf of Appalachian Power Company and Wheeling Power Company (together, "the Companies"), I file herewith a **Petition to Reopen Case and to Take Further Action** along with the supplemental direct testimonies of Randall R. Short and Gary O. Spitznogle.

Please file this as appropriate in the above-referenced case. Thank you for your assistance in this matter.

Very truly yours,

Anne C. Blankenship
(W.Va. State Bar #9044)

Counsel for Appalachian Power Company
and Wheeling Power Company

ACB

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

CASE NO. 20-1040-E-CN

**APPALACHIAN POWER COMPANY and
WHEELING POWER COMPANY,**
public utilities.

Application for the issuance of a Certificate of Public Convenience and Necessity for internal modifications at coal fired generating plants necessary to comply with federal environmental regulations.

PETITION TO REOPEN CASE AND TO TAKE FURTHER ACTION

COME NOW, Appalachian Power Company ("APCo") and Wheeling Power Company ("WPCo") (collectively "the Companies"), pursuant to 150 CSR 1-19.5, and respectfully petition the Public Service Commission of West Virginia ("the Commission") to reopen Case No. 20-1040-E-CN, an application for a certificate of public convenience and necessity and cost recovery, and to take further action as described herein. In support of this Petition, the Companies respectfully state:

1. On December 23, 2020, the Companies filed an Application seeking a certificate of public convenience and necessity for the Companies to make certain internal modifications at the Amos, Mountaineer, and Mitchell coal-fired generating facilities ("the Facilities") necessary to comply with federal environmental regulations and to remain operational beyond 2028. In addition to seeking a certificate, the Companies requested approval of an environmental compliance surcharge ("ECS") to ensure timely recovery of the costs associated with the compliance work.

2. As set forth in the Companies' Application, the Facilities are subject to the Environmental Protection Agency's ("EPA") rules to regulate the disposal and beneficial re-use of coal combustion residuals ("CCR Rule") and effluent limitation guidelines ("ELG Rule") for electric generating facilities. The Facilities must meet requirements under these rules or they must cease operating the units at the Amos, Mountaineer, and Mitchell plants. In addition, the ELG Rule requires the Companies to notify the West Virginia Department of Environmental Protection ("WVDEP"), by October 13, 2021, that they do not intend to make ELG modifications at one or more of the Facilities' units and instead will commit to cease combustion of coal by refueling or retiring the unit(s) before December 31, 2028.

3. The work to be performed on each generating unit of the Amos, Mountaineer, and Mitchell plants is subject to the jurisdiction of two regulatory bodies. The Amos and Mountaineer plants are subject to regulation by both this Commission and the Virginia State Corporation Commission ("VSCC"). The Mitchell plant is subject to regulation by both this Commission and the Kentucky Public Service Commission ("KPSC"). To accommodate the discretion of those bodies and to maximize the chances of a common course of action receiving all needed regulatory approvals, the Companies also filed applications with the VSCC and KPSC seeking approval of CCR and ELG modifications at all three plants, respectively.

4. Ultimately, however, the VSCC and KPSC did not provide the requisite approvals for ELG modifications at the plants subject to their jurisdiction. Furthermore, the VSCC and KPSC decisions were issued after the evidentiary hearing in West Virginia was held before the Commission on June 8 and 9, 2021.

5. On July 15, 2021, the KPSC issued an Order approving compliance work to meet the CCR Rule requirements at Mitchell but denying approval for the compliance work to meet the

ELG Rule requirements. On August 19, 2021, the KPSC issued an order on rehearing that stated the actual closing date of the Mitchell Plant, not the end of Kentucky Power's involvement with Mitchell, should be used for the depreciation rates, to avoid Kentucky Power's customers subsidizing the future use of the CCR projects.

6. On August 4, 2021, the Commission granted a certificate of convenience and necessity authorizing the CCR and ELG projects at APCo's Amos and Mountaineer plants and at the Mitchell plant jointly owned by WPCo and Kentucky Power Company ("Kentucky Power" or "KPCo") and associated cost recovery. The Commission directed in its Order that if there are changes in ownership or cost allocations that are required by decisions in other states, the Companies should bring such changes to the attention of the Commission.

7. On August 23, 2021, the VSCC issued an Order approving recovery of the Virginia jurisdictional CCR investment costs at Amos and Mountaineer, but denying recovery of the Virginia jurisdictional ELG investment costs at those plants, subject to refiling for such cost recovery at a later date. APCo is foreclosed from refiling with the VSCC until December 2021 and, thus, cannot obtain a further order of the VSCC prior to the WVDEP notification deadline of October 13, 2021.

8. Because the VSCC did not approve cost recovery for the ELG compliance work at Amos and Mountaineer, and the KPSC did not approve ELG compliance work or cost recovery at Mitchell, the Companies must seek recovery of the West Virginia and Virginia jurisdictional costs (i.e., 100% of the costs) of the ELG compliance work at Amos and Mountaineer, as well as the West Virginia and Kentucky jurisdictional costs (i.e., 100% of the costs) of the ELG compliance work at Mitchell, from this Commission in order to proceed with the projects to allow all three plants to remain operational beyond 2028. As directed by the Commission in its Order, the

Companies will address any specific ownership and/or cost allocation changes with the Commission at a later date.

9. Pursuant to Rule 19.5 of the Commission's *Rules of Practice and Procedure*, an application to reopen a proceeding may be made by petition to modify the Commission's Order for reasons which have arisen since the hearing, or by reason of facts not in possession of the petitioner at the time of the hearing. *See* 150 CSR 1-19.5.

10. As the three regulatory bodies did not issue consistent orders to approve the same compliance work and cost recovery at all three plants, and as the KPSC and VSCC orders were issued after the evidentiary hearing in this proceeding, the Companies request that the Commission reopen this matter. Along with this Petition, the Companies submit the supplemental direct testimonies of Randall R. Short and Gary O. Spitznogle to further explain the environmental rule requirements, their implications, and the actions requested from the Commission in this Petition.

11. As set forth in more detail in Company witness Spitznogle's supplemental direct testimony, the ELG rule provides that a facility that commits to retire or cease combustion of coal in its units by December 31, 2028 is subject to different requirements and can avoid having to install dry bottom ash handling and bioreactors to meet the ELG rule's discharge limits, provided that the WVDEP is notified by October 13, 2021 of such a commitment. If the Companies fail to give timely notice to the WVDEP and later choose to retire a unit, that unit must permanently cease combustion of coal by the ELG compliance date specified in its NPDES permit[1], which can be no later than December 31, 2025, making time of the essence in this proceeding.

[1] The ELG compliance date established by the Amos NPDES permit is December 31, 2022. Based on the draft NPDES permits issued for Mitchell and Mountaineer, their ELG compliance dates would be June 30, 2023 and June 6, 2022, respectively. December 31, 2025 is the latest theoretically possible date to come into compliance with the ELG Rule or to cease operation.

12. Therefore, the Companies request that the Commission adjudicate this Petition and issue a final order prior to October 13, 2021 so that the Companies can make an informed decision whether or not to take the actions required by that date.

WHEREFORE, the Companies respectfully request that the Commission reopen this proceeding and issue an order before October 13, 2021 containing the following:

1. A ruling from the Commission that it wants the Companies to proceed with the ELG projects at all three plants, including on KPCo's undivided 50% interest in the Mitchell plant, notwithstanding the new cost estimates, or if not at all plants, then on which plants or units;

2. An acknowledgement from the Commission that additional investments and O&M expenses at the plants will be needed prior to 2028, and will be the responsibility of West Virginia customers, if the plants are to operate beyond 2028;

3. A commitment from the Commission that it will continue to authorize recovery of the costs described in items 1 and 2 above, so long as they are reasonable and prudently incurred, once the Companies incur such costs at the Commission's direction; and

4. Instruction from the Commission that WPCo propose a plan in a future docket that recognizes the changes needed to deal with the issues resulting from any directive from this Commission to perform the ELG work at Mitchell.

Respectfully submitted,

APPALACHIAN POWER COMPANY
WHEELING POWER COMPANY,

By Counsel

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Counsel for Appalachian Power Company
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Dated: September 8, 2021

COMPANY EXHIBIT RRS-SD

SUPPLEMENTAL DIRECT TESTIMONY OF RANDALL R SHORT ON BEHALF OF APPALACHIAN POWER COMPANY AND WHEELING POWER COMPANY BEFORE THE PUBLIC SERVICE COMMISSION OF WEST VIRGINIA IN CASE NO. 20-1040-E-CN

Q. PLEASE STATE YOUR NAME.

A. My name is Randall R. Short.

Q. ARE YOU THE SAME RANDALL R. SHORT WHO PREVIOUSLY SUBMITTED REBUTTAL TESTIMONY IN THIS PROCEEDING?

A. Yes, I am.

Q. FOR WHOM ARE YOU TESTIFYING IN THIS PROCEEDING?

A. I am testifying on behalf of Appalachian Power Company ("APCo") and Wheeling Power Company ("WPCo"), (collectively, the "Companies"). Both APCo and WPCo are operating subsidiaries of American Electric Power Company, Inc.

Q. WHAT IS THE PURPOSE OF YOUR SUPPLEMENTAL DIRECT TESTIMONY?

A. On August 4, 2021, in Case No. 20-1040-E-CN, the Commission granted a certificate of convenience and necessity for CCR and ELG projects on APCo's Amos and Mountaineer plants and on the Mitchell plant jointly owned by WPCo and Kentucky Power Company ("Kentucky Power" or "KPCo") and authorized associated cost recovery. In my testimony I provide updated cost estimates for the previously approved projects and explain the need for the following prior to October 13, 2021:

1. A ruling from the Commission that it wants the Companies to proceed with the ELG projects at all three plants, including on KPCo's undivided 50% interest in the Mitchell

plant, notwithstanding the new cost estimates, or, if not at all plants, then on which plants or units;

2. An acknowledgement from the Commission that additional investments and O&M expenses at the plants will be needed prior to 2028, and be the responsibility of West Virginia customers, if the plants are to operate beyond 2028; and

3. A commitment from the Commission that it will continue to authorize recovery of the costs described in items 1 and 2 above, so long as they are reasonable and prudently incurred, once the Companies incur such costs at the Commission's direction.

Finally, I will describe the steps that will need to be taken with respect to the Mitchell plant to allow WPCo to proceed with ELG on that entire plant.

Q. PLEASE EXPLAIN THE SIGNIFICANCE OF THE OCTOBER 13, 2021 DATE.

A. The Companies must have clear direction from this Commission prior to October 13, 2021, a date associated with the ELG Rule that is described in detail in Company witness Spitznogle's Supplemental Direct Testimony.

Q. PLEASE PROVIDE A SUMMARY OF WHAT HAS HAPPENED IN EACH OF THE THREE STATES (WEST VIRGINIA, VIRGINIA AND KENTUCKY) WITH REGARDS TO THE COAL COMBUSTION RESIDUALS ("CCR") AND STEAM ELECTRIC EFFLUENT LIMITATIONS GUIDELINES ("ELG") PROCEEDINGS.

A. The following is a summary of the regulatory actions by jurisdiction, including what has happened since the hearing in this case concluded on June 9, 2021.

West Virginia

On December 23, 2020, the Companies filed an application for a certificate of convenience and necessity to obtain authorization to make internal modifications necessary to comply with federal environmental regulations at the Amos, Mountaineer, and Mitchell coal-fired generating plants.[1] The Companies presented two alternative modification programs: (Alternative 1) keeping all three plants operating through 2040; (Alternative 2) keeping Amos and Mountaineer operating through 2040 but closing Mitchell by 2028. In addition to seeking a certificate, the Companies requested an environmental compliance surcharge ("ECS") to timely ensure recovery of the West Virginia Jurisdictional share of the costs associated with the compliance work.

On August 4, 2021, the Commission issued an order granting a certificate of convenience and necessity ("CCN") authorizing the Companies to do both CCR and ELG work at all three plants and approved cost recovery through a surcharge. The Commission estimated the West Virginia jurisdictional share of the total costs for Alternative 1 would be $169.55 million, given a fifty percent ownership interest in Mitchell and a 41.1 percent allocation of the investments in Amos and Mountaineer. The Commission further stated in the order that if there are changes in ownership or cost allocations that are required by decisions in other States, the Companies should bring such changes to the attention of the Commission.

Virginia

On December 23, 2020, APCo filed with the Virginia State Corporation Commission ("VSCC") a petition for approval of a rate adjustment clause ("E-RAC") to recover on a timely basis its projected costs to comply with state and federal

[1] APCO owns 100% interest in the Amos Plant. It consists of three super-critical coal-fired units, with Units 1 & 2 having nameplate capacity of 800 MW each and 1,330MW for Unit 3, for a total nameplate capacity of 2,930 MW. APCO owns 100% interest in the Mountaineer Plant consisting of one super-critical coal-fired plant with a 1,320 MW nameplate capacity. Approximately 41% of these plants are allocated to West Virginia on a jurisdictional basis. Kentucky Power and WPCo each own an undivided 50% interest in the Mitchell plant, which is comprised of two super-critical coal-fired units, Unit 1 with a 770 MW capacity and Unit 2 which has a capacity of 790 MW, for a total capacity of 1,560 MW. The total nameplate capacity of the three plants is 5,810 MW.

environmental laws and regulations applicable to generation facilitates used to serve its load obligations. APCo requested cost recovery for certain environmental projects related to the installation and retrofitting of certain coal ash ponds at the Amos and Mountaineer Plants as well as actual and forecast operations and maintenance costs related to compliance with State Solid Waste regulation, the National Pollution Discharge Elimination System, and provisions of the Clean Water Act at the plants. APCo stated the projects are required to comply with the EPA CCR and ELG rules.

On August 23, 2021, the VSCC issued an order approving cost recovery for the installation of CCR environmental projects at the Amos and Mountaineer plants. The order further stated the VSCC found that APCo did not meet its burden of proving the reasonableness and prudence of the proposed ELG investment costs, including those previously incurred, but that APCo should be permitted to provide additional analyses and evidence to support this ELG investment. While APCo intends to do so, it cannot file in Virginia until after December 23, 2021 due to the 12 month statutory limitation on filing another E-RAC.

Kentucky

On February 8, 2021, Kentucky Power Company filed an application requesting a Certificate of Public Convenience and Necessity to construct projects at the Mitchell plant to comply with federal environmental regulations, approval of Kentucky Power's 2021 Environmental Compliance Plan and to amend its Environmental Surcharge tariff. Kentucky Power stated that the proposed projects and amendments allow Kentucky Power to include the cost of projects to comply with recent revisions to the CCR rule and ELG and that the proposed projects are necessary to continue to operate Mitchell after 2028 through its planned retirement date of 2040. Kentucky Power modeled two options to address CCR and ELG Rules. Case 1 would install equipment to allow Mitchell to operate through 2040; Case 2 would comply with the CCR Rule only, resulting in the need to cease combusting coal at Mitchell by December 31, 2028.

On July 15, 2021, the Kentucky Public Service Commission ("KPSC") issued an order finding that Kentucky Power provided sufficient evidence that Case 2 was necessary and should be approved to comply with the CCR rule. The order further stated that Kentucky Power failed to provide sufficient evidence that the ELG project is necessary. On August 19, 2021, the KPSC issued an order on rehearing that among other things, cited this Commission's August 4, 2021 Order that approved the ELG work at Mitchell and denied a motion to supplement the record with the Final Order from the KPSC denying the ELG project at Mitchell. The August 19 Order further stated the actual closing date of the Mitchell Plant, not the end of Kentucky Power's involvement with Mitchell, should be used for the depreciation rates, to avoid Kentucky Power's customers subsidizing the future use of the CCR projects.

In summary, this Commission approved both CCR and ELG compliance work at Amos, Mountaineer, and Mitchell, and cost recovery of such; the VSCC approved CCR and Virginia jurisdictional cost recovery of CCR but not ELG project work or any cost recovery associated with ELG; and the KPSC approved CCR and jurisdictional cost recovery but not ELG project work or cost recovery.

These orders obviously conflict with each other. Given that the Companies must make a decision how to proceed prior to October 13, 2021, these inconsistent orders create the need for the Companies to provide additional information to, and obtain additional direction from, this Commission. Depending on the Commission's decision rendered prior to October 13, 2021 in response to this Petition, the Companies will be able either to take no action on October 13, 2021 (in the event the Commission directs the Companies to perform ELG work at all three plants) or to give notice of the commitment to cease operation in 2028 of any units on which the Commission directs the Companies not to perform ELG work. Even if the Commission directs the Companies to perform ELG work at all three plants, it will be necessary for the Companies to provide additional information to, and to seek a decision from this Commission, in advance of that date, even recognizing that it will be necessary, in the future, for the Companies to file additional information, and seek more specific final approvals of cost allocations and ownership with regard to the plants.

In addition, when the Companies filed their application with this Commission on December 23, 2020, the application contained the best information on cost estimates available at that time and the projected revenue requirements for Alternatives 1 and 2 that were based on those estimates. This Commission's Order cited those cost estimates when granting the certificate and the cost recovery surcharge. The Companies now have updated cost estimates based on more current information.

Q. WHAT HAS THIS COMMISSION APPROVED IN ITS AUGUST 4, 2021 ORDER AND WHAT HAS CHANGED RELATIVE TO THE PROJECTS' COST AND COST RECOVERY FOR WEST VIRGINIA CUSTOMERS?

A. In its August 4, 2021 Order, this Commission approved a CCN to do both CCR and ELG work at all three plants. Based on the December 23, 2020 filing, the total estimated cost of compliance for APCo that would allow the Amos Plant to continue to operate under the CCR and ELG requirements was \$177.1 million, including \$169.9 million in capital. The total estimated cost of compliance for APCo that would allow the Mountaineer Plant to continue to operate under the CCR and ELG requirements was

$72.9 million, including $70.1 million in capital. The filing also contained information that the West Virginia jurisdictional share of the costs is approximately 41%. In the same filing, the total estimated cost of compliance that would allow the Mitchell Plant to continue to operate under CCR and ELG requirements was $133.5 million, including $131.5 million in capital. WPCo's 50% share of total compliance costs at Mitchell is approximately $67 million. Based upon these allocated costs and other revenue requirements including depreciation, taxes and amortization, the Companies requested a first year revenue requirement of $4.8 million[2] if the Commission approved Alternative 1 (CCR and ELG compliance work at all three plants) and noticed a revenue requirement of $23.5 million the first year all of the work would be completed and in service. On August 4, 2021, the Commission authorized a cost recovery surcharge for implementation of Alternative 1.

The Companies have continued work in preparation of pursuing compliance at the plants and have updated cost estimates for the projects. The total estimated cost of compliance work for APCo that would allow the Amos Plant to continue to operate under the CCR and ELG requirements is now $217.3 million. The total estimated cost of compliance work for APCo that would allow the Mountaineer Plant to continue to operate under the CCR and ELG requirements is now $82.7 million. Finally, the total estimated cost of compliance work that would allow the Mitchell Plant to continue to operate under CCR and ELG requirements is now $148.3 million. The total cost of compliance work for all three plants that would allow them to continue to operate under the CCR and ELG requirements is now $448.3 million.

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[2] The first year revenue requirement for Alternative 1 was subsequently revised to $4.4 million due to an updated capital structure and reflects the August 4, 2021 Order authorized ROE of 9.25%.

{R1613558.1}

Q. DO THESE HIGHER ESTIMATES FOR THE COST OF COMPLIANCE WORK CHANGE THE ANNUAL REVENUE REQUIREMENT?

A. Yes they do. Based on the allocations of cost recovery on a jurisdictional basis, as was requested in this case, the first year revenue requirement is now slightly higher and the annual revenue requirement when all of the projects are complete and in service is now estimated to be $26.7 million annually. On September 1, 2021, the Companies implemented the approved ECS rates authorized in the August 4, 2021 Commission Order. While the Companies are not seeking to change the ECS rates at this time, the higher revenue requirements will be reflected in their over/under-recovery calculations.

Q. IF THE COMPANIES PERFORM THE CCR AND ELG COMPLIANCE WORK AT ALL THREE PLANTS, ARE THE COST ALLOCATIONS ON A JURISDICTIONAL BASIS STILL THE SAME AS THE PROPOSED ALLOCATIONS IN THE COMPANIES' DECEMBER 23, 2020 FILING?

A. All three state commissions approved CCR work at all three plants and the associated cost recovery. Therefore those jurisdictional allocations will be the same. Only this Commission approved and authorized the Companies to perform the ELG work at the plants. Assuming this Commission continues to approve ELG work at all three plants, the total cost recovery of performing that work may be the full responsibility of the West Virginia Customers, given the Companies' understanding of the Commission's August 4, 2021 Order and the potential for the Virginia Commission to deny the ELG investments a second time.

Q. IN ITS AUGUST 4, 2021 ORDER, DID THE COMMISSION CONTEMPLATE A SCENARIO WHERE KENTUCKY AND VIRGINIA DID NOT APPROVE ELG

COMPLIANCE WORK AND THE RESULTING CHANGE IN ALLOCATIONS OF COSTS?

A. Yes. Specifically on page 18 of its August 4, 2021 Order, the Commission stated:

> The possibility of changing ownership or allocations of costs does not change the overall benefits of adding the CCR and ELG controls at all three Plants. In this proceeding, the Companies presented the costs of retiring the Plants in 2028 and the costs of alternative power supply options on a total company basis for both APCo and WPCo. Those costs do not change on a relative basis depending on the percentage of ownership or allocation of costs for West Virginia jurisdictional purposes. If there are changes in ownership or allocation of costs and output of any of the three Plants, the Companies should present the nature and effect of such changes to the Commission in an appropriate proceeding. We have always faced the possibility of changes in allocation of costs or ownership shares of jointly-owned plants and have not delayed decisions based on the possibility of such changes. Based on the extensive record before us, we find that the upgrades at all three power Plants are prudent, cost effective, and in the best interest of the current and future utility customers, the State's economy, and the interests of the Companies. We will approve Alternative 1 along with a modified cost recovery mechanism as discussed herein.

The Commission also stated in the Order that if there are changes in ownership or cost allocations that are required by decision in other States, the Companies should bring such changes to the attention of the Commission.

Q. **IF THE COMMISSION DIRECTS THE COMPANIES TO PROCEED WITH ELG PROJECTS AT ALL THREE PLANTS AND AUTHORIZES THE FULL ASSIGNMENT OF THE ELG COMPLIANCE WORK ON ALL THREE PLANTS TO WEST VIRGINIA CUSTOMERS, WHAT IS THE ESTIMATED REVENUE REQUIREMENT?**

A. It is estimated that the annual revenue requirement for full compliance work under the above assumptions will be approximately $48 million annually. The chart below breaks down the $48 million revenue requirement by total CCR and then by ELG for each of the three plants.

In millions	Revenue Requirement
CCR WV Jurisdictional	$ 8.8
Amos ELG (WV Only approach)	$ 19.2
Mountaineer ELG (WV Only approach)	$ 5.7
Mitchell ELG (WV Only approach)	$ 14.3
	$ 48.0

Q. WHAT ARE THE COMPANIES SEEKING FROM THE COMMISSION PRIOR TO OCTOBER 13, 2021?

A. 1. A ruling from the Commission that it wants the Companies to proceed with the ELG projects at all three plants, including on KPCo's undivided 50% interest in the Mitchell plant, notwithstanding the new cost estimates, or, if not at all plants, then on which plants or units;

2. An acknowledgement from the Commission that additional investments and O&M expenses at the plants will be needed prior to 2028, and will be the responsibility of West Virginia customers, if the plants are to operate beyond 2028; and

3. A commitment from the Commission that it will continue to authorize recovery of the costs described in items 1 and 2 above, so long as they are reasonable and prudently incurred, once the Companies incur such costs at the Commission's direction.

The Companies recognize they will need to come back to the Commission to finalize cost allocations and ownership issues, but with the above, the Companies will be able to proceed with the ELG investments at the three plants.

Q. IF THE WEST VIRGINIA COMMISSION DIRECTS WPCO TO MAKE THE FULL ELG INVESTMENT, WHAT OTHER STEPS ARE NEEDED TO FACILITATE MITCHELL OPERATIONS PAST 2028?

A. In contrast to Amos and Mountaineer, which are wholly owned by APCo, there are potential issues to deal with to facilitate ELG investment in a plant in which WPCo only has an undivided 50% interest. If one of the two owners is directed to make the ELG investment and assume 100% cost responsibility, this creates a situation where each owner has a differing operating assumption for the plant and the length of its operations. The current operating agreement and the plant's ownership structure are ill suited to address this new operational paradigm. Initially, the operating agreement will need to be updated, but there will also be a need to develop a path to WPCo's ownership of the entire Mitchell plant after 2028.

Given that these issues will need to be resolved in the near future, the Companies request that the Commission instruct WPCo to propose a plan in a future docket that recognizes the changes needed to deal with the issues resulting from any directive of this Commission to perform the ELG work at Mitchell.

Q. WHAT ISSUES WILL BE PRESENTED BY WPCO IN THE NEW PROCEEDING?

A. In development of this plan, WPCo will work with Kentucky Power to propose an update to the Mitchell Operating Agreement for approval by both Commissions that enables West Virginia to operate Mitchell past 2028 and to address the issue of ownership of the plant at the end of 2028. Cooperation between Kentucky and West Virginia will be important to ensure that the flexibility sought by the Commission can be accomplished. This approach will allow the owners to develop a plan acceptable to both the West Virginia and Kentucky Commissions and to implement each state's orders regarding acceptable CCR/ELG investment and the corresponding life of the plant for customer use in each jurisdiction.

Q. DOES THIS CONCLUDE YOUR SUPPLEMENTAL DIRECT TESTIMONY?

A. Yes, it does.

Company Exhibit GOS-SD

SUPPLEMENTAL DIRECT TESTIMONY OF
GARY O. SPITZNOGLE
ON BEHALF OF APPALACHIAN POWER COMPANY AND
WHEELING POWER COMPANY
BEFORE THE PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA IN CASE NO. 20-1040-E-CN

Q. PLEASE STATE YOUR NAME.

A. My name is Gary O. Spitznogle.

Q. ARE YOU THE SAME GARY O. SPITZNOGLE WHO PREVIOUSLY SUBMITTED DIRECT TESTIMONY IN CASE NO. 20-1040-E-CN?

A. Yes, I am.

Q. FOR WHOM ARE YOU TESTIFYING?

A. I am testifying on behalf of both Appalachian Power Company ("APCo") and Wheeling Power Company ("WPCo"), (together, "the Companies").

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. The purpose of my testimony is to support the Companies' application to reopen this case by explaining the status of the Companies' requests for extension of the Coal Combustion Residual ("CCR") Rule deadline and the significance of the October 13, 2021 deadline with respect to the Effluent Limitation Guidelines ("ELG").

Q. WHAT IS THE STATUS OF THE EXTENSION REQUESTS FILED WITH THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY (EPA) UNDER THE CCR RULE?

A. In November 2020, the Companies submitted requests to the EPA to extend the April 11, 2021 CCR Rule deadline to close existing unlined CCR ponds at the Amos, Mitchell, and Mountaineer plants. Per the CCR Rule requirements, those extension requests identified site-specific "as soon as possible" dates to make the plant modifications necessary to continue operations and enable closure of the unlined CCR ponds. As of the date of this filing, the EPA has not issued a decision regarding those requests.

Q. **HAVING PASSED THE APRIL 11, 2021 DEADLINE, WHAT ARE THE IMPLICATIONS OF NOT YET HAVING A DECISION FROM THE EPA?**

A. The EPA has tolled the April 11, 2021 date to begin closing the bottom ash ponds pending its decision on the extension requests. In the meantime, the Companies must continue to make progress consistent with the project plan included in the extension requests.

Q. **WHEN MUST THE COMPANIES COMPLY WITH THE ELG RULE?**

A. The ELG Rule discharge limits for both bottom ash transport water and flue gas desulfurization ("FGD") wastewater must be achieved by December 31, 2022 and December 31, 2023, respectively, at the Amos Plant, pursuant to the West Virginia Department of Environmental Protection ("WVDEP") final National Pollutant Discharge Elimination System ("NPDES") permit issued for that plant on May 17, 2021. Final permits have not been issued for the Mountaineer and Mitchell Plants, but based upon draft permits issued by the WVDEP, it is expected that the applicable compliance deadlines for Mitchell will be June 30, 2023 for bottom ash transport water and March 31, 2025 for FGD wastewater, and for Mountaineer will be June 1, 2022 (bottom ash) and July 1, 2023 (FGD).

Q. **ARE THERE ANY OTHER OPTIONS AVAILABLE FOR COMPLYING**

WITH THE ELG RULE?

A. Yes. The ELG Rule has an option that allows a unit to continue discharging bottom ash transport water and FGD wastewater, subject to current ELG limitations, in exchange for a commitment to permanently cease combustion of coal (i,e., to refuel or to initiate retirement of the generating unit) by December 31, 2028 (the "Retirement provision"). To comply with the ELG Rule in this way, the Companies must submit written notice to WVDEP no later than October 13, 2021 identifying any unit(s) the Companies elect to retire or refuel under this option.

Q. CAN THE OCTOBER 13, 2021 DATE BE POSTPONED BY EITHER THE EPA OR THE WVDEP?

A. No. There is no provision in the ELG Rule that allows for postponement of this notice beyond October 13, 2021.

Q. IF THE COMPANIES DO NOT MAKE A COMMITMENT BY OCTOBER 13, 2021 TO REFUEL OR RETIRE ANY UNIT OR PLANT, COULD THE ELG RULE'S RETIREMENT PROVISION BE INVOKED AT A LATER DATE TO COMPLY WITH THE ELG RULE?

A. No. If the Companies fail to give timely notice by October 13, 2021 of a commitment to refuel or retire any plants or units, compliance pursuant to this ELG provision is no longer an option. Instead, work to complete the modifications to convert the units to dry bottom ash handling and to install the additional FGD treatment technology must proceed so as to be in compliance with the ELG discharge limits by the dates ultimately specified in each NPDES permit which, as identified above, will vary by plant.

Q. WHAT HAPPENS IF THE COMPANIES DO NOT PROVIDE NOTICE OF AN ELECTION TO UTILIZE THE RETIREMENT OPTION BY OCTOBER 13, 2021, AND THEN DECIDE TO RETIRE A UNIT AFTER THAT DATE?

A. Assuming a final NPDES permit that imposes ELG obligations for the unit in question has been issued, the Companies would be required to cease coal operations by the earliest ELG compliance date applicable to that unit or plant. For Amos, this would be the December 31, 2022 date specified in the final NPDES permit already issued by the WVDEP. For Mitchell and Mountaineer, these dates are expected to be June 30, 2023 and June 1, 2022, respectively, based on the draft NPDES permits issued by WVDEP. The companies could ask WVDEP to amend the NPDES permit to extend the ELG compliance date and to allow a retiring plant to operate through the last possible ELG compliance date of December 31, 2025, but the WVDEP is not required to agree to such a modification.

Q. PLEASE SUMMARIZE THE IMPORTANCE OF THE OCTOBER 13, 2021 DEADLINE.

A. October 13, 2021 represents a mandatory fork in the road for ELG compliance. As discussed above, the companies must commit to a binding path for ELG compliance for the Amos, Mitchell, and Mountaineer units by that date either by filing a notice under the Retirement Provision or by not filing such a notice. Simplified to its essence, the Companies must decide, by that date, whether to refuel or retire units (and thereby not incur the expense of the ELG retrofits at those units) or commit to make the ELG retrofits by the compliance deadlines for each unit. If the Companies move forward with the ELG retrofits, the Companies are financially committed to carry out those improvements as soon as practical in order to meet the ELG limits in each NPDES permit and the units would be able to continue coal-fired operations beyond 2028. If the Companies file notice with the WVDEP by October 13, 2021 electing to cease coal operations by December 31, 2028, and, such units can be operated through 2028 without incurring ELG investment costs. But, if is the Companies later decide not to complete the ELG compliance improvements for some units, the Companies will be required to cease coal operations at those units by each unit's ELG compliance deadline. Those deadlines for Mitchell, Amos, and Mountaineer are June 30, 2023, December 31, 2022, and June 1, 2022, respectively. This means that if the Companies decide not to go forward with ELG investments after the October 13, 2021 election date, they would have to refuel or retire those units as much as six years earlier. Thus, the election the Companies must make by October 13, 2021 will have a significant impact on both the operating lives of the units and the required level of financial investment in each unit.

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

A. Yes, it does.

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

CASE NO. 20-1040-E-CN

**APPALACHIAN POWER COMPANY and
WHEELING POWER COMPANY,**
public utilities.

Application for the issuance of a Certificate of Public Convenience and Necessity for internal modifications at coal fired generating plants necessary to comply with federal environmental regulations.

CERTIFICATE OF SERVICE

I, Anne C. Blankenship, counsel for Appalachian Power Company and Wheeling Power Company, hereby certify that true copies of the foregoing filing were provided electronically on this 8th day of September 2021, addressed to the following:

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Lucas Head, Esquire
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Anne C. Blankenship

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 9th day of September, 2021.

CASE NO. 20-1040-E-CN

APPALACHIAN POWER COMPANY
and WHEELING POWER COMPANY,
public utilities.

Application for a certificate of public convenience and necessity for the internal modifications at coal fired generating plants necessary to comply with federal environmental regulations and surcharge.

COMMISSION ORDER

The Commission (i) sets a procedural schedule including evidentiary hearing date on a petition for reconsideration and (ii) requires publication of the notice of filing and evidentiary hearing.

BACKGROUND[1]

On December 23, 2020, Appalachian Power Company (APCo) and Wheeling Power Company (WPCo) (collectively Companies) filed an application for a certificate of convenience and necessity to obtain authorization to make internal modifications necessary to comply with federal environmental regulations at the Amos, Mountaineer, and Mitchell coal-fired generating plants (Plants). The Companies presented alternative modification programs including: (Alternative 1) keeping all three plants operating through 2040; and (Alternative 2) keeping Amos and Mountaineer operating through 2040 but closing Mitchell by 2028.

The Companies proposed a four-year phase-in of project investment and rate recovery beginning in 2021. The annual West Virginia jurisdictional revenue requirement on the Alternative 1 investment, after the projects at all three Plants are fully completed, was to be approximately $23.5 million, an increase of approximately 1.62 percent. The annual West Virginia jurisdictional revenue requirement on the Alternative

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[1] For a complete procedural history, see previous orders and filings in this case found on the Commission web docket at www.psc.state.wv.us.

2 investment, after the projects at all three Plants are fully completed, was to be approximately $21.2 million, an increase of approximately 1.5 percent.

The Companies explained that the Plants are subject to United States Environmental Protection Agency (EPA) rules regulating the disposal and beneficial re-use of Coal Combustion Residuals (CCR), including fly ash, bottom ash, and flue gas desulfurization (FGD) gypsum. The rules apply to active CCR landfills and surface impoundments. The Plants are also subject to revised EPA rules governing effluent limitation guidelines (ELG) and FGD wastewater, fly ash and bottom ash transport water, and flue gas mercury control water. The ELG rules require that discharge limits must be met between October 31, 2021, and December 31, 2025 and establish a retirement option that allows continued discharges in exchange for a commitment to retire a subject facility by December 31, 2028, provided that West Virginia Division of Environmental Protection (WVDEP) is notified of that selection by October 13, 2021.

APCo owns and operates the Amos and Mountaineer plants and is subject to regulation by the Commission and the Virginia State Corporation Commission (VSCC). WPCo owns an undivided 50 percent interest in the Mitchell plant, as does Kentucky Power Company, an affiliate. WPCo's ownership interest of the Mitchell plant specifically excludes the Conner Run Fly Ash Impoundment (Conner Run) and any water discharged into Conner Run. Appalachian Power Co. and Wheeling Power Co., Case No. 14-0546-E-PC, Commission Order December 30, 2014.

The Consumer Advocate Division (CAD); West Virginia Energy Users Group (WVEUG); The Sierra Club; West Virginia Citizens Action Group, Solar United Neighbors, and Energy Efficient West Virginia (CAG/SUN/EEWV); West Virginia Coal Association, Inc. (WVCA); and the Attorney General for the State of West Virginia (AG) were granted intervenor status in this case. Commission Orders, March 10 and May 6, 2021.

On August 4, 2021, the Commission issued an order granting a certificate of convenience and necessity to make the necessary compliance modifications to the Plants under Alternative 1 to enable the three Plants to continue to generate electricity through 2040. The Commission also approved an Environmental Compliance Surcharge (ECS), effective September 1, 2021, to recover the capital costs associated with the proposed projects under Alternative 1 in the Petition for the first rate-year beginning September 1, 2021. The September 1, 2021 ECS under Alternative 1 will generate additional revenue of approximately $4.8 million, an increase of approximately 0.33 percent.

On September 8, 2021, the Companies filed a Petition to Reopen Case and to Take Further Action (Petition to Reopen) based on this Commission's decision to approve improvements to comply with CCR and ELG rules and keep the plants operational until

2040, and the VSCC and Kentucky Public Service Commission (KPSC) decisions to approve only improvements to comply with CCR rules and not ELG rules.

DISCUSSION

Because the VSCC did not approve cost recovery for the ELG compliance work at Amos and Mountaineer and the KPSC did not approve ELG compliance work or cost recovery at Mitchell, the Companies now are seeking to recover the jurisdictional costs for Virginia and Kentucky portions of the plants from West Virginia ratepayers in order to proceed with CCR and ELG projects that allow all three Plants to remain operational through 2040. Petition to Reopen at 3.

Pursuant to the ELG rule, the Companies must notify the WVDEP by October 13, 2021, of any commitment to retire or cease combustion of coal in its units by December 31, 2028. Because of the October 13, 2021 EPA deadline faced by the Companies, they requested that the Commission issue an Order before October 13, 2021. Specifically, the Companies request:

1. A ruling from the Commission that it wants the Companies to proceed with the ELG projects at all three plants, including on KPCo's undivided 50% interest in the Mitchell plant, notwithstanding the new cost estimates, or if not at all plants, then on which plants or units;

2. An acknowledgement from the Commission that additional investments and O&M expenses at the plants will be needed prior to 2028, and will be the responsibility of West Virginia customers, if the plants are to operate beyond 2028;

3. A commitment from the Commission that it will continue to authorize recovery of the costs described in items 1 and 2 above, so long as they are reasonable and prudently incurred, once the Companies incur such costs at the Commission's direction; and

4. Instruction from the Commission that WPCo propose a plan in a future docket that recognizes the changes needed to deal with the issues resulting from any directive from this Commission to perform the ELG work at Mitchell.

Petition to Reopen at 5.

The Companies do not propose any increases in the first-year surcharge approved in this case. They propose, however, an increase in the total annual revenue requirement on completion of the project from $23.5 million to $48 million. While rates approved in the August 4, 2021 Commission Order for the first year of the Project would not increase, rates on completion of the project would increase. Because the Companies must notify the WVDEP by October 13, 2021, whether they intend to run the Plants beyond 2028, the Commission must issue its Order on the requests made in the Petition to Reopen on an expedited timeframe. This Order schedules an evidentiary hearing on an expedited basis and the Commission will hold that hearing if any party or parties request a hearing. Otherwise, the Commission may cancel the hearing and decide the issue on the Petition to Reopen and any responsive filings.

FINDINGS OF FACT

1. A procedural schedule should be developed and an evidentiary hearing date set in this proceeding.

2. Notice of the Petition to Reopen has not yet been provided by the Companies.

CONCLUSIONS OF LAW

1. The Companies should provide notice of the Petition to Reopen and proposed change in revenue requirement needed for this Project.

2. An evidentiary hearing on the requests made in the Petition to Reopen should be held if any party or parties request such a hearing; otherwise, the Commission may issue a decision based on the Petition to Reopen and responsive pleadings.

ORDER

IT IS THEREFORE ORDERED that this case is reopened and Appalachian Power Company and Wheeling Power Company shall publish as soon as possible the notice attached to this Order as Attachment A one time in newspapers of general circulation in each of the counties where service is provided.

IT IS FURTHER ORDERED that Appalachian Power Company and Wheeling Power Company shall promptly submit, as entries in this case, affidavits of publication.

IT IS FURTHER ORDERED that in the event the parties request a hearing, the evidentiary hearing will commence at 9:30 a.m. Friday, September 24, 2021, in the Howard M. Cunningham Hearing Room, Public Service Commission Building, 201 Brooks Street, Charleston, West Virginia.

IT IS FURTHER ORDERED that the Commission establishes the following procedural deadlines:

Petition to Reopen of APCo and WPCo	Filed September 8, 2021
Responses to Petition to Reopen	4:00 p.m. September 16, 2021
Replies to Responses	4:00 p.m. September 20, 2021
Agreed Order of Witnesses (if evidentiary hearing requested by any party)	4:00 p.m. September 21, 2021
Evidentiary Hearing on Petition to Reopen (if requested by any party)	9:30 a.m. Friday, September 24, 2021, Howard M. Cunningham Hearing Room Public Service Commission Headquarters 201 Brooks Street Charleston, West Virginia

IT IS FURTHER ORDERED that the Executive Secretary of the Commission serve a copy of this Order by electronic service on all parties of record who have filed an e-service agreement, by United States First Class Mail on all parties of record who have not filed an e-service agreement, and on Staff by hand delivery.

A True Copy, Teste,

Connie Graley

Connie Graley, Executive Secretary

SMS/pb
201040cd

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

CASE NO. 20-1040-E-CN

APPALACHIAN POWER COMPANY
and WHEELING POWER COMPANY
public utilities.

Application for a certificate of public convenience and necessity for the internal modifications at coal fired generating plants necessary to comply with federal environmental regulations and surcharge.

NOTICE OF FILING AND EVIDENTIARY HEARING

On December 23, 2020, Appalachian Power Company (APCo) and Wheeling Power Company (WPCo) (collectively Companies) filed a duly verified Application for a Certificate to make internal modifications at coal-fired generating plants in Putnam, Mason, and Marshall Counties.

The Public Service Commission of West Virginia approved the application on August 4, 2021. The modifications will be phased in over an approximate four-year period beginning in 2021. As originally filed, the estimated annual West Virginia revenue requirements after full phase-in of the planned modifications were $23.5 million, an increase of approximately 1.62%.

On September 8, 2021, the Companies filed updated data to reflect changes in estimated costs and the impact of Orders issued by the Kentucky Public Service Commission (KPSC) which also has jurisdiction over the plant in Marshall County and Virginia State Corporation Commission (VSCC) which shares jurisdiction over the plants in Putnam and Mason Counties. Neither commission approved the construction of certain effluent limitation guidelines (ELG) controls that are necessary to allow the plants to continue to operate after 2028. The Companies requested that the Commission rule that effluent control costs will be the responsibility of West Virginia customers if the Commission required installation of the ELG controls and operation of the plants after 2028 and KPSC and VSCC continued to prohibit the necessary investments that would allow the plants to operate after 2028.

The updated costs and allocation of effluent control costs to West Virginia are projected to increase the annual revenue requirements after full phase-in of the planned modifications to $48.0 million. Based on the original percentage increases provided by the Companies, the revised $48.0 annual revenue requirement that would go into effect after the full phase-in of all planned upgrades is estimated to impact West Virginia rates by approximately 3.3%.

The Companies' filing is on file with and available for public inspection at the Public Service Commission, 201 Brooks Street, in Charleston, West Virginia. It is also available on the Commission web docket found at www.psc.state.wv.us. Select "Case Information" on left side of page, and type the case number above to view the Application and other documents filed in this case.

The Public Service Commission will conduct an evidentiary hearing in this case, if requested by a party or parties to the case, on September 24, 2021, beginning at 9:30 a.m. If held, the evidentiary hearing will be held in the Howard M. Cunningham Hearing Room, Public Service Commission, 201 Brooks Street, Charleston, West Virginia. The evidentiary hearing may be viewed live by videostream at www.psc.state.wv.us.

Anyone desiring to make written comment should file it at any time prior to the start of the evidentiary hearing. Electronic comment may be made at the above website using the case number for this case. All comments and requests to intervene should briefly state the reason for the comment or intervention. All comments, except those submitted electronically, should be addressed to Connie Graley, Executive Secretary, Public Service Commission of West Virginia, P. O. Box 812, Charleston, West Virginia 25323.

APPALACHIAN POWER COMPANY
and WHEELING POWER COMPANY

VERIFICATION

The undersigned, Brett Mattison, being duly sworn, deposes and says he is President & COO of Kentucky Power Company, that he has personal knowledge of the matters set forth in the foregoing responses and the information contained therein is true and correct to the best of his information, knowledge, and belief after reasonable inquiry.

Brett Mattison

Brett Mattison

Commonwealth of Kentucky	)	
	)	Case No. 2021-00004
County of Boyd	)	

Subscribed and sworn before me, a Notary Public, by Brett Mattison this 13th day of September, 2021.

Scott E. Bishop
Notary Public

SCOTT E. BISHOP
Notary Public
Commonwealth of Kentucky
Commission Number KYNP32110
My Commission Expires Jun 24, 2025

My Commission Expires 6/24/2025

Notary ID Number: KYNP 32110