

Kentucky Power Company
KPSC Case No. 2021-00004
AG-KIUC Rehearing Data Requests
Dated September 14, 2021

DATA REQUEST

AG-KIUC 3-1 Provide an update regarding the recently reopened Case No. 20-1040-E-CN before the West Virginia Public Service Commission.

a. For AEP, Wheeling Power or Appalachian Power to construct facilities for ELG compliance on Kentucky Power's 50% share of Mitchell, is approval from this Commission required? If yes, please explain the process for obtaining that approval.

b. For AEP, Wheeling Power or Appalachian Power to construct facilities for ELG compliance on Kentucky Power's 50% share of Mitchell, is the agreement of Kentucky Power required? If yes, what would be the appropriate consideration for Kentucky Power and its ratepayers?

RESPONSE

(a)-(b) The Company objects to this data request on the grounds it seeks a legal opinion and thus is not within the scope of proper discovery. Further, the data request seeks discovery on matters that are irrelevant to this case and not reasonably calculated to lead to the discovery of admissible evidence. Wheeling Power Company is not a party to this proceeding and is not subject to the jurisdiction of this Commission. Finally, the data request seeks information beyond the scope of the issues raised by Kentucky Power in its August 2, 2021 motion for rehearing and identified by the Commission in its August 19, 2021 Order granting rehearing. The data request thus seeks discovery on matters that are irrelevant to this case and not reasonably calculated to lead to the discovery of admissible evidence.

In further response to subpart (a) only, and without waiving its objections above, please see Kentucky Power's September 29, 2021 "Application For Declaratory Order, Request For Expedited Disposition, And Motion For Deviation From Scheduling Requirements" in Case No. 2021-00370.

Witness: Deryle B. Mattison

Objections by counsel.

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DATA REQUEST

AG-KIUC 3-2 Provide copies of all documents filed in Case No. 20-1040-E-CN before the West Virginia Commission, as well as orders issued by the West Virginia Commission in that matter, after the August 4, 2021 Order.

RESPONSE

Kentucky Power objects to this data request on the grounds it is overbroad, seeks discovery on matters that are irrelevant to this case and not reasonably calculated to lead to the discovery of admissible evidence, and seeks publicly available filings equally available to the Attorney General and Kentucky Industrial Utility Customers, Inc. Further, the data request seeks information beyond the scope of the issues raised by Kentucky Power in its August 2, 2021 motion for rehearing and identified by the Commission in its August 19, 2021 Order granting rehearing. The data request thus seeks discovery on matters that are irrelevant to this case and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, please see the Company's response to Commission Staff's September 17, 2021 data request 2-6.

Witness: Deryle B. Mattison

Objections by counsel.

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DATA REQUEST

AG-KIUC 3-3 Provide an update on the status of any potential sale of Kentucky Power by AEP.

RESPONSE

Kentucky Power objects to this data request on the grounds it is overbroad, and because it seeks discovery on matters that are irrelevant to this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, the data request seeks information beyond the scope of the issues raised by Kentucky Power in its August 2, 2021 motion for rehearing and identified by the Commission in its August 19, 2021 Order granting rehearing. The data request thus seeks discovery on matters that are irrelevant to this case and not reasonably calculated to lead to the discovery of admissible evidence.

Without waving these objections please see the Company's responses, including supplemental responses, to data request 1 in Appendix A to the Commission's August 19, 2021 Order.

Witness: Deryle B. Mattison

Objections by counsel.

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AG-KIUC 3-4 Confirm that AEP plans to operate the Mitchell Plant beyond 2028 and potentially through 2040.

RESPONSE

Kentucky Power cannot confirm the statement.

Witness: Deryle B. Mattison

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DATA REQUEST

AG-KIUC 3-5 Provide copies of all correspondence sent on or after January 1, 2020 between and among AEP, Kentucky Power, and Wheeling Power related to the prospective operation of the Mitchell Plant.

RESPONSE

Kentucky Power objects to this data request to the extent it encompasses privileged attorney-client communications or attorney work product. Kentucky Power further objects to this data request as overbroad, and unduly burdensome. The Company further objects to the extent it seeks discovery on matters that are irrelevant to this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, the data request seeks information beyond the scope of the issues raised by Kentucky Power in its August 2, 2021 motion for rehearing and identified by the Commission in its August 19, 2021 Order granting rehearing. The data request thus seeks discovery on matters that are irrelevant to this case and not reasonably calculated to lead to the discovery of admissible evidence.

Objections by counsel.

DATA REQUEST

- AG-KIUC 3-6** Please explain how the decommissioning costs of Mitchell will be allocated between AEP's shareholders, Wheeling Power, Ohio Power and Kentucky Power. Please provide all contracts, agreements and orders that support your explanation.
- a. Since Mitchell went into commercial operation, please provide a schedule showing on an annual basis the MWh generation of Mitchell that was dedicated to the various owners of Mitchell (e.g. Kentucky Power, Wheeling Power and Ohio Power).
 - b. Since Mitchell went into commercial operation, please provide the percent of total generation dedicated to Kentucky Power.
 - c. Before agreeing to an ELG resolution with Wheeling Power, does Kentucky Power intend to resolve decommissioning cost allocation?

RESPONSE

Kentucky Power objects to this data request as seeking discovery on matters that are irrelevant to this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, the data request seeks information beyond the scope of the issues raised by Kentucky Power in its August 2, 2021 motion for rehearing and identified by the Commission in its August 19, 2021 Order granting rehearing. The data request thus seeks discovery on matters that are irrelevant to this case and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections please see the following responses:

The un-enumerated predicate to the subparts – Please see the September 30, 2021 testimony of Mr. Mattison filed in Case No. 2021-00370.

(a)-(b) Kentucky Power further objects to these subparts to the extent they seek information regarding the operation of the Mitchell Generating Station prior to Kentucky Power's acquisition of its interest at midnight December 31, 2013 as seeking discovery on matters that are irrelevant to this case and not reasonably calculated to lead to the discovery of admissible evidence. Without waving this objection please see KPCO_R_AG-KIUC_3_6_Attachment1.

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(c) If Wheeling Power makes the ELG investment, the Company expects that the Mitchell Operating Agreement would be modified and that such modification would address the allocation of Kentucky Power's and Wheeling Power's costs associated with the plant, including decommissioning costs. Please see the September 30, 2021 testimony of Mr. Mattison filed in Case No. 2021-00370, at pages 10-11.

Witness: Deryle B. Mattison

Objections by counsel.

Year	Mitchell MWh Generation				% of Total		
	AGR	Kentucky Power	Wheeling Power	Total Mitchell	AGR	Kentucky Power	Wheeling Power
2014	4,253,170	4,253,170	-	8,506,340	50%	50%	0%
2015	389,706	2,684,109	2,294,403	5,368,217	7%	50%	43%
2016	-	3,841,873	3,841,873	7,683,746	0%	50%	50%
2017	-	3,843,426	3,843,426	7,686,852	0%	50%	50%
2018	-	2,751,646	2,751,646	5,503,292	0%	50%	50%
2019	-	2,520,640	2,520,640	5,041,281	0%	50%	50%
2020	-	1,805,861	1,805,861	3,611,723	0%	50%	50%

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DATA REQUEST

AG-KIUC 3-7 Confirm that, as a general principle, Kentucky ratepayers should not subsidize plant operations that benefit only out-of-state ratepayers.

RESPONSE

Kentucky Power objects to this data request as seeking discovery on matters that are irrelevant to this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, the data request seeks information beyond the scope of the issues raised by Kentucky Power in its August 2, 2021 motion for rehearing and identified by the Commission in its August 19, 2021 Order granting rehearing. The data request thus seeks discovery on matters that are irrelevant to this case and not reasonably calculated to lead to the discovery of admissible evidence. Finally, broad statements of “general principle” are not appropriate for discovery.

Without waiving these objections, please see the Company’s response to Staff 2-4.

Witness: Deryle B. Mattison

Objections by counsel.

VERIFICATION

The undersigned, Brett Mattison, being duly sworn, deposes and says he is President and 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)
)
County of Boyd)

Case No. 2021-00004

Subscribed and sworn before me, a Notary Public, by Brett Mattison this
1ST day of October, 2021.

Scott F. Bishop

Notary Public



My Commission Expires 6/24/2025

Notary ID Number: KYNP32110