

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTONIC APPLICATION OF FLEMING-MASON ENERGY ) CASE NO. 2021-00109  
COOPERATIVE, INC'S PASS-THROUGH OF EAST KENTUCKY )  
POWER COOPERATIVE, INC'S WHOLESALE RATE )  
ADJUSTMENT )

---

JOINT MOTION OF APPHARVEST MOREHEAD FARM, LLC. AND FLEMING-MASON ENERGY  
COOPERATIVE, INC. TO ALLOW THE FILING OF BRIEFS BY SEPTEMBER 1, 2021  
IN LIEU OF A HEARING

---

Come the movants AppHarvest Morehead Farm, LLC and Fleming-Mason Energy Cooperative, Inc. (“Joint Movants”) and for their Joint Motion to Allow the Filing of Briefs by September 1, 2021 In Lieu of a Hearing (“Joint Motion”) and state as follows:

1. Fleming-Mason Energy Cooperative, Inc. (“Fleming”) filed Electronic Application for the Pass Through of EKPC’s wholesale rate adjustment on April 1, 2021 and on May 24, the Public Service (the “Commission”) granted AppHarvest Morehead Farm, LLC’s (“AppHarvest”) Motion to Intervene. No additional party sought intervention and accordingly, Joint Movants are the only parties hereto.

2. Each party submitted the testimony of its witness: John Wolfram for Fleming and Suede Kelly for AppHarvest. Additionally, Fleming responded to two rounds of data requests each from AppHarvest and Commission Staff. AppHarvest likewise responded to one round each from Commission Staff and Fleming. Further, no one has submitted public comments. The Joint Movants thus believe that the factual record is complete and that no hearing is necessary.

3. That the Joint Movants would, however, like the opportunity to articulate their respective positions with the filing of simultaneous briefs. Further, in order to give commission enough time to prepare a decision prior to the expiration of the suspension period, suggests that the briefs’ due date be set as September 1.

WHEREFORE, the Joint Movants respectfully move the Commission to allow the filing of simultaneous briefs by September 1, 2021 in lieu of a hearing.

Respectfully submitted,

/s/ James W. Gardner  
STURGILL, TURNER, BARKER & MOLONEY, PLLC  
James W. Gardner  
M. Todd Osterloh  
333 W. Vine Street, Suite 1500  
Lexington, Kentucky 40507  
Telephone No.: (859) 255-8581  
Facsimile No.: (859) 231-0851  
jgardner@sturgillturner.com  
tosterloh@sturgillturner.com  
*Attorneys for AppHarvest Morehead*

and

David S. Samford  
L. Allyson Honaker  
Goss Samford, PLLC  
2365 Harrodsburg Road, Suite B-325  
Lexington, KY 40504  
859-368-7740  
david@gossamfordlaw.com  
allyson@gossamfordlaw.com

Earl Rogers, III  
Campbell & Rogers PLLC  
154 Flemingsburg Road  
Morehead, KY 40351  
(606) 783-1012  
(606) 784-8926 (fax)  
earlrogers@windstream.net  
*Attorneys for Fleming-Mason Cooperative, Inc.*