

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF EAST)	
KENTUCKY POWER COOPERATIVE, INC.)	
AND ITS MEMBER DISTRIBUTION)	CASE NO.
COOPERATIVES FOR APPROVAL OF)	2021-00198
PROPOSED CHANGES TO THEIR QUALIFIED)	
COGENERATION AND SMALL POWER)	
PRODUCTION FACILITES TARIFFS)	

EAST KENTUCKY POWER COOPERATIVE, INC.’S
MOTION TO SET HEARING DATE AND
REQUEST FOR AN INFORMAL CONFERENCE

Comes now East Kentucky Power Cooperative, Inc. (“EKPC”) by counsel, pursuant to the May 24, 2021 Order of the Kentucky Public Service Commission (“Commission”), and does hereby request the Commission to set a hearing date in this docket and schedule an informal conference, respectfully stating as follows:

EKPC filed revised tariff sheets for its existing tariff for Qualified Cogeneration and Small Power Production Facilities (“PURPA Tariff”) on March 31, 2021. EKPC proposed to update capacity and energy pricing in the tariffs and to reduce the market administration fee, beginning with an effective date of June 1, 2021, which was timed to coincide with the beginning of a new Delivery Year within PJM Interconnection, LLC (“PJM”), of which EKPC is a member. Each of EKPC’s sixteen (16) Owner-Members also filed conforming tariffs to extend the terms of EKPC’s PURPA Tariff to each of their end-use retail members.

On May 24, 2021, the Commission entered an Order suspending the PURPA Tariff of EKPC and each of its Owner-Members. While several of EKPC's Owner-Members elected to participate in the case, no non-utility parties sought leave to intervene in the case. EKPC has responded to two rounds of information requests from Commission Staff and offered testimony on matters overlapping the subject of those data requests in its currently pending rate case.¹ Pursuant to the procedural Order entered in this case, EKPC must request a hearing or file a motion to submit the case for a decision based upon the existing administrative record on or before September 3, 2021.

EKPC hereby formally requests a hearing be scheduled so that the record of this proceeding might be further developed as necessary to assure that the Commission's and Staff's questions regarding the reasonableness of the proposed PURPA Tariff revisions are fully understood. Moreover, EKPC wishes to make clear at the hearing and in the administrative record that it regards the application of the PURPA Tariff as wholly separate from any consideration of retail net metering customer tariffs available to end-use retail members of EKPC's Owner-Members. It is possible that other discreet issues may need to be the subject of examination at a hearing.

EKPC acknowledges, however, that a hearing may not be necessary after all. The discovery from Staff in this case has been extensive and thorough. It is possible that whatever concerns or questions were initially identified by the Commission or Staff at the time the PURPA Tariff was suspended have now been sufficiently resolved. Thus, to facilitate administrative economy and the highest and best use of the Commission's time and resources, EKPC respectfully requests the Commission to also schedule an informal

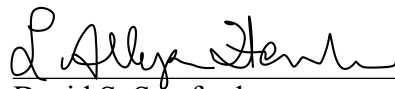
¹ See *In the Matter of the Electronic Application of East Kentucky Power Cooperative, Inc. for a General Adjustment of Rates, Approval of Depreciation Study, Amortization of Certain Regulatory Assets, and other General Relief*, Hearing Video Record, Case No. 2021-00103 (Aug. 3, 2021).

conference in this case so that the precise issues to be heard in a formal hearing may be identified. Not only is this consistent with notions of due process, but it will no doubt streamline and minimize the duration of a formal hearing. If the informal conference reveals that no hearing is necessary, EKPC will withdraw its request for a hearing.

WHEREFORE, on the basis of the foregoing, EKPC respectfully requests the Commission to schedule a formal hearing and an informal conference in this case.

This 1st day of September, 2021.

Respectfully submitted,



David S. Samford

L. Allyson Honaker

GOSS SAMFORD, PLLC

2365 Harrodsburg Road, Suite B-325

Lexington, Kentucky 40504

(859) 368-7740

david@gosssamfordlaw.com

allyson@gosssamfordlaw.com

*Counsel for East Kentucky Power
Cooperative, Inc.*

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, this is to certify that the electronically filed documents are true and accurate copies of the same documents being filed; that the electronic filing has been transmitted to the Commission on September 1, 2021; that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means; and that no paper copy of this filing will be delivered to the Commission.



*Counsel for East Kentucky Power
Cooperative, Inc.*