

Kentucky Power Company
KPSC Case No. 2021-00370
Post-Hearing Data Request Set 1
Dated December 3, 2021

DATA REQUEST

KPSC_PHDR_002

Provide a copy of the Common Interest Agreement among any of the following: Liberty, AEP, AEP Transmission, and Kentucky Power.

RESPONSE

Please refer to KPCO_R_KPSC_PHDR_1_002_Attachment_1 for the requested information.

FEBRUARY 11, 2022 SUPPLEMENTAL RESPONSE

Please refer to KPCO_SR_KPSC_PHDR_1_002_Attachment1 for an addendum to the Common Interest Agreement between the parties.

Witness: Counsel

ADDENDUM TO COMMON INTEREST AGREEMENT

Pursuant to paragraph 18 of the Common Interest Agreement (the “**Agreement**”) entered into by and among (i) American Electric Power Company, Inc. and its controlled affiliates, including American Electric Power Service Corporation, Kentucky Power Company, AEP Transmission Company, LLC, and AEP Kentucky Transmission Company, Inc. and (ii) Algonquin Power & Utilities Corp. and its controlled affiliates, including Liberty Utilities Co. (each client being hereinafter referred to individually as a “Party” and collectively as the “**Parties**”) in connection with the transactions (the “**Transaction**”) contemplated by the Stock Purchase Agreement, dated as of October 26, 2021, by and among Liberty Utilities Co., American Electric Power Company, Inc. and AEP Transmission Company, LLC (as amended, supplemented, restated or otherwise modified from time to time, the “**Purchase Agreement**”), the Parties hereby amend the Agreement as follows:

WHEREAS, Kentucky Power Company is a party in various lawsuits that have arisen or which may arise prior to the Closing (the “**Litigation**”);

WHEREAS, the Parties recognize that they share a common legal interest in connection with the Litigation, and that it is in their individual and mutual interests to cooperate with one another in sharing Common Interest Material (as defined in the Common Interest Agreement) related to the Litigation;

WHEREAS, the Purchase Agreement requires that, during the period from the Effective Date through and including the Closing, Sellers obtain Purchaser’s consent to certain actions related to operating the business of Kentucky Power Company, which consent shall not be unreasonably withheld, conditioned or delayed;

WHEREAS, in the ordinary course of the Litigation, Kentucky Power Company may engage in settlement discussions pertaining to the Litigation, and that some settlements in principle have been consummated and others are imminent;

WHEREAS, Kentucky Power Company desires to allow such settlements to be finalized, where appropriate, and to allow other ongoing settlement discussions to continue, and to share any Common Interest Material related to the Litigation that may be necessary to facilitate consent to such settlements as may be required under the Purchase Agreement;

THEREFORE, to accomplish these objectives and to memorialize their understanding, the Parties agree to the following:

19. The Parties expressly agree that Common Interest Material includes information regarding the Litigation, including information pertaining to Kentucky Power Company or its affiliates, including information regarding settlement negotiations between Kentucky Power Company and/or its affiliates, on the one hand, and other parties in the Litigation, on the other.



Adam Curran
Director, Legal & Business Affairs
Counsel for Algonquin Power & Utilities Corp.



John C. Crespo
Deputy General Counsel, Regulatory & Nuclear
*Counsel for American Electric Power
Company, Inc.*