

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

ELECTRONIC INVESTIGATION)	
OF THE SERVICE, RATES AND)	Case No. 2021-00370
FACILITIES OF KENTUCKY POWER)	
COMPANY)	

**ATTORNEY GENERAL AND KIUC’S
RESPONSE TO KENTUCKY POWER’S MOTION
TO CANCEL HEARING OF NOVEMBER 30, 2021**

On November 19, 2021, Kentucky Power Company (“Kentucky Power”) filed a Motion requesting that the Hearing scheduled for November 30, 2021 be cancelled. This request was based on its filing of proposed Mitchell Operating Agreement changes in a new docket, Case No. 2021-00421. Kentucky Power states that the new docket, “appears to satisfy the stated purpose for the November 30 hearing.”

The Attorney General (“AG”) and Kentucky Industrial Utility Customers (“KIUC”) suggest that, as opposed to cancelling the November 30, 2021 Hearing altogether, the Commission should convert that Hearing into an informal conference at which the parties can discuss various issues.

For instance, in Case No. 2021-00421, Kentucky Power requests that, “all approvals necessary,” be granted, “on or before February 17, 2022.” AG/KIUC are of the opinion that a proceeding to review the proposed revised operating agreement should include at least two rounds of discovery, intervenor testimony, the opportunity for the Company to provide rebuttal testimony, a hearing, and post-hearing briefs. If the Commission were to agree that such a schedule was appropriate, the time constraints presented by such

scheduling would be considerable should an order were to be issued by the suggested deadline. Issues such as this merit discussion. An informal conference on November 30, 2021 may assist the parties and the Commission in addressing items such as this.

Respectfully submitted,

DANIEL J. CAMERON
ATTORNEY GENERAL



J. MICHAEL WEST
LAWRENCE W. COOK
ANGELA M. GOAD
JOHN G. HORNE II
ASSISTANT ATTORNEYS GENERAL
700 CAPITAL AVE, SUITE 20
FRANKFORT, KY 40601-8204
PHONE: (502) 696-5433
FAX: (502) 573-1005
Michael.West@ky.gov
Larry.Cook@ky.gov
Angela.Goad@ky.gov
John.Horne@ky.gov

/s/ Michael Kurtz

Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Ph: (513) 421-2255,
Fax: (513) 421-2764
mkurtz@BKLawfirm.com
kboehm@BKLawfirm.com
jkylercohn@BKLawfirm.com

Certificate of Service and Filing

Pursuant to the Commission's Orders and in accord with all other applicable law, Counsel certifies that, on November 22, 2021, a copy of the forgoing was served by electronic mail to the following.

cgrundmann@spilmanlaw.com

moverstreet@stites.com

kglass@stites.com

MKurtz@BKLawfirm.com

KBoehm@BKLawfirm.com

JKylerCohn@BKLawfirm.com

joe@jchilderslaw.com

matthew.miller@sierraclub.org

cgrundmann@spilmanlaw.com

this 22nd day of November, 2021

A handwritten signature in blue ink, appearing to read "J. Miller". The signature is written in a cursive style with a horizontal line extending to the right.

Assistant Attorney General