

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

In the Matter of:

ELECTRONIC APPLICATION OF)	
KENTUCKY POWER COMPANY)	
FOR APPROVAL OF AFFILIATE)	Case No. 2021-00421
AGREEMENTS RELATED TO THE)	
MITCHELL GENERATING STATION)	

JOINT RESPONSE TO MOTION FOR LEAVE TO AMEND APPLICATION

The Intervenors, the Attorney General of the Commonwealth of Kentucky, by his Office of Rate Intervention (“Attorney General”), and Kentucky Industrial Utility Customers (“KIUC”) state the following in response to Kentucky Power Corporation’s (“Kentucky Power”) Motion for Leave to Amend Application filed on March 15, 2022. In its Motion, Kentucky Power suggests that an Informal Conference be set for as soon as March 18, 2022, that responses to the proposal be filed by March 23, 2022, and, “*if the Commission deems it necessary,*” a formal hearing be set for March 30, 2022. Respectfully, the Intervenors object to the proposed dates and process.

While Intervenors understand that Kentucky Power seeks a quick resolution of these issues, the Amended Application is a far too important a matter to be given so little due process. Through its Amended Application, Kentucky Power seeks to commit its ratepayers to a contract that could impact their electric rates for decades. It is unreasonable to give Intervenors little more than one week to understand, analyze, and respond to the substance of the new contract and little more than two weeks to raise any concerns surrounding that contract at hearing.

The Amended Application introduces several ambiguities that would be better resolved

through the discovery process or explored at more than a superficial level. For instance, to what degree would the provisions within the amended Ownership Agreement, particularly those provisions addressing the powers of the Operating Committee, undermine the Commission's statutory authority and/or its ability to protect Kentucky customers from unjust and unreasonable rates? Additionally, while the amended Ownership Agreement provides greater optionality for Kentucky Power with respect to the future of Mitchell, the ratemaking implications of each of these options (decommissioning cost recovery, ELG payment structure, etc.) are still ambiguous. It is critical that all of these legal and ratemaking implications be well-understood before rushing to a decision in this matter.

Accordingly, the Intervenors request that a different procedural approach be adopted in this proceeding; one that includes at least one round of discovery (though two rounds are preferable) as well as the opportunity for Intervenors to file additional testimony. Kentucky Power's Amended Application and supporting testimony raise entirely new issues in this matter. In the interests of due process and creating a full record upon which the Commission can base a decision in this matter, Intervenors should now be allowed adequate opportunity to explore and respond to those filings.

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 L. 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@bkllawfirm.com
kboehm@BKLawfirm.com
jkylercohn@BKLawfirm.com
Counsel for KIUC

Certificate of Service and Filing

Pursuant to the Commission's Orders and in accord with all other applicable law, Counsel certifies that, on March 16, 2022, an electronic copy of the forgoing was served by e-mail to the following.

moverstreet@stites.com
kglass@stites.com
cblend@aep.com
tswolffram@aep.com

this 16th day of March, 2022.

A handwritten signature in blue ink, appearing to read "J. Michael West". The signature is written in a cursive style with a long horizontal stroke at the end.

Assistant Attorney General