

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC TARIFF FILING OF EAST KENTUCKY)	
POWER COOPERATIVE, INC. TO ESTABLISH ITS)	CASE NO.
EARNINGS MECHANISM TARIFF)	2021-00429

JOINT MOTION TO SUBMIT CASE
ON EXISTING ADMINISTRATIVE RECORD

Come now East Kentucky Power Cooperative, Inc. (“EKPC”), Attorney General Daniel Cameron, by and through his Office of Rate Intervention (“AG”), and Nucor Steel Gallatin (“Nucor”) (collectively, the “Joint Movants”), pursuant to the Commission’s November 23, 2021 procedural order in the above-styled docket and other applicable law, and do hereby jointly move the Commission to submit the case for adjudication on the merits based upon the existing administrative record and without a public hearing, respectfully stating as follows:

In performance of the terms and conditions set forth in a Joint Stipulation and Settlement Agreement entered into by the Joint Movants in Case No. 2021-00103,¹ EKPC tendered a proposed tariff for Rate EM – Earnings Mechanism (“Rate EM”) on October 29, 2021. The Commission thereafter entered an Order on November 23, 2021 which suspended the effective date of Rate EM through April 30, 2022 and provided for the filing of intervention requests, two rounds of written discovery and the filing of intervenor and rebuttal testimony. The AG and Nucor both filed motions to intervene, which were granted on December 9, 2021. EKPC provided responses to two

¹ See *In the Matter of: 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*, Order, Case No. 2021-00103 (Ky. P.S.C. Sept. 30, 2021).

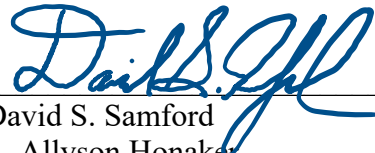
sets of data requests from Commission Staff and a joint set of data requests from the AG and Nucor. The AG and Nucor did not file any testimony, which eliminates the need for EKPC to file any rebuttal testimony. Per the procedural schedule, a request for a public hearing must be submitted to the Commission on or before February 24, 2022.

The Joint Movants have conferred and believe that there is no need to hold a public hearing in this matter. The issues associated with the proposed Rate EM have been fully developed through EKPC's initial filing and subsequent responses to data requests. The AG and Nucor have not tendered any testimony and do not believe there is a need to cross-examine any witnesses that EKPC might present at a public hearing. Rather, the Joint Movants agree that the case may be fully resolved on the facts set forth in the existing administrative record and that there is no need to incur additional delay or expense in having a decision on the merits of EKPC's proposed tariff rendered in an expeditious fashion. However, should the Commission determine that a public hearing is necessary, the Joint Movants each reserve their rights to participate fully therein.

WHEREFORE, based upon the foregoing, the Joint Movants respectfully request the Commission to enter an order based upon the existing administrative record.

This 22nd day of February, 2022.

Respectfully submitted,



David S. Samford
L. Allyson Honaker
GOSS SAMFORD, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KY 40504
(859) 368-7740
david@gosssamfordlaw.com
allyson@gosssamfordlaw.com

*Counsel for East Kentucky Power
Cooperative, Inc.*

/s/ J. Michael West (with permission)
John G. Horne II, Esq.
J. Michael West, Esq.
ASSISTANT ATTORNEYS GENERAL
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601
(502) 564-5453
(502) 564-2698 (facsimile)
John.Horne@ky.gov
Michael.West@ky.gov

*Counsel for Daniel Cameron
Attorney General*

/s/ Michael L. Kurtz (with permission)
Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
BOEHM, KURTZ & LOWRY PLLC
36 East Seventh Street, Suite 1510
Cincinnati, OH 45202
(513) 421-2255
(513) 421-2764 (facsimile)
MKurtz@bkllawfirm.com
KBoehm@bkllawfirm.com
JKylerCohn@bkllawfirm.com

Counsel for Nucor Gallatin Steel

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 in paper medium; that the electronic filing has been transmitted to the Commission on February 22, 2022; that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.

A handwritten signature in blue ink, appearing to read "David S. Gill". The signature is written in a cursive style and is positioned above a horizontal line.

Counsel for East Kentucky Power Cooperative, Inc.