

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

**In the Matter of:**

<b>ELECTRONIC JOINT APPLICATION OF</b>	)	
<b>AMERICAN ELECTRIC POWER COMPANY, INC.,</b>	)	
<b>KENTUCKY POWER COMPANY AND LIBERTY</b>	)	<b>CASE NO.</b>
<b>UTILITIES CO. FOR APPROVAL OF THE</b>	)	<b>2021-00481</b>
<b>TRANSFER OF OWNERSHIP AND CONTROL OF</b>	)	
<b>KENTUCKY POWER COMPANY</b>	)	

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**SIERRA CLUB’S SUPPLEMENTAL REQUESTS FOR INFORMATION  
TO LIBERTY UTILITIES COMPANY**

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Sierra Club hereby propounds the following requests for information on Liberty Utilities Company (“Liberty”)—together with American Electric Power Company, Inc. (“AEP”), and Kentucky Power Company (“KPC”), the “Joint Applicants”—in the above-captioned proceeding, pursuant to the Kentucky Public Service Commission’s (“Commission”) January 6, 2022, Order (“Scheduling Order”),

The Companies shall answer these requests for information in the manner set forth in the Scheduling Order, by no later than February 14, 2022. Please produce the requested documents in electronic format to:

Matthew E. Miller  
2528 California Street  
Denver, CO 80205  
Email: matthew.miller@sierraclub.org

If a response to a request consists of a statement that the requested information is already available to Sierra Club, provide a detailed citation to the document that contains the information. This citation shall include the title of the document, relevant page number(s), and to the extent possible paragraph number(s) and/or chart(s)/table(s)/figure number(s).

In the event that any document referred to in response to any request for information has been destroyed, specify the date and the manner of such destruction, the reason for such destruction, the person authorizing the destruction and the custodian of the document at the time of its destruction.

Each request is continuing in nature, such that Liberty is requested to timely supplement their responses as appropriate, if responses change over the course of these proceedings.

Sierra Club reserves the right to serve supplemental, revised, or additional discovery requests as permitted in this proceeding.

### **DEFINITIONS**

Unless otherwise specified in each individual interrogatory or request, “AEP” refers to American Electric Power Company, Inc., and its affiliates, officers, directors, employees, and agents; “KPC” refers to Kentucky Power Company and its affiliates, officers, directors, employees, and agents; “Liberty” refers to Liberty Utilities Company and its affiliates, officers, directors, employees, and agents; and “you,” “your,” and the “Joint Applicants” refer to AEP, KPC, and Liberty together.

“And” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these interrogatories and requests for production of documents any information which might be deemed outside their scope by another construction.

“Any” means all or each and every example of the requested information.

“Communication” means any transmission or exchange of information between two or more persons, whether orally or in writing, and includes, without limitation, any conversation or discussion by means of letter, telephone, note, memorandum, telegraph, telex, telecopy, cable, email, or any other electronic or other medium.

“Document” refers to written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software, and includes all copies, drafts, proofs, both originals and copies either (1) in the possession, custody or control of Liberty regardless of where located, or (2) produced or generated by, known to or seen by Liberty but now in their possession, custody or control, regardless of where located whether or still in existence. Without limitation, the term “control” as used in this paragraph means that you have the right to secure the document or a copy thereof from another person or public or private entity having actual possession thereof. If a document is responsive to a request, but is not in your possession or custody, identify the person with possession or custody. If any document was in your possession or subject to your control, and is no longer, state what disposition was made of it, by whom, the date on which such disposition was made, and why such disposition was made.

Such “documents” shall include, but are not limited to, applications, permits, monitoring reports, computer printouts, contracts, leases, agreements, papers, photographs, tape recordings, transcripts, letters or other forms of correspondence, folders or similar containers, programs, telex, TWX and other teletype communications, memoranda, reports, studies, summaries, minutes, minute books, circulars, notes (whether typewritten, handwritten or otherwise), agenda, bulletins, notices, announcements, instructions, charts, tables, manuals, brochures, magazines, pamphlets, lists, logs, telegrams, drawings, sketches, plans, specifications, diagrams, drafts, books and records, formal records, notebooks, diaries, registers, analyses, projections, email correspondence or communications and other data compilations from which information can be obtained (including matter used in data processing) or translated, and any other printed, written,

recorded, stenographic, computer-generated, computer-stored, or electronically stored matter, however and by whomever produced, prepared, reproduced, disseminated or made. For purposes of the production of “documents,” the term shall include copies of all documents being produced, to the extent the copies are not identical to the original, thus requiring the production of copies that contain any markings, additions or deletions that make them different in any way from the original.

“Identify” means:

- (a) With respect to a person, to state the person’s name, address and business relationship (e.g., “employee”) vis-à-vis the Liberty;
  - (b) With respect to a document, to state the nature of the document in sufficient detail for identification in a request for production, its date, its author, and to identify its custodian.
- If the information or document identified is recorded in electrical, optical or electromagnetic form, identification includes a description of the computer hardware or software required to reduce it to readable form.

“Relating to” or “concerning” means and includes pertaining to, referring to, or having as a subject matter, directly or indirectly, expressly or implied, the subject matter of the specific request.

“Workpapers” are defined as original, electronic, machine-readable, unlocked, Excel format (where possible) with formulas intact.

## **PRIVILEGE**

If you claim a privilege including, but not limited to, the attorney-client privilege or the work product doctrine, as grounds for not fully and completely responding to any interrogatory or request for production, describe the basis for your claim of privilege in sufficient detail so as to permit the Sierra Club and the Commission to evaluate the validity of the claim. With respect to documents for which a privilege is claimed, produce a “privilege log” that identifies the author, recipient, date and subject matter of the documents or interrogatory answers for which you are asserting a claim of privilege and any other information pertinent to the claim that would enable Sierra Club and the Commission to evaluate the validity of such claims.

## **TIME**

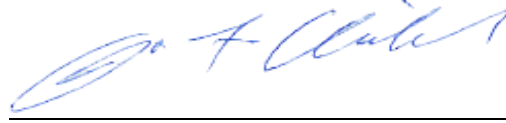
Unless otherwise provided, the applicable time period for each of these requests for information is January 1, 2019, to the present.

## **REQUESTS FOR INFORMATION**

1. Please provide (or provide access to) unredacted copies of the Joint Applicants’ responses to all requests for information, and any all other filings containing redacted confidential information, in this proceeding.
2. Reference Commission Case No. 2019-00443, and KPC’s 2019 IRP, the Staff Report (dated February 2021), and the Commission’s Final Order (dated June 4, 2021), therein.
  - a) Please confirm whether Liberty has reviewed each of the aforementioned documents (including an unredacted copy of that IRP), at a minimum, in the aforementioned document. If not confirmed, explain why not and indicate whether Liberty will do so now.
  - b) Please state whether Liberty has formulated any disagreement with any portions of that IRP, Staff Report, or Final Order, including by way of either disagreeing with any explicit content therein or finding them to have problematic omissions. If so, please identify such points of disagreement, and provide any documents (e.g., memoranda, reports, presentations, etc.) that memorialize the same.
3. Please identify when Liberty intends on filing its first Integrated Resource Plan (IRP) with the Commission, assuming the transfer at issue in this case is approved and executed. If Liberty does not have such time in mind, explain why not and provide your best prediction of when Liberty will know.

Dated: February 4, 2022

Respectfully submitted,



*Of counsel*  
(not licensed in Kentucky):

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*Counsel for Sierra Club*

**CERTIFICATE OF SERVICE**

This is to certify that the foregoing copy of this SIERRA CLUB'S SUPPLEMENTAL REQUESTS FOR INFORMATION TO LIBERTY UTILITIES COMPANY in this action is being electronically transmitted to the Commission on February 4, 2022; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.



JOE F. CHILDERS