

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

ELECTRONIC INVESTIGATION)
OF KENTUCKY POWER COMPANY) **Case No. 2022-00283**
ROCKPORT DEFERRAL MECHANISM)

**RESPONSES OF THE ATTORNEY GENERAL AND KIUC
TO KENTUCKY POWER DATA REQUESTS**

Come now the intervenors, the Attorney General of the Commonwealth of Kentucky, by his Office of Rate Intervention (“Attorney General”) and Kentucky Industrial Utility Customers (“KIUC”), and submit these Responses to Data Requests from Kentucky Power.

Respectfully submitted,

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Certificate of Service and Filing

Pursuant to the Commission's Orders and in accord with all other applicable law, Counsel certifies that, on November 8, 2022, an electronic copy of the foregoing was served via the Commission's electronic filing system.

this 8th day of November, 2022.

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

Assistant Attorney General

Data Requests Responses

1-1 Provide all schedules, tables, and charts included in the testimony and exhibits to the testimony of Lane Kollen in electronic format, with formulas intact and visible, and no pasted values.

Response:

See attached Excel workbook in live format and with all formulas intact relied on by Mr. Kollen for the tables on pages 13 and 22 of his Direct Testimony.

Response prepared by Lane Kollen

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1-2 Provide all workpapers, source documents, and electronic spreadsheets used in the development of Mr. Kollen's testimony. The requested information, if so available, should be provided in an electronic format, with formulas intact and visible, and no pasted values.

Response:

Refer to the response to Item 1. In addition, Mr. Kollen relied on the source documents, including the Company's Application, Mr. West's direct testimony and exhibits, electronic spreadsheets, and responses to discovery cited or otherwise referenced in his testimony. All of these documents and spreadsheets were developed and provided by the Company in this proceeding or are otherwise publicly available, such as the Commission Order and the settlement agreement in Case 2017-00179.

Response prepared by Lane Kollen

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1-3 Provide each fact, including applicable Commission precedent, relied upon by Mr. Kollen in asserting on page 7 of his testimony that the Commission did not expressly approve the settlement agreement in Case No. 2017-00179, and that “[i]n [his] experience, the Commission typically does not expressly approve a settlement agreement, but rather determines whether specific provisions set forth in the settlement agreement are reasonable or unreasonable and/or require modification.”

Response:

Refer to the Commission Order in Case 2017-00179 at 37-40 and 76. As stated in the referenced testimony, Mr. Kollen relied on the specific text of the Commission Order in Case 2017-00179. Mr. Kollen also relied on his experience in prior cases before the Commission, although he did not conduct a survey of all prior Commission Orders. Mr. Kollen also relied on former Vice Chairman Cicero’s statements at the hearing in Case 2018-00358 wherein he explained that the Commission independently evaluates each issue for decision regardless of whether it was/is addressed by parties in a settlement agreement filed with the Commission. Mr. Cicero was Vice Chairman of the Commission on January 18, 2018, when the Commission issued the Order in Case 2017-00179 wherein the Commission addressed the Rockport deferrals. Mr. Kollen had the relevant portions of the video archive from the hearing in Case 2018-00358 transcribed for ease of reference as follows:

Case 2018-00358

Kentucky-American Water Company

Hearing before The Kentucky Public Service Commission on May 14, 2019

Video Archive Time Stamp 1:13:48 through 1:15:15

Vice Chairman Cicero:

I guess the exception I took is that, because it’s a settlement, that that sets -- them apart from what the Commission is looking at, and from our perspective we look at all settlements, make a determination of what the -- valid points are, or ones we believe are valid enough that we are not going to change them, but everything is reviewed for appropriateness. It doesn’t matter whether it’s a settlement or not, we’re going to apply the Commission’s judgment, and whether its fifteen years, twenty years, or five years it won’t be because there’s a settlement involved. We -
- I think this Commission has made it clear that since we started doing transparent,

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black box settlements, that it doesn't matter what the parties agreed to. It's always good that there's a settlement to start with, because it gives a good point for the Commission to start from, but other than that a settlement doesn't bind the Commission to either party's mutual agreement with one another; that doesn't make any difference.

Mr. Kollen:

I understand, and I completely agree. And -- going back to Kentucky Power -- the Commission itself cited that -- the Big Sandy 2, that so much of the excess ADIT from Kentucky Power was due to the Big Sandy 2 retirement, and that's why you found specifically that the fifteen year amortization -- eighteen year amortization period was reasonable. But I mean, obviously, you considered that.


Response prepared by Lane Kollen

AFFIDAVIT


STATE OF GEORGIA)

COUNTY OF FULTON)

LANE KOLLEN, being duly sworn, deposes and states: that the attached are his sworn responses and that the statements contained are true and correct to the best of his knowledge, information and belief.


Lane Kollen

Sworn to and subscribed before me on this
8th day of November 2022.


Notary Public

