

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

In the Matter of:

ELECTRONIC TARIFF FILING OF)	
KENTUCKY POWER COMPANY FOR)	CASE NO. 2022-00387
APPROVAL OF A SPECIAL)	
CONTRACT WITH EBON)	
INTERNATIONAL, LLC)	

**JOINT INTERVENORS’ RESPONSE TO KENTUCKY POWER COMPANY’S
MOTION TO PARTIALLY STRIKE**

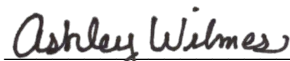
Mountain Association (“MA”), Kentuckians for the Commonwealth (“KFTC”), Appalachian Citizens’ Law Center (“ACLC”), Sierra Club, and Kentucky Resources Council, Inc. (“KRC”) (collectively the “Joint Intervenors”) respectfully request that the Commission deny Kentucky Power Company (“the Company”)’s March 24, 2023 motion to partially strike their request for a hearing in this case.

Joint Intervenors’ request for a hearing was timely and consistent with the Commission’s November 22, 2023 scheduling order, which provided that “Kentucky Power or any Intervenor shall request either a hearing or that the case be submitted for decision based on the record no later than . . . March 22, 2023.” Joint Intervenors supported their request with a concise (approximately three-page) explanation as to why a hearing is necessary and would assist the Commission in deciding the multiple and complex issues raised by the parties’ testimony. Given that the Commission (as noted in its November 22, 2023 order) opened this proceeding in part in response to Joint Intervenors’ comments on the proposed special contract at issue, Joint Intervenors respectfully submitted their rationale for seeking a hearing in the event that an explanation of their position is of interest to the Commission.

Contrary to the Company's assertions in its motion, nothing in the Commission's November 22, 2023 order directed the parties *not* to provide any rationale supporting a request for a hearing (or alternatively, a request for the case to be decided on the record). Nor is the Company able to point to any other Commission proceedings as precedent for its unduly narrow reading of the Commission's order. The mere fact that other intervenors in this case filed a more succinct request for hearing than Joint Intervenors did, and that the Company chose to file a statement that it did not object to that request, did not preclude Joint Intervenors from making their own timely request for hearing for the Commission's consideration in weighing how to proceed. At a minimum, the concerns raised by the Company do not warrant the extreme remedy of striking portions of Joint Intervenors' filing.

WHEREFORE, for these reasons, the Joint Intervenors respectfully request that the Commission deny Kentucky Power Company's motion to partially strike their request for a hearing.

Respectfully submitted,

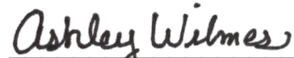


Ashley Wilmes
Tom FitzGerald
Kentucky Resources Council
P.O. Box 1070
Frankfort, KY 40602
(502) 551-3675
FitzKRC@aol.com
Ashley@kyrc.org

*Counsel for Joint Intervenors Mountain
Association, Kentuckians for the
Commonwealth, Appalachian Citizens' Law
Center, Sierra Club, and Kentucky Resources
Council*

CERTIFICATE OF SERVICE

In accordance with the Commission's July 22, 2021 Order in Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19*, this is to certify that the electronic filing was submitted to the Commission on March 27, 2023; that the documents in this electronic filing are a true representations of the materials prepared for the filing; and that the Commission has not excused any party from electronic filing procedures for this case at this time.



Ashley Wilmes