

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

In the Matter of:

Electronic Tariff Filing Of Kentucky Power Company)	
For Approval Of A Special Contract With Ebon)	Case No. 2022-00387
International, LLC)	

**Kentucky Power Company’s Motion to Partially Strike Joint Intervenors’
Motion for a Hearing and Establishment of a Procedural Schedule**

Kentucky Power Company (“Kentucky Power” or the “Company”) moves the Public Service Commission of Kentucky (“Commission”) pursuant to 807 KAR 5:001, Section 4(11)(d) to strike portions of the March 22, 2023 Motion for a Hearing and Establishment of a Procedural Schedule (“Motion”) filed by Mountain Association, Kentuckians For The Commonwealth, Appalachian Citizens’ Law Center, Sierra Club, and Kentucky Resources Council, Inc. (collectively, “Joint Intervenors”). The Motion contains more than three pages of arguments, much beyond what is appropriate to indicate that a hearing is or is not requested and constitutes an unfair effort to brief or argue outside the Commission’s November 23, 2022 procedural schedule.

The November 23, 2022 procedural schedule provides the parties an opportunity to “request either a hearing or that the case be submitted for decision based on the record no later than March 22, 2023.” On March 16, 2023, the Attorney General and Kentucky Industrial Utility Customers, Inc. filed their request for hearing, stating succinctly that they “request that this matter be set for a formal hearing... The Attorney General and KIUC believe that conducting a formal evidentiary hearing would assist the Commission by providing a complete record on which it can base a final order.” On March 20, 2023, Kentucky Power filed its response, which stated in its entirety that Kentucky Power “does not oppose the Attorney General’s and Kentucky

Industrial Utility Customers, Inc.’s Request for Hearing and that the Company will not be making a separate filing of its own concerning a hearing in this case.”

Despite an unopposed request for hearing already having been docketed by another party, Joint Intervenors’ Motion inappropriately reiterates over three pages of their positions against the approval of the Special Contract. The Motion also restates, in part, the testimony of witnesses Sherwood and Hotaling. All of these arguments are irrelevant to whether or not a hearing is requested and represent an unfair attempt to brief the issues presented in this case outside of the November 23, 2022 procedural schedule and prior to any hearing being scheduled in this matter.

Joint Intervenors also attempt to use the Motion as an opportunity to inappropriately inject into this proceeding issues pertaining the Company’s recently filed Integrated Resource Planning (“IRP”) Report. The Company’s IRP is the subject of a separate proceeding (Case No. 2023-00092), and the subject matter of the IRP has not yet been considered or reviewed by the Commission and the parties in that proceeding, making their interjection in this proceeding both inapposite and premature to be considered in the present case. The IRP Report notably was filed after intervenor testimony was due. Even if information related to the IRP Report were appropriate to be discussed in this case, and it is not, Joint Intervenors should not be allowed the opportunity to raise such issues via an inappropriate vehicle outside of the procedural schedule.

Finally, the Motion provides comment or argument on the Company’s rebuttal testimony, which was filed on March 15, 2023. The procedural schedule does not permit intervenor response or sur-rebuttal testimony to be filed.

WHEREFORE, Kentucky Power Company respectfully requests the Commission to enter an Order:

1. Striking from the record in this case all portions of the Joint Intervenors' Motion after the initial paragraph, or all portions of the Motion that the Commission otherwise determines to have been submitted in contravention of the November 23, 2022 procedural schedule; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,



Katie M. Glass
STITES & HARBISON PLLC
421 West Main Street
P. O. Box 634
Frankfort, Kentucky 40602-0634
Telephone: (502) 223-3477
Facsimile: (502) 223-4124
kglass@stites.com
COUNSEL FOR KENTUCKY POWER
COMPANY