

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

**In the Matter of:**

**ELECTRONIC JOINT APPLICATION OF )  
KENTUCKY UTILITIES COMPANY AND )  
LOUISVILLE GAS AND ELECTRONIC COMPANY )  
FOR CERTIFICATES OF PUBLIC CONVENIENCE ) CASE NO. 2022-00402  
AND NECESSITY AND SITE COMPATIBILITY )  
CERTIFICATES AND APPROVAL OF A DEMAND )  
SIDE MANAGEMENT PLAN )**

**MERCER COUNTY FISCAL COURT’S SUPPLEMENTAL REQUESTS  
FOR INFORMATION TO KENTUCKY UTILITIES COMPANY AND  
LOUISVILLE GAS AND ELECTRIC COMPANY**

Comes now the intervenor, Mercer County Fiscal Court (“Mercer”), by and through counsel, and submits these Supplemental Requests for Information to Kentucky Utilities Company (“KU”) and Louisville Gas and Electric Company (“LG&E”) or (collectively the “Companies”) to be answered by the date specified in the Commission’s Order of Procedure dated January 6, 2023, and in accord with the following:

(1) In each case where a request seeks data provided in response to a staff request, reference to the appropriate request item will be deemed a satisfactory response.

(2) Please identify the witness who will be prepared to answer questions concerning each request.

(3) Please repeat the question to which each response is intended to refer. Mercer can provide counsel for the Companies with an electronic version of these questions, upon request.

(4) These requests shall be deemed continuing so as to require further and supplemental responses if the Companies receive or generate additional information within the scope of these requests between the time of the response and the time of any hearing conducted hereon.

(5) Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

(6) If you believe any request appears confusing, please request clarification directly from counsel for Mercer.

(7) To the extent that the specific document, workpaper or information as requested does not exist, but a similar document, workpaper or information does exist, provide the similar document, workpaper, or information.

(8) To the extent that any request may be answered by way of a computer printout, please identify each variable contained in the printout which would not be self-evident to a person not familiar with the printout.

(9) If the Companies have objections to any request on the grounds that the requested information is proprietary in nature, or for any other reason, please notify counsel for Mercer as soon as possible.

(10) As used herein, the words "document" or "documents" are to be construed broadly and shall mean the original of the same (and all non-identical copies or drafts

thereof) and if the original is not available, the best copy available. These terms shall include all information recorded in any written, graphic or other tangible form and shall include, without limiting the generality of the foregoing, all reports; memoranda; books or notebooks; written or recorded statements, interviews, affidavits and depositions; all letters or correspondence; telegrams, cables and telex messages; contracts, leases, insurance policies or other agreements; warnings and caution/hazard notices or labels; mechanical and electronic recordings and all information so stored, or transcripts of such recordings; calendars, appointment books, schedules, agendas and diary entries; notes or memoranda of conversations (telephonic or otherwise), meetings or conferences; legal pleadings and transcripts of legal proceedings; maps, models, charts, diagrams, graphs and other demonstrative materials; financial statements, annual reports, balance sheets and other accounting records; quotations or offers; bulletins, newsletters, pamphlets, brochures and all other similar publications; summaries or compilations of data; deeds, titles, or other instruments of ownership; blueprints and specifications; manuals, guidelines, regulations, procedures, policies and instructional materials of any type; photographs or pictures, film, microfilm and microfiche; videotapes; articles; announcements and notices of any type; surveys, studies, evaluations, tests and all research and development (R&D) materials; newspaper clippings and press releases; time cards, employee schedules or rosters, and other payroll records; cancelled checks, invoices, bills and receipts; and writings of any kind and all other tangible things upon which any handwriting, typing, printing, drawings, representations, graphic matter, magnetic or electrical impulses, or other forms of communication are recorded or

produced, including audio and video recordings, computer stored information (whether or not in printout form), computer-readable media or other electronically maintained or transmitted information, and all other rough drafts, revised drafts (including all handwritten notes or other marks on the same) and copies of documents as hereinbefore defined by whatever means made.

(11) For any document withheld on the basis of privilege, state the following: date; author; addressee; indicated or blind copies; all persons to whom distributed, shown, or explained; and, the nature and legal basis for the privilege asserted.

(12) In the event any document called for has been destroyed or transferred beyond the control of the company, please state: the identity of the person by whom it was destroyed or transferred, and the person authorizing the destruction or transfer; the time, place, and method of destruction or transfer; and the reason(s) for its destruction or transfer. If destroyed or disposed of by operation of a retention policy, state the retention policy.

(13) Please provide written responses, together with any and all exhibits pertaining thereto, in one or more bound volumes, separately indexed and tabbed by each response, in compliance with Kentucky Public Service Commission Regulations.

(14) Mercer reserves the right to pose additional preliminary data requests on or before the due date specified in the Commission's current procedural schedule or if same is amended.

Respectfully submitted,

/s/ Dennis G. Howard II

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**COUNSEL FOR THE MERCER COUNTY  
FISCAL COURT**

Dated: April 14, 2023

**MERCER COUNTY FISCAL COURT'S SUPPLEMENTAL REQUESTS  
FOR INFORMATION TO THE COMPANIES**

1. Please reference the Companies' response to Mercer County Initial Request No. 4. Of the approximately 900 acres, or 1.4 square miles, planned for the solar facility, how much land has been set aside as a buffer between the facility and any local:
  - a. Residential dwelling,
  - b. Commercial establishment,
  - c. Industrial facility, and
  - d. farm.
  
2. Assuming the CPCN is approved, have the Companies made any effort to determine the fair market value after its construction on the following:
  - a. Residential dwellings,
  - b. Commercial establishments,
  - c. Industrial facilities, and
  - d. farms.
  
3. Please reference the Companies' response to Mercer County Initial Request No. 11. Please list the following regarding the due diligence studies:
  - a. Please provide the studies,
  - b. Provide the entities who performed the studies,
  - c. Provide the fair market value of the solar property purchase referenced in the answer.
  
4. Please reference the Companies' response to Mercer County Initial Request No. 19. Will the Companies commit, with the cooperation of Savion, that the remaining acres, whether 416 or otherwise, will be set aside for industrial development? If not, why not?
  
5. Please reference the Companies' response to Mercer County Initial Request No. 44. Please provide the following:

- a. List the members of the Companies' economic team by name, title, and level of binding, decision-making hierarchy,
  - b. Each Company's members' participation in the review of the decision-making process, for the following:
    - i. Site visits to the anticipated property to be developed,
    - ii. Meetings with the local economic development team and community representatives including name, date, location of the visit, and outcome of the visit.
    - iii. Provide any notes, analyses, reports, studies or conclusions as a result of the visits generated by the Companies.
6. Please reference Mercer County Initial Request No. 30. Is it the Companies' understanding that Martin County's 1,200-acre solar project will employ 12 full-time employees?
7. Reference the Companies' response to Mercer County Initial Request No. 36, a. What are the land acquisition costs in total as well as by acre?
8. Reference the Companies' response to Mercer County Initial Request No. 36, b. What are the yearly variable costs for the facility going forward after the construction and implementation of the facility broken down by the following:
- a. Full-time employees' salaries (by total number, title and benefits),
  - b. Maintenance,
  - c. Replacement of panels,
  - d. Administrative, and
  - e. Other (as defined by the Companies).
9. Reference the Companies' response to Mercer County Initial Request No. 37. Are there definitive science and experience to prove the proposed BESS will function as proposed?
- a. If the answer is in the affirmative, provide all studies, reports and analyses to demonstrate same.
  - b. If the answer is not in the affirmative, why should the ratepayers pay for "valuable experience with stored power" instead of the shareholders?

10. Reference the Companies' response to Mercer County Initial Request No. 38 whereat the Companies admit the BESS is "truly a test facility." Do the Companies request the recovery of this facility in their application, notwithstanding their responses to Mercer Initial Requests 39, 40 and 41?
  - a. Reconcile this admission with the Companies' response to Mercer Initial Request No. 39.
  - b. Admit or deny the Companies are seeking recovery from ratepayers for the costs of the BESS in its application.
11. Please reference the Companies' response to Mercer County Initial Request No. 52. Does the Companies' response indicate that they will need 7 acres for the BESS in addition to the 900 acres for the solar array/facility?
12. Please reference the Companies' response to Mercer County Initial No. 53. How can the PSC approve the solar facility without having the Solar Facility Site Assessment Report and Site Compatibility Certificate before it can approve the solar facility rather than after the fact as the Companies propose? Do these issues need to be addressed prior to any potential PSC consideration of the application? If not, why not?
13. Please reference the Companies' response to Mercer County Initial Request No. 55. The Companies do not appear to provide the current status of all of the required permits. Please provide same.
14. Please reference the Companies' response to Mercer County Initial Request No. 56 whereat the Companies state they have not filed a permit application to the KYDOW.
  - a. Is it not premature to file this application with the PSC for even requesting the permit?
  - b. How much water will the solar facility displace if built?
  - c. Where will the water go?
  - d. Will it cause any potential damage or harm to the adjacent properties?
15. With respect to the Companies' response to Mercer County's Initial Request No. 42, are the Companies aware of any non-utility entity, including but not limited to an IPP or solar developer, that has applied with Mercer County for a permit or rezoning request in order to construct a solar facility? If yes, please provide the following information for each such entity:



- a. Date of each permit request and/or rezoning request.
  - b. Location of the proposed solar facility.
  - c. Whether the requested permit and/or rezoning request was granted by Mercer County.
16. With respect to the Companies' response to Mercer County's Initial Request No. 14, has Savion previously applied for permitting and/or submitted a rezoning request with Mercer County for a solar facility at the proposed location of the solar facility subject to approval in this CPCN proceeding? If yes, please provide the following information:
  - a. Date of each permit request and/or rezoning request.
  - b. Status of each request in part a. above.
  - c. Whether the permit and/or rezoning request was granted by Mercer County.
17. With respect to the Companies' response to Mercer County's Initial Request No. 14, to the extent not already answered, please describe all actions taken by Savion to comply with existing planning and zonal laws necessary to construct a solar facility in Mercer County.
  - a. Date of each action.
  - b. Status of each action in part a. above.
18. With respect to the Companies' response to Mercer County's Initial Request No. 1, regarding the Companies' existing E.W. Brown solar facility in Mercer County, please provide the following information:
  - a. Please explain whether any local permits were obtained for the solar facility and describe the process required for obtaining those permits.
  - b. Please explain whether any rezoning requests were necessary for the existing solar facility and describe the process required for obtaining approval of those rezoning requests.
  - c. Please explain all actions that were taken by the Companies to comply with all existing planning and zonal laws in order to construct the E.W. Brown solar facility.

19. With respect to the Companies' response to Mercer County's Initial Request No. 12, please provide a detailed listing of all assets the Companies have or will purchase from Savion and provide the purchase price for each such asset.
20. With respect to the Companies' response to Mercer County's Initial Request No. 24, when do the options on the property expire? Please explain in detail the ramifications for the Companies if the options expire.
21. With respect to the Companies' response to Mercer County's Initial Request No. 25, can the enactment of the Kentucky Product Development Initiative affect the site location of the Companies' proposed solar facility? Please explain in detail.
22. With respect to the Companies' response to Mercer County's Initial Request No. 35, have the Companies completed their purchase of the land? If no, when are the Companies expected to complete their proposed purchase of the land?
23. With respect to the Companies' response to Mercer County's Initial Request No. 44, did the February 3, 2023 meeting with Mercer County and the Secretary of the Cabinet for Economic Development change the Companies' plans to construct the solar facility? Please explain in detail.
24. If the Companies purchase land within their service territory, are there any permits or other requirements that the Companies must comply with to purchase such land? Please respond for purchasing both privately held land and publicly held land.