

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

**In the Matter of:**

<b>ELECTRONIC JOINT APPLICATION OF</b>	)	
<b>KENTUCKY UTILITIES COMPANY AND</b>	)	
<b>LOUISVILLE GAS AND ELECTRONIC COMPANY</b>	)	
<b>FOR CERTIFICATES OF PUBLIC CONVENIENCE</b>	)	<b>CASE NO. 2022-00402</b>
<b>AND NECESSITY AND SITE COMPATIBILITY</b>	)	
<b>CERTIFICATES AND APPROVAL OF A DEMAND</b>	)	
<b>SIDE MANAGEMENT PLAN AND APPROVAL OF</b>	)	
<b>FOSSIL FUEL-FIRED GENERATING UNIT</b>	)	
<b>RETIREMENTS</b>	)	

**MERCER COUNTY FISCAL COURT'S SECOND SET OF 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 May 16, 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: May 31, 2023

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

1. Please describe what specific sections of Kentucky Revised Statutes Chapter 278 the Companies must comply with respect to its self-build solar facility in Mercer County. Please explain in detail how the Companies plan to comply with these sections of the statute.
2. Do the Companies have to comply specifically with Kentucky Revised Statutes Chapter 278.020, (1), (a) with respect to its proposed solar facility in Mercer County? If yes, please describe how the Companies plan to comply with this section of the statutes with respect to the proposed solar facility in Mercer County. If no, please explain why compliance is not necessary.
3. Do the Companies have to comply specifically with Kentucky Revised Statutes Chapter 278.020, (5), shown below, with respect to its proposed solar facility in Mercer County?

No utility shall apply for or obtain any franchise, license, or permit from any city or other governmental agency until it has obtained from the commission, in the manner provided in subsection (1) of this section, a certificate of convenience and necessity showing that there is a demand and need for the service sought to be rendered.

If yes, please describe how the Companies plan to comply with this section of the statutes with respect to its proposed solar facility in Mercer County. If no, please explain in detail why compliance is not necessary.

4. Kentucky Revised Statutes Chapter 278.020, (1), (c), states the following:

The commission, when considering an application for a certificate to construct a base load electric generating facility, may consider the policy of the General Assembly to foster and encourage use of **Kentucky coal** by electric utilities serving the Commonwealth. (Emphasis added.)

Must the Kentucky Public Service Commission consider new legislation from the General Assembly in considering the Companies' application for a certificate to construct its proposed solar facility in Mercer County? Please

explain your answer in detail, with an emphasis on recently enacted House Bill 4 and Senate Bill 4 to become effective on or about June 29, 2023

5. Please provide the following information in regard to the Companies' proposed solar facility site in Mercer County:
  - a. All storm water analyses of the proposed site where the Mercer County solar facility will be located.
  - b. Will an onsite storm water detention basin be required for the site? If yes, what standard will the construction of the retention basin be based upon? For example, would the basin construction be based upon a 100-year 24-hour storm?
  - c. Have the Companies considered the results of all storm water analyses in subsection a. above and ensured that post solar development storm water runoff is equal to or less than the predevelopment run off rates currently experienced at the site for the City of Harrodsburg's existing storm water runoff facilities.
  - d. If no detention basin is required, please describe the Companies' plan to address storm water runoff at the site.