

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

In the matter of: :

ELECTRONIC JOINT APPLICATION OF KENTUCKY : CASE NO. 2022-00402
UTILITIES COMPANY AND LOUISVILLE GAS AND :
ELECTRIC COMPANY FOR CERTIFICATES OF
PUBLIC CONVENIENCE AND NECESSITY AND SITE :
COMPATIBILITY CERTIFICATES AND APPROVAL :
OF A DEMAND SIDE MANAGEMENT PLAN AND :
APPROVAL OF FOSSIL FUEL-FIRED GENERATING :
UNIT RETIRMENTS :

**KENTUCKY COAL ASSOCIATION’S LAST SUPPLEMENTAL REQUEST FOR
INFORMATION TO KENTUCKY UTILITY COMPANY AND LOUISVILLE GAS &
ELECTRIC COMPANY**

The Kentucky Coal Association (KCA) intervener in this action, respectfully requests the applicant, Kentucky Utilities Company and Louisville Gas and Electric Company (collectively, the “Companies”), to respond to the Last Supplemental Request of Information in accordance with the Order of Procedure (May 16, 2023) entered herein.

Additional Instructions

A. Each request for information shall be accorded a separate answer on a separate piece of paper, and each subpart thereof shall be accorded a separate answer. Each request or subpart thereof shall be specifically admitted or denied, and information inquiries or subparts thereof should not be combined for the purpose of supplying a common answer.

B. Restate the information inquiry immediately preceding each response.

C. Identify the name, title, and business address of each person(s) providing each response and provide the data on which the response was created.

D. In answering these requests, utilize all information and documents that are available to you, including information in the possession of any of your agents, employees or attorneys, or otherwise subject to your custody or control.

E. If you object to any part of a request, answer all parts of such interrogatories or requests to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

F. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to a request, please explain your claim with sufficient specificity to permit KCA to make a full determination as to whether your claim is valid.

G. In each instance, the request shall be construed so as to require the most inclusive answer or production.

H. Please attach written material to any answer for which written material is requested and/or available. If such written material is not available, state where it may be obtained. Please label the written material with the number of the request to which it pertains.

Definitions

As used in these Requests for Information, the following terms have the meaning as set forth below:

1. "You" or "your" means the Companies or the witness, as the context requires.
2. "List", "describe", "explain", "specify" or "state" shall mean to set forth fully, in detail, and unambiguously each and every fact of which the Companies or their officers, employees, agents or representatives, have knowledge which is relevant to the answer called for by the request.

3. The terms "document" or "documents" as used herein shall have the same meaning and scope as in Rule 34 of the Kentucky Rules of Civil Procedure and shall include, without limitation, any writings and documentary material of any kind whatsoever, both originals and copies (regardless of origin and whether or not including additional writing thereon or attached thereto), and any and all drafts, preliminary versions, alterations, modifications, revisions, changes and written comments of and concerning such material, including but not limited to: correspondence, letters, memoranda, notes, reports, directions, studies, investigations, questionnaires and surveys, inspections, permits, citizen complaints, papers, files, books, manuals, instructions, records, pamphlets, forms, contracts, contract amendments or supplements, contract offers, tenders, acceptances, counteroffers or negotiating agreements, notices, confirmations, telegrams, communications sent or received, print-outs, diary entries, calendars, tables, compilations, tabulations, charts, graphs, maps, recommendations, ledgers, accounts, worksheets, photographs, tape recordings, movie pictures, videotapes, transcripts, logs, work papers, minutes, summaries, notations and records of any sort (printed, recorded or otherwise) of any oral communication whether sent or received or neither, and other written records or recordings, in whatever form, stored or contained in or on whatever medium including computerized or digital memory or magnetic media that:

- (a) are now or were formerly in your possession, custody or control; or
- (b) are known or believed to be responsive to these requests, regardless of who has or formerly had custody, possession or control.

4. The terms "identify" and "identity" when used with respect to an entity mean to state its full name and the address of its principal place of business.

5. The term to "state the basis" for an allegation, contention, conclusion, position or answer means (a) to identify and specify the sources therefore, and (b) to identify and specify all facts on which you rely or intend to rely in support of the allegation, contention, conclusion, position or answer, and (c) to set forth and explain the nature and application to the relevant facts of all pertinent legal theories upon which you rely for your knowledge, information and/or belief that there are good grounds to support such allegation, contention, conclusion, position or answer.

6. The terms "and" and "or" have both conjunctive and disjunctive meanings as necessary to bring within the scope of the request any information or documents that might otherwise be construed to be outside their scope; "all" and "any" mean both "each" and "every".

7. The terms "relates to" or "relating to" mean referring to, concerning, responding to, containing, regarding, discussing, describing, reflecting, analyzing, constituting, disclosing, embodying, defining, stating, explaining, summarizing, or in any way pertaining to.

8. The term "including" means "including, but not limited to."

LAST SUPPLEMENTAL REQUEST FOR INFORMATION OF KCA

Q.4.1 Would the life extension costs for Mill Creek 1, Mill Creek 2, Ghent 2 and EB Brown 3 shown on Page 26 in SB4-1 attached to Direct Testimony of Stuart A. Wilson in Case 2023-00122 trigger New Source Review (NSR)? If yes, please explain how the NSR costs were reflected.

Q.4.2 As it pertains to the previous question, please confirm that the plants could continue to operate for a period without life extension? If confirmed, please explain why that option was not considered and how long you would expect the plants to operate.

Q.4.3 Did the Companies directly support the Commonwealth's challenge to the GNR (*Commonwealth of Kentucky v. United States Environmental Protection Agency, et. al.*, Case No. 23-3216, 6th Cir., stay entered May 31, 2023, *see, e.g.*, <https://www.ag.ky.gov/Press%20Release%20Attachments/DN%2028%20Administrative%20Statement.pdf>)? If yes, please provide correspondence and/or interactions with the Commonwealth related to GNR. If not, please explain why not?

Q.4.4 Please confirm that the Companies understand that absent the GNR, there is no immediate need to replace capacity and that ratepayers would realize lower rates. If not confirmed, please explain why it is not in the interest of ratepayers to delay their replacement.

Q.4.5 Are the Companies planning to provide comments on the EPA proposals for Sections 111(b) and 111(d) of the CAA currently due August 8, 2023? If yes, please characterize expected comments. If no, why not?

Q.4.6 Please confirm that the Companies have not conducted their own analysis as to the implications of making the two proposed NGCC's intermediate load plants (related to response to KCA 3.3, dated May 31, 2023).

Q.4.7 Given the load forecast is based upon an average of two percent per year increase in rates (*see*, Jones Testimony, Page 29, Lines 2-10 and response to KCA 1-68) and given the concession that rate growth in the first 10 years will be higher in the recommended plan versus continuing to operate the coal plants for a longer period, is it fair to assume load growth is overstated and/or do the Companies expect to receive a lower return on equity?

Q.4.8 Please address why the Mill Creek 1 closure is included in Case 2023-00122?

Q.4.9 Please comment on the likelihood of obtaining an air permit for Mill Creek NGCC in Jefferson County (*see, e.g.*, response to KCA Q.18, Supplemental Request for Information, dated April 14, 2023).

Q.4.10 Please provide all evaluations performed by the Companies related to the impact of a severe weather event (e.g. Texas Winter Storm Uri of February 2021) on the ability of the Companies to provide reliable electrical service based on the requested CPCN and the potential cost to ratepayers and the Commonwealth in the scenario that the Companies fail to provide reliable power during the severe weather event. If the Companies have not performed such evaluation, please explain why.

Respectfully submitted,

/s/Matt Malone

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KENTUCKY COAL ASSOCIATION

CERTIFICATE OF SERVICE

I hereby certify that KCA's June 27, 2023 electronic filing is a true and accurate copy of KCA's pleading and Read 1st Document to be filed in paper medium; that the electronic filing has been transmitted to the Commission on June 27, 2023; that an original and one copy of the filing will not be delivered to the Commission based on pandemic orders; that there are currently no parties excused from participation by electronic service; and that, on June 27, 2023, electronic mail notification of the electronic filing is provided to all parties of record:

/s/Matt Malone

ATTORNEY FOR KCA