

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:)	
)	
AN ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	Case No.
CLAUSE OF KENTUCKY POWER COMPANY)	2023-00008
FROM NOVEMBER 1, 2020 THROUGH)	
OCTOBER 31, 2022)	

* * *

Transcript of February 13, 2024, hearing
before Vice Chair Angie C. Hatton at the Kentucky
Public Service Commission, 211 Sower Boulevard,
Frankfort, Kentucky 40602-0615.

LAURA J. KOGUT, RMR, CRR, CRC
JESSICA MYERS, RPR

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APPEARANCES

FOR KENTUCKY POWER COMPANY:

Ms. Katie M. Glass
Stites & Harbison PLLC
421 West Main Street
P.O. Box 634
Frankfort, Kentucky 40602-0634
(502) 223-3477
kglass@stites.com

Mr. Kenneth J. Gish, Jr.
Stites & Harbison PLLC
250 West Main Street, Suite 2300
Lexington, Kentucky 40507-1758
(859) 226-2300
kgish@stites.com

Mr. Hector H. Garcia-Santana
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, Ohio 43215
hgarcial@aep.com

FOR KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.:

Mr. Michael L. Kurtz
Ms. Jody Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
mkurtz@bkllawfirm.com
jkylercohn@bkllawfirm.com

FOR OFFICE OF THE ATTORNEY GENERAL:

Mr. J. Michael West
Office of the Attorney General Office of Rate
700 Capital Avenue, Suite 20
Frankfort, Kentucky 40601
Michael.West@ky.gov

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APPEARANCES
(Continued)

FOR KENTUCKY PUBLIC SERVICE COMMISSION:

Mr. J.E.B. Pinney
Mr. Jason M. Colyer
Mr. Michael S. Crum
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602
jeb.pinney@ky.gov
jason.colyer@ky.gov
mscrum222@gmail.com

ALSO PRESENT:

Ms. Sarah K. Jankowski
Mr. John A. Rogness
Ms. Candace Sacre, PSC Court Reporter

* * *

1 (Hearing commenced at 9:07 a.m.)

2 MS. SACRE: You're on.

3 VICE CHAIR HATTON: Good morning, everyone.

4 We are on the record in Case Number 2023-00008, an
5 Electronic Examination of the Application of the
6 Fuel Adjustment Clause of Kentucky Power Company
7 from November 1st, 2020, through October 31st, 2022.

8 My name is Angie Hatton, I'm Vice Chair of
9 the Kentucky Public Service Commission, and I will
10 be presiding alone today, but the other
11 commissioners will be able to review the record.

12 If you have cellular -- cellular telephones,
13 please turn them off or at least put them on silent
14 before we begin.

15 The hearing today is for the purpose of
16 taking evidence in this matter. The two-year
17 reviews require the PSC to examine the operations of
18 the FAC for Kentucky Power, to disallow any improper
19 expenses and, if necessary, order prospective
20 changes to the FAC.

21 Testimony has been previously given and been
22 filed into the record, along with numerous
23 documents. Any witness called to testify today will
24 be subjected to cross-examination by Staff for the
25 purposes of obtaining additional information or

1 clarification of information previously on record.

2 The entire record of previous Kentucky Power
3 FAC Case Numbers 2022-00036 and 2022-00263 have been
4 incorporated by reference. These cases are still
5 ongoing before the Commission, and upon conclusion
6 of Case Number 2023-00008, a copy of the final order
7 in that case will be placed in the record of those
8 cases and will be closed.

9 At this time we'll have entry of appearance
10 of counsel, and I'll also request that each party's
11 counsel identify their witnesses at this time.

12 For the Applicant.

13 MS. GLASS: Good morning. Katie Glass of
14 Stites & Harbison on behalf of Kentucky Power. Also
15 appearing is Ken Gish of Stites & Harbison, and
16 appearing pro hac vice is Hector Garcia-Santana,
17 counsel for AEP Kentucky Power.

18 VICE CHAIR HATTON: Thank you. And if you
19 could also identify your witnesses, please.

20 MS. GLASS: Certainly. We have Alex Vaughan,
21 Tim Kerns, Lerah Kahn, Kim Chilcote, Brian West,
22 David Mell, Josh Burkholder, Clint Stutler, and Doug
23 Rosenberger.

24 VICE CHAIR HATTON: Thank you.

25 And for the Intervenors?

1 MR. MICHAEL WEST: Mike West for the Attorney
2 General's Office.

3 MR. KURTZ: Vice Chair, good morning. Mike
4 Kurtz, Jody Kyler Cohn for KIUC. We have joint
5 witnesses with the AG, Lane Kollen and Randy Futral.

6 VICE CHAIR HATTON: Thank you.

7 And for Commission Staff.

8 MR. PINNEY: Good morning, Your Honor. I'm
9 J.E.B. Pinney, here on behalf of Public Service
10 Commission. I also have Jason Colyer and Michael
11 Crum from the Office of General Counsel, and Sarah
12 Jankowski and John Rogness from the Division of
13 Financial Analysis.

14 VICE CHAIR HATTON: Thank you.

15 And I have been informed that public notice
16 has been given and filed in the record; is that
17 correct?

18 MR. PINNEY: Yes, Your Honor.

19 VICE CHAIR HATTON: Are there any outstanding
20 motions?

21 MS. GLASS: Yes, Your Honor. We have two
22 motions for confidential treatment that are
23 outstanding.

24 VICE CHAIR HATTON: We'll rule on those
25 promptly.

1 MS. GLASS: Thank you.

2 VICE CHAIR HATTON: Okay. We'll move into
3 the public comment portion. I've not been informed
4 of any public comment that anyone is waiting to
5 give, but we'll give some opportunity now.

6 Anyone wishing to provide public comment may
7 do so by following the instructions located on our
8 website at psc.ky.gov. Written comments may always
9 be submitted by sending an email to
10 psc.comments@ky.gov.

11 And let the record show that the instructions
12 and link to provide public comments have been posted
13 on the website for the past full day.

14 Do you know whether any requests have been
15 received?

16 MR. PINNEY: I'm not aware of any, Your Honor.

17 VICE CHAIR HATTON: Is there anyone here from
18 the public who would like to give public comment at
19 this time?

20 Seeing none, Counsel, at this time you can
21 call your witnesses, please. And all witnesses who
22 have provided testimony or responded to data
23 requests or are adopting the testimony of a previous
24 witness should be impaneled at this time.

25 MS. GLASS: Thank you. The Company would

1 call Lerah Kahn, Kim Chilcote, Josh Burkholder,
2 David Mell, Doug Rosenberger, Clint Stutler, Alex
3 Vaughan, Tim Kerns, and Brian West.

4 VICE CHAIR HATTON: Were there some
5 last-minute changes, I think maybe notices last
6 night that some weren't available?

7 MS. GLASS: Yes, Your Honor. So Ms. Kahn has
8 adopted the testimony of Mr. Bishop in this case and
9 in the case 2022-263.

10 VICE CHAIR HATTON: That's the only
11 substitution?

12 MS. GLASS: The only one from last night. We
13 have some prior adoptions as well, but those have
14 been in the record for a few days.

15 VICE CHAIR HATTON: Are there any objections?
16 No objections?

17 MR. MICHAEL WEST: No, Your Honor.

18 VICE CHAIR HATTON: All witnesses please
19 raise your right hand. Do you swear or affirm that
20 the testimony you are about to give is true and
21 correct under penalty of perjury?

22 WITNESSES: Yes.

23 VICE CHAIR HATTON: Counsel, you may ask.

24 MS. GLASS: Thank you. With Your Honor's
25 permission, I will just go down the line and do a

1 direct examination of all the witnesses.

2 VICE CHAIR HATTON: Sure.

3 KENTUCKY POWER WITNESSES, having been first
4 duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 MS. GLASS: Okay. Mr. West, can you please
7 state your name, employer, and position?

8 MR. BRIAN WEST: Brian West. I am employed
9 by Kentucky Power. I am the vice president of
10 regulatory and finance.

11 MS. GLASS: And can you please state your
12 business address?

13 MR. BRIAN WEST: 1645 Winchester Avenue,
14 Ashland, Kentucky 41101.

15 MS. GLASS: Did you cause to be filed into
16 the record of this case rebuttal testimony?

17 MR. BRIAN WEST: Yes.

18 MS. GLASS: And do you have any corrections
19 or updates to that testimony?

20 MR. BRIAN WEST: I do not.

21 MS. GLASS: If I asked you those same
22 questions today, would your answers be the same?

23 MR. BRIAN WEST: Yes.

24 MS. GLASS: Ms. Chilcote, could you please
25 state your name, employer, and position?

1 MS. CHILCOTE: Kimberly Chilcote, American
2 Electric Power Service Corporation. My title is
3 currently the director of coal and reagent
4 procurement, and the business address is 1 Riverside
5 Plaza, Columbus, Ohio 43215.

6 MS. GLASS: Did you cause to be filed into
7 the record of this case direct testimony and
8 responses to data requests?

9 MS. CHILCOTE: I did.

10 MS. GLASS: And did you cause to be filed
11 into the record of Case Number 2022-263 direct
12 testimony?

13 MS. CHILCOTE: Yes, I did.

14 MS. GLASS: Do you have any corrections or
15 updates to those answers?

16 MS. CHILCOTE: The only update I have is my
17 title has changed since that was filed. I was the
18 manager of coal procurement at the time of filing
19 and I have since been promoted to the director of
20 coal and reagent procurement.

21 MS. GLASS: Thank you. Subject to that
22 update, if I asked you those same questions today,
23 would your answers be the same?

24 MS. CHILCOTE: They would.

25 MS. GLASS: Ms. Kahn, can you please state

1 your name, employer, and position?

2 MS. KAHN: Lerah Kahn, Kentucky Power,
3 manager of regulatory services.

4 MS. GLASS: And your business address,
5 please?

6 MS. KAHN: 1645 Winchester Avenue, Ashland,
7 Kentucky 41101.

8 MS. GLASS: And did you adopt the direct
9 testimony, rebuttal testimony, and responses to data
10 requests of Mr. Bishop in this case?

11 MS. KAHN: I did.

12 MS. GLASS: And did you also adopt the data
13 request responses of Mr. Bishop in Case Number
14 2022-263?

15 MS. KAHN: I did.

16 MS. GLASS: And do you have any corrections
17 or updates to that testimony or responses?

18 MS. KAHN: I do not. However, there was an
19 errata testimony filed by Mr. Bishop which was for a
20 corrective statement regarding a forced outage in
21 our representative month.

22 MS. GLASS: Subject to that errata testimony
23 or that correction, if I asked you the same
24 questions today, would your answers be the same?

25 MS. KAHN: Yes, they would.

1 MS. GLASS: Mr. Kerns, can you please state
2 your name, employer, and position?

3 MR. KERNS: Yes. I'm Timothy Kerns. My
4 employer is American Electric Power Service
5 Corporation. My position is senior vice president
6 of fossil and hydro generating assets. Business
7 address is 1 Riverside Plaza, Columbus, Ohio 43215.

8 MS. GLASS: Thank you. And did you cause to
9 be filed into the record of this case rebuttal
10 testimony?

11 MR. KERNS: Yes, I did.

12 MS. GLASS: And did you also adopt the data
13 request responses of Robert Jessee in this case?

14 MR. KERNS: Yes, I did.

15 MS. GLASS: And did you also cause to be
16 filed into the record of Case 2022-263 discovery
17 responses and rebuttal testimony?

18 MR. KERNS: Yes, I did.

19 MS. GLASS: And do you have any corrections
20 or updates to any of those documents?

21 MR. KERNS: No.

22 MS. GLASS: If I were to ask you those same
23 questions today, would your answers be the same?

24 MR. KERNS: Yes, they would.

25 MS. GLASS: Mr. Rosenberger, can you please

1 state your name, employer, and position?

2 MR. ROSENBERGER: Yes. Douglas Rosenberger,
3 American Electric Power Service Corporation.
4 Address is 1 Riverside Plaza, Columbus, Ohio 43215.

5 MS. GLASS: And did you say your position?

6 MR. ROSENBERGER: Oh, I'm sorry. Director
7 regional engineering services.

8 MS. GLASS: Did you cause to be filed into
9 the record of this case direct testimony and
10 responses to data requests?

11 MR. ROSENBERGER: Yes, I did.

12 MS. GLASS: And did you also cause to be
13 filed into the record of Case Number 2022-263
14 responses to data requests?

15 MR. ROSENBERGER: Yes.

16 MS. GLASS: Do you have any corrections or
17 updates to any of that information?

18 MR. ROSENBERGER: I do. I filed errata
19 testimony on February 5th. There were two changes
20 to two outage end dates in the table.

21 MS. GLASS: Do you also have an update to
22 your title?

23 MR. ROSENBERGER: I do. At the time of
24 the -- the duration of this and the -- when the
25 testimony was filed, I was plant manager at Mitchell

1 plant during the entire time. There was a recent
2 change in title and position.

3 MS. GLASS: Thank you. And are you -- do you
4 also have an update to one of the confidential
5 attachments that were filed in this case?

6 MR. ROSENBERGER: We do.

7 MS. GLASS: Okay. And, Your Honor, we do
8 have an update to a confidential attachment. We can
9 either, at Your Honor's discretion, describe what
10 that change is later in a confidential session, or
11 we'd also be happy to, in addition, file a
12 supplemental response to that after the hearing in
13 this case has concluded.

14 VICE CHAIR HATTON: Definitely a supplemental
15 response, and then when we are on confidential
16 record later, a description would be appreciated.

17 MS. GLASS: Great. Thank you.

18 Mr. Rosenberger, subject to those corrections
19 or updates, if I asked you those same questions
20 today, would your answers be the same?

21 MR. ROSENBERGER: That's correct.

22 MS. GLASS: Okay. Great.

23 Mr. Stutler, can you please state your name,
24 employer, and position?

25 MR. STUTLER: My name is Clint Stutler. I'm

1 the manager of natural gas and fuel oil procurement
2 for American Electric Power Service Corporation.
3 Address 1 Riverside Plaza, Columbus, Ohio 43215.

4 MS. GLASS: Thanks. And did you cause to be
5 filed into the record of this case direct testimony
6 and responses to data requests?

7 MR. STUTLER: Yes.

8 MS. GLASS: Do you have any updates or
9 corrections to that information?

10 MR. STUTLER: I do not.

11 MS. GLASS: If I were to ask you those same
12 questions today, would your answers be the same?

13 MR. STUTLER: Yes.

14 MS. GLASS: Mr. Burkholder, can you please
15 state your name, employer, and position?

16 MR. BURKHOLDER: My name is Joshua T.
17 Burkholder. I'm employed by American Electric Power
18 Service Corporation as managing director of
19 transmission RTO policy. My business address is
20 1 Riverside Plaza, Columbus, Ohio 43215.

21 MS. GLASS: Thank you. And did you cause to
22 be filed into the record of this case direct
23 testimony?

24 MR. BURKHOLDER: Yes.

25 MS. GLASS: Do you have any corrections or

1 updates?

2 MR. BURKHOLDER: No.

3 MS. GLASS: And if I were to ask you those
4 same questions today, would your answers be the
5 same?

6 MR. BURKHOLDER: Yes.

7 MS. GLASS: Mr. Mell, can you please state
8 your name, employer, and position?

9 MR. MELL: My name is David Mell. My
10 employer is AEP Kentucky Power, Big Sandy plant.

11 MS. GLASS: And your position, please.

12 MR. MELL: I'm the plant manager. And my
13 address is 2300 U.S. 23, and the ZIP -- ZIP is
14 41230.

15 MS. GLASS: Thank you. And did you cause to
16 be filed into the record of this case direct
17 testimony and responses to data requests?

18 MR. MELL: I did.

19 MS. GLASS: And have you also adopted the
20 data request responses of Paul Massie in Case Number
21 2022-263?

22 MR. MELL: I have.

23 MS. GLASS: Do you have any corrections or
24 updates to that information?

25 MR. MELL: I do not.

1 MS. GLASS: If I were to ask you those same
2 questions today, would your answers be the same?

3 MR. MELL: That's correct.

4 MS. GLASS: Last but not least. Mr. Vaughan,
5 can you please state your name, employer, and
6 position?

7 MR. VAUGHAN: Alex E. Vaughan. I'm employed
8 by American Electric Power Service Corporation as
9 the managing director of renewables and fuel
10 strategy. My business address is 1 Riverside Plaza,
11 Columbus, Ohio.

12 MS. GLASS: Thank you. And did you cause to
13 be filed into the record of this case direct
14 testimony, rebuttal testimony, and responses to data
15 requests?

16 MR. VAUGHAN: I did.

17 MS. GLASS: And did you also adopt the
18 testimony and data request responses of Jason
19 Stegall in Case Number 2022-263?

20 MR. VAUGHAN: I did.

21 MS. GLASS: Do you have any corrections or
22 updates to that information?

23 MR. VAUGHAN: I do not.

24 MS. GLASS: If I were to ask you those same
25 questions today, would your answers be the same?

1 MR. VAUGHAN: Yes, they would be.

2 MS. GLASS: Thank you.

3 VICE CHAIR HATTON: Does that conclude your
4 direct?

5 MS. GLASS: It does.

6 VICE CHAIR HATTON: Cross-examination, the
7 order that I have is Attorney General and then KIUC.
8 Is that okay with the two of?

9 MR. MICHAEL WEST: Sounds fair.

10 VICE CHAIR HATTON: All right. Please
11 proceed.

12 MR. MICHAEL WEST: I just have some questions
13 for Mr. Vaughan, if that's okay.

14 CROSS-EXAMINATION

15 MR. MICHAEL WEST: Mr. Vaughan, are you
16 familiar with Mr. Kollen's testimony that the PUE
17 sets a line of demarcation between economy and
18 non-economy purchases?

19 MR. VAUGHAN: Can you speak up just a little?

20 MR. MICHAEL WEST: Sure.

21 MR. VAUGHAN: It's hard in the box here.

22 MR. MICHAEL WEST: Yeah.

23 MR. VAUGHAN: All right.

24 MR. MICHAEL WEST: Are you familiar with
25 Mr. Kollen's testimony that the PUE sets a line of

1 demarcation, he calls it, between economy and
2 non-economy purchases?

3 MR. VAUGHAN: I'm familiar with his testimony.

4 MR. MICHAEL WEST: Okay. Do you alternatively
5 refer to this line of demarcation as an arbitrary
6 price limiter in your testimony?

7 MR. VAUGHAN: I do, yes.

8 MR. MICHAEL WEST: Okay. Would you say it's
9 self-explanatory that the peaking unit equivalent is
10 based on the operation of a peaking unit?

11 MR. VAUGHAN: No, it's based on the cost of a
12 peaking unit, not -- not the operation. And if you
13 go back through every order addressing how the PUE
14 was set, you can see that, and you can also see in
15 those orders that it is meant to apply to all
16 purchased power. Those are the words from the
17 Commission.

18 MR. MICHAEL WEST: I guess I'd like to
19 understand this use of the word "arbitrary." What
20 makes the PUE an arbitrary price limiter?

21 MR. VAUGHAN: Certainly. Just a moment, I'll
22 read you that piece of testimony.

23 Yeah. So it's addressed on page R12 of my
24 rebuttal testimony, and it's characterized as
25 arbitrary because it's completely hypothetical when

1 we do, in fact, have the actual price of economy
2 energy purchases that are made through economic
3 dispatch purchases, whether it's from -- well, I
4 guess the purchases is not from our own generation,
5 but it's from an economic dispatch solution from the
6 RTO we belong to.

7 So having a price limiter on economy
8 purchases that is hypothetical kind of -- kind of
9 meets my definition of arbitrary.

10 MR. MICHAEL WEST: While you -- you've got
11 your rebuttal testimony in front of you, right?

12 MR. VAUGHAN: Yes, sir.

13 MR. MICHAEL WEST: Can you turn to page 16
14 and read starting on line 7 through 14, starting at
15 "Further, the inclusion"?

16 MR. VAUGHAN: Page 16, line 7. (Reading)
17 Further, the inclusion of startup costs was
18 explicitly approved by the Commission in Case Number
19 2017-00179. The \$30 per megawatt hour startup cost
20 that was approved by the Commission in that case was
21 equal to the cost divided by the megawatt divided by
22 the minimum run time of one hour.

23 MR. MICHAEL WEST: The next two sentences as
24 well. Through line 14, I believe.

25 MR. VAUGHAN: Through line 14? Okay.

1 (Reading) As the PUE is a hypothetical price limiter
2 not based on a real generator where every hour of
3 purchased power is evaluated independently, it is
4 wholly reasonable to assume the PUE's theoretical
5 combustion turbine is, in air quotes, or real quotes
6 in the words, started up every hour for comparison
7 purposes. It is a marginal price limiter, not
8 economic redispatch of actual resources.

9 MR. MICHAEL WEST: Okay. I guess I want to
10 ask a question about this statement that the run
11 time of one hour is a minimum. If startup costs are
12 included every hour, wouldn't that support a
13 conclusion that the run time of one hour was a
14 maximum and not a minimum?

15 MR. VAUGHAN: No, sir. And so if you go back
16 to my testimony and work papers and what was
17 approved in 2017, it's clearly shown in the exhibit
18 that for every hour the formula is the daily median
19 gas cost as already approved at the correct index
20 times the heat rate divided by a thousand times the
21 additional megawatt hour adder that is included in
22 that -- that -- that Exhibit 8, AEV8 in that case,
23 and that includes fixed O&M -- or, I'm sorry,
24 variable O&M costs and the startup cost adder.

25 We had also proposed some other rates that

1 apply to natural gas service. The PSC denied those
2 at the time.

3 But the exhibit clearly shows that it is a
4 cost that is applied every hour, and there's a
5 formula there.

6 MR. MICHAEL WEST: So based on that
7 description, you would not agree that with startup
8 costs being included in every hour, that would imply
9 that there are no scenarios where run time would
10 carry over from one hour to the next?

11 MR. VAUGHAN: No, because it's completely
12 hypothetical. You are evaluating every single hour
13 independently in the PUE calculation, if it applies,
14 because there is initially a threshold test each
15 month where either the -- it's binary. Either the
16 PUE applies for that month or it -- or it doesn't,
17 and then you evaluate every single hour.

18 And you're taking a hypothetical combustion
19 turbine, which combustion turbines in reality run
20 less than ten percent of the time, and you're making
21 it available and comparing it independently in each
22 hour 8,700 -- 80 -- 8,760 hours a year, so -- so no,
23 I don't agree with your statement.

24 MR. MICHAEL WEST: And you already indicated
25 the inclusion of startup costs was explicitly

1 approved in Case Number 2017-179; is that correct?

2 MR. VAUGHAN: Yes, sir.

3 MR. MICHAEL WEST: I'd like to hand this out.

4 Can you hand one to Mr. Vaughan?

5 So what I've handed you is two pages, pages 55
6 and 56 of the Commission's order of January 18th,
7 2018, in Case Number 2017-179.

8 I think the Commission has notice of its own
9 orders, but I would ask that this be made Attorney
10 General's Hearing Exhibit 1, if that's okay.

11 VICE CHAIR HATTON: Any objection?

12 MR. GISH: The only objection is that we
13 could have the whole order entered and not just this
14 excerpt.

15 MR. MICHAEL WEST: Well, for sake of not
16 printing out, you know, a lot of copies of 155 pages
17 of an order, I selected these two pages. I'm happy
18 to make the full order available.

19 MR. GISH: I just think we need to adopt the
20 whole order into the record.

21 MR. MICHAEL WEST: That's --

22 VICE CHAIR HATTON: Submit it electronically.

23 MR. MICHAEL WEST: Okay. We can do that.

24 (AG Exhibit 1 admitted.)

25 MR. MICHAEL WEST: Mr. Vaughan, can you just

1 read that entire section entitled Peaking Unit
2 Equivalent Calculation?

3 MR. VAUGHAN: The whole section or just the
4 last sentence?

5 MR. MICHAEL WEST: The whole section.

6 MR. VAUGHAN: Okay. (Reading) Kentucky Power
7 proposed to change the methodology for calculating
8 the peaking unit equivalent, in parens, PUE, used in
9 determining the FAC purchased power limitation. In
10 its application, Kentucky Power proposes to include
11 the cost of firm gas service as an expense in the
12 calculation of its PUE. Kentucky Power stated that
13 since the hypothetical combustion turbine could be
14 dispatched any day of the year, it requires firm gas
15 service. The Commission disagrees. While firm gas
16 service would certainly allow the CT to be
17 dispatched any day of the year, the Commission is
18 unaware of any jurisdictional utility utilizing firm
19 gas service for a CT. Because CTs typically operate
20 at low capacity factors and are primarily utilized
21 during the summer peaking months, when pipeline
22 capacity would typically not be constrained, the
23 Commission finds the inclusion of firm gas service
24 in the calculation of the PUE to be unreasonable,
25 and therefore, this change in the PUE calculation

1 should be denied. Kentucky Power's proposal to
2 include startup costs and variable O&M expense is
3 reasonable and should be approved.

4 MR. MICHAEL WEST: So that last sentence that
5 you -- Kentucky Power's proposal to include startup
6 costs and variable O&M expense is reasonable and
7 should be approved, is that what you're talking
8 about when you say the Commission expressly approved
9 startup costs?

10 MR. VAUGHAN: Yes. That is what it means --
11 means to me, the Company's proposal was approved.

12 MR. MICHAEL WEST: Does the Commission's
13 order expressly say anything about whether startup
14 costs should be included in each hour?

15 MR. VAUGHAN: The Company's proposal did, and
16 the Commission approved that. And if you look at
17 AEV Exhibit 8, which I sponsored in that case, and
18 which the -- well, you didn't, but the KIUC also
19 agreed to in that case, as well as the other
20 settling intervenors, the -- on that exhibit there
21 is an equation that shows what the peaking unit
22 equivalent will be, how it will be calculated every
23 hour, and that includes the startup cost adder. So
24 it is -- it is explicitly approved in my mind.

25 MR. MICHAEL WEST: So if you could just

1 confirm a couple statements from your rebuttal for
2 me. On page 11, I believe you say the PUE best
3 operates as a proxy and not as an actual CT unit; is
4 that correct?

5 MR. VAUGHAN: Yeah, I used the word "proxy"
6 because that's the word that the Commission had used
7 over and over again in previous orders when it
8 approved the hypothetical combustion turbine as the
9 peaking unit equivalent. It's a proxy, it's not an
10 actual generator.

11 MR. MICHAEL WEST: And on page 12 you say the
12 PUE does not represent reality.

13 MR. VAUGHAN: I'm sorry. What was that?
14 Does not represent?

15 MR. MICHAEL WEST: The PUE does not represent
16 reality. Is that an accurate characterization?

17 MR. VAUGHAN: Yes, it is -- it is a
18 theoretical construct.

19 MR. MICHAEL WEST: So I want to go -- turn
20 back to that 2017-179 order that I just had you read
21 from. There's a section that says, (Reading) In its
22 application, Kentucky Power proposes to include the
23 cost of firm gas service as an expense in the
24 calculation of its PUE. Kentucky Power stated that
25 since the hypothetical combustion turbine could be

1 dispatched any day of the year, it requires firm gas
2 service.

3 Is that an accurate recitation of that?

4 MR. VAUGHAN: Yes, that's what the words say.

5 MR. MICHAEL WEST: So Kentucky Power had
6 requested that the Commission include firm gas
7 service costs in its calculation of the PUE,
8 correct?

9 MR. VAUGHAN: Yeah. And the reason we did
10 that -- the reason I did that for Kentucky Power is
11 because when we were evaluating how the PUE was
12 calculated, it didn't include all the actual
13 variable costs of -- of a hypothetical combustion
14 turbine, which was the construct that was approved.
15 It was just a heat rate that had been arbitrarily
16 agreed to in the past based on a -- a GE frame that
17 we didn't have or didn't own, and we would apply
18 that seasonally to a gas index price each -- each
19 day and each hour.

20 And so we thought it was reasonable to add --
21 it would put us on more even footing with the other
22 utilities as they used the actual variable cost of
23 their peaking units, so we added other variable
24 costs, including the O&M, we proposed the -- the
25 firm gas service, the startup costs, the FERC park

1 and lend rate, all of those other variable costs one
2 would incur if you had a real CT so that our FAC
3 economy energy purchase limitation would be on equal
4 footing, as close as it could be since we don't own
5 a real CT, with the other utilities.

6 MR. MICHAEL WEST: So that's an example of a
7 characteristic -- is characteristic of a -- I think
8 you said a real CT that the Company requested the
9 Commission consider?

10 MR. VAUGHAN: Yeah. Again, it would -- it
11 was -- it was additional variable costs that were
12 not included in the theoretical construct, so we
13 wanted to have those included.

14 MR. MICHAEL WEST: And the Commission
15 disagreed. And just to go back to that order, it
16 says, (Reading) The Commission disagrees. While
17 firm gas service would allow -- would certainly
18 allow the CT to be dispatched in any day of the
19 year, the Commission is unaware of any
20 jurisdictional utility utilizing firm gas service
21 for a CT. Because CTs typically operate at a low --
22 at low capacity factors and are primarily utilized
23 during the summer peaking months, when pipeline
24 capacity would typically not be constrained, the
25 Commission finds the inclusion of firm gas service

1 in the calculation of the PUE to be unreasonable,
2 and therefore, this change in the PUE calculation
3 should be denied.

4 So my question related to that is: It sounds
5 a lot like the Company's proposal and the
6 Commission -- Commission's decision-making on the
7 PUE are considering how an actual CT operates,
8 correct?

9 MR. VAUGHAN: I disagree. They're just
10 saying those costs shouldn't be included in the
11 hypothetical price limiter. And again, if you want
12 to go to Commission orders, I'll point you back to
13 when the PUE was originally approved in Case Number
14 2000-00495-B, and it's very clear that it is a
15 hypothetical unit that -- because the Company
16 doesn't have a real one. And the word "proxy,"
17 "hypothetical," and "theoretical" are used over and
18 over again. It is never considered to be an actual
19 generator because we don't have an actual peaking
20 unit.

21 MR. MICHAEL WEST: So when it says CTs
22 typically operate at low capacity factors, your
23 testimony is that the Commission is not talking
24 about how CTs actually operate?

25 MR. VAUGHAN: I actually agree with them.

1 CTs -- CTs operate at a -- a low capacity factor,
2 which makes the peaking unit equivalent even more
3 theoretical as it applies every hour of the year.

4 MR. MICHAEL WEST: So where should the
5 Commission draw the line between the characteristics
6 of actual units that it should consider and those
7 that it shouldn't consider in the PUE calculation?

8 MR. VAUGHAN: I think it should consider --
9 any change of the PUE should be considered in a base
10 rate case, because if you change the construct in
11 any way, whether you -- you add -- add variable cost
12 to the limiter or remove variable costs to the
13 limiter, it -- it changes the amount of non-FAC
14 eligible economy energy purchases that need to be
15 included in base rates.

16 And that's why we've done this in base rates
17 previously. And when we changed it in this case, we
18 adjusted the amount of non-FAC eligible purchases
19 from the test year that would have went into base
20 rates to account for that.

21 So I don't think any sort of retroactive
22 change to this should be considered. If you do it,
23 it should be pro -- prospective and everyone can
24 have their opinion on -- on what hypothetical unit
25 should be -- should be used or what aspects of a --

1 a CT the company doesn't own or some other
2 technology should be considered, but you gotta do it
3 holistically.

4 MR. MICHAEL WEST: But you're not willing to
5 draw that line here as to which characteristics of
6 an actual unit should or should not be considered?

7 MR. VAUGHAN: It wasn't whether it was an
8 actual unit or not. Again, it was that we noticed
9 that there were variable costs not included, real
10 variable costs, components, concepts that weren't
11 included in the PUE, and so to make adjustments, you
12 typically need something that's known and
13 measurable, you have to have evidence to support it,
14 and so we looked at an affiliate's combustion
15 turbine just to price that one component. We could
16 have went to EIA, we could have went somewhere else,
17 I guess. Again, no matter what the basis for the
18 adjustment is, it's -- it's theory. It's not --
19 it's not an actual generator.

20 And as I discuss in my testimony, it goes on,
21 because the heat rate of the actual Ceredo Unit 1 is
22 30 percent higher than what is used in the peaking
23 unit equivalent.

24 Again, I'll go back to you gotta look at
25 everything -- if you're going to say it's actually

1 Ceredo 1, you gotta make all the changes. But
2 again, it isn't.

3 MR. MICHAEL WEST: So Ceredo 1 is the unit of
4 the affiliate that you went to and made the
5 comparison that you just referenced?

6 MR. VAUGHAN: Yes.

7 MR. MICHAEL WEST: Okay. Page 12 of your
8 rebuttal, lines 6 through 12, can you read those for
9 me?

10 MR. VAUGHAN: Start of the second sentence?

11 MR. MICHAEL WEST: "The implementation."

12 MR. VAUGHAN: Certainly. (Reading) The
13 implementation of the PUE predates the Company's
14 participation in RTO energy markets with hourly
15 economic dispatch solutions.

16 MR. MICHAEL WEST: And through the next two
17 sentences, I believe.

18 MR. VAUGHAN: (Reading) The construct is more
19 geared towards a utility that is its own balancing
20 authority and that must make bilateral purchases
21 from other balancing authorities from time to time
22 to meet its energy needs. The concept simply does
23 not make sense for a utility in the Company's
24 position where every hour the RTO is solving for the
25 least-cost cost economic dispatch of the entire

1 freprint -- bleh -- footprint, including the
2 Company's load.

3 MR. MICHAEL WEST: So the concept that does
4 not make sense, is that the PUE in general?

5 MR. VAUGHAN: Yes, because if you look at the
6 administrative regulations that discuss this, it
7 says all -- all purchases based on economic dispatch
8 are FAC includable. Every purchase the Company
9 makes from PJM is based on its hourly security-
10 constrained economic dispatch solution.

11 Again, when -- when this was originally
12 instituted, Kentucky Power is part of its own --
13 part of the AEP control area. It wasn't in an RTO.
14 It was more similarly situated to what LG&E is now,
15 where you're not part of a regional energy market.

16 MR. MICHAEL WEST: So are you -- are you or
17 Kentucky Power suggesting that the Commission should
18 scrap the PUE since it's -- it doesn't make sense?

19 MR. VAUGHAN: Not as we sit here today, but
20 perhaps, like I've said, in a next base case -- rate
21 case where all things can be considered
22 prospectively, perhaps we will.

23 MR. MICHAEL WEST: Those are all my
24 questions. Thank you, Mr. Vaughan.

25 MR. VAUGHAN: Thank you.

1 VICE CHAIR HATTON: Mr. Kurtz.

2 MR. KURTZ: Thank you, Vice Chair. I have
3 questions for Mr. Vaughan and Mr. West, so I'll just
4 start with Mr. Vaughan.

5 VICE CHAIR HATTON: Well, we're impaneled, so
6 I guess --

7 MR. KURTZ: Okay.

8 VICE CHAIR HATTON: -- anyone could -- could
9 state their name and then answer.

10 MR. KURTZ: Okay. Well, these are just for
11 Mr. Vaughan.

12 MR. VAUGHAN: Sure.

13 CROSS-EXAMINATION

14 MR. KURTZ: Mr. Vaughan, in 2000, who
15 proposed the PUE?

16 MR. VAUGHAN: In 2000? I'm sorry. Did you
17 say in 2000?

18 MR. KURTZ: Yes.

19 MR. VAUGHAN: I believe it was Kentucky Power.

20 MR. KURTZ: Did Kentucky Power propose it
21 because it would hurt Kentucky Power or help it?

22 MR. VAUGHAN: I was not with the Company at
23 the time. Based on my reading of the order, it
24 seems that the Commission had told the Company it
25 had to have this price limiter to implement the

1 administrative regulations and that they placed us
2 on notice that they would apply an interpretation to
3 all energy purchases occurring after -- after
4 April 30th.

5 MR. KURTZ: Let me help you out there.
6 Kentucky Power proposed it, and you just indicated
7 earlier why, is because Kentucky Power claimed, or
8 complained that it does not have a peaking unit, the
9 other utilities did, therefore it was unfair to base
10 the dif -- the line of demarcation between economy
11 and non-economy on your base load units, which was
12 lower, which would characterize more purchases as
13 non-economy, and you raised it with the PUE to get
14 more purchases characterized as economy, isn't that
15 correct, and fully recoverable in the FAC?

16 MR. VAUGHAN: Again, I was not there. I was
17 not with the Company.

18 MR. KURTZ: Well, you testified about it, and
19 you were right, the Company proposed it based upon a
20 GE simple cycle CT heat rate and applied to an index
21 price of gas as a way to raise the line of
22 demarcation in the year 2000, correct?

23 MR. VAUGHAN: It was a way to put us on equal
24 footing with the companies that did have a peaking
25 unit. But -- but you're correct, if you're

1 comparing a peaking unit to something with a higher
2 heat rate that is going to be applied to a daily gas
3 price, it's going to produce, in general, a
4 higher -- higher line of demarcation to be applied
5 to all energy purchases than would some sort of base
6 load unit.

7 MR. KURTZ: And then in 2005, were you aware
8 that Kentucky Power unilaterally dropped the PUE?

9 MR. VAUGHAN: I was not aware --

10 MR. KURTZ: Okay.

11 MR. VAUGHAN: -- that we unilaterally dropped
12 it.

13 MR. KURTZ: And then reinstated it in 2014?

14 MR. VAUGHAN: No, I did not know that.

15 MR. KURTZ: Okay. Let me ask you this: In
16 2017 you're aware that you came in and proposed
17 three adjustments to get the PUE even higher, firm
18 gas, variable O&M, and startup costs, correct?

19 MR. VAUGHAN: I think there were some, like,
20 FERC tariff rates in there too, like the fees type.
21 But yes, those -- those in general, correct. It's
22 all -- it's all in my Exhibit 8 from that case.

23 MR. KURTZ: Okay. And your testimony --
24 Mr. West handed out -- let me have marked as KIUC
25 Hearing Exhibit 1, its your testimony from the 2017

1 case.

2 MR. VAUGHAN: Thank you.

3 VICE CHAIR HATTON: Any objections?

4 MR. MICHAEL WEST: No.

5 MR. GISH: No, Your Honor.

6 (KIUC Exhibit 1 marked for identification.)

7 MR. KURTZ: Okay. This is your testimony
8 from 2017 where you proposed three changes to
9 increase the level of the PUE; is that correct? I
10 think we'll start on page 33.

11 MR. VAUGHAN: Yes.

12 MR. KURTZ: Okay. Startup costs, firm gas,
13 transportation, and variable O&M; is that correct?

14 MR. VAUGHAN: Yes. And there's a listing of
15 the components below that go into some of the
16 variable -- variable O&M components or --

17 MR. KURTZ: I guess --

18 MR. VAUGHAN: Firm gas. Sorry. Firm gas,
19 yeah.

20 MR. KURTZ: Firm gas transportation.

21 And then above, on page 33, lines 5 through
22 14, this is -- this is the original calculation.
23 It's the GT heat rate proposed by the Company in the
24 summer versus nonsummer, it's the gas index proposed
25 by the Company back in 2000, which was approved; is

1 that right?

2 MR. VAUGHAN: Yes.

3 MR. KURTZ: Now, on page 34 you describe the
4 rationale for each of these three proposed increases
5 to the PUE, and let me ask you to read your
6 testimony on line -- well, start on line 1 on
7 page 34 through line 7. Well, actually through line
8 12.

9 MR. VAUGHAN: (Reading) Question: Why should
10 the costs be included in the peaking unit equiv --
11 why should these costs be included in the peaking
12 unit equivalent cost calculation?

13 All of -- answer: All of these costs the
14 Company -- all of these costs the Company is
15 proposing to include are costs that would be
16 incurred to operate an actual natural gas combustion
17 turbine generating unit, in parens, CT. The peaking
18 unit equivalent cost calculation seeks to mimic the
19 costs of operating an actual CT because the Company
20 does not own a real CT for purposes of calculating
21 the FAC purchased power limitation.

22 CT startup costs include startup fuel
23 consumed, station power requirements, startup
24 maintenance and labor, and are incurred when
25 bringing a CT online but prior to the unit

1 generating power. These are real costs that the
2 hypothetical CT would incur in order to generate
3 electricity and should be included in the peaking
4 unit equivalent cost calculation.

5 MR. KURTZ: Okay. How do you -- how do you
6 square that with the testimony you filed in this
7 case where you say, on rebuttal page 11, line 11,
8 quote, the PUE formula is what Mr. Futral described
9 as a hypothetical ratemaking methodology -- here's
10 the key -- and was never designed to replicate the
11 actual performance of a generating unit, rather it
12 is an arbitrary price limiter. Was never designed
13 to replicate the actual performance of a generating
14 unit.

15 How do you square that with your testimony
16 from 2017 when you said these added costs are
17 exactly designed to replicate the costs of an actual
18 generating unit?

19 MR. VAUGHAN: Because it uses words like
20 "mimic" and "hypothetical." It -- it isn't a real
21 unit. If it was a real unit, it wouldn't have an
22 off-the-shelf type heat rate. We would actually own
23 the unit, we'd be able to observe it. It's -- it's
24 not there, it's not real. It is -- again, it's the
25 words in all the previous orders approving it talk

1 about proxies and theoretical and hypothetical
2 units.

3 But again, we had to have evidence to show
4 what a reasonable cost for including these new
5 category of costs were.

6 MR. KURTZ: At the end of this KIUC Exhibit 1
7 is your Exhibit 8. I think you referred to that in
8 discussions with Mr. West.

9 MR. VAUGHAN: Yes.

10 MR. MICHAEL WEST: Can you turn to that?

11 MR. VAUGHAN: Absolutely.

12 MR. KURTZ: Now, you say that -- well, first
13 of all, the firm gas calculation was -- firm gas
14 adjustment calculation was denied by the Commission,
15 correct?

16 MR. VAUGHAN: Correct.

17 MR. KURTZ: They adopted the startup costs of
18 \$30 a megawatt hour, correct?

19 MR. VAUGHAN: Correct.

20 MR. KURTZ: Now, you said, it was very clear,
21 this is a by-hour calculation. It looks to me it's
22 by month. January, February, March, April, May
23 through December. Where -- where is it clear that
24 this is by hour?

25 MR. VAUGHAN: It's -- it's the bolded

1 statement underneath the table that says, (Reading)
2 Proposed new peaking unit equivalent cost
3 calculation equals, in parens, daily gas price times
4 heat rate divided by 1,000, paren, plus total
5 megawatt hour adjustment.

6 The total megawatt hour adjustment in the
7 table equals the sum of the firm gas calculation
8 that was denied, the startup cost per megawatt hour,
9 which is \$30, and the variable costs of \$3 and
10 four -- \$3.48 per megawatt hour. And you have to
11 show it by month because the already-approved heat
12 rate changes seasonally.

13 MR. KURTZ: Well, if it's so clear that --
14 you show it by month. If it was so clear, why
15 didn't you say that the startup costs that you're --
16 would be by hour, which is the way you use it now?

17 MR. VAUGHAN: It -- it's implied, and it's
18 expressed in the -- in the equation that shows how
19 it will be calculated.

20 MR. KURTZ: It's implied. All right. And
21 then later on in your rebuttal testimony you say
22 that -- on page 13 through 15, or 16, that this --
23 this -- this hypothetical peaking unit has got
24 nothing to do with Appalachian Power Ceredo Unit 1,
25 correct?

1 MR. VAUGHAN: The -- the hypothetical unit
2 itself is not Ceredo Unit 1. We used Ceredo Unit 1
3 in 2017-00179 as a basis for determining the
4 reasonable amount of startup cost to add -- add to
5 the calculation.

6 MR. KURTZ: Well, yeah, you used it as the
7 basis, right, as -- as -- for your actual cost of a
8 CT, you used Appalachian Power Ceredo Number 1?

9 MR. VAUGHAN: Not as an actual cost of the
10 CT, as a way to quantify the startup costs we were
11 proposing to add to the calculation. We had to have
12 some sort of quantification to -- as evidence for
13 what level should be included in the calculation.

14 MR. KURTZ: This is an exhibit sponsored by
15 Witness Stegall. If you're not -- it's about your
16 testimony and your exhibit, if -- I'll hand it to
17 you. If you can answer the questions, then that's
18 great; if not, I'll ask him.

19 MR. VAUGHAN: He's not here. I'm Mr. Stegall
20 today.

21 MR. KURTZ: Oh, well, good. That was easy.
22 I'll ask you.

23 VICE CHAIR HATTON: KIUC 2?

24 MR. KURTZ: Yes. Thank you, Your Honor.

25 (KIUC Exhibit 2 marked for identification.)

1 MR. VAUGHAN: Thank you.

2 MR. KURTZ: Staff asked you in this question
3 how did you get the -- the variable O&M and how did
4 you get the startup costs for your proxy, and the
5 answer -- if go to page 3 of the exhibit, this is
6 your -- this is your exhibit from 2017 we just
7 talked about, correct?

8 MR. VAUGHAN: In -- in the data response
9 here?

10 MR. KURTZ: Yes.

11 MR VAUGHAN: Yes.

12 MR. KURTZ: The next page is --

13 MR. GISH: Madam Vice-Chairman, the --

14 VICE CHAIR HATTON: Just a moment.

15 MR. GISH: The Exhibit AEV8 does not have the
16 header that we put in here and it's missing
17 documentation from the as-filed Exhibit AEV8 in Case
18 2017-1 -- 00179. So if we'd like -- we have copies
19 of the AEV178 -- I'm sorry, the -- the work papers
20 for AEV8 from that case that has all the information
21 in it and the proper headings if we want to file
22 that in the record, but this is -- this is not the
23 information --

24 VICE CHAIR HATTON: I noticed it wasn't
25 identical. Do you -- do you want to question on

1 this document?

2 MR. KURTZ: Yes, on this document.

3 MR. GISH: Okay.

4 MR. KURTZ: If Mr. Gish wants to talk about,
5 on redirect, something else, I guess that's up to
6 him.

7 MR. GISH: And we will.

8 MR. KURTZ: Okay. So the page 3 of this is
9 your exhibit from the 2017 rate case, correct?

10 MR. VAUGHAN: Yes.

11 MR. KURTZ: Okay. Page 4 and 5 shows the
12 calculation of a \$3.48 per megawatt hour variable
13 O&M, correct?

14 MR. VAUGHAN: Yes.

15 MR. KURTZ: Do you see -- do you see the unit
16 name Ceredo all down the line on page -- on the
17 page, maybe 25 times?

18 MR. VAUGHAN: Yeah. Absolutely. That's
19 where the -- that's where those -- that cost
20 component, that's where the proxy came from.

21 MR. KURTZ: Okay. So your rebuttal testimony
22 that Ceredo was not the actual proxy unit, how do
23 you square that?

24 MR. VAUGHAN: Because it isn't, for the
25 reasons that I state on page 16 and 17 of my

1 rebuttal testimony. If we were actually using the
2 Ceredo unit, the real unit, the heat rate that would
3 be applied would have to be 30 percent higher than
4 what gets included. It could only be applied ten
5 percent or less hours in the year, because the unit
6 does not run more -- more than that. It cannot, it
7 does not.

8 So, again, it's a proxy. We have applied
9 attributes from various things, including a
10 hypothetical GE frame from 2000, to come up with
11 a price limiter. It's -- it's not the Ceredo unit.

12 MR. KURTZ: Okay. And then if you turn the
13 page, when you get to the startup costs, in the very
14 top left hand, Ceredo Unit 1. So that's --

15 MR. VAUGHAN: Yes. Same answer.

16 MR. KURTZ: Your answer would be the same, it
17 really was just a -- had minimal to do with this --
18 this actual calculation?

19 MR. VAUGHAN: Yeah. I guess we -- we could
20 have -- we have a number of CTs in our western
21 companies that we could have used as well, but we
22 picked this one since it sits in the next state over
23 and it's owned by another eastern affiliate. But,
24 you know, any kind of cost basis could have been
25 included for this. We could have went to EIA, some

1 other publicly available source. We used a unit
2 that we were familiar with as the proxy for the cost
3 of starting up and having variable O&M added to the
4 peaking unit equivalent.

5 VICE CHAIR HATTON: So was Ceredo just chosen
6 at random? Why did you choose it?

7 MR. VAUGHAN: Yeah. Proximity, really.
8 It's -- it's in our eastern affiliate. You know, we
9 could have used any of the CTs in our -- our western
10 company. We have a number out there as well. Or,
11 like I said, we could have picked another data
12 source.

13 But the thing to remember here is that if it
14 were actually that unit, it could not apply every
15 hour of the year, and you'd have to raise the heat
16 rate to over 13,000 versus the -- the 10,000 heat
17 rate, ten four and ten eight that's being used in
18 the hourly calculation now.

19 MR. KURTZ: Let me move on to a kind of a
20 related different topic. On page 9 of your
21 testimony at the bottom.

22 MR. VAUGHAN: Direct or rebuttal?

23 MR. KURTZ: Rebuttal. Sorry. Page 9
24 rebuttal, at the bottom, line 17, (Reading) Other
25 variable costs included in energy market offers

1 include scrubber chemicals and emission allowances.
2 These costs can add anywhere from a couple of
3 dollars to almost \$20 per megawatt hour to the
4 actual variable costs of Mitchell based on the cost
5 of the underlying commodities.

6 Now, what was the purpose of that statement?

7 MR. VAUGHAN: It was --

8 MR. KURTZ: Let me --

9 MR. VAUGHAN: -- to show --

10 MR. KURTZ: Let me ask it -- let me ask you:
11 Was it to say that --

12 MR. GISH: Can he answer the question?

13 MR. KURTZ: Go ahead, Mr. Vaughan.

14 MR. GISH: Thank you.

15 MR. VAUGHAN: It was to show that the
16 comparison Mr. Kollen had made on pages 13 to 15 of
17 his testimony was incomplete and that he was
18 comparing a full LMP price to just a fuel rate.

19 MR. KURTZ: Well, isn't that what the FAC
20 regulation does? Variable O&M costs are base rate
21 items. The FAC compares the fuel costs of your
22 generating units versus the entire purchase power
23 expense.

24 MR. VAUGHAN: It's not variable O&M, it's
25 consumables and emission allowances. It's the same

1 thing as fuel. It's not recovered here, it's
2 recovered in the -- in the environmental surcharge
3 in Kentucky, but when you're making a comparison on
4 a variable cost basis, you have to show apples to
5 apples --

6 MR. KURTZ: Well --

7 MR. VAUGHAN: -- because if the variable cost
8 of that --

9 MR. KURTZ: -- the variable O&M -- the
10 variable O&M of your gas units are not recovered in
11 the environmental surcharge, nor -- nor Mitchell,
12 nor Rockport. Those are base rate items.

13 MR. VAUGHAN: I'm not talking variable O&M on
14 page R9.

15 MR. KURTZ: Isn't -- isn't scrubber reagent
16 and consumables characterized as variable O&M?

17 MR. VAUGHAN: No, it's -- it's -- it's
18 essentially a fuel cost, in my mind. It has to be
19 consumed with -- the variable O&M, in my mind, is
20 operations and maintenance work that is -- that is
21 allocated on an energy basis versus a demand basis.

22 MR. KURTZ: You would agree that the fuel
23 adjustment clause recovers Account 151, Fuel, not
24 variable O&M?

25 MR. VAUGHAN: It does not include scrubber

1 chemicals and emission allowances, I agree.

2 MR. KURTZ: Okay. My only point here is,
3 where do you get \$20 a megawatt hour as the -- as
4 the variable O&M cost of Mitchell?

5 MR. VAUGHAN: So during -- as an addition --
6 yeah, so -- I'm sorry.

7 The -- the answer to that is during the
8 review period, during the anomalous commodity run-up
9 during 2022, the cost of NOx allowances went up
10 exponentially, and so there were times when those
11 were adding 10 to 15 dollars per megawatt hour to
12 the dispatch cost of a coal unit during the
13 summertime. During NOx season you have to have NOx
14 allowances to generate and emit.

15 MR. KURTZ: Would you agree that over the
16 ten -- last ten years the variable O&M costs of
17 Mitchell went from a low of \$2.76 a megawatt hour to
18 a high of \$5.10 a megawatt hour even though there
19 might be anomalies during any hour or period?

20 MR. VAUGHAN: I would agree that they all
21 would be commensurate with whatever the cost of the
22 underlying chemicals are, so limestone, lime,
23 emission allowances, any -- any sort of reagent cost
24 that needed to be consumed at the plant to be in
25 compliance.

1 MR. KURTZ: Okay. You're -- you're the
2 witness to talk about the actual mechanics of how
3 the PUE calculation worked; is that correct?

4 MR. VAUGHAN: I believe so.

5 MR. KURTZ: Your Honor. Okay. This will be
6 KIUC 3.

7 (KIUC Exhibit 3 marked for identification.)

8 MS. SACRE: Thank you.

9 MR. KURTZ: Mr. Vaughan, are you familiar
10 with -- every month -- the Company goes through a
11 calculation every hour of every day of every year
12 during the review period that determines how much
13 the PUE disallowance will be, if any; is that
14 correct?

15 MR. VAUGHAN: That is correct. It's part of
16 the monthly FAC accounting.

17 MR. KURTZ: Okay. And you're familiar with
18 this document as part of what's filed? I think it's
19 at the top where it came from.

20 MR. VAUGHAN: Yeah, I'm generally familiar
21 with it.

22 MR. KURTZ: Okay. I took -- because this is
23 an hourly calculation over a two-year period with
24 700 plus line items, to make it readable, I chose
25 one 24-hour period October 10.

1 Do you see the highlighted hour 20?

2 MR. VAUGHAN: Yes. On October 10th, 2022.

3 MR. KURTZ: Okay. Is it correct that the
4 internal load of the Kentucky Power in that hour was
5 620 megawatts?

6 MR. VAUGHAN: That is what it is showing.

7 MR. KURTZ: Okay. And -- oh. Well, okay,
8 we'll go with this one. 620 megawatt. And the load
9 was met, on column three, purchases assigned to
10 internal load, 611 megawatts, plus line losses,
11 column 3a of 9, equals the native load of 620?

12 MR. VAUGHAN: Yes, sir.

13 MR. KURTZ: Okay. So during this hour, 100
14 percent of native load was supplied by PJM market
15 purchases?

16 MR. VAUGHAN: That is what it appears, yes.

17 MR. KURTZ: And in the far right column, the
18 purchase price from PJM was \$107 a megawatt hour?

19 MR. VAUGHAN: Yes, sir.

20 MR. KURTZ: Okay. Now, page 2 and page 3
21 shows that none of the power plants were operating
22 during -- during this hour. In fact, this whole 24
23 hours. In fact, none of the Company's power plants
24 operated at all during October; is that correct?

25 MR. VAUGHAN: Yeah. I think we have other

1 witnesses here that address the reasons behind that.

2 MR. KURTZ: Okay.

3 MR. VAUGHAN: Yes.

4 MR. KURTZ: So all the load was met by
5 purchases. And then page 4 goes through the PUE
6 calculation. Okay. Let me -- let me walk through
7 it. Again we've got the purchases assigned to
8 native load, 610. I think there was a rounding.
9 610.8 or 611. The purchase price was 170 -- \$107 a
10 megawatt hour. Am I right so far?

11 MR. VAUGHAN: Yes.

12 MR. KURTZ: Okay. The PUE shown is -- was
13 \$92 and -- 92.448 for that hour; is that correct?

14 MR. VAUGHAN: Yes.

15 MR. KURTZ: Okay. You took the gas price
16 times the heat rate plus variable O&M plus \$30 a
17 megawatt hour and you got a \$92 PUE for that hour,
18 correct? It was actually \$92 the entire 24 hours;
19 is that correct?

20 MR. VAUGHAN: Yeah, it's the same price every
21 24 hours because you use the medium gas -- median
22 gas price from that day.

23 MR. KURTZ: So the 92 was -- excuse me.
24 The -- the \$92 PUE was less than the \$107 actual
25 purchase, so in this hour there was a disallowance

1 of \$8,912; is that correct?

2 MR. VAUGHAN: I'm not going to characterize
3 it as a disallowance. It limited FAC recovery of
4 that purchase by \$8,912.

5 MR. KURTZ: Okay. So during this -- during
6 this hour customers were charged \$92 a megawatt hour
7 for, quote, economy purchases even though all the
8 coal-fired power plants that were not operating and
9 Big Sandy 2 had a lower cost than \$92?

10 MR. VAUGHAN: Can you repeat your question?

11 MR. KURTZ: This calculation shows \$92 a
12 megawatt hour times 610 or 611 megawatts was -- was
13 recovered from customers in the FAC.

14 MR. VAUGHAN: Yeah, that's correct. This
15 is -- 2022 was the highest commodity price year that
16 we've seen in over a decade, and --

17 MR. KURTZ: And if you were to get rid of the
18 PUE, as you indicated might happen in a future case,
19 you might recommend it, customers would have paid
20 the entire \$107 market purchase instead of only
21 paying 92; is that correct?

22 MR. VAUGHAN: Yes. That hundred -- \$107.04
23 is the -- the -- what the economic dispatch solution
24 of the RTO produced in that hour.

25 MR. KURTZ: Okay. Now, this also shows that

1 the PUE applies not just to 100 megawatts, the size
2 of Ceredo Unit 1, not just to 200 megawatts, which
3 is Mr. Kollen's testimony, but the PUE applied to
4 610 megawatts, 611 megawatts, all of the purchases
5 to meet native load during that hour?

6 MR. VAUGHAN: It applies to all purchases, as
7 ordered by the Commission in 2000-00495, where it
8 explicitly states that we further place AEP on
9 notice that we would apply this interpretation to
10 all energy purchases.

11 MR. KURTZ: So one last exhibit, Mr. Vaughan.
12 I have it marked as KIUC 4. It's a different hour,
13 same charts, same --

14 MR. VAUGHAN: Thank you.

15 (KIUC Exhibit 4 marked for identification.)

16 MR. KURTZ: Okay. So this is the same -- the
17 same math, different hour. This is -- this is
18 June 2nd, 2022, hour 15.

19 Do you see the highlighted, Mr. Vaughan?

20 MR. VAUGHAN: Yes.

21 MR. KURTZ: Okay. In this hour, the internal
22 load of Kentucky Power was 809 megawatts; is that
23 correct? Line 7 -- or column 7.

24 MR. VAUGHAN: Yes.

25 MR. KURTZ: Okay. And that 900 -- 809

1 megawatts was met by, column 3, 361 megawatts of
2 purchases, 13 megawatts of losses, plus dispatch
3 generation from Kentucky Power's power plants of 435
4 megawatts?

5 MR. VAUGHAN: Yes.

6 MR. KURTZ: Okay. Now, it also says net
7 available generation, line 6, was 945 megawatts.
8 What does net available generation mean?

9 MR. VAUGHAN: It's the amount -- it's the
10 megawatts of generation that are available.

11 MR. KURTZ: Okay. Page -- line -- page 2 of
12 this exhibit. Of this 809 megawatts of available
13 generation, we see that Big Sandy was not available
14 at all. See the zeros for Big Sandy at the top?

15 MR. VAUGHAN: It shows that it is offline.

16 MR. KURTZ: Okay. And that Mitchell 1 was
17 available?

18 MR. VAUGHAN: That's -- that is Mitchell 1.
19 Sorry. I'm trying to find it.

20 MR. KURTZ: Mitchell 1 --

21 MR. VAUGHAN: Yes, Mitchell --

22 MR. KURTZ: -- was available; is that
23 correct?

24 MR. VAUGHAN: Yes. Mitchell 1 and Mitchell 2
25 were both online.

1 MR. KURTZ: Okay. So -- and at the far right
2 we have the -- the amount available for Mitchell 1
3 is 345 megawatts -- 385 megawatts; is that correct?

4 MR. VAUGHAN: Are you saying that that's the
5 amount that's --

6 MR. KURTZ: It's on the far right, it's
7 highlighted in yellow, 385.

8 MR. VAUGHAN: Yeah, I think -- I think that's
9 the amount generated, not the amount available.
10 It's --

11 MR. KURTZ: The amount --

12 MR. VAUGHAN: It's running --

13 MR. KURTZ: This batch --

14 MR. VAUGHAN: -- at minimums there. It's
15 available at 770, and Mitchell 2 is available at
16 790.

17 MR. KURTZ: Well, that's the whole -- that's
18 the -- that's -- that's the whole plant. We're
19 talking 50 percent share. I think the amount
20 available is the 385 Mitchell 1, 395 Mitchell 2,
21 plus 165.45 of Rockport Unit 2 on the next page.

22 MR. VAUGHAN: Okay.

23 MR. KURTZ: 385 plus 395 plus 165 equals --
24 385 plus 395 plus --

25 MR. VAUGHAN: Roughly 945?

1 MR. KURTZ: Yeah, 945, which is the --

2 MR. VAUGHAN: Okay.

3 MR. KURTZ: Which was the net available on
4 page 1, correct?

5 MR. VAUGHAN: Sure. Yes.

6 MR. KURTZ: Okay. So page 4 of this exhibit
7 picks up a lot of the same numbers, the purchases
8 assigned to native load on page 4, 360.87. We had
9 361 on the first page. Does that match?

10 MR. VAUGHAN: Yes.

11 MR. KURTZ: Okay. And the purchase price was
12 \$114 a megawatt hour?

13 MR. VAUGHAN: Yes.

14 MR. KURTZ: The PUE, because gas was very
15 high, was \$121 a megawatt hour?

16 MR. VAUGHAN: Yes, it was.

17 MR. KURTZ: Okay. The Mitchell 1 fuel cost,
18 24 point -- \$24.81 a megawatt hour in that hour?

19 MR. VAUGHAN: Correct. Those are -- so those
20 are accounting costs that get applied. That's --
21 that's not replacement or it doesn't take into
22 account any -- any sort of limits on fuel, but yes,
23 that is the accounting cost for that month on
24 average.

25 MR. KURTZ: Okay. Mitchell 2, \$24.28 a

1 megawatt hour?

2 MR. VAUGHAN: Yes, sir.

3 MR. KURTZ: Rockport 2, the other unit
4 available, \$37.10 a megawatt hour; is that correct?

5 MR. VAUGHAN: That's all correct, yes.

6 MR. KURTZ: Okay. There was no PUE
7 disallowance. The Company made 361 megawatts of
8 purchases at \$114 a megawatt hour, but because the
9 PUE was \$121 a megawatt hour, there was no -- you
10 don't like the word disallowance. There was no
11 elimination from the FAC during that hour, correct?

12 MR. VAUGHAN: Correct. Yeah. And again, you
13 pointed out gas -- gas prices were very high.

14 MR. KURTZ: My question is this: During this
15 hour, why was AEP Service Corporation or Kentucky
16 Power only running 435 megawatts of its generation,
17 which had a cost of between 24 and 37 dollars a
18 megawatt hour, and instead was buying 361 megawatts
19 from PJM at \$114 a megawatt hour?

20 MR. VAUGHAN: Great question, and I'll point
21 you to the discussion in my direct testimony, the
22 testimony of Witness Chilcote, and then my rebuttal
23 testimony. There was a very constrained coal
24 market, and we had not seen these commodity prices
25 since 2008. There has never -- there had never been

1 this strong of an energy market in over ten years,
2 and the coals didn't exist to dispatch the plants at
3 a -- what economics would have said they should have
4 dispatched at.

5 So you had an average pile cost of \$24 there
6 for Mitchell, but if you just let it dispatch, you
7 would have run out of coal, and then you would have
8 had the units derated for capacity purchases --
9 purposes. You would have potentially incurred
10 penalties later that year, when the units were
11 needed during a performance interval. And so we --
12 the Kentucky Power and AEPSC actively managed the
13 amount of fuel that we had under contract and -- and
14 was delivered to our plants to maximize the economic
15 value for customers.

16 MR. KURTZ: You agree that the FAC regulation
17 is intended and required to result in reasonable
18 fuel costs for consumers?

19 MR. VAUGHAN: Yeah. I think in general,
20 right? So it's -- it does a couple things. It --
21 it determines what the -- the amount of concurrently
22 recoverable fuel and purchased power expense are for
23 customers. And then, you know, in hearings like
24 this and in base rate cases you also -- you also
25 determine what was the -- what costs were prudent

1 and what's includable in rates.

2 MR. KURTZ: What good does it do consumers to
3 pay for these power plants if they don't run and
4 you -- and you buy expensive market purchases
5 instead?

6 MR. VAUGHAN: Can you repeat your question?

7 MR. KURTZ: What good does it do for consumers
8 to pay for these expensive base load coal power
9 plants, which would be Rockport 1, Rockport 2,
10 Mitchell 1, Mitchell 2, and Big Sandy 1, the gas
11 plant, total cost, annual cost of \$173 million a
12 year in return in fixed costs? Customers are paying
13 for that as a hedge against expensive market
14 purchases. What good does it do for customers if
15 those power plants they're paying for don't run?

16 MR. VAUGHAN: So it's not what they do, it's
17 what needs to be -- what's reasonable and what needs
18 to be expected from these units, and the
19 characterization that they -- they don't run is
20 incorrect. They have run, over the last decade,
21 almost exactly as much as their entire peer -- peer
22 group of coal plants have in the PJM RTO.

23 And so you have to look at what's reasonable
24 and what's possible for that technology. You know,
25 if they were combined cycles, all of the peers --

1 natural gas combined cycles, their peers would be at
2 86, 85 percent dispatch rates. Coal plants are
3 between 40 -- you know, in the low 40 percents now.
4 That's -- that is what they have achieved whether
5 it's owned by a utility or owned by a hedge fund or
6 equity firm or a co-op. That's -- on average, that
7 is what the plants are producing.

8 And customers get value out of that not just
9 from the fuel cost but also from the capacity
10 requirements that those plants meet, and that's --
11 that's what Kentucky Power and AEPSC manages for
12 them.

13 MR. KURTZ: Would you agree that during the
14 two-year review period Kentucky Power spent
15 \$238.7 million on PJM market purchases?

16 MR. VAUGHAN: Can you -- I'm sorry. The air
17 just came on. Can you speak a little louder?

18 MR. KURTZ: Yeah. This is from Mr. Kollen's
19 testimony, page -- pages 4 and 12, that during the
20 review period Kentucky Power bought \$238.7 million
21 worth of energy purchases from PJM.

22 MR. VAUGHAN: That's not --

23 MR. GISH: Do you have a copy --

24 MR. VAUGHAN: -- my number.

25 MR. GISH: Do you have a copy of that

1 testimony in front of you?

2 MR. VAUGHAN: Yeah. What page is he -- is he
3 on?

4 MR. KURTZ: 4 and 12.

5 MR. PINNEY: Sorry. Which testimony was
6 that?

7 MR. KURTZ: Of Kollen rebuttal.

8 MR. PINNEY: Kollen. Okay.

9 MR. KURTZ: Or, no, it's Kollen direct in the
10 0008 case.

11 MR. VAUGHAN: Sure. Yeah, I'm looking at it.
12 What's the question about about his number?

13 MR. KURTZ: Line 8 on page 4, \$238.7 million
14 worth of purchases from PJM during the review
15 period.

16 MR. VAUGHAN: What about it, I guess?

17 MR. KURTZ: Would you agree that that's -- I
18 mean, nobody rebutted this. You had a number of --
19 you had, I don't know, four or five rebuttal
20 witnesses, nobody challenged that number. Do you
21 believe it's correct?

22 MR. VAUGHAN: I have no reason to believe
23 it's incorrect, but it doesn't -- you have to -- it
24 doesn't matter what the size of it is. You could
25 look at the previous review period during, like, say

1 the COVID pandemic in 2020, and that number may be
2 higher because the Company's units didn't dispatch
3 very much at all because it was more economic for
4 customers to just buy market energy. So you could
5 end up with a volume that's higher than that and
6 both can be prudent.

7 MR. KURTZ: But during the review period, the
8 average purchase price was \$40 -- \$47.71 a megawatt
9 hour.

10 MR. VAUGHAN: Yeah. Absolutely. The review
11 period included the largest commodity blowout in
12 over a decade. It didn't -- this wasn't just a
13 Kentucky Power issue, it was all the RTOs, all the
14 utilities, every AEP peer, our regional peers. Fuel
15 costs went up a lot during the review period.

16 MR. KURTZ: And market prices did too, right?

17 MR. VAUGHAN: Yes.

18 MR. KURTZ: Why weren't -- why wasn't
19 Kentucky Power running Mitchell and Rockport full
20 out and selling power off system and making a big
21 profit and crediting it back to customers instead of
22 running them so little that they had to buy huge
23 amounts of power?

24 MR. VAUGHAN: Again I'll point to you my
25 direct and rebuttal testimonies, right? There --

1 you contract fuel -- as Witness Chilcote will
2 testify, has testified, you contract fuel to what
3 you expect to burn under normal conditions. No one
4 forecasted the macroeconomic changes in late 2021
5 through 2022.

6 And if it was economic for us to run our coal
7 plants more, it was economic for the other 52
8 gigawatts of coal plants in PJM to burn more. Had
9 there been more tons of coal available, all the coal
10 plants would have dispatched more. It just didn't
11 exist. The mining production was not there. And
12 Witness Chilcote can discuss that more.

13 So if we had the coal available at that low
14 price, then absolutely those plants would have run
15 as much as -- as much as we could have, but they --
16 you know, again, the testimony shows, the evidence
17 shows we took the coal that we had under contract
18 that was available to us when the plants were
19 available and we used our market strategies to
20 produce the highest amount of economic benefit for
21 customers.

22 MR. KURTZ: Vice Chair, I'm going to --
23 I'm -- thank you, Mr. Vaughan. No further
24 questions. Thank you.

25 I'm going to have questions for Mr. West, so

1 I'll turn attention to him.

2 VICE CHAIR HATTON: Yes.

3 MR. KURTZ: Unless you want to take a break.

4 VICE CHAIR HATTON: They're all sworn in. I
5 don't know whether we want to rotate who's in the
6 witness stand. There are microphones back there.
7 It doesn't matter a whole lot to me. Normally when
8 we impanel, everyone can sort of pipe up, but we
9 can -- we can take a quick break and then switch
10 who's in the hot seat.

11 MS. GLASS: Why don't we take a break and
12 then I can also confirm with our court reporter what
13 might be best for us.

14 VICE CHAIR HATTON: And I know our -- our
15 Staff is going to have questions for all of the
16 witnesses, so I don't know how much rotating we do
17 today or how feasible it is to continue to rotate,
18 but confer with your court reporter and see if
19 anything's easier.

20 In the meantime, how about a ten-minute
21 break?

22 MS. GLASS: That's great.

23 VICE CHAIR HATTON: We'll come back at
24 10:32-ish.

25 MR. KURTZ: Thank you, Chair.

1 (Recess from 10:21 a.m. to 10:35 a.m.)

2 MS. SACRE: You're on, Chairman.

3 VICE CHAIR HATTON: Okay. We're back on the
4 record, and I believe we were still in the
5 cross-examination of Mr. Kurtz.

6 MR. KURTZ: Thank you, Your Honor. These
7 questions for Mr. West.

8 Good morning, Mr. West.

9 MR. BRIAN WEST: Good morning.

10 MR. KURTZ: Is this -- are you comfortable
11 sitting there?

12 MR. BRIAN WEST: Sure.

13 MR. KURTZ: Okay. All right. You testified
14 in your rebuttal regarding the operation of the fuel
15 adjustment clause; is that correct? Page 5, you
16 cite the regulation 807 KAR 5.056.

17 MR. BRIAN WEST: That's correct.

18 MR. KURTZ: Okay. And you -- you make the
19 observation that you believe that the AG/KIUC
20 position for Mr. Kollen and Mr. Futral could
21 constitute retroactive ratemaking.

22 MR. BRIAN WEST: As I state in my rebuttal
23 testimony on page R5, I am not an attorney, but I do
24 believe that that would constitute retroactive
25 ratemaking as I understand it, yes.

1 MR. KURTZ: Okay. Are you -- you're familiar
2 with the regulation, you cited to it, correct?

3 Well, let me just hand you a copy of it.

4 VICE CHAIR HATTON: Is that an exhibit?

5 MR. KURTZ: I guess just for ease of
6 reference, maybe we'll make it an exhibit.

7 VICE CHAIR HATTON: KIUC 5.

8 MR. KURTZ: Thank you. We marked this as
9 KIUC 5.

10 (KIUC Exhibit 5 marked for identification.)

11 MS. SACRE: Thank you.

12 MR. KURTZ: Make sure the witness has one.

13 MS. GLASS: And I'll object to this just to
14 the extent that Mr. West has already indicated he's
15 not an attorney, and so to the extent Mr. Kurtz has
16 questions that would require a legal conclusion, we
17 would object.

18 VICE CHAIR HATTON: And I'll take those
19 anytime you feel like he's asked for a legal
20 conclusion.

21 MS. GLASS: Okay. Thank you.

22 MR. KURTZ: So you're familiar with the
23 regulation but not as an attorney, as the chief
24 regulatory person at Kentucky Power?

25 MR. BRIAN WEST: Yes, generally familiar.

1 MR. KURTZ: Okay. You're aware that the
2 enabling legislation is 278.030, just -- fair, just,
3 and reasonable rates, and 278.030(2), adequate,
4 efficient, reasonable service?

5 MS. GLASS: We object to these since it calls
6 for a legal conclusion.

7 MR. KURTZ: Do you see that on page 1 of the
8 regulation, the highlighted?

9 MR. BRIAN WEST: Yes, I see that.

10 MR. KURTZ: Okay. Page 3 of the regulation,
11 Section 3, Review of Fuel Adjustment Clauses. Let
12 me -- let me ask you this first of all: Kentucky
13 Power has a new fuel adjustment every month,
14 correct?

15 MR. BRIAN WEST: Kentucky Power files a
16 monthly fuel adjustment clause, yes.

17 MR. KURTZ: Okay. And you implement that
18 fuel adjustment clause unilaterally? You file it
19 with the Commission, but there's no official
20 Commission order approving it, you just go ahead and
21 implement it and then we have these six-month and
22 two-year review cases, correct?

23 MR. BRIAN WEST: That's my understanding, yes.

24 MR. KURTZ: Well, that's the way -- you've
25 been doing these for a long time, right?

1 MR. BRIAN WEST: Yes.

2 MR. KURTZ: How long have you been with
3 Kentucky Power?

4 MR. BRIAN WEST: Since 2019.

5 MR. KURTZ: Okay. The -- page 3, the review
6 of the fuel adjustment, let me see if you're
7 familiar with this. (Reading) Fuel charges that are
8 unreasonable shall be disallowed and may result in
9 the suspension of the fuel adjustment clause based
10 on the severity of the utility's unreasonable fuel
11 charges and any history of unreasonable fuel charges.

12 So is reasonableness your understanding of
13 the basic tenet of the regulation? Unreasonable
14 charges shall be disallowed.

15 MS. GLASS: Objection to the extent it calls
16 for a legal conclusion.

17 VICE CHAIR HATTON: I think the -- the reg
18 speaks for itself. Can you rephrase that in a way
19 that doesn't ask him to interpret what it means?

20 MR. KURTZ: Yeah.

21 Would you agree that reasonable --
22 reasonableness of the fuel charges is one of the
23 important aspects of the regulation?

24 MS. GLASS: Objection to the extent it calls
25 for a legal conclusion.

1 MR. KURTZ: He's the head regulatory person
2 at Kentucky Power. This is a reasonableness
3 regulatory question. If he doesn't know, that's
4 fine.

5 VICE CHAIR HATTON: I'm going to allow the --
6 the questioning; however, I'm not sure how useful it
7 is.

8 MR. KURTZ: Okay. You're right.

9 Do you have a -- do you have an answer to
10 that question?

11 MR. BRIAN WEST: Can you ask the question
12 again, please?

13 MR. KURTZ: Is reasonableness important in
14 a -- in a FAC review case?

15 MR. BRIAN WEST: I think reasonableness is
16 important. I also think prudence is important, and
17 I think the Company's witnesses and their testimony
18 have demonstrated that in this case.

19 MR. KURTZ: Are you familiar with the
20 Mitchell FAC disallowance order from 2015 where the
21 Commission disallowed \$54 million of Mitchell and
22 Rockport no-load fuel -- no-load fuel costs?

23 MR. BRIAN WEST: That was before my time at
24 Kentucky Power and I'm really not familiar with the
25 case.

1 MR. KURTZ: Okay. This is Case 2014-00225.
2 Assuming that the Commission disallowed 54 million
3 total and ordered 13 million that had already been
4 collected to be refunded through the FAC regulation,
5 would that bear on your observation as to whether or
6 not the AG/KIUC position is consistent with a
7 Commission practice or would, in fact, be
8 retroactive ratemaking?

9 MS. GLASS: We'd object to the extent that
10 Mr. West has already indicated he's not familiar
11 with this case and also to the extent Mr. Kurtz may
12 be testifying.

13 MR. KURTZ: I'll rephrase.

14 What -- what would Kentucky -- Kentucky Power
15 do if the Commission suspended the fuel adjustment
16 regulation for Kentucky Power and said you've had
17 a -- assume a \$54 million disallowance from -- from
18 Mitchell -- the Mitchell case and we're -- we're
19 just going to have you collect all your fuel costs
20 at base rates for a period of time?

21 MR. BRIAN WEST: Well, I think that
22 Mr. Vaughan testified already that because of the
23 PUE being implemented prior to us joining an RTO and
24 now it's kind of -- doesn't have the same relevance
25 that it did at that point and all of these economy

1 market purchases should be recoverable.

2 MR. KURTZ: That's really not my question.
3 My question was: What would Kentucky Power do if
4 the Commission suspended the operation of the FAC
5 for Kentucky Power and had you recover all of your
6 fuel and purchase power costs at base rates?

7 MR. BRIAN WEST: Well, since we just went
8 through a base rate case and those costs were not
9 adjusted in that case, the Company would have to
10 file a base rate case to attend to that issue.

11 MR. KURTZ: So you could recover your fuel
12 and purchased power through base rates and manage
13 those costs, manage PJM, do whatever you want? And
14 just like you do with your healthcare costs, your
15 labor costs, if the FAC was suspended, you could --
16 you could recover them in base rates and manage
17 those costs like any other cost?

18 MS. GLASS: I'll also object to the extent
19 this calls for a legal conclusion. The Company
20 implements the regulations as required with its fuel
21 adjustment clause, and Mr. Kurtz's hypothetical
22 would require Mr. West to form a legal conclusion as
23 to whether the law would be changed and what would
24 happen.

25 MR. KURTZ: Well, my question was --

1 VICE CHAIR HATTON: I don't think that's a
2 legal conclusion.

3 MR. KURTZ: Yeah.

4 VICE CHAIR HATTON: Go ahead.

5 MR. KURTZ: Okay. The regulation says it may
6 be suspended if there's been a history of
7 unreasonable costs.

8 My question is: Could -- you could recover
9 those costs in base rates if the FAC was suspended,
10 could you not?

11 MR. BRIAN WEST: I suppose that's possible,
12 but I disagree with your characterization that any
13 of these costs were unreasonable in this case.

14 MR. KURTZ: Got it. Okay.

15 You were here for Mr. Vaughan's
16 cross-examination?

17 MR. VAUGHAN: For the majority of it, yes.

18 MR. KURTZ: There's this very complicated
19 calculation every hour of every day of every year as
20 to what costs are economy and what are non-economy,
21 what does the PUE allow or disallow. If the
22 Commission said this is -- this is hard for us to
23 audit on an hourly basis; therefore, we're going to
24 turn it over to you to be in charge of your own fuel
25 and purchased power cost, you manage it in base

1 rates, you could do that, couldn't you?

2 MR. BRIAN WEST: We could do what the
3 Commission orders us to do, we certainly can, but in
4 this case we followed the regulations, we followed
5 what is currently approved by this Commission and
6 appropriately calculated the PUE as it is approved.

7 MR. KURTZ: Vice Chair, those are all my
8 questions for Mr. West.

9 VICE CHAIR HATTON: Do you have questions for
10 other witnesses or --

11 MR. KURTZ: Oh, those are all my questions
12 for all the Company's witnesses, Your Honor.

13 VICE CHAIR HATTON: All right. Okay. And
14 would you like to move to admit your exhibits?

15 MR. KURTZ: I would. I would move to admit
16 KIUC 1 -- 1 through 5.

17 (KIUC Exhibits 1 through 5 admitted.)

18 MR. GISH: Madam Vice Chair, the Company does
19 not object to the admission of those exhibits except
20 to note that the highlighting in Exhibits KIUC 3, 4,
21 and 5 are for reference and not indicative of -- I'm
22 sorry, 2, 3 -- the highlighting in the KIUC exhibits
23 are for ease of reference and not to designate any
24 confidential information.

25 VICE CHAIR HATTON: Right. In this case

1 yellow does not mean confidential.

2 MR. KURTZ: Correct, Your Honor.

3 VICE CHAIR HATTON: All right. Commission
4 Staff.

5 MR. PINNEY: I have a few questions. Thank
6 you.

7 CROSS-EXAMINATION

8 MR. PINNEY: So I'm going to start by
9 referencing a confidential attachment that I think
10 I'll be able to discuss without having to go into
11 confidential session. All right?

12 And I'm going to be referring to -- in the
13 current case, 2023-00008, it's going to be
14 Attachment 2 to Kentucky Power's response to Staff's
15 First Request, Item 4.

16 VICE CHAIR HATTON: Please --

17 MR. PINNEY: And --

18 VICE CHAIR HATTON: Please let me know if
19 someone feels that we're veering toward confidential.

20 MS. GLASS: Certainly.

21 MR. PINNEY: And what this is is that this
22 is -- essentially these are, I guess, for lack of a
23 better word, coal bed sheet analysis. And like I
24 said, I'm not going to get into the specifics.

25 Kentucky Power wasn't here for the last FACs just a

1 few weeks ago, but I asked similar questions of all
2 the other utilities and didn't have to -- have to do
3 that.

4 So, just so I know to whom I'd be addressing
5 a particular question, which of the witnesses will
6 be responding to this?

7 MS. CHILCOTE: Witness Chilcote will respond.

8 MR. PINNEY: Hi over there.

9 Thanks, Mr. West, for moving.

10 So do you have that pulled up in front of you?

11 MS. CHILCOTE: I do, sir.

12 MR. PINNEY: Okay. So I'm just going to be
13 looking at the columns at the very top. I'm going
14 to be working from left to right. I'm just looking
15 at the Mitchell low sulfur 2022 purchase. And so,
16 just to give frame of reference, I'm just -- I'm
17 asking you questions about how Kentucky Power
18 conducts its analysis, not the specific numbers that
19 are on this page. That's why we don't have to go
20 into confidential session.

21 So we've got the offer, plant, and year over
22 to the left. I think that's -- that's going to be
23 self-explanatory, followed by the mine, followed by
24 the quantity, the tons, and the Btu.

25 So tons, to me, is self-explanatory. Can you

1 explain to me what -- what is meant in that column
2 by Btu? I know it's British thermal unit, but for
3 the context of this.

4 MS. CHILCOTE: Yeah. It's a total Btu
5 calculation using the tons offered and the heat
6 content of the coal that was offered in the
7 solicitation.

8 MR. PINNEY: Okay. And so heat content, how
9 is that calculated necessarily?

10 MS. CHILCOTE: It -- it is the British
11 thermal units. So when you purchase a coal, it has
12 a certain heat content.

13 MR. PINNEY: All right.

14 MS. CHILCOTE: And that's what is represented
15 by that column.

16 MR. PINNEY: And so how is that heat content
17 determined? Does -- does the -- the -- Kentucky
18 Power define that or is it the -- the mine?

19 MS. CHILCOTE: So when we solicit bids, we
20 ask the coal companies to provide to us their --
21 their quality specifications, which would -- heat
22 content would also be included in their quality
23 specifications.

24 So a coal company would essentially take a
25 sample of the coal that they have, they would take

1 it to an independent third-party lab, and that lab
2 would run the analysis, and then they would provide
3 that data to us.

4 MR. PINNEY: Okay. All right. And so the
5 next column over would be coal price, and is this on
6 a per-ton basis?

7 MS. CHILCOTE: That is.

8 MR. PINNEY: Okay. And that's just what you
9 would be paying the -- you know, the -- either the
10 mine or the broker for that coal?

11 MS. CHILCOTE: Correct.

12 MR. PINNEY: Okay. And then it -- you
13 talk -- and then the next one over is transportation,
14 river or rail, and I understand that -- is it my
15 understanding that Mitchell -- deliveries to
16 Mitchell are primarily by barge?

17 MS. CHILCOTE: So Mitchell can receive coal
18 by two methods.

19 MR. PINNEY: Okay.

20 MS. CHILCOTE: It receives by barge. We also
21 are connected to one of our suppliers by a direct
22 belt from the mine.

23 MR. PINNEY: Okay. And then -- so the belt,
24 that's -- is it high-sulfur coal that comes from the
25 mine that's next to Mitchell, correct?

1 MS. CHILCOTE: That is correct.

2 MR. PINNEY: Okay. And then I'm stepping
3 over questions I was going to have, but I might as
4 well if you have -- if you're here, so the -- and
5 I'll come back to this bid -- you know what, I'll
6 finish the bid sheet, then I'll ask you another
7 question.

8 All right. So then you have the
9 transportation, and I believe -- is transportation
10 costs included in that coal price that's immediately
11 to its left?

12 MS. CHILCOTE: It is not. The
13 transportation -- you'll see that it notes the
14 district where the mine is coming from, so that's
15 the loading point. So, I mean, I don't think it's
16 confidential. These say, you know, River Point
17 dock, and then to the right of that it lists
18 dollars, it says rate, and that's the rate to get
19 that coal from that dock to the Mitchell plant.

20 MR. PINNEY: And so I believe I read in one
21 of the case files for -- or one -- in the record of
22 one of these cases that -- does Kentucky Power
23 utilize an existing transportation agreement, or an
24 existing transportation contract that another
25 utility may have or at -- the -- the AEP operating

1 company has?

2 MS. CHILCOTE: Yeah. We have an overall
3 operating company agreement for transportation. We
4 have some shared assets.

5 MR. PINNEY: Okay. All right. So then --
6 and then -- so the rate for that, when you look at
7 the transportation, it probably deals with distance
8 and loading points and all that stuff; is that
9 correct?

10 MS. CHILCOTE: Correct.

11 MR. PINNEY: Okay. All right. And then --
12 so we go over to the offered quality of the Btu, and
13 that's the same -- same thing where the -- the --
14 they have conduct -- "they" meaning the people from
15 whom Kentucky Power would be buying coal -- has
16 conducting an analysis with a third party, so -- and
17 then you have the pounds of SO₂. Is that SO_x? Is
18 that what people refer to as SO_x?

19 MS. CHILCOTE: People call that SO_x; that's
20 correct.

21 MR. PINNEY: Okay. All right. And so that
22 varies amongst different kinds of coals. And then
23 the next thing is going to be sulfur percentage,
24 correct? And then --

25 MS. CHILCOTE: Correct.

1 MR. PINNEY: -- ash percentage.

2 MS. CHILCOTE: Correct.

3 MR. PINNEY: All right. So each one of
4 those -- are those -- those inputs there also a
5 result of that third-party test? These are inputs
6 that are provided to Kentucky Power --

7 MS. CHILCOTE: Yes --

8 MR. KURTZ: -- from --

9 MS. CHILCOTE: -- they are.

10 MR. PINNEY: Okay. And then you get to the
11 quality adjustment. So that first column, what is
12 the quality adjustment?

13 MS. CHILCOTE: So what the quality adjustment
14 does, it takes into account the amount of SO2 in the
15 coal. We have to remove the SO2, and so there is a
16 cost to do that.

17 If you look, there's a small box on the
18 left-hand side of that sheet below the -- where it
19 talks about Mitchell and it gives some numbers about
20 FTD removal efficiency, etcetera. Those are what's
21 used to calculate the quality adjustment.

22 Because of the cost to remove SO2 from the
23 coal, that's an added cost that -- that we bear, so
24 that gets included in our valuation of how much does
25 this cost -- how much does this coal cost the

1 consumers to make electricity with.

2 MR. PINNEY: Right. So it would be -- so
3 would it be correct to say the higher the -- the --
4 like say the SOx or sulfur content, the more expense
5 would be borne by the Company to remove that?

6 MS. CHILCOTE: Correct.

7 MR. PINNEY: Is that right? And then -- so
8 the -- in removing it -- and granted, Mark
9 Overstreet is not here. He would say he went to law
10 school because he was told there was no math. I
11 went to law school because I was told there was no
12 engineering.

13 So in removing the SOx and the sulfur, there
14 are chemical reagents that are used in the process?

15 MS. CHILCOTE: That is correct.

16 MR. PINNEY: Okay. And so is it the cost --
17 when you're talking about the cost that the utility
18 has to remove the SOx and the sulfur and the like of
19 that, it's -- is it primarily those chemical
20 reagents that -- at which you're looking, or are
21 there other costs that are involved with that?

22 MS. CHILCOTE: It is -- that is the main
23 cost. If you see in that -- that block, it gives
24 you a removal cost of dollars per ton.

25 MR. PINNEY: Okay.

1 MS. CHILCOTE: And that -- that includes the
2 cost of the reagent. It also includes some other
3 costs at the plant to process that reagent and make
4 it available to be used for the removal.

5 MR. PINNEY: Okay. And you -- and you may
6 not know the answer to this question, so that's why
7 we -- you are surrounded by friends, but when we're
8 talking about the cost of reagents and stuff here,
9 including in this price for coal -- and I'll -- I'll
10 try to ask this question in a way that makes sense.

11 We go over to the quality-adjusted delivered
12 coal column and the delivered MMBtu column, correct?
13 Now, with regard to the delivered, adjusted -- the
14 quality-adjusted delivered cost, those reference --
15 those results that are there in delivered MMBtu
16 cost, are those for the purposes of evaluating the
17 bids, in terms of trying to -- assuming all things
18 are equal, saying -- assuming that the coal -- that
19 the coal's available, that there's no problems with
20 production, you've done your due diligence, it's --
21 it's there, you're looking at those things, and at
22 that point would it be the -- the -- and, like I
23 said, assuming all things are equal, the lowest --
24 the lowest price of coal would be something that you
25 would choose?

1 MS. CHILCOTE: So yes. When -- when we
2 evaluate bids, we look at it on the lowest delivered
3 cost to make a purchase, right, for -- so we can --
4 we can have the lowest delivered cost for the
5 customers to the plant to make electricity.

6 MR. PINNEY: Okay. And that's -- and
7 that's -- and that's what I was asking. I'm not --
8 not -- this is not a gotcha question.

9 All right. So I won't have any more
10 questions really about the confidential nature of --
11 of this.

12 Just one follow-up question. And I can't
13 remember, it might have been Mr. Vaughan that --
14 that talked about the cost of reagents and where --
15 where they are recovered. And so the reason I'm
16 asking this question is that the cost of the
17 reagents and the cost of removing the SOx and
18 whatever -- and whatnot are included in the
19 evaluated cost when deciding to make a particular
20 bid.

21 So when you're looking to recover the cost of
22 fuel burned through the FAC, is it this cost that
23 you hear when you're doing the evaluation of per ton
24 with the quality and everything that's -- that's
25 being pushed through, which would include the cost

1 of reagents and the like of that, or is it a
2 separate type of calculation of what is running
3 through the FAC and then the reagents are recovered
4 through the environmental surcharge mechanism?

5 And if you don't know, I'll just get it in a
6 post-hearing data request, but -- so Mr. Vaughan, I
7 think, may have said -- and I don't want to put
8 words -- too many words in your mouth, but I -- I'm
9 going to -- that earlier, in response to cross from
10 Mr. Kurtz, I believe, they were talking about like
11 some of those chemical components that -- or you
12 thought might be recovered through -- and he was
13 asking questions about O&M.

14 MR. VAUGHN: Lime, limestone, those -- those
15 types of things, yes.

16 MR. PINNEY: And those are the reagents that
17 we're talking about that are used just to take out
18 the SOx and NOx or whatever and stuff; is that
19 correct?

20 MR. VAUGHAN: I'm going to work with Kim
21 here, with Ms. Chilcote, but, yeah, I believe -- I
22 believe she evaluates it on a total cost basis, and
23 regardless of how the recovery is bifurcated from a
24 ratemaking standpoint.

25 MR. PINNEY: Okay.

1 MS. CHILCOTE: That would -- yeah, that's --
2 I would say that we look at it on a total delivered
3 cost basis of what -- what is it going to cost us to
4 use this, this product, right? So we don't -- we're
5 not concerned about where those costs are recovered.

6 MR. PINNEY: Right.

7 MS. CHILCOTE: Our sole concern is to get the
8 lowest delivered cost to the plant for them to use
9 to make the electricity.

10 MR. PINNEY: Okay. Thank you very much.
11 That answers my question. I appreciate that.

12 MS. KAHN: Can I add one clarification? This
13 is Lerah Kahn.

14 MR. PINNEY: Yes, ma'am.

15 MS. KAHN: So those -- most of the reagents
16 are recovered through the environmental surcharge,
17 but they have to be approved through our ECP,
18 Environmental Compliance Plan, so there may be
19 reagents that are within our base rates.

20 MR. PINNEY: That's fair. Thank you. I
21 appreciate the clarification. And honestly, these
22 weren't questions I intended to ask and so you're
23 just lucky I'm inquisitive.

24 Well, and one last question about this. I
25 was -- I misspoke about this sheet. In these

1 evaluation sheets, this or even some of the earlier
2 cases, was the severance -- coal severance tax, the
3 origin of the state removed in the evaluation?

4 MS. CHILCOTE: So we -- we don't remove any
5 costs in the evaluation of our bids, so the cost
6 that's offered to us is how we evaluate, and -- and
7 we wouldn't have changed what we had purchased based
8 on coal severance tax.

9 MR. PINNEY: Okay. All right. Now I want to
10 move on from that one confidential document.
11 Hopefully I'm not going to reference it anymore, so
12 we can -- we can all take a deep breath. I only
13 have 68 more questions to go.

14 So, generic question, I want to talk about,
15 is -- is anybody -- who -- who makes the filings for
16 the Form A FAC filings? Not the backup filings but
17 the ones where Kentucky Power makes the filing with
18 the proposed FAC factor for the -- for the following
19 month?

20 MS. KAHN: So Lerah Kahn speaking. That
21 would be Brian West's team, so specifically Scott
22 Bishop and myself prepare the FAC in tandem
23 together.

24 MR. PINNEY: Okay.

25 MS. KAHN: Although he is considered the lead

1 on it. The FAC itself, though, has a ton of inputs
2 that go into it, so to compile it we're getting a
3 ton of accounting files or maybe automatically
4 generated reports that we're pulling every month in
5 which to do that.

6 MR. PINNEY: Right. And so there's --
7 there's -- correct me if I'm wrong, but there are
8 primarily two, shall we say monthly filings that a
9 generator makes with the Public Service Commission.
10 One's going to be the Form A. It's kind of a
11 simpler form, wouldn't you agree? You know what I'm
12 talking about? It's what -- it's what the -- is
13 presented to the Public Service Commission on a
14 monthly basis no later than the 20th of every month
15 for the proposed FAC factor for the following month,
16 correct?

17 MS. KAHN: So I'd -- correct. I'd just
18 adjust it a little bit. It's ten days before the
19 end of the month, or before it goes into effect. So
20 for us, our first billing cycle might be like the
21 27th. So we would --

22 MR. PINNEY: Okay.

23 MS. KAHN: -- back it up from there.

24 MR. PINNEY: All right. All right. Thank
25 you.

1 MS. KAHN: Uh-huh.

2 MR. PINNEY: I appreciate that. I've already
3 been told I was wrong a few times today, so -- but
4 I -- no, I do appreciate the clarification on that,
5 particularly since this is a shorter month, even
6 though it's a leap year.

7 So with that Form A, if you're -- if you're
8 familiar with that, is there -- when you're making
9 that filing -- "you," Kentucky Power, making that
10 filing, is there any proration -- prorating of the
11 FAC factor that goes into -- that is considered, or
12 is it it goes into effect March 1?

13 MS. KAHN: So on a very -- this is Lerah Kahn
14 speaking. Apologies.

15 On a typical month it's always on a bills
16 rendered basis. If you look at our forms, it says
17 effective for billing month X, and that's why we do
18 it that way.

19 If there was to be some reason to prorate, we
20 would do that, such as a Commission order that says
21 this is for services rendered on and after so-and-so
22 date. And that happens typically within a base fuel
23 change in a two-year review.

24 MR. PINNEY: Okay. All right. And then this
25 is more of an accounting question, but, you know,

1 can you describe what happens between an expense
2 month and the final fuel schedule? I guess is that,
3 what, the true-ups and everything that occurs
4 that -- you know, a month or two later? You know,
5 what gets clarified between the estimated and the
6 actual expense month?

7 MS. KAHN: I think it's just a matter of we
8 only have preliminary numbers for certain things,
9 and we will not estimate at all any non-FAC eligible
10 costs, such as for forced outage, purchased power,
11 related purchases. Sorry. I said that. And then
12 the PUE. We won't try to estimate either one of
13 those components at all. And then most of our
14 numbers are actuals in terms of our coal burned or
15 our gas used. Then we true that up in the next
16 month with the actuals.

17 MR. PINNEY: So you don't forecast -- or you
18 don't estimate the PUE?

19 MS. KAHN: We do not.

20 MR. PINNEY: And then if that --

21 MS. KAHN: For purposes of the fuel
22 adjustment clause.

23 MR. PINNEY: For purposes of the fuel
24 adjustment clause. And then -- so, under that
25 scenario, just high level, PUE is the line, anything

1 purchased -- anything above that cost is considered,
2 what, a non-economic purchase not to be recovered
3 through the FAC, correct?

4 MS. KAHN: Correct.

5 MR. PINNEY: Okay. And then anything below
6 is an economic purchase and is recovered through the
7 FAC, you know, either -- either of which of those
8 purchases is subject to -- to review later on, but
9 in -- for the purposes of -- of recovering through
10 the FAC, that's -- that's the dividing line, that
11 PUE?

12 MS. KAHN: Lerah Kahn speaking. Correct. So
13 we will estimate the purchased power cost.

14 MR. PINNEY: Okay.

15 MS. KAHN: But then the next month we'll
16 true-up if there was anything that should have been
17 excluded.

18 MR. PINNEY: Okay. All right. I understand
19 sometimes this is an art, not a science, it's -- and
20 so I -- that -- that -- that satisfies my question
21 just how, you know, we -- we get to that.

22 And so I believe that Kentucky Power is
23 proposing to reset its FAC base rate; is that
24 correct?

25 MS. KAHN: Lerah Kahn speaking.

1 Correct. It is currently 2.612, and at
2 Bishop testimony, page 5, we're proposing 3.38.

3 MR. PINNEY: Okay. And you -- remind me
4 which month you're proposing to use as the
5 reflective month.

6 MS. KAHN: Lerah Kahn speaking.

7 So that would be January 2022.

8 MR. PINNEY: Okay. And so it's now February
9 of 2024. Has anything transpired in the two years
10 since -- or in the two years for the month that
11 Kentucky Power wants to use to reset its FAC base
12 rate that would lead FA -- that would lead Kentucky
13 Power to propose a different month?

14 MS. KAHN: Not that -- Lerah Cohn speaking.

15 Not that I'm aware of. Scott Bishop did look
16 at the months that have now billed that we're aware
17 of, so through November 2023, and looked at what the
18 FAC rate was for those months, and our proposed rate
19 is very much in line with that except for a couple
20 outlier months.

21 And then also I can infer that because we're
22 in line through those new months of consideration.
23 If you look at Table SEB 2 on page 8, that we're
24 there -- very much in line with our forecasted as
25 well, which means I can assume we are going to

1 continue on that trend.

2 MR. PINNEY: Okay. You were referring to
3 table. I'm sorry. Where was that?

4 MS. KAHN: It's on -- well, I'm looking at
5 the errata, so it's Bishop Errata 8.

6 MR. PINNEY: Okay.

7 MS. KAHN: Table SEB2.

8 MR. PINNEY: Okay. Now I have a few questions
9 about -- you can sit back. I don't think -- you can
10 do whatever you want, but my next question is about
11 gas transmission and sales, so --

12 MS. KAHN: Lerah Kahn speaking.

13 I'm good. I'll sit back.

14 MR. PINNEY: Okay. Just does Kentucky Power
15 have firm gas transmission contracts for its --
16 well, its one natural gas generating unit?

17 MR. STUTLER: Clint Stutler responding.

18 Yes, we do have firm transportation for Big
19 Sandy.

20 MR. PINNEY: And is it with one transmission
21 company, or are there a few in the area?

22 MR. STUTLER: Yes, it's with one pipeline
23 company from a specific receipt point to Big Sandy
24 as a delivery point.

25 MR. PINNEY: Okay. And then I'm taking a

1 look at -- at the response to Staff's First Request,
2 Question 6, Attachment 1, and I believe -- and also
3 in, Mr. Stutler, your direct testimony, page 11.
4 I'll give you a second to get to your testimony.
5 Just let me know when you get there.

6 MR. STUTLER: Okay.

7 MR. PINNEY: Okay. Thank you.

8 And I think the testimony begins -- it
9 states, (Reading) Beginning in January 2023,
10 Kentucky Power began purchasing a portion of
11 expected natural gas requirements at a fixed price
12 in advance of the month of flow. This reasonable
13 and prudent strategy modification will subdue
14 volatility to an extent and will provide additional
15 surety of natural gas costs.

16 So prior to that were all purchases spot
17 purchases?

18 MR. STUTLER: That is -- that is correct.
19 And prior to 2022, you know, the natural gas market
20 prices were, you know, low and pretty stable, but
21 with the volatility that we've seen in the last
22 couple of years, specifically the end of '21 and
23 then into '22, where we saw prices increase due to a
24 bunch of different factors related to production
25 levels, demand for natural gas, the -- the ebb and

1 flow of natural gas storage, our -- our -- our -- I
2 guess our position is that, you know, we want to
3 take a stance and buy some additional forward gas at
4 fixed prices to kind of protect customers against
5 that volatility that -- that we see ongoing into the
6 future.

7 MR. PINNEY: And so if you -- if you have a
8 fixed natural gas price, is this more of a physical
9 hedge or a financial hedge?

10 MR. STUTLER: It's a -- it's a fixed -- it's
11 a -- it's a physical hedge.

12 MR. PINNEY: Okay.

13 MR. STUTLER: So the price -- the gas is
14 basically delivered in forward months at a -- at a
15 fixed price.

16 MR. PINNEY: I was -- well, I'll ask one
17 question, and I know Kentucky Power is not in
18 necessarily the natural gas business, but is there a
19 possibility of natural -- of Kentucky Power having
20 the ability to store natural gas?

21 MR. STUTLER: We have -- we have evaluated
22 that. At this point in time, the transmission of
23 the pipeline that we're -- that we currently have
24 firm service, they did not have any availability of
25 gas storage, but it is something that we have looked

1 into.

2 MR. PINNEY: So when we're talking about gas
3 storage, it's actual storage on the pipeline?

4 MR. STUTLER: Yeah. So in theory the way it
5 would work is that we would purchase gas during
6 periods of, you know, say low cost, maybe April,
7 March-April time frame, put that gas into storage
8 and then be able to pull it out during periods of
9 higher cost, most notably the wintertime, January
10 and February, where prices are more volatile.

11 We've -- we started looking into it, we had
12 discussions with the pipeline company, and they did
13 not have anything available for Big Sandy to use at
14 this point in time.

15 MR. PINNEY: Okay. And so when you're --
16 when you're looking at storage, you would pay the
17 pipeline company --

18 MR. STUTLER: That --

19 MR. PINNEY: -- for that storage, right, and
20 it's whether or not they're oversubscribed in that
21 line, etcetera and so forth?

22 MR. STUTLER: That is correct. There is a --
23 there's a -- there's a cost that comes with storage
24 that would have to be evaluated to make sure that it
25 makes sense.

1 MR. PINNEY: Okay. And then sticking with
2 your direct testimony, Mr. Stutler, bottom of
3 page 11 into page 12, and your testimony says that
4 the flow period is usually one day, but it can
5 extend from two to five days if that include --
6 period includes a weekend or a holiday or both.

7 So my question is that, you know, what
8 happens if something changes in the meantime that
9 does -- that -- does this take place every day, this
10 decision about gas, or, you know, it's 5:00 o'clock
11 on a Friday and everybody's home -- everybody goes
12 home, and if something changes there's no ability to
13 make -- to get gas?

14 The reason I bring this up is that it was an
15 issue, I believe, with Winter Storm Elliott in PJM
16 where it was a long -- you know, Winter Storm
17 Elliott was coming into a long weekend, not just a
18 regular weekend, a long weekend, and I think that
19 the ICE gas marketers were on holiday. There was
20 simply nobody to call to get gas for some of the
21 units.

22 Does Kentucky Power, AEP, you know, either --
23 either one have the ability to procure gas if it
24 needs to on the weekend?

25 MR. STUTLER: Yeah, absolutely. And, you

1 know, I -- just for a point of clarification. So
2 ICE is an exchange where buyers and sellers get
3 together to transact, and, you know, it's available
4 on the weekend. I mean, we could put a bid on ICE
5 for the weekend, but the problem is that probably
6 nobody's looking at it because it is a weekend.

7 And I guess to answer an earlier question,
8 you know, this is a 24/7 job. There's things that
9 are always changing. We're able to kind of look in
10 the next day to determine whether or not we think
11 Big Sandy is going to get to an award, and we're
12 able to make our purchase decisions based on that,
13 but when you have a long weekend or a weekend
14 period, you know, Big Sandy may be in the money two
15 out of the three days or one out of the three days,
16 so there's some uncertainty that goes along with
17 that. And so in those types of cases, sometimes
18 we'll make the decision to buy the gas for the
19 weekend, if it's a three-day weekend, and then
20 potentially have to sell some gas back if Big Sandy
21 does not get an award.

22 Other times, when we look at it and we say,
23 "Okay. Well, it doesn't look like Big Sandy is
24 going to be in the money," we don't buy any gas, but
25 then all of a sudden PJM awards Big Sandy, so now

1 we're back in the market on a Friday after 5:00, or
2 Saturday or Sunday, trying to pick up gas so that
3 Big Sandy can operate.

4 MR. PINNEY: Okay. And so Big Sandy is a
5 converted unit, correct? It was converted from coal
6 to gas?

7 MR. STUTLER: That's correct.

8 MR. PINNEY: And with those characteristics,
9 and this is -- you -- you brought up -- you know,
10 you -- you raised the question in my mind about,
11 okay, all of a sudden -- you didn't anticipate it to
12 be called, but it cleared. How long does it take
13 to -- to fire up Big Sandy, I guess, so that it can
14 be dispatched?

15 MR. STUTLER: That's probably a better
16 question for -- for Witness Mell, but it is -- it's
17 not a quick startup.

18 MR. PINNEY: Okay.

19 MR. STUTLER: It's -- it's a period of hours.

20 MR. PINNEY: All right. Mr. Mell, do you --
21 do you know?

22 MR. MELL: David Mell responding.

23 When we -- when we receive a bid, normally
24 it's in the afternoon on -- around 1:00 o'clock. It
25 takes us two hours to put a fire in the boiler, and

1 then it takes us, what -- what -- to release to PJM
2 for full dispatch is 20 hours later. So it has a
3 considerable startup time.

4 MR. PINNEY: So -- and when you say you get
5 the -- the notification at 1:00 p.m., that's for the
6 day-ahead market --

7 MR. MELL: Yes.

8 MR. PINNEY: -- and you then --

9 MR. MELL: Typically, yes.

10 MR. PINNEY: Okay. The bid -- the unit has
11 been bid in at a certain cost, and then PJM will let
12 you know by about 1:00 o'clock or so?

13 MR. MELL: Correct.

14 MR. PINNEY: And if you get 20 hours, that
15 means that it can come online at one -- one is four.
16 Carry the two. About 10:00 a.m., 9:00 a.m.-ish? Is
17 that what we're looking at?

18 MR. MELL: Correct. That would be -- we're
19 on -- we come online -- just to be clear, we come
20 online probably six -- 14 hours into the process --

21 MR. PINNEY: Okay.

22 MR. MELL: -- we start to generate
23 electricity. But full -- full release to PJM is
24 another six hours to clean up our water and heat up
25 the rest of the system.

1 MR. PINNEY: And at that point you're
2 available for -- I'll -- I'm using, you know, terms
3 of art -- full dispatch, I guess, you know, running
4 at full capacity, to the extent that PJM would
5 assign it, roughly a time where -- where that curve
6 that -- starts to go up, the price curve starts to
7 go up, where --

8 MR. MELL: Correct. PJ --

9 MR. PINNEY: -- more load is needed?

10 MR. MELL: Obviously PJM brings us --
11 typically brings us in when -- you know, when --
12 when they forecast the price -- the demand, you
13 know, and -- and the price is going to be there to
14 support us running.

15 MR. PINNEY: Okay. All right. And then --
16 so -- so Big Sandy is not necessarily what is
17 deemed -- well, is it correct that Big Sandy is not
18 necessarily deemed, what, a base load unit? And I
19 saw it referred to as a -- and I cannot remember
20 where in the record -- as a, maybe intermediate load
21 unit? Would that be a fair characterization? It's
22 not a CT over here on this side in terms of, you
23 know, the load capacity factor, but it's not a coal
24 unit either.

25 MR. MELL: I don't know that the term is an

1 intermediate load. Depending on the price of gas,
2 Big Sandy can run full load round the clock.

3 MR. PINNEY: Okay.

4 MR. MELL: So we kind of -- we kind of -- I
5 don't know what the term might be, but we kind of --
6 we have flexibility. One of the beauties of that
7 unit is we have flexibility to control across the
8 whole load range, and then if prices -- if prices
9 are low enough, you know, and the demand is there,
10 we will be -- we will sit at full load, 295
11 megawatts.

12 MR. PINNEY: Okay.

13 MR. MELL: So there's -- once we get online,
14 there's a good bit of flexibility for that -- for
15 that unit. We can turn down. Our turndown is
16 fairly low.

17 MR. PINNEY: Okay. Thank you.

18 And so, Mr. Stutler, it goes back to you.
19 Just one last question about that. Is it -- you
20 know, does Kentucky Power/AEP have policies in place
21 for procurement of gas on the weekends?

22 MR. STUTLER: We do. And that -- I guess the
23 procedure or the policy is that we would solicit
24 suppliers via telephone or text message, ask them
25 availability of supply, and then if there is

1 availability of supply, then we'll get some pricing
2 information and make purchase decisions based on
3 that.

4 MR. PINNEY: Okay. All right. So, just to
5 give you all a sense of what's to come, my next few
6 questions are going to talk about coal procurement,
7 particularly about coal procurement during the
8 period under review, the two-year period under
9 review, so just gird yourselves.

10 So during the period under review, at what
11 point did Kentucky Power begin to realize that their
12 coal inventory at Mitchell could be an issue?

13 MS. CHILCOTE: Kimberly Chilcote responding.

14 So you have to understand the -- the whole
15 economics that was in play during -- during the
16 time, right? We were coming out of COVID in 2020
17 and into '21. And into 2021 we had significant
18 supply on the ground just due to the lack of demand
19 that we had seen in the prior years.

20 And then as Kentucky Power went out -- AEP
21 Service Corp went out for an RFP in May of 2021 for
22 purchases of coal. When we went out for that RFP in
23 May of '21, our forecast showed that we had enough
24 coal purchased in '21 to meet the forecast that we
25 had at that time for the Mitchell plant.

1 We purchased coal for Mitchell in later years
2 from that May '21 RFP, and then as you walk through
3 that summer months of 2021, the whole macroeconomics
4 changed, right? You saw increased gas prices. We
5 saw increased power prices. There was a huge demand
6 for coal externally outside of the United States.

7 And so we went out for an RFP. We had a new
8 forecast in September, and when we had that forecast
9 in September, we had a need for more coal for
10 Mitchell for the end of '21, and so we went out for
11 an additional RFP at that time.

12 When we issued that RFP, we asked for it in a
13 shorter time of return than we had historically.

14 MR. PINNEY: Excuse me. Just to clarify.
15 Are you still talking about the September RFP?

16 MS. CHILCOTE: The September --

17 MR. PINNEY: Okay.

18 MS. CHILCOTE: -- of '21; yes, sir.

19 So in September of '21 we didn't get hard --
20 we didn't get any bids for -- for 2021 at that
21 point. Most of the coal companies were fully --
22 what I would call fully subscribed, right? They had
23 sold all their coal for 2021 and a large portion of
24 their coal for 2022, and prices were rapidly
25 increasing for coal at that point too.

1 What we did as a company, we didn't sit
2 around and say, "Oh, there's no coal, we're just
3 gonna wait." We picked up the phone, right?
4 Because we've been in this business for years. So
5 we picked up the phone and we said to these
6 suppliers, "We need you to help us. We -- we need
7 more coal. And what can you do to help?"

8 So we issued that plea, not just for Kentucky
9 Power, but for all of our utilities, right? Because
10 it wasn't strictly a Kentucky Power issue, it was --
11 it's -- it was a national issue, right? Everybody
12 needed coal at that point.

13 And -- and we were not -- you know, we -- we
14 found coal in the market. We actually ended up
15 contracting -- we talked about the belt that goes to
16 Mitchell from one of our high-sulfur suppliers. We
17 actually ended up doing contracts with two other
18 high-sulfur suppliers at that time. So we added
19 diversity of supply into -- into the Kentucky Power
20 portfolio because of reaching out to people and
21 trying to find additional coal at that time.

22 But we didn't have enough, and nor could we
23 purchase enough to meet the new forecast that we
24 had. We purchased what we could, but there was --
25 there just wasn't enough to meet that new forecast.

1 And -- and then the other concern you have
2 with that is now I'm purchasing coal at significantly
3 higher prices than I had purchased in years, right?
4 We saw that market go from -- the high-sulfur market
5 went from \$45 a ton, right, in early '21, and in the
6 end of 2022, or the -- like October of 2022, that
7 market was \$200 a ton. So there was a significant
8 change in the whole market during that time.

9 So you have to make reasonable purchases,
10 right? I don't want to purchase a whole lot of \$200
11 coal because that's not going to make us very
12 economic in the long run.

13 So, you know, it was -- it was -- you had to
14 make the decisions that you knew at the time that
15 were the right decisions.

16 MR. PINNEY: Okay. And just for point of
17 clarification, you said -- you're talking about "We
18 made coal purchases," you're talking about the
19 operating company, correct --

20 MS. CHILCOTE: Correct.

21 MR. PINNEY: -- that would be? Okay. And
22 making purchases on behalf of a lot of AEP entities?

23 MS. CHILCOTE: That's correct.

24 MR. PINNEY: And so with regard to Kentucky
25 Power and Mitchell, it's correct that Kentucky Power

1 has a 50 percent interest in Mitchell, correct?

2 MS. CHILCOTE: That's correct.

3 MR. PINNEY: And the other part, the other
4 utility is Wheeling Power; is that correct?

5 MS. CHILCOTE: That's correct.

6 MR. PINNEY: Okay. And then -- so when "we,"
7 the Company, is making purchases for coal, it's
8 doing it on behalf of both Kentucky Power and
9 Wheeling Power, correct?

10 MS. CHILCOTE: That is correct.

11 MR. PINNEY: Okay. All right. All right.
12 All right.

13 And so when do you -- there's -- there's --
14 well, we'll get to the adder and the ten-day rule in
15 a little bit about PJM, but -- so this is -- you --
16 I asked questions about when did Kentucky Power
17 becomes concerned about their coal stockpile. So
18 when did PJM -- if anybody knows, when did PJM start
19 discussing concerns about adequacy of fuel supplies
20 or availability?

21 MR. VAUGHN: Alex Vaughan responding.

22 Yeah, Mr. -- Mr. Stegall's testimony in
23 22-00263 discusses that on page 5. It was in
24 October of 2021 when PJM, you know, revised Manual
25 13 to account for these potential fuel and reagent

1 shortages in the coal fleet.

2 MR. PINNEY: And so when did -- so that's
3 when PJM did it. When did AE -- I'm going to use
4 AEP because I think -- I think -- I mean, I'm going
5 to make a statement, you can tell me if I'm wrong,
6 or you can pretend it's a question.

7 The decisions for coal purchases and bidding
8 units into the market and stuff are not made by the
9 individual utility? They're not made exclusively by
10 Kentucky Power, they're made by -- well, I mean, AEP
11 operating company might have -- might have some say
12 in that. Is that -- would that be correct?

13 MR. VAUGHAN: Let me -- Alex Vaughan
14 responding.

15 Let me -- let me explain how it happens, just
16 to --

17 MR. PINNEY: Yeah.

18 MR. VAUGHAN: -- give you the flavor there.
19 And so to your first question of timing, you know,
20 Witness Chilcote just discussed that it was
21 September RFP. So sometime during September there
22 where we -- the forecast, the demand for power from
23 coal-fired generation had changed, and we went to
24 the market and didn't get responses. So that lines
25 up exactly where PJM is making market rule changes

1 to protect against this.

2 And so it's -- it's that September-October
3 time frame in 2021. And, you know, you can -- you
4 can plot that on a curve of gas and power prices.
5 It's -- it's where you came up out of the trough
6 that we had seen for a very long time of low power
7 prices and it -- it's kind of towards the start of
8 the new -- new plateau there.

9 How the process works on offering units,
10 committing units, all that, especially during
11 this -- this period of time, we have monthly
12 meetings with all of the relevant personnel. So all
13 of the -- the opco personnel for finance,
14 regulatory, operations, generation, the folks that
15 manage the plants, the folks that procure the fuel,
16 the folks that offer the units in, do the daily --
17 the daily interactions with PJM, and some folks like
18 myself sit in as well.

19 And we -- we look at the analyses and the
20 information available to us at the time, and the
21 subject matter experts in each area, they make
22 proposals of what they think the prudent course of
23 action is, then the operating company officials tell
24 them yes or no, I would like you to engage in that,
25 apply that strategy for me, or how about you tweak

1 the strategy like this and let's do that, and then
2 AEPSC goes -- goes back and does that for them.

3 So I -- like I said, myself or Mr. Stegall,
4 we're in a lot of these meetings, and so are a lot
5 of people in this room, and, you know, Witness
6 Stutler, Witness Chilcote, maybe Mr. Dial, who isn't
7 around anymore, they -- it would make, along -- as
8 well as the other commercial operation folks, they
9 would -- they would say, "Mr. West, we think we need
10 to do X, Y, and Z."

11 And he would say, "Yeah, that's reasonable"
12 or "How about we do X and Y, not Z?"

13 You know, that's -- that's how the
14 interaction works between the subject matter experts
15 there at the service company and how they get that
16 direction from the opcos.

17 MR. PINNEY: Okay. All right. And so
18 that'll lead into a question in just a little bit.
19 But I'm going to take a step back. And so we talked
20 about changes to Manual 13. And I understand -- I
21 think it was the testimony of Mr. Stegall, which --
22 is that correct, that talked about those changes,
23 but you've adopted that?

24 MR. VAUGHAN: Yes.

25 MR. PINNEY: Now, is Mr. Stegall still with

1 the Company?

2 MR. VAUGHAN: He is. He's testifying in
3 Oklahoma tomorrow.

4 MR. PINNEY: It's warmer there, I can
5 understand --

6 MR. VAUGHAN: Yeah.

7 MR. PINNEY: -- why he would want to be
8 there. Okay.

9 MR. VAUGHAN: He and I get around to the 11
10 states, so --

11 MR. PINNEY: Okay. All right.

12 MR. VAUGHAN: -- things like this happen.

13 MR. PINNEY: All right. And so how are -- to
14 the extent anybody knows, how are changes made to a
15 PJ -- the PJM manual? Let's say -- let's pick
16 Manual 13. How are those made?

17 MR. VAUGHAN: I think -- I think there are
18 some changes -- well, it depends. You're getting a
19 little -- a little past my depth of all of the RTO
20 administration. I might look to Mr. Burkholder for
21 some help there.

22 But generally changes happen to the tariff or
23 to manuals through a stakeholder process, or
24 potentially it could be brought on by the
25 independent market monitor.

1 I do not remember who, in this case, said we
2 need to change this -- this procedure in Manual 13
3 from a fuel security standpoint as I sit here today.

4 MR. PINNEY: Okay. Because AEP, and just
5 broadly speaking, is -- is a member of PJM?

6 MR. VAUGHAN: Yes.

7 MR. PINNEY: So probably -- would it be
8 incorrect to say an in -- a significant stakeholder
9 or a large member of PJM?

10 MR. VAUGHAN: We are a large utility, yes.

11 MR. PINNEY: All right. And so if changes --
12 if changes are going to be made to a manual, I'm
13 just wondering, does AEP have a seat at the table
14 for those changes?

15 MR. VAUGHAN: Yeah, I believe so, but again,
16 I'll look to Mr. Burkholder. You know, there's --
17 there's not always -- right, there's -- there's
18 procedures, right? You get -- you get a vote,
19 perhaps, regardless of your size, depending on -- in
20 some cases.

21 So, you know, if -- if we were 50 percent of
22 the RTO in some hypothetical, I don't believe we get
23 50 percent of the votes in how -- how something
24 changes, but it -- regardless, you know, that --
25 that change in Manual 13, because of fuel security,

1 you know, it -- it lined up with what our experts
2 were observing in the market and what we were seeing
3 at other utilities at the same time.

4 MR. PINNEY: Okay. Mr. Burkholder, do you
5 have any follow-up to -- to that question?

6 MR. BURKHOLDER: This is Joshua Burkholder
7 responding.

8 Yeah, I would say so. Changes to the manuals
9 that are being discussed here are reviewed at
10 various committee levels at PJM. Typically, you
11 know, if there's concerns, we can certainly
12 advocate. The voting you're talking about would
13 generally be advisory, you know, to be able to -- to
14 represent as the -- certainly the stakeholder group
15 and -- and in general support or oppose the proposed
16 changes.

17 So I think that this has been characterized
18 fairly. I don't have anything substantive to change
19 or alter about the discussion.

20 MR. PINNEY: I beg your pardon. I didn't
21 hear that last part.

22 MR. BURKHOLDER: Oh, just said -- so nothing
23 to -- to sort of change or alter the discussions
24 that have been had on -- on this matter.

25 MR. PINNEY: Okay. So you say it's subject

1 to -- to approval by various committees, you mean
2 committees at PJM?

3 MR. BURKHOLDER: So it will -- it will be
4 voted on typically, because it's a business practice
5 manual, you know, on an advisory basis.

6 MR. PINNEY: Okay.

7 MR. BURKHOLDER: So -- you know, again, so
8 PJM, the Office of Interconnection will, you know,
9 take into account, you know, that voting as they --
10 you know, as they -- they look at changes to -- in
11 this case to business practice manuals.

12 MR. PINNEY: Yeah. So do you know if FERC
13 approval is necessary for changes in the manuals?

14 MR. BURKHOLDER: Typically not.

15 MR. PINNEY: Okay. So -- but if there are
16 changes in tariffs, then that's where FERC approval
17 would come in; is that correct?

18 MR. BURKHOLDER: Yes, that's correct.

19 MR. PINNEY: Okay. All right. Would I be
20 out over my skis to suggest that the committee that
21 approved the changes would have been the MRC, the
22 Market Reliability Committee for PJM?

23 MR. BURKHOLDER: I am not familiar with the
24 particular changes that were made as far as knowing
25 exactly the committee, the stakeholder process that

1 occurred during that time.

2 MR. PINNEY: Okay. And I guess, then, if I
3 were to ask a question regarding if you knew who
4 belonged -- who were members of the Market
5 Reliability Committee, that you would not -- may not
6 be able to tell me?

7 MR. BURKHOLDER: Correct.

8 MR. PINNEY: Okay. All right. And so,
9 Mr. Vaughan, you talked about the meetings that were
10 held at PJM when -- you know, when it became
11 aware -- when it became apparent that coal might be
12 an issue, an issue for --

13 MR. VAUGHAN: The meeting --

14 MR. PINNEY: -- (indiscernible).

15 MR. VAUGHAN: Sorry. The meetings I were
16 discussing were AEP meetings.

17 MR. PINNEY: Right.

18 MR. VAUGHAN: Okay. Yeah. Sorry. Yeah.

19 MR. PINNEY: All right. AEP meetings, like
20 that.

21 MR. VAUGHAN: I sit in exactly zero PJM
22 meetings.

23 MR. PINNEY: That's right. Thank you. AEP
24 meetings.

25 MR. VAUGHAN: Okay.

1 MR. PINNEY: You know, and you talked about
2 who was -- who were in these discussions. Are there
3 any documentations that AEP -- documentation that
4 that AEP has, you know, of these meetings and the
5 things that were discussed? Are there -- are there
6 meeting minutes for this? Is there a timeline that
7 could be provided to the Commission that shows -- to
8 document AEP's, you know, quote, unquote, concern
9 and the actions that it was taking to address these
10 that aren't -- that aren't in the record right now?

11 MR. VAUGHAN: I believe everything is in the
12 record right now. We have summary documentation
13 that gets included kind of as a discussion document
14 each month, so I'm almost certain it's already in
15 the record as a data response. I can -- we can
16 probably get that to you here afterwards, the
17 reference to it.

18 But basically what it is, again, it's you're
19 pulling together a lot of people that are doing a
20 lot of operational things to -- to have this
21 discussion. So we don't -- during this period of
22 time, things were very busy, things were very
23 volatile, right? A lot of -- a lot of operational
24 concerns.

25 And so you had all of the -- the utilities

1 together in this discussion. And the way we kind of
2 laid it out was: Here's -- here's what would happen
3 without intervention, here's what we're
4 recommending, and kind of in a -- in terms of a
5 discussion document that provides like the base
6 analysis behind -- behind the recommendations.

7 There's -- we don't take --

8 MR. PINNEY: So --

9 MR. VAUGHAN: We don't take minutes.

10 MR. PINNEY: -- these minutes weren't
11 conducted according to Robert's Rules or something
12 like that?

13 MR. VAUGHAN: No.

14 MR. PINNEY: Okay.

15 MR. VAUGHAN: They were not brought to order.

16 You know --

17 MR. PINNEY: Yeah.

18 MR. VAUGHAN: -- there was --

19 MR. PINNEY: Right.

20 MR. VAUGHAN: -- no secretary taking down
21 everything, no.

22 MR. PINNEY: Okay. We may ask in a
23 post-hearing data request for additional
24 documentation, if any, but we just -- just to let
25 you know, we may be asking for that.

1 MR. VAUGHAN: Yeah, certainly. I'll just --
2 I'll tell you right now, we have -- we have a
3 standard -- a standard discussion document that we
4 use every month.

5 MR. PINNEY: And so when you were -- when you
6 were discussing the utilities that are all meeting,
7 and they're all AEP utilities, are we talking
8 about -- I'm sorry. Are you talking about the
9 load-serving entities, or are there also -- does AEP
10 have merchant interests elsewhere that would be part
11 of the conversation?

12 MR. VAUGHAN: These are all the regulated
13 utilities during -- during the review period here.
14 It's -- it's folks -- it's your -- your PJM and SPP,
15 vertically integrated utilities. You know, we don't
16 have -- we don't have like the wires company in Ohio
17 or Texas in there. Like this discussion is
18 superfluous to them. They're -- they don't have
19 power requirement needs, they're not generate -- you
20 know, they're -- they're not a load-serving entity
21 or they're not -- I guess they're deregulated in
22 those states, so they -- they serve load, but they
23 don't have to procure the -- the service, right? So
24 it's -- it's other utilities like Kentucky Power
25 Company.

1 MR. PINNEY: Okay. And so then, I guess
2 for -- for Kentucky Power, and we're looking at
3 their, quote, unquote, zone of PJM, is that the AEP
4 East Zone? Is that correct?

5 MR. VAUGHAN: Well, so the AEP zone is a
6 transmission zone. When -- when you would be
7 looking at like Kentucky Power, it has a
8 different -- all of the vertically integrated
9 utilities, AEP utilities in the east, have different
10 and distinct pricing points.

11 So like we have a pricing aggregate for the
12 Kentucky Power load set up in PJM, so that's a price
13 specific to our actual load here in Kentucky.
14 Appalachian Power has its. You know, Indiana
15 Michigan Power has its own pricing zone. So they're
16 separated.

17 MR. PINNEY: All right. So just I was
18 wondering, you can pull up -- are you familiar with
19 the app that PJM has?

20 MR. VAUGHAN: Yeah. Yeah. I subscribe to
21 the PJM app. It's --

22 MR. PINNEY: Yeah, you can pull it up and you
23 can look at LMPs, but I guess --

24 MR. VAUGHAN: It's great at parties.

25 MR. PINNEY: That's right. You know, you

1 should try explaining civil procedure to some
2 people.

3 But anyway, the -- the -- what happens is
4 that, you know, if you -- if you look, it'll show
5 you the zone, correct, and it'll be one color, but
6 you can press on different little points and then
7 it'll give you a different price according to the --
8 to the utility in there; is that correct? Is that
9 what you were talking about, the different pricing
10 points?

11 MR. VAUGHAN: Yeah. Right. So the zone --
12 the zone -- like when you're looking at like an LMP
13 map on pjm.com, it's the entire zone, it's -- it's
14 not Kentucky Power. There's -- there's basis
15 between different points in the zone, basis being a
16 different congestion and loss price. Same price of
17 energy across the whole footprint and then
18 congestion, transmission congestion and marginal
19 losses change the -- the nodal pricing, and so
20 Kentucky Power has its own aggregate price for its
21 load.

22 MR. PINNEY: Okay. All right. So let's talk
23 about the PJM ten-day rule broadly speaking. First
24 I want to -- is the ten-day rule still in effect?

25 MR. VAUGHAN: Some form of it is. I can't

1 remember if it's been relaxed or not. Again, it
2 might be a different amount of days, but there's
3 still some sort of fuel security.

4 MR. PINNEY: Okay. So we'll talk about the
5 ten-day rule. It amended -- PJM amend -- and
6 correct me if I'm wrong here. PJM amended Manual 13
7 to implement the, quote, unquote, ten-day rule or
8 240 hours. I mean, it's -- and -- and -- right?
9 Because that in -- that increased it, if I'm
10 correct, from a minimal hours, maybe like a
11 three-day, 36-hour requirement, to 240 hours; is
12 that correct?

13 MR. VAUGHAN: I don't recall --

14 MR. PINNEY: Is that --

15 MR. VAUGHAN: -- what it was before. I know
16 during the review period here it was changed to ten.

17 MR. PINNEY: Okay. So are -- are you
18 familiar with PJM Manual 13 at all, anybody here?

19 MR. VAUGHAN: I can't -- can't recite from it
20 letter and verse. I have -- I have been through it
21 previously.

22 MR. PINNEY: Okay. All right. Rather than
23 belabor the point and pull up PJM Manual 13 right
24 here at this moment, I think as a post-hearing data
25 request I'll ask for pretty specified walk through

1 PJM Manual 13, you know, about especially the
2 emergency -- I guess PJM Manual 13 addresses
3 emergency operations, correct?

4 MR. VAUGHAN: Sure. Certainly.

5 MR. PINNEY: All right. And so we'll be
6 asking in a post-hearing data request, asking to be
7 walked through, you know, once the changes for PJM
8 were -- PJM Manual 13 were implemented, which of the
9 sections applied, and this -- you know, we're going
10 to -- we'll put a pretty detailed post-hearing data
11 request about, you know, Kentucky Power's thought
12 process about the application of the rules in
13 Manual 13. All right? Either that -- either that
14 or I'll pull it up here and we can walk through it
15 page by page. It's a 212-page document.

16 MR. VAUGHAN: I like the latter.

17 MR. PINNEY: Okay. All right.

18 MR. VAUGHAN: The former, I guess. Send us
19 the data request.

20 MR. PINNEY: Okay.

21 MR VAUGHAN: Please.

22 MR. PINNEY: All right. And I made
23 Ms. Jankowski happy, she doesn't have to share it on
24 the screen too.

25 So can you tell me, then, what the ten-day

1 rule did?

2 MR. VAUGHAN: What it did?

3 MR. PINNEY: Yeah. What did it -- what did
4 it change? What -- what is the rule?

5 MR. VAUGHAN: Okay. So basically what
6 happened when they implemented it is if your fuel or
7 reagent inventory went below ten days, you had to go
8 into emergency reserve. What is the status,
9 actually? Make sure I get the wording correct.

10 You had to -- you had to move to a maximum
11 emergency status, which essentially meant that your
12 unit was forced offline until you built back up
13 21 days of burn, of inventory, and so if you -- if
14 you -- if you're above ten days, you're fine, as
15 long as you keep your inventory there; you dip
16 below, you -- the rule says you're going into this
17 in new commitment status, you're going to come
18 offline, and you're going to stay there until you
19 build -- build your inventory back.

20 The issue with that is, if you are out -- if
21 your unit's offline for fuel supply reasons and it's
22 economic, PJM would have dispatched you otherwise,
23 you're -- you're considered forced out, and you're
24 now at risk of derating -- derating the amount of
25 capacity, accredited capacity that that unit gets

1 attributed to it for -- for purposes of meeting your
2 capacity requirements, and you're also at risk of --
3 potentially at risk of other penalties, right? I
4 mean, if there was a performance assessment
5 interval, they would have called an emergency and
6 you'd be dispatched, but, you know, there's still
7 risk there, because, you know, as Mr. Mell
8 discussed, it takes a while to bring some of these
9 units online, so yes.

10 MR. PINNEY: So you're talking about
11 intervals and like that, like a cold -- hot or cold
12 weather alert and they're -- they call --

13 MR. VAUGHAN: System emergency, whatever --
14 whatever. Generally speaking, yes, it's a Winter
15 Storm Elliott or extreme heat period, something like
16 that.

17 MR. PINNEY: Right. So -- and -- and I'll
18 come -- I'll come back to questions about the
19 ten-day rule, but just broadly speaking, because I'm
20 trying to establish -- I'm not trying to establish
21 anything, I'm just trying to get a grasp on how a
22 utility functions in PJM. Now, Kentucky Power
23 participates as an fixed resource, is that -- FRR?

24 MR. VAUGHAN: Fixed resource requirement.

25 MR. PINNEY: Requirement. Okay.

1 And the other alternative, is that the RPM?

2 MR. VAUGHAN: Yes, sir.

3 MR. PINNEY: Rely -- reliability pricing?

4 MR. VAUGHAN: Model.

5 MR. PINNEY: Model. So as an FRR, does
6 Kentucky Power have any leeway in deciding what
7 units it bids into the capacity auction?

8 MR. VAUGHAN: So whether -- whether a unit --
9 I'm going to step back. So if any resource is
10 committed as a capacity resource, whether it's in an
11 FRR plan like -- like the Company does, or if it's
12 in the reliability pricing model auctions, that
13 resource then has a must-offer commitment every day.
14 It must offer its capacity into the energy markets
15 if it's available, right? And you're subject to all
16 the regulations around when you can take a planned
17 outage or not and all of that, and so that's --
18 that's the big first requirement.

19 MR. PINNEY: Right. And I guess my question
20 is, is that in the three year of base residual
21 auction, correct? That's -- that's when a -- a
22 load-serving entity, or not -- well, maybe an LSE,
23 but whoever owns -- a generator owner says, "I will
24 commit these units into the auction"?

25 MR. VAUGHAN: Certainly.

1 MR. PINNEY: Does Kentucky -- does Kentucky
2 Power have to include all of their generating units?
3 And I ask this because Kentucky Power wasn't here
4 back at the beginning of January for the fuel
5 adjustment clause hearings for the rest of the
6 generators, but there -- and just subject to check.
7 I'm just using this not as evidence but just to
8 illustrate the point is that East Kentucky Power did
9 not include in the base residual auction two or
10 three of their CT units.

11 MR. VAUGHAN: Correct.

12 MR. PINNEY: So they weren't -- you know,
13 they -- they -- for whatever reason, they decided
14 not to, and therefore those units couldn't be
15 called. Well, I guess they could have been called,
16 but they weren't -- they weren't used to look at
17 capacity.

18 MR. VAUGHAN: You don't have a must-off --
19 those units wouldn't have a must-offer commitment --

20 MR. PINNEY: All right.

21 MR. VAUGHAN: -- obligation.

22 MR. PINNEY: That's -- that's --

23 MR. VAUGHAN: They can -- under that, if you
24 don't commit the unit in the capacity market, you
25 can then -- if you want to offer it into the energy

1 market seasonally or whatever your strategy is, you
2 can do that.

3 MR. PINNEY: Okay. And then when offer it
4 into the market, you know, it could be for
5 off-system sales or just whatever? It's like,
6 "Wow" --

7 MR. VAUGHAN: For whatever --

8 MR. PINNEY: -- "we can make -- we can make a
9 lot of money," or something like that?

10 MR. VAUGHAN: Certainly.

11 MR. PINNEY: Yeah. Just -- just -- I'm just
12 asking. I'm not -- I'm not really going anywhere
13 with it, I'm just trying to establish some ideas
14 of -- of how things operate within PJM.

15 So you -- and so -- so all units for this
16 period of time with Kentucky Power are must-offer?

17 MR. VAUGHAN: They -- they are all committed.
18 All the Company's resources are committed in the FRR
19 plan or during some -- I have to go back, you know,
20 but we -- we've had some length traditionally in
21 the -- in the FRR plan from a volumetric standpoint,
22 and so if we've met all of -- and just for further
23 clarification, Kentucky Power participates in a
24 joint FRR plan with Appalachian Power Company,
25 Wheeling Power Company, and Indiana-Michigan Power.

1 So we would pool all the resources to get all
2 the benefits of diversification -- it's like a
3 mutual fund from a risk standpoint -- to meet the
4 actual physical obligations, and we -- we commit all
5 of our resources, Kentucky -- "we" being Kentucky
6 Power -- into that plan. If the plan is long, we
7 make some additional opportunity sales into the RPM
8 markets, either the base residual auction or an
9 incremental auction, again to maximize whatever
10 revenue opportunities there are based on the assets
11 we have.

12 So yes, we commit Big Sandy and the Mitchell
13 units. As capacity resources, they have must-offer
14 obligations.

15 MR. PINNEY: Okay. All right. And just --
16 I'm -- like I said, I'm just trying to get an idea
17 broadly of how -- how the bidding has worked
18 capacity. And so as must-offer, unless a unit is on
19 a planned outage, or a -- well, let me take a step
20 back. If it's in a must-offer status and it's in a
21 planned outage, does the -- a utility run the risk
22 of performance penalties --

23 MR. VAUGHAN: During --

24 MR. PINNEY: -- or are they protected by the
25 fact that it's a planned outage?

1 MR. VAUGHAN: During the review period, no.
2 If you're in an approved -- approved outage, you're
3 fine. Again, we can point back to the -- the --
4 it's not in the review period, but go to Winter
5 Storm Elliott, and Big Sandy 1 was in an approved
6 outage during the performance interval and it was
7 not assessed a penalty. Had it been forced out, so
8 it was -- it was not in an approved outage and it
9 just couldn't perform, you would incur a penalty,
10 and --

11 MR. PINNEY: Well, yeah, and during --

12 MR. VAUGHAN: -- that's --

13 MR. PINNEY: -- Winter Storm Elliott --

14 MR. VAUGHAN: During -- during any
15 performance interval.

16 MR. PINNEY: -- it would have been very
17 unpleasant?

18 MR. VAUGHAN: Yes.

19 MR. PINNEY: Okay. So -- and is the same
20 true for maintenance outages?

21 MR. VAUGHAN: That's also an approved outage.

22 MR. PINNEY: Right. Is there a point where a
23 maintenance outage might extend too long and then be
24 classified as a forced outage?

25 MR. VAUGHAN: You are getting beyond my

1 technical skills there. I would refer that question
2 to Mr. Kerns.

3 MR. KERNS: Hi. Good morning. Tim Kerns
4 responding.

5 And the answer is yes, PJM has rules around
6 how long a maintenance outage is allowed, or the
7 duration that's allowed. Now, you can request, as
8 you approach that -- during certain months it's like
9 nine days, it's a weekend before and after a
10 five-day normal week. So as you get close to the
11 end of that nine-day period, if you need to extend
12 that outage, you can request an extension and PJM
13 will approve, or they can say no. If they say no
14 and the unit has to remain out, it goes into a
15 forced outage status.

16 MR. PINNEY: Okay. And so if a unit is in a
17 forced outage status, how does PJM decide that
18 performance penalties should apply? Like how does
19 it calculate that it otherwise would have been
20 dispatched?

21 MR. VAUGHAN: So there's only penalties --
22 like when we're talking like a performance interval,
23 when you have a declared system emergency --

24 MR. PINNEY: Right.

25 MR. VAUGHAN: -- in a -- so there's that.

1 What -- what the -- the implicit penalty that
2 happens when you're forced out is that it derates
3 the unit's capacity. Again, during the review
4 period, the amount of accredited capacity you
5 receive for any resource was -- was the installed
6 capacity essentially adjusted for the EFORD, which
7 is a PJM acronym essentially for the force --
8 effective forced outage rate of the unit.

9 So the more forced outage hours you have, the
10 higher your EFORD rate will be, hence the less
11 amount -- the lower the amount of accredited
12 capacity you get for that resource.

13 MR. PINNEY: Okay. All right. And so going
14 back to extending -- the extent -- you talked about
15 extending maintenance outages. What about extending
16 planned outages? Is it something you still have to
17 report to PJM and get approved?

18 MR. KERNS: Yes. Tim Kerns again responding.

19 If a need arises where you need to extend a
20 planned outage, again, you request that extension
21 from PJM. They will either approve or deny that.
22 Again, if it's -- if it's denied, then the unit's
23 status switches to forced outage.

24 MR. PINNEY: Okay.

25 MR. KERNS: There also -- there's also

1 qualifiers about what -- what they will accept as a
2 reason to extend a planned outage. For example, it
3 needs to be for a work scope that was originally
4 identified in that planned outage that you were
5 going to do. So if you find something new, it's
6 likely they won't extend that planned outage, or
7 allow you to extend it.

8 MR. PINNEY: And so in PJM they said that
9 there's a -- you know, kind of a scope of things
10 that they would accept or not accept. Where --
11 where can those be found? Is there a PJM manual
12 that would apply to this?

13 MR. KERNS: So it comes back to the original
14 planned outage scope definition. When you request
15 that planned outage, you tell them what scope you're
16 going to execute, and they would refer to back to
17 that.

18 So a good example would be the Big Sandy
19 outage that we're talking about that occurred in the
20 fall of 2022. Going into that outage, the primary
21 scope was to inspect the generator, and we expected
22 to require a partial rewedge, just based on the
23 amount of time the equipment had been in service.
24 When we got in there, we saw that it required a full
25 rewedge, which would take more time than what we had

1 in the schedule, so we requested an extension, PJM
2 approved that extension, and then we went on.

3 MR. PINNEY: Okay. All right. Sorry. I got
4 afield. I'm going to come back to the ten-day rule.

5 And I want to refer you -- refer to Vaughan's
6 direct testimony, and filed in this case, page 5, 21
7 through 23, and page 6, 1 through 4, and also
8 Mr. Stegall's direct testimony filed in 2020 --
9 2022-263, page 5, lines 12 through 17. And I think
10 they say the same thing, but you -- I'll give you
11 all to take a chance to look at it. Since --
12 Mr. Vaughan, since you adopted Mr. Stegall's
13 testimony --

14 MR. VAUGHAN: They say the same thing.

15 MR. PINNEY: All right. They say the same
16 thing. And there it says that when discussing the
17 ten-day rule, that, quote, P -- or PJM had, quote,
18 the ability to request a generating unit with less
19 than ten days of coal to move to a maximum emergency
20 status until coal inventory exceeds 21 days. This
21 means any unit below the ten-day rule may be forced
22 to shut down and remain offline until its inventory
23 reaches 21 days.

24 So I think earlier you said -- well, let me
25 ask you this: Referring to this testimony, is it --

1 is putting a -- moving a unit into maximum emergency
2 status, is that something that was at the discretion
3 of PJM, or was it something that would occur
4 automatically if you crossed that 240-hour
5 threshold?

6 MR. VAUGHAN: So, again, things -- things
7 were fluid at that time in that we're making these
8 changes as -- as you had these very high demands for
9 generation that you hadn't seen in well over a
10 decade.

11 And I'm not certain as to the distinction if
12 it was must or may. We did not want to find out
13 either way and run the risk of having 11 days of
14 forced outages placed on our unit, any unit. And so
15 whether we were managing the inventory -- there's
16 not much of a big difference during this period of
17 time when you're looking at availability of fuel and
18 the economic demand for these units between running
19 the unit completely out of fuel and having ten days
20 of fuel. You know, if you -- if you just look at
21 some of our analyses over the period in these
22 monthly documents, if you didn't adjust the offer
23 price to -- to manage the amount of fuel, because of
24 the issues that Witness Chilcote discussed, the unit
25 just runs out of fuel.

1 And so you're -- you're at the same place,
2 essentially. Whether you're at zero or ten, you
3 have to manage -- manage that so that you do not run
4 the unit out of fuel, so that you do not derate it.

5 I think -- I have a number in here somewhere.
6 I think it's 234 days.

7 MR. PINNEY: 117 per unit?

8 MR. VAUGHAN: Yeah, of forced outage that we
9 avoided through that strategy.

10 MR. PINNEY: And so a forced outage means
11 completely running out of coal or falling below the
12 ten days?

13 MR. VAUGHAN: It would be either. It
14 would -- potentially it -- it would just be ten days
15 less, if you didn't -- didn't use ten days as your
16 bogey, if you used zero, it's -- either way
17 you're -- you're out of --

18 MR. PINNEY: Okay. And so what -- what does
19 maximum emergency status mean?

20 MR. VAUGHAN: It means that your unit's only
21 available if there's a system emergency.

22 MR. PINNEY: Not a big -- something trips off
23 on -- something trips offline on the system and
24 then, you know, you have a big shortfall, they would
25 call on a -- something a maximum emergency status?

1 Cold weather, hot weather, something like that?

2 MR. VAUGHAN: Some sort of system emergency,
3 yeah, absolutely.

4 MR. PINNEY: Okay.

5 MR. VAUGHAN: The distinction there is it's
6 not -- it could be -- it could be economic for the
7 unit to be on, but PJM is not going to dispatch it
8 when it's in that status unless there's a system
9 emergency. That's -- that's the difference.

10 MR. PINNEY: All right. And then you -- you
11 are employed by American Electric Power, I presume?

12 MR. VAUGHAN: The service company.

13 MR. PINNEY: The service company?

14 MR. VAUGHAN: Yes, sir.

15 MR. PINNEY: The service company. And so
16 would it be fair you would have insight into at
17 least some of the operations of the other utilities
18 under the umbrella, Indiana-Michigan, Wheeling,
19 APCo; is that correct?

20 MR. VAUGHAN: Yes, sir; I -- I --

21 MR. PINNEY: All right.

22 MR. VAUGHAN: -- provide the same services to
23 all -- all of our operating companies, yes.

24 MR. PINNEY: All right. Are there other
25 utilities I didn't mention that you, you know, are

1 aware of in the AEP -- AEP umbrella that you might
2 have been -- you might have known? Are those the
3 only ones that are in the PJM footprint?

4 MR. VAUGHAN: In PJM it's Indiana Michigan,
5 Appalachian Power Company, Wheeling Power Company,
6 Kentucky Power Company. We also have Kingsport
7 Power Company, but it's -- it doesn't own any
8 resources. It has a full requirements contract with
9 APCo.

10 MR. PINNEY: Okay. And so did any of the
11 units across the -- any of the AEP service co's --
12 not service co's. Sorry.

13 MR. VAUGHAN: Operating companies?

14 MR. PINNEY: Operating companies run afoul of
15 the ten-day rule?

16 MR. VAUGHAN: I do not believe we did,
17 because we applied the same active management to --
18 to all of the coal units in PJM under the AEP
19 vertically integrated utility umbrella. So we
20 treated, you know, the I&M units, the Appalachian
21 Power, you have the Wheeling portion of Mitchell and
22 Kentucky Power, the same strategy -- the same
23 general strategy, right, but different -- different
24 magnitudes or applications.

25 MR. PINNEY: Okay. So because each unit

1 might have a different circumstance?

2 MR. VAUGHAN: Well, they -- yeah. Absolutely.
3 They all use different coals, right? You might have
4 a western coal for a Rockport, or you might have
5 different blend of coals for a -- a Mountaineer or
6 Amos in -- in APCo than you do Mitchell, right?
7 Everything's a little different. So you had -- and
8 you had different supplier concerns.

9 So you're managing available fuel during the
10 period, a finite amount of available fuel over the
11 period in the same general way, just applying it to
12 each --

13 MR. PINNEY: Like for -- yeah, like Rockport
14 has -- sorry. I didn't mean to cut you off. Go
15 ahead.

16 MR. VAUGHAN: I'm just saying just -- you're
17 just applying it to each resource's unique
18 circumstances.

19 MR. PINNEY: Like Rockport gets, I think --
20 was it Powder River Basin coal primarily?

21 MR. VAUGHAN: Somewhat, yes.

22 MR. PINNEY: Mitchell, a mix of North
23 Appalachian and Central Appalachian, and so I
24 don't -- don't know about Mountaineer or Amos, but,
25 you know --

1 MR. VAUGHAN: Yes, sir.

2 MR. PINNEY: -- some -- some different
3 requirements, I assume, so -- okay. So each one is
4 going to have a slightly different price point.
5 There might be fuel available -- would it be fair to
6 say, might be fuel more available for one, if it has
7 a particular blend, than another, and that would --
8 that would affect the coal conservation strategy, I
9 guess, for that unit?

10 MR. VAUGHAN: Yeah, you had different
11 inventory amounts at every plant.

12 MS. CHILCOTE: Witness Chilcote responding.
13 Just to give some clarity, I mean, we did
14 look individually, right, at each -- at each unit
15 during that time, right? And we looked at the fuel
16 that was purchased and the fuel that was -- that was
17 being delivered. So each -- each unit was evaluated
18 specifically based on the contracts and the fuel
19 that was -- that was purchased for those units.

20 So, you know, APCo might be a little
21 different than -- than Kentucky and -- and all the
22 other -- you know, Indiana Michigan yet different
23 again. So we weighed each operating company based
24 on what they had for purchases and all that at the
25 time.

1 MR. PINNEY: Okay. And then -- so this is
2 probably hypothetical. We're not aware of any units
3 that actually fell below that ten-day and got put in
4 time-out, but do you -- does anybody know if there
5 is a -- even -- well, one, there's -- there's
6 penalties involved by being in a forced outage,
7 right, economic penalties that are already there.
8 Are there additional ones -- if you were to fall
9 below the ten days, is there a timing requirement by
10 which you have to -- by -- did PJM establish a
11 timeline, like you must get back to 21 days within X
12 number of time, or are those performance penalties,
13 if they're assessed, you know, incentive enough to
14 build up a stockpile?

15 MR. VAUGHAN: Not that I'm aware of. I'm not
16 aware of any additional penalties other than that
17 you're forced out until you rebuild your inventory
18 to 21 days.

19 MR. PINNEY: I mean, the forced outage
20 penalties are not fun anyway --

21 MR. VAUGHAN: No, we --

22 MR. PINNEY: -- correct? I'm sorry, that was
23 a statement, I meant to make it as a question,
24 but -- all right.

25 VICE CHAIR HATTON: Mr. Pinney, since you

1 paused, I'll give you some discretion to find a
2 stopping point whenever you think you're at a -- I
3 don't want to -- I don't want to interrupt your
4 flow, but I do want to build in a lunch break.

5 MR. PINNEY: Right. You know what, I have
6 one question. Ms. Jankowski suggested that there's
7 lunch break coming up anyway, so I'll do it at
8 12:00.

9 So the follow -- one last question is: I
10 asked you about any AEP units which you're aware of
11 that had run afoul of the ten-day rule. Do you know
12 of any of the units in PJM that may have run afoul
13 of the rule?

14 MR. VAUGHAN: I do not know. Generally
15 speaking, generation operators keep their -- their
16 unit parameters and conditions pretty close to the
17 vest. There's a lot of -- a lot of generation in
18 PJM is independent power producers, you know.

19 MR. PINNEY: Independent power producers
20 other -- I mean, basic emergence, is that what you'd
21 say?

22 MR. VAUGHAN: Yes, sir.

23 MR. PINNEY: Okay. All right. Your Honor,
24 we have come to a break.

25 VICE CHAIR HATTON: Okay. So we'll take an

1 hour lunch break. Everybody be back here at
2 1:00 o'clock and we'll resume.

3 (Recess at 11:59 a.m. to 1:06 p.m.)

4 CHAIRMAN HATTON: All right. We are back on
5 the record, and I believe we were with you,
6 Mr. Pinney.

7 MR. PINNEY: Right. Sorry to dash people's
8 dreams but I still have some questions. All right.
9 So what -- I'm going to pull up on screen an exhibit
10 that was filed in the record here just for ease of
11 reference and it's going to be in 2023-0008. It is
12 response to staff's first request Item 3. That's
13 not the reference? What is the reference? Oh,
14 sorry.

15 All right. So I need you to refer first to
16 -- I've been corrected, and it's a very poor way to
17 start the afternoon. So I'd ask that you refer to
18 staff's first request Item 3. All right. And in
19 there, I just need somebody to confirm with me that
20 days' supply in coal inventory is calculated by
21 taking the tons in storage and dividing it by a full
22 load burn rate.

23 MS. CHILCOTE: Witness Chilcote responding.
24 Yes, those days' supply is at a full load burn rate,
25 that is correct.

1 MR. PINNEY: Okay. And it's 24 hours full
2 load?

3 MS. CHILCOTE: Correct.

4 MR. PINNEY: Correct.

5 MS. CHILCOTE: So it's saying if we ran the
6 units at maximum load for 24 hours, we would have
7 that number -- we could run for that many days at
8 maximum load.

9 MR. PINNEY: Okay. All right. With nothing
10 coming in --

11 MS. CHILCOTE: That's assuming nothing coming
12 in.

13 MR. PINNEY: -- to replace it?

14 MS. CHILCOTE: Yes. Yes.

15 MR. PINNEY: Okay.

16 MS. CHILCOTE: That's just what you have in
17 inventory.

18 MR. PINNEY: Okay. All right. And then so
19 now I bring up the response to data request --
20 staff's second request item No. 6 Attachment 2 is
21 what is up on the screen. It's the Excel version.

22 MR. GISH: Excuse me. Repeat that reference.

23 MR. PINNEY: It is response to staff's second
24 request for information Attachment -- Item 6
25 Attachment 2.

1 MR. GISH: Great. Thank you. I just didn't
2 follow. Got it. Do you have it?

3 MS. CHILCOTE: I have it.

4 MR. GISH: Okay.

5 MR. PINNEY: All right. Same page of the
6 hymnal, so here we are. And from December 2021 to
7 January of 2022, do you have that -- okay. The coal
8 inventory for high sulfur increases and the coal
9 supply for the low sulfur goes down. But if you
10 look at the ending balance in terms of tons of coal
11 available for the high sulfur coal for both December
12 and January, if you can see, in December it's
13 181,169 tons and then in January it's 184,282 tons.
14 It seems that the amount of coal increases, yet the
15 days at full load burn decrease. Can you explain
16 why?

17 MS. CHILCOTE: Yeah. So annually we go back
18 through a process where we review inventory targets
19 and plant heat rates and how much coal it takes to
20 get to full load burn, and so -- and that's always
21 done at the end of the year for the start of the
22 next year. So between December of '21 and January
23 of '22, there was likely a small change in that
24 number of days to get -- or the volume to get to
25 full load burn based off of the quality of coal we

1 had burned the prior year and the heat rate.

2 MR. PINNEY: And so if you -- so there's
3 maybe a change in formula, would that be a safe
4 thing to say?

5 MS. CHILCOTE: A change -- the formula
6 remains the same, it's some of the fixed values in
7 the formula that would change.

8 MR. PINNEY: All right. So Ms. Jankowski is
9 going to show the formula up there. Where the
10 formulas are, it says, you know, 015 divided by
11 9.055 times 1,000, do you see that? That's the
12 formula.

13 MS. CHILCOTE: Okay.

14 MR. PINNEY: And that's for December;
15 correct? And then in January the formula changes to
16 015 divided by 9.965 times 1,000. So is the change
17 there the 9 -- basically goes from 9.055 times 1,000
18 to 9.965, does that increase the denominator and
19 therefore reduce the anticipated days in the
20 inventory?

21 MS. CHILCOTE: Yes. So what it says is in
22 this situation based on the coal we had consumed the
23 year prior and the heat, it was going to take more
24 coal now to get to that same -- that same full load.

25 MR. PINNEY: Okay.

1 MS. CHILCOTE: So we have less days.

2 MR. PINNEY: All right. So it's basically a
3 recalculation every year, probably a variety of
4 factors that --

5 MS. CHILCOTE: Correct.

6 MR. PINNEY: -- we don't necessarily know but
7 I just needed to do --

8 MS. CHILCOTE: Yep.

9 MR. PINNEY: -- to, you know, get to the
10 bottom of that, it's like you had more coal but yet
11 it was -- you were going to have fewer days
12 available to you.

13 So I guess when you make that change to the
14 formula about how many -- how many basically tons of
15 coal is used or necessary for a full load burn on
16 that, do you apply that -- would you look at that
17 retroactively and say, oh, you go back and kind of
18 reassess, you know, like if you were to apply it to
19 2021, that would actually take you below or close to
20 that 10-day inventory level or is it just something
21 prospective?

22 MS. CHILCOTE: It's solely prospective. And,
23 as I said, we do it every year at the -- kind of at
24 the start of each year, we look at -- we look at all
25 of our inventory metrics, we look at the inventory

1 targets we've set and the calculations to achieve
2 those metrics.

3 MR. PINNEY: Okay. So during a review
4 period, there are different target levels for low
5 sulfur and high sulfur coal; correct?

6 MS. CHILCOTE: That is correct.

7 MR. PINNEY: And was it 30 days for low
8 sulfur and 15 days for high sulfur?

9 MS. CHILCOTE: That's correct.

10 MR. PINNEY: Why was there a difference
11 between the two?

12 MS. CHILCOTE: So the -- again, those are an
13 item that we assess on an annual basis, and based on
14 the fact that we were receiving all of the high
15 sulphur coal across the belt, we view that as less
16 risk; right? You didn't have to put the coal in a
17 barge, you know, it might take three or four days
18 for the barge to show up to the plant, then it'd
19 have to be unloaded at the plant. You don't have
20 immediate supply but you have less supply
21 constraints for the high sulphur coal.

22 I will add to that that with the volatility
23 that we saw in '21 and '22, we have since revised
24 our targets again based on fact that it was very
25 volatile, right, and we saw the supply constraints.

1 And so now the targets for both high sulphur and low
2 sulphur are -- it's a 35-day target.

3 MR. PINNEY: Okay. Because, you know, simply
4 speaking, if you look at something's available for
5 15 days and 35 days at full burn but forget about
6 that it's mine to mouth, I guess that's the term;
7 right? Is it -- okay. With the conveyor belt for
8 the high sulphur coal, your maximum burn is limited
9 to the lowest number there, if you have 100 days of
10 high sulphur but 5 days of -- sorry, 11, I don't
11 want to put you in default of PJM rules, so 11 days
12 of low sulphur, you really only have 11 days
13 available; is that correct?

14 MS. CHILCOTE: Mr. Kerns wants to speak.

15 MR. PINNEY: Okay.

16 MR. KERNS: Sorry. So Tim Kerns responding.
17 And so that would be 11 days at full load burn.

18 MR. PINNEY: Right.

19 MR. KERNS: Mitchell can run on a different
20 blend, they can run at a high percentage of high
21 sulphur, so you would be de-rated a certain amount
22 but the unit would still be available.

23 MR. PINNEY: Okay. All right. So -- and I
24 believe during this period in review that there was
25 some testimony that Mitchell, one of the Mitchell

1 units, I can't remember, but it had actually been at
2 must run for a little bit, and that was -- and I
3 believe the reason for doing so was to run at a
4 higher percentage of high sulphur coal or -- is that --

5 MR. KERNS: Yes, that's right. We did some
6 testing to see what the maximum output would be --

7 MR. PINNEY: Okay.

8 MR. KERNS: -- on 100 percent high sulphur.

9 MR. PINNEY: So if you can adjust the blends,
10 then, you know, how much leeway is there, you know,
11 you're looking at -- you're making the assumption
12 that it's -- as I recall somewhere in the record
13 it's approximately 55 percent for one of the sulphur
14 coals and 45 percent, it's somewhere lost in my
15 notes, but, you know, if the one that's burned at
16 55 percent starts -- their stockpile starts to get a
17 little bit lower, can you adjust the blend a little
18 bit so you extend the life of the stockpile which
19 you have -- of which you have less?

20 MR. ROSENBERGER: Doug Rosenberger
21 responding. The answer to that is yes, we can vary
22 the blend for multiple reasons. One is if we're
23 able to get more of one coal versus the other, we
24 can vary it some. What we can't do is 100 percent
25 high sulphur and make full load if the sulfur

1 content is above a certain point. So we have to
2 watch that operationally, but we can vary it around
3 quite a bit and if the high sulphur coming in at the
4 time is below 4.5 pounds, we can get close or all
5 the way to full load on that.

6 We also vary it sometimes based on the price
7 of coal, so we'll burn -- typically high sulphur
8 coal's cheaper on average so we'll tend to run a
9 higher sulphur -- a higher blend of high sulphur
10 coal when we can to keep the costs down to the
11 customer as much as possible as long as we can get
12 the coal.

13 MR. PINNEY: And the high sulphur coal is
14 right across the street basically?

15 MR. ROSENBERGER: Correct.

16 MR. PINNEY: So you don't have to worry about
17 demurrage or offloading, having personnel at -- I
18 believe; is that correct?

19 MS. CHILCOTE: Yeah. Historically we have
20 bought all of our high sulphur coal from the direct
21 mine mouth plant, but when we ran into some
22 constraints in '21 and '22, we did add a few other
23 high sulphur sources that are delivered down to the
24 plant by barge.

25 MR. PINNEY: So constraints from the adjacent

1 mine, what were those constraints? Did they sell it
2 somewhere else?

3 MS. CHILCOTE: No, it was just when we saw
4 the demand go up, right, we tried to bring in
5 additional supply to try and meet that demand. So
6 the other producer didn't have any coal that they
7 could sell us at the time, so these other -- these
8 two other producers had coal that we could purchase
9 from them at the time.

10 MR. PINNEY: Okay. All right. Okay. So the
11 question -- I guess, Ms. Chilcote, I mean, I'm
12 pointing at you but the -- so when you changed the
13 target inventory levels, first of all, how
14 frequently does that occur?

15 MS. CHILCOTE: So that's an annual process.

16 MR. PINNEY: Okay.

17 MS. CHILCOTE: And it's not a -- it's not
18 done in a vacuum. We as the coal procurement team
19 look at the markets and where we've been and the
20 inventories we have, and then it kind of goes to
21 multiple people in the organization, engineering
22 looks at it for, like we said, heat rate and quality
23 and that type of thing. It also goes to the
24 operating companies for their review to make sure
25 that they agree with the change in target levels

1 that were -- that were suggested.

2 MR. PINNEY: And so the operating companies
3 have a say, they can be like, wait, we need more
4 coal, we're going to need more coal because we have
5 to do test burns or for, you know, whatever reasons?

6 MS. CHILCOTE: Yeah, they could weigh in on
7 whether they want to keep a higher inventory than
8 we've proposed.

9 MR. PINNEY: And when did Kentucky Power
10 adjust the coal stockpile levels? They're at
11 35 days now for both of them; is that correct? And
12 they've seen 30 days or at least --

13 MS. CHILCOTE: So in 2023 is when we made the
14 adjustment from the 30 days and the 15 days --

15 MR. PINNEY: Right.

16 MS. CHILCOTE: -- to the 35 days. And those
17 are targets; right?

18 MR. PINNEY: Right.

19 MS. CHILCOTE: I mean, you pass through those
20 targets as inventory, you know, builds or, you know,
21 you may as you're coming into an outage say, we're
22 going to run our -- below our target for a month or
23 so because we know we're going to be in outage and
24 we still have obligations we need to take during
25 that outage; right? So it might make sense to lower

1 or raise your piles at different times.

2 MR. PINNEY: And the obligation is to mean to
3 take coal deliveries?

4 MS. CHILCOTE: To take the coal deliveries.

5 MR. PINNEY: Okay. And then so, you know, to
6 the extent that you had a -- you, sorry, the royal
7 you, American, you know, the operating companies,
8 you know, the service companies, whatever, had, say,
9 a 15-day target level, how did that necessarily
10 affect coal procurement leading, you know, in 2020
11 -- you know, 2018, '19, '20, pick a year, and you're
12 sitting out there and you're looking at your
13 contracts, you've bid your contracts out thinking,
14 okay, I just need a 15-day supply; is that correct?

15 MS. CHILCOTE: So we -- we procure to a
16 forecast; right? We procure to an economic
17 normative forecast that we're provided. So as part
18 of that procurement, you're always making sure you
19 want to maintain that inventory target, but what
20 you're really procuring to is that normative
21 forecast that you received, so...

22 MR. PINNEY: Okay. All right. So just
23 general questions about -- how are coal stockpiles
24 calculated? I mean, how do you go through, I mean,
25 is there a turnstile it all goes through, is

1 everything on the big giant scale?

2 MS. CHILCOTE: Yeah, everything is weighed.
3 We -- you know, and we do true-ups of the piles,
4 they actually do -- and I'll let the plant people
5 answer that, but everything that comes into the
6 plant is weighed and it's weighed then also as we
7 take it to be consumed at the plant. So you're
8 always adding and subtracting tons to those piles.

9 MR. ROSENBERGER: Doug Rosenberger
10 responding. And to the point about the scales, we
11 have scales that are coming right off of the river
12 from the barge or from the supplier side, so we can
13 measure what's coming in. Then we have scales
14 coming from the pile into the plant to do the
15 subtraction off as we burn it.

16 And then to -- to Ms. Chilcote's point around
17 true-ups, twice a year at Mitchell plant, they do
18 what they call coal pile survey. And it's a process
19 where they come in, they drill down to get densities
20 in the pile to figure out how dense the coal is in
21 the pile, and they'll do a mapping of the pile to
22 figure out what the elevations are there and do a
23 measurement to verify what's on the pile, and then
24 we may have to adjust the pile up or down if it's
25 off a little bit. Because there can be errors in

1 scales.

2 MR. PINNEY: Right.

3 MR. ROSENBERGER: Things can happen, so this
4 is a true-up to verify where you are.

5 MR. PINNEY: You're dealing with hundreds of
6 thousands of tons, so there's going to be probably
7 some margin for error, I can understand that. Let
8 me ask you this. Has there ever been an instance
9 even within a review period where when you've done
10 the occasional elevation, density thing, you know,
11 volume -- I guess basically volume and density check
12 where you've had to make adjustments to the days?
13 Have there been significant adjustments or it's
14 like, oh, this just adds an hour here, takes an hour
15 off?

16 MR. ROSENBERGER: Doug Rosenberger responding
17 again. In the five and a half years that I was at
18 Mitchell, we had one time where we had a fairly
19 significant difference. And as it turns out, we had
20 a problem with a coal scale that we didn't realize
21 we had even though you do monthly calibrations,
22 there was problem there, and so we did take a
23 one-time adjustment. In this case it was actually
24 in favor of the customer, it actually put more coal
25 back on the pile on books.

1 MR. PINNEY: Okay.

2 MR. ROSENBERGER: So it worked in favor, but
3 there was an error and we had to go back and figure
4 out where that error came from. And there's a
5 process where you take known tons across a scale to
6 do a verification to see if what you did to the
7 scale fixed it or not.

8 MR. PINNEY: Going to talk about -- this is
9 just a curiosity question on my point. You have
10 scales here, you have scales when it's unloaded,
11 whether for the conveyor belt or the barge, and then
12 when it goes into the plant; correct? How does the
13 blending of the coal occur when you have different
14 blends of high sulphur and low sulphur?

15 MR. ROSENBERGER: At Mitchell plant, it's
16 mostly done on percentage of sulfur because that's
17 the biggest concern there is the amount of sulphur
18 coming in. Because if we go too high, we can exceed
19 what our scrubbers can handle, so that's the biggest
20 issue to watch for, so we'll control to a certain
21 pound per million BTU sulphur on the blend.

22 MR. PINNEY: So, I mean, are you basically --
23 I mean, I guess I'm looking at just like a physical
24 explanation of how it gets blended. Do you have a
25 pile of low sulphur here, a pile of high sulphur

1 here, two conveyor belts going in and you're kind of
2 comparing which one's going and they go into one --
3 you know, they get blended somewhere and just go in?

4 MR. ROSENBERGER: That's correct. They are
5 two separate piles and they're brought in on
6 separate conveyors and there'll be -- they'll
7 measure the sulphur of each of the coals and they'll
8 vary the speed at which the coal is feeding from
9 each pile to get the blend, like 65 percent high
10 sulphur, that kind of thing, and the measuring item
11 that they use is the amount of sulphur in the coal.

12 MR. PINNEY: Right. And so then the speed of
13 the conveyor belt, that's where we talk about the
14 blending, like, oh, wow, high sulphur is cheaper and
15 we can -- we have the reagents to scrub or whatever,
16 you know, you can speed that up a little bit,
17 preserve the low sulphur, I mean, there are ways to
18 do that, that's how it would be done?

19 MR. ROSENBERGER: That's correct.

20 MR. PINNEY: Okay. All right. So subject to
21 check, Kentucky doesn't have a minimum coal reserve
22 requirement; correct? Like the Kentucky Public
23 Service Commission does not mandate that a generator
24 have a 30-day supply on the ground? If it does,
25 it's going to be news to me but just -- correct? Am

1 I correct?

2 MS. CHILCOTE: Subject to check, yeah. I
3 will state that as part of that inventory process
4 that we discussed here earlier, we do set a low
5 number on that also. We set a minimum target for us
6 at Mitchell is 15 days, so if we saw -- and
7 obviously, you know, some of that comes into knowing
8 what supply is coming and going but if we saw we
9 were going to be at 15 days for an extended period
10 we may, you know, enact some type of emergency type
11 procurement or something to raise that level, but we
12 do have an internal limit of 15 days.

13 MR. PINNEY: And so does any of the states we
14 talked about, I asked Mr. Vaughn about the other
15 opcos that kind of -- and for lack of a better word
16 PJM east, did any of the other states have
17 requirements for minimum coal reserves of which
18 you're aware?

19 MR. VAUGHAN: Yes. Alex Vaughan. West
20 Virginia has a regulation, and Ms. Chilcote can
21 correct me, I think you have to have 30 days under
22 contract.

23 MR. PINNEY: Okay.

24 MR. VAUGHAN: It's not on the pile but it's
25 under contract for your plants.

1 MR. PINNEY: And so I know there's a 50/50
2 ownership of Mitchell, so during the period under
3 review, I guess that same requirement would apply to
4 any of the coal that would be used for Kentucky
5 Power, too?

6 MR. VAUGHAN: Yes, sir.

7 MR. PINNEY: Okay. But that's under
8 contract, not on the ground, is that --

9 MR. VAUGHAN: Yes, sir.

10 MR. PINNEY: -- just to clarify? Okay. What
11 are the -- notwithstanding that PJM 10-day rule,
12 what are -- are there significant drawbacks for
13 having a significant amount of coal pile, you know,
14 in your physical reserves?

15 MS. CHILCOTE: Witness Chilcote responding.
16 There are -- first of all, there are physical
17 limitations; right? We can only hold so much coal
18 on the pile at Mitchell. There -- these are rough
19 numbers, I'm going to say the most we can hold on
20 both piles is about 750,000 tons, which is a big
21 number when you look at days after inventory. And
22 then there's cost involved, right, with holding a
23 significant supply in inventory, and that's why we
24 review it every year, right, to make the best
25 decision that we believe based on the markets and

1 what we're seeing to make that decision based on --
2 you know, we believe 35 days is protecting our
3 customers from the volatility in the markets and
4 from any supply disruptions that we might see.

5 You could hold more days and if, you know,
6 Kentucky would want to hold more days, we would have
7 that discussion and come to an agreement of, you
8 know, what they believe or what should be their --
9 the inventory that we keep at Mitchell.

10 MR. KERNS: Tim Kerns. Just adding to that,
11 there are also safety concerns for the operators who
12 manage the pile. I mean, if you think about this
13 pile that's going up in the shape of an inverted
14 cone and so the surface on the top of the pile gets
15 smaller and smaller, you have operators running big
16 equipment, heavy equipment there. And so as the --
17 as the slope gets higher and the top of the pile
18 gets softer, there's safety concerns. So there's
19 the physical space constraint and there's ultimately
20 the safety of the operators.

21 MR. PINNEY: Okay. And so --

22 MR. VAUGHAN: To add -- sorry. To add one
23 more point to that, Witness Vaughan. There's a
24 cost-to-customers aspect of that as well in that,
25 you know, you're carrying that inventory, and

1 there's a carrying charge on that inventory. It's,
2 you know, fuel -- fuel inventory, it's included as a
3 rate-based item, so, you know, there's a cash
4 outlaid by the utility and ultimately a cost to
5 customers, so there's a balance of all these aspects
6 we've talked about here when you're trying to decide
7 what your target amount of coal inventory or any
8 fuel inventory is.

9 MR. PINNEY: Right. So if you have a --
10 hypothetically you have a large coal stockpile, a
11 utility comes in for a rate case, commission looks
12 at it and you're like, wait a minute, why are you
13 trying to recover -- why did you have a thousand,
14 you know, why did you have three years' worth of
15 coal on there, that doesn't seem to be reasonable.

16 MR. VAUGHAN: Exactly.

17 MR. PINNEY: And so that would be the risk
18 you run. Let me ask you this since you have it.
19 When does the company recover the cost of the coal,
20 when it's burned, like that's where it's like --
21 okay, you have an inventory but when do you actually
22 recover the full cost? Is that when you actually
23 burn it?

24 MR. VAUGHAN: Yes, sir. When it's -- it's
25 expensed -- I think 151 cost was discussed earlier,

1 it's a sub account of --

2 MR. PINNEY: Right.

3 MR. VAUGHAN: -- 501 fuel. So when the coals
4 are burned and the power is generated that month,
5 the average accounting cost related to those
6 megawatt hours produced, you know, hit account, hit
7 the FAC and those dollars are then -- they're
8 expensed; right? We have an expense month and we
9 have a rate month in Kentucky, so like you would
10 expense them in the month where the power was
11 generated, then you would recover from customers two
12 months in the future.

13 MR. PINNEY: All right. So and just -- when
14 you have the inventory just sitting there, it's
15 basically a rock with a carrying charge and then it
16 turns into something real when you --

17 MR. VAUGHAN: It is an asset, it's an asset
18 and then you consume it and expense it at that time.

19 MS. KAHN: Sorry, Lerah Kahn. Just one
20 addition. If there's a survey adjustment, it
21 operates the same way. It's in the expensed month
22 that the adjustment hits.

23 MR. PINNEY: Yeah. I'm going to pull the
24 same spreadsheet at which I was looking just a
25 second to ask one more question about that but while

1 we're -- okay. It's back up. Okay. So if you look
2 at -- that was quick -- August and September and
3 October of 2021, I saw that the stockpiles fell
4 below the target 15-day stockpile. Was that because
5 of increased burn or was it supply constraints?
6 What occurred there?

7 MS. CHILCOTE: Yeah, you were definitely --
8 in the fall of '21 you were seeing the supply
9 constraints; right? As I had said, we went out for
10 an RFP in September of '21 when we saw the increased
11 demand and tried to replace coal but just -- it was
12 not available in the market. So, you know, we were
13 actively pursuing purchases for 2021 at that time
14 but there was no coal available in the market to be
15 bought.

16 And then we continue to look forward, right,
17 and see that we eventually build that inventory back
18 up slightly, but we were looking for purchases at
19 that time but there just wasn't anything available.

20 MR. PINNEY: Okay. And I'll come back to ask
21 a few questions about that but just one general
22 question, anybody's knowledge, historical knowledge
23 of where -- if either of the Mitchell units have had
24 to shut down because they've run out of coal? And
25 the collective memory of the witnesses, it doesn't

1 have to be -- whoever. All right.

2 MR. ROSENBERGER: None that I'm aware of, no.

3 MR. PINNEY: Okay. So nobody is aware, thank
4 you. That's it. So, Ms. Chilcote, you discussed
5 the May 14th coal solicitation; correct? And
6 that --

7 MS. CHILCOTE: Correct.

8 MR. PINNEY: -- it went out? And were there
9 any responses to that?

10 MS. CHILCOTE: So in 2021, we did do a
11 solicitation, you're correct. And I have the
12 details here that I can provide you, but we sent out
13 67 requests on that solicitation and we received
14 only 24 offers. Of those offers, 14 of them --
15 there were no offers received for 2021 but we didn't
16 ask for coal for 2021 at that point because from the
17 forecast we had, we believed we had all the coal
18 purchased that we needed for 2021, so we received
19 offers for '22 through '24 at that time.

20 MR. PINNEY: Okay. All right. And I'm going
21 to go back to ask a few questions about coal
22 inventory and I apologize, I'm skipping around, but
23 is it -- has the Kentucky Public Service Commission,
24 is anybody aware, ever disallowed costs for having
25 too much coal on the ground, to go back to

1 Mr. Vaughan's point that there's a carrying charge
2 for having these minerals just sitting there?

3 MS. KAHN: Lerah Kahn. Not that I'm aware
4 of.

5 MR. VAUGHAN: Alex Vaughan. And not that I'm
6 aware of, but the amount of fuel inventory that gets
7 included in the base rates every time they get set
8 is often debated.

9 MR. PINNEY: Okay.

10 MR. VAUGHAN: So it's not just a blank check;
11 right? All the parties have opinions on how much
12 fuel should be included in rates because there is a
13 cost to that.

14 CHAIRMAN HATTON: Debated but never denied in
15 anyone's memory?

16 MR. VAUGHAN: I don't know.

17 CHAIRMAN HATTON: That the Public Service
18 Commission found you had too much coal?

19 MR. VAUGHAN: I don't know if it's denied but
20 a lower position than what the company might have
21 proposed has been approved in the past from an
22 inventory point that would be included in the amount
23 of rate base that we recover in our base rates.
24 It's often a position that AG witnesses will come in
25 at a different level than we have in the past, a

1 lower level.

2 MR. PINNEY: So it is a topic -- more of a
3 topic of conversation in base rate cases?

4 MR. VAUGHAN: Yes, sir.

5 MR. PINNEY: All right. So I have a question
6 about the monitoring, the monitoring of the
7 stockpiles. Are those now reported -- have they
8 always been reported to PJM?

9 MR. VAUGHAN: From an always standpoint, I'm
10 not certain. I mean, I think it's part of --
11 there's a number of resource parameters that get
12 reported daily for the next operating day, and fuel
13 inventory could be one of those.

14 MR. PINNEY: Okay.

15 MS. CHILCOTE: I can speak specifically to
16 '21 into '22, we did have some weekly reporting that
17 was required with PJM of inventory levels. That was
18 -- obviously it was not AEP specific, it was PJM
19 specific, so --

20 MR. PINNEY: Okay. And that was respond --

21 MR. KURTZ: Your Honor -- Mr. Pinney, can you
22 tell me what the citation for that exhibit is?

23 MR. PINNEY: I think it is the response to --
24 hold on. In this 23-008, it's the response to
25 commission staff Request No. 2. Item 6, Attachment

1 2.

2 MR. KURTZ: Okay.

3 MR. PINNEY: And then I have one final
4 question relating to this. The full load burns that
5 are here on this inventory level, are these the
6 levels that were once you started reporting to PJM
7 the levels that were reported to PJM? These are
8 just monthly inventory levels. Is that what was
9 reported?

10 MS. CHILCOTE: We -- so what we reported to
11 PCL was an hours of burn that we had on a weekly
12 basis, and I believe that started, and I'd have to
13 check, but it started sometime in the fall of '21.
14 And we reported for every unit, not only coal
15 inventories but also consumable -- our consumables
16 that we thought would be the limiting -- that could
17 be the limiting factor.

18 MR. PINNEY: The other chemicals associated?

19 MS. CHILCOTE: Correct.

20 MR. PINNEY: The reagents and everything like
21 that?

22 MS. CHILCOTE: Correct.

23 MR. PINNEY: Okay. I think we'll probably
24 have -- Counsel, we'll have a post-hearing data
25 request related to this with some information about

1 reporting to PJM.

2 So one final question. When you report the
3 stockpiles to the -- or not -- yeah, the inventory
4 levels to PJM, is it for the past week or a forecast
5 for the next week?

6 MS. CHILCOTE: We reported what we actually
7 physically had on the ground at the time we did the
8 report so --

9 MR. PINNEY: Okay. So it's neither in the
10 past or in the future, it's just now?

11 MS. CHILCOTE: It was a present time --

12 MR. PINNEY: Okay.

13 MS. CHILCOTE: -- correct.

14 MR. PINNEY: All right. So with regard to
15 coal RFPs, just fuel procurement in general, you
16 know, where are the decisions made to issue an RFP?
17 You know, is it -- I mean, at what point do the
18 gears start moving and who starts the gears moving?

19 MS. CHILCOTE: So that's normally -- Kim
20 Chilcote responding. That's normally done through
21 the fuel procurement team, the service corp fuel
22 procurement team. And when we issue an RFP, we
23 issue it for the entire AEP system. We don't -- we
24 don't issue it specifically for one operating
25 company, it's issued for the AEP system. And we do

1 that based on looking at forecast of what we knew
2 we're going to need over the next several years and
3 what we have in inventory and the purchases we
4 currently have.

5 MR. PINNEY: Okay. And so when you issue
6 those RFPs, it's for -- well, let's say, for
7 example, you know that you may not need high sulphur
8 coal at Mitchell because you have a great next-door
9 neighbor. When you -- so you issue out the RFP and
10 it's systemwide. It does have to be tailored to the
11 individual opco sometimes because they may not need
12 -- I mean, like there is input, you're not just --
13 you, the service company, is not just sitting there
14 saying, high sulphur coal, we need this amount
15 because it's also going to be tailored to delivery
16 point, correct, and, you know, the individual needs;
17 is that correct?

18 MS. CHILCOTE: Yeah. And we don't -- when we
19 issue an RFP, we don't issue it for a specific
20 volume, we issue what we consider an open-ended RFP.

21 MR. PINNEY: Okay.

22 MS. CHILCOTE: And the reason being is
23 depending on the cost they bid me back, I may not
24 need tons; right? If you tell me I'm going to --
25 I'd love to sell you \$200 coal. Well, \$200 doesn't

1 make very efficient electricity in today's market;
2 right? So even if I thought I had a need of -- if I
3 got a crazy-high bid, there's no reason to act on
4 that bid because I'm not going to be able to make
5 electricity with that coal at that time.

6 So it's a little bit of a give and take;
7 right? I'm going to need so much based on the
8 forecast that I have, and if the prices don't match
9 up with that forecast, then my needs change.

10 MR. PINNEY: Okay. And then so once -- so
11 how quickly can an RFP be issued? Once you've
12 determined that there's a need, how quickly can it
13 happen? I work in a bureaucracy, nothing happens
14 very quickly here, so I just imagine what a large
15 corporation would be like.

16 MS. CHILCOTE: It's going to take us a few
17 days. And issuing it -- so there's a whole process;
18 right? I issue it. I can't expect a coal supplier
19 just to be sitting there waiting for me to issue an
20 RFP, so, you know, you have to give them some time
21 to respond. And then in turn, once they respond,
22 you know, we have to process through all of the data
23 that they provide us. So it's probably a month-long
24 process.

25 MR. PINNEY: Okay. And then I think you

1 testified earlier that the September 2021 RFP, there
2 was actually a shorter -- you specified a shorter
3 response time; is that correct?

4 MS. CHILCOTE: We did a shorter response time
5 and we acted on bids in a significantly shorter
6 time. We probably acted on that RFP within a week.

7 MR. PINNEY: Okay.

8 MS. CHILCOTE: Which is a significantly
9 shorter time than normally; right? We knew the
10 demand was there and that supply was being taken
11 very quickly, so you had to act quickly to secure
12 supply.

13 CHAIRMAN HATTON: What time period is this,
14 we're talking about fall of '21?

15 MS. CHILCOTE: Fall of 2021.

16 MR. PINNEY: And if not having to act
17 quickly, I mean, I guess you still had to act
18 somewhat expeditiously, but there are -- as I recall
19 there may have been times not within this review
20 period or perhaps even the first six-month review
21 period, I don't know if Kentucky Power issued any
22 coal solicitations.

23 MS. CHILCOTE: We have not issued any since
24 the fall of 2022, that's correct.

25 MR. PINNEY: And then from the decision to

1 accept certain bids, how long does it usually take
2 to enter into that contract, to execute the
3 contract?

4 MS. CHILCOTE: My answer's going to be it
5 depends. It depends on your counter-party; right?
6 Some counter-parties are slightly more difficult to
7 enter into transactions with. We do have in place
8 with some of our counter-parties what we call master
9 agreements where we've sat down over the last
10 several years and negotiated a standard form of
11 terms and conditions. And so with those
12 counter-parties, you're simply agreeing on the
13 current terms of price and volume, and those can go
14 very quickly.

15 But if you have to negotiate an entire supply
16 agreement with the counter-party and they're
17 difficult, it can take a significant amount of time
18 because you're obviously trying to agree on, you
19 know, lots of different terms and conditions in a
20 supply contract.

21 MR. PINNEY: All right. And is there a rule
22 of thumb once you execute a contract when that coal
23 starts showing up, I mean, notwithstanding the coal
24 across the street?

25 MS. CHILCOTE: So every -- that's part of the

1 terms and the commercial terms that you negotiate,
2 right, you negotiate the start of the agreement and
3 then the termination of the agreement, that's all
4 part of your commercial terms.

5 MR. PINNEY: All right. Do the terms also
6 say, it's like we need coal by this date at, you
7 know, the dock?

8 MS. CHILCOTE: Correct.

9 MR. PINNEY: That would be in there? Okay.

10 MS. CHILCOTE: Correct. They have a start
11 date, a specific start date.

12 MR. PINNEY: And do those start dates vary
13 depending upon the needs for coal and also I guess
14 how far away it is; right?

15 MS. CHILCOTE: Yeah. Well, and, I mean, we
16 procured coal, what I would call spot coal, right,
17 things that are a year or less, you know, just a
18 short-term coal, we may do it -- we may do a two or
19 three-month deal. We did several of those during
20 the review period, right, because suppliers would
21 see that they would have coal available, so you
22 might do a -- you might do a supply deal for one
23 month --

24 MR. PINNEY: Okay.

25 MS. CHILCOTE: -- because it was available

1 and you could transact on it.

2 MR. PINNEY: And are those written or oral,
3 the spot contracts?

4 MS. CHILCOTE: So some of those I would call
5 what we would call unsolicited bids where the
6 supplier simply picks up the phone and they call and
7 they say, I have tons available, here's the price,
8 would you like to purchase them and, you know, we
9 look at where the -- where the needs would be and
10 then the price and does that price make sense.

11 And obviously price is negotiable, you know,
12 there are times we'd say, I would like to buy those
13 tons but that's above market, so I'll pay you market
14 or a different price for them.

15 MR. PINNEY: Okay. All right. I'm going to
16 refer to something that was filed in the 2022-0036
17 case, give you an opportunity to get it, and it's
18 going to be response to the commission's first
19 request Item 4 Attachment 1.

20 MS. GLASS: Could you say that again,
21 Mr. Pinney?

22 MR. PINNEY: It's in the Case 2022-36.

23 MS. GLASS: Okay.

24 MR. PINNEY: Response to Data Request 1 Item
25 4 Attachment 1.

1 MS. CHILCOTE: Okay.

2 MR. PINNEY: All right. And so I'm actually
3 going to be asking questions about the footnotes
4 that are there, 1, 2 and 3; do you see those?

5 MS. CHILCOTE: Yes.

6 MR. PINNEY: And the first footnote says, the
7 seller withdrew or modified after the RFP. Can you
8 explain what that means.

9 MS. CHILCOTE: Certainly. So what happens
10 sometimes is a seller will make an offer, and then
11 after they make the offer, they may -- they may have
12 sold those tons to someone else or they may have
13 decided that they no longer choose to offer those
14 tons as part of your offer; right? So there were
15 instances I remember clearly where I called someone
16 and I said, I'll purchase these tons and they said,
17 we're not selling them anymore.

18 So whether they could find a better price for
19 them or whatever, it was based on their -- the
20 seller's option. And that's part of our RFP, it
21 says that they have the right to take a bid back if
22 they choose.

23 MR. PINNEY: Okay. And so if I refer to the
24 record in Case No. 22-263, response to the first
25 data request Item 4 Attachment 1, I'll give you an

1 opportunity to get there.

2 MS. CHILCOTE: I think it's same one, okay.

3 MR. PINNEY: I mean, yeah, it's kind of the
4 same information in it. It's slightly different
5 dates but --

6 MS. GLASS: Okay. Can you say the case
7 number again?

8 MR. PINNEY: 22-263.

9 MS. GLASS: I think that's the one we were
10 looking at.

11 MS. CHILCOTE: That's the one we were looking
12 at.

13 MR. PINNEY: Is that the one you were looking
14 at? All right. Well, I guess the answers are going
15 to be the same.

16 MS. CHILCOTE: It says April 5th, 2022?

17 MR. PINNEY: All right. I was asking -- the
18 previous one I was asking was 23-36.

19 MS. GLASS: Okay.

20 MS. CHILCOTE: Okay. The answer would be the
21 same.

22 MR. PINNEY: Okay. All right. And so that
23 -- you know, what if it says something along the
24 lines of, coal mines are not currently in
25 production, so what does that mean?

1 MS. CHILCOTE: So what happened during the
2 '21, '22 when the market had increased
3 significantly, there were mines that were not
4 producing coal but all of a sudden because of the
5 large price increase, it became economic for them to
6 produce coal. So they saw this as an opportunity;
7 right? I couldn't produce coal at \$70 a ton but now
8 at \$100 a ton or \$150 a ton, I can produce coal and
9 I can make money. So they offered coal from those
10 mines that were not -- they didn't have equipment,
11 they didn't have people into these -- to these bids,
12 into these RFPs.

13 And then we as a company did due diligence on
14 those; right? I have -- we have two people that
15 work in my group and they went to -- I don't know
16 how many not-open mines they went to and began to
17 look at them and say, could these -- could they
18 possibly produce coal in the next three months,
19 six months, the next year.

20 And so you had to evaluate those a little
21 differently, right, because if you made a purchase
22 from them, you may not know exactly when you were
23 going to get that purchase because they were still
24 trying to get up and get running.

25 MR. PINNEY: Okay. And then finally, I'll

1 ask to refer to basically the same response but for
2 the 2003-0008 (sic) case, response to the first data
3 request Item 4 Attachment 1. Same -- it would be
4 similar information.

5 MS. CHILCOTE: Yeah. And that's one the
6 that's dated September 12th of 2022?

7 MR. PINNEY: I believe so.

8 MS. CHILCOTE: Okay.

9 MR. PINNEY: You know, same question for the
10 footnotes that are listed there but --

11 MS. CHILCOTE: Yes.

12 MR. PINNEY: -- and also, why were there no
13 vendors selected for the high sulphur coal, do you
14 know?

15 MS. CHILCOTE: In September of '22?

16 MR. PINNEY: Mm-hmm.

17 MS. CHILCOTE: I believe we probably didn't
18 have a need --

19 MR. PINNEY: Okay.

20 MS. CHILCOTE: -- for additional high sulphur
21 coal. We had procured the additional coal, the
22 barge coal, and then we also had the supply from the
23 belt.

24 MR. PINNEY: Okay.

25 MS. CHILCOTE: So our forecast probably

1 showed that we didn't have a need for high sulphur
2 coal at that time.

3 MR. PINNEY: All right. I just didn't know
4 if you'd found those facts on, you know, due
5 diligence or when we're looking at the procurement
6 sheets.

7 MS. CHILCOTE: The majority of the suppliers
8 that were in mines and development were the Central
9 App mines, there were no Northern App mines that
10 were in development. Everything that was offered to
11 us that was in development was from Central
12 Appalachian.

13 MR. PINNEY: So is it Northern App, is that
14 where the low sulphur coal -- excuse me -- low
15 sulphur coal --

16 MS. CHILCOTE: That's the high.

17 MR. PINNEY: And Central?

18 MS. CHILCOTE: Central App is low sulphur.

19 MR. PINNEY: Okay. All right. And so
20 Mitchell, then, is located -- considered the
21 Northern App region?

22 MS. CHILCOTE: It sits kind of right in the
23 middle of the two.

24 MR. PINNEY: I'm going to have a post-hearing
25 DR about some of the -- some of the solicitations

1 for 22-36, 22-63 and then 23-08. I've been reminded
2 I've been jumping around in my questions, so we're
3 just going to hit it with a post-hearing data
4 request.

5 And so as -- you know, as a result of what
6 has occurred within the last few years, has AEP, the
7 service company and if the opcos have input into
8 this, have there been amendments to the coal
9 procurement process?

10 MS. CHILCOTE: We have. We did make some
11 changes in how we contract and some of how we've
12 dealt with specific suppliers. And then on the
13 procurement side, you know, we continue to
14 continually monitor the markets and look at what the
15 plants are burning, look at the inventories that
16 they have and make the decision based on the
17 information we have. But we have made some changes
18 in our contracting terms and conditions.

19 MR. PINNEY: Would those be changes that are
20 made in the written policies and procedures or just
21 kind of it's within the parameters of it, you can
22 just make certain decisions?

23 MS. CHILCOTE: They are not part of the
24 specific written policies and procedures that we've
25 given you.

1 MR. PINNEY: All right. And so during the
2 period under review, were there problems with
3 delivery with any of the coal contracts?

4 MS. CHILCOTE: And I think I addressed that
5 in my testimony but, you know, we work hard with our
6 suppliers to make sure that they deliver the
7 obligations that they're supposed to. When I look
8 at the review of the period, we did have people that
9 got behind but we worked hard with them. I know
10 there were some shortages at the end of '22, but
11 everybody that had not supplied everything in '22
12 made up those deliveries into '23, so we completed
13 all of our obligations for 2022 with our suppliers.

14 We did have one contract that we did
15 terminate. The supplier had production issues and
16 they had -- we have language in our agreements that
17 if they declared force majeure and it's for an
18 extended period of time, we have the right to
19 terminate. And we tried to work with that supplier
20 to get that tonnage delivered but it just didn't
21 appear from our standpoint that they would ever be
22 able to deliver, so we believed it was in the best
23 interest to terminate that agreement.

24 MR. PINNEY: All right. So this verification
25 of the force majeure, the reasons why?

1 MS. CHILCOTE: Yes.

2 MR. PINNEY: Okay. Just asking, just I know
3 that coal prices are really high and you can
4 probably sell it better, you know, abroad than here
5 and say, oh, no, it's a force majeure, you know --

6 MS. CHILCOTE: Yes, we --

7 MR. PINNEY: -- sorry, can't have it.

8 MS. CHILCOTE: -- we definitely looked into
9 the force majeure issue and investigated it to make
10 sure that it was a valid and enforceable issue under
11 the contract.

12 MR. PINNEY: And was there any litigation
13 during the period of review with any of the coal
14 suppliers?

15 MS. CHILCOTE: There was not.

16 MR. PINNEY: Okay. And just -- we'll ask
17 this in the post-hearing DR, we'll just want to know
18 like for the two-year period under review, just
19 identify the coal contracts under which Kentucky
20 Power was receiving coal; right? We'll put it in
21 writing, just wanted to give you -- put you on
22 notice.

23 I believe there is at least when we were
24 looking at some of those sheets earlier, the
25 attachment for Item 1, just -- you don't necessarily

1 have to look at it for reference, but I think one of
2 them included an unsolicited offer; is that correct?

3 MS. CHILCOTE: It may have, yes.

4 MR. PINNEY: And so are you familiar -- I
5 think there's only one. Are you familiar with that
6 one and was it significant?

7 MS. CHILCOTE: I believe it was for 60,000
8 tons.

9 MR. PINNEY: Okay.

10 MS. CHILCOTE: So --

11 MR. PINNEY: Yeah, I think --

12 MS. CHILCOTE: -- I mean, in the market that
13 we were in, when you're looking for coal and you're
14 looking for offers, every ton makes a difference, so
15 an offer of 60,000 tons helped us meet that demand
16 forecast that we were seeing.

17 MR. PINNEY: Okay. And so I think I'm coming
18 to the end of my questions for coal but don't get --
19 don't get comfortable, Ms. Chilcote, but I was just
20 going to ask, is anybody aware, has Kentucky Power
21 ever sought authority to sell any of its coal?

22 MS. CHILCOTE: I am not aware of that we've
23 ever sold coal from Kentucky Power.

24 MR. PINNEY: Well, subject to check, if
25 someone wanted to, would you accept that there was a

1 case filed here in 2017, Case No. 2017-00446 in
2 which Kentucky Power requested authority to sell
3 approximately 200,000 tons of high sulphur coal and
4 that the total sale was going to be 400,000 but
5 200,000 represented its own, Kentucky Power's, and
6 the commissioner authorized it, just wanted --
7 subject to check just put it out there that Kentucky
8 Power at least once has sought authorization to sell
9 excess coal supplies.

10 So, Mr. Stutler, you were at the informal
11 conference, I saw the sign-up sheet, but it was a
12 long time ago so I can understand if you don't
13 remember.

14 MR. STUTLER: Actually when you brought up
15 2017, it does ring a bell, and I do recall that
16 transaction taking place.

17 MR. PINNEY: I know you're in the gas world
18 now so you've probably forgotten all about coal, but
19 I'll just put that on the record.

20 Okay. I only have one more coal question.
21 So when you're talking about -- you know, you're
22 calling, you're looking for coal wherever it is, and
23 I think you testified earlier that, you know, you're
24 picking up the phone, you're calling people. Do you
25 have a Rolodex, do you have a list of people that

1 you can come up with? I mean, are you looking on
2 Craigslist, I mean, what -- how do you find these
3 people?

4 MS. CHILCOTE: So, I mean, I've been in the
5 business for almost 35 years, so I have pretty many
6 contracts in the business. But then some people
7 from our company also approach the West Virginia
8 Coal Association and ask them to approach their
9 members to help with finding supply at that same
10 time.

11 So we did reach out to known organizations
12 that were there that coal suppliers were members of,
13 and that's how we ended up with some of these what
14 I'd call mines in development; right? These were
15 people that had not been sending us coal that either
16 we had reached out to or maybe the West Virginia
17 Coal Association or even the Kentucky Coal
18 Association had reached out to and said, there are
19 utilities looking for coal, you know, could you guys
20 begin to operate and offer them coal, so...

21 MR. PINNEY: And so were there any responses
22 to that or was that February 2022 unsolicited
23 response kind of the first thing that fell outside
24 the normal RFP process?

25 MS. CHILCOTE: A lot of those, like those

1 offers came in as part of, you know, later
2 solicitations.

3 MR. PINNEY: In response to a written RFP?

4 MS. CHILCOTE: Yes.

5 MR. PINNEY: Okay.

6 MS. CHILCOTE: Yes.

7 MR. PINNEY: So it was less, I need coal, I
8 need it now, versus, we're going to be issuing a
9 RFP, I need you to --

10 MS. CHILCOTE: Yeah.

11 MR. PINNEY: -- to make you aware?

12 MS. CHILCOTE: And some of the fall of '21
13 were people that we had already transacted with,
14 right, that had already provided an offer and that
15 they might have said, well, I can offer you X more
16 tons; right? I provided you an offer, I think I can
17 make incremental tons so I can offer you additional
18 tons. And as that was done, it would have been
19 included in that fall of '21 RFP.

20 MR. PINNEY: Okay. I'm not going to promise
21 you can sit back and relax but I'm going to move on
22 and ask questions about the adder or I guess the --
23 how is the increment referred -- the coal
24 conservation? I'm just going to call it the adder.

25 MR. VAUGHAN: Sure, we can call it that.

1 MR. PINNEY: For lack of a better word. So
2 I'm going to draw attention to, Mr. Vaughan, your
3 direct testimony filed in this case, the 23-08 case,
4 Page 9, Lines 6 through 14, as well as Mr. Stegall's
5 direct filed in 22-263 Pages 9, Lines 10 through 17.
6 Give you a second to get -- are you there?

7 MR. VAUGHAN: I'm there.

8 MR. PINNEY: All right. So this -- here's a
9 general discussion about how costs are established
10 in the market-based offer curve and the cost-based
11 offer curb; correct?

12 MR. VAUGHAN: Yes, sir.

13 MR. PINNEY: And if I call it curb instead of
14 curve, they mean the same thing, so I apologize.
15 And you discussed these are subject to rules by both
16 PJM and the FERC; correct?

17 MR. VAUGHAN: PJM and what?

18 MR. PINNEY: The FERC?

19 MR. VAUGHAN: Yeah, it's PJM's FERC-approved
20 tariff.

21 MR. PINNEY: Okay. All right. So FERC's not
22 looking at it independently, FERC is approving the
23 rules in the tariff and then PJM is enforcing those
24 rules?

25 MR. VAUGHAN: Yes, sir.

1 MR. PINNEY: Okay. All right. And here I
2 think is a verbatim quote, the cost-based offer
3 adheres to strict guidelines while the market-based
4 offer allows for other factors such as opportunity
5 costs to be considered by a market participant.

6 MR. VAUGHAN: Yes.

7 MR. PINNEY: So could you give me some
8 examples of what opportunity costs are.

9 MR. VAUGHAN: That's a great question. And
10 so I'm going to point you back to my direct
11 testimony, Page 7 AEV Figure 1, and it shows that
12 chart of market prices over the period; right?

13 And so just thinking of relative economics of
14 Mitchell or any coal plant, you see that first line,
15 first larger line on the graphs, \$35 a megawatt
16 hour, right there is where you're marginally
17 economic, okay. And as you see during the review
18 period, you get to July of '21 and pretty much
19 everything is above that \$35 mark going forward.

20 And when you're evaluating opportunity costs
21 here, you're taking into account all of the market
22 information that's available to you at the time, and
23 part of that is, what would someone be willing to
24 sell me a block of power next month or what could I
25 sell something forward at. And so if we're pretty

1 sure market prices are going to be \$50 this month
2 and they're going to be \$70 in two months and then
3 in the dead of summer, they're going to be \$90 and
4 we know because of the market dynamics that Company
5 Witness Chilcote discussed in the coal industry, we
6 only have this amount, X amount of tons of coal to
7 burn.

8 And so the opportunity cost is that we could
9 just let Mitchell dispatch like just all out, no
10 adder, coal conservation adder in there at \$50 and
11 it runs itself out of coal, and now you have a big
12 opportunity cost because in August, the price is
13 going to be almost double that you could have
14 received for those coals, the revenue you could have
15 received by burning those coals.

16 So that is the opportunity costs that we are
17 specifically focused on here, you know, trying to
18 manage that finite amount of coal to produce the
19 most economic value for customers based on the
20 information we have at the time.

21 MR. PINNEY: Okay. And then so are there
22 rules associated what could be considered an
23 opportunity cost or what these inputs for the, you
24 know, market-based offer are?

25 MR. VAUGHAN: Not in the market-based offer,

1 no, I mean, it's market. If you said, my unit's
2 worth this much, I only want to offer it at \$100,
3 that's you and so you're pricing yourself out of the
4 market if you did that, if your real cost was -- say
5 your real cost was 30 of some hypothetical resource
6 but you want to -- you think you're going to be the
7 marginal unit and you want to set LMP, you could
8 offer whatever you like. That's why you have to
9 produce a market-based offer and a cost-based offer,
10 because if there's a liability situation or you
11 failed a pivotal supplier test or something else,
12 you're stuck with your cost cap is what -- as John
13 referred to it as and you're stuck with your
14 cost-based offer.

15 So that market one is just that, it's market.
16 So, no, we were adding a -- I've heard other
17 utilities call it a shadow price, but this is a
18 fairly common practice I believe on reviewing the
19 video of the hearing from the other utilities, I
20 think EKPC and Duke also did it in Kentucky. I know
21 Duke's done it in the Carolinas and Indiana as well,
22 the other AEP utilities have done that, I believe
23 Dominion has, I mean, it's a fairly common practice
24 to try and -- you know, if you have a fuel
25 constraint to maximize that fuel value for

1 customers.

2 MR. PINNEY: Okay. And so does -- I'm going
3 to ask this because I did a little bit of homework,
4 not a lot. PJM Manual 15.

5 MR. VAUGHAN: Yes.

6 MR. PINNEY: And it has a section talking
7 about energy market opportunity costs and
8 opportunity costs policy and the like of that. Does
9 that come into play when calculating opportunity
10 costs for the market-based curve?

11 MR. VAUGHAN: As I sit here today, I do not
12 recall. I know market -- Manual 15 is very
13 prescriptive in how the cost-based offer comes
14 together and what can be included there, there's a
15 -- right, there's an allowable Section 2.9 adder 4
16 if you are cost capped, you're allowed to have a 10
17 percent adder so that there is some margin in your
18 offer if you get cost capped but, no, I --
19 personally as I sit here today, I don't know all the
20 ins and outs on what's allowable opportunity costs
21 in the market-based offer.

22 MR. PINNEY: I was just asking because in
23 your testimony, you say, you know, the market-based
24 offer allows for other factors such as opportunity
25 costs and the like of that, I just didn't know if

1 there was actually a limit on what you could include
2 in a market-based offer.

3 MR. VAUGHAN: I don't know. I don't -- my
4 general understanding is no.

5 MR. PINNEY: So I'd like to refer you to Page
6 11 of your testimony, and just generally Lines 11
7 through 23. And in general I'm not going to have
8 you read the whole thing, but there you discuss the
9 opportunity costs to customers on the market curve
10 and you discussed the adder being used, in your
11 example to be dispatched only in peak hours; is that
12 correct?

13 MR. VAUGHAN: That's right. In that example
14 we're showing, it's meant to show that, you know,
15 the unit may still be running but it's -- the adder
16 increment is causing it to run at an economic
17 minimum level of generation until prices get --
18 until prices get really high and then so it might
19 ramp up on on-peak higher prices and back down to
20 economic mins at other times.

21 MR. PINNEY: So when it's operating -- this
22 is just taking a step back, we're talking about
23 bidding ahead into the day-ahead market and like of
24 that. If -- you said if the Mitchell unit's running
25 on an economic minimum, that means it has been

1 picked up for the day ahead, correct, or you either
2 bid it in as a must run?

3 MR. VAUGHAN: Either way, right, whether
4 you're being dispatched it. So the adder is causing
5 it to run at that minimum, so your day-ahead award
6 may have been during these ten hours of the day,
7 you're going to run at your economic minimum based
8 on your offer price and then the LMP solution was
9 much higher over the on-peak periods and so we want
10 you to ramp up based on your -- again, your offer
11 price, including the adder, we still want you to
12 ramp up during on-peak.

13 MR. PINNEY: All right. So when you're
14 talking about ramp up, you're not talking about
15 starting from --

16 MR. VAUGHAN: Nothing at all.

17 MR. PINNEY: -- it's already spinning?

18 MR. VAUGHAN: Correct. You're going from
19 your --

20 MR. PINNEY: Okay.

21 MR. VAUGHAN: -- economic minimum to maybe
22 economic maximum or some point there in between.

23 MR. PINNEY: Okay. And so, you know, this is
24 -- correct me if I'm wrong but you'd said earlier
25 that if you've committed those units into the

1 capacity auction, the FRR or whatever, then you must
2 offer them unless they're on an outage?

3 MR. VAUGHAN: Correct.

4 MR. PINNEY: And so you offer them the
5 day-ahead market with a particular price and you
6 just discussed about the ability to ramp up, you
7 know, there's operating at economic minimum, those
8 LMPs go up, it's like -- and then all of a sudden
9 you can ramp up to meet whatever -- you know, the
10 market decides that, right, or PJM decides it under
11 this match model but...

12 MR. VAUGHAN: The market decides it but,
13 again, this is how we're trying to -- when we're
14 forecasting each month going into these operational
15 meetings where the opcos are approving the offer
16 strategy for the month, this is being included in
17 the like stochastic analysis. So we're assuming
18 that we're going to burn less at certain points of
19 the days and we're keeping track of how many tons
20 we're burning in this analysis and working with the
21 fuels team to see how much they think is going to
22 come in so that we can try and find the most optimal
23 solution for customers knowing that we don't have
24 the fuel supply and the fuel supply doesn't exist
25 out there to meet necessarily what this new higher

1 anomalous level of economic demand would want us to.

2 MR. PINNEY: Okay. And I was wondering, the
3 level of coordination, do the opcos, you know, have
4 a say in some of this policy? So just testified to
5 that; is that correct?

6 MR. VAUGHAN: Well, absolutely. They're
7 signing off on the strategy and then the experts
8 that work in the full supply team and commercial
9 operations that they -- they do the day-to-day
10 operations based on that strategy and they carry it
11 out. They might -- there might be changes and
12 refinements throughout the month as conditions
13 change, but they stick with that strategy or, if
14 they need to depart from it, they would get back
15 with the operating company personnel that okayed it
16 in the first place.

17 MR. PINNEY: All right. And so if a Mitchell
18 unit, and you may not be the one to answer this but
19 -- so let's say, for example, one of the Mitchell
20 units is in reserve shutdown the day before. I
21 believe that there was response in the record saying
22 if a unit's in reserve shutdown, it's not burning
23 any fuel, it's not spinning; is that correct?

24 MR. VAUGHAN: Correct. Sorry, go ahead.

25 MR. KERNS: No, sorry. Tim Kerns, and that's

1 correct. It wasn't picked up in the economic model
2 by PJM, so it's available for operation but not
3 operating.

4 MR. PINNEY: Okay. Available for operation
5 but not operating, because I guess everything has to
6 be available unless it's in an outage or --

7 MR. KERNS: That's correct.

8 MR. PINNEY: All right.

9 MR. KERNS: I mean, when you look at the
10 parameters that make up the available hours, it's
11 the service hours plus the reserve shutdown hours.

12 MR. PINNEY: Right.

13 MR. KERNS: The unavailable hours are made up
14 of the planned, forced and maintenance outage hours.

15 MR. PINNEY: Right. And so in a reserve
16 shutdown -- and so when -- and I think that there
17 was some testimony just before, at least for Big
18 Sandy, when would PJM notify Kentucky Power that one
19 of the Mitchell or both of the Mitchell units was
20 going -- has cleared day-ahead market?

21 MR. KERNS: I believe that's about 1 o'clock,
22 Dave, is that --

23 MR. MELL: Yeah.

24 MR. KERNS: About 1 o'clock in the afternoon.

25 MR. MELL: Projections come out at that time.

1 MR. PINNEY: Okay. And at that moment,
2 that's when you find the matches and you start to
3 light things; is that correct? We're like, like --
4 the question being is like, how long is it going to
5 take for those Mitchell units to be ready to meet
6 that offer curve where it's going to, you know,
7 adder or not, it's going to make you-all money, you
8 know, for the benefit of the customers, it's been
9 dispatched, you know, how long?

10 MR. ROSENBERGER: This is Doug Rosenberger
11 responding. When we get the response around
12 1 o'clock in the afternoon whether we're picked up
13 or not, that response also tell us when PJM wants us
14 online.

15 MR. PINNEY: Okay.

16 MR. ROSENBERGER: So we'll backtrack and
17 figure out the timeline to get there based on the
18 timeline they want us in parallel.

19 MR. PINNEY: All right. Is that because
20 that's the day-ahead and then there's going to be
21 the realtime I guess, is that -- they anticipate
22 that they're going to have you a certain period of
23 time but if they're looking at the realtime market,
24 there's going to be a margin of error when you're
25 going to have to ramp up; is that accurate?

1 MR. ROSENBERGER: Yes, that's very possible.

2 MR. PINNEY: Okay. All right.

3 MR. ROSENBERGER: But they tell us when they
4 want us in parallel.

5 MR. VAUGHAN: I think what he's referring to
6 -- this is Witness Vaughan -- is that in the
7 day-ahead offer, it may not say, I need you at 1:00
8 a.m., it may say, I'd like you to be there at
9 2:00 p.m. the next day.

10 MR. ROSENBERGER: Correct.

11 MR. VAUGHAN: For an afternoon ramp, and so
12 that's when he's going to base his operations on
13 getting the unit going.

14 MR. PINNEY: Right. And so that's -- let me
15 ask you this. And so once the unit is dispatched,
16 you know, is it -- does the level of dispatch, you
17 know, what it's producing, does that vary? Say it's
18 above its economic minimum, does it vary upon what
19 PJM is requesting?

20 MR. ROSENBERGER: Yes, it does.

21 MR. PINNEY: Okay. All right. Because
22 they're looking at it, they're saying, okay, there's
23 congestion over here, this, this, is that an
24 accurate way to say?

25 MR. ROSENBERGER: Yes.

1 MR. PINNEY: Okay.

2 MR. ROSENBERGER: They're looking at demand
3 and where they can get it from.

4 MR. PINNEY: All right. Subject to
5 commission -- to transmission constraints and --

6 MR. ROSENBERGER: Correct.

7 MR. PINNEY: All right. Okay. And does it
8 matter how long it takes for a unit to come up -- to
9 come up? Let's assume it was in reserve shutdown.
10 If it was in reserve shutdown for a day versus two
11 days versus three days, does that affect the ability
12 for it to come back online? Not affect the ability,
13 the timing?

14 MR. ROSENBERGER: Doug Rosenberger
15 responding. The answer is yes. Start-up procedures
16 for a coal plant, you have a cold, hot and warm
17 start-up, and it's different timelines for each.

18 MR. PINNEY: Okay. All right. Thank you.
19 So, Mr. Vaughan, I'll refer back to your direct,
20 Page 12, Lines 20 through 22.

21 MR. VAUGHAN: Okay.

22 MR. PINNEY: And there you discuss the --
23 that the company, and I assume the company in this,
24 is this Kentucky Power or is this the service
25 company?

1 MR. VAUGHAN: The service -- so we're talking
2 about, I assume you're referring to the --

3 MR. PINNEY: Line 21.

4 MR. VAUGHAN: -- Line 21, the use of
5 proprietary software package to calculate the cost
6 of each segment of the offer curve, is that what
7 you're referring to?

8 MR. PINNEY: Right.

9 MR. VAUGHAN: Yeah, that's a service that the
10 service company provides to all the opcos.

11 MR. PINNEY: Okay. So it might be individual
12 -- it might apply individually to one of the opcos
13 but it's the company here referring to -- does it
14 refer to Kentucky Power or the service corporation?
15 I apologize.

16 MR. VAUGHAN: I mean, the people doing the
17 procedure, the experts are service company
18 personnel, but that is -- Kentucky Power is the
19 company right there, they're utilizing that service
20 for market offers.

21 MR. PINNEY: Okay. And so for the purposes
22 of Kentucky Power, since they're 50 percent owner of
23 Mitchell with Wheeling, you know, what level of --
24 is there a coordination between Kentucky Power and
25 Wheeling at that point when they're taking a look at

1 these offers? You've said that the opcos have input
2 to the strategy.

3 MR. VAUGHAN: Yeah. So I'm going to
4 preemptively look at Mr. Kerns since he has -- he
5 has experience on the operating committee for the
6 Mitchell plant. He can correct me if I misstep here
7 but generally -- both companies could come up with
8 different offer strategies, they could diverge from
9 one another. I do not remember when that's
10 happened.

11 And my recollection from the period is that
12 Mr. West and his counterpart at Wheeling Power both
13 agreed with the strategy, like there was no one
14 saying, no, I think my half should be operated this
15 way versus that way, I mean, it was all -- you know,
16 the goal was to maximize the economics for
17 customers, no matter what, and that was always in
18 agreement.

19 MR. PINNEY: Okay. And so going back to the
20 proprietary software, you know, what factors or do
21 you know or does anybody know what factors it takes
22 into consideration when forming any of those
23 calculations? You can make those -- you say you can
24 make the adjustments, you know, at different
25 segments on that curve.

1 MR. VAUGHAN: Yeah. I'm -- I have it in my
2 testimony somewhere where it talks about the various
3 market parameters. So, yeah, it's somewhere in
4 here, it's not coming to me right now but at a high
5 level, right, all of the operational parameters of
6 the unit and the heat rate coefficient, and remember
7 it's a curve.

8 MR. PINNEY: Right.

9 MR. VAUGHAN: It's -- there's some pretty
10 heavy math involved, heat content of the fuel, ramp
11 rate of the specific resource, like how far can it
12 move up the curve, Point A to Point B during an
13 increment of time, it's solving for all of those
14 things based on the inputs that go into it and then
15 providing that software package is there to
16 calculate these things and then provide the needed
17 inputs to PJM so that they can consider our offers
18 in their economic dispatch solution. And so all
19 we're saying in that Q and A is that we have the
20 ability to add the coal conservation adder on top of
21 the normal parameter calculations.

22 MR. PINNEY: Okay. And so this propriety
23 software, is this something that could be provided
24 to the commission?

25 MR. VAUGHAN: I do not know if you can run

1 Powerspark or not. I don't know if it's a -- I
2 don't know. You could probably come sit down and
3 look at it if you like.

4 MR. PINNEY: It might be something that we
5 would have tackle later on. We'll make the question
6 -- we'll ask the question in a --

7 MR. VAUGHAN: Yeah.

8 MR. PINNEY: -- post-hearing data request and
9 then we'll start talking about it.

10 MR. VAUGHAN: Yeah, I honestly don't know.

11 MR. PINNEY: I think that -- I mean, just we
12 made our request once of another generator and they
13 offered to bring me their -- you know, like a laptop
14 in here or invited us to their war room to see it.
15 I'm not suggesting necessarily we want the software
16 itself but, you know, we will see, we'll make the
17 request and they can make a response.

18 MR. GISH: Certainly. We'll work with folks
19 just to make sure you guys understand what's going
20 on.

21 MR. PINNEY: Okay.

22 MR. VAUGHAN: You would not be the first
23 commission staff that we walked through like the
24 market ops, we've done that with other staffs before
25 and shown them how we put offers together and submit

1 them to the market and how do those things work.

2 MR. PINNEY: All right. I'd like to take a
3 look at the -- in Case No. 2003-008 response, this
4 is data -- the staff's second request Item 2, and it
5 basically just discusses the formation of the adder
6 committee.

7 MR. VAUGHAN: I don't happen to have a copy
8 of that one here.

9 MS. GLASS: Which attachment is it,
10 Mr. Pinney?

11 MR. PINNEY: I don't know if it's an
12 attachment. It's just response to Item 2, second --

13 MS. GLASS: Response.

14 MR. PINNEY: Commission staff's second
15 request.

16 MR. GISH: I can hand it to him --

17 MR. PINNEY: Okay.

18 MR. GISH: -- if that's okay. There's
19 nothing on it.

20 MR. VAUGHAN: I now have it.

21 MR. PINNEY: All right. So just general
22 questions about the adder committee, when was it
23 formed?

24 MR. VAUGHAN: I'm sorry, can you repeat that?

25 MR. PINNEY: When was the adder committee

1 formed?

2 MR. VAUGHAN: What was the -- I'm sorry.

3 MR. PINNEY: I think you said -- you
4 discussed something about the adder committee,
5 people getting together to figure out the coal
6 conservation. It's the -- I guess the people that
7 get together to make the decisions about how to
8 address that offer curve.

9 MR. VAUGHAN: Yeah, the monthly strategy
10 meeting --

11 MR. PINNEY: Right.

12 MR. VAUGHAN: -- I referred to, yeah.

13 MR. PINNEY: And so does each opco have a
14 representative on that -- in that group?

15 MR. VAUGHAN: Yes.

16 MR. PINNEY: Okay. Is Ms. Chilcote part of
17 that decision?

18 MR. VAUGHAN: Her and others from fuel
19 procurement, yes.

20 MR. PINNEY: Okay. All right. So if, you
21 know, you're talking about these adjustments to the
22 offer curve and there's a monthly meeting but the --
23 there's a monthly meeting but the -- you know,
24 especially when we're talking about the adder during
25 the period of time, it was applied daily; is that

1 correct?

2 MR. VAUGHAN: Correct.

3 MR. PINNEY: Okay. And so if there was only
4 monthly meetings, how was -- were the people who
5 make the decisions to make those offer curve
6 changes, you know, of those different segments, how
7 were they making those daily determinations, then?

8 MR. VAUGHAN: Yeah. So the way it operated
9 is we would come up with a general strategy, there
10 would be strategy recommendations based on various
11 level of stochastic analysis with all of the inputs
12 from the fuel team and the generation team and the
13 commercial team, all of your inputs into what is
14 going to create demand for a resource during the
15 month. And kind of the starting point is, based on
16 that demand we see for next month, if you do
17 nothing, if you just offer it as is, what will
18 happen.

19 And so step one is you do that, and then the
20 answer is we run out of coal or something bad
21 happens, so now we have to come up with Plan B. And
22 so then there's a process, same type of analysis but
23 you place an adder on the offer to reduce the amount
24 of total burn during the month that would be
25 otherwise unconstrained to get to a level that's

1 going to keep you above the ten-day rule or keep you
2 from running out of coal.

3 And that is what would be discussed. So one
4 of the options may be, hey, why don't we shut down
5 one of the Mitchell units for the month, just run
6 one of them and Kentucky Power gets half and
7 Wheeling gets half and we'll do this level of
8 increment, or we'll run both but we'll have a higher
9 increment.

10 So these -- these are examples of things that
11 might be discussed during the meeting. And the
12 results are then the opcos will say, all right, I
13 prefer A rather than B or B rather than A, carry out
14 that strategy for me. And so the personnel that do
15 those operations on a day-to-day basis take that
16 guidance and that strategy and then they implement
17 it throughout the month.

18 And so there might be changes in the actual
19 number each month, each day to day. Some months if
20 you look through all the hourly adder information we
21 provided, it might be the same adder all month, it
22 might change multiple times. That our folks -- and
23 it might have changed because Ms. Chilcote said,
24 we're going to get a shipment from this supplier on
25 the 15th and we only got half of it or we didn't get

1 any of it, and so you might have had to increase the
2 adder or else, again, you're going to run out of
3 coal. But it's that same general strategy that the
4 operating company signed off on, it's just --- it's
5 just being implemented by the experts on a
6 day-to-day basis.

7 And then you review again next month for the
8 operating month and you'd have new variables; right?
9 You'd have now forward prices of power. Maybe
10 Ms. Chilcote found another 60,000 tons of coal
11 that's going to be delivered next month, so you
12 evaluate all these things over and over again.

13 MR. PINNEY: Okay. All right. And are there
14 any formal records of the monthly meetings? I think
15 I asked a question similar to this --

16 MR. VAUGHAN: Yes, it's --

17 MR. PINNEY: -- and I'm no Robert Rules or
18 anything about this but, you know, any documentation
19 of it?

20 MR. VAUGHAN: There's documentation, it's the
21 monthly discussion document that I referred to
22 earlier, which I already believe is in discovery.
23 If it isn't, we can provide them in post-hearing
24 data requests, but I think they're already in here
25 somewhere, I just have to get you a reference.

1 MR. PINNEY: We'll check and if it's not,
2 we'll have a request for it.

3 MR. VAUGHAN: Certainly.

4 MR. PINNEY: All right. So then sticking
5 with your testimony, they were wise to keep you in
6 the glass, just going to Page 14. I'll give you a
7 second.

8 MR. VAUGHAN: Did you say 14?

9 MR. PINNEY: Page 14, Lines 9 through 13.

10 CHAIRMAN HATTON: Is this rebuttal?

11 MR. PINNEY: It should be direct.

12 MR. VAUGHAN: Yes, I'm there.

13 MR. PINNEY: And you say that if the company
14 had not implemented -- and you touched on this
15 before, they had not implemented the coal
16 conservation increment strategy, the Mitchell unit
17 would have run out of coal and considered it a
18 forced outage and that the strategy helped directly
19 avoid, what was it, 234 unit-forced outage days at
20 Mitchell and that's 117 per --

21 MR. VAUGHAN: Yes, sir.

22 MR. PINNEY: -- unit? Okay. And when you
23 talk about the during -- you say during the review
24 period, is that the six-month period at 22 --
25 23-0008 or is it the two-year review period?

1 MR. VAUGHAN: It's the two-year review period
2 but specifically we had coal conservation adders
3 beginning in October, I can't remember if we started
4 Mitchell in October or November of '21, but in
5 general they started on the coal units in October of
6 '21 and they came off the end of November of 2022,
7 so that's the period of time we're talking about,
8 which is --

9 MR. PINNEY: Okay.

10 MR. VAUGHAN: -- I think that number is just
11 the two-year review period, though.

12 MR. PINNEY: And so I know this is a
13 simpleton question but, you know, under what
14 scenarios would the Mitchell units have run out of
15 coal? I mean, not just burning at full burn but
16 does it presume there's not coal coming in, too?

17 MR. VAUGHAN: I'm going to go back to Page 7
18 and Figure AEV 1. So the threshold issue here is
19 that for well over a decade, LMPs hovered around
20 that \$35 line, a little below, a little above on
21 average, and so that is normal over this period and
22 that's what's expected to be normal. And so that
23 price is what is -- what is the foundation of the
24 economic demand for generation from our coal plants,
25 and that is what's creating the forecast amounts

1 that Company Witness Chilcote and her team are
2 procuring coal to and then you have this anomalous
3 run-up of all commodities, coal and natural gas and
4 electric power included.

5 And so your demand, your economic demand has
6 gone way up from what you had forecast. And based
7 on the amount of coal you have for that normative
8 forecast, right, you don't forecast for extreme
9 outliers, had you just let the unit dispatch, let
10 the adders, it would have ran out of coal.

11 So you would have -- it would have been like
12 this sawtooth-like pattern, you would have ran the
13 unit completely out of coal and then you would have
14 had to wait until you got your next amount of supply
15 in and then you could have -- again, if you didn't
16 mitigate the offers, if you just let it run
17 unconstrained, it would have ran itself out and then
18 it would have sat and you would have built back the
19 inventory and then you would have done it and over
20 again during this period.

21 And that's no way to operate a coal plant,
22 I'm sure our generation witnesses would say that's
23 not a great way to use those machines, they're
24 better at continued operation, and it's -- if you
25 did that, you're being completely blind to what the

1 best economic solution is for customers, and that
2 was our goal through all of this, is we know we have
3 this much coal, we hope they can go find more, if it
4 exists, and it turned out that production didn't
5 exist, so we're very glad we did it. And we were
6 able to move tons because you could have dispatched
7 yourself out of coal in a \$45 market, it would have
8 been economic to do so, and then you would have
9 missed out on the 70, 80, 90 dollar revenues later
10 in the summer.

11 MR. PINNEY: Yeah. And so here's a question
12 that I have. I had asked questions earlier about --
13 let's assume that a unit has cleared the day-ahead
14 market but it's not going to be running full out the
15 entire period of time, it's just -- at some point,
16 it might be running at an economic min but it's
17 going to then be ramped up when that -- you know,
18 that curve starts to go up at 2:00 p.m., whatever --

19 MR. VAUGHAN: Sure.

20 MR. PINNEY: -- when you have load
21 projections. So because of that variability on the
22 coal burn, how can one calculate what coal would
23 have been burned without the adder? I mean, when
24 you're looking at, I've got 15 days of coal left and
25 I need to implement a coal -- you know, the

1 preservation strategy, are you looking at like,
2 okay, here's what we anticipate the market's going
3 to be and that you're not going to burn a full day's
4 load likely and -- well, you might, but, you know,
5 when you're looking at -- when you're saying, we
6 preserve ourselves 334 days of forced outages, is
7 that predicated upon assuming a full burn if called
8 into the market or is that -- is that going through
9 the calculation of saying, oh, well, we would have
10 burned at full capacity full out for 24 hours but we
11 would have on from -- you know, we would have been
12 operating at an economic minimum for a certain
13 amount of hours and then at certain capacity, I
14 mean, how did you calculate it I guess is the
15 question?

16 MR. VAUGHAN: Yeah. It's just had you gone
17 -- basically it's a backcast. It's saying, if I
18 hadn't put those adders there, if the company hadn't
19 added whatever dollars per megawatt hour, just
20 dispatched on the cost-based offer, then that's how
21 that's -- you would have ran the plant out of fuel,
22 it would have been forced out and you would have had
23 to have been out a number of days until you build
24 your inventory back out -- back up, and then you did
25 the same thing over and over again.

1 MR. PINNEY: So you're just saying --

2 MR. VAUGHAN: It's just a matter of taking --
3 it's a but-for analysis of taking the offers out and
4 just letting it go. You're right, it would have in
5 theory dispatched at different levels over that time
6 but it's taking that into account.

7 And just generally speaking, again, look at
8 AEV Figure 1 there on Page 7, once you get to June,
9 July of '22, it was going to be economic for, you
10 know, if you let it, it just would have ran at full
11 load --

12 MR. PINNEY: And so --

13 MR. VAUGHAN: -- if it had the coals.

14 MR. PINNEY: I mean, I guess you could
15 probably -- I mean, could you look at it and be
16 like, oh, this is what -- you know, had we bid it in
17 without the adder, this is what it would have -- you
18 know, it would have run but, you know, looking at
19 the hourly curve calculated, you know, what your
20 burn would have been because it would have only
21 dispatched at an economic min here and then up here,
22 or would it just be -- is that too complicated or it
23 wouldn't be of any value I guess?

24 MR. VAUGHAN: Sorry. Can you rephrase that
25 one.

1 MR. PINNEY: Oh, gosh. Okay.

2 MR. VAUGHAN: Ask it again, I'm sorry.

3 MR. PINNEY: Okay. So could you -- could you
4 take...

5 MR. VAUGHAN: Maybe I'll help. The analysis
6 that got 234 days of avoided forced outages --

7 MR. PINNEY: Right.

8 MR. VAUGHAN: -- in fuel is a backcast.

9 MR. PINNEY: Backcast. So you look back to
10 see like had we bid it in at 25, it would have
11 burned full on this day, it probably would have
12 burned --

13 MR. VAUGHAN: Yes, hourly analysis.

14 MR. PINNEY: Hourly analysis, that was my
15 question.

16 MR. VAUGHAN: Yes.

17 MR. PINNEY: Thank you for phrasing it better
18 than I.

19 MR. VAUGHAN: No worries.

20 MR. PINNEY: All right. Now, are those
21 calculations, are they in the record, did you
22 provide those?

23 MR. VAUGHAN: I do not know.

24 MR. PINNEY: Okay. We'll take a look and if
25 they're not, we're probably ask for something along

1 a post-hearing data request for that.

2 MR. VAUGHAN: Okay.

3 MR. PINNEY: Now, have there been any changes
4 to PJM policies? I think that there was talk about
5 the critical issue fast path and so the testimony
6 might have been, what, seasonal capacity questions,
7 is that -- when I start talking about, you know,
8 ELCCs, is that kind of tied into the same thing?

9 MR. VAUGHAN: Yeah, there was two FERC
10 filings made by PJM to change their tariff around
11 CIFP or the critical issue fast path that I've
12 brought up in my direct testimony just, you know, as
13 potential market changes during the period, they
14 generally don't apply to fuel costs but they do
15 apply to capacity requirements.

16 MR. PINNEY: All right. So that would have
17 -- would that have any effect on coal procurement or
18 fuel procurement for the opcos?

19 MR. VAUGHAN: No. We just -- the way the
20 question was worded, we wanted to make sure we
21 brought it up that, yes, it's a potential market
22 change. I don't think -- I'm trying to make a
23 connection in my mind. I don't think they're going
24 to impact fuel procurement or FAC costs, it's a
25 matter of credit and capacity and whether or not

1 there would be changes to the -- how FRR worked.

2 MR. PINNEY: I think if you -- maybe if you
3 -- I think you said you watched some of the video
4 from the other cases. I think like Duke Kentucky
5 said it might affect the way that they would
6 operate, whether it would be their choice to be FRR
7 or RPM but --

8 MR. VAUGHAN: That's right, and that was
9 before we had -- FERC has ruled on both of those
10 now.

11 MR. PINNEY: Yeah.

12 MR. VAUGHAN: One last week and one the week
13 before.

14 MR. PINNEY: Yeah, I'm supposed to be aware
15 of those. All right. So -- but no effect on fuel
16 procurement, planning, anything like that at the
17 moment? Okay.

18 MR. VAUGHAN: Not that I can think of.

19 MR. PINNEY: All right. So looking once
20 again to the response to commission's second request
21 for information Item 2, Attachment 1, I'll give
22 everybody a second, including myself, to get there.

23 MR. VAUGHAN: You said 2, 1?

24 MR. PINNEY: Yeah. It's the attachment --
25 it's Item 2 Attachment 1. I think it's the Excel

1 attachment, so attachment -- well, it's -- okay.
2 All right. So I guess it's attachment -- yeah, it's
3 labeled on our website as attachment -- I think it's
4 Attachment 1 to Item 2. We'll pull it up on the
5 screen --

6 MR. VAUGHAN: Okay.

7 MR. PINNEY: -- for ease of reference.

8 MR. VAUGHAN: Ah, yes.

9 MR. PINNEY: And I just -- I think you talked
10 about some of this is that, you know, there would be
11 discussion about the opcos getting together, we want
12 Option A, we want Option B in terms of the -- making
13 the offer and that could lead to a different, you
14 know, adder I guess is what we're looking at here --

15 MR. VAUGHAN: Yes, sir.

16 MR. PINNEY: -- for each unit. Is this
17 what's reflected here? When you start to look at it
18 and can you see Mitchell 1 and Mitchell 2, you know,
19 might have the same or -- you know, the cost starts
20 to change and that at any -- you know, a coal unit
21 could have different prices just, you know, in
22 general looking there, is that what's reflected? I
23 just want an illustration of the --

24 MR. VAUGHAN: Yes.

25 MR. PINNEY: -- approach they use? Okay.

1 All right.

2 MR. VAUGHAN: Yeah. And you'll see as you go
3 through that, the amount of the adder changes over
4 time based on all the other inputs.

5 MR. PINNEY: Right. As Ms. Chilcote said,
6 oh, we have extra coal, we don't have extra coal,
7 somebody didn't deliver.

8 MR. VAUGHAN: Prices went higher, prices went
9 lower.

10 MR. PINNEY: Okay. All right. And does PJM
11 have any say which units may have an adder included
12 to it or is it just something that, once again, you
13 said there's a great deal of flexibility in the
14 market price?

15 MR. VAUGHAN: You know, again, from a market
16 offer standpoint, I don't believe they do.

17 MR. PINNEY: Okay. So same data request but
18 Item 3, I don't think it's the -- not an Excel, it's
19 just the response to...

20 MR. VAUGHAN: I don't have any of staff's set
21 two here for some reason.

22 MS. GLASS: I have it right here. May I give
23 him a copy?

24 MR. VAUGHAN: Thank you.

25 MR. PINNEY: All right. And basically it

1 just lists the AEP units to which the adder was
2 applied, are you there?

3 MR. VAUGHAN: Yes, sir.

4 MR. PINNEY: And so is that all -- and these
5 are all the opco coal units that you own?

6 MR. VAUGHAN: For PJM. It also -- we had
7 also issues in our west operating companies. Again,
8 it was nationwide.

9 MR. PINNEY: And those west companies as
10 well?

11 MR. VAUGHAN: Public Service Company of
12 Oklahoma, SWEPCO.

13 MR. PINNEY: Yeah.

14 MR. VAUGHAN: They have -- SPP utilities.

15 MR. PINNEY: All right. Got you.

16 MR. VAUGHAN: Yeah.

17 MR. PINNEY: And just to confirm, the adder
18 was used, the strategy I guess, adder strategy was
19 implemented at each of these units from time to
20 time?

21 MR. VAUGHAN: Yes. During that period of
22 October '21 through November of '22. Just to be
23 like full circle on it, I mean, it's any -- it's in
24 -- the strategy is in response to any fuel
25 constraint, so now we have the -- and we'll get into

1 in the next review period, but we have the opposite
2 problem where our constraint is that the pile can't
3 hold any more coal because the economics have
4 flipped and gas prices are no longer \$8, and now
5 they're -- I think Mr. Stutler said gas is \$1.40
6 today, and so your coal plants are not economic to
7 run.

8 And so you have to also find the most
9 economic solution for customers and look at, is it
10 cheaper for us to pay liquidated damages on a
11 contract and not take the coal because our pile is
12 at total physical max or is it more economic to put
13 a negative adder on the unit and make it run at
14 minimums. And so the same thing's happening, it's
15 just different -- it's just being applied
16 differently.

17 MR. PINNEY: So when you still put that
18 negative adder on there, it's not a must run, it's
19 still economic dispatch?

20 MR. VAUGHAN: You could do either, yeah.

21 MR. PINNEY: Okay.

22 MR. VAUGHAN: And the only difference there
23 in your question would be that if you self-scheduled
24 a must run unit; right? It's sitting there at --
25 it's at eco min and then if you had a negative adder

1 on the unit so it made it \$5 cheaper, it may
2 dispatch up off economic min more often than it
3 wouldn't without the negative adder.

4 MR. PINNEY: At that point you're making a
5 value judgment that you need to get rid of the --
6 it's better to burn this coal even if you're doing
7 it at, you know, below --

8 MR. VAUGHAN: Because the alternative is
9 perhaps paying liquidated damage on not taking the
10 coal from the coal supplier and that would be more
11 economically harmful than burning -- burning it at
12 negative -- putting a negative adder on or, you
13 know, I mean, the fuel supply team also evaluates
14 the cost of off-site storage.

15 MR. PINNEY: Okay.

16 MR. VAUGHAN: So you take everything into
17 account and you say, what's the most economic
18 outcome that we can provide.

19 MR. PINNEY: I may have a question in
20 post-hearing DR. There was an attachment to this,
21 the Excel spreadsheet. I'll just probably post it
22 in the post-hearing DR rather than try to cast it
23 and ask some questions about it.

24 All right. So we talked about the units that
25 were also -- it also implemented the coal

1 conservation adder strategy, so that's going to be
2 the Amos units 1, 2 and 3, Mountaineer plant,
3 Rockport 1 and 2, and the Mitchell plants; correct?

4 MR. VAUGHAN: That's correct, from the AEP
5 affiliate units.

6 MR. PINNEY: Okay. And are those -- those
7 are all vertically integrated utilities, are they
8 all vertically integrated utilities?

9 MR. VAUGHAN: Yes, sir.

10 MR. PINNEY: All right. And they would be
11 subject to jurisdiction of other states besides the
12 great Commonwealth of Kentucky?

13 MR. VAUGHAN: Absolutely, sir.

14 MR. PINNEY: All right. And so to what --
15 you know, what commissions or commission oversees
16 Rockport 1 and 2?

17 MR. VAUGHAN: The Indiana and -- the IURC and
18 the Michigan Public Service Commission and then,
19 right, there's FERC jurisdictional costs of the UPA.

20 MR. PINNEY: Right. And like just in
21 general, like if they were, you know, to do the
22 review, the Michigan PS -- I'm looking at states.

23 MR. VAUGHAN: Yes, sir.

24 MR. PINNEY: Michigan and Indiana?

25 MR. VAUGHAN: Indiana and Michigan.

1 MR. PINNEY: And what about the Mountaineer
2 plant, who owns the Mountaineer plant?

3 MR. VAUGHAN: Appalachian Power Company.

4 MR. PINNEY: Okay. And they're subject to
5 which --

6 MR. VAUGHAN: Virginia and West Virginia,
7 Virginia, West Virginia and, again, FERC, we have --
8 Appalachian Power Company has cost-based generation
9 wholesale customers that are FERC jurisdictional and
10 the FERC audits the rates under -- under those
11 contracts, including fuel costs.

12 MR. PINNEY: And so Amos 1, 2 and 3, are they
13 owned by APCo as well?

14 MR. VAUGHAN: Yes, sir.

15 MR. PINNEY: And so subject to Virginia, West
16 Virginia --

17 MR. VAUGHAN: And FERC.

18 MR. PINNEY: -- and FERC?

19 MR. VAUGHAN: Yeah.

20 MR. PINNEY: Where does Wheeling fit into all
21 this? I really -- I'm honestly, you know,
22 wondering, so --

23 MR. VAUGHAN: Yeah. Wheeling is West
24 Virginia only, so it's -- when you think of AEP West
25 Virginia rates, we take -- APCo is

1 multijurisdictional, Wheeling is just West Virginia.

2 MR. PINNEY: Okay.

3 MR. VAUGHAN: And so our AEP West Virginia
4 rates include Wheeling and the allocated portion of
5 APCo, the APCo West Virginia portion of costs
6 together. And so there's a single -- single rate
7 for an APCo or a WPCo customer.

8 MR. PINNEY: And so Wheeling has a 50 percent
9 interest in Mitchell. Does it have any other
10 generation assets?

11 MR. VAUGHAN: No, sir.

12 MR. PINNEY: Okay.

13 MR. VAUGHAN: It never owned generation until
14 it owned 50 percent of Mitchell.

15 MR. PINNEY: Okay. All right. And prior to
16 Wheeling and Kentucky Power purchasing Mitchell, it
17 was owned by -- who owned it, was it --

18 MR. VAUGHAN: Ohio Power Company.

19 MR. PINNEY: Ohio Power. And then when it --
20 when they deregulated, they had to divest?

21 MR. VAUGHAN: Yes.

22 MR. PINNEY: Or find somebody to buy, not
23 necessarily --

24 MR. VAUGHAN: What's that?

25 MR. PINNEY: They had to find a buyer for

1 their generation; is that correct?

2 MR. VAUGHAN: It had to go somewhere, yes.

3 MR. PINNEY: Okay. All right. So with these
4 units that were using the coal adder, have any other
5 state commissions, you know, reviewed the use of the
6 coal conservation adder, the coal conservation
7 strategy and found it unreasonable or disallowed any
8 costs associated with it?

9 MR. VAUGHAN: These matters have been
10 discussed in all of the states, we just talked about
11 Indiana, Michigan and Virginia, West Virginia and
12 here. We have six -- we have all kinds of cadences
13 of fuel reviews in those periods.

14 Specific to an adder, no, I'm not aware of
15 any -- any disallowances related to the adder. We
16 have -- last month Appalachian Power received an
17 order in West Virginia that disallowed some fuel
18 costs based on accusations of imprudent fuel
19 procurement. Company obviously doesn't agree with
20 that and they've appealed that order.

21 MR. PINNEY: Well, and I'm glad you brought
22 that up. I'm going to -- I'm passing out, Your
23 Honor, at the moment just for identification
24 purposes only a copy of the -- of an order from the
25 Public Service Commission of West Virginia that

1 Mr. Vaughan just referenced and I'm just -- I'm
2 going to have just one or two questions about some
3 of the things that are discussed in there.

4 CHAIRMAN HATTON: You don't want me to mark
5 it as an exhibit?

6 MR. PINNEY: Ma'am?

7 CHAIRMAN HATTON: You don't want me to mark
8 it as an exhibit?

9 MR. PINNEY: I'll probably move to include it
10 in just a second but right now just want to identify
11 this order. I'll give counsel and witnesses an
12 opportunity to review. All right. So do you have a
13 copy of the order, Mr. Vaughan?

14 MR. VAUGHAN: I do.

15 MR. PINNEY: I can assume you're somewhat
16 familiar with it because I think you are one of the
17 future witnesses that's discussed in that, but I'm
18 not here to discuss your testimony.

19 MR. VAUGHAN: There's a great deal of us that
20 are but, yes, I was one of the witnesses.

21 MR. PINNEY: All right. So my first question
22 is, is that I'd like to turn to Pages 22 and 23 of
23 that order. And there about halfway down through --
24 I guess it's the second full paragraph on Page 22,
25 the West Virginia commission is discussing posted

1 hearing Exhibit 4 and they discuss the data that
2 they requested that the companies provide.

3 Now, one clarifying thing I wanted to ask.
4 When they're referring to the multiple companies,
5 does that also include Wheeling Power?

6 MR. VAUGHAN: Yeah. So when we file cases
7 there, it's APCo and Wheeling for companies, plural.

8 MR. PINNEY: Right. And so there's questions
9 about, you know -- are you familiar with this
10 post-hearing data response that they refer to,
11 Post-Hearing Exhibit 4?

12 MR. VAUGHAN: I am unfortunately.

13 MR. PINNEY: Okay. Do you know if that
14 included information relating to the Mitchell units?

15 MR. VAUGHAN: It would have, yes.

16 MR. PINNEY: Okay. And so would Kentucky
17 Power or -- you know, be able to provide that
18 response to the commission?

19 MR. VAUGHAN: We can provide it but I'm going
20 to caveat it with it requested fictional information
21 and we noted that in our response. We objected to
22 this, right, and it was essentially provide --
23 provide these things that are nonfactual, and so
24 obviously we caveat it with, these things don't
25 exist but we provide them because the commission

1 told us to.

2 There's a lot of assumptions here, like you'd
3 need an extra 6 to 7 million tons of coal to do what
4 they're -- they asked us to do in this spreadsheet.
5 And then I would -- yeah, so there's a great amount
6 of caveats that are included in this spreadsheet.
7 We can provide it but --

8 MR. PINNEY: Understood. And it would
9 probably be -- I mean, seek confidential treatment
10 of this, it's provided confidentially I assume
11 with --

12 MR. VAUGHAN: Yes.

13 MR. PINNEY: -- the West Virginia commission?
14 And so one of the things we'll ask in post-hearing
15 data requests is the request that the West Virginia
16 commission made and then the response, please.
17 We'll put it down in a post-hearing data request for
18 that.

19 All right. Your Honor, may staff request a
20 brief break?

21 CHAIRMAN HATTON: Sure.

22 MR. PINNEY: Okay. Thank you.

23 CHAIRMAN HATTON: I think we could all use
24 that. Ten minutes.

25 MR. KURTZ: Your Honor, question. What is

1 your plan for scheduling, if you have one?

2 CHAIRMAN HATTON: Well, how about I answer
3 that after this break and I'll discuss with staff
4 how much more they've got? Do you have an idea of
5 how long your two witnesses might take or --

6 MR. KURTZ: It's up to the company.

7 CHAIRMAN HATTON: Yeah, that's right. It
8 would take -- they have cross.

9 MR. KURTZ: And the staff.

10 CHAIRMAN HATTON: Yeah, okay. Let me get an
11 idea from staff. Maybe you discuss how much time
12 you guys need and I'll ask after the break.

13 MR. KURTZ: Thank you.

14 (OFF THE RECORD)

15 CHAIRMAN HATTON: All right. We are back on
16 the record in Case No. 2023-008. And, Mr. Pinney,
17 you may resume.

18 MR. PINNEY: Okay. Thank you, your Honor.
19 We need one second. We're going to be sharing.
20 Were you getting up to run away, Mr. Vaughan? I saw
21 you stand up.

22 CHAIRMAN HATTON: Somebody find the shackles.

23 MR. PINNEY: So while we get the attachment
24 we're looking at, I'm going to be referring to,
25 we'll pull up on the screen here just a few

1 questions for -- in Case No. 2022-263, it's going to
2 be attachments to the response to commission staff's
3 first request for information 16 Attachment 5. Just
4 a second while we get our screen share going.

5 MR. GISH: You said 236?

6 MR. PINNEY: 236, yeah.

7 MS. GLASS: 263.

8 MR. GISH: 263.

9 MR. PINNEY: Okay. So I'm endangering
10 everybody here's intellect because I have an Excel
11 spreadsheet and the power to look at it. So what
12 I'm primarily concerned about, and if you see Lines
13 6 through 15, this is just illustrative of some of
14 the questions that we may have, just an explanation
15 about how some information is filed with the
16 commission.

17 And so looking over here, you talk about
18 purchase allocated to internal load. And when I'm
19 looking at this, when it says purchases, are these
20 purchases from PJM?

21 MR. VAUGHAN: Yes, sir.

22 MR. PINNEY: All right. And then there's no
23 forced outage or anything. And so when I come over
24 here to this column, this lines up with this. These
25 are purchases that are made for the internal load

1 and this is the cost. And so this would indicate
2 that for whatever reason, Kentucky Power's
3 generating units were not available because if I go
4 over to the --

5 MR. VAUGHAN: They weren't producing. I
6 don't know if they were available or not.

7 MR. PINNEY: Well, if I go over to net gen
8 during this period of time, if I scroll over here,
9 Big Sandy is offline for this period of time. And
10 subject to check, it does say that I think that not
11 only is Big Sandy off for that period of time but
12 those Mitchell units 1 and 2 are in reserve
13 shutdown, so just accepting that -- let's see here.

14 MR. VAUGHAN: Well, I'm saying by
15 clarification, this offline in this spreadsheet may
16 not mean the same thing, it may be economically
17 offline, it may be in an outage, it's not
18 distinguishing why it is not running.

19 MR. PINNEY: All right. So there's a -- but
20 anyway, the -- basically what I'm saying here is
21 that the commission has confirmed that during that
22 period of time -- sorry, I'm trying to walk and chew
23 gum at the same time.

24 Basically what it is, is that for the period
25 of time we're discussing, just this little period of

1 time, if you were to import the whether or not
2 Mitchell 1 and 2 were in reserve shutdown or offline
3 or Big Sandy was in a maintenance outage, during
4 this period of time, subject to check, would you
5 accept that Big Sandy is in a maintenance -- is
6 unavailable -- I'm sorry, is in reserve shutdown,
7 Mitchell 2 is in maintenance and Mitchell 1 is in
8 reserve shutdown? It's available on one of the
9 other tabs, but just the question I'm asking, if the
10 units are in reserve shutdown or in a maintenance
11 outage, are they producing any power?

12 MR. VAUGHAN: No, sir.

13 MR. PINNEY: Okay. So then if they are
14 offline, the three units are offline, I'm looking
15 over at the input for the power tracker. See right
16 here, where does that power come from? It says
17 dispatched generation. Where does that 75 come from
18 if two units are in reserve shutdown and one's on a
19 maintenance outage?

20 MR. VAUGHAN: What is the date over on the
21 left?

22 MR. PINNEY: It's March 1st.

23 MR. VAUGHAN: 2022?

24 MR. PINNEY: 2022.

25 MR. VAUGHAN: Sorry, it's tiny. So, yeah,

1 that's most likely coming from Rockport.

2 MR. PINNEY: Okay.

3 MR. VAUGHAN: Rockport is considered internal
4 generation for the peaking unit equivalent
5 calculation.

6 MR. PINNEY: Okay. That is all we needed to
7 know. You have obviated about eight pages of
8 questions.

9 MR. VAUGHAN: Great.

10 MR. PINNEY: So -- I saw smiles for the first
11 time from everybody in this.

12 CHAIRMAN HATTON: Is that most likely from
13 Rockport, do we need to confirm that?

14 MR. VAUGHAN: Yeah. I would -- let me
15 rephrase my answer. Rockport is included as
16 internal generation of the peaking unit equivalent
17 calculation, so I don't know for certain in that
18 hour what Rockport was generating but if the other
19 units aren't available and it's showing up as
20 generation, it must be from Rockport. We could
21 confirm that but --

22 MR. PINNEY: We'll ask in a post-hearing data
23 request --

24 MR. VAUGHAN: Sure.

25 MR. PINNEY: -- just to confirm it, but it

1 was something that had piqued our interest.

2 MR. VAUGHAN: Just from a mechanic standpoint
3 that's --

4 MR. PINNEY: Right.

5 MR. VAUGHAN: It's not included in the
6 purchase line, it's included in internal generation.

7 MR. PINNEY: You can understand our confusion
8 if everything -- if Kentucky Power's portfolio is
9 offline, how is, then, power being, you know, quote,
10 unquote, generated?

11 MR. VAUGHAN: Yes, sir.

12 MR. PINNEY: All right. Thank you. All
13 right. We don't even need a post-hearing data
14 request on that issue, so thank you. Give me one
15 second to find...

16 All right. So my next line of questioning is
17 going to look at maintenance and outages, and so the
18 first thing I'd like to refer to would be Case No.
19 23-008, the response to staff's second request for
20 information Item 26.

21 MR. GISH: Which case again was that? I'm
22 sorry.

23 MR. PINNEY: I think it's the current 23-08.

24 MR. GISH: You said second set No. 26?

25 MR. PINNEY: I'm fairly certain. Let me

1 double or triple check that.

2 MR. GISH: The most recent or the -- it goes
3 through Request 19.

4 MR. PINNEY: Okay. All right. So never mind
5 on that. We're going to move on to the next one.
6 So let me ask you a question, are units put into
7 reserve shutdown -- let me ask you this. Are there
8 instances when a unit is put into reserve shutdown
9 other than when it does not clear the day-ahead
10 market?

11 MR. KERNS: No.

12 MR. PINNEY: Sorry, you have to -- I know who
13 you are but --

14 MR. KERNS: I'm sorry. Tim Kerns.

15 MR. PINNEY: All right.

16 MR. KERNS: Still no.

17 MR. PINNEY: Thank you. So when a unit is in
18 reserve shutdown, is there an appreciable difference
19 in operation and maintenance costs or what has to be
20 done than if it's being dispatched?

21 MR. KERNS: The difference would really be
22 the cost of fuel and the cost of consumables that
23 you use for removal of SOx and NOx, but the
24 attendant costs of the plant remain the same, you
25 still have the same staffing, you still have to be

1 ready to operate if called upon.

2 MR. PINNEY: Okay. All right. That was my
3 question. You send people home like, hey, we're
4 clear for the day, still going to get paid but, you
5 know, all right. And so being -- okay, no
6 appreciable differences.

7 All right. I'm going to refer to the direct
8 testimony of Mr. Rosenberger that's filed in this
9 case, in 23-008. Give everybody a second to get
10 there. And there I'm just looking at Pages 4
11 through 9 that discuss the planned and maintenance
12 outages. And in response to why these outages
13 extended past the planned or anticipated length, in
14 many of the responses, it was stated that either
15 working with a contractor or with company assets
16 that people were brought in to work longer shifts or
17 to work on late weekends where safety allowed it.
18 Would documentation be available to confirm and
19 further explain these additional steps that were
20 taken when a planned or maintenance outage went
21 longer than had been anticipated or planned?

22 MR. ROSENBERGER: Doug Rosenberger
23 responding. In most cases, yes, but what we're
24 referring to most of time when we have maintenance
25 outages or planned outages, we're normally working

1 six days a week, so the only option we have in most
2 cases is to work Sundays as well and that's a
3 double-time day, so a lot of times we try to avoid
4 that unless we absolutely need to do it.

5 MR. PINNEY: Okay. And so I guess I asked a
6 compound question. First is, would documentation be
7 available to confirm that additional steps were
8 taken beyond that six-day work week?

9 MR. ROSENBERGER: In most cases, we should be
10 able to get time sheets for either the contract or
11 whoever the resources were for the outage.

12 MR. PINNEY: Okay. We may ask for that on
13 post-hearing data request just to put you on notice.
14 May, not definitely.

15 So during the period under review, did
16 Kentucky Power extend any planned or maintenance
17 outages for the purpose of preserving its coal
18 stockpile?

19 MR. KERNS: Tim Kerns responding, and the
20 answer is no.

21 MR. PINNEY: Okay.

22 MR. KERNS: We -- so you can't -- that's not
23 a -- it's not a permissible reason to extend an
24 outage. You extend the outage, whether it's planned
25 or maintenance, based on emergent scope or scope

1 that you didn't know at the time.

2 MR. PINNEY: All right. I'm going to refer
3 back to the West Virginia order that we passed out.

4 And, Your Honor, I'd like to move to, you
5 know, mark it as Exhibit 1 and just move it into
6 evidence.

7 CHAIRMAN HATTON: Any objection?

8 MR. GISH: No objection. It's a publically
9 available document. We note that we will want to
10 file the -- and we'll talk about this in some
11 additional reviews of the same policy by other
12 jurisdictions that have -- other entities that have
13 jurisdiction over Appalachian Power as well and
14 their reviews of the same -- the same programs.

15 CHAIRMAN HATTON: I don't think anyone will
16 stop you from filing those things, so it's in.

17 (STAFF EXHIBIT 1 ADMITTED INTO EVIDENCE)

18 MR. PINNEY: Thank you. All right. So, once
19 again, I'm looking Page 29 of the West Virginia
20 order, please, and the first full paragraph on Page
21 29, I'll read it, says our, our meaning the West
22 Virginia Public Service Commission, our calculation
23 of disallowance of \$231,769,431 does not take into
24 account the consideration the power plants were
25 offline and unavailable for generation at times when

1 market prices were very high and there was no effort
2 by the companies to expedite repairs or upgrades or
3 forego deferrable maintenance to return the plants
4 to operational status in the face of these high PJM
5 market prices. The testimony by witnesses for the
6 companies indicates that return to service was
7 possible but the companies maintained the
8 out-of-service status due to insufficient coal
9 supplies.

10 All right. So during this period under
11 review, how did Kentucky Power and Wheeling have to
12 coordinate and meet to determine maintenance and
13 planned outages schedules at Mitchell?

14 MR. KERNS: Can you repeat the question,
15 please.

16 MR. PINNEY: So when -- do Wheeling and
17 Kentucky Power coordinate maintenance and planned
18 outages?

19 MR. KERNS: Yes, Wheeling -- well, whoever
20 the operator was at the time --

21 MR. PINNEY: At the time --

22 MR. KERNS: -- of the outage.

23 MR. PINNEY: -- of the outage.

24 MR. KERNS: Right, at the time the outage
25 took place, that operating company approved the

1 outage schedule and plan. The operating committee
2 ultimately approves the operating plan for the
3 upcoming year during their annual meeting, which
4 includes the outage schedule and the scope of work
5 to be completed. So the operating committee
6 approved it and then the actual scheduling part of
7 that takes place with the operating -- with the
8 operator of the plant.

9 MR. PINNEY: And so for the period under
10 review ending in October of 2022, who comprised the
11 operating committee?

12 MR. KERNS: It's the Wheeling Power and
13 Kentucky Power presidents, it was Mr. Madison and
14 Mr. Beam at one point, and it's Ms. Wiseman and
15 Mr. Walker for Wheeling Power now.

16 MR. PINNEY: Okay. So the Kentucky Power and
17 Wheeling still both sit on the committee for
18 operation?

19 MR. KERNS: Yes.

20 MR. PINNEY: All right.

21 MR. KERNS: Now, on September 1st, the
22 operatorship switched from Kentucky Power to
23 Wheeling Power, September 1st of 2022.

24 MR. PINNEY: Okay. That's -- I knew that
25 there was a switch of something at a point, but the

1 majority of the period of time there was -- it
2 was --

3 MR. KERNS: Kentucky Power for the majority
4 of that review period.

5 MR. PINNEY: Okay. All right. And so going
6 back to what I read, that blurb from the West
7 Virginia order, and I think Mr. Vaughan had
8 testified to this, that Wheeling Power is one of the
9 companies referred to in the West Virginia PSC
10 order; correct?

11 MR. KERNS: Yes.

12 MR. PINNEY: And so do you know or does
13 anybody know that -- if the West Virginia Public
14 Service Commission was referring to any of the
15 Mitchell units when it stated, quote, the testimony
16 by witnesses for the companies indicates that return
17 to service is possible but that the companies
18 maintained the out-of-service status due to
19 insufficient coal supplies, end quote?

20 MR. KERNS: I do not recall if the -- if the
21 Mitchell units were included in this statement;
22 however, the Mitchell units were on outage during
23 this period in 2022, a planned outage, and Mitchell
24 Unit 1 returned to service upon completion of its
25 outage. It to my knowledge was not extended.

1 Mr. Rosenberger can correct me.

2 The Unit 2 outage in the fall of '22 was
3 extended due to extensive wear in the air heater
4 stayplates, and that drove the outage to run longer,
5 even up into December of 2022, but that was not due
6 to a lack of coal. If we wouldn't have had coal,
7 the outage status would have changed to forced
8 outage.

9 MR. PINNEY: Okay. Understood. And that was
10 -- was that this brackets that were corroded that
11 needed to be replaced, I can't remember, that held
12 the plates in? I asked a question about that.

13 MR. ROSENBERGER: Doug Rosenberger
14 responding. And the stayplates are plates that do
15 hold the baskets in place in their heater.

16 MR. PINNEY: So what do you mean that if you
17 had coal, it would have been classified as a forced
18 outage? What do you mean by that, if you don't mind
19 me asking?

20 MR. KERNS: Sure. Tim Kerns again. And what
21 I'm saying is that if the unit was ready to return
22 to service and we wouldn't have been able to --
23 return to service from its planned outage and it was
24 unable to or we were unable to because of a lack of
25 coal or a -- then the status would not have been

1 allowed to stay in planned outage or maintenance
2 outage, it would have been changed to forced outage,
3 which was not the case with these outages.

4 MR. PINNEY: All right. I ask that you refer
5 to the response to staff's first request in
6 2023-008, Item 14 Attachment 1. So it's included in
7 the request, it's not on the website listed as a
8 separate attachment. And it lists the generating
9 unit outages from May 1, 2022, to October 31st,
10 2022.

11 So if you're there, Mr. Kerns, are you the
12 one that would be answering this question or
13 Mr. Rosenberger?

14 MR. KERNS: I believe Mr. Rosenberger.

15 MR. PINNEY: Mr. Rosenberger, okay. So some
16 of the reasons given for outages -- they're labeled
17 as maintenance outages, but the reasons given are
18 preplanned outage preparation. Can you explain to
19 me what occurs during preplanned outage preparation?

20 MR. ROSENBERGER: This is Doug Rosenberger.
21 Are you referring to the Big Sandy statement?

22 MR. PINNEY: Yeah, I think -- yes, and
23 there's two instances.

24 MR. ROSENBERGER: Okay. Because I don't see
25 any on Mitchell, so that would be Dave responding.

1 MR. PINNEY: Yeah, Big Sandy, I think there's
2 one on September 8th to September 10th, 2022, and
3 actually, yeah, there's one for Mitchell, Mitchell 2
4 on September 3rd through September 10th, 2022, it
5 says, preplanned outage prep work.

6 MR. ROSENBERGER: I'll respond for Mitchell.
7 I'm sorry, I didn't see the bottom one. This is
8 Doug Rosenberger responding. But in that particular
9 case, what we were looking at there is there was
10 some concerns coming into the outage on what we need
11 to do to get equipment tagged out in time to hit the
12 schedule, and the market was really soft. So the
13 question was asked whether we could increase our
14 probability of hitting our outage end date if the
15 time was available and the generation wasn't needed
16 to take an outage to do that.

17 So in Mitchell, that's what was done because
18 the market was soft at the time when they reviewed
19 with PJM, but that allowed us to get a jump start on
20 tagging that equipment out and getting it cooled out
21 because we were concerned that there was some risk
22 that we would not be able to hit the end date.

23 MR. PINNEY: So planned outages are approved
24 a year in advance by PJM, correct, roughly, you
25 know?

1 MR. KERNS: Planned outages?

2 MR. PINNEY: Yes.

3 MR. KERNS: Yes. I'm sorry, this is Tim
4 Kerns again.

5 MR. PINNEY: So I'm just looking at this.
6 I'm just looking for a clear explanation just to
7 clear my head. So this preplanned outage prep work
8 at Mitchell 2 leads directly into the planned
9 outage, and so you get -- you get the maintenance
10 outage approved by PJM and, of course, there's
11 parameters, last more than nine days, right, on
12 that?

13 MR. KERNS: Yes.

14 MR. PINNEY: And so the idea is that you
15 might take a little extra time in the maintenance
16 outage where you may not have done before but it
17 could have shortened the planned outage time; is
18 that correct?

19 MR. KERNS: Yes. That planned outage
20 preparation time period, if it doesn't look like the
21 unit is going to be dispatched, then you would request
22 a maintenance outage so you could kind of start that
23 outage work early. It allows craft labor to start
24 building scaffold. As Doug mentioned, it allows you
25 to put your lockout/tagout process in place to clear

1 energy from the equipment and really just kind of
2 get a head start on that planned outage.

3 MR. ROSENBERGER: And this is Doug
4 Rosenberger. Further to add into that, even though
5 we normally schedule our planned outages a year in
6 advance, you don't have all the planning and all the
7 contractors' schedules in place a year in advance.
8 So as you get closer, you see some of that and you
9 see where you may have some risk and it may raise
10 some concerns.

11 MR. PINNEY: And would that be the same
12 rationale for the Big Sandy preplanned outage
13 preparation?

14 MR. MELL: David Mell responding.
15 Essentially it is. If you look at the entry above
16 the 9-8 to 9-10, we came out on 8-27 to 9-3 to take
17 measurements on a 600-volt bus project, so we were
18 -- we released it on 9-3 and went DNR -- not DNR,
19 reserve shutdown, we went reserve shutdown on 9-3.

20 And as we got later in the week, we just
21 discussed that our startup was 20 hours. So our --
22 it didn't make sense, like these gentlemen have
23 said, to put the heat back in the unit, so we
24 requested an outage starting on 9-8 and it was for
25 two days and was just like these gentlemen said.

1 But there was -- I mean, there was a thought process
2 to all this. You know, putting heat back in the --
3 putting 20 -- you know, you got -- that was a
4 two-day outage, it would have taken us 20 hours to
5 start up. The market was soft, so it didn't make
6 sense to start it up for one day and then shut it
7 right back down.

8 MR. PINNEY: Okay. And just subject to
9 check, I don't believe that any of those
10 explanations were used in the two previous open
11 cases, 2022-263 and 22-036. Is this -- is that
12 because maybe the market wasn't as soft then or is
13 it just -- is this a newer approach to it or is it
14 an approach that Kentucky Power has implemented
15 before?

16 MR. MELL: David Mell responding. For Big
17 Sandy, the market was soft at that time, you know,
18 it would be a case-by-case. Obviously on 9-3, if
19 the market would have been strong, we would have
20 started it up. 9-8 is probably a Thursday or a
21 Friday, I don't know right off, but that isn't
22 something -- you know, that's not a one-off but that
23 would be very limited when you're going into -- like
24 we were going into our long outage and, just like
25 these folks said, we wanted to -- we wanted to take

1 every advantage, so -- and get an early start.

2 MR. PINNEY: So to get that early start, you
3 said -- did you declare a maintenance outage or did
4 you put it in -- it was in reserve shutdown and you
5 put it in --

6 MR. MELL: It was in -- it came out of
7 maintenance outage on 9-3 and then we -- and went
8 into reserve shutdown, so we were available for PJM
9 to pick us up on 9-4, 9-5, 9-6 and 9-7 and then we
10 saw they weren't -- we saw that, you know, based on
11 the market that we weren't going to get picked up.

12 So we asked -- you know, you can't -- you
13 know, per the rules of PJM, you can't do maintenance
14 work -- you can't do maintenance work in reserve
15 shutdown, so we asked for the unit to come out -- we
16 asked for the unit to stay out, not put the heat in
17 it so we could get a jump on -- one-day, two-day
18 jump on the outage.

19 MR. PINNEY: Okay. And during this period of
20 time was -- the adder strategy, do you ever know if
21 the adder strategy has been used to put it into
22 reserve shutdown or it was just the bids by that
23 time?

24 MR. MELL: David Mell. For Big Sandy, it was
25 not.

1 MR. PINNEY: Okay. So you can just request
2 that it be put into that maintenance outage in that
3 shorter period of time?

4 MR. MELL: David Mell. For Big Sandy, you
5 know, PJM plays a part in that decision.

6 MR. PINNEY: Yeah.

7 MR. MELL: You know, yes, to answer your
8 question, yes, but PJM is -- it's -- I really don't
9 want to leave the impression that it's a willy nilly
10 thing, you know, we have to meet certain
11 requirements.

12 MR. PINNEY: Okay. All right. Thank you.
13 I'm going to turn my attention now to commission
14 staff's first request, the responses to commission
15 staff's first request in Case No. 2022-00263. It's
16 going to be the attachment to Item 15. It's not a
17 separate attachment, it's still in the document
18 itself. Mr. Massie and Mr. Rosenberger were the
19 sponsored witnesses, just to give you an idea of
20 where we're going, to whom I'd like to speak.

21 MR. KERNS: So was that staff's first data
22 set Item 15 Attachment 1?

23 MR. PINNEY: Right. It's the generating unit
24 averages from November 1, 2021, to April 30th, 2022.

25 MR. KERNS: Yes. We have those.

1 MR. PINNEY: All right. And it actually goes
2 a little beyond that review period but, you know,
3 one of the things I was looking at here, you know,
4 subject to check, during this review period or the
5 -- like I said, it goes a little bit further than
6 the review period because it's review -- the outages
7 are listed as starting October 8th, which is before
8 the November 1st review period and then it goes
9 through April 30th as well. But subject to check,
10 Mitchell 1 unit, if you look at these outages here
11 for the review period, was either on outage or a
12 reserve shutdown for all but 20 of those days; is
13 that correct?

14 MR. ROSENBERGER: This is Doug Rosenberger
15 responding. Without doing a great deal of looking
16 at it, but it does appear that way, but I can't
17 confirm the 20 days without actually penciling out
18 and making sure what you're saying is correct.

19 MR. PINNEY: Okay. Well, I'll just do a
20 little walk-through. Mitchell 1 is in a planned
21 outage from October 16th to December 12th, then it's
22 in reserve shutdown from December 12th through
23 December 19th, then it's in a maintenance outage
24 from December 19th to December 23rd, it's in reserve
25 shutdown from December 23rd through January 9th.

1 Then it's not either in reserve shutdown or in a
2 outage from I would presume January 10th through
3 January 30th, and then it goes into a maintenance
4 outage from January 31st through February 11th,
5 reserve shutdown from February 11th -- on
6 February 11th, then a forced outage from
7 February 11th through February 16th. Reserve
8 shutdown February 16th through March 9th.

9 And just looking through the rest of it, I
10 don't see where it actually is online and generating
11 for the review period, am I correct, that the only
12 time that it was actually operating and not either
13 in reserve shutdown or in an outage was from that
14 period of time of January 10th to January 30th
15 roughly?

16 MR. ROSENBERGER: There was one -- this is
17 Doug Rosenberger again. There was another short
18 period just between April 5th and April 13th where
19 it ran but it's still a short period.

20 MR. PINNEY: Yeah. All right. So my math
21 wasn't right but it was close enough. All right.

22 MR. ROSENBERGER: Yep.

23 MR. PINNEY: And so there appear to be a few
24 -- during this period of time there appear to be a
25 few instances where the Mitchell units were rotating

1 from reserve shutdown status immediately to a
2 maintenance outage and then they come out of the
3 maintenance outage and sometimes back into --
4 directly back into reserve shutdown status. Can you
5 explain why that would occur?

6 MR. ROSENBERGER: This is Doug Rosenberger
7 responding again. And, for example, one place where
8 that happened was in December, December 19th, it was
9 just we went from a reserve shutdown to a
10 maintenance outage after it had a planned outage
11 prior to that, and the issue was is we had a
12 circulating water pump that was out for rebuild and
13 the rebuild company couldn't it get back to us in
14 time to put it back in during the planned outage.

15 So as soon as it did come back, we requested
16 a maintenance outage because it was still going to
17 be down in reserve shutdown based on the market to
18 go ahead and get that back in service because
19 without that, we can't make full load, especially as
20 the temperatures outside start warming up.

21 MR. PINNEY: Okay.

22 MR. ROSENBERGER: So we determined it was
23 better to go ahead and take the maintenance outage
24 then to get it back in service to get ready for
25 spring and summer time frame.

1 MR. KERNS: Excuse me. This is Tim Kerns.
2 That's one of those periods where I mentioned
3 earlier that you can't -- that's the type of work
4 you can't do in reserve shutdown because it would
5 inhibit your ability to get back online if they
6 called you within that two-hour period, so you're
7 forced if you want to do that work to request the
8 maintenance outage if you're in reserve shutdown.

9 MR. PINNEY: And so is there some maintenance
10 work you can do when something's in reserve shutdown
11 that --

12 MR. KERNS: Sure. You can do generally the
13 smaller maintenance, anything that wouldn't keep you
14 from going into your start-up within two hours, so
15 you can be working on spare equipment, probably
16 couldn't be working on your circulating water system
17 or your coal handling equipment or your pulverizers,
18 but there is some work you can do.

19 MR. PINNEY: Okay.

20 MR. KERNS: You just have to be able to go
21 into start-up within two hours of getting that call.

22 MR. PINNEY: And so looking at this, in
23 February and March of 2022, Unit 1's in reserve
24 shutdown. Do you know if it was in reserve shutdown
25 because of the adder or just because it failed to

1 clear without that?

2 MR. ROSENBERGER: I'm not sure -- this is
3 Doug Rosenberger. I'm not sure about the adder in
4 this case. I don't know if Mr. Vaughan knows or
5 not.

6 MR. PINNEY: Was the adder -- the adder
7 program is still in effect at this point? It came
8 offline November 2022; is that correct?

9 MR. VAUGHAN: That's correct. It went on
10 late '21 for Mitchell, either November or December,
11 I believe, and then it came off in November of '22,
12 so there would have been some level of adder there.
13 You had the data request up earlier that shows all
14 the time periods that had adders in them; correct.

15 MR. PINNEY: Okay. And so did any of the
16 Kentucky Power's units during the review period, the
17 two-year period, ever go into what PJM would define
18 as an unplanned outage?

19 MR. KERNS: So Tim Kerns. The answer is yes.
20 So all of the forced outages listed in the responses
21 or in the testimony would be unplanned outages.
22 Planned and maintenance outage classifications
23 technically are planned outages.

24 MR. PINNEY: Okay. We may ask just for a
25 response across the two-year rather than the

1 six-month segments in post-hearing data request so
2 to just put you on notice, we'll be asking for that.

3 And then if -- Mr. Kerns, you talked about
4 the change in the management or the management
5 committee at Mitchell, you said September 1, 2022,
6 that Wheeling Power took over; is that correct?

7 MR. KERNS: Yes, September 1st of 2022,
8 Wheeling Power became the operator of Mitchell.

9 MR. PINNEY: Okay. So as the operator, do
10 they have -- they, sorry, does it have the authority
11 to determine maintenance practices and when outages
12 occur or do they still consult with Kentucky Power?

13 MR. KERNS: Yes, as the operator, they can
14 determine the maintenance and the maintenance
15 schedule. Like I said earlier, that maintenance
16 schedule or outage schedule is approved by the
17 operating committee in the annual meeting. That's
18 part of the operating plan review.

19 MR. PINNEY: Okay. Now, I'm going to ask a
20 question about Mitchell 1 right now. Subject to
21 check, I think that on December 19th of last year,
22 did the Mitchell unit suffer a pretty significant
23 outage?

24 MR. KERNS: This is Tim Kerns. Yes, it did.
25 We had failure of a hand shutoff valve in a fire

1 protection system that allowed water to -- was
2 released uncontrollably and ultimately damaged the
3 excitation system on Unit 1, forcing it out of
4 service.

5 MR. PINNEY: Okay. And what is the current
6 status?

7 MR. KERNS: Mitchell Unit 1 is in service.
8 It returned to status, going from memory, either
9 January 28th or 29th.

10 MR. PINNEY: Okay. And so how would that
11 outage be reported to PJM?

12 MR. KERNS: That's a forced outage.

13 MR. PINNEY: So forced/unplanned, are those
14 the same?

15 MR. KERNS: Yes.

16 MR. PINNEY: Well, you wouldn't have planned
17 that one, I know that.

18 MR. KERNS: Yeah, not that one.

19 MR. PINNEY: That's a stupid question, I'm
20 sorry. All right. So I'm going to refer to this
21 Stegall rebuttal testimony that was filed in Case
22 No. 2022-263, and that is going -- I'm looking at --
23 I apologize. I neglected to put the page number
24 here in my notes, but it refers to that the coal
25 supply was an issue across the entire PJM fleet and

1 that the entire PJM fleet achieved an average
2 capacity factor of 37 percent during the review
3 period and it contained relatively high PJM LMPs.
4 Does that sound accurate, Mr. Vaughan? I know it's
5 not your testimony but you adopted it for
6 Mr. Stegall.

7 MR. VAUGHAN: Yeah, no, I've reviewed it and
8 that sounds accurate to me.

9 MR. PINNEY: Okay. How does the average
10 capacity factor for PJM get calculated?

11 MR. VAUGHAN: So basically the capacity
12 factor just on its face is installed, right, each
13 hour. It's actual generation divided by potential
14 generation, so for a thousand-megawatt unit, if it
15 generated 500 megawatts in an hour, it would be 500
16 divided by 1,000, so it would be a 50 percent
17 capacity factor in that hour.

18 And so there's a couple sources of fleet-wide
19 data that we use. The independent market monitor's
20 reports correlating annual reports on the state of
21 the market contain a lot of that data, and that's
22 where we generally source that from.

23 You can also get some of that data from PJM's
24 Data Miner 2 system, which is -- again, it'll show
25 you total fuel type, it will not give you

1 unit-by-unit proprietary information for any, you
2 know, just publically for any specific participant,
3 but that's how we gather that fleet-wide
4 information, it's sourced from PJM.

5 MR. PINNEY: Okay. And does -- I mean, with
6 that information coming from PJM, I may have asked
7 this question before, does it distinguish for the
8 coal units whether or not they're owned by, say, a
9 merchant operator or vertically integrated utility?

10 MR. VAUGHAN: It does not. It's inclusive of
11 all of our peers, whether that's an IOU, a co-op or
12 any flavor of independent power producer. It's all
13 there. It's shows -- what it does is it shows by
14 technology class, generally in its reports it'll
15 say, for coal it's this, for combined cycle units
16 it's this, for combustion turbines it's this, for
17 steam it's this, for wind, solar, et cetera. That's
18 how they generally break up their statistic
19 reporting.

20 MR. PINNEY: All right. And do you happen to
21 know what percentage of PJM's coal fleet is
22 comprised of AEP units?

23 MR. VAUGHAN: I can think of that real quick,
24 though, it's approximately 10 percent, give or take.
25 There's 52 gigawatts of installed coal capacity in

1 PJM during the review period, so, yeah, right around
2 10, 12 percent.

3 MR. PINNEY: Appreciate the math. I like
4 that, thank you. Okay, Mr. Vaughan, I'd like to
5 have you take a look at your rebuttal testimony
6 filed in the most recent case, 23-08. And just take
7 a look at -- let's see. Actually, no, strike that
8 question. I'm not going to ask that.

9 So I think Mr. Kurtz kind of asked for the
10 question. Are customers paying for the Mitchell
11 plants for their upkeep, depreciation, investments
12 and like that?

13 MR. VAUGHAN: Can you state that question
14 again, please.

15 MR. PINNEY: Like are Kentucky Power
16 customers, Wheeling Power customers, they are paying
17 for the Mitchell coal plants, correct, to maintain
18 them, to keep them in running order; is that
19 correct?

20 MR. VAUGHAN: So the nonfuel costs of the
21 Mitchell plant, Kentucky Power's 50 percent
22 undivided interest in the Mitchell plant are
23 included in the company's base rates and the
24 environmental surcharge. So, yes, depreciation
25 expense, return on rate base and fixed O&M costs.

1 MR. PINNEY: Okay. So I'm just going to have
2 just a few questions on the PUE and then we'll be --
3 you might be clear of me.

4 MR. VAUGHAN: And I guess I'll just clarify
5 that last answer one more time, when you -- just
6 some additional clarification there, when you're
7 thinking about fixed costs and variable costs,
8 right, you're getting different commodities there.
9 You can't just think of all that in terms of one
10 commodity you get from the -- from the plant, you
11 get energy and you get capacity. They both have
12 values, we're talking about energy here, right, but
13 when you bring in fixed costs, that's providing
14 capacity value, that's what allows us to meet our
15 required reliability requirements. And so
16 maintaining the credit capacity of that unit, that's
17 a function of fixed costs.

18 MR. PINNEY: And so there was some discussion
19 between you and Mr. Kurtz or you and Mr. West
20 talking about the PUE --

21 MR. VAUGHAN: Yes, sir.

22 MR. PINNEY: -- and the use of that so I have
23 a question about that. Is the PUE always the
24 bookmark that's used -- that's always used to
25 determine what is, quote, unquote, an economic

1 purchase and a noneconomic purchase?

2 MR. VAUGHAN: No, it's the higher of your
3 costliest internal generator in the hour or the PUE.

4 MR. PINNEY: Okay. That was my question.
5 So, I mean, are there times when the coal units or
6 Big Sandy exceed the PUE, do you know?

7 MR. VAUGHAN: It could happen. It doesn't
8 happen for Big Sandy really because you're using --
9 the PUE utilizes I believe the same gas -- same gas
10 pricing point as the -- as Big Sandy uses, and
11 Mr. Stutler can correct me if I'm wrong there. So
12 it's matter of heat rate, then, when you're talking
13 cost between -- if you've using the same price
14 input, then it's matter of cost -- or I'm sorry, a
15 matter of heat rate and what the fuel cost is.

16 MR. PINNEY: Okay. And so in determining the
17 cost to run for an hour, let's say you have a
18 Mitchell unit that runs for just two hours and you
19 have the start-up costs or whatever and that leads
20 to a very high cost of running just for those two
21 hours, it has to come down for whatever reason,
22 forced outage or whatnot, could that create -- I
23 mean, for that period of time would Mitchell unit --
24 let's say it exceeds the PUE, you would use that
25 Mitchell unit for the highest cost unit for that

1 hour?

2 MR. VAUGHAN: Yeah, I think you're referring
3 to like an hour where there's like a failed start-up
4 and so you have all of the start-up like input costs
5 that go into making that first megawatt of
6 electricity and it trips offline for whatever
7 reason, yeah, I'm sure there's hours if you went
8 through all the 8760s in the review period and
9 looked for those instances where that would be --
10 that would be the limiter used in the PUE
11 calculation rather than the hypothetical proxy unit.

12 MR. PINNEY: Yell, it wouldn't be the PUE, I
13 mean, it's not something you put in a PUE.

14 MR. VAUGHAN: I'm sorry, it would be the
15 limiter --

16 MR. PINNEY: Right, the limiter.

17 MR. VAUGHAN: -- used.

18 MR. PINNEY: That's what I was --

19 MR. VAUGHAN: Rather than the PUE, sorry.

20 MR. PINNEY: Right. Right. You've been in
21 the glass case for a while.

22 MR. VAUGHAN: Thank you.

23 MR. PINNEY: I'll let you slide on that. So
24 I think you also said that the PUE is not something
25 that is no longer suitable for use in a RTO; is that

1 correct? There might be something that's better
2 suited?

3 MR. VAUGHAN: No, I mean, that's my statement
4 and, again, it's based on review with counsel of,
5 you know, purchases made by -- purchases made
6 through economic dispatch are FAC includable, and we
7 are purchasing all of our energy based on the
8 FERC-approved tariff of PJM and their economic
9 dispatch solution that runs hourly security
10 constraint economic dispatch.

11 Again, I think my testimony explains it, it's
12 -- and, again, it was implemented when we weren't
13 part of an RTO, we were our own control area as part
14 of the AEP zone only; right? And so it's -- in my
15 mind it's there to limit opportunity purchases
16 between control areas, right, versus, you know,
17 hourly economic dispatch solutions.

18 MR. PINNEY: All right. So have you -- I
19 mean, if it's not something suitable, did you
20 propose any alternatives in the most recent rate
21 case at the commission or do you just continue to --
22 you know, didn't -- didn't make the argument that
23 you should no longer -- no longer -- you didn't seek
24 any changes in how economic purchases were made or
25 calculated?

1 MR. VAUGHAN: No one made any --

2 MR. PINNEY: Okay.

3 MR. VAUGHAN: The company, KIUC, AG, Walmart,
4 any party to that case, the joint intervenors, no
5 one made any proposals to change the PUE in the base
6 rate case, and that's the correct forum to do it
7 because it changes -- when you change the PUE, it
8 changes components of base rates.

9 And so what we're saying and what I say in my
10 rebuttal testimony is, if you're going to do it, do
11 it prospectively and do it in a base rate case where
12 you can take all these things into consideration.

13 MR. PINNEY: So I guess philosophical
14 question, are you presuming that economic purchase
15 as the commission uses it for fuel adjustment clause
16 purposes and economic dispatch we're referring to
17 how PJM approaches the dispatch of generation of
18 units, that the economic in both of those things
19 mean the same thing?

20 MR. VAUGHAN: Both of what things?

21 MR. PINNEY: Economic in economic dispatch
22 and economic in economic purchase, economic dispatch
23 in PJM, economic -- economic purchase in the FAC,
24 that economic in both of those terms is the same
25 thing?

1 MR. VAUGHAN: Yes, sir, and you can't
2 separate them when you've integrated your resources
3 into that dispatch solution, and here's why. So
4 when you think -- again, we do not dispatch, we
5 being Kentucky Power or any PJM member, you do not
6 dispatch your resources to your load, you offer all
7 of your resources in and the market dispatches them
8 based on the ultimate economic solution for the
9 entire footprint.

10 And so when you look back during the COVID
11 pandemic or now during dollar gas prices, there's
12 going to be times where the most economic solution
13 for customers is to not dispatch your plants and to
14 purchase 100 percent of your energy from the market.
15 If you've got \$25 or \$30 fuel cost units sitting
16 there and around-the-clock LMP is \$15, that's
17 economic dispatch.

18 That is the value it's providing to
19 customers, and so it's hard to separate the two
20 things out. Your -- all of your resources are part
21 of that economic dispatch solution, so it's hard to
22 say, this is economic but that isn't economic, it's
23 all the same solution. So when you're making
24 purchases for your internal load, it's my opinion,
25 it's our opinion that that's economic dispatch and

1 that is, you know.

2 MR. PINNEY: And so the generating resources
3 within PJM can be owned by, you already testified,
4 investor-owned -- vertically integrated
5 investor-owned utilities, the Kentucky Power --
6 well, not LG&E/KU, sorry, Duke Kentucky, for
7 example, cooperatively owned East Kentucky Power
8 Corporation, for example, or it could also be
9 merchant units; correct?

10 MR. VAUGHAN: That's correct.

11 MR. PINNEY: So when PJM is making economic
12 decisions to dispatch those units, is PJM agnostic
13 to the type of units, I mean, the role those units
14 play, whether they're in a vertically integrated
15 utility or in a merchant utility, do you know?

16 MR. VAUGHAN: Yes, they're agnostic to it
17 because they're evaluating the price offers they
18 have received from those units. It doesn't matter
19 if we offer a unit at \$20 and an IPP offers a unit
20 at \$20, who owns it is not -- not at question, it's
21 a matter of providing the security constraint,
22 economic dispatch solution for the footprint.

23 MR. PINNEY: All right. And so, then, it
24 would be your testimony, I'll put words in your
25 mouth and you can correct me if I'm wrong, that any

1 purchase made through PJM would be an economic
2 purchase for the purposes of the fuel adjustment
3 clause and be able to be recovered through the fuel
4 adjustment clause?

5 MR. VAUGHAN: We're not making that proposal
6 today. It's an example I bring up in my rebuttal
7 and we may make that proposal in the future, right,
8 just in my mind the peaking unit equivalent is
9 something that has run its course and doesn't really
10 or shouldn't apply to the utilities that are in an
11 RTO for the reasons I've stated, and that doesn't
12 eliminate the fact that the commission upon review
13 could look at the circumstances around why you had
14 to make those purchases and say you did something
15 imprudently and disallow some sort of FAC cost on
16 their review. That's not what I'm saying. I'm
17 saying that from a FAC eligibility standpoint, those
18 purchases should be FAC eligible.

19 MR. PINNEY: All right. Just one last
20 question just to clarify, is it the use of the PUE
21 is the limiter that you don't think fits into the
22 RTO or does any limiter whatsoever for a high cost
23 generating -- if Kentucky Power owned a CT, for
24 example?

25 MR. VAUGHAN: Can you repeat that. I've been

1 in the glass bowl for a long time.

2 MR. PINNEY: Yeah, no, I understand, yeah.
3 So you had said that the PUE is not something that
4 is appropriate for use in the RTO so -- for members
5 of an RTO for calculating economic purchases, and I
6 think I got from the gist that you're saying that
7 any limiter really isn't appropriate because if it's
8 made through the economic dispatch model, any
9 purchase would be economic.

10 But then you came back and said that the PUE
11 wouldn't be -- is not necessarily -- the use of PUE
12 is not appropriate. So if Kentucky -- would it be a
13 different result if Kentucky Power had a CT, didn't
14 have to rely upon a hypothetical proxy? Would your
15 opinion change about whether or not -- how to
16 calculate economic purchases?

17 MR. VAUGHAN: No, I'm sorry. I was mixing
18 terms on you there and, right, when you read through
19 the administrative order in KR whatever, right, it
20 talks about economy and non-economy purchases, and
21 you're using the limiter as the dividing line
22 between what is economy and that isn't economy, and
23 my belief is that if you are part of a large system
24 that's producing an economic dispatch solution every
25 hour that perhaps that limiter shouldn't apply to

1 you anymore because by definition, if you're
2 purchasing something rather than generating it, it's
3 an economy purchase.

4 MR. PINNEY: All right. And so I was just
5 clarifying because I thought you'd said it was --
6 the PUE wasn't appropriate --

7 MR. VAUGHAN: I'm sorry.

8 MR. PINNEY: I just wanted to make sure.
9 That's okay. I just wanted to clarify.

10 Your Honor, staff has no further questions.

11 CHAIRMAN HATTON: Okay. I'll have a few,
12 let's see, and I do have a few questions. Mine's
13 not going to be very extensive.

14 Let's see. Mr. Vaughan, if you could refer
15 to your rebuttal testimony, Page 6.

16 MR. VAUGHAN: I am there.

17 CHAIRMAN HATTON: So we have the table here,
18 we're comparing Mitchell's net capacity factor --

19 MR. VAUGHAN: Yes.

20 CHAIRMAN HATTON: -- to PJM's coal fleets net
21 capacity factor. And you make the statement there I
22 think beginning on Page 4 that over the -- or sorry,
23 Line 4, over the past decade, the entire PJM coal
24 fleet has operated at an average annual capacity
25 factor of roughly 43 percent, which is similar to

1 the Mitchell plants.

2 MR. VAUGHAN: Yes.

3 CHAIRMAN HATTON: Okay. So Mitchell performs
4 about as well as PJM's other coal units over a
5 ten-year average; is that what we're supposed to
6 take from this table?

7 MR. VAUGHAN: Yes. I was trying to
8 distinguish it -- trying to show because I discussed
9 net capacity factor in my testimony and the
10 generation witnesses talk about availability and all
11 that because net capacity factor is a function of
12 economics, not just plant availability and
13 maintenance work and all of that.

14 And what we're trying to distinguish here is
15 that rather than comparing the unit to one random
16 data point, if you look at the entirety of our
17 peers, which would be the rest of the coal fleet in
18 PJM, the plant on average performs as well as its
19 peers do.

20 CHAIRMAN HATTON: Okay. Let's look at the
21 same table but with a five-year average, just the
22 past five years.

23 MR. VAUGHAN: Sure.

24 CHAIRMAN HATTON: If we look at the last five
25 years, it looks like there's only one year, 2019,

1 when Mitchell would have exceeded PJM's fleet in net
2 capacity factor, would you agree with that?

3 MR. VAUGHAN: Yeah, I do. It would be
4 slightly under its peers in the other years;
5 correct.

6 CHAIRMAN HATTON: Okay. And subject to
7 check, would you be willing to agree with me that
8 over the past five years, PJM coal fleet's net
9 capacity factor would average about 38.66 and
10 Mitchell plants would be 32.82, significantly below?

11 MR. VAUGHAN: I don't know if I'd
12 characterize it as significantly below but it's
13 below its peers, right, and so that's a matter of
14 what is significantly below, what's an outlier, what
15 isn't. And then there's -- just to provide some
16 color on that, we have the right people here to talk
17 about it, too, not all of its peers are going to be
18 doing the same kind of environmental work that we
19 are because some of these units may be closing down
20 in 2028 because they're not electing ELG, you know,
21 the plant may not be moving forward.

22 So there could be additional outage work
23 being done that reduces the amount of availability
24 on the Mitchell plant versus some of its peers, and
25 we've got the folks here that can talk about that.

1 CHAIRMAN HATTON: I think that if we think
2 the ten-year average is significant and useful to
3 look at, then the five-year average would also be
4 significant for the same reasons?

5 MR. VAUGHAN: They're all data points,
6 certainly.

7 CHAIRMAN HATTON: All right, then. And then,
8 Ms. Chilcote, am I pronouncing that correctly?

9 MS. CHILCOTE: Yes.

10 CHAIRMAN HATTON: So a lot of today has been
11 talking about how Kentucky Power purchased capacity
12 because they were unable to generate because they
13 were unable to obtain coal. And I know it was a
14 very volatile time during COVID. Coal prices were
15 down, gas prices were down then suddenly gas prices
16 are up, coal prices are up, and I don't know that
17 anyone would expect anyone to make a perfect
18 prediction, but this was a time when people were
19 hoarding toilet paper. Was there discussions that
20 maybe things are going to get volatile, we don't
21 know what to expect, shouldn't we stockpile some
22 coal?

23 MS. CHILCOTE: From what we had seen -- Kim
24 Chilcote responding. From what we had seen in the
25 markets and our normative forecast, we didn't have

1 any indication that there was a need for that. We
2 had also -- you know, as we went into 2021, we had
3 high stockpiles because we had -- we had stockpiled
4 the coal we didn't burn during the COVID timing.

5 So we did have slightly higher stockpiles as
6 we went into 2021, and so I don't know that it would
7 have necessarily been prudent to stockpile
8 additional coal at that time with not having any
9 indication that you were always going to -- all of a
10 sudden going to have this market anomaly that we
11 hadn't seen since 2018 in the coal market. The last
12 time we saw prices go above \$100 was 2008, so --

13 CHAIRMAN HATTON: Go ahead.

14 MS. CHILCOTE: So we -- I mean, prices had
15 been very stable in the coal market for a
16 significant amount of time. And prices did that
17 jump in the, you know, '21, '22 time frame, but
18 since then they've come back down; right?

19 So you had that anomaly and now that anomaly
20 is gone because of other forces; right? You had
21 high gas prices and you had demand outside of the
22 United States that drove those prices.

23 CHAIRMAN HATTON: So it was discussed but
24 then discarded as an idea, that things might get
25 volatile, maybe we should try to stockpile some more

1 coal, you decided you didn't need to?

2 MS. CHILCOTE: I don't believe it was
3 discussed. I was not involved with the team at that
4 point. I came to the team in -- actually at the May
5 '21 RFP was my first interaction back with the coal
6 team.

7 CHAIRMAN HATTON: So anyone else here that
8 was involved in those discussions that would know?

9 MR. VAUGHAN: You mean from a how much coal
10 one should have on hand? And so Alex Vaughan
11 responding. Yeah, we were involved in some of those
12 discussions and when you -- again, I'll point you to
13 my direct testimony table Exhibit 1 on Page 7,
14 wherever I have that. And when you went into early
15 '21, going into early '21 out of 2020, right, there
16 was essentially no demand for coal generation during
17 2020 because of the slowing of the economy, reduced
18 prices.

19 Before that May -- before that May RFP when
20 we looked out, we already had essentially
21 100 percent of our burn procured that we were going
22 to have, so anything that we were going to get was
23 already going to be additional coals and literally
24 no one saw this incredible increase in demand.

25 When you look at that graph, you can see it,

1 and there's these tails on either side of it where
2 market prices are back under \$35, and you have a
3 decade before that leading up to that where market
4 prices were there. And since, you know, January of
5 '23, market prices have been there. I mean, over
6 the past couple of weeks, they've been like \$15.
7 Gas is very low again.

8 And so we -- you got to look at what we had
9 on hand at different points in time throughout this.
10 And so leading into this, we had a lot of coal.
11 It's just a matter of how fast you're burning
12 through it. And then as Witness Chilcote has
13 discussed, the suppliers didn't have the capacity to
14 supply more. So you had what you had, the market
15 was what the market was, and there were no other
16 coals.

17 CHAIRMAN HATTON: So we're doing a
18 looking-back period here over this two-year time
19 frame, and I don't want to mischaracterize it but I
20 would call those critically low stockpiles of coal.
21 In retrospect, what could have been done differently
22 to plan better?

23 MS. CHILCOTE: Well, if you -- referring back
24 to -- Kimberly Chilcote responding. Looking back at
25 Item No. 6 Attachment 2, you can see the inventories

1 that we had at the Mitchell plant. Even in July of
2 2021, we showed we had 38 days of low sulphur coal
3 on the ground and we had 22 days of high sulphur
4 coal on the ground, both above what our inventory
5 targets were at that time; right? We had a 15-day
6 inventory target for high sulphur coal, so we had
7 more than double our target on the ground in July
8 and we had 57 days of low sulphur coal.

9 The company when we saw the change, right, we
10 saw the change in September, we could -- we saw the
11 market turn and we reacted as quick as we can, you
12 know, we issued an RFP in September of 2021, an
13 open-ended RFP to seek additional coal to meet that
14 increased demand. But when I -- you know, we when
15 went out for RFP in early '21, in May of '21, our
16 normative forecast didn't say we needed coal for
17 '21. And in May we had, you know, 42 days of high
18 sulphur coal on the ground and 69 days of low
19 sulphur coal on the ground. So I think from a
20 company perspective, we had coal on the ground and
21 we had a forecast that said, you have enough
22 procured to meet the demand for the rest of the
23 year.

24 So, you know, I don't know as a company,
25 would you ever say, we need to put more coal on the

1 ground, I think we already had a significant volume
2 sitting on the ground.

3 CHAIRMAN HATTON: In retrospect, you wouldn't
4 have done anything differently?

5 MS. CHILCOTE: Had my crystal ball been
6 perfect, I would have done things differently. You
7 know, had we seen in early '21 that the markets were
8 going to go crazy, we probably would have gone out
9 for a request sooner in '21. We -- we would have
10 maybe procured coal had it been available, but I
11 think had that signal come sooner, I think the
12 outcome in the market would have been similar than
13 what we saw in September of '21.

14 CHAIRMAN HATTON: The RFP process has changed
15 somewhat, become more flexible?

16 MS. CHILCOTE: So we haven't necessarily
17 changed the RFP process. We in the fall of '21
18 acted a little more quickly. We do evaluate all of
19 our RFPs. We have an electronic system that we can
20 feed them all into as opposed to in the past we used
21 to do it all by hand, so some of the evaluation of
22 the RFPs is definitely more efficient than it used
23 to be.

24 CHAIRMAN HATTON: Can it be done in a week
25 instead of a month now I believe you said?

1 MS. CHILCOTE: Yeah, yeah, yeah, we can
2 probably get it done in a matter of a few days.

3 CHAIRMAN HATTON: And as I read your
4 testimony, the long-term contracts mostly were
5 fulfilled, it was the short-term contracts, the spot
6 market coal purchases that were the problem?

7 MS. CHILCOTE: And that's where we've seen
8 more issues is with some of these spot-type
9 contracts.

10 CHAIRMAN HATTON: There wasn't any
11 litigation?

12 MS. CHILCOTE: We did not file any
13 litigation.

14 CHAIRMAN HATTON: Only one force majeure?

15 MS. CHILCOTE: And the one force majeure,
16 that is correct.

17 CHAIRMAN HATTON: Does that change your
18 evaluation of how much long-term coal you need to
19 purchase? I mean, I know prices go up and down,
20 there's a need for short-term, but as far as the mix
21 of short-term and long-term, should that have been
22 different?

23 MS. CHILCOTE: I believe it's important to
24 evaluate both when you look at supply and
25 consistency of the supply and diversity of supply.

1 Short-term contracts are helpful as you would see --
2 in the past when we would see a spike in the market,
3 there was short-term supply available, right, so we
4 could go out and procure short-term supply to fill
5 that need that arose.

6 And then long-term term supply also helps the
7 coal suppliers, right, because it gives them the
8 ability to say if they need financing or they're
9 hiring employees, right, it gives them the ability
10 to say, I know I'm going to supply coal to Kentucky
11 Power for the next three years or four years; right?
12 It gives our counterparts some security in their
13 processes and what they're doing, too.

14 CHAIRMAN HATTON: So the company's position
15 is that things have been fairly stable since 2008,
16 this couldn't have been predicted. Your testimony
17 says, and I didn't write down the page but I can
18 find it for you, that uncertainty of coal fire
19 generation is expected to continue. Knowing that
20 it's expected to be uncertain and realizing what
21 happened since COVID and particularly in this
22 two-year review period, customers are paying for
23 operating the plant, plants, and Kentucky Power in
24 particular just half of Mitchell 1 but they're
25 paying to operate the plant, they're paying to keep

1 it in good condition and they're paying to have coal
2 to run it.

3 This was a critical stockpile shortage. What
4 can be done to lessen the impact on customers for
5 decisions that are made like this? And someone else
6 can answer, I'm not trying to just pick on
7 Ms. Chilcote. This is our job.

8 MR. VAUGHAN: Yeah. So talking about the
9 critical short outage, right, and I think the
10 important thing to see here is that Kentucky Power
11 wasn't the only one that was short coal. We can go
12 back to that same capacity factor table we were just
13 talking about, and you look at the entire PJM fleet
14 in 2022, the 52,000 megawatts of installed coal
15 capacity there and it only operated at 41.8 percent
16 on average, the entire fleet, and it would have been
17 economic for it to run at something much, much, much
18 higher, but that required millions and millions and
19 millions of tons of coal that there weren't
20 producers to produce; right?

21 It's all a matter of economics. And so if
22 those tons were available, Kentucky Power would have
23 purchased them, someone else would have purchased
24 them, they would have been burnt, you know, there
25 would have been more coal generation, prices would

1 have been lower. Just in general across the RTO,
2 you add 50,000 megawatts of generation in a lot of
3 hours where it wasn't there, it would have brought
4 all the prices down.

5 And so you asked what can be done, I mean,
6 it's -- a lot of it's dependent upon an industry
7 that the PSC doesn't regulate and that we can't
8 control, we just have to work with, right, the
9 actual coal industry. And like so you look at
10 Witness Chilcote's testimony it looks at -- it shows
11 how sharp the production potential dropped off in
12 COVID, from 2019 to 2020, we lost a huge chunk of
13 the coal market and it doesn't bounce back to a
14 preCOVID level.

15 So like the production capability isn't
16 there, and there's a lot of counter-parties out
17 there still, you know, the other Kentucky utilities,
18 the other RTO members, some of the other Kentucky
19 Power affiliates.

20 And so if there's some way to make the coal
21 supplier, the coal industry more stable, that would
22 certainly help with the availability of coals when
23 you have these type of spikes in demand; right?
24 Because it's not just like a gas plant where you
25 just turn -- open the valve more, you consume more

1 gas, it's there in the pipe; right? They've got to
2 mine the coal, they've got to get it to the plant
3 somehow, whether it's belt, rail, barge, and then we
4 do -- there's a lot of logistics in there.

5 CHAIRMAN HATTON: I don't want to beat any
6 horse, let alone a dead one, but at some point don't
7 we have to talk about the failure to generate power
8 as opposed to just purchasing it all on the RTO or
9 nearly all?

10 MR. VAUGHAN: Well, again, I think it goes
11 back to what information was available to us at the
12 time we made those decisions and whether we acted
13 prudently with that information or not, and what
14 we're saying is --

15 CHAIRMAN HATTON: That's the point of this.

16 MR. VAUGHAN: -- we had the same information
17 that everyone else had and it was telling us X and Y
18 happened. And the only way you're going to do that
19 perfectly is if you have perfect 20/20 hindsight,
20 and that's generally not the standard that's applied
21 to our actions to determine whether they're prudent
22 or not.

23 CHAIRMAN HATTON: Redirect?

24 MR. GISH: Yes, just a couple, Your Honor.

25 First, Mr. Vaughan, do you remember way back this

1 morning when you were talking about the peaking unit
2 equivalent with Mr. Kurtz and he had provided to you
3 Exhibit KIUC 1, which was an excerpt of your
4 testimony from the 2017 rate case. Do you still
5 have that handy?

6 MR. VAUGHAN: I do.

7 MR. GISH: And there was some questions about
8 whether or not it was clear that the start-up costs
9 would be allocated or would be applied on each hour
10 of the start-up -- I'm sorry, the PUE equivalent,
11 the PUE calculation; is that correct? Do you
12 remember that?

13 MR. VAUGHAN: I remember that discussion,
14 yes.

15 MR. GISH: Okay. And to your knowledge, has
16 the PUE calculation always been an hourly
17 calculation?

18 MR. VAUGHAN: Yes.

19 MR. GISH: Okay. And you described how the
20 cost of peaking unit equivalent is calculated in --
21 starting on Line 3 of your testimony; is that right?

22 MR. VAUGHAN: On which page?

23 MR. GISH: I'm sorry, on Page 33.

24 MR. VAUGHAN: Yes.

25 MR. GISH: And then about on Line 9 there it

1 says, if the peaking unit equivalent is the highest
2 cost unit in that hour, the FAC purchase power
3 limitation limits recovery of the purchase power
4 cost through the FAC to the example given; is that
5 correct?

6 MR. VAUGHAN: That's correct.

7 MR. GISH: Okay. And so you were identifying
8 in that situation that it was an hourly calculation?

9 MR. VAUGHAN: Yes.

10 MR. GISH: And Footnote 10 describes the
11 peaking unit calculation as an hourly calculation;
12 correct?

13 MR. VAUGHAN: It does.

14 MR. GISH: Okay. And then I'm going to hand
15 out an exhibit which is a printout of Attachment
16 1-73, I'm sorry, to the -- Kentucky Power's response
17 to commission staff's data request 1-73 in that same
18 case, and it's attachment 78, and this is the work
19 paper for the Exhibit AEV 8.

20 CHAIRMAN HATTON: Mr. Gish, would you like me
21 to mark this as Kentucky Power 1?

22 MR. GISH: Yes, ma'am.

23 CHAIRMAN HATTON: Okay.

24 MR. GISH: Thank you. Do you have that?

25 MR. VAUGHAN: Yes, I am familiar.

1 MR. GISH: At the end there, at the end of
2 the -- in the bolded language that's in this
3 exhibit, which is the exhibit that was filed in the
4 case -- in the rate case, it says proposed new
5 peaking unit equivalent cost calculation, which we
6 have identified in the testimony as an hourly
7 calculation; correct?

8 MR. VAUGHAN: Yes.

9 MR. GISH: Is the daily gas price times the
10 heat rates plus the total megawatt -- total dollars
11 per megawatt hour adjustment; is that correct?

12 MR. VAUGHAN: That's correct.

13 MR. GISH: And that total dollar per megawatt
14 hour adjustment includes the start-up costs; right?

15 MR. VAUGHAN: It includes the firm gas, the
16 start-up costs and the variable O&M and the --

17 MR. GISH: This -- that the start-up costs
18 would be an hourly or the same hourly calculation
19 that it -- for the peaking unit equivalent that it
20 had always -- sorry. Let me rephrase that in way
21 that's logical.

22 That the start-up costs would be added to the
23 hourly calculation of the peaking unit equivalent
24 was disclosed to the commission; correct?

25 MR. VAUGHAN: Yes.

1 MR. GISH: Okay. And also you -- there was a
2 lot of questions this morning about the Ceredo unit
3 and what it means and whether or not this should be
4 the Ceredo unit, the peaking unit equivalent. On
5 the page, the third page of this exhibit, there's a
6 summary of start-up costs from the Ceredo unit, do
7 you see that?

8 MR. VAUGHAN: I do.

9 MR. GISH: And why did you use the Ceredo
10 unit in this exhibit?

11 MR. VAUGHAN: Because you had to have some
12 example to quantify the level of costs that you were
13 proposing to add in to the calculation of the
14 peaking unit equivalent.

15 MR. GISH: Okay. So if you had come in and
16 told the commission, we want to add \$30 in start-up
17 costs with no support, would they had approved that?

18 MR. VAUGHAN: I don't know. I would expect
19 not. Generally you have to have a basis for the
20 amount of costs you're looking to include in
21 something.

22 MR. GISH: And it says Ceredo 1 right on this
23 document, correct?

24 MR. VAUGHAN: It sure does.

25 MR. GISH: Right. And that was filed with

1 the application?

2 MR. VAUGHAN: Yes.

3 MR. GISH: Okay.

4 MR. VAUGHAN: Yeah.

5 MR. GISH: Moving forward and into another
6 jurisdiction, you are familiar with the West
7 Virginia ENEC cost; is that correct? The ENEC cost
8 denial order --

9 MR. VAUGHAN: Yes, sir.

10 MR. GISH: -- from January 9th? You
11 mentioned earlier that Appalachian Power is
12 regulated by three utility regulatory entities; is
13 that correct?

14 MR. VAUGHAN: Yes. Their --

15 MR. GISH: Which are who?

16 MR. VAUGHAN: Yeah. Their fuel costs get
17 reviewed by the West Virginia Public Service
18 Commission, the Virginia State Corporation
19 Commission, and the FERC.

20 MR. GISH: Okay. And is the West Virginia --
21 the Public Service Commission of West Virginia the
22 only entity that had opined on the company's program
23 in this matter?

24 MR. VAUGHAN: No. We've -- Appalachian Power
25 has been audited by the Virginia staff and by the

1 FERC staff, and the Virginia staff, we don't have an
2 order in the Virginia fuel review, there's no
3 proposed disallowance there, and the Virginia's
4 staff report is that the company acted prudently
5 during the period of time. That came out prior to
6 the West Virginia order. Staff then reopened its
7 report after the West Virginia order came out and
8 reaffirmed that it had reviewed the order from West
9 Virginia and that its conclusion remained the same
10 based on its audit. Appalachian Power Company with,
11 you know, all the same facts acted prudently during
12 the period and still does not propose a
13 disallowance. FERC staff provided an audit during
14 part of the period, and they have proposed no
15 disallowances, either.

16 MR. GISH: We talked a little bit about --
17 and the vice chairman asked some questions about --

18 MR. VAUGHAN: Sorry, one more.

19 MR. GISH: Oh, sure, of course.

20 MR. VAUGHAN: Same -- we talked about other
21 units applying the same strategy in the same states.
22 We have orders in Indiana from the same time period
23 with what we were talking about adder -- coal
24 conservation adders on Rockport, all the parties in
25 that case agreed we acted prudently and the order

1 indicates that as well. There was no disallowance.

2 MR. GISH: Okay.

3 MR. VAUGHAN: Sorry to cut you off.

4 MR. GISH: No, that's quite all right. And,
5 Madam Vice Chairman, I'm going to -- I don't know if
6 this is -- I feel like this is being rude to like
7 turn and ask questions of the witness and my back to
8 you but I don't know how else to do ti.

9 CHAIRMAN HATTON: I don't know how else to do
10 it.

11 MR. GISH: So I apologize.

12 CHAIRMAN HATTON: I should thank everyone for
13 their patience with the setup today. I thought it
14 would be a whole lot more being a ring master in a
15 circus, and it has not been. Everyone's been very
16 cooperative with the setup, and I think that it's
17 been recorded well so, yes, please feel free to turn
18 your back on me.

19 MR. GISH: I apologize. Mr. Stutler, you've
20 provided testimony in this case about the fuel
21 prices during the review period. What were the
22 average fuel prices ballpark, and you don't have to
23 go down to the cent, during the second half of
24 calendar year 2022?

25 MR. STUTLER: Witness Stutler responding.

1 Natural gas prices were elevated throughout 2022,
2 roughly 6, 7, 8 dollars per MMBtu during that
3 period.

4 MR. GISH: And what is the current gas price?

5 MR. STUTLER: I believe for tomorrow our gas
6 price with Big Sandy is in the \$1.40, \$1.50 type
7 range.

8 MR. GISH: Okay. So the prices during 2022
9 were four times higher than they are today?

10 MR. STUTLER: That's correct.

11 MR. GISH: Okay. Ms. Chilcote, you have
12 testified about the inability to get coal during the
13 2022 time period. Did you -- you know, what were
14 the prices for coal that was available during the
15 2022 period?

16 MS. CHILCOTE: So during 2022, we saw
17 significant price increases. The highest prices we
18 saw were in the third quarter of 2020 where coal
19 prices reached over \$200 a ton, and we did -- we do
20 have some contracts that we did add into our
21 portfolio during that time. They're not \$200 a ton
22 but we did add contracts during that time, because
23 our forecast at the time was still showing a need
24 for coal going forward, and those were the prices
25 that we needed to pay.

1 MR. GISH: Did the company file -- not the
2 company, did AEP file any litigation against coal
3 suppliers during that time period?

4 MS. CHILCOTE: AEP did not file litigation
5 but one of our counterparts --

6 MR. GISH: Sorry.

7 MS. CHILCOTE: That's okay. APCo did file
8 litigation against one of its coal suppliers during
9 that time frame. They were significantly
10 undersupplying the agreement, and APCo had tried to
11 resolve the shortfall, like we've done here with
12 Kentucky Power, with many of our suppliers where
13 we'll work with the supplier and come up with a
14 mutual schedule where we can receive those
15 shipments; however, with APCo, we could not resolve
16 that and APCo actually filed two lawsuits against a
17 single coal supplier against two different
18 contracts.

19 MR. GISH: And did Kentucky Power have to
20 file coal supply -- I'm sorry, coal supply
21 litigation?

22 MS. CHILCOTE: Kentucky Power has not filed
23 any litigation with coal suppliers.

24 MR. GISH: Okay. And that's because they
25 didn't need to?

1 MS. CHILCOTE: We did not. We were able to
2 resolve any shortfall issues amicably with the
3 suppliers.

4 MR. GISH: And what's the rough current
5 supply price -- I'm sorry, the current price of
6 coal?

7 MS. CHILCOTE: Yeah. So currently the price
8 for high sulphur NAPP coal like we take across the
9 belt is around \$50 a ton, and then the cap low
10 sulphur coal runs closer to around \$70 a ton.

11 MR. GISH: And I'm going to ask the question,
12 then, about the ability to get this across the belt,
13 I believe they're actually across the street, I
14 think the belt goes across the street if I remember
15 correctly from my tour but that's not important,
16 that that coal, you were having an issue getting
17 coal from that mine during the period of constraint.
18 Why would that coal supplier that's right there not
19 be able to provide you all the coal you want?

20 MS. CHILCOTE: So that -- obviously that
21 supplier has contracted with other companies for
22 supply, we're not their only supplier, so they're --
23 they're fulfilling all of their orders that they
24 have at the time; right? So if they would have had
25 additional tons, we would have tried to procure

1 additional tons from them; however, they had sold
2 all of their tons that they had for production at
3 that time.

4 MR. GISH: Why couldn't they just increase
5 the amount of tons they had available?

6 MS. CHILCOTE: So to add tons is not -- you
7 can't just walk out on the street and get people;
8 right? Coal mining and all of that requires skilled
9 labor, and so it takes a significant amount of time
10 for these mines to go out and to hire employees and
11 to train them, and one of the biggest things they
12 have to be trained in is safety; right? It's not a
13 super-safe job to work in an underground coal mine,
14 so being safe and having all those required skills
15 takes a significant amount of time to train that
16 workforce.

17 MR. GISH: Thank you. And so, Mr. Vaughan,
18 you remember this morning when Mr. Kurtz is talking
19 about the ability of the company to recover its fuel
20 costs through base rates, do you remember that
21 discussion?

22 MR. VAUGHAN: I do.

23 MR. GISH: Yeah. So the company's last base
24 rate case had a test year from March '22 through
25 March '23; is that correct?

1 MR. VAUGHAN: 12 months ended March of '23,
2 yes.

3 MR. GISH: Yeah. And that was the period of
4 the highest fuel costs we've seen in decades; is
5 that right?

6 MR. VAUGHAN: Since 2008, yes.

7 MR. GISH: And so if we had included those
8 fuel costs in base rates, the company's customers
9 would have to pay those high fuel costs regardless
10 of what the actual -- and there was no fuel
11 adjustment clause, the company's customers would
12 have to pay those high fuel costs regardless of what
13 the actual fuel cost was; right?

14 MR. VAUGHAN: Yeah, under that hypothetical,
15 right, customers would be harmed greatly by
16 imbedding a high level of test year fuel costs in a
17 rate case and then essentially not flowing through
18 the actual lower costs that we're seeing beginning
19 in January of 2023, right, and that's -- that's why
20 you have a fuel adjustment clause so that you pass
21 along that prudently incurred operating expense to
22 customers.

23 And, again, the drivers that drive these fuel
24 costs are largely commodity markets that are outside
25 of the control of the company or its customers.

1 MR. GISH: No further questions, Your Honor.

2 CHAIRMAN HATTON: Recross? Staff? Okay. Is
3 that your case?

4 MR. GISH: That is -- yes. The company
5 rests.

6 CHAIRMAN HATTON: Who wants to go first or
7 you're joint?

8 MR. KURTZ: Yeah, we have joint witnesses.
9 We'll call Mr. Futral.

10 CHAIRMAN HATTON: Okay. Mr. Futral, raise
11 your right hand, please. Do you swear or affirm the
12 testimony you're about to give is true and correct
13 under penalty of perjury?

14 MR. FUTRAL: I do.

15 RANDY FUTRAL, having been first duly sworn,
16 testified as follows:

17 CHAIRMAN HATTON: Thank you. Please be
18 seated.

19 Mr. Kurtz.

20 DIRECT EXAMINATION

21

22 BY MR. KURTZ:

23 Q. Good afternoon, Mr. Futral.

24 **A. Good afternoon.**

25 Q. Did you file direct testimony in Case

1 22-00263 and 2023-0008?

2 **A. Yes, I did.**

3 Q. Okay. Do you have any changes or corrections
4 to that testimony?

5 **A. Yes. In the testimony filed in 008 on Page
6 6, I have a few references to the price of gas, and
7 unfortunately I added a megawatt hour there instead
8 of MMBtu on the price of gas on Line 5 and on Line
9 7. So it should be MMBtu.**

10 Q. Does that change the substance of your
11 testimony at all?

12 **A. No, it does not.**

13 Q. Okay. If I were to ask you these same
14 questions, would your answers be the same?

15 **A. Yes.**

16 MR. KURTZ: Your Honor, I tender the witness
17 for cross.

18 CHAIRMAN HATTON: Thank you. And in this
19 case you'll go first, I believe?

20 MS. GLASS: That's correct, but we have no
21 questions for this witness.

22 CHAIRMAN HATTON: No questions for this
23 witness. And the Attorney General wouldn't have any
24 questions for this witness. Staff?

25 MR. PINNEY: We have no questions for this

1 witness.

2 CHAIRMAN HATTON: Mr. Futral, thank you very
3 much.

4 MR. FUTRAL: Thank you.

5 CHAIRMAN HATTON: Any reason why he couldn't
6 be excused?

7 MR. PINNEY: Mr. Kurtz, I believe Mr. Kollen
8 just left the hearing room.

9 MR. KURTZ: Oh, I'll give him a minute.

10 CHAIRMAN HATTON: Well, there he comes.

11 MR. PINNEY: He is back.

12 CHAIRMAN HATTON: Are you ready to call
13 Mr. Kollen?

14 MR. KURTZ: Yes, Your Honor, Mr. Kollen.

15 MR. GISH: Madam Vice Chairman, while we are
16 waiting for him to get to the stand, I have
17 neglected to request to move to enter the Company's
18 Exhibit 1 so I request to move --

19 CHAIRMAN HATTON: Any objections? So
20 admitted.

21 MR. GISH: Thank you.

22 (KENTUCKY POWER EXHIBIT 1 ADMITTED INTO
23 EVIDENCE)

24 CHAIRMAN HATTON: Mr. Kollen, please raise
25 your right hand. Do you swear or affirm the

1 testimony you're about to give is true and accurate
2 under penalty of perjury?

3 MR. KOLLEN: Yes.

4 LANE KOLLEN, having been first duly sworn,
5 testified as follows:

6 CHAIRMAN HATTON: All right. Welcome back.
7 Have a seat.

8 MR. KURTZ: Thank you, Your Honor.

9

10 DIRECT EXAMINATION

11

12 BY MR. KURTZ:

13 Q. Did you provide direct testimony in Case
14 2022-00263 and 2023-0008?

15 **A. I did.**

16 Q. Do you have any corrections or additions to
17 that testimony?

18 **A. No.**

19 MR. KURTZ: Your Honor, I tender the witness
20 for cross.

21 CHAIRMAN HATTON: Okay. Ms. Glass or
22 Mr. Gish.

23 MS. GLASS: I do have some questions.

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CROSS-EXAMINATION

BY MS. GLASS:

Q. Good afternoon, Mr. Kollen.

A. Good afternoon.

Q. Have you ever been employed as the operator of a coal-fired power plant?

A. I have not. I have done operational audits when I worked for the Toledo Edison Company at coal-fired power plants.

Q. Have you been employed as the operator of a natural gas-fired power plant?

A. No.

Q. Have you ever been employed as a buyer of purchase power?

A. Not as a buyer directly but as someone who evaluated contracts, the answer would be yes.

Q. Have you ever been employed as a buyer of coal?

A. Same -- same answer.

Q. Have you ever been employed as a buyer of natural gas?

A. I thought -- oh, same answer.

Q. Have you ever been employed as an engineer?

A. No.

1 Q. Do you have any engineering degrees?

2 **A. I do not.**

3 Q. Have you ever been licensed in any state as
4 an engineer?

5 **A. No.**

6 Q. Okay. So in your testimony in this case, you
7 recommend that the commission disallow certain
8 amounts of costs that were recovered through
9 Kentucky Power's fuel adjustment clause over the
10 review period; correct?

11 **A. That's correct.**

12 Q. And Mr. Futral also recommends that the
13 commission disallow certain amount of costs
14 recovered through the fuel adjustment clause over
15 the review period; correct?

16 **A. Yes.**

17 Q. Does the amount that you recommend the
18 commission disallow include the amounts recommended
19 for disallowance by Mr. Futral?

20 **A. It does not. Mine are incremental, and
21 that's shown on the table in Mr. Futral's testimony.**

22 Q. Okay. So what is the total amount
23 recommended to be disallowed by AG KIUC in this
24 case?

25 **A. I don't have Mr. Futral's testimony with me**

1 **but I think that it's on Page 16 or something like**
2 **that in his testimony.**

3 MR. KURTZ: Your Honor, could I hand
4 Mr. Kollen Mr. Futral's testimony?

5 CHAIRMAN HATTON: Absolutely.

6 **A. The amounts -- the total disallowances are on**
7 **Page 18 of Mr. Futral's testimony, and it would be**
8 **\$59.785 million under the 100 megawatt PUE. And on**
9 **Page 20 of Mr. Futral's testimony, the total**
10 **disallowance would be 44.345 million with the 100**
11 **megawatt disallowance. I'm sorry, that was 200**
12 **megawatt PUE. The first one was the 100 megawatt**
13 **PUE.**

14 Q. Okay. So can I direct you to Page 17 of
15 Mr. Futral's testimony on -- starting on Line 1.

16 **A. Yes.**

17 Q. And he says, the changes to the PUE
18 recommended by Mr. Kollen and myself result in a
19 disallowance of \$59.785 million for the review
20 period.

21 **A. Right.**

22 Q. So that sentence implies that this is a
23 cumulative amount between yourself and Mr. Futral;
24 is that correct?

25 **A. Yes.**

1 Q. Okay. So is the total amount recommended to
2 be disallowed by AG KIUC \$59.7 million for the 100
3 megawatt PUE?

4 **A. That's correct.**

5 MS. GLASS: Okay. I have no further
6 questions. Thank you.

7 CHAIRMAN HATTON: Okay. Staff?

8 MR. PINNEY: No questions, Your Honor.

9 CHAIRMAN HATTON: Redirect?

10 MR. KURTZ: No redirect.

11 CHAIRMAN HATTON: Okay. Thank you very much,
12 Mr. Kollen.

13 MR. KOLLEN: You're most welcome.

14 CHAIRMAN HATTON: And any reason why this
15 witness may not be excused? Okay. So I know there
16 are a number of -- well, before I get to that, any
17 motions at this time? Does anyone think they didn't
18 move to admit their exhibits and would like to do
19 that at this time? I don't recall anyone forgetting --

20 MR. MICHAEL WEST: I may have failed to move
21 so I move --

22 CHAIRMAN HATTON: Move at this time.

23 MR. MICHAEL WEST: Yeah.

24 (AG EXHIBIT 1 ADMITTED INTO EVIDENCE)

25 CHAIRMAN HATTON: Absent objections, that

1 will be granted.

2 Same for staff?

3 MR. PINNEY: We have nothing.

4 CHAIRMAN HATTON: Okay. All right. So I
5 know there's a number of post-hearing data requests
6 that are going to be issued. I imagine that rather
7 than trying to set a schedule now that one will be
8 issued, and then we'll go from there after we get
9 the post-hearing data requests.

10 Was there anything else at this time?

11 MS. GLASS: We would just request to brief
12 this case. I think that desire may have already
13 been expressed but if it hasn't, we would like to
14 brief as well as file a response brief to any of the
15 intervenor briefs.

16 CHAIRMAN HATTON: Okay. All right. Well,
17 staff?

18 MR. PINNEY: I would just suggest that we --
19 staff certainly has no objection to briefs, response
20 briefs, like that, just make a recommendation that
21 we not establish a briefing schedule until
22 post-hearing discovery is closed.

23 CHAIRMAN HATTON: Yeah, that's my intention,
24 to wait until after the post-hearing schedule.

25 MR. PINNEY: Thank you.

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CHAIRMAN HATTON: All right. Thanks,
everyone.

MR. KURTZ: Thank you, Your Honor.

CHAIRMAN HATTON: This hearing is adjourned.

(HEARING CONCLUDED AT 4:41 P.M.)

* * *

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