

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF SHELBY ENERGY)	
COOPERATIVE CORPORATION FOR A GENERAL)	Case No. 2023-00213
ADJUSTMENT OF RATES PURSUANT TO)	
STREAMLINED PROCEDURE PILOT PROGRAM)	
ESTABLISHED IN CASE NO. 2018-00407)	

**ATTORNEY GENERAL’S FIRST REQUEST FOR INFORMATION
TO SHELBY ENERGY COOPERATIVE INCORPORATED**

Comes now the intervenor, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention (“Attorney General”), and submits his First Request for Information to Shelby Energy Cooperative Corporation (hereinafter “Shelby Energy Cooperative” or the “Company”) to be answered by September 12, 2023 and in accord with the following:

- (1) In each case where a request seeks data provided in response to a staff request, reference to the appropriate requested item will be deemed a satisfactory response.
- (2) Identify the witness who will be prepared to answer questions concerning each request.
- (3) Repeat the question to which each response is intended to refer.
- (4) These requests shall be deemed continuing so as to require further and supplemental responses if the company receives or generates additional information within the scope of these requests between the time of the response and the time of any hearing conducted hereon.
- (5) Each response shall be answered under oath or, for representatives of a public or private

corporation or a partnership or association, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

(6) If you believe any request appears confusing, please request clarification directly from undersigned Counsel for the Office of Attorney General.

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

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

(9) If the company has objections to any request on the grounds that the requested information is proprietary in nature, or for any other reason, notify the Office of the Attorney General as soon as possible, and in accordance with Commission direction.

(10) As used herein, the words "document" or "documents" are to be construed broadly and shall mean the original of the same (and all non-identical copies or drafts thereof) and if the original is not available, the best copy available. These terms shall include all information recorded in any written, graphic or other tangible form and shall include, without limiting the generality of the foregoing, all reports; memoranda; books or notebooks; written or recorded statements, interviews, affidavits and depositions; all letters or correspondence; telegrams, cables and telex messages; contracts, leases, insurance policies or other agreements; warnings and caution/hazard notices or labels; mechanical

and electronic recordings and all information so stored, or transcripts of such recordings; calendars, appointment books, schedules, agendas and diary entries; notes or memoranda of conversations (telephonic or otherwise), meetings or conferences; legal pleadings and transcripts of legal proceedings; maps, models, charts, diagrams, graphs and other demonstrative materials; financial statements, annual reports, balance sheets and other accounting records; quotations or offers; bulletins, newsletters, pamphlets, brochures and all other similar publications; summaries or compilations of data; deeds, titles, or other instruments of ownership; blueprints and specifications; manuals, guidelines, regulations, procedures, policies and instructional materials of any type; photographs or pictures, film, microfilm and microfiche; videotapes; articles; announcements and notices of any type; surveys, studies, evaluations, tests and all research and development (R&D) materials; newspaper clippings and press releases; time cards, employee schedules or rosters, and other payroll records; cancelled checks, invoices, bills and receipts; and writings of any kind and all other tangible things upon which any handwriting, typing, printing, drawings, representations, graphic matter, magnetic or electrical impulses, or other forms of communication are recorded or produced, including audio and video recordings, computer stored information (whether or not in printout form), computer-readable media or other electronically maintained or transmitted information regardless of the media or format in which they are stored, and all other rough drafts, revised drafts (including all handwritten notes or other marks on the same) and copies of documents as hereinbefore defined by whatever means made.

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

and, the nature and legal basis for the privilege asserted.

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

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

(14) “And” and “or” should be considered to be both conjunctive and disjunctive, unless specifically stated otherwise.

(15) “Each” and “any” should be considered to be both singular and plural, unless specifically stated otherwise.

Respectfully submitted,

DANIEL J. CAMERON
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Certificate of Service and Filing

Pursuant to the Commission's Orders and in accord with all other applicable law, Counsel certifies that the foregoing electronic filing was transmitted to the Commission on August 29, 2023, and there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.

L Allyson Honaker
Honaker Law Office, PLLC
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This 29th day of August, 2023.



Assistant Attorney General
Gregory B. Ladd

Electronic Application of Shelby Energy Cooperative Corporation for a General Adjustment of Rates Pursuant to Streamlined Procedure Pilot Program Established in Case No. 2018-00407, Case No. 2023-00213

1. Refer to the Application, page 1, in which Shelby Energy Cooperative states that it provides electric power to approximately 13,960 members in the Kentucky counties of Anderson, Carroll, Franklin, Henry, Jefferson, Oldham, Owen, Shelby, Spencer, and Trimble.
 - a. Provide a detailed account of the economic issues that the above-referenced counties were suffering from before the COVID-19 pandemic.
 - b. Provide a detailed account of the economic situation that the above-referenced counties are battling after the COVID-19 pandemic.
 - c. Explain in detail the extent to which Shelby Energy Cooperative has experienced a higher amount of uncollectible bills/accounts, including the amount of those outstanding accounts, during and after the COVID-19 pandemic.
 - i. Detail whether uncollected bills and/or outstanding accounts amounts were “write-offs” or absorbed by other members.
 - d. Taking into account any increase in uncollectible bills/accounts due to the COVID-19 pandemic, explain how Shelby Energy Cooperative’s customers will be able to afford the current increase in electric rates sought in this case.
2. Refer to the Application, page 2, Shelby Energy Cooperative notes that its existing rates went into effect on July 31, 2017, and since that time Shelby Energy Cooperative’s operational costs have increased despite management supervision to minimize those cost escalation, and while at the same time its energy sales have essentially stayed the same.
 - a. Provide a list of all aspects of the business that have experienced an increase in operational expenses since the Company’s last general rate adjustment.

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- b. For each aspect of the business where operational costs have increased, please detail the reason those costs increased, including the approximate amount of the increase in those operational expenses from the date of the Company's previous rate adjustment, July 31, 2017, to the date of this Application.
 - c. Explain in detail and provide all examples of how management has attempted to control those increasing operational costs as detailed above.
 - d. Refer to the Application, page 2. Shelby Energy Cooperative details several efforts it undertook to offset increasing operational costs. Explain in detail the amount of money the Company was able to save by implementing those efforts intended to offset some of the increasing costs of operation.
3. In its last general rate adjustment, Case No. 2016-00434, Shelby Energy Cooperative reported servicing approximately 16,000 member-customers. In its current application, Shelby Energy Cooperative reports servicing 13,940 customers, a decrease of approximately 2,040, or 13% of its member-customer base. Refer also to the Direct Testimony of Jack Bragg ("Bragg Testimony"), Shelby Energy Cooperative CEO, at page 6, in which he alleges the Cooperative has gained 1,590 members "over a six-year period."
 - a. Please rectify the inconsistency in the above-referenced averments.
 - b. If Mr. Bragg is incorrect, explain in detail what lead to this material loss in customers.
 - c. If Mr. Bragg is incorrect, explain whether a rate increase as sought in this case is likely to lead to the additional loss in customers.

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4. Refer to the Application, page 3. Shelby Energy Cooperative is requesting to achieve an Operating Times Interest Earned Ratio (“OTIER”) of 1.75.
 - a. Confirm that an OTIER of 1.75 is reasonable and will ensure that Shelby Energy Cooperative can provide safe and reliable service to its customers.
 - b. If the Commission were to grant the Company its full requested rate increase, provide the resulting Times Interest Earned Ratio (“TIER”), all else equal.
 - c. Identify the Times Interest Earned Ratio (“TIER”) corresponding to the requested OTIER.
 - d. Confirm that the requested TIER is reasonable and will ensure that Shelby Energy Cooperative can provide safe and reliable service to its customers.
 - e. Provide the TIER and OTIER that are required by all loan contract terms.
 - f. Confirm or deny that the typical loans that Shelby Energy Cooperative enters into only requires a TIER of 1.25. If denied, explain in full detail what TIER is generally required.
 - g. If Shelby Energy Cooperative is requesting a TIER and OTIER that is higher than the loan contract requirements, explain why it is making such requests.
 - h. Explain how Shelby Energy Cooperative plans to utilize any additional funds that the Commission might award that is above and beyond the required TIER and OTIER amounts per certain loan contract terms, and how Shelby Energy Cooperative accounts for these funds.
5. Explain why Shelby Energy Cooperative is seeking to increase the monthly residential customer charge from \$15.48 to \$19.75, which is an approximate increase of 27.58%.

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- a. Did Shelby Energy Cooperative contemplate implementing the proposed higher customer charge in two phases instead of a 27.58% increase at one time?
 - b. See Ex_30_Shelby-Pres-Proposed-Rates-FILED.xlsx where SEC discloses the billing impacts to each tariff for the proposed revenue allocation. Did Shelby Energy Cooperative contemplate allocating a larger percentage of the requested revenue increase on commercial and industrial customers?
 - i. If so, please provide your reasoning for requesting that the overwhelming majority of the rate increase be shouldered by residential customers.
6. Refer to the Application, page 4.
- a. Shelby Energy Cooperative states that its existing retail rates do not provide sufficient revenue to ensure the requisite financial strength going forward.
 - a. Explain the criteria Shelby Energy Cooperative uses to determine if the retail rates provide sufficient revenue.
 - b. Explain the criteria Shelby Energy Cooperative uses to determine if it has the requisite financial strength.
7. Shelby Energy Cooperative avers that its goal is to keep rates as low as possible for its members. Provide a list of all electrical utility cooperatives in Kentucky, with the corresponding monthly residential customer charge, residential volumetric charge, average bill, and rank the utilities from lowest to highest average bill. Ensure to provide all requested information in the response.
8. Refer to the Application, Exhibit 1.

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- a. Shelby Energy Cooperative asserts that “it has mitigated some of the increased costs by prudent changes by reducing its workforce by 1.9 full time employees, upgrading its ERP system allowing Shelby Energy to defer additional customer service representative hires and by outsourcing utility locates with significant savings.” Provide a detailed description of each cost reduction, including the amount saved, listed in the above-referenced statement.
9. Refer to the Application, Exhibit 7, the Bragg Testimony, in which Mr. Bragg states that he has been employed as President/Chief Executive Officer at Shelby Energy Cooperative since December 1, 2018.
 - a. Provide the names, positions, salaries, and date of hire for all employees of Shelby Energy Cooperative who are related to Mr. Bragg, if any.
 - b. Provide the names of all members of the Shelby Energy Cooperative’s Board of Directors who are related to Mr. Bragg, if any.
 - c. Explain whether Shelby Energy Cooperative has a Nepotism Policy. If so, provide a copy of the policy. If not, explain why a Nepotism Policy is not in place, and whether Shelby Energy Cooperative is agreeable to implementing one.
 10. Refer to the Bragg Testimony, page 5.
 - a. Mr. Bragg states that load growth has been slow and inconsistent due, in part, to slow economic growth. Provide the total customer and load growth for the years 2015 – present day.
 - b. Explain in detail whether Shelby Energy Cooperative is concerned that increasing electricity prices will make it even more difficult to attract much needed businesses and jobs to its service area.

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11. Refer to the Bragg Testimony, page 6. Mr. Bragg asserts that Shelby Energy Cooperative’s “customer base has remained fairly consistent,” however, Shelby Energy Cooperative’s Application states, on page 3, that a “significantly decreased industrial load” has prompted its request for a general rate increase.
 - a. Please rectify the discrepancy in these statements.
 - b. Specifically, which customer base—residential, commercial, or industrial—has experienced the greatest decrease in revenue in the last calendar year. Please provide an amount of decreased revenue for each customer base in the two years prior to this Application date.
12. Refer to the Application, pages 3, which states that the Board of Directors determined that a general rate adjustment is necessary. Did any member of the Board of Directors vote not to proceed with the pending rate case? If so, provide the number of members that voted no, and the rationale for doing so.
13. Refer to Exhibit JW-2, which states Shelby Energy Cooperative currently has 19 salaried employees and 27 hourly employees.
 - a. Provide an organizational chart of Shelby Energy Cooperative, including all positions. If a position is vacant, please designate as such.
 - b. Provide the number of salaried and hourly employees that Shelby Energy Cooperative has employed in each year for the years 2015 – 2022.
 - c. Explain in detail whether Shelby Energy Cooperative has analyzed the required staffing levels. Provide all analyses of the same. If no analysis has been performed, explain in detail why not given the change in load.

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- d. Explain whether Shelby Energy Cooperative currently employs the above-referenced 27 hourly employees.
 - e. If the answer to (c) is that Shelby Energy Cooperative does not currently employ the 27 hourly employees, explain whether Shelby Energy Cooperative agrees that all costs associated with these positions should not be included in rates. If Shelby Energy Cooperative does not agree with this statement then explain why not in detail.
 - f. Provide a position title and job description for each hourly employee.
 - g. Provide the number of employees, both salaried and hourly, that Shelby Energy Cooperative employs as of the date of this request.
 - h. Provide a position title and job description for the 19 salaried positions, and specify whether these positions are non-union or union.
 - i. Specify whether the 27 hourly employees are non-union or union.
 - j. If Shelby Energy Cooperative has union employees, provide a copy of the union contract.
14. Refer, generally, to the Direct Testimony of John Wolfram (“Wolfram Testimony”) and Exhibits. Mr. Wolfram provides details for Shelby Energy Cooperative employee benefits offering, including but not limited to, health insurance, life insurance, participation in a 401(k) defined-contribution plan, and R&S Pension Plan. Please provide the percentage of contribution Shelby Energy Cooperative makes to each benefit program per employee. If these amounts differ amongst employees, please explain. Please identify the same for any Shelby Energy Cooperative benefits not listed above, if any.

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15. Refer to the Wolfram Testimony referencing Chart 1.04, page 11, which shows Shelby Energy Cooperative incurred expenses for “Donations, Promotional Advertisements, and Dues” in the amount of \$192,049.00.
 - a. Please provide a detailed list of all payees under Donations (Column B) accounting for this \$5,014.00 expense. And please also state whether this monetary amount has been included in or excluded from this requested revenue requirement.
 - b. Please provide a detailed list of all payees under Civic/Community Donations (Column C) accounting for this \$10,773.00 expense. And please also state whether this monetary amount has been included in or excluded from this requested revenue requirement.
 - c. Please provide a detailed list of all payees under Employee and Member Appreciation (930.20) accounting for this \$9,474.00 expense. And please also state whether this monetary amount has been included in or excluded from this requested revenue requirement.
 - d. Please provide a detailed list of all payees and/or prize winners under Prize Ann. Mtg. (Column F), including what those prizes were, that amount to this \$9,228.00 expense. And please also state whether this monetary amount has been included in or excluded from this requested revenue requirement.
16. Refer to the Wolfram Testimony referencing Chart 1.04, page 11.
 - a. Provide a breakdown, by organization, of all membership dues that Shelby Energy Cooperative pays, or has paid, for 2016 – 2023, and the adjusted test year.
 - b. Explain whether any of these dues are included in the revenue requirement in the pending rate case.

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- c. State the purpose and objective of each organization listed.
 - d. For each organization, identify the benefits provided to customers.
 - e. State whether any of the organizations listed engage in lobbying or advocacy activities, attempts to influence public opinion, institutional or image-building advertising. If so, identify the amount and whether Shelby Energy Cooperative has included the portions of dues related to such activities in the test year and adjusted test year.
17. Please provide a detailed list of all organizations to which Shelby Energy Cooperative pays membership dues, and the annual amount of those dues. Please also identify if Shelby Energy Cooperative has already, or plans to, renew its membership in these organizations.
18. Refer, generally, to the Application. Provide a detailed explanation of all salary and benefits that Shelby Energy Cooperative provided to the members of the Board of Directors during the years 2016 – 2022. Ensure to provide the salary amounts, and specific details regarding all benefit packages, including but not limited to, health, dental, vision, accidental death and disability, life insurance, bonuses, awards, vehicle allowances, and the like.
- a. Provide the total amount paid to, or on behalf of, Shelby Energy Cooperative's Board of Directors for the test year.
 - b. Provide a breakdown of the total amount to, or on behalf of, each member of the Shelby Energy Cooperative Board of Director for the test year.
 - c. Discuss if there will be any changes to the Board of Directors' salaries and/or benefit packages for 2023. If not, explain why not.
19. Refer to the Application, Exhibit 26.

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- a. This exhibit reflects that as of the test year of 2022, the President and CEO had an annualized salary of \$191,027.00. Explain whether this includes any benefit amounts, or if it is only reflective of his yearly salary.
- b. Explain in detail why the President and CEO receives a car allowance, and whether it is common for other Kentucky energy cooperatives to provide a car allowance.
- c. Explain why the President and CEO was awarded a 5.00% raise in 2020.
- d. Explain why the President and CEO was awarded a 5.00% raise in 2021.
- e. Explain why the President and CEO was awarded a 5.00% raise in 2022.
- f. Explain why the President and CEO received a bonus of \$9,551.00 in 2020.
- g. Explain why the President and CEO received a bonus of \$9,551.00 in 2021.
- h. Explain why the President and CEO received a bonus of \$9,551.00 in 2022.
- i. Please provide if Shelby Energy Cooperative has concluded a comprehensive wage and salary review by a noted wage and salary consultant for a President/Chief Executive Officer.
- j. If so, provide a copy of the wage and salary review as referred to in the above-referenced statement.
- k. Explain whether Shelby Energy Cooperative envisions the future evaluation process to be tied to potential wage/salary increase for the President/Chief Executive Officer. If not, explain why not.
- l. Provide the position title and salary for each salaried employee for the years 2016 – 2022.

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- m. Excluding the President/CEO, provide the average raise that Shelby Energy Cooperative provided to its salaried employees for the years 2016 – 2022.
 - n. Excluding the President/CEO, provide the average bonus that Shelby Energy Cooperative provided to its salaried employees for the years 2016-2022.
 - o. Provide all awards given to the salaried employees for the years 2016 – 2022.
 - p. Provide all vehicle allowances given to the salaried employees for the years 2016 – 2022.
20. Refer to the Wolfram Testimony, page 7, in which Mr. Wolfram states that Shelby Energy Cooperative actual revenue deficiency based on a target OTIER of 1.85 is \$2,442,669. However, due to the streamlined rate procedure, the Company is capped at a 4.0% overall increase, which limits its request to \$2,179,595 (with an OTIER of 1.75). Explain why Shelby Energy Cooperative decided to proceed with a streamlined rate case, instead of a general rate case.
21. Refer, generally, to the Application.
- a. Provide the monetary amount that Shelby Energy Cooperative included in the revenue requirement for payment processing fees, with a breakdown between each payment type.
 - b. If Shelby Energy Cooperative includes credit card fees in the revenue requirement then provide the Commission case number and Order that approved these specific fees to be included in rates.

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- c. Provide all payment processing fees that Shelby Energy Cooperative has paid for in the years 2016 – 2023, and provide a breakdown for each type of payment processing fee.
 - d. Identify the type of payments Shelby Energy Cooperative accepts from a customer without assessing a fee.
 - e. Explain in full detail whether Shelby Energy Cooperative requires a convenience fee to be added to all credit card transactions in order for other member customers to not subsidize the credit card payments. If not, explain why not.
 - f. Provide the type of credit cards that Shelby Energy Cooperative accepts as payment (e.g. Visa, MasterCard, American Express, etc.), the fee that the Company pays to process each type of credit card, and the associated fee to the member customer.
22. Refer to the Wolfram Testimony, page 12, in which he states that an adjustment to remove life insurance premiums for coverage above the lesser of an employee's annual salary or \$50,000 from the test period, pursuant to the requirements of the Streamlined Rate Order.
- a. Specify the amount that was removed for this specific adjustment.
 - b. Explain why Shelby Energy Cooperative continues to offer life insurance premium coverage above the lesser of an employee's annual salary or \$50,000, instead of attempting to rein in costs.
23. Refer to the Application, Exhibit 15.
- a. Explain in detail why Shelby Energy Cooperative's propane income from Shelby Energy Propane Plus ("Propane Plus") increased from \$430,563 in 2020, to \$590,455 in 2021, and to \$814,478 in 2022.

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- b. Explain whether Shelby Energy Cooperative included the \$814,478 of 2022 propane income in the pending rate case. If not, explain why not.
24. Refer to the Application, generally, and the Wolfram Testimony, Exhibit JW-2, Schedule 1.13.
 - a. Provide the monetary amount of the increased ROW costs that are in the pending rate request.
 - b. Explain in detail why the ROW costs have increased so drastically.
 - c. Explain whether Shelby Energy Cooperative handles right of way internally or if it uses contractors.
 - d. Provide Shelby Energy Cooperative's right of way maintenance plan, including the trimming cycle.
 - e. Explain whether Shelby Energy Cooperative issues requests for proposal in order to secure the most economically favorable right of way contracts.
 - f. Explain whether Shelby Energy Cooperative works with other regional electric utilities to develop regional bids for ROW management. If so, explain in detail. If not, explain why not.
 - g. Provide copies of all responses to the right of way requests for proposal for the last five years.
 - h. Explain in detail whether Shelby Energy Cooperative coordinates its right of way program with the Kentucky Transportation Cabinet/Kentucky Department of Highways right of way program, in order to mitigate expense for the Company's customers. If not, explain why not. Provide all related documentation regarding the same.

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- i. Provide the budgeted ROW maintenance expense for each of the years: 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, and the adjusted test year.
- j. Provide the actual ROW maintenance expense for each of the years: 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, and 2023.
- k. Provide the annual ROW maintenance expense approved in the last rate case.
- l. Provide the budgeted ROW miles trimmed for each of the years: 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, and 2023.
- m. Provide the actual ROW miles trimmed for each of the years: 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, and year to date 2023.
- n. Explain in detail whether in the past Shelby Energy Cooperative has intentionally reduced its ROW expenses in order to divert the funds elsewhere. Ensure to include the years that this intentional reduction occurred, and where the funds were diverted.