

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

ELECTRONIC APPLICATION OF	)	
FLEMING-MASON ENERGY	)	Case No. 2023-00223
COOPERATIVE, INC. FOR A GENERAL	)	
ADJUSTMENT OF RATES	)	

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INITIAL DATA REQUESTS OF THE ATTORNEY GENERAL

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Comes now the Attorney General of the Commonwealth of Kentucky, by his Office of Rate Intervention (“Attorney General”), and submits these Data Requests to Fleming-Mason Energy Cooperative, Inc. (hereinafter “Fleming-Mason” or “company”) to be answered by October 24, 2023, 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 companies receive or generate additional information within the scope of these requests between the time of the response and the time of any hearing conducted hereon.
- (5) Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association, be accompanied by a signed

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

(6) If you believe any request appears confusing, please request clarification directly from undersigned Counsel.

(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 undersigned Counsel 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  
ATTORNEY GENERAL



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J. MICHAEL WEST  
LAWRENCE W. COOK  
ANGELA M. GOAD  
JOHN G. HORNE II  
ASSISTANT ATTORNEYS GENERAL  
1024 CAPITAL CENTER DRIVE, SUITE 200  
FRANKFORT, KY 40601-8204  
PHONE: (502) 696-5433  
FAX: (502) 564-2698  
[Michael.West@ky.gov](mailto:Michael.West@ky.gov)  
[Larry.Cook@ky.gov](mailto:Larry.Cook@ky.gov)  
[Angela.Goad@ky.gov](mailto:Angela.Goad@ky.gov)  
[John.Horne@ky.gov](mailto:John.Horne@ky.gov)

*Certificate of Service and Filing*

Pursuant to the Commission's Orders and in accord with all other applicable law, Counsel certifies that, on October 11, 2023, an electronic copy of the foregoing was served via the Commission's electronic filing system.

this 11th day of October, 2023.

A handwritten signature in blue ink, appearing to read "J. Michael New". The signature is written in a cursive style with a long horizontal stroke at the end.

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Assistant Attorney General

**Data Requests**

- AG 1-1. For each of the years in the period from 2013 to 2021, please provide a similar worksheet to “Schedule 1.06 YearEndCust.”
- a. For each year (2013 through 2022), please reconcile the amounts shown on the Schedule 1.06 worksheets to the amounts reported on Fleming-Mason Energy Cooperative’s (“Cooperative”) Kentucky annual reports, and explain any differences.
- b. Were any classes of members not included in this analysis?
- AG 1-2. For each year in the period 2013 to 2022, please provide the level of generated and returned capital credits. Please also identify the entity that generated the capital credits (i.e., East Kentucky Power Cooperative).
- AG 1-3. Please provide a breakdown of when the capital credits removed in Mr. Wolfram’s “Schedule 1.07 GTCC” were generated. Please indicate the amount generated in each year for the last 10 years.
- AG 1-4. Has the Cooperative’s Board approved any return of capital credits over the next five years?
- AG 1-5. Please provide any Cooperative Board approved capital plan covering the next five years.
- AG 1-6. Has the Cooperative provided the Commission any opportunity to review the Cooperative Board’s approved capital plans for the future? If so, please indicate the date that this information was provided to the Commission, along with a case or docket reference.
- AG 1-7. Please explain why the Fuel Adjustment Clause (“FAC”) and Environmental Surcharge (“ES”) adjustments in the “Adj List” tab of the “FME-RevReq-2022” file are positive when they are shown as negative in the corresponding adjustment tabs, “1.01 FAC” and “1.02 ES,” respectively, and referred to in the Direct Testimony of Mr. John Wolfram. If this is in fact an error, please provide updated schedules reflecting any corrections.
- AG 1-8. For any corrections made to the Cooperative’s revenue requirement, please explain the correction and indicate the specific changes. The explanation should include any changes to the model necessary to arrive at the

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Cooperative's revised revenue requirement, rationale for the change, and documentation necessary to support or substantiate any changed numbers. If a number is changed based on several factors, please separately provide this information for each factor contributing to the changed number.

- AG 1-9. Please refer to page 6, lines 14-20, of the Direct Testimony of Ms. Lauren Fritz. Here, Ms. Fritz states that the Cooperative failed to meet the OTIER ratio standard of 1.10 in 2022 excluding the EKPC capital credits. Please respond to the following:
- a. Please provide the covenants or other documents governing the requirement relating to OTIER and TIER ratio benchmarks.
  - b. Please state the required level for the TIER ratio that must be achieved to remain in compliance with the covenants or other documents governing the necessary ratio levels.
  - c. Please provide a detailed explanation and all supporting documents on why it is appropriate to exclude Capital Credits from the TIER and OTIER calculations.
- AG 1-10. Were the \$2.9 million of G&T Capital Credits returned to members? If not, please explain when those capital credits will be returned.
- AG 1-11. Is the Cooperative required to return G&T Capital Credits to its members? If so, please cite the authoritative source?
- AG 1-12. In 2022, how much was included in the Cooperative's calculation of revenue requirement related to spousal travel costs when either Board members or employees are traveling?
- AG 1-13. Please provide the General Ledger for the Cooperative for the year 2022.
- AG 1-14. In reference to the Direct Testimony of Mr. John Wolfram at page 8, lines 2-4, please provide all case citations and orders from which the referenced levels of TIER (2.00) and OTIER (1.85) are derived.
- AG 1-15. In reference to the Direct Testimony of Mr. John Wolfram at page 8, lines 7-8, please provide a list of the distribution cooperatives that elected an



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OTIER level of 1.85. Also, please cite the Commission order approving that position.

- AG 1-16. In reference to the Direct Testimony of Mr. John Wolfram at page 9, lines 6-7, please provide the market data referenced that shows consistent levels that support the interest rates in "Exhibit JW-2, Reference Schedule 1.03."
- AG 1-17. In reference to the Direct Testimony of Mr. John Wolfram at page 12, lines 17-18, please provide all case citations and orders that support the derived precedent of removing capital credits from the test period as described.
- AG 1-18. In reference to the Direct Testimony of Mr. John Wolfram at page 14, lines 10-12, please provide all case citations and orders that support the derived precedent regarding rate case amortization described.
- AG 1-19. Please provide all workpapers supporting the Direct Testimony of Mr. John Wolfram, Ms. Lauren Fritz and Mr. Brandon Hunt to the extent they have not been previously provided.
- AG 1-20. Please provide the test year sales by month that reconcile to the totals listed in the Cooperative's annual report.
- AG 1-21. Please provide the FAC rate for calendar year 2022 that was billed to the Cooperative's members.
- AG 1-22. Please provide the ES rate for the calendar year 2022 that was billed to the Cooperative's members. Please confirm that the ES charge was based on a per kWh basis. If not, please explain in detail why and how the charge was billed.