

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

ELECTRONIC 2023 INTEGRATED)
RESOURCE PLANNING REPORT OF)
BIG RIVERS ELECTRIC CORPORATION)

Case No. 2023-00310

ATTORNEY GENERAL’S COMMENTS ON STAFF REPORT

The intervenor, the Attorney General of the Commonwealth of Kentucky, through his Office of Rate Intervention (“OAG”), tenders the following Comments pertaining to Staff’s Report (“Report”) regarding Big Rivers Electric Corporation’s (“BREC,” or “the Company”) 2023 Integrated Resource Plan (“IRP”). The OAG hereby reiterates and incorporates by reference its previous comments filed into this docket on March 8, 2024 and on July 2, 2024.

The Report in Section 5 (“Integration”), in the subsection “Intervenor and Response Comments,” notes the OAG’s agreement “. . . with BREC’s decisions in this IRP to keep the Wilson plant operating as a coal-fired unit for the foreseeable future.”¹ However, the Report also opines that OAG did not provide “. . . any explanation of why this assumption results in greater reliability or cost savings for consumers.”² The OAG believes it is nearly universally recognized that coal-fired plants provide some of the most reliable power in the nation, and in the Commonwealth. Moreover, the strong reliability these plants provide stands in stark contrast to intermittent resources that are inherently unreliable, particularly during certain times of the day or during unpredictable weather conditions. Furthermore, the experience-based data submitted in this docket – not mere modelling projecting potential future scenarios – establishes that the Wilson plant remains a reliable resource. During the hearing in this matter, BREC witness Jason Burden testified that the Wilson plant’s equivalent availability

¹ Report at 34 (*citing* Attorney General’s Comments dated March 8, 2024, at 16).

² *Id.* at 34.

factor over the past ten years averaged approximately 85%.³ The Company's responses to data requests confirm this, as does data from the North American Electric Reliability Corporation.⁴ Neither Staff nor any other party has introduced any evidence to contradict this well-established fact, or to establish that the Wilson plant cannot continue to provide reliable power throughout the IRP's forecast period.

Recommendation

Given that the nation is facing an unprecedented electricity reliability crisis, the Commission has increasingly placed significant emphasis on assuring that utility planning adequately addresses this risk. The OAG commends the Commission in these efforts. The Commission's IRP regulation, 807 KAR 5:058,⁵ requires that electric utilities' IRP filings include a "Resource Assessment and Acquisition Plan"⁶ for providing adequate and reliable electric supply in its service territory. The Report notes that one of BREC's stated goals in undertaking the IRP was ". . . [m]eeting North American Electric Reliability Corporation (NERC) guidelines and requirements."⁷ The Report also identified three goals that Staff would pursue in conducting its review.⁸ However, those goals did not include a discrete review or critique of the reliability of BREC's system. Although the Report appropriately assesses the ability of BREC's supply-side resources to serve its customer load,⁹ the Report does not appear to address the overall reliability of BREC's system. In fact, while the Report cites to reliability issues that BREC or intervenors raised, Staff itself did not cite to any issues

³ May 22, 2024 Hearing Video Transcript, at 10:56:40 a.m. – 10:57:02 a.m.

⁴ See, e.g., BREC response to Sierra Club post-hearing data request 1-3 (b); and BREC response to Sierra Club data request 2-10 and SC 2-10 (Attachment) – Wilson GADS Data.

⁵ "Integrated Resource Planning by Electric Utilities."

⁶ See, e.g., 807 KAR 5:058 § 8 (1): "The plan shall include the utility's resource assessment and acquisition plan for providing an adequate and **reliable** supply of electricity to meet forecasted electricity requirements at the lowest possible cost" [emphasis added].

⁷ Report at 3-4 (citing 2023 IRP, § 2 at 37).

⁸ Report at p. 4.

⁹ *Id.* at 24.

regarding reliability. Although the Commission’s assessment of supply-side resources in IRP dockets certainly overlaps somewhat into the issue of reliability, the OAG believes that due to the nation’s impending electrical reliability crisis (which will undoubtedly impact the Commonwealth in profound ways), the Commission should consider either adding a new discrete assessment to its IRP reports addressing electric utility system reliability, or augmenting its supply-side assessment to fully address system reliability.

Respectfully submitted,

**RUSSELL COLEMAN
ATTORNEY GENERAL**



LAWRENCE W. COOK
J. MICHAEL WEST
ANGELA M. GOAD
JOHN G. HORNE II
ASSISTANT ATTORNEYS GENERAL
1024 CAPITAL CENTER DR., STE. 200
FRANKFORT, KY 40601
(502) 696-5453
FAX: (502) 564-2698
Larry.Cook@ky.gov
Michael.West@ky.gov
Angela.Goad@ky.gov
John.Horne@ky.gov

Certificate of Service

Pursuant to the Commission’s Orders in Case No. 2020-00085, and in accord with all other applicable law, Counsel certifies that an electronic copy of the forgoing was served and filed by e-mail to the parties of record.

This 6th day of September, 2024



Assistant Attorney General