

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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|--------------------------------------|---|------------|
| ELECTRONIC APPLICATION OF EAST |) | |
| KENTUCKY POWER COOPERATIVE, INC. FOR |) | |
| APPROVAL TO AMEND ITS ENVIRONMENTAL |) | |
| COMPLIANCE PLAN AND RECOVER COSTS |) | CASE NO. |
| PURSUANT TO ITS ENVIRONMENTAL |) | 2024-00109 |
| SURCHARGE, AND FOR THE ISSUANCE OF A |) | |
| CERTIFICATE OF PUBLIC CONVENIENCE |) | |
| AND NECESSITY AND OTHER RELIEF |) | |

MOTION TO SUBMIT

Comes now East Kentucky Power Cooperative, Inc., (“EKPC” or the Company”) by and through the undersigned counsel, pursuant to the Kentucky Public Service Commission’s June 11, 2024 Order (“June 11th Order”) and other applicable law, and for its Motion to Submit this matter for an adjudication based upon the existing administrative record and without a formal evidentiary hearing respectfully states as follows:

On May 17, 2024, EKPC submitted an Application pursuant to KRS 278.020, KRS 278.183, and 807 KAR 5:001 to amend its Environmental Compliance Plan (“Compliance Plan”), to grant EKPC authority to recover the costs associated with its Compliance Plan amendment through its existing environmental surcharge, and for issuing a Certificate of Public Convenience and Necessity (“CPCN”) for the construction of Peg’s Hill (“Area D”) Phase 3 of the landfill at its Hugh L. Spurlock Station in Mason County, Kentucky (“Spurlock Station”). On June 11, 2024, the Commission entered an Order establishing the procedural schedule for this proceeding. EKPC has responded to three rounds of discovery from Commission Staff in this proceeding. The procedural schedule established September 6, 2024 as the date for the intervenors to file testimony in this proceeding, and there were no intervenors to this matter. The Commission established

October 2, 2024 as the date for the parties to request a hearing or to submit this matter for a decision based upon the existing administrative records.

EKPC believes that the issues presented in this case are straightforward and have been adequately addressed through the written discovery. Accordingly, EKPC does not believe that a formal evidentiary hearing is necessary in this case and moves to submit the case for an adjudication based upon the existing administrative record without a formal evidentiary hearing. However, in the event that the Commission determines on its own motion that a hearing is necessary, EKPC reserves the right to participate fully therein.

WHEREFORE, on the basis of the foregoing, EKPC respectfully moves to submit this case for an adjudication based upon the existing administrative record and without a formal evidentiary hearing.

This the 6th day of September, 2024.

Respectfully Submitted,

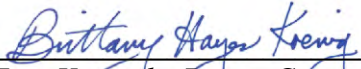


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Counsel for East Kentucky Power Cooperative, Inc.

CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission on September 6, 2024, and that there are no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to prior Commission Orders, no paper copies of this filing will be made.



Counsel for East Kentucky Power Cooperative, Inc.