

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST)	
KENTUCKY POWER COOPERATIVE, INC. FOR)	
A CERTIFICATE OF PUBLIC CONVENIENCE)	CASE NO.
AND NECESSITY AND SITE COMPATABILITY)	2024-00129
CERTIFICATES FOR THE CONSTRUCTION OF A)	
96 MW (NOMINAL) SOLAR FACILITY IN)	
MARION COUNTY, KENTUCKY AND A 40 MW)	
(NOMINAL) SOLAR FACILITY IN FAYETTE)	
COUNTY, KENTUCKY AND APPROVAL OF)	
CERTAIN ASSUMPTIONS OF EVIDENCES OF)	
INDEBTEDNESS RELATED TO THE SOLAR)	
FACILITIES AND OTHER RELIEF)	

RESPONSES TO LFUCG'S INITIAL INFORMATION REQUEST
TO EAST KENTUCKY POWER COOPERATIVE, INC.

DATED MAY 31, 2024

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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CERTAIN ASSUMPTIONS OF EVIDENCE OF)
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CERTIFICATE

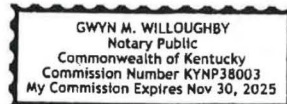
STATE OF KENTUCKY)
)
COUNTY OF CLARK)

Julia J. Tucker, being duly sworn, states that she has supervised the preparation of the responses of East Kentucky Power Cooperative, Inc. to the Initial Information Request for LFUCG in the above-referenced case dated May 31, 2024, and that the matters and things set forth therein are true and accurate to the best of her knowledge, information and belief, formed after reasonable inquiry.

Julia J. Tucker

Subscribed and sworn before me on this 11th day of June 2024.

Gwyn M. Willoughby
Notary Public



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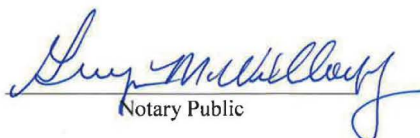
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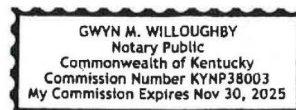
STATE OF KENTUCKY)
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COUNTY OF CLARK)

Patrick Bischoff, being duly sworn, states that he has supervised the preparation of the responses of East Kentucky Power Cooperative, Inc. to the Initial Information Request for LFUCG in the above-referenced case dated May 31, 2024, and that the matters and things set forth therein are true and accurate to the best of his knowledge, information and belief, formed after reasonable inquiry

Patrick Bischoff

Subscribed and sworn before me on this 11th day of June 2024.


Notary Public



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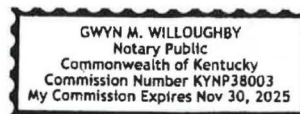
STATE OF KENTUCKY)
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COUNTY OF CLARK)

Nick Comer, being duly sworn, states that he has supervised the preparation of the responses of East Kentucky Power Cooperative, Inc. to the Initial Information Request for LFUCG in the above-referenced case dated May 31, 2024, and that the matters and things set forth therein are true and accurate to the best of his knowledge, information and belief, formed after reasonable inquiry

Nick Comer

Subscribed and sworn before me on this 11th day of June 2024.

Gwyn M. Willoughby
Notary Public



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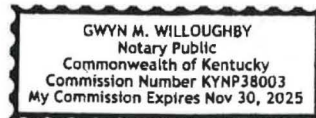
STATE OF KENTUCKY)
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Thomas J. Stachnik, being duly sworn, states that he has supervised the preparation of the responses of East Kentucky Power Cooperative, Inc. to the Initial Information Request for LFUCG in the above-referenced case dated May 31, 2024, and that the matters and things set forth therein are true and accurate to the best of his knowledge, information and belief, formed after reasonable inquiry

[Handwritten signature]

Subscribed and sworn before me on this 11 day of June 2024.

[Handwritten signature]
Notary Public



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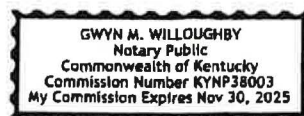
STATE OF KENTUCKY)
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Michelle K. Carpenter, being duly sworn, states that she has supervised the preparation of the responses of East Kentucky Power Cooperative, Inc. to the Initial Information Request for LFUCG in the above-referenced case dated May 31, 2024, and that the matters and things set forth therein are true and accurate to the best of her knowledge, information and belief, formed after reasonable inquiry

Michelle K. Carpenter

Subscribed and sworn before me on this 11 day of June 2024.

Gwyn M. Willoughby
Notary Public



**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 1

RESPONSIBLE PARTY: Julia J. Tucker

Request 1. Were any proprietary models used at any point during the preparation of this application? If yes, please provide a copy of any models.

Response 1. No, there were no proprietary models used at any point during the preparation of this application.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 2

RESPONSIBLE PARTY: Patrick Bischoff

Request 2. Provide a copy of all materials for which the Company has claimed a privilege in this proceeding.

Response 2. None so far.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 3

RESPONSIBLE PARTY: Julia J. Tucker

Request 3. Did EKPC consider any other locations for the proposed for the proposed Bluegrass Plains Project? If so, please provide the locations. If not, explain why not.

Response 3. No, there were no other locations considered for the Bluegrass Plains Project site. However, other solar project alternatives sited in other locations were considered as part of the NRCO RFP process. Additionally, the original developer reviewed various sites and determined that this was a valuable site given its location to nearby transmission facilities.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 4

RESPONSIBLE PARTY: Julia J. Tucker

Request 4. What tangible, quantifiable benefits will the proposed Bluegrass Plains project provide to LFUCG? To the ratepayers in Lexington? To the Company’s ratepayers in general?

Response 4. Blue Grass Energy and Clark Rural Electric end-use retail members (“retail members”), which reside within the LFUCG area, along with the balance of the retail members served by EKPC’s Owner-Member Cooperatives (“owner-members”) will benefit from energy produced by the Bluegrass Plains project. By adding renewables, Fayette County will be more attractive to companies with sustainability goals, which should aid LFUCG in its economic development efforts. The project is consistent with prior statements of many Fayette County leaders regarding the need to promote and develop renewable resources.

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CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 5

RESPONSIBLE PARTY: Patrick Bischoff

Request 5. What is the planned life of the proposed Bluegrass Plains facility?

Response 5. The Bluegrass Plains has a planned operational life of 30 years.

**EAST KENTUCKY POWER COOPERATIVE, INC.
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LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 6

RESPONSIBLE PARTY: Patrick Bischoff

Request 6. Describe the Company’s plan or expectations for decommissioning the project when the project reaches the end of its useful life.

Response 6. EKPC does not currently have a decommissioning plan for this facility. Contingent upon PSC approval of the project, EKPC will continue to move forward with design and development of the project which will include a decommissioning plan. As a regulated utility the Commission’s jurisdiction over “service” helps assure that utility assets are appropriately decommissioned.

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LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 7

RESPONSIBLE PARTY: Patrick Bischoff

Request 7. Will the Company be required to post any bond for any decommissioning?

Explain your answer.

Response 7. Decommissioning bonds typically only apply to merchant electric generating facilities, because they are often owned by out-of-state interests and have very little capitalization. For a regulated utility, that is subject to the commission jurisdiction, the need for a formal decommissioning bond is less apparent and would add unnecessary cost that must ultimately be borne by ratepayers.

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REQUEST 8

RESPONSIBLE PARTY: Patrick Bischoff

Request 8. Reference the application at page 5, paragraph 13 which “outlines a fixed operations and maintenance (“O&M”) rate of \$15.97 per kW-yr” for the proposed solar projects. Please provide a page number in Attachment PB-2 to Exhibit 3 which demonstrates the \$15.97 rate for both the Northern Bobwhite Project and Bluegrass Plains Project.

Response 8. Please refer to the attachment titled, *Table 1 – Cost and Performance Characteristics of New Generating Technologies.pdf*. This table was developed by the U.S. Energy Information Administration and is contained in the Cost and Performance Characteristics of New Generating Technologies, Annual Energy Outlook 2022.

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LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 9

RESPONSIBLE PARTY: Patrick Bischoff

Request 9. Please provide the calculation with all supporting documents, in Excel with all formulae intact, for the \$15.97 per kW- yr rate as noted.

Response 9. Please refer to the response for Request 8.

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LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 10

RESPONSIBLE PARTY: Patrick Bischoff

Request 10. Does the \$15.97 kW-yr O&M cost include costs for anticipated solar panel replacement over the expected life of the facility?

Response 10. EKPC has not assumed that the fixed O&M cost of \$15.97 kW-yr includes any end-of-life PV module replacement.

**EAST KENTUCKY POWER COOPERATIVE, INC.
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LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 11

RESPONSIBLE PARTY: Julia J. Tucker

Request 11. Reference the application at page 5, paragraph 13 which “outlines a fixed operations and maintenance (“O&M”) rate of \$15.97 per kW-yr” for the proposed solar projects. In the manner used to answer Request No. 9 above, please provide the fixed O&M rate for the following:

- a. EKPC’s coal generation,
- b. EKPC’s natural gas generation,
- c. EKPC’s landfill gas-to-energy facilities, and
- d. EKPC’s Community Solar facility.

Response 11a-d. See EKPC’s 2022 Integrated Resource Plan (“IRP”), confidential sheets at pages 104-110, which will be provided to all intervening parties upon a mutually agreed upon and signed non-disclosure agreement.

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LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 12

RESPONSIBLE PARTY: Patrick Bischoff

Request 12a. Reference the application, page 6, paragraph 16. The Company states it has “obtained options to purchase and own this property.” When did the company obtain the options?

Response 12a. Pursuant to the Asset Purchase Agreement (“APA”) dated November 21, 2023, Savion has an obligation to transfer the options for Bluegrass Plains to EKPC.

Request 12b. At what cost were the options?

Response 12b. The cost of the options are not specifically broken out, however they are part of the \$2.16 million consideration to be paid as part of the APA.

Request 12c. Did the Company purchase the options exclusively for the purpose of siting a solar facility at the location? If not, please explain.

Response 12c. Yes.

EAST KENTUCKY POWER COOPERATIVE, INC.
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LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 13

RESPONSIBLE PARTY: Nick Comer

Request 13. Has the Company approached officials with the LFUCG about building the solar facility at the location?

Response 13. Yes.

Request 13.a. Who did the Company approach with the LFUCG?

Response 13.a. Mayor Linda Gorton's Chief of Staff Tyler Scott and Nancy Albright, LFUCG Commissioner of Environmental Quality and Public Works.

Request 13.a.i. Provide dates and locations of any meetings, and

Response 13.a.i April 25, 2024, at LFUCG offices, 200 East Main St., Lexington KY

Request 13.a.ii. If any materials were used at any meeting, please provide a copy of the materials.

Response 13.a.ii. EKPC provided a verbal briefing about the project. No written materials were provided.

EAST KENTUCKY POWER COOPERATIVE, INC.
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REQUEST 14

RESPONSIBLE PARTY: Nick Comer

Request 14. At any time before the filing of this application or during the current pendency of the application to date, has the Company approached the mayor of Lexington for any agreement on the Company's proposed construction of the solar facility?

If not, why not? If yes, provide the following information:

- a. Names of people with whom the Company met,
- b. Dates and locations of any meetings, and
- c. Copies of any materials discussed.

Response 14. See response 13.

**EAST KENTUCKY POWER COOPERATIVE, INC.
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LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 15

RESPONSIBLE PARTY: Nick Comer

Request 15. At any time before the filing of this application or during the current pendency of the application to date, has the Company approached the City Council of Lexington for any agreement of the Company's proposed construction of the solar facility? If not, why not?

- a. Names of people with whom the Company met,
- b. Dates and locations of any meetings, and
- c. Copies of any materials discussed.

Response 15. See response 13.

**EAST KENTUCKY POWER COOPERATIVE, INC.
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REQUEST 16

RESPONSIBLE PARTY: Julia J. Tucker

Request 16. Reference the Application at page 6, paragraph 17 where the Company states “the proposed solar projects above are necessary to provide safe and reliable service to the service area while also satisfying increasing customer demand for renewable energy resources and renewable energy credits (“RECs”).

Request 16a. Provide Company specific evidence that customer demand has increased.
To wit, has there been an increased demand for the REC tariff?

Response 16a. EKPC and its owner-member cooperatives purchase RECs on behalf of its end-use retail members (“retail members”) in accordance with its Commission approved Wholesale Renewable Energy Program Tariff (“Rate H”). Specific retail members participating in the program include: Diageo Americas Supply, Inc., Jackson Warewashing, Arvato Digital Services, LLC., American Fuji Seal, Inc., and Toyotetsu America, Inc. The RECs produced by EKPC’s Cooperative Solar 1 does not meet the current need or anticipated future need for RECs.

Request 16b. Provide a reference to the tariff sheet on file with the Commission for the REC.

Response 16b. EKPC Tariff Rate H, at page 36, P.S.C. No. 35, Second Revised Sheet No. 35 – “Wholesale Renewable Energy Program”.

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REQUEST 17

RESPONSIBLE PARTY: Julia J. Tucker

Request 17. Reference the Application at page 6, paragraph 18. Provide all information regarding the Company’s review of “alternative means to invest in renewable energy resources.”

Request 17a. In its review of the resources, please detail what is meant with the criteria “least impact on the surrounding area and the property owners.”

Response 17a. Least impact implies the ability to construct the project in a manner that reduces the amount of site work and limits the need for transmission facilities to facilitate interconnection.

Request 17b. Was a “no build” solar option considered?

Response 17b. Yes, in EKPC’s 2022 Integrated Resource Plan (“IRP”), EKPC evaluated a case which did not include any intermittent resources. This case was not selected as the final plan

as it did not meet the need for EKPC to provide safe and reliable service while also satisfying increasing demand for renewable energy resources and renewable energy credits (“RECs”).

**EAST KENTUCKY POWER COOPERATIVE, INC.
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REQUEST 18

RESPONSIBLE PARTY: Julia J. Tucker

Request 18. Reference the Application, page 6, paragraph 18, “The solar energy from these projects will provide low-cost energy during summer peak months, with limited production during winter load months. Explain what the Company means with “limited.”

Response 18. The table below, provided by NREL’s PVWatts Calculator (<https://pvwatts.nrel.gov/>), estimates that energy from solar radiation (kWh/m²/day) at the EKPC Headquarters location is lower during winter months than in summer months.

Month	Solar Radiation
	(kWh / m2 / day)
January	3.01
February	3.65
March	4.61
April	5.72
May	5.82
June	6.38
July	6.39
August	6.14
September	5.73
October	4.33
November	3.58
December	2.54
Annual	4.83

This estimate is verified by actual MWh output for 2023 from Cooperative Solar Farm 1 (“CS1”), located on EKPC’s Headquarters property, as indicated by the table below.

2023	CS1 MWh Output
January	550
February	841
March	1,058
April	1,411
May	1,327
June	1,270
July	1,442
August	1,353
September	1,250
October	1,000
November	981
December	579
Annual	13,062

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REQUEST 19

RESPONSIBLE PARTY: Julia J. Tucker

Request 19. Reference the Application, page 7, paragraph 19, at the sentence “In order to evaluate the alternatives thoroughly, EPC’s power supply department conducted studies and issued requests for proposals (“RFP”) to determine the best place to construct the solar facilities and the best method of construction.” [See Tucker page 12]

Request 19a. Provide copies of the studies.

Response 19a. See Exhibit 2, Confidential Attachment JJT-1.

Request 19b. Were any outside, independent parties involved in the “studies”?

Response 19b. See Exhibit 2, Confidential Attachment JJT-1.

Request 19c. Provide copies of all RFPs.

Response 19c.

See Exhibit 2, Confidential Attachment JJT-1.

EAST KENTUCKY POWER COOPERATIVE, INC.
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LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 20

RESPONSIBLE PARTY: Julia J. Tucker

Request 20. Who made the final decision to proceed with the solar proposals in this Application?

Response 20. The EKPC Board of Directors ("Board") voted to construct the proposed solar projects.

Request 20a. What criteria was used. Provide a copy of all materials used in the decision-making process.

Response 20a. Project cost, ability to successfully execute, location and PJM interconnection queue status were all factors in the final decision to proceed with these specific projects over other options.

Request 20b. How was the decision made, as in was there a vote taken?

Response 20b. Yes, the Board voted to file the certificate of public convenience and necessity and, if approved by the Kentucky Public Service Commissions (“Commission”).

Request 20c. When was the decision made?

Response 20c. The Board voted to pursue the projects on August 15th, 2023. The Board also voted to approve the asset purchase agreement (“APA”) for Northern Bobwhite on April 16th, 2024. Upon approval of the APA, EKPC notified the Commission of its intent to file the CPCN application to construct the proposed projects.

Request 20d. Provide copies of all documents used in the formal decision-making process.

Response 20d. See attached Board Resolutions approving the proposed projects; *Board Res_2023 Aug 15_Approval of Bluegrass Plains Solar Project.pdf*, *Board Res_2023 Aug 15_Approval of Northern Bobwhite Solar Project.pdf*, and *Board Res_2024 Apr 16_Authorization to Execute Northern Bobwhite Solar Project APA.pdf*.

EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
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LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 21

RESPONSIBLE PARTY: Patrick Bischoff

Request 21. Reference the Application at page 7 at paragraph 20. Please provide a detailed, comprehensive description of the PJM process for getting the Company project listed in the "queue."

Request 21a. When does the Company expect to have an executed service agreement for the Bluegrass Plains Project with PJM?

Response 21a. EKPC anticipates the final Generator Interconnection Agreement to be issued for execution from PJM no later than July 29, 2024.

Request 21b. What are the expected terms in the agreement?

Response 21b. EKPC received a draft of the Generation Interconnection Agreement ("GIA") on May 30, 2024. This draft GIA includes the terms contained in PJM's standard (pro

forma) GIA for all generation projects connecting in the PJM RTO, as well as the project-specific requirements identified through PJM's generation interconnection queue process.

Request 21c. If any of the terms are unsatisfactory to the Company, will the Company execute the agreement regardless?

Response 21c. At this time, EKPC does not foresee unsatisfactory terms that would prohibit the execution of the Generation Interconnection Agreement with PJM.

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REQUEST 22

RESPONSIBLE PARTY: Julia J. Tucker

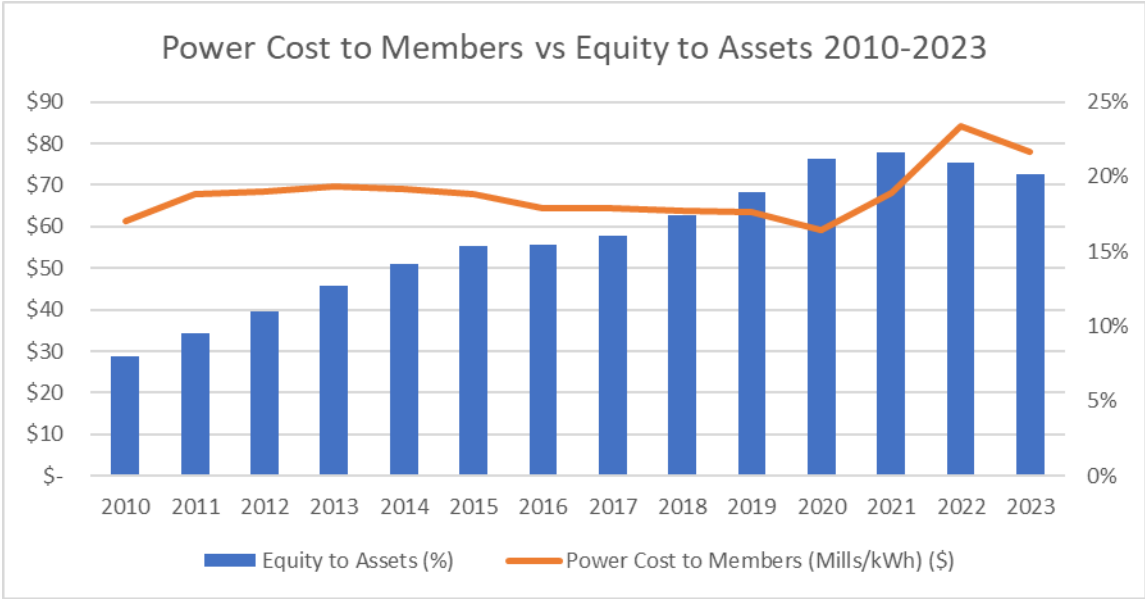
Request 22. Reference Application Exhibit 2, Attachment JJT-2, EKPC Sustainability Plan, page 7 of 8, at the table “Building Equity While Keeping Member Costs Low.” Explain the meaning of the table.

Response 22. The table is a combination of two datasets found in EKPC’s annual report. The first is EKPC’s equity to asset ratio and the second is its all-in cost to member systems on a dollar per megawatt-hour basis.

Request 22a. Provide a similar table with data going through the most current date possible (i.e., going past the year 2020).

Response 22a. See updated table and chart below with data covering the years 2010 through 2023.

Date	Equity to Assets (%)	Power Cost to Members (Mills/kWh) (\$)
12/31/2010	8.0%	\$ 61.45
12/31/2011	9.6%	\$ 67.78
12/31/2012	11.0%	\$ 68.41
12/31/2013	12.7%	\$ 69.74
12/31/2014	14.2%	\$ 69.15
12/31/2015	15.4%	\$ 67.95
12/31/2016	15.5%	\$ 64.51
12/31/2017	16.0%	\$ 64.28
12/31/2018	17.4%	\$ 63.66
12/31/2019	18.9%	\$ 63.63
12/31/2020	21.2%	\$ 59.30
12/31/2021	21.6%	\$ 68.02
12/31/2022	21.0%	\$ 84.32
12/31/2023	20.2%	\$ 78.15



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LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 23

RESPONSIBLE PARTY: Julia J. Tucker

Request 23. Would the all-in cost to produce solar electricity from the proposed Bluegrass Plains project be more costly (kWh) than that of EKPC’s existing:

- a. Coal-fired generation,
- b. Natural gas fired generation,
- c. Landfill gas-to-energy generation, and
- d. Community Solar facility energy.

Response 23a-d. In planning for new resources, EKPC does not compare the all-in cost to produce electricity from a proposed resource to that of EKPC’s existing fleet. The existing fleet is not being considered as an avoided cost, and therefore, the comparison would have no meaning. EKPC does compare new resource alternatives against one another to determine the best option, as it has demonstrated through the RFP process outlined within this application. See EKPC’s 2022 Integrated Resource Plan (“IRP”), confidential sheets at pages 104-106, which will be provided to all intervening parties upon a mutually agreed upon and signed non-disclosure agreement

EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 24

RESPONSIBLE PARTY: **Julia J. Tucker**

Request 24. Reference Exhibit 2, Pre-filed Direct Testimony of Julia J. Tucker, page 5. Please provide a list of the state stakeholders with whom EKPC has worked in order to “ensure high reliability and economic viability while mitigating evolving regulatory challenges” and “to respond to the legal, regulatory, and industry pressures to decarbonize the fleet through solutions based on science, engineering and economics that ensure electric service continues to be highly reliable and available at an acceptable cost to the public.”

Response 24. EKPC met with several interested parties including

Request 24a. Does EKPC consider LFUCG a stakeholder in the process? If not, why not.

Response 24a. Yes, EKPC considers Lexington-Fayette Urban County Government (“LFUCG”) a stakeholder to the extent that, prior to construction, EKPC will seek to obtain a Land Disturbance Permit.

Request 24b. If yes, please state the number of times EKPC met with any representative of Lexington.

Response 24b. See EKPC responses to LFUCG Request 13, above.

EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 25

RESPONSIBLE PARTY: Julia J. Tucker

Request 25. Reference testimony of Tucker, page 5, line 17. Explain “beneficial electrification.”

Response 25. Beneficial electrification is the consumer’s conversion from using one source of energy, such as gasoline, natural gas, or wood, to electricity. For example, a consumer switching from a gasoline-powered lawn mower to a battery-powered mower which would now require to be charged with electricity.

EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 26

RESPONSIBLE PARTY: Julia J. Tucker

Request 26. Reference testimony of Tucker, page 7, lines 9- 12 where the witness states “EKPC has sufficient capacity resources to meet its forecasted summer load peaks for several years, but the proposed solar projects provide additional economically and environmentally advantageous energy which improves the overall EKPC power supply portfolio.” Provide a quantifiable mathematical basis for this assertion with supporting back up materials.

Response 26. See EKPC’s 2022 Integrated Resource Plan¹ (“IRP”) filing, pages 162-172.

¹ See *In the Matter of the Electronic 2022 Integrated Resource Plan of East Kentucky Power Cooperative, Inc.*, Case No. 2022-00098, filed April 1, 2022.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 27

RESPONSIBLE PARTY: Patrick Bischoff

Request 27. Reference testimony of Tucker page 7, lines 13-15, where the witness testifies 88,000 single axis tracking PV modules would be constructed at the Bluegrass Plains facility. Regarding the modules, or panels in lay person terms, please provide the following:

- a. The country of manufacture,
- b. Expected life in years in general,
- c. Expected life in years based on Kentucky average climate,
- d. Expected life in years based on the Company's assigned depreciation schedule,
- e. Expected life in years based on the Company's anticipated worst case schedule proposition as insured, if any,
- f. Anticipated replacement cost stated in comparison to year of install (for example, x 1.2% per annum),
- g. Anticipated time for replacement panel to be delivered after order,
- h. Description of warranty(ies), if any.

Response 27.

- a. The design for the Bluegrass Plains Solar project has not been completed and the specific PV modules have not been selected. EKPC will develop commercial terms to ensure that the project complies with all applicable requirements.
- b. The design has not been completed and the specific PV modules have not been selected. Industry standard life for PV modules is 25-30 years.
- c. The design has not been completed and the specific PV modules have not been selected. Expected life based on Kentucky average climate cannot be estimated at this time.
- d. Industry standard is 25-30 years. EKPC has modeled depreciation off of 30 years.
- e. The design has not been completed and the specific PV modules have not been selected. Expected life cannot be ascertained at this time, however EKPC believes 30-years is a reasonable estimation.
- f. The design has not been completed and the specific PV modules have not been selected. Assuming an operational life of 30 years, 2% inflation, and a cost reduction rate of 5%, the replacement cost of PV modules after 30 years is approximately 38.88% of the original cost.

$$R = (1+0.02)^{30} \times (1-0.05)^{30}$$

$$\text{Inflation Factor: } (1+0.02)^{30}$$

$$\text{Cost Reduction Factor: } (1-0.05)^{30}$$

$$\text{Combined Factor: } R = (1.02)^{30} \times (0.95)^{30}$$

$$R = 0.3888$$

- g. The design has not been completed and the specific PV modules have not been selected. Lead times for PV module delivery is unknown. Spare PV modules will be procured with the initial procurement and construction effort.
- h. The design has not been completed and the specific PV modules have not been selected. EKPC will incorporate warranties for all equipment into the EPC contract based off commercial industry standards.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 28

RESPONSIBLE PARTY: Patrick Bischoff

Request 28. Can the modules planned for this project be recycled. If yes, describe the process. If not, will the panels be discarded as solid waste?

Response 28. The design has not been completed and the specific PV modules have not been selected. EKPC acknowledges that PV module recycling is an alternative in conjunction with end of life replacement or decommissioning. Upon approval of the CPCN by the PSC, EKPC will continue development of the project and planning for the facility, which will include a decommissioning plan that will account for module removal and disposal/recycling.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 29

RESPONSIBLE PARTY: Patrick Bischoff

Request 29. Please provide a copy of any insurance policy purchased by the Company to cover damage to the Bluegrass Plains facility. If no insurance policy exists, has the Company explored insuring the facility. If yes, under what terms. If not, why not?

Response 29. EKPC will have property insurance once the project is completed and is commercially operable. During construction, the EPC contractor will carry builders risk insurance and third party liability insurance.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 30

RESPONSIBLE PARTY: Julia J. Tucker

Request 30. Reference testimony of Tucker, page 11, lines 4-5 where the witness states “EKPC has no current plan to retire any of its fossil-fuel electric generating units. The proposed solar facilities are new intermittent resources.” If the solar projects are approved and the energy ultimately becomes available, will this affect the dispatch, or use in general, of the rest of the fleet? If yes, please explain. If not, please explain.

Response 30. The energy produced by the proposed resources will primarily offset energy that is normally purchased from the PJM wholesale energy market (“PJM”) and provide a known price cap, or hedge, against those market prices. EKPC’s dispatchable generation fleet is directed by PJM.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 31

RESPONSIBLE PARTY: Julia J. Tucker

Request 31. Reference testimony of Tucker, page 15, lines 22-23 where the witness states “Additionally, new federal programs were emerging that made it more palatable for EKPC to construct and finance solar projects...” Please list and describe the programs.

Response 31. Inflation Reduction Act (“IRA”) opened the way for cooperatives to receive the same incentives that taxable entities were receiving through a direct pay program. The IRA also allocated funds to Rural Utilities Services (“RUS”) to be used in its Empowering Rural America (“New ERA”) program. EKPC is in the process of seeking application to receive a portion of the New ERA funds but it is an on-going process at this time.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 32

RESPONSIBLE PARTY: Julia J. Tucker

Request 32. Reference testimony of Tucker, page 17, lines 20-21. Provide a list of the previous self-build projects referenced by the witness.

Response 32.

- 1999-2001 Spurlock 1 & 2 Selective Catalytic Reducer (SCR)
- 2000-2001 Smith Unit 4 & 5 Simple Cycle Gas Turbines (SCGT)
- 2006-2009 Spurlock Unit 1 & 2 Wet Scrubbers and Wet Electro Static Precipitators
- 2003-2005 Smith Unit 6 & 7 SCGT's
- 2000-2009 Spurlock Unit 3 & 4 CFB Coal Plants
- 2005-2010 Smith Unit 9 and 10 LMS100 Aeroderivative SCGT's
- 2008-2012 Cooper 2 Dry CFB Scrubber, Air Heater and ash system
- 2012-2015 Cooper 1 tie into Dry CFB Scrubber
- 2016-2017 Cooperative 1 Solar Farm
- 2016-2017 Dale Station retirement (Ash ponds removed, plant demo)
- 2016-2020 Bluegrass Dual Fuel
- 2016-2025 Spurlock ELG, CCR compliance, and ash pond cleanout

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 33

RESPONSIBLE PARTY: Julia J. Tucker

Request 33. Reference testimony of Tucker, page 18, lines 10-11, where the witness testifies “EKPC is working with the developer to determine if the energy can be reliably and economically delivered to EKPC owner member loads.” If the answer to this question is no, will EKPC withdraw this application? If not, why not?

Response 33. No, the statement is in reference to another solar project that EKPC was considering for a PPA. It has nothing to do with the deliverability or viability of the proposed projects in this application.

EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 34

RESPONSIBLE PARTY: Julia J. Tucker

Request 34. Refer to the Application and all accompanying materials filed with the Commission in this case to date. State where, if any, the Company concludes the cost of the proposed solar power generation is cheaper than any other existing generation in its existing fleet.

Response 34. Nowhere in this application does the Company conclude that the cost of the new solar is cheaper than any other existing generation. The Company has established that it has a need for additional energy resources, and customers and government policies strongly favor the development of renewable resources. The cost evaluation is a comparison of alternatives to meet that defined energy need, not a comparison to existing resources.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 35

RESPONSIBLE PARTY: Julia J. Tucker

Request 35. Refer to the Application and all accompanying materials filed with the Commission in this case to date. Does the Company believe its ratepayers will purchase solar generation regardless of the rate charged by the company. If yes, please explain. If not, please explain the answer.

Response 35. The Company has an obligation to serve its sixteen owner-member cooperatives by safely delivering reliable, competitive and sustainable energy and related services. The purpose of this application is to demonstrate that the proposed solar generation is needed and that it is the preferred alternative to provide that need. Once that burden of proof has been met, then EKPC would expect to recover the cost of its investment through its Commission regulated rates.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 36

RESPONSIBLE PARTY: Patrick Bischoff

Request 36. Reference Exhibit 3, Pre-Filed Direct testimony of Patrick Bischoff, page 4-5. What information was given to NRCO to assist it with the preparation of the RFP?

Response 36. It is unclear whether this question is asking for information provided to NRCO by EKPC's Power Supply team prior to issuing the RFP, or whether it is asking for information provided to NRCO by the Engineering and Construction team in response to the RFP. Assuming the latter, EKPC provided NRCO with its expected costs to own and operate various solar facilities. NRCO took those costs and compared them against offers that had been received for Purchase Power Agreements (PPAs) for solar facilities.

EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 37

RESPONSIBLE PARTY: Patrick Bischoff

Request 37. Reference testimony of Bischoff, page 14, lines 1-8, where the witness testifies the total estimated cost to construct Bluegrass Plains Solar project is \$101,744,634. Please answer the following:

Request 37a. Please break down the “Major Equipment and Materials” cost of \$48,740,992 into subcategories or other allocations sufficient to demonstrate the cost of the solar equipment versus other equipment or materials.

Response 37a. Please reference Application Exhibit 3, Attachment PB-1, page 30 for a breakdown of “Major Equipment and Materials”.

Request 37b. Break down the “Construction Labor” cost of \$38,194,975 into accounts sufficient to demonstrate solar versus other costs.

Response 37b. Please reference Application Exhibit 3, Attachment PB-1, page 30 for a breakdown of “Construction Labor”. EKPC intends on executing an Engineering, Procurement, and Construction (EPC) contract for the Bluegrass Plains Solar project. In addition to the costs shown in the previously referenced table, EKPC considered all engineering labor costs, construction management, quality control costs, commissioning, and all other construction labor related scope that will be contained in the EPC. See attached Excel spreadsheet *Confidential - Bluegrass Plains_Construction Labor Breakdown.xlsx*.

Request 37c. Provide a description of “Owner’s Engineer” cost of \$627,550.

Response 37c. EKPC will retain the services of an Owner’s Engineer for the execution of the Bluegrass Plains Solar project. The Owner’s Engineer will be responsible for providing the following scope of services:

- Project scope refinement
- Develop, issue, and evaluate prequalification request of EPC contractors
- Develop, issue, and evaluate EPC RFP
- Review all design documents developed by EPC contractor
- Track and forecast project costs through execution of the EPC contract
- Construction support to EKPC
- Startup & commissioning reviews
- Project closeout

Request 37d. Provide a description and breakdown of “Owner’s Costs” of \$4,250,225.

Response 37d. Owner’s Costs are all costs directly related to EKPC personnel and costs associated with the purchase of the project from the developer, legal fees and other ancillary costs.

- EKPC Project Management - \$1,500,000
- Asset Purchase Agreement - \$2,160,000
- Legal Fees - \$135,000
- Contingency - \$455,225

Request 37e. Provide a breakdown of the “Site Acquisition” cost of \$9,960,930. How much was paid for the purchase of the real property in Fayette County?

Response 37e. Site acquisition includes all costs associated with the purchase options for the two tracts associated with the Bluegrass Plains Solar project. This includes the cost per acre outlined in the options and option extension fees as required. EKPC has not executed the purchase options for the property at this time. Upon approval of the project by the PSC, EKPC will exercise the purchase option agreements.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 38

RESPONSIBLE PARTY: Patrick Bischoff

Request 38. Reference testimony of Bischoff, page 14. Does the \$101,744,634 cost include the PJM interconnection? If not, please provide that cost and state whether it is estimated.

Response 38. The estimate of \$101,744,634 does include interconnection costs. The physical interconnection (materials, equipment, and labor) are shown as the “Substation” line in the table shown on Application Exhibit 3, Attachment PB-1, page 30.

EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 39

RESPONSIBLE PARTY: Patrick Bischoff

Request 39. Please provide a list of all costs associated with the construction of the Bluegrass Plains Solar project if it is different than \$101,744,634. Please list any discount, forgiveness or credit to the total, whether it be associated with the Inflation Reduction Act or otherwise.

Response 39. All costs associated with the development and construction of the Bluegrass Plains Solar project have been previously identified in Responses 37 and 38. EKPC expects to be able to receive the 40% direct-pay Investment Tax Credit (after project completion). Based on the project estimate this would result in a credit of \$40,697,854.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 40

RESPONSIBLE PARTY: Patrick Bischoff

Request 40. Reference testimony of Bischoff, page 14, lines 18-19, where the witness testifies, “Due to the current position of the Bluegrass Plains Solar project in the PJM interconnection queue, the system upgrades for the project are not finalized. The final cost allocations associated with system upgrades will be provide in the System Impact Study.” When does the Company anticipate the System Impact Study will be completed?

Request 40a. Will it be down before this case is decided?

Response 40a. The System Impact Study was incorrectly identified as being in the outstanding phase with PJM. The correct report that was outstanding when the application was filed is the Facilities Study Report. The Facilities Study Report for Physical Interconnection of PJM Generation Interconnection Request Project Identifier AE2-339 was subsequently issued by PJM in May 2024. This is the final study that outlines interconnection costs and system upgrades to accommodate the Bluegrass Plains Solar project.

Request 40b. Is the referenced impact study different than the impact study noted in Attachment PB-1, “East Kentucky Power Cooperative NRCO 2021- Solar Proposal Revised – May 2023,” page 5, which states “The Project is currently in the PJM queue Transition Cycle #1 AE2, with Feasibility, Facility, and System Impact Studies having already been completed.”

Response 40b. The PJM interconnection request queue process is a critical aspect of PJM’s operations, managing how new generation and transmission projects are proposed, evaluated, and integrated into the grid. Developers start by submitting an interconnection request to PJM, detailing the proposed project, including location, capacity, and technology. PJM then conducts a Feasibility Study to assess the basic viability of the project. This includes preliminary analysis of the impact on the grid, potential constraints, and interconnection costs. The Feasibility Study Report was issued for AE2-339 in July 2019. If the project passes the Feasibility Study it proceeds to the System Impact Study. This detailed analysis evaluates the project’s impact on the transmission system under various scenarios. The System Impact Study identifies necessary upgrades and their costs. The System Impact Study report was issued for AE2-339 in August 2022. Following a successful System Impact Study, a Facilities Study is conducted to develop detailed engineering plans and cost estimates for required transmission system upgrades. This phase involves close coordination with transmission owners. The Facilities Study was recently issued for AE2-339 in May 2024.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 41

RESPONSIBLE PARTY: Patrick Bischoff

Request 41. Reference testimony of Bischoff, page 14, lines 22-23. Provide a detailed breakdown of all costs in the \$15.97 O&M per kW per year figure.

Response 41. Please refer to the response for Request 8.

EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 42

RESPONSIBLE PARTY: Patrick Bischoff

Request 42. Reference testimony of Bischoff, page 15. Provide a copy of the letter, email, or other document issued by the Company requesting Tetra Tech to develop a Site Assessment Report for the Bluegrass Plains Project.

a. Provide the amount Tetra Tech was compensated for the Site Assessment Report.

Response 42. Please see the attached email titled, *EKPC Avon Solar Farm – Site compatibility certificate.pdf* and the referenced attachment, *KRS 278.216 - Site Compatibility Certificate.pdf* EKPC has also provided the proposal from Tetra Tech, including professional fees, titled, *EKPC Avon Solar Farm Site Assessment Report Proposal_9-25-2023.pdf*.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 43

RESPONSIBLE PARTY: Patrick Bischoff

Request 43. Reference Exhibit 4, Pre-filed Direct testimony of Thomas J. Stachnik, page 4, lines 10-12. Please provide the Asset Purchase Agreement for Bluegrass Plains Solar Project as referenced by the witness.

Response 43. Please see the attached file *Confidential - Bluegrass Plains APA-Signed.pdf*.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 44

RESPONSIBLE PARTY: Thomas J. Stachnik

Request 44. Reference testimony of Stachnik, Exhibit 4, page 4 -5. Please describe the additional favorable financing options that might be available under the Rural Utilities New ERA program.

Response 44. As part of the Inflation Reduction Act, Congress authorized \$9.7 billion in grants and low-interest loans specifically for electric cooperatives for the purpose of funding projects which will result in the greatest reduction in greenhouse gas emissions. A notice of funding opportunity (NOFO) was issued in May 2023 by RUS. EKPC responded with a letter of interest (LOI) in September 2023 and was invited to proceed with a full application in April 2024. This application is still in progress but is expected to be filed in late July.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 45

RESPONSIBLE PARTY: Patrick Bischoff

Request 45. Is the project in Fayette County comprised of property belonging to more than one landowner? Please list all landowners involved in the project and provide the terms of use of their property, including copies of any leases or purchase options.

Response 45. The property in Fayette County consists of one landowner: Fayette Partners, LLC.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 46

RESPONSIBLE PARTY: Patrick Bischoff

Request 46. Reference Exhibit 3, Attachment PB-1, “East Kentucky Power Cooperative NRCO 2021- Solar Proposal Revised – May 2023,” page 9 of 70, “Bluegrass Solar has 388 acres of available land located in an agriculture rural zone. Two Memorandums of Option were signed with the landowners in 2018.” Please provide copies of the memorandums.

Response 46. The original purchase options were amended and restated November 21, 2023. The amended, restated, and consolidated real estate option agreement is provided. Please see the attached file, *Confidential - Amended and Restated Purchase Option.pdf*.

EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 47

RESPONSIBLE PARTY: Patrick Bischoff

Request 47. Reference the application in general. Are there any warranties for any of the equipment or materials in the solar facility? If yes, please describe any warranty and provide a copy of the warranty (ies).

Response 47. Consistent with Response 27(h), the design for Bluegrass Plains is not complete and at this time no equipment specifications have been developed and no equipment procurement activities have taken place to provide information related to equipment and material warranties. In general, EKPC requires warranties for equipment and materials that are consistent with industry practice.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 48

RESPONSIBLE PARTY: Patrick Bischoff

Request 48. Reference Exhibit 3, Attachment PB-3, “Bluegrass Plains Solar Project Site Assessment Report April 2024”, at page 7 of 193, at paragraph 2.6. “It is anticipated that any electric service needed at the site after construction is complete (O&M) will be provided either by the electricity generated at the site (during daytime operations) or by EKPC transmission/distribution service (during nighttime operations).” For what purposes does the Company anticipate the use of electricity at the location at night? Is this cost currently included in the O&M cost listed in the application?

a. What measures does the Company contemplate using for security at the premises?

Response 48. The design for the Bluegrass Plains Solar project is not complete and nighttime operational needs have not been considered in the general arrangement drawing contained in the application. There are multiple elements of the facility that may require nighttime power, including but not limited to: Supervisory Control and Data Acquisition (SCADA) system to control, monitor and analyze the facility, facility lighting, and weather data collection

equipment. Security for the facility will include perimeter fencing. The usage of facility lighting and other control measures will be further evaluated during detailed design.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 49

RESPONSIBLE PARTY: Patrick Bischoff

Request 49. Reference Exhibit 3, Attachment PB-3, “Bluegrass Plains Solar Project Site Assessment Report April 2024”, at page 7 of 193. Where is the closest fire hydrant for fire services to the facility?

Response 49. It is premature to prepare an emergency plan for this facility. The closest fire hydrant for services to the facility has not been identified. However, prior to construction, EKPC, or its construction contractor, will provide a finalized Emergency Response Plan to the local fire district, first responders, and any County Emergency Management Agency. Because the facility will not have a battery associated with it, the degree of potential danger is significantly less than a facility with battery storage systems.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 50

RESPONSIBLE PARTY: Patrick Bischoff

Request 50. Reference Exhibit 3, Attachment PB-3, “Bluegrass Plains Solar Project Site Assessment Report April 2024,” page 14 of 193. Has the Company prepared any emergency plan for first responder assistance for the Bluegrass Plains facility if it catches on fire or suffers an explosion. If yes, please provide it. If not, why not?

Response 50. It is premature to prepare an emergency plan for this facility. However, prior to construction, EKPC, or its construction contractor, will provide a finalized Emergency Response Plan to the local fire district, first responders, and any County Emergency Management Agency. EKPC will provide site specific training for local emergency responders at their request. Access for fire and emergency units shall be set up after consultation with local authorities. Because the facility will not have a battery associated with it, the degree of potential danger is significantly less than a facility with battery storage systems.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 51

RESPONSIBLE PARTY: Patrick Bischoff

Request 51. Reference Exhibit 3, Attachment PB-3, “Bluegrass Plains Solar Project Site Assessment Report April 2024,” page 14 of 193. Has the Company prepared a decommissioning plan? If yes, please provide a copy. If not, why not?

Response 51. Please refer to Response 6 in this Data Request.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 52

RESPONSIBLE PARTY: Patrick Bischoff

Request 52. Reference Exhibit 3, Attachment PB-3, “Bluegrass Plains Solar Project Site Assessment Report April 2024” and the Application in general. What is the anticipated water displacement for every inch of rain on the solar facility?

Response 52. The design of the Bluegrass Plains Solar project is not complete and stormwater runoff analysis has not been completed. Upon approval of the CPCN by the PSC, EKPC will continue development of the project and planning for the facility, which will include stormwater runoff analysis and associated design.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 53

RESPONSIBLE PARTY: Julia J. Tucker

Request 53. If the Company is meeting its energy demand and solar generation comes online, does the Company change the use of the rest of the generation if there are no off-system sales available?

Response 53. EKPC's generation dispatch is directed by PJM.

EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 54

RESPONSIBLE PARTY: **Michelle K. Carpenter (Response)**
Legal (Objection)

Request 54. To the best of the Company's knowledge, will Lexington receive any sales tax revenue from the sale of energy from the Bluegrass Solar facility?

Response 54. Objection. This request calls for a legal conclusion. Without waiving said objection, to the best of the Company's knowledge, Lexington will not receive any sales tax revenue from EKPC's sale of energy from the Bluegrass Solar facility. It should also be noted that as a wholesaler, EKPC's sales are exempt from Kentucky sales tax. However, this response is based upon EKPC's knowledge and belief today and could change in the future.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 55

**RESPONSIBLE PARTY: Michelle K. Carpenter (Response)
 Legal (Objection)**

Request 55. Is there income tax when EKPC employees are conducting work in Fayette County – either construction or maintenance?

Response 55. Objection. This request calls for a legal conclusion. Without waiving said objection, -if EKPC employees perform construction or maintenance work in Fayette County, those wages will be subject to occupational license fee withholdings, unless their work meets the definition of “occasional entry” as outlined in Regulation 13-4, Section 2.3. However, this response is based on EKPC’s knowledge and belief today and may change in the future.

EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 56

RESPONSIBLE PARTY: Patrick Bischoff

Request 56. Provide a schedule for the Bluegrass Plains Project, starting with Commission approval to the completion of the project, including the length of each construction phase.

Response 56. EKPC has planned the following major milestones into the Bluegrass Plains project schedule:

- Q1 2025 – CPCN Approval from PSC
- Q1 2025 – Award EPC Contract
- Q3 2025 – Completion of Design
- Q4 2025 – Commence Construction
- Q2 – Q3 2026 – Peak Construction Activities
- Q1 2027 – Complete Construction
- Q1 & Q2 2027 – Commissioning
- Q2 2027 – Commercial Operations

EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 57

RESPONSIBLE PARTY: Patrick Bischoff

Request 57. Provide a preliminary site layout. Include:

- a. Security fencing,
- b. Access Roads,
- c. Construction entrances,
- d. Panels,
- e. Inverters,
- f. Substation,
- g. Battery, and
- h. Transmission line.

Response 57. Reference Application Exhibit 3 *Attachment_PB-3_*
_Bluegrass_Plains_SAR.pdf, page 16, drawing C-200.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 58

**RESPONSIBLE PARTY: Patrick Bischoff (Response)
 Legal (Objection)**

Request 58. Provide the Fayette County zoning and setback requirements for the project, if any.

Response 58. Objection. This request calls for a legal conclusion. Without waiving said objection, EKPC is unaware of any Fayette County zoning and setback requirements applicable to the Bluegrass Plains project. As set forth in the Site Assessment Report, EKPC has incorporated reasonable setbacks.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 59

RESPONSIBLE PARTY: Patrick Bischoff

Request 59. Provide any plans to coordinate with local landowners in case of complaints or other issues that might arise during construction or operation of the project.

Response 59. EKPC's contact information, including phone number and web address, has been provided to neighboring property owners in a mailing that also included an informational packet about the project and an invitation to the May 16 public meeting. EKPC's administrative offices are located approximately 3.5 miles from the project site. As with any project of this nature, EKPC's Communications and Engineering & Construction staffs will work closely together to address any questions or concerns from the public that arise during construction.

EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 60

RESPONSIBLE PARTY: Patrick Bischoff

Request 60. Provide a detailed table listing all residential structures located within 2,000 feet of the Project boundary line. For each structure, provide:

Request 60a. The distance to the boundary line,

Response 60a. Reference the attached, *Table 1. Residential Properties – Distance Details.xls*.

Request 60b. The distance to the closest solar panel,

Response 60b. Reference the attached, *Table 1. Residential Properties – Distance Details.xls*.

Request 60c. The distance to the nearest inverter, and

Response 60c. Reference the attached, *Table 1. Residential Properties – Distance Details.xls*.

Request 60d. The distance to the substation.

Response 60d. Reference the attached, *Table 1. Residential Properties – Distance Details.xls*.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 61

RESPONSIBLE PARTY: Nick Comer

Request 61. How many properties are immediately adjacent to the proposed project? Did the company contact any of the adjacent property owners in Fayette County regarding its proposed facility?

Response 61. Thirty properties adjoin the solar farm property. On April 26, owners of properties immediately adjacent to the solar farm property were mailed packets of information regarding the proposed project along with an invitation to attend the May 16, 2024, public meeting regarding the project hosted by EKPC.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 62

RESPONSIBLE PARTY: Nick Comer

Request 62. Describe any communication about the Bluegrass Plains project with landowners within 2,000 feet of the construction site boundaries.

Response 62. On April 26, owners of properties immediately adjacent to the solar farm property were mailed packets of information regarding the proposed project along with an invitation to attend the May 16, 2024, public meeting regarding the project hosted by EKPC. The meeting also was advertised in the Lexington Herald-Leader.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 63

RESPONSIBLE PARTY: Nick Comer

Request 63. Did the company have any discussions with the adjacent property owners or any other persons or entities about potentially utilizing any additional land in Fayette County for solar facilities? If so list please list all such persons or entities and their contact information.

Response 63. Yes. On May 3, following the public announcement of the Fayette County project, EKPC received a phone call from a property owner, who claimed to own property adjoining the Fayette solar site and said he is interested in leasing property. EKPC has not solicited additional properties for this project.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 64

RESPONSIBLE PARTY: Patrick Bischoff

Request 64. Provide a list of permits from other local, state, or federal agencies that have been or will be obtained prior to construction or operations.

Response 64. EKPC will obtain RUS approval. The project will also receive a System Impact Study, an Interconnection Service Agreement, and Construction Service Agreement with PJM. Prior to construction, EKPC will also obtain a Land Disturbance Permit through Lexington-Fayette Urban County Government and a Permit for Stormwater Discharges Associated with Construction Activities (KYR10) through Kentucky Division of Water. USDA RUS National Environmental Policy Act approval per RUS’s Environmental Policies and Procedures (7 CFR Par 1970), U.S. Army Corps of Engineers – Approved Jurisdictional Determination request was submitted March 4, 2024 (response pending), unavoidable waters impacts would be authorized by USACE Nationwide Permit 51.

EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 65

RESPONSIBLE PARTY: Nick Comer

Request 65. Provide any communication with the neighboring communities regarding the project. State whether any public meetings/open houses have been held and if so, provide the date and location of the meetings.

Response 65.

On May 16, 2024, EKPC conducted a public meeting about the proposed project at EKPC's administrative offices, located at 4775 Lexington Road, Winchester KY. At the meeting, property owners and other members of the public had an opportunity to speak with EKPC's staff about the project. The meeting was advertised in the Lexington Herald-Leader on May 9 and May 14. Please see attached files titled, *2024-05-09_HL_Fayette Solar OH ad.pdf* and *2024-05-14_HL_Fayette Solar OH ad.pdf*. On April 29, 2024, EKPC issued the attached press release, *Fayette Solar_Information packet.pdf*, to media outlets and posted it on the cooperative's web site. Beginning April 29, 2024, EKPC's web site has included a page with information about the Fayette County and Marion County solar projects, located at <https://www.ekpc.coop/cooperative-solar-farms>

LFUCG Request 65

Page 2 of 2

Attached is a letter, = mailed to 30 owners of properties immediately adjacent to the solar farm property regarding the project. The letters invited recipients to attend the May 16, 2024, public meeting hosted by EKPC, and the letters included the attached packet of information.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 66

RESPONSIBLE PARTY: Patrick Bischoff

Request 66. What is, or will be, the street address of the proposed project in Fayette County?

Response 66. The Avon substation address is 5481 Winchester Road, Lexington, KY 40509. The design of the Bluegrass Plains Solar project is not complete and the location of the main entrance has not been determined at this time.

EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 67

RESPONSIBLE PARTY: Julia J. Tucker (Response)
Legal (Objection)

Request 67. Assuming the Commission approves the proposed project in Fayette County does it make it potentially more cost beneficial or efficient to obtain additional property for solar use in Fayette County should the company desire to expand its solar footprint?

Response 67. Objection. The response seeks information that cannot possibly be known. Without waiving said objection, any additional generation at this site or elsewhere in Fayette County would have to be studied and evaluated in the same manner as this initial installation. Another transmission interconnection study would be required, which would highly influence the incremental cost to expand the facility.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 68

**RESPONSIBLE PARTY: Patrick Bischoff
Legal (Objection)**

Request 68. Is EKPC aware that the proposed Bluegrass Plains Project site is zoned agriculture? If yes, is the Company aware that the LFUCG has historically limited commercial and industrial uses in agricultural zones?

Response 68. EKPC is aware that the proposed Bluegrass Plains Project site is zoned as agricultural land in Fayette County.

Objection. EKPC does not have historical knowledge as to LFUCG’s treatment of commercial and industrial uses in agricultural zones.

EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 69

RESPONSIBLE PARTY: **Patrick Bischoff (Response)**
 Legal (Objection)

Request 69. Is EKPC aware that LFUCG does not allow commercial scale solar facilities under its zoning ordinances? If yes, to what extent does this knowledge factor into the Company’s proposed project.

Response 69. Objection. To the question to the extent that it does not differentiate between solar facilities owned by regulated utilities and those that are merchant electric generating facilities and is therefore vague and ambiguous. In addition, EKPC objects to the question calling for a legal interpretation of LFUCG’s ordinances. Without waiving said objections, EKPC is not aware whether LFUCG allows or prohibits the development of commercial scale solar facilities under its zoning ordinances.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 70

**RESPONSIBLE PARTY: Patrick Bischoff (Response)
Legal (Objection)**

Request 70. Is the Company required to receive any LFUCG approval for construction of the Bluegrass Plains Project if it is approved by the Commission? If the answer is yes, please describe in detail the approvals required, the department involved, and any applicable date(s).

Response 70. Objection. This request calls for a legal conclusion. Without waving said objection, contingent upon approval of the CPCN by the PSC, EKPC will engage with LFUCG to ensure that all local requirements are met. EKPC understands the requirement to obtain a Land Disturbance Permit from LFUCG.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 71

**RESPONSIBLE PARTY: Patrick Bischoff (Response)
Legal (Objection)**

Request 71. Does EKPC take the legal position that it is exempt from LFUCG’s zoning requirements? Explain your answer.

Response 71. Objection. The request calls for a legal conclusion. Without waiving said objection, EKPC notes that the LFUCG May 22, 2024 press release announcing its intervention in this case included the following statement, “Under state law, utilities are exempt from local zoning regulations.” Please see the attached copy of the press release entitled *City to intervene in solar energy plan_City of Lexington.pdf*.

EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE

LFUCG’S REQUEST DATED MAY 31, 2024

REQUEST 72

RESPONSIBLE PARTY: Julia J. Tucker (Response)
Legal (Objection)

Request 72. What additional plans for solar facilities does the company have?

Response 72. Objection. This request is not relevant to the application under review. Without waiving said objection, EKPC’s 2022 Integrated Resource Plan (IRP) defines the need for up to 1,000 MW of solar energy within the next fifteen years. EKPC will continue to evaluate its needs and alternatives to best meet its owner-member system load.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 73

RESPONSIBLE PARTY: Julia J. Tucker

Request 73. How often does the company consider adding additional solar facilities?

Response 73. See Response 72.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 74

RESPONSIBLE PARTY: Julia J. Tucker

Request 74. What percentage of the potential energy produced by the solar facility in Fayette County would be available for consumption by Fayette County customers? What percentage would be guaranteed for consumption by Fayette County customers?

Response 74. All of the generation will be available for all of EKPC's owner-member customers. Since it will dispatch with a zero variable / fuel cost, it will be the lowest cost generation available on the system. Therefore, 100 % of the energy will be used to reduce the amount of fuel that is charged to the customers in the Fuel Adjustment Clause.

**EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2024-00129
INITIALREQUEST FOR INFORMATION RESPONSE**

LFUCG'S REQUEST DATED MAY 31, 2024

REQUEST 75

RESPONSIBLE PARTY: Patrick Bischoff

Request 75. Would the proposed solar facility in Fayette County result in the creation of any full-time jobs? If so, how many, and how many of these jobs would be cited in Fayette County? Please provide an estimate of the general annual salaries or wages that would be generated annually for employees cited in Fayette County.

Response 75. EKPC plans to add two to three FTEs by the completion of the Bluegrass Plains Solar and Northern Bobwhite Solar projects. These employees will work at multiple facilities and their reporting location at this time has not been defined. The salary range for craft employees for these positions will be \$90,000 to \$140,000 including benefits.