

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the matter of:	:	
ELECTRONIC APPLICATION OF EAST	:	CASE NO.
KENTUCKY POWER COOPERATIVE, INC.	:	2024-00129
FOR A CERTIFICATES OF PUBLIC CONVENIENCE	:	
AND NECESSITY AND SITE COMPATIBILITY	:	
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	:	

**FAYETTE ALLIANCE’S FIRST REQUEST OF INFORMATION TO
EAST KENTUCKY POWER COOPERATIVE, INC.**

Comes the Fayette Alliance, Inc., (“FA”), 169 N. Limestone Ave., Lexington, Kentucky 40507, by counsel and pending intervener in this action, and respectfully requests the applicant, East Kentucky Power Cooperative, Inc. (the “Company”), to respond to the First Request of Information in accordance with the Order of Procedure entered herein.

Additional Instructions

A. Each request for information shall be accorded a separate answer on a separate piece of paper, and each subpart thereof shall be accorded a separate answer. Each request or subpart thereof shall be specifically admitted or denied, and information inquiries or subparts thereof should not be combined for the purpose of supplying a common answer.

B. Restate the information inquiry immediately preceding each response.

C. Identify the name, title, and business address of each person(s) providing each response and provide the data on which the response was created.

D. In answering these requests, utilize all information and documents that are available to you, including information in the possession of any of your agents, employees or attorneys, or otherwise subject to your custody or control.

E. If you object to any part of a request, answer all parts of such interrogatories or requests to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

F. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to a request, please explain your claim with sufficient specificity to permit FA to make a full determination as to whether your claim is valid.

G. In each instance, the request shall be construed so as to require the most inclusive answer or production.

H. Please attach written material to any answer for which written material is requested and/or available. If such written material is not available, state where it may be obtained. Please label the written material with the number of the request to which it pertains.

Definitions

As used in these Requests for Information, the following terms have the meaning as set forth below:

1. "You" or "your" means the Company or the witness, as the context requires.
2. "List", "describe", "explain", "specify" or "state" shall mean to set forth fully, in detail, and unambiguously each and every fact of which the Company or its officers, employees, agents or representatives, have knowledge which is relevant to the answer called for by the request.

3. The terms "document" or "documents" as used herein shall have the same meaning and scope as in Rule 34 of the Kentucky Rules of Civil Procedure and shall include, without limitation, any writings and documentary material of any kind whatsoever, both originals and copies (regardless of origin and whether or not including additional writing thereon or attached thereto), and any and all drafts, preliminary versions, alterations, modifications, revisions, changes and written comments of and concerning such material, including but not limited to: correspondence, letters, memoranda, notes, reports, directions, studies, investigations, questionnaires and surveys, inspections, permits, citizen complaints, papers, files, books, manuals, instructions, records, pamphlets, forms, contracts, contract amendments or supplements, contract offers, tenders, acceptances, counteroffers or negotiating agreements, notices, confirmations, telegrams, communications sent or received, print-outs, diary entries, calendars, tables, compilations, tabulations, charts, graphs, maps, recommendations, ledgers, accounts, worksheets, photographs, tape recordings, movie pictures, videotapes, transcripts, logs, work papers, minutes, summaries, notations and records of any sort (printed, recorded or otherwise) of any oral communication whether sent or received or neither, and other written records or recordings, in whatever form, stored or contained in or on whatever medium including computerized or digital memory or magnetic media that:

- (a) are now or were formerly in your possession, custody or control; or
- (b) are known or believed to be responsive to these requests, regardless of who has or formerly had custody, possession or control.

4. The terms "identify" and "identity" when used with respect to an entity mean to state its full name and the address of its principal place of business.

5. The term to "state the basis" for an allegation, contention, conclusion, position or answer means (a) to identify and specify the sources therefore, and (b) to identify and specify all facts on which you rely or intend to rely in support of the allegation, contention, conclusion, position or answer, and (c) to set forth and explain the nature and application to the relevant facts of all pertinent legal theories upon which you rely for your knowledge, information and/or belief that there are good grounds to support such allegation, contention, conclusion, position or answer.

6. The terms "and" and "or" have both conjunctive and disjunctive meanings as necessary to bring within the scope of the request any information or documents that might otherwise be construed to be outside their scope; "all" and "any" mean both "each" and "every".

7. The terms "relates to" or "relating to" mean referring to, concerning, responding to, containing, regarding, discussing, describing, reflecting, analyzing, constituting, disclosing, embodying, defining, stating, explaining, summarizing, or in any way pertaining to.

8. The term "including" means "including, but not limited to."

FIRST REQUEST FOR INFORMATION OF FA

Q. 1-1 Please identify and provide any studies undertaken by the Company related to site location for these solar projects.

Q. 1-2 As it pertains to any consultant hired by the Company involving these solar projects, please: (i) identify the independent consultant hired by the Company and provide his or her CV; (ii) provide any studies relied upon by the independent consultant related to this request; (iii) provide any reports issued by the consultant; and (iv) provide any workpapers and documents, in excel format where available, provided by the independent consultant.

Q. 1-3 Did the Company identify any other possible locations for these solar projects, if so, please identify the locations and why the Company deemed these other locations unsuitable?

Q. 1-4 Please address all of the reasons why the Company deems the location of the Fayette County project suitable?

Q. 1-5 As it pertains to the proposed solar projects please provide the environmental assessments and/or compliance reports pursuant to the national environmental policy act (NEPA)?

Q. 1-6 Please provide all documentation and work papers created for the solar projects related to KRS § 278.216 (site compatibility)?

Q. 1-7 With regard to any option to purchase the solar project real property in Fayette County, please provide any real estate or lease contracts associated with the location of the real property?

Q. 1-8 Considering the high price of acreage in Fayette County please identify other locations considered by the Company as it pertains to the proposed Fayette County solar project?

Q. 1-9 Did the Company consider the Commonwealth's desire to transform strip mines into solar farms, including the tax incentives, and consider such sites as an option to locate these solar projects if not, why not?

Q. 1-10 Please identify the solar irradiation numbers associated with the proposed location of the Fayette County farm compared to other sites considered for locating this project?

Q. 1-11 Please provide any work papers, including any soil analysis, if any, of the proposed site in Fayette County, prepared by the Company related to site location for these solar projects.

Q. 1-12 Please address how the Company is financing these solar projects (e.g. sources and borrowing costs along with any incentives, grants or bonds) and provide any financial studies undertaken by the Company articulating the cost and benefit analysis (including the cost of any decommissioning at the end of the useful life of the project).

Q. 1-13 Please provide all analysis prepared by the Company associated with the Fayette County solar project, including other pending or known projects such as the Silicon Ranch proposal, addressing the cumulative impacts of this proposed solar project in Fayette County (e.g. on the availability of farmland for agricultural production, the Fayette County tax base and any related impacts).

Q. 1-14 Please identify whether the Company considered any zoning ordinances from Fayette County in choosing the site location of the proposed solar project in Fayette County, if not, why not?

Q. 1-15 Approximately how many Fayette County residents (or accounts if resident numbers are not available) are provided electricity by the Company by any Rural Electric Utilities?

Q. 1-16 Please provide a copy of any written communications you have provided to Lexington residents regarding this proposed Fayette County solar project.

Q. 1-17 Please provide the number of non-construction jobs and corresponding salaries created by the proposed solar project in Fayette County and the duration of the jobs.

Respectfully submitted,

/s/Matt Malone

Matthew R. Malone (KBA #90508)

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Counsel for the Petitioner,
FAYETTE ALLIANCE, INC.

CERTIFICATE OF SERVICE

I hereby certify that FA's May 31, 2024 electronic filing is a true and accurate copy of FA's pleading and Read 1st Document to be filed in paper medium; that the electronic filing has been transmitted to the Commission on May 31, 2024; that an original and one copy of the filing will not be mailed to the Commission given the pandemic orders; that there are currently no parties excused from participation by electronic service; and that, on May 31, 2024, electronic mail notification of the electronic filing is provided to all parties of record.

/s/Matt Malone

ATTORNEY FOR FAYETTE ALLIANCE, INC.