

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE ELECTRONIC APPLICATION OF)	
EAST KENTUCKY POWER COOPERATIVE,)	
INC. FOR 1) A CERTIFICATE OF PUBLIC)	CASE NO.
CONVENIENCE AND NECESSITY TO)	2024-00310
CONSTRUCT A NEW GENERATION)	
RESOURCE; 2) A SITE COMPATIBILITY)	
CERTIFICATE; AND 3) OTHER GENERAL RELIEF)	

EAST KENTUCKY POWER COOPERATIVE, INC.’S
POST-HEARING RESPONSE BRIEF

Comes now East Kentucky Power Cooperative, Inc., (“EKPC”) by and through the undersigned counsel, pursuant to the Kentucky Public Service Commission’s (“Commission”) March 20, 2025 Order setting forth a post-hearing procedural schedule and the deadline for submitting a response brief and hereby tenders its response to the briefs filed by Mountain Association and Kentuckians for the Commonwealth (together as “Joint Intervenors”),¹ and the Sierra Club² on April 11, 2025, and respectfully states as follows:

I. INTRODUCTION

Each of the parties in this proceeding filed post-hearing briefs on April 11, 2025. Both the Attorney General’s Office of Rate Intervention and Nucor Steel Gallatin filed briefs in support of EKPC’s Application in this proceeding.

¹ Post-Hearing Brief of Joint Intervenors (filed April 11, 2025).

² Sierra Club’s Post Hearing Brief (filed April 22, 2025).

II. ARGUMENTS

A. The Record Shows the Need for the Liberty RICE Facility

EKPC provided evidence showing the need for the Liberty RICE facility. Each of the intervenors in this proceeding, with the exception of the Joint Intervenors, agrees that there is a need for the project. Nucor Steel Gallatin’s (“Nucor”) brief states “EKPC has demonstrated a need for the additional capacity... Accordingly, EKPC’s claims of additional capacity need are well-founded.”³ The Attorney General (“AG”) states in its post-hearing brief that “EKPC needs additional generation resources.... It would not be prudent to EKPC to rely simply on the PJM market to address its capacity deficit.”⁴ Sierra Club agrees that EKPC met its burden of proof to establish the need of the Liberty RICE facility. Sierra Club states, “While EKPC has demonstrated that it is prudent to invest in new generation to meet a growing winter peak demand, on the record it has created here...”⁵ The only parties to this proceeding that do not agree that EKPC needs the Liberty RICE facility are the Joint Intervenors. The Joint Intervenors simply do not understand EKPC’s 2024 Long-Term Load Forecast (“2024 LTLF”), the PJM load forecast, or the difference between energy and demand. If the Joint Intervenors understood those fundamental items, they would agree with each of the other intervenors in this proceeding that EKPC has shown a need for the Liberty RICE facility.

Throughout this proceeding and continuing in the post-hearing brief, the Joint Intervenors question the PJM forecast for EKPC’s winter peak load and the performance of previous EKPC

³³ Brief of Nucor Steel Gallatin, pp. 1-2, (April 11, 2025).

⁴ Attorney General’s Post-Hearing Brief, pp. 1-2, (April 11, 2025).

⁵ Sierra Club’s Brief, p. 14 (April 11, 2025).

load forecasts.⁶ The Joint Intervenors refuse to address the facts that have been repeatedly presented to them with regards to PJM forecasting load in the Transmission Owner (“TO”) Zones, not the EKPC Load Serving Entity (“LSE”) load.⁷ The PJM Long-Term Load Forecast Report (“PJM Report”) referenced by the Joint Intervenors labels its data as TO Zones.⁸ The PJM Report references EKPC’s TO Zone and not EKPC’s LSE load which is served from multiple transmission systems. The load forecast for just the EKPC TO Zone, which is what is contained in the PJM Report, is not equivalent to EKPC’s LSE load forecast, which is what is reflected in EKPC’s 2024 LTLF. PJM does not provide a long-term load forecast for LSEs. PJM’s allocation of Auction Revenue Rights (“ARRs”) is based on LSE load. The ARR allocation table shows the Network Service Peak Load for each LSE. EKPC’s LSE Network Service Peak Load for the 25/26 ARR Allocation is 3,748.3 MW. PJM recognizes the winter peak load level for EKPC as being comparable to what EKPC is showing in its 2024 LTLF.⁹ The Joint Intervenors do not understand this simple difference in the PJM Load Forecast and the EKPC 2024 LTLF. Instead of admitting they have inaccurately compared data that is not actually comparable, the Joint Intervenors continue to try to throw doubt onto EKPC’s data. The Joint Intervenors inaccurately state that there is nearly 1,000 MW difference between EKPC’s 2024 LTLF and the PJM load forecast, but they cannot explain why there is this difference.¹⁰ The Joint Intervenors do not understand the fundamental difference between a TO load forecast and an LSE load forecast.

⁶ Post-Hearing Brief of Joint Intervenors (filed April 11, 2025).

⁷ Tucker Direct Testimony pp 7-17, 27-28; HVT day 2 9:31:00-9:42:00; EKPC’s Brief pp. 21-22. .

⁸ Post-Hearing Brief of Joint Intervenors at 10.

⁹ <https://www.pjm.com/-/media/DotCom/markets-ops/ptr/annual-arr-allocation/2025-2026/2025-2026-1a-mw-and-nspl.xlsx>

¹⁰ Post-Hearing Brief of Joint Intervenors at 10.

EKPC's actual winter peak load grew 5.7% in two years. The Joint Intervenors should be questioning why EKPC's 2025 peak load was 3,631 MW adjusted and EKPC is only forecasting its 2035 winter peak as 3,870 MW. This is a 6.6% increase in 10 years. EKPC is actually being conservative in its forecasting because it does not want to build generation it does not need. Instead, EKPC requests authority to build the generation resources it knows are needed.

The Joint Intervenors argue that EKPC has consistently overestimated its projected capacity and energy needs.¹¹ They state, "Historically, EKPC's forecasting approach has resulted in EKPC expecting annual demands that far exceed actual energy usage[.]"¹² The Joint Intervenors misunderstand the basic difference between demand and energy. EKPC's annual demand projections reflect the amount of capacity or peak demand that is expected. EKPC demonstrated its demand projections as compared to its actual peak demands.¹³ The Joint Intervenors say that those demands far exceed actual energy usage.¹⁴ Energy is the MWh used throughout the year. These are two completely different load measures. Even if one could look past the inherent misuse of the two terms, and consider each term independently, the Joint Intervenor's characterization is incorrect and misleading.

It is not accurate to compare a load forecast directly to actual loads without considering weather implications. Load forecasts are developed based on expected weather conditions. When actual load occurs, it is reflective of actual weather conditions at that time. A correct comparison of the load to the forecast would be to model the actual weather and then reforecast load and

¹¹ Post-Hearing Brief of Joint Intervenors 10-19.

¹² *Id.* at 8.

¹³ Tucker Direct Testimony p. 28.

¹⁴ Post-Hearing Brief of Joint Intervenors at 8.

compare that weather adjusted forecast to actuals. This gives a true comparison as to whether or not the forecast accurately reflects the expected load. EKPC weather adjusts its load on a regular basis to compare actual loads to forecast loads. The amount of load that was served but could have been interrupted is also considered and removed from the peak load. Such comparisons demonstrate that EKPC’s load forecast is not exaggerating expected peak load, as alleged by the Joint Intervenors;¹⁵ but rather, EKPC is conservatively forecasting when looking at the most recent winter peak load. The table below shows EKPC’s actual winter peak for the past three years and compares that to the weather adjusted and interrupted load, the 2022 LTLF and the 2024 LTLF.

Winter Season	Actual Peak	Weather Adjusted and Interrupted	2022 LTLF	2024 LTLF
2022 – 23	3,747	3,435	3,289	-
2023 – 24	3,754	3,702	3,349	-
2024 – 25	3,744	3,631	3,370	3,517

EKPC has 3,427 MW winter capability to serve its load. That is less than the actual peak loads and weather normalized/interrupted loads for the past three winter season peaks. These are not hypotheticals, but the actual real conditions that have occurred and are actual operating conditions. There is no doubt that EKPC needs additional capacity to serve its load.

The Joint Intervenors argue that EKPC couldn’t have knowledge of expected load projections prior to finalizing the 2024 LTLF.¹⁶ The Joint Intervenors do not understand the process for developing a LTLF. Load forecasting is a continual process. Every single day EKPC develops a short-term load forecast and bids that load into the PJM day ahead energy market.

¹⁵ Post-Hearing Brief of Joint Intervenors at 9-11.

¹⁶ Post-Hearing Brief of Joint Intervenors at 8-9.

Every day, EKPC compares how the actual load compares to the forecasted load. When the forecast is off by more than 5%, a detailed explanation is developed to determine if the error was because of weather forecast error, model error, or something else. Experience and knowledge gained from this daily process is enveloped into the long-term load expectations. EKPC formally updates its LTLF every two years and was on track to update its LTLF in 2024. The load forecasting personnel at EKPC accelerated their processes and forecast development so the most up-to-date information could be provided in this CPCN filing. EKPC takes very seriously the Joint Intervenors' allegations that the forecast was modified to show something different than what the analytics supported and these allegations are not only insulting, but completely false. The Joint Intervenors' project timeline appears to want to portray the Board of Directors' approval process as a "rubber stamp" and that there was not adequate information given or enough time for the Board of Directors to completely consider alternatives to the Liberty RICE project.¹⁷ EKPC's management has been discussing winter peak loads, existing generation coverage of those peak loads, and alternatives to adding generation to cover the additional load for multiple years.

EKPC takes its obligation to provide safe, reliable and cost competitive service to its owner-members seriously. The risk of being wrong in its load forecasting is quite daunting. An inability to adequately serve load is very expensive, as well as life threatening. The market prices reflect directly when supply is tight, and demand is high (as seen during Winter Storm Elliott) as a well-functioning market should. As Nucor points out in its brief, EKPC is a not-for-profit electric cooperative that does not have shareholders.¹⁸ EKPC only requests to build generation when it is

¹⁷ *Id.*

¹⁸ Nucor Brief, p. 1,

necessary to meet its load. EKPC is requesting to construct a resource to cover its actual peak load that has occurred for the past three winter seasons.

The Commission expressed the desire for utilities to have sufficient “steel in the ground” to adequately serve their native load and not rely on any market to serve its forecasted energy and capacity needs. The AG agrees with this stance and states, “Thus, EKPC[‘s] plan to serve its native load through ‘steel in the ground,’ as opposed to simply planning to meet its PJM requirements, is prudent and the correct public policy for the Commonwealth.” EKPC’s 2024 LTLF and its Capacity Expansion Plan support not only the Liberty RICE facility, but also the additional resources contained in EKPC’s comprehensive plan.¹⁹ The Liberty RICE facility will provide 214 MW.²⁰ The Capacity Expansion Plan indicates that EKPC has an expected shortfall of 200 MW of capacity beginning in the 2026/2027 winter period as compared to its forecasted winter peak and 454 MW as compared to its forecasted winter peak plus Reserve Margin.²¹ This shortfall does not include any new large data center loads that may develop on EKPC’s system.²² If any of the large data center loads come to fruition, the need demonstrated by EKPC in this proceeding will be much greater.²³ The proposed projects are therefore undoubtedly necessary.

B. Construction of the Liberty RICE Facility Does Not Result in Wasteful Duplication

The Joint Intervenors argued there is no way to tell if the Liberty RICE facility presented in this case would result in wasteful duplication because EKPC also requested additional

¹⁹ Tucker Direct Testimony, Attachment JJT-3.

²⁰ Application p. 5 (filed Sept. 20, 2024).

²¹ Tucker Direct Testimony, pp. 15-16.

²² Tucker Direct Testimony p. 8.

²³ *Id.*

generation in Case No. 2024-00370.²⁴ The Joint Intervenors claimed that since the “need” for the projects is the same, there is no way to possibly determine if the Liberty RICE facility results in wasteful duplication.²⁵ This is an illogical premise.

EKPC does not dispute that the need for the project is the same. As discussed at length in the EKPC’s Post-Hearing Brief, the need for the Liberty RICE facility and the projects in Case No. 2024-00370 is EKPC’s LTLF showing the lack of capacity and required additional generation to meet the needs of EKPC’s owner-members. The Liberty RICE facility will provide EKPC with only part of the additional generation it needs to satisfy the LTLF. EKPC has shown that it needs approximately 900 MW by the end of the fifteen-year planning horizon, and over 700 MW by the 2029/20230 winter season. Without this project, and the projects in Case No. 2024-00370, EKPC will fall short of the capacity needed to serve its owner-members and ultimately the end-use customers.

The Commission incorporated the record of this proceeding into Case No. 2024-00370,²⁶ indicating that the Commission is aware EKPC is providing a wholistic approach to ensuring it has the ability to provide sufficient, but not unnecessary, additional generation. While the need could be viewed as the same, the solutions are very different. The Liberty RICE facility in this case will provide EKPC with reliable quick ramping generation for the increasing renewable generation within the PJM system. The NGCC and the co-firing projects at Cooper Station and Spurlock Station provide reliable base load generation for EKPC. Since the projects provide much

²⁴ Post-Hearing Brief of Joint Intervenors at 14-15.

²⁵ Post-Hearing Brief of Joint Intervenors at 14-15.

²⁶ *Electronic Application of East Kentucky Power Cooperative, Inc. for 1) Certificates of Public Convenience and Necessity to Construct New Generation Resources; 2) for a Site Compatibility Certificate Relating to the Same; 3/ Approval of Demand Side Management Tariffs; and 4) Other General relief*, Case No. 2024-00370, February 12, 2025 Order (Ky. PSC February 12, 2025).

different support for EKPC’s system, the two projects do not result in wasteful duplication as the Joint Intervenors suggest.

The Commission expressed the desire for utilities to have sufficient “steel in the ground” to adequately serve its native load. Without the additional generation that will be supplied by the Liberty RICE facilities, EKPC will be forced to purchase additional capacity through market purchases. These market purchases would subject EKPC, and ultimately the end use members, to much higher prices than if EKPC had its own generation. Also, the Commission disallowed market purchases to cover a utility’s needs when it does not have sufficient generation of its own.²⁷ The Commission found that market purchases are not extraordinary and eligible for recovery when the utility could have planned for them.²⁸ Since EKPC is aware of its continuing all-time peaks, it must have sufficient generation to avoid wasteful, more expensive market purchases.

C. EKPC Satisfied its Burden of Proof for the Issuance of a Site Compatibility Certificate

To receive a site compatibility certificate, EKPC must meet the requirements of KRS 278.216. Pursuant to this statute, the Commission requires a utility seeking a site compatibility certificate to either submit a site assessment report (“SAR”) or show that it is in compliance with the National Environmental Policy Act (“NEPA”)²⁹. In this proceeding, EKPC provided both a SAR, containing all of the required information,³⁰ and its notice of availability of an environmental

²⁷ *Electronic Application of Kentucky Power Company for an Order Approving Accounting Practices to Establish a Regulatory Asset Related to the Extraordinary Fuel Charges Incurred by Kentucky Power Company in Connection with Winter Storm Elliott In December 2022*, Case No. 2023-00145, June 23, 2023 Order (Ky. PSC June 23, 2023).

²⁸ Case No. 2023-00145, June 23, 2023 Order at 12.

³⁰ Application, Exhibit 4, Attachments BY-1, Volume 1 and Volume 2.

assessment issued by RUS pursuant to NEPA.³¹ The final Finding of No Significant Impact (“FONSI”) was received from RUS.³²

The fact that KRS 278.216 requires a utility to file a SAR, including the information required for a merchant generator applying for a Certificate of Construction through the Siting Board, indicates that the legislature intended for the Commission to consider the factors contained within the SAR when making a determination to issue a site compatibility certificate.³³ However, the fact that KRS 278.216(2) allows the utility to submit compliance with NEPA provides the Commission with alternative criteria to review when ensuring a utility has done its due diligence in regards to site selection. The Commission does not have the statutory authority to consider the best use of the land as property rights are inherently constitutional in nature,³⁴ and the General Assembly has not abrogated the fundamental rights of landowners.

The Joint Intervenors argue the Commission should not grant EKPC a site compatibility certificate.³⁵ The Joint Intervenors claim the Liberty RICE facility is not compatible with scenic surroundings,³⁶ the project will have a negative impact on property values,³⁷ there will be

³¹ EKPC’s Supplemental Response to Joint Intervenors Third Request, Item 9.

³² EKPC’s Supplemental Response to Staff’s First Request, Item 18 (April 15, 2025)

³³ *Electronic Joint Application of Kentucky Utilities Company and Louisville Gas and Electric Company for a Site Compatibility Certificate for the Construction of a Solar Facility in Mercer County, Kentucky*, Case No. 2023-00361, Order p. 23 (Ky. P.S.C. July 12, 2024).

³⁴ KY Const. § 13 and §242; U.S. Const., amend. V and XIV.

³⁵ Post-Hearing Brief of Joint Intervenors at 23.

³⁶ Post-Hearing Brief of Joint Intervenors at 23-24.

³⁷ Post-Hearing Brief of Joint Intervenors at 25.

additional noise,³⁸ and the construction of the facility will cause an extreme amount of traffic.³⁹ However, the Joint Intervenors provided no evidence of any of these claims.

The Joint Intervenors claim that the facility itself is not compatible with scenic surroundings because the land is rural.⁴⁰ As required by KRS 278.216 and KRS 278.704, EKPC presented multiple mitigation measures to ensure the Liberty RICE facility does not interfere with the surroundings. EKPC is not requesting any deviation from the 1,000 statutory setbacks.⁴¹ EKPC plans to obtain 500 acres for the Liberty RICE facility so that there are not any residences within 1,000 feet of the RICE engines. The average distance from the RICE engines to residences is 1,262 feet.⁴² EKPC also plans on vegetative screening to aid in the Liberty RICE facility blending with the local surroundings.

The Joint Intervenors argued that there is the potential for negative impacts on property values.⁴³ There is no evidence in the record supporting this claim. The only evidence in the record is the property value assessment. This assessment directly contradicts the Joint Intervenors statements finding no negative impacts on adjoining property values.⁴⁴

The Joint Intervenors argued EKPC's analysis of peak and average noise was flawed because it did not consider noise at the property boundary as required by KRS 278.708(3)(d). This is not an accurate statement as Figures A-2 and A-3 in the Noise Study identifies the estimated

³⁸ Post-Hearing Brief of Joint Intervenors at 26.

³⁹ Post-Hearing Brief of Joint Intervenors at 26-27.

⁴⁰ Post-Hearing Brief of Joint Intervenors at 24.

⁴¹ HVT at 10:24:15

⁴² SAR, Appendix B at 1.

⁴³ Post-Hearing Brief of Joint Intervenors at 25.

⁴⁴ SAR, Appendix B at 1 and 40.

noise levels at the property boundary. There are currently no state or local noise requirements that would dictate the maximum noise levels at the property boundary. Accordingly, EKPC went a step further in the Sound Study to utilize the United States Environmental Protection Agency (“EPA”) guidelines that state a sound limit level at nearby sound receptors should be lower than 55 dBA (day-night level) or 48.6 dBA (continuous) for the comfort of nearby residents.⁴⁵ Through modeling, it was determined that there are two residential noise receptors where the sound level could reach 52 dBA during operation.⁴⁶ As a result, EKPC has acquired site purchase options for the two residential properties as part of its mitigation plan. Also, it is important to note that EKPC also requested the noise modeling be done for the loudest, most conservative, sound levels possible. The noise modeling in the report assumes all twelve of the Wartsila engines will be operating at the same time and did not include all of the planned sound mitigation measures such as the addition of vegetative buffers.⁴⁷ Furthermore, the Noise Study states that EPA guidelines should not be considered as regulatory limits.⁴⁸ EKPC is planning additional mitigation to suppress sound near the facility including exhaust silencers and resonator silencers for the RICE engines,⁴⁹ concrete walls around the engines, and ridge fence silencers.⁵⁰ With these additional noise suppression measures the noise level at the two close receptors should be below the EPA guidelines.

⁴⁵ SAR, Appendix D at 2-1.

⁴⁶ HVT at 10:43:15.

⁴⁷ HVT at 10:43:30.

⁴⁸ SAR, Appendix D, Executive Summary.

⁴⁹ HVT at 10:45:02.

⁵⁰ HVT at 10:45:02.

The Joint Intervenors argued that the traffic generated during construction is so great the site compatibility certificate should not be granted and also incorrectly interpreted that all “vehicles” noted in the report were large trucks.⁵¹ EKPC included a Traffic Study in the SAR.⁵² There will be additional traffic during the construction phase of the project, which would then decrease during operations.⁵³ The vast majority of the vehicles noted in the report will be automobiles driven by craft personnel and project management. Much like the noise and scenic surroundings, EKPC planned multiple mitigation measures during the construction phase of the project. The mitigation of the effects of the traffic would not degrade the roads or cause traffic that is heavier than already experienced on the roads around the project.⁵⁴ Additionally, EKPC will work with the Kentucky Department of Transportation and county officials to ensure the safety and integrity of the local roadways.⁵⁵

EKPC provided a complete record supported by sworn testimony from qualified professionals and expert evidence that meets the requirements of KRS 278.216 and the Commission should issue a Site Compatibility Certificate for the Liberty RICE facility. Joint Intervenors provided no witnesses in support of their inaccurate statements or allegations.

D. EKPC Has Provided All Necessary Information

EKPC responded to over 850, including subparts, data requests in this proceeding. EKPC participated in an informal conference with Commission Staff and all parties to this proceeding

⁵¹ Post Hearing Brief of Joint Intervenors at 27.

⁵² SAR, Appendix E.

⁵³ SAR, Appendix E at 6.

⁵⁴ SAR, Appendix E at 5-6.

⁵⁵ HVT at 11:07:15. **CONFIDENTIAL SESSION.**

and responded to questions during the informal conference. In addition, EKPC supplemental multiple responses when informally requested to do so by the Joint Intervenors and the Sierra Club. EKPC even filed responses to “clarifying” questions informally asked by the Sierra Club, after the emergency motion filed by the Sierra Club was denied by the Commission. The responses to the clarifying questions of Sierra Club are the ones referred to in the Sierra Club’s brief as being filed right before the hearing in this matter. EKPC did not have to answer the clarifying questions informally posed by the Sierra Club, but chose to do so. However, the Sierra Club wants to argue that EKPC intentionally withheld evidence. The saying, “no good deed goes unpunished” fits perfectly in this case.

In addition, Sierra Club argues that the Commission does not have the opportunity to consider EKPC’s overall power supply plan in totality.⁵⁶ EKPC has submitted applications for CPCNs to the Commission for the Liberty RICE facility in this proceeding and the Cooper Combined Cycle Gas Turbine and the co-fire conversions of its coal assets at Cooper and Spurlock Stations in Case No. 2024-00370.⁵⁷ The Commission has incorporated this proceeding into the record of Case No. 2024-00370. The Sierra Club did not intervene in Case No. 2024-00370. The Commission has all the facts on record to adequately review the plan in its totality.

Sierra Club argues that EKPC did not provide its modeling to allow the intervenors and the Commission to evaluate EKPC’s evidence on the reasonableness of the Liberty RICE facility.⁵⁸

⁵⁶ Sierra Club Brief, pp, 1 and 4.

⁵⁷ *In the Matter of: Electronic Application of East Kentucky Power Cooperative, Inc. for 1) Certificates of Public Convenience and Necessity to Construct a New Generation Resource; A Site Compatibility Certificate Relating to the Same; 3) Approval of Demand Side Management Tariffs; and 4) Other General Relief*, Case No. 2024-00370, (Nov. 25, 2024).

⁵⁸ Sierra Club’s Brief, p. 7.

Throughout the hearing in this matter as well as its brief, the Sierra Club questions the capacity factor used by EKPC in this proceeding for the RICE units. The capacity factor for the RICE units is a result of heat rate, variable operations and maintenance and forward gas prices compared to forward market prices. EKPC cannot arbitrarily decide on a capacity factor for the RICE units, thus it used production cost modeling. The capacity factor used in this proceeding is based on well-founded modeling assumptions. EKPC has no reason to discount the modeled capacity factor of the RICE units.

Sierra Club states that the RICE unit's ramp rate is not included in the model.⁵⁹ However, ramp rates are included in the unit parameters of the model.⁶⁰ The issue is that the RICE units ramp so quickly that once dispatched they run at full output nearly the entire hour within the model. This provides the appearance of zero ramp rate and 100% capacity factor for that hour, but in reality there is a small ramp period included. The Sierra Club also infers that EKPC should have considered a combustion turbine instead of the RICE engines.⁶¹ As stated in responses to discovery, EKPC has shown that a combustion turbine does not provide the same operational flexibility that RICE units provide and therefore was not considered as the optimal choice.⁶²

III. CONCLUSION

The Liberty RICE Facility is needed, will not result in wasteful duplication, and a Site Compatibility Certificate should be granted. This project protects EKPC's owner-members from highly volatile market pricing and emergency energy needs during extreme weather events. The

⁵⁹ Sierra Club's Brief, p. 12.

⁶⁰ Direct Testimony of Brad Young, Attachment BY-1.

⁶¹ Sierra Club's Brief, p. 14.

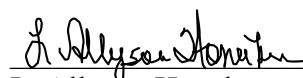
⁶² EKPC's Response to Commission Staff's First Request Item 6; EKPC's Response to Commission Staff's Second Request Item 8.

technology selection is highly efficient throughout its operating range and will displace higher cost market power in general and lower EKPC's carbon footprint as it displaces higher emitting resources. The location and multiple unit configuration will provide assurance of grid reliability in the south Kentucky region. The units are highly complementary to EKPC's planned increase in intermittent renewable resources to assure overall portfolio reliability for EKPC's owner-members and ensure cost competitiveness. The Liberty RICE Facility will also advance EKPC's efforts to achieve its Strategic Plan and is fully compatible with the Commission's often-stated preference that a utility satisfy its load commitments with generation base upon "steel in the ground" and not reliance upon the market.⁶³

WHEREFORE, on the basis of the foregoing, EKPC respectfully requests the Commission grant the CPCN to allow EKPC to construct the Liberty RICE Facility, issue a Site Compatibility Certificate, and provide any other relief to which EKPC may be entitled.

This the 18th day of April 2025.

Respectfully Submitted,



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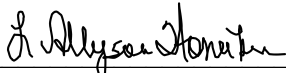
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⁶³ Direct Testimony of Don Mosier, p. 8.

CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission on April 18, 2025, 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.