

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE ELECTRONIC APPLICATION OF DUKE)
ENERGY KENTUCKY, INC., FOR: 1) AN)
ADJUSTMENT OF THE ELECTRIC RATES; 2)) CASE NO.
APPROVAL OF NEW TARIFFS; 3) APPROVAL) 2024-00354
OF ACCOUNTING PRACTICES TO ESTABLISH)
REGULATORY ASSETS AND LIABILITIES;)
AND 4) ALL OTHER REQUIRED APPROVALS)
AND RELIEF.

**DUKE ENERGY KENTUCKY, INC.'S FIRST REQUEST FOR INFORMATION
PROPOUNDED UPON WALMART, INC.**

Comes now Duke Energy Kentucky, Inc. (Duke Energy Kentucky or the Company), and addresses the following First Requests for Information to Walmart, Inc., to be answered by the date specified in the Commission's Order of Procedure, and in accordance with the following instructions:

I. DEFINITIONS AND INSTRUCTIONS

1. With respect to each discovery request, all information is to be divulged that is within the knowledge, possession, or control of the parties to whom it is addressed, including their agents, employees, attorneys, and/or investigators.

2. Please identify the witness(es) who will be prepared to answer questions concerning each request.

3. These requests shall be deemed continuing so as to require further and supplemental responses if the Company receives or generates additional information within the scope of these requests between the time of the response and the time of any hearing

conducted hereon.

4. All answers must be separately and fully stated in writing under oath.

5. Where a request calls for an answer in more than one part, each part should be separated in the answer so that the answer is clearly understandable.

6. For purpose of these discovery requests, the following terms shall have meanings set forth below:

(a) As used herein, “document,” “documentation” and/or “record,” whether stated as the singular or the plural, means any course of binders, book, pamphlet, periodical, letter, correspondence, memoranda, including but not limited to, any memorandum or report of a meeting or telephone or other conversation, invoice, account, credit memo, debit memo, financial statement, general ledger, ledger, journal, work papers, account work papers, report, diary, telegram, record, contract, agreement, study, draft, telex, handwritten or other note, sketch, picture, photograph, plan, chart, paper, graph, index, tape, data processing card, data processing disc, data cells or sheet, check acceptance draft, e-mail, studies, analyses, contracts, estimates, summaries, statistical statements, analytical records, reports and/or summaries of investigations, opinions or reports of consultants, opinions or reports of accountants, trade letters, comparisons, brochures, pamphlets, circulars, bulletins, notices, forecasts, electronic communication, printouts, all other data compilations from which information can be obtained (translated if necessary by

defendants into usable form), any preliminary versions, drafts or revisions of any of the foregoing, and/or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced and regardless of origin or location, in the possession, custody and/or control of the defendant and/or their agents, accountants, employees, representatives and/or attorneys. "Document" and "record" also mean all copies of documents by whatever means made, if the copy bears any other markings or notations not found on the original.

- (b) The terms "relating to," "referring to," "referred to," "pertaining to," "pertained to" and "relates to" means referring to, reporting, embodying, establishing, evidencing, comprising, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, presenting and/or constituting and/or in any way involving.
- (c) The terms "and," "or," and "and/or" within the meaning of this document shall include each other and shall be both inclusive and disjunctive and shall be construed to require production of all documents, as above-described, in the broadest possible fashion and manner.
- (d) The term "Walmart" shall mean Walmart, Inc., and shall include, but is not limited to, each and every agent, employee, servant, insurer, and/or attorney of the Walmart. The term "you" shall be deemed to refer to Walmart.

- (e) The term “Commission” shall mean the Kentucky Public Service Commission.
- (f) The terms “Duke Energy Kentucky” and the “Company” shall mean Duke Energy Kentucky, Inc., its employees, agents, officers, directors, and representatives.
- (g) To “identify” shall mean:
 - (1) With respect to a document, to state its date, its author, its type (for example, letter, memorandum, chart, photograph, sound reproduction, etc.), its subject matter, its present location, and the name of its present custodian. The document may be produced in lieu of supplying the foregoing information. For each document which contains information as privileged or otherwise excludable from discovery, there shall be included a statement as to the basis for such claim of privilege or other grounds for exclusion.
 - (2) With regard to a natural person, to state his or her full name, last known employer or business affiliation, title, and last known home address.
 - (3) With regard to a person other than a natural person, state the title of that person, any trade name, or corporate name or partnership name used by that person, and the principal business address of that person.
- (h) To “produce” or to “identify and produce,” shall mean that Walmart

shall produce each document or other requested tangible thing. For each tangible thing which Walmart contends is privileged or otherwise excludable from discovery, there shall be included a statement as to the basis for such claim of privilege or other grounds for exclusion.

- (i) The terms “Party or Parties” shall mean any organization, person, corporation, entity, etc., which intervened in the above-captioned proceeding and shall further include the Kentucky Public Service Commission Staff.
- (j) The terms “Agreement or Agreements” shall mean written or oral terms agreed upon by the participants and include, but are not limited to, protective agreements, confidentiality agreements, joint defense agreements, agreements to support or oppose any item or position, and any other commitments made among Walmart and any Intervening Party.

II. REQUESTS FOR INFORMATION

- 1. Other than Ms. Perry, please identify any persons, including experts, whom Walmart has consulted or retained with regard to evaluating Duke Energy Kentucky’s Application in this proceeding.
- 2. For each person identified in response to Request No. 1 above, please state:
 - a. the subject matter of the discussions/consultations/evaluations;
 - b. the written opinions of such persons regarding Duke Energy Kentucky’s Application;
 - c. the facts to which each person relied upon; and

d. a summary of the person's qualifications to render such discussions/consultations/evaluations.

3. For each person identified in response to Request No. 1 above, please identify all proceedings in all jurisdictions in which the witness/person has offered evidence, including but not limited to, pre-filed testimony, sworn statements, and live testimony or analysis. For each response, please provide the following:

- a. the jurisdiction in which the testimony, statement, or analysis was pre-filed, offered, given, or admitted into the record;
- b. the administrative agency and/or court in which the testimony, statement, or analysis was pre-filed, offered, admitted, or given;
- c. the date(s) the testimony, statement, or analysis was pre-filed, offered, admitted, or given;
- d. the identifying number for the case or proceeding in which the testimony, statement, or analysis was pre-filed, offered, admitted, or given; and
- e. whether the person was cross-examined.

4. Identify and provide all documents or other evidence that Walmart may seek to introduce as exhibits or for purposes of witness examination in the above-captioned matter.

5. Please identify all proceedings in all jurisdictions in the last three years in which Ms. Perry has offered evidence, including but not limited to, pre-filed testimony, sworn statements, and live testimony or analysis. For each response, please provide the following:

- a. the jurisdiction in which the testimony, statement, or analysis was prefiled, offered, given, or admitted into the record;
- b. the administrative agency and/or court in which the testimony, statement, or analysis was pre-filed, offered, admitted, or given;
- c. the date(s) the testimony, statement, or analysis was pre-filed, offered, admitted, or given;
- d. the identifying number for the case or proceeding in which the testimony, statement, or analysis was pre-filed, offered, admitted, or given;
- e. whether the witness was cross-examined;
- f. the custodian of the transcripts and pre-filed testimony, statements, or analysis for each proceeding; and
- g. copies of all such testimony, statements, or analysis.

6. Please provide copies of any and all documents, analysis, summaries, white papers, work papers, spreadsheets (electronic versions with cells intact), including drafts thereof, as well as any underlying supporting materials created by Ms. Perry as part of her evaluation of Duke Energy Kentucky's Application or used in the creation of Ms. Perry's testimony.

7. Please provide copies of any and all documents not created by Ms. Perry, including but not limited to, analysis, summaries, cases, reports, and evaluations, that Ms. Perry relied upon, referred to, or used in the development of her testimony.

8. Please provide any and all studies, analysis, and presentations that Ms. Perry has created or publicly made within the last three years that involve utility regulation,

ratemaking, cost of service, rate of return, or fossil-fired electric generation unit retirements that are discussed in Ms. Perry's testimony.

9. Please provide workpapers for all tables and graphs included in Ms. Perry's testimony in native Excel format with all formulas intact.

10. Please provide copies of Exhibits LVP-2, LVP-3, Exhibit LVP-4, and Exhibit-LVP-5 in native Excel format, with all formulas intact.

11. Please state whether there are any agreements between Walmart and any Intervening Party to the above-captioned proceeding, or any member or affiliate of an Intervening Party to the proceeding, that concern said proceeding. For purposes of this Request, "intervening party" includes any party to have filed a motion to intervene in the above-captioned proceeding. To the extent that Walmart contends that any such documents are privileged, please provide a privilege log for the same.

12. Please state whether there are any agreements between Walmart and any entity exhibiting interest in the above-captioned proceeding, or any member or affiliate of an entity exhibiting interest to the proceeding, that concern said proceeding. For purposes of this Request, "entity exhibiting interest" includes any person, business, or corporation, including but not limited to, a Duke Energy Kentucky customer that has not filed a motion to intervene in the above-captioned proceeding. To the extent that Walmart contends that any such documents are privileged, please provide a privilege log for the same.

13. Did Ms. Perry perform any empirical analysis or modeling to support her ROE recommendation?

- a. If the response is in the affirmative, please explain such analysis and modeling.

- b. Please provide a copy of all such analysis and models, including but not limited to, inputs, data sets, work papers, spreadsheets with cells intact, that were used in forming her ROE recommendation.
- 14. Please refer to Figure 1 on page 12 of the Direct Testimony of Lisa Perry, please provide the sources of the data used to create the figure.
- 15. Did Ms. Perry perform a discounted cash flow analysis in arriving at or to support her ROE recommendation? If the response is in the affirmative, please provide the analysis, including all inputs, data sets, workpapers and spreadsheets with cells intact.
- 16. Did Ms. Perry perform a CAPM analysis in arriving at or to support her ROE recommendation? If the response is in the affirmative, please provide the analysis including all inputs, data sets, workpapers and spreadsheets with cells intact.
- 17. Did Ms. Perry perform any risk premium analysis to arrive at or support her ROE recommendation? If the response is in the affirmative, please provide the analysis including all inputs, data sets, workpapers and spreadsheets with cells intact.
- 18. Referring to Direct Testimony of Lisa Perry at pages 10 and 11 regarding the national trend in ROEs for electric utilities, does Ms. Perry agree that Duke Energy Kentucky is a vertically integrated utility?
 - a. If the response is in the negative, please explain why she believes the Company is not vertically integrated.
- 19. Please refer to the Direct Testimony of Lisa Perry at page 25, line 10 through page 27, line 7, and answer the following:
 - a. In response to WALMART-DR-02-003, the Company clarified that the load is a threshold for new load, whether the load be a new customer site(s) or

incremental new load at an existing customer site(s), that results in significant system investment. Setting aside the specific incremental load threshold for this question whether it be 20 MW or 75 MW, does Walmart propose that an incremental load addition in excess of the threshold at one or more of the existing Walmart sites should be exempt from the proposed provision? Please explain your answer.

20. Refer to the discussion of the Company's proposed changes to Rate DT reflected in the Direct Testimony of Lisa Perry at pages 25 through 27, and answer the following:

- a. How did Ms. Perry arrive at a 75 MW threshold for large load on Duke Energy Kentucky's system?
- b. Has Ms. Perry performed any analysis of customer demand on Duke Energy Kentucky's system to determine whether any customers currently have a greater than 20 MW demand? If yes, provide such analysis.
- c. Does Ms. Perry know whether Duke Energy Kentucky currently has any customers with a demand that is 75 MWs or greater?
- d. Please provide all analysis, including work papers, data sets, inputs, models, and spreadsheets with cells intact that Ms. Perry used or relied upon to arrive at her recommendation that 75 MWs was the appropriate level to define large load for Duke Energy Kentucky's system.
- e. Would Ms. Perry's concern regarding the 20 MW threshold for large load be alleviated if the Company did not include the "at one or more aggregated premises" language?

21. Would Walmart agree to a large demand threshold for Rate DT of something less than 75 MWs?

22. Please refer to the Direct Testimony of Lisa Perry at page 27, line 9 through page 30, line 20, and answer the following:

- a. What is the average monthly load factor of the public DCFC EV charger installations at Walmart sites?
- b. Is Walmart aware of the low load factor mechanisms embedded in the Company's Rates DS and DP specifically related to the maximum \$/kWh rate?
- c. Is Walmart aware that accounts with average monthly demand of 500 kW or greater are required to be on a time of use rate such as rate DT ?

Respectfully submitted,

DUKE ENERGY KENTUCKY, INC.

/s/Rocco D'Ascenzo

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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing is a true and accurate copy of the document in paper medium; that the electronic filing was transmitted to the Commission on March 19, 2025; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that submitting the original filing to the Commission in paper medium is no longer required as it has been granted a permanent deviation.¹

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¹*In the Matter of Electronic Emergency Docket Related to the Novel Coronavirus COVID-19*, Order, Case No. 2020-00085 (Ky. P.S.C. July 22, 2021).