

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN APPLICATION OF EAST KENTUCKY POWER)	
COOPERATIVE, INC. FOR APPROVAL OF THE)	
AUTHORITY TO ISSUE UP TO \$450,000,000 OF)	
SECURED OR UNSECURED PRIVATE PLACEMENT)	Case No. 2025-00044
OR BANK/FINANCIAL INSTITUTION DEBT)	
OBLIGATIONS)	

MOTION FOR DEVIATION

Comes now East Kentucky Power Cooperative, Inc. (“Applicant” or “EKPC”), by and through counsel, pursuant to 807 KAR 5:001, Section 22 and respectfully requests the Commission grant a deviation from 807 KAR 5:001 Section 12(1)(a). EKPC respectfully states as follows:

1. On February 25, 2025, EKPC filed an Application for the approval to issue up to \$450,000,000 of secured or unsecured private placement or financial institution debt to help finance capital projects.

2. On February 28, 2025, Commission Staff issued a Deficiency Letter stating the Application did not meet the requirements of 807 KAR 5:001, Section 18(1)(c). Contemporaneously with this Motion, EKPC is providing additional information it believes will cure the deficiency noted by Commission Staff.

3. 807 KAR Section 18(2)(a) requires a financial exhibit as described in 807 KAR Section 12 in an Application for the authority to issue evidences of indebtedness. 807 KAR

Section 12(1)(a) requires that a financial exhibit, “cover operations for a twelve (12) month period, the period ending not more than ninety (90) days prior to the date the application is filed.”

4. EKPC provided the required financial exhibit in its Application for the twelve (12) month period ending November 30, 2024. Since, EKPC could not cure the deficiency before February 28, 2025, the financial exhibit is now outside of the ninety (90) days prior to the application being deemed filed by the Commission.

5. EKPC is requesting the Commission grant a deviation from the ninety (90) day time limit in 807 KAR 5:001, Section 12(1)(a) pursuant to 807 KAR 5:001, Section 22 which allows a deviation for good cause shown. Assuming Commission Staff accepts the information filed to cure the deficiency, the financial exhibit will be for a twelve (12) month period not more than 95 days prior to the date of the Application. Five days is not a material difference in timing.

6. There is additional good cause to grant the deviation from the 90-day time limit in 807 KAR 5:001, Section 12(1)(a). If the Commission does not grant a deviation from this requirement, EKPC would not be able to file its financing application until after April 2025. The next available timeframe would be the period ending December 31, 2024. However, EKPC cannot have year-end financial information complete until April 2025. This would make the financial exhibit for the year-end financials more than 90 days old when EKPC could file the Application for financing. Filing the Application in April could put EKPC in jeopardy of not being about to secure favorable financing in the timeframe needed.

WHEREFORE, on the basis of the foregoing, EKPC respectfully requests that the Commission grant a deviation of 807 KAR 5:001, Section 12(1)(a) and 807 KAR 5:001, Section 18(2)(a) pursuant to 807 KAR 5:001, Section 22 and allow the Application to proceed with a financial exhibit for the 12-month period ending November 30, 2024, which is not more than

ninety-five days from the date of the Application is deemed filed by the Commission, if the deficiency is cured with the filing made by EKPC.

This 5th day of March, 2025.

Respectfully submitted,

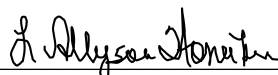


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CERTIFICATE OF SERVICE

This is to certify that the electronic filing was transmitted to the Commission on March 5, 2025 and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085 no paper copies of this filing will be made.



Counsel for East Kentucky Power Cooperative, Inc.