

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

In the matter of: :

ELECTRONIC JOINT APPLICATION OF KENTUCKY : CASE NO. 2025-00045
UTILITIES COMPANY AND LOUISVILLE GAS AND :
ELECTRIC COMPANY FOR CERTIFICATES OF
PUBLIC CONVENIENCE AND NECESSITY AND SITE :
COMPATIBILITY CERTIFICATES

:

**KENTUCKY COAL ASSOCIATION, INC.’S MOTION TO AMEND THE
PROCEDURAL SCHEDULE TO PERMIT THE INTERVENORS TO PROVIDE
DEFERRED OR SUPPLEMENTAL TESTIMONY AS IT PERTAINS TO
ANTICIPATED ANALYSIS AND STUDY REGARDING MILL CREEK 2**

Comes the Kentucky Coal Association, Inc. (“KCA”), 880 Corporate Drive, Suite 101, Lexington, Kentucky 40503 pursuant to 807 KAR 5:001 Section 5(1), by counsel, and moves to amend the procedural schedule to permit the intervenors to provide deferred or supplemental testimony as it pertains to anticipated analysis and study regarding Mill Creek 2. In support of this motion, KCA states as follows:

KCA is a Kentucky nonprofit corporation in existence as a corporation since 1947. KCA is the state’s leading organization dedicated to advancing the interests of the coal industry across Kentucky.

In this matter the Commission is in the process of examining the requests of the Companies: (i) for a Certificate of Public Convenience and Necessity (“CPCN”) Application; (ii) to build two 645 MW Natural Gas Combined Cycle plants; (iii) to build a 400 MW battery storage facility; (iv) to construct a selective catalytic reduction (SCR) at Ghent 2; and (v) site compatibility certificates for Brown 12, Mill Creek 6, and the Cane Run BESS.

The current procedural schedule requires intervenors to file their testimony regarding the CPCN on or before May 30, 2025. In response to initial data requests¹ from KCA addressing whether the Companies were reconsidering retiring MC 2 the Companies indicated, “[t]he Companies are currently evaluating the continued operation of Mill Creek 2 and will provide the results of their analysis when it is complete.” KCA First Data Request to the Companies, 1.4.

Thereafter, in response to supplemental data requests from KCA and Commission Staff on this issue, the Companies indicated, “[t]he Companies are addressing the possibility of delaying the retirement of Mill Creek 2 in the context of a broader analysis to determine the optimal approach for supporting economic development and managing tariff, ITC, firm gas transport availability, and load risk for customers. **This study will be completed by May 30, 2025.**” (emphasis added) Response of the Companies to Commission Staff Second Request for Information Dated April 30, 2025, Q-47.

While KCA certainly appreciates the Companies’ forthcoming analysis and study involving MC 2, providing this information on the same day as the due date for intervenor verified testimony (May 30, 2025) creates logistical hurdles for KCA (or other intervenors) to provide meaningful insight or testimony on this MC 2 analysis and the corresponding impacts to this CPCN.

Analysis on whether or not to continue the retirement of MC 2 is very important to KCA given KCA is the state’s leading organization dedicated to advancing the interests of the coal industry across Kentucky. And, while KCA will not speak for other intervenors this analysis, said analysis may be important to other intervenors as well.

¹ Given the change in the load growth assumptions from the 2024 IRP, the retirement of MC 2 should be reconsidered. Have the Companies evaluated the continued operation of MC 2? If so, please provide the assumptions, analysis, and findings. If not, please explain why. Q.1.4 from KCA dated March 28, 2025.

KCA is respectful of deadlines in this matter and does not look to disrupt or materially alter the procedural schedule put in place by the Commission. However, KCA respectfully requests that it, as well as other intervenors, be permitted to provide supplemental testimony on this MC 2 analysis after having a reasonable time to review the analysis provided by the Companies on this concept. It is believed that KCA testimony or other intervenor testimony addressing this analysis is likely to develop facts that will assist the Commission in fully considering the matters at hand.

It is respectfully requested that the Commission either: (a) modify the existing intervenor testimony deadline until June 6, 2025 or (b) issue instead an Order permitting supplemental testimony, after the initial testimony on May 30, 2025, constrained to the issue of the MC 2 analysis and its corresponding impacts on this CPCN from any intervenors, if any desiring to do so, no later than June 6, 2025. Permitting deferred or supplemental testimony in this format gives intervenors such as KCA a week to review the analysis and provide supplemental testimony on this discrete issue if they wish to do so. Likewise, the Companies' initial data requests to the intervenors are not due until June 13, 2025, allowing reasonable time for the Companies to review deferred or supplemental testimony for purposes of crafting questions to intervenors on this issue as well.

Wherefore, KCA respectfully requests that the procedural schedule of March 13, 2025 be amended to permit deferred or supplemental testimony from any intervenors on the issue of MC 2 analysis and corresponding impacts in this CPCN on or before June 6, 2025.

Respectfully submitted,

/s/Matt Malone

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CERTIFICATE OF SERVICE

I hereby certify that KCA's May 22, 2025 electronic filing is a true and accurate copy of KCA's pleading and Read 1st Document to be filed in paper medium; that the electronic filing has been transmitted to the Commission on May 22, 2025; 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 22, 2025, electronic mail notification of the electronic filing is provided to all parties of record.

/s/Matt Malone

Attorney for Kentucky Coal Association, Inc.