

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

**RESPONSES OF THE ATTORNEY GENERAL AND KIUC RESPONDING TO
DATA REQUESTS OF COMMISSION**

Comes now the Attorney General of the Commonwealth of Kentucky, by his Office of Rate Intervention (“Attorney General”) and Kentucky Industrial Utility Customers (“KIUC”), and submit these Data Requests Responses related to Data Requests filed by the Commission on June 20, 2025.

Respectfully submitted,

RUSSELL COLEMAN
ATTORNEY GENERAL



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Certificate of Service and Filing

Pursuant to the Commission's Orders and in accord with all other applicable law, Counsel certifies that the foregoing electronic filing was transmitted to the Commission on July 3, 2025, and there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.

This 3rd day of July, 2025

A handwritten signature in blue ink, appearing to read "Thomas J. Johnson".

Assistant Attorney General

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1. Refer to Direct Testimony of Lane Kollen (Kollen Direct Testimony), page 8. Explain whether the Attorney General/KIUC has concerns regarding the inclusion of an equity return on rate base for post in service deferrals, other than the stated reasoning that supports the generally accepted accounting principles and the Federal Energy Regulatory Commission's (FERC) uniform system of accounts limits that only allow reporting a deferred debt return on rate base.

Response (prepared by Lane Kollen)

In addition to the accounting limitations noted in the question, deferral of incremental costs related to each new resource, including a WACC return, must be considered against the alternative of comprehensive base rate case filings, which would include not only the incremental costs of the new resource, but also increases in revenues due to customer growth and potential expense reductions, as well as declines in rate base due to additional accumulated depreciation and tax depreciation ADIT on existing plant, since the effective dates of the Companies' last rate cases. There also is the concern with the timing of comprehensive base rate case filings; new rates may not be effective coincident with the effective dates of the new rates from those filings

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2. Refer to Kollen Direct Testimony, pages 8 and 9. Explain whether witness Kollen recommends that any of the listed unaddressed costs and revenues be included in Louisville Gas & Electric Company and Kentucky Utilities Company's (jointly, LG&E/KU) present value revenue requirement calculation (PVRR). If so, identify which ones.

Response (prepared by Lane Kollen)

No. These concerns are accounting and ratemaking issues and do not directly affect the PVRR analyses the Companies performed in support of their requests for CPCNs.

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3. Refer to Kollen Direct Testimony, page 12. Explain why Witness Kollen recommends a Generation Cost Recovery Rider (GCRR) solely for Mill Creek 6 and not any of the other proposed generating units.

Response (prepared by Lane Kollen)

The Brown 12 resource is to replace the capacity from retired generating units and to meet organic load growth, not specifically to serve the projected incremental large data center loads included in the Companies' load forecasts. In contrast, the Mill Creek 6 resource is not necessary to meet organic load growth or replace the capacity from retired generating units. Rather the Mill Creek resource is necessary only to allow the Companies to serve the projected incremental large data center loads and the GCRR, together with the recommendations to adopt a modified version of the Companies' proposed EHLF tariffs, ensure that the new large data center loads are under contract, have sufficient credit support, and are charged from the onset for the costs incurred to serve their full contract loads.

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4. Refer to the Direct Testimony Leah Wellborn (Wellborn Direct Testimony), pages 10 and 11.
 - a. Provide the workpapers and/or related information relied on by Witness Wellborn when asserting that: "[t]he Companies currently only have 535 MW of economic development load in the announced or imminent pipeline phases, which could be served by existing resources and approval of the Brown 12 NGCC." Provide all Excel files with formulas intact and cells unlocked.
 - b. Additionally, state whether Witness Wellborn assumed that Mill Creek 2 remained operational in the assumption that Brown 12 was sufficient to serve 535 MW of load growth. If yes, include as part of the answer if, or when, Mill Creek 2 was assumed to retire.

Response (prepared by Leah Wellborn)

- a. Please see workpaper attached to AG-KIUC response to KU-LGE Q1 "WP_LJW_Table2_12-PSC_DR2_LGE_KU_Attach_to_Q17(g)_Updated_KIUC_DR1-33(a)_Project_Tracking_05.12.25.xlsx" deriving the 532 MW of economic development load in the announced or imminent pipeline phase (rounded to 535 MW).

Please see attached workpaper, "WP_LJW_Table3_20250129 Resource Assessment RM Need Tables_0336_D02.CONF.xlsx" that relies on the Company's capacity position provided in Companies' file, "20250129 Resource Assessment RM Need Tables_0336_D02.xlsx" and load forecast without economic development from "AWJ_JDL_Charts.xlsx."

- b. The analysis assumed retirement of Mill Creek 2 in 2027.

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5. Refer to the Wellborn Direct Testimony, Tables 3a and 3b.
 - a. Provide the workpapers relied on by Witness Wellborn in creating the tables.
Provide any formulas and calculations in Excel format with the formulas intact and cells unlocked.
 - b. Explain why the summary begins in 2029 and not on an earlier date.

Response (prepared by Leah Wellborn)

- a. Please see workpaper attached to AG-KIUC response to KU-LGE Q1,
“WP_LJW_Table3_20250129 Resource Assessment RM Need
Tables_0336_D02.CONF.xlsx”
- b. The summary was intended to show the runway of economic development load before and after the addition of Brown 12 in 2030. Additional years 2028-2035 were computed in the workpaper.

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6. Refer to the Wellborn Direct Testimony, page 19. State whether the witness is aware of any jurisdictional utility that currently relies on tariffs or other provisions similar to the "amended EHLF rate" discussed in the testimony. If yes, provide the relevant tariff or other provisions; identify the utility, the jurisdiction, and whether any customer is taking service under such provisions, if known.

Response (prepared by Leah Wellborn)

The referenced "amended EHLF rate" refers primarily to stronger tariff provisions around 1) contract capacity for minimum billing, 2) reduced ramping allowance, and 3) a provision to protect existing and established customers from changes to terms and conditions. Data Center load growth is an emerging issue and utilities are responding with a combination of new tariff development, existing tariff modifications, and/or changes to terms and conditions. As such, customer uptake under the tariffs is unknown given some of the regulatory proceedings are still pending or only recently approved. Examples for jurisdictional utilities that rely on tariff provisions similar to the discussed amended EHLF rate is included below:

Kentucky Power Company (KPSC Docket 2024-00305)

https://psc.ky.gov/pscscf/2024%20Cases/2024-00305//20250318_PSC_ORDER.pdf

The PSC approved Kentucky Power's request to revise tariff I.G.S. applicable to new commercial customers requesting service on or after September 30, 2024. The approved tariff also includes a minimum monthly billing demand of at least 90 percent of the customer's highest established demand. The order was issued March 18, 2025.

East Kentucky Power Cooperative (KPSC Docket 2025-00140)

<https://psc.ky.gov/Case/ViewCaseFilings/2025-00140>

East Kentucky Power Company has proposed new tariff Data Center Power ("DCP") which is currently under review. Proposed terms include identified resource selection and cost recovery such that the qualifying customer would be assigned costs associated with any dedicated resources.

Ohio Power Company (PUCO Docket 24-0508-EL-ATA)

<https://dis.puc.state.oh.us/ViewImage.aspx?CMID=A1001001A24J23B55758I01206>

AEP Ohio proposed a data center tariff for approval in an application, and then subsequently filed a stipulation agreement on October 23, 2024 proposing a tariff with various provisions. The filed settlement agreement provided for a sliding scale on minimum demand provisions (no greater than 85%). This stipulation and tariff is still pending with the Public Utilities Commission of Ohio in Docket 24-0508-EL-ATA.

Indiana-Michigan Power Company (IURC Docket 46097)

https://iurc.portal.in.gov/entity/sharepointdocumentlocation/ba79885d-47f4-ef11-be20-001dd80ad83d/bb9c6bba-fd52-45ad-8e64-a444aef13c39?file=46097_IndMich_Tariff%20Submission_022525.pdf

Indiana-Michigan Power petitioned the IURC for modifications to Industrial Power (IP) tariff. Various parties reached a settlement and the settlement was accepted by the Commission. The filed compliance tariffs include 5 year ramp and 80% contract minimum for large load customers. In development of the Company's position in this case, Witness Vaughn provided

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evidence of a tariff survey that included minimum demand provisions above 80% in his November 4, 2024 rebuttal testimony.¹ This table is replicated below for ease of reference

Figure AEV-2R – Minimum Demand Provision Examples from Other Vertically-Integrated Electric Utilities

Company	State	Tariff	Short Description	Highest Demand Ratchet (%) Included in Minimum Demand Provision
Georgia Power	GA	Schedule Power and Light Large (PLL-17)	Demand of 500 kW or more	95%
Alabama Power	AL	Rate High Load Factor Industrial Power	Demand of 3,000 kW or more and annual load factor of 90% or more	90%
Duke	NC	Schedule High Load Factor (HLF)	Demand of 1,000 kW or more	90%
Evergy (Kansas Central)	KS	Schedule Industrial and Large Power Service (ILP)	Demand of 25,000 kW or more	85%
Arizona Public Service	AZ	Schedule Extra Large General Service (E-34)	Demand of 3,000 kW or more	80%
Entergy	LA	Schedule Large Power High Load Factor Service (LPHLF-G)	Demand of 200,000 kW or more	80%
Oklahoma Gas & Electric	OK	Schedule Large Power and Light Standard (LPL-1)	Load Factor of 70% or greater and a minimum annual of 150,000,000 kWh	80%
Dominion Energy	VA	Schedule Large General Service Market-Based Rate (MBR) (Experimental)	Demand of 5,000 kW or more	75%
Entergy	TX	Schedule Large Industrial Power Service (LIPS)	Demand of 2,500 kW or more	75%
Minnesota Power	MN	Schedule Large Light and Power Service	Demand under 50,000 kW	75%

Appalachian Power/Wheeling Power (WV Docket 24-0611-E-T-PW)

<https://www.psc.state.wv.us/Scripts/WebDocket/ViewDocument.cfm?CaseActivityID=638931&NotType=WebDocket>

The Companies proposed modifications to Tariff LCP/IP, and then subsequently filed a stipulation agreement, which was approved by the Commission modifying existing tariffs LCP and IP to limit load ramping period and set a minimum demand at 80% of contract capacity.

Georgia Power Company (GPSC Docket 44280)

¹ https://iurc.portal.in.gov/_entity/sharepointdocumentlocation/0553bbc8-e09a-ef11-8a6a-001dd80bd98a/bb9c6bba-fd52-45ad-8e64-a444aef13c39?file=46097_IndMich_Submission%20of%20Rebuttal%20Testimony%20of%20Alex%20E.%20Vaug%20han_110424.pdf

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<https://psc.ga.gov/search/facts-document/?documentId=222325>

The Georgia Public Service Commission issued an Order in April related to new large loads and revisions to rules and regulations on tariff. The Order provided a process for the Commission to review new large load contracts (>100MW) and flexibility for the Company to enter into Electric Service Agreements with terms for minimum bills designed to protect existing customers.

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7. Refer to Wellborn Direct Testimony, page 14. Explain how many MW of economic development load growth LG&E/KU could reliably serve prior to the construction of Brown 12 and/or Ghent SCR.

Response (prepared by Leah Wellborn)

Without Brown12 and Ghent SCR, approximately 500-800 MW of economic development load could be served between 2028-2033 depending on the seasonal shape of the new load. Please see attached workpaper, "WP_LJW_Table3_20250129 Resource Assessment RM Need Tables_0336_D02.CONF_woB12_GhentSCR.xlsx"

AFFIDAVIT

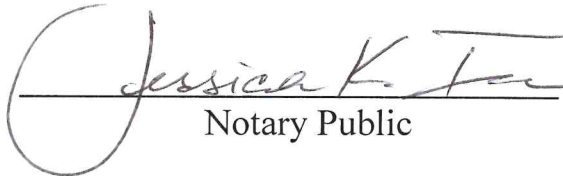
STATE OF GEORGIA)

COUNTY OF FULTON)

LANE KOLLEN, being duly sworn, deposes and states: that the attached are his sworn responses and that the statements contained are true and correct to the best of his knowledge, information and belief.


Lane Kollen

Sworn to and subscribed before me on this
3rd day of July 2025.


Notary Public

Jessica K Inman
NOTARY PUBLIC
Cherokee County, GEORGIA
My Commission Expires 07/31/2027

AFFIDAVIT

STATE OF GEORGIA)

COUNTY OF FULTON)

LEAH J. WELLBORN, being duly sworn, deposes and states: that the attached are her sworn responses and that the statements contained are true and correct to the best of her knowledge, information and belief.



Leah J. Wellborn

Sworn to and subscribed before me on this
3rd day of July 2025.



Notary Public

Jessica K Inman
NOTARY PUBLIC
Cherokee County, GEORGIA
My Commission Expires 07/31/2027