

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)	

**SUPPLEMENTAL RESPONSE OF THE ATTORNEY GENERAL AND KIUC TO
THE COMMISSION STAFF’S REQUEST FOR INFORMATION**

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 submits the following Supplemental Response to Data Requests from Commission Staff filed 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 15, 2025, and there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.

This 15th day of July, 2025

A handwritten signature in blue ink, appearing to read "Thomas John" followed by a stylized flourish.

Assistant Attorney General

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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 (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)

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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 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

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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**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)

<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

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enter into Electric Service Agreements with terms for minimum bills designed to protect existing customers.

July 15, 2025 Supplemental Response (Prepared by Leah Wellborn)

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

<https://dis.puc.state.oh.us/DocumentRecord.aspx?DocID=badab793-e041-4173-9b6d-436e51f80e5c>

AEP Ohio's filed October 23, 2024 stipulation was adopted with modification by PUCO Order on July 9, 2025 as linked above. The compliance filing tariff pages were submitted July 11, 2025 include minimum demand provisions, collateral requirements, ramping limitations, grandfathering protections for existing customers, and minimum contract terms. The filed tariff is included here:

<https://dis.puc.state.oh.us/ViewImage.aspx?CMID=A1001001A25G11B21315A00184>

AFFIDAVIT

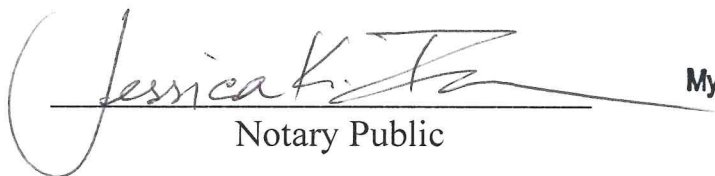
STATE OF GEORGIA)

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
15th day of July 2025.


Notary Public

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