

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST)	
KENTUCKY POWER COOPERATIVE, INC. FOR)	
APPROVAL TO AMEND ITS ENVIRONMENTAL)	CASE NO.
COMPLIANCE PLAN, AND RECOVER COSTS)	2025-00053
PURSUANT TO ITS ENVIRONMENTAL)	
SURCHARGE, AND OTHER GENERAL RELIEF)	

EAST KENTUCKY POWER COOPERATIVE, INC.'S
COMMENTS ON INFORMAL CONFERENCE MEMORANDUM

Comes now East Kentucky Power Cooperative, Inc. (“EKPC”), by counsel, pursuant to the informal conference memorandum (“IC Memo”) filed in this proceeding on May 11, 2026 and offers the following comments regarding the IC Memo:

During the informal conference (“IC”), a member of Vantage Consulting (“Vantage”), Mike Boismenu, explained to everyone in the IC that it was Vantage’s recommendation to the Commission and Vantage’s understanding of the environmental surcharge statute, KRS 278.183, that the proposed Project 44 was not eligible to be recovered through the environmental surcharge. This was mainly because without any environmental compliance in place, EKPC’s generating units would’ve had air heater baskets installed on them anyway and EKPC would’ve replaced those baskets through normal course of business and that simply replacing those baskets would not qualify those baskets to be recovered through the environmental surcharge. Additionally, representative of Vantage asked EKPC multiple questions throughout the pendency of the IC, not just Commission Staff. Those details were excluded from the IC memo.

A short discussion was also held regarding the invoices submitted to EKPC for payment for work performed by Vantage. Even though Vantage made a recommendation to the Commission, no recommendation or assessment report was filed into the record of this proceeding. After a more detailed review of the invoices presented to EKPC for payment, the invoices attached to the Commission's December 12, 2025 Order, specifically the invoices for October 2025 for Mike Boismenu reference a "Prepare VEC Assessment Report" and Walter Drabinski, Chuck Buechel, Scott Everngam, and Jean Gormley all either reviewed or edited the report according to the invoices.

KRS 278.110(2)(a) states that "When the commission contracts for the services of a person in a professional or scientific capacity to conduct a hearing, temporary special inquiry, investigation, or examination, any nonprivileged final report or recommendation prepared in fulfillment of the contract shall be filed within the record for the case for which the final report or recommendation was prepared at the same time it is provided to the commission." KRS 278.110(2)(b) also states that "A contracted person who has prepared and submitted a final report or recommendation pursuant to this subsection shall be required to respond to any written information requests regarding the final report or recommendation. Additionally, the contracted person shall be available for cross-examination as a witness in the case for which the final report or recommendation was prepared and filed at any public hearing held by the commission pursuant to the rules it has adopted."

This information was never filed into the record of this proceeding as required by KRS 278.110(2). Therefore, EKPC was never given the opportunity to review the formal assessment report or recommendation made to the Commission Staff and conduct a formal investigation of its reasonableness.

This the 15th day of May, 2026.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that the electronic filing was transmitted to the Commission on May 15, 2026, 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.