

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

In the Matter of:

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

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**EAST KENTUCKY POWER COOPERATIVE, INC.’S MOTION FOR DEVIATION**

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Comes now East Kentucky Power Cooperative, Inc. (“EKPC”), by counsel, pursuant to KRS 278.183 and 807 KAR 5:001, and respectfully requests the Kentucky Public Service Commission (“Commission”) grant a deviation from the environmental surcharge reporting requirements. In support of this motion, EKPC respectfully states as follows:

1. On July 2, 2025, EKPC filed an application requesting approval to amend its Environmental Compliance Plan and recover costs through its Environmental Surcharge.<sup>1</sup> On July 22, 2025, the Commission issued a procedural schedule for the processing of the case<sup>2</sup> and incorporated the record of Case No. 2024-00109 into this proceeding.<sup>3</sup> EKPC responded to multiple rounds of discovery issued by Commission Staff.<sup>4</sup> On November 3, 2025, EKPC

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<sup>1</sup> Application (filed July 2, 2025).

<sup>2</sup> July 22, 2025 Order (Ky. PSC July 22, 2025).

<sup>3</sup> *Electronic Application of East Kentucky Power Cooperative, Inc. for Approval to Amend its Environmental Compliance Plan and Recover Costs Pursuant to its Environmental Surcharge, and for the Issuance of a Certificate of Public Convenience and Necessity and Other General Relief*, Case No. 2024-00109.

<sup>4</sup> EKPC’s Responses to Staff’s DR 1 (filed August 27, 2025); EKPC’s Responses to Staff’s DR 2 (filed September 25, 2025); and EKPC’s Responses to Staff’s DR 3 (filed October 20, 2025).

requested the matter be resolved based upon the administrative record.<sup>5</sup> On December 23, 2025, the Commission issued its Final Order.

2. As part of the Application, EKPC provided *Attachment\_JRW-2\_-\_Reporting Formats\_CLEAN.xlsx* and *Attachment\_JRW-2\_-\_Reporting Formats\_REDLINE.xlsx*. These documents contained EKPC's proposed changes to the monthly reporting format in a redline version to highlight the changes and a clean version clearly showing the new format. As part of the December 23, 2025 Order, the Commission approved the proposed changes to EKPC's monthly reporting.<sup>6</sup>

3. Subsequently to the order, EKPC began to prepare the information for its next monthly report, and it became clear that EKPC had mistakenly requested incorrect reporting of several projects. EKPC is providing a new documents *Attachment\_JRW-2\_-\_Reporting Formats\_CLEAN Revised .xlsx* and *Attachment\_JRW-2\_-\_Reporting Formats\_REDLINE Revised.xlsx* showing the correct reporting of all the projects.

4. On Environmental Surcharge Form 2.0, Determination of Pollution Control Operating Expenses the following projects need to be included: Monthly Project 42, Spurlock Landfill, South Side Cap; Monthly Project 43, JK Smith Landfill, Final Cap; Monthly Project 58, Related to CCR Monitoring; and, Monthly Project 59, Related to CCR Ground Water Monitoring.

5. On Environmental Surcharge Form. 2.1, Plant, CWIP, Depreciation & Taxes, and Insurance Expenses Project 42 Spurlock Landfill, South Side Cap and Project 43 JK Smith Landfill, Final Cap should be removed. These two projects should correctly be reported on Environmental Surcharge Form 2.12 as Asset Retirement Obligations.

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<sup>5</sup> Motion to Submit (filed November 3, 2025).

<sup>6</sup> Order at Ordering Paragraph 7.

6. These changes do not affect the amounts recovered for capital costs or annual operating and maintenance expenses. These changes merely reflect the accurate accounting of the projects and amounts recovered.

7. Contemporaneously with this Motion, EKPC is filing its monthly Environmental Surcharge Report in the corrected format to accurately reflect the amounts recovered.

WHEREFORE, on the basis of the foregoing, EKPC respectfully requests that the Commission grant a deviation from its December 23, 2025 Order and allow EKPC to change the format of its monthly Environmental Surcharge Report.

This the 20<sup>th</sup> day of January, 2026.

Respectfully submitted,

*Heather S. Temple*

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**CERTIFICATE OF SERVICE**

This is to certify that the electronic filing was transmitted to the Commission on January 20, 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.

*Heather S. Temple*

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*Counsel for East Kentucky Power Cooperative, Inc.*