



ledgers, books of account, vouchers, bank checks, x-ray prints, photographs, films, videotapes, invoices, receipts, computer printouts or other products of computers, computer files, stenographer's notebooks, desk calendars, appointment books, diaries, or other papers or objects similar to any of the foregoing, however denominated. If a document has been prepared in several copies, or additional copies have been made, and the copies are not identical (or which, by reasons of subsequent modification of a copy by the addition of notations, or other modifications, are no longer identical) each non-identical copy is a separate "document."

- d) "And" or "or" shall be construed conjunctively or disjunctively as necessary to make the requests inclusive rather than exclusive.
- e) The term "you" and "your" refer to "EKPC."
- f) The term "person" means any natural person, corporation, corporate division, partnership, limited liability company, other unincorporated association, trust, government agency, or entity.
- g) The term "regarding" means consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.
- h) The singular as used herein shall include the plural and the masculine gender shall include the feminine and the neuter.
- i) "Identify" or "identifying" or "identification" when used in reference to a person that is a natural person means to state: the full name of the person and any names under which he conducts business; the current employer of the person, the person's job title and classification, the present or last known work address of the person; and, the present or last known telephone number of the person.
- j) "Identify" or "identifying" or "identification" when used in reference to a person other than a natural person means to state: the full name of the person and any names under which it conducts business; the present or last known address of the person; and, the present or last known telephone number of the person.
- k) "Identify" or "identifying" or "identification" when used in reference to a document means to provide with respect to each document requested to be identified by these discovery requests a description of the document that is sufficient for purposes of a request to produce or a subpoena duces tecum, including the following:
  - (a) the type of document (e.g., letter, memorandum, etc.);
  - (b) the date of the document;
  - (c) the title or label of the document;

- (d) the Bates stamp number or other identifier used to number the document for use in litigation;
  - (e) the identity of the originator;
  - (f) the identity of each person to whom it was sent;
  - (g) the identity of each person to whom a copy or copies were sent;
  - (h) a summary of the contents of the document;
  - (i) the name and last known address of each person who presently has possession, custody or control of the document; and,
  - (j) if any such document was, but is no longer, in your possession, custody or control or is no longer in existence, state whether it: (1) is missing or lost; (2) has been destroyed; or (3) has been transferred voluntarily or involuntarily, and if so, state the circumstances surrounding the authorization for each such disposition and the date of such disposition.
- l) “Identify” or “identifying” or “identification” when used in reference to communications means to state the date of the communication, whether the communication was written or oral, the identity of all parties and witnesses to the communication, the substance of what was said and/or transpired and, if written, identify the document(s) containing or referring to the communication.
  - m) “Current” when used in reference to time means in the present time of this data request.
  - n) “Member-Owner Cooperative” means a distribution cooperative that is a member of EKPC that distributes electricity to retail customers
  - o) “Customer” means a person who buys retail electricity on a regular and ongoing basis from a Member-Owner Cooperative.
  - p) “Workpapers” are defined as original, electronic, machine-readable, unlocked, Excel format (where possible) with formulas in-tact.

### **OTHER INSTRUCTIONS**

- a) Responses are to be provided in electronic format (e.g., text documents should be in the original word processor file format or PDF, data files should be in Excel).
- b) If you contend that any response to any data request may be withheld under the attorney-client privilege, the attorney work product doctrine or any other privilege or basis, please state the following with respect to each such response in order to explain the basis for the claim of privilege and to permit adjudication of the propriety of that claim:
  - 1) The privilege asserted and its basis;
  - 2) The nature of the information withheld; and,

- 3) The subject matter of the document, except to the extent that you claim it is privileged.
- c) For any document or set of documents EKPC objects to providing to Sierra Club on the grounds it is burdensome or voluminous, please identify the specific document (see instruction (k) above).
- d) These data requests are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These data requests are intended to include requests for information, which is physically within your possession, custody or control as well as in the possession, custody or control of your agents, attorneys, or other third parties from which such documents may be obtained.
- e) If any data request cannot be responded to or answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.
- f) These data requests are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these data requests subsequently become known.
- g) For each response, identify all persons (see instruction (j)) that were involved in the preparation of the answers to the interrogatories below and/or are responsible for compiling and providing the information contained in each answer.
- h) Identify which witness(es) at the hearing is competent to adopt and/or discuss the response.
- i) Please produce the requested documents in electronic format to the following individuals:
- |                      |                                 |
|----------------------|---------------------------------|
| Joe Childers         | Nathaniel Shoaff                |
| joe@jchilderslaw.com | nathaniel.shoaff@sierraclub.org |
- j) Wherever the response to an interrogatory or request consists of a statement that the requested information is already available to the Sierra Club, provide a detailed citation to the document that contains the information. This citation shall include the title of the document, relevant page number(s), and to the extent possible paragraph number(s) and/or chart/table/figure number(s).
- k) In the event that any document referred to in response to any request for information has been destroyed, specify the date and the manner of such destruction, the reason for such destruction, the person authorizing the destruction and the custodian of the document at the time of its destruction.
- l) Sierra Club reserves the right to serve supplemental, revised, or additional discovery requests as permitted in this proceeding.

## REQUESTS FOR INFORMATION

- 3-1. Refer to the hearing testimony of Christopher Adams and Julia Tucker.
- a. Please state the names and megawatts of solar projects in the Company's service territory that were previously moving forward under the New ERA solar grant program that have been cancelled as a result of the One Big Beautiful Bill Act.
  - b. Please state the number of Kentucky jobs lost as a result of the cancellation of the above projects and the New ERA solar programs.
  - c. Please state the estimated amount of Kentucky tax revenue lost as a result of the One Big Beautiful Bill Act's cancellation of the New ERA solar program.
  - d. State how the Company intends to replace the approximately 300 MW of solar power lost as a result of the cancellation of the New ERA solar program.
- 3-2. Refer to the hearing testimony of Christopher Adams.
- a. State how much more expensive gas would need to be in order for it to be economically cheaper to operate the Spurlock plant on coal compared to gas.
  - b. State the Company's view on when, if ever, gas prices are likely to reach that point.
  - c. State when the last time, if ever, gas prices reached that point.
- 3-3. Refer to the hearing testimony of Christopher Adams and IRP p. 10, which states, "Cooper 1 had a forced derate due to wet coal that was adhering to the lower section of the bunkers in transition to the pulverizers. 12/23/2002 07:32 – 12/27/2022 12:00;"
- a. Provide the duration and extent, in terms of percentage of capacity lost or MW lost, of the Cooper 1 "derate" that occurred during this time, broken down by hour.
  - b. Refer to p. 11 of the IRP, which states that the "outages and derates led to an initial capacity performance penalty of \$19,935,547.93, which EKPC paid in March – May 2023." Please provide the breakdown of this penalty by facility and unit.
  - c. Refer to p. 11 of the IRP, which states that the "final penalty assessment after all adjustments of \$13,195,090.05." Please provide the breakdown of this penalty by facility and unit.
- 3-4. Ms. Tucker testified that the non-disclosure agreements the Company has signed with an unidentified number of unidentified potential large load customers (1) precludes any public disclosure of potential data center projects prior to signing a "special contract" for service reached under the Company's large load tariff approved in October 2025, and (2) prevents the Company from disclosing any anonymized information about a proposed project, such as its size, location, or likelihood of being

built in the Company’s service territory prior to the signing of a “special contract” under the large load tariff approved in Case No. 2025-00140.

- a. State whether the Company views its use of non-disclosure agreements to shield such information from the public as being consistent with the Commission’s direction in Case No. 2025-00140 that instructs EKPC to engage the public “early” and with “transparent communication” that includes “engaging with the local community representatives, local authorities, and multiple stakeholders early during the project conceptual phase before project plans are finalized and to share information about the project's scope, including size, timeline, and potential impacts.” Case No. 2025-00140, Order at 23 (Oct. 30, 2025).

Dated: March 16, 2026

Respectfully submitted,

/s/ Joe F. Childers

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### **CERTIFICATE OF SERVICE**

This is to certify that the foregoing copy of Sierra Club’s Post-Hearing Request for Information to East Kentucky Power Cooperative, Inc. in this action is being electronically transmitted to the Commission on March 16, 2026, and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.

/s/ Joe F. Childers

JOE F. CHILDERS