

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

In the Matter of: :

ELECTRONIC TARIFF FILING OF EAST :
KENTUCKY POWER COOPERATIVE, :
INC. TO ESTABLISH A NEW TARIFF FOR :
DATA CENTER POWER :
:

Case No. 2025-00140

**RETAIL ENERGY SUPPLY ASSOCIATION FIRST REQUEST OF INFORMATION TO EAST
KENTUCKY POWER COOPERATIVE, INC.**

The Retail Energy Supply Association (“RESA”), pending intervenor, in the above-captioned proceedings before the Kentucky Public Service Commission (“Commission”) submits the following Interrogatories and Requests for Production of Documents pursuant to 807 KAR 5:001 Section 4(12), for response from the East Kentucky Power Cooperative, Inc. (“EKPC”). All responses should be directed to:

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Additionally, EKPC must follow the instructions provided herein in responding to the inquiries. As required by pursuant to 807 KAR 5:001 Section 4(12)(d)(4), responses must be subsequently supplemented.

I. DEFINITIONS

As used herein, the following definitions apply:

1. “Document” or “Documentation” when used herein, is used in its customary broad sense and means all originals of any nature whatsoever, identical copies, and all

non-identical copies thereof, pertaining to any medium upon which intelligence or information is recorded in your possession, custody, or control regardless of where located; including any kind of printed, recorded, written, graphic, or photographic matter and things similar to any of the foregoing, regardless of their author or origin. The term specifically includes, without limiting the generality of the following: punch cards, printout sheets, movie film, slides, PowerPoint slides, phonograph records, photographs, memoranda, ledgers, work sheets, books, magazines, notebooks, diaries, calendars, appointment books, registers, charts, tables, papers, agreements, contracts, purchase orders, checks and drafts, acknowledgments, invoices, authorizations, budgets, analysis, projections, transcripts, electronic mail, minutes of meetings of any kind, telegrams, drafts, instructions, announcements, schedules, price lists, electronic copies, reports, studies, statistics, forecasts, decisions, and orders, intra-office and inter-office communications, correspondence, financial data, summaries or records of conversations or interviews, statements, returns, diaries, work papers, maps, graphs, sketches, summaries or reports of investigations or negotiations, opinions or reports of consultants, brochures, bulletins, pamphlets, articles, advertisements, circulars, press releases, graphic records or representations/publications of any kind (including microfilm, videotape and records, however produced or reproduced), electronic, mechanical and electrical records of any kind and computer produced interpretations thereof (including, without limitation, tapes, tape cassettes, disks and records), other data compilations (including source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, disks and recordings used in automated data processing together with the programming instructions and other material necessary to translate, understand or use the same), all

drafts, prints, issues, alterations, modifications, changes, amendments, and mechanical or electric sound recordings and transcripts to the foregoing. A request for discovery concerning documents addressing, relating or referring to or discussing a specified matter encompasses documents having a factual, contextual, or logical nexus to the matter, as well as documents making explicit or implicit reference thereto in the body of the documents. Originals and duplicates of the same document need not be separately identified or produced; however, drafts of a document or documents differing from one another by initials, interlineations, notations, erasures, file stamps, and the like shall be deemed to be distinct documents requiring separate identification or production. Copies of documents shall be legible.

2. “Communication” shall mean any transmission of information by oral, graphic, written, pictorial, electronic or otherwise perceptible means, including, but not limited to, telephone conversations, letters, telegrams, and personal conversations. A request seeking the identity of a communication addressing, relating or referring to, or discussing a specified matter encompasses documents having factual, contextual, or logical nexus to the matter, as well as communications in which explicit or implicit reference is made to the matter in the course of the communication.

3. The “substance” of a communication or act includes the essence, purport or meaning of the same, as well as the exact words or actions involved.

4. “And” or “or” shall be construed conjunctively or disjunctively as necessary to make any request inclusive rather than exclusive.

5. “You” and “your” or “yourself” refers to East Kentucky Power Cooperative, Inc.

6. Each singular shall be construed to include its plural, and vice versa, so as to make the request inclusive rather than exclusive.

7. Words expressing the masculine gender shall be deemed to express the feminine and neuter genders; those expressing the past tense shall be deemed to express the present tense; and vice versa.

8. “Person” includes any firm, corporation, joint venture, association, entity or group of persons unless the context clearly indicates that only an individual person is referred to.

9. “Investment community” shall mean any past, current, or potential investors, analysts, including but not limited to hedge fund and investment analysts, financial institutions, financial advisors, financial service entities, underwriters, investment bankers, brokers, portfolio managers, mergers and acquisitions managers, and private equity associates.

10. “Identify,” or “state the identity of,” or “identified” means as follows:

- a. When used in reference to an individual, to state his full name and present or last known position and business affiliation, and his position and business affiliation at the time in question;
- b. When used in reference to a commercial or governmental entity, to state its full name, type of entity (e.g., corporation, partnership, single proprietorship), and its present or last known address;
- c. When used in reference to a document, to state the date, author, title, type of document (e.g., letter, memorandum, photograph, tape recording, etc.) and its present or last known location and custodian;

- d. When used in reference to a communication, to state the type of communication (i.e., letter, personal conversation, etc.), the date thereof, and the parties thereto and, in the case of a conversation, to state the substance, place, and approximate time thereof, and identity of other persons in the presence of each party thereto;
- e. When used in reference to an act, to state the substance of the act, the date, time, and place of performance, and the identity of the actor and all other persons present.

FIRST REQUEST FOR INFORMATION OF RESA

INTERROGATORIES ONTO EKPC

1. Please provide the rationale of prohibiting Eligible Data Centers from using behind-the-meter generation except for Approved Back-Up Generation.
2. In reference to the meaning of “behind-the-meter generation” in Section V(3), does the prohibition on the utilization of behind-the-meter generation by the Qualifying Customer include energy generation resources (other than Approved Back-Up Generation) wholly owned by the Qualifying Customer?
3. Please describe the process by which EKPC will select resources to be part of the Selected Resource Mix.
4. In Section III, how does EKPC define “same location”? For example, same parcel, adjacent property, contiguous property etc.
5. In EKPC’s cover letter and proposed tariff (Section V), EKPC contemplates supply agreements, such as bilateral power and capacity purchases, please define and describe bilateral power and capacity purchases.
6. The proposed tariff states that EKPC will select the bilateral power and capacity purchase agreements, how will EKPC select the “Bilateral Purchases”?
7. How will “Bilateral Purchases” be solicited and negotiated?
8. Will the Qualifying Customer to be served by the “Bilateral Purchase” have any discretion or input on such purchases (e.g. selecting real-time pricing, fixed- pricing, block and index pricing etc.)?
9. Does the Qualifying Customer have any input or discretion on the generation source or counter party through the “Bilateral Purchases”?
10. In the proposed tariff, it states in EKPC’s sole discretion, if the expected or actual peak real-time energy demand of an Eligible Data Center is greater than 250,000 kW then a Dedicated Resource will be required to be selected to serve such Eligible Data Center

pursuant to Section V(3), will an Eligible Data Center have any discretion, control or input on the Dedicated Resource?

11. In reference to Section V(a), does an “EKPC-Supplied Dedicated Resource” includes an electric generation facility developed, constructed, and owned by a non-EKPC party but then leased to EKPC?
12. In reference to Section V(a), a Qualifying Customer-Supplied Dedicated Resource is an “electric generation facility that is owned or leased by” a Qualifying Customer. Does ownership by a Qualifying Customer include ownership by an affiliate or subsidiary of the Qualifying Customer?
13. Identify all analyses completed by EKPC on the timeline that a new EKPC-Supplied Dedicated Resource or a Qualifying Customer-Supplied Dedicated Resource could be constructed under the PJM interconnection requirements to serve the Qualifying Customer.
14. In reference to Section V(a), a Qualifying Customer-Supplied Dedicated Resource is an “electric generation facility that is owned or leased by” a Qualifying Customer. Does ownership by a Qualifying Customer include ownership by an affiliate or subsidiary of the Qualifying Customer?
15. Would the customer be permitted under the tariff proposal from owning and operating a behind-the-meter generation facility if it was a Qualifying Facility under PURPA?
16. What process and selection criteria will EKPC utilize to select a Dedicated Resource to serve an Eligible Data Center?
17. Did you conduct any analysis to determine if the proposed restriction on behind-the-meter generation would negatively impact the economic development prospects for data centers to locate in Kentucky? If so, identify all such analysis.
18. Did you consult or discuss the proposed tariff with any economic development entities or related individuals prior to the tariff submission?

- a. If so, please identify the entities and related individuals and the time and date of the communication.
- 19. Did you make any changes to its proposed tariff prior to filing due to feedback from economic development entities and or related individuals? If so, identify the feedback that was incorporated into the tariff proposal.
- 20. Did EKPC consult and/or discuss the proposed tariff with potential or current data center customers in its service territory?
 - a. If so, please identify those potential or current data center customers and the time and date of the communication.
- 21. In its cover letter, EKPC states that the proposed tariff's "flexibility encourages a wide range of commercial opportunities." Please describe the wide range of commercial opportunities enabled by the proposed tariff.
- 22. In its cover letter, EKPC states that the proposed tariff "is the culmination of many months of efforts to understand the nature and characteristics of data centers. . . ." Please describe these efforts. In particular, please identify any other data center tariffs or policies in other states consulted by EKPC.
- 23. What analysis did EKPC undertake about the feasibility of Dedicated Resources that were collocated with Qualifying Customers.
- 24. Describe whether there would be any limitations to the generation supply outcome in case No. 2013-00221 being an additional generation supply option that could be utilized to serve Qualifying Customers under EKPC's proposed tariff.
- 25. Identify all issues in EKPC's view that would occur if EKPC allowed a Qualifying Customer to identify the counter-party for a Bilateral Purchase under Section V of the proposed tariff.
- 26. Identify all issues in EKPC's view that would occur if EKPC allowed a Qualifying Customer to identify the rates, and terms of conditions for a Bilateral Purchase under Section V of the proposed tariff.

27. Identify all issues in EKPC's view that would occur if a Qualifying Customer were permitted to construct behind-the-meter generation to serve all or a portion of the Qualifying Customer's electrical needs.
28. Could a data center customer in EKPC's territory construct onsite generation without the need to connect to EKPC for any service from EKPC (i.e. could a data center completely island the facility).
29. If a customer has onsite backup generation that is approved under the EKPC proposed tariff, could the customer's onsite backup generation resource be utilized to participate in the PJM capacity market?
30. If a customer has onsite backup generation that is approved under the EKPC proposed tariff, could the customer's onsite backup generation resource be utilized to participate in the PJM energy market?
31. If a customer has onsite backup generation that is approved under the EKPC proposed tariff, could the customer's onsite backup generation resource be utilized to participate in the PJM ancillary market?
32. If a customer were permitted to build behind-the-meter generation, could the customer potentially reduce the customer's transmission billing demand tag (i.e. its Network Service Peak Load) and reduce the costs that would otherwise flow under Section V.7.a of the proposed tariff?
33. If a customer were permitted to build behind-the-meter generation, could that potentially reduce the costs that would otherwise be incurred and flow through Section V.7.b of the proposed tariff?
34. If a customer were permitted to build behind-the-meter generation could that reduce the need for "Build-Out Costs" as discussed in Section V.5 of the proposed tariff?

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Provide any supporting documentation for responses to Interrogatories 1-23.
2. Please provide any documentation, work papers, analysis and communications that you relied on in responding or identified in response to Interrogatory 13.
3. Please provide any documentation, work papers, analysis and communications that you relied on for your response to Interrogatory 15.
4. Provide any documentation, work papers, analysis and communications relating to the process in which EKPC will select Dedicate Resources to serve an Eligible Data Center identified in Interrogatory 16.
5. Please provide any documentation, work papers, analysis and communications that you relied on for your response to Interrogatory 17.
6. Provide any related communications identified in your response to Interrogatories 18, 19 and 20.
7. Produce all studies, analyses, and documents in EKPC's possession regarding any the feasibility of Dedicated Resources being collocated with Qualifying Customers.

Respectfully submitted,

/s/ Dylan F. Borchers

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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission on June 30, 2025, and that there are no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to prior Commission order, no paper copies of this filing will be made.

Respectfully submitted,

/s/ Dylan F. Borchers

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