

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
POWER COMPANY FOR (1) A GENERAL)	
ADJUSTMENT OF ITS RATES FOR ELECTRIC)	
SERVICE; (2) APPROVAL OF TARIFFS AND)	CASE NO.
RIDERS; (3) APPROVAL OF CERTAIN)	2025-00257
REGULATORY AND ACCOUNTING)	
TREATMENTS; AND (4) ALL OTHER REQUIRED)	
APPROVALS AND RELIEF)	

**KENTUCKY SOLAR INDUSTRIES ASSOCIATION, INC.
SUPPLEMENTAL REQUESTS FOR INFORMATION**

Comes now the Kentucky Solar Industries Association, Inc. (KYSEIA), by and through counsel, and tenders its supplemental requests for information to Kentucky Power Company (“KPC” or the “Company”).

- 1) In each case in which a request seeks information provided in response to a request of Commission Staff, reference to the Company’s response to the appropriate Staff request will be deemed a satisfactory response.
- 2) Please identify the Company’s witness who will be prepared to answer questions concerning the request during an evidentiary hearing.
- 3) These requests shall be deemed continuing and, therefore, require further and supplemental responses if the Company receives or generates additional information within the scope of these requests between the time of the response and the time of any evidentiary hearing held by the Commission.

- 4) If any request appears confusing, please request clarification directly from Counsel for KYSEIA as soon as reasonable.
- 5) To the extent that the specific document, workpaper, or information as requested does not exist, but a similar document, workpaper, or information does exist, provide the similar document, workpaper, or information.
- 6) To the extent that any request may be answered by way of a computer printout, please identify each variable contained in the printout which would not be self-evident to a person who is not familiar with the printout.
- 7) If the Company has any objections to any request on the grounds that the requested information is proprietary in nature, or for any other reason, please notify Counsel for KYSEIA as soon as reasonable.
- 8) For any document withheld on the basis of privilege, state the following: Date; author; addressee; indicated or blind copies; all person to whom distributed, shown, or explained; and the nature and legal basis for the privilege asserted.
- 9) In the event that any document called for has been destroyed or transferred beyond the control of the Company, state: a) The identity of the person by whom it was destroyed or transferred and the person authorizing the destruction or transfer; b) the time, place, and method of destruction or transfer; and, c) the reason(s) for its destruction or transfer. If destroyed or disposed of by operation of a retention policy, state the policy.
- 10) As the Company discovers errors in their filing and/or responses, please provide an update as soon as reasonable that identifies such errors and provide the document(s) to support any changes.

WHEREFORE, KYSEIA respectfully submits its Supplemental Requests for Information to Kentucky Power Company.

Respectfully submitted,

/s/ David E. Spenard

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NOTICE AND CERTIFICATION FOR FILING

Undersigned counsel provides notices that the electronic version of the paper has been submitted to the Commission by uploading it using the Commission's E-Filing System on this 23rd day of October 2025. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19), the paper, in paper medium, is not required to be filed.

/s/ David E. Spenard

NOTICE CONCERNING SERVICE

The Commission has not yet excused any party from electronic filing procedures for this case.

/s/ David E. Spenard

KYSEIA's Supplemental Request for Information to KPC
Case Number: 2025-00257

1. Reference Company's response to KYSEIA 1-1(d) and 18 CFR 292.303(a)(2) and (d).
 - a. Please explain fully both clauses of the Company's statement that [1] "is not obligated under PURPA to buy the output of a Qualifying Facility where it is not the interconnecting utility [and 2] nor would the facility qualify for the Company's tariff."
 - b. Please confirm that electric utility obligations under 18 CFR Part 292.303 apply to the Company, or explain why they do not.
 - c. Please explain how the proposed language referenced in KYSEIA 1-1(d) would be applied to a Qualifying Facility that sells to the Company under this tariff if the Company is not the interconnecting utility, i.e., a Qualifying Facility that receives retail service from another utility.
2. Reference Company's response to KYSEIA 1-4(a), 18 CFR 292.304(d)(1)(i) and (d)(1)(ii) and Kentucky's regulations governing small power production and cogeneration in 807 KAR 5.054 Section 7.
 - a. Under 18 CFR 292.304(d)(1) "Each qualifying facility shall have the option either:" (i) "To provide energy as the qualifying facility determines such energy to be available" or (ii) "To provide energy or capacity pursuant to a legally enforceable obligation..." Please explain fully the basis for the Company's statement in response to KYSEIA 1-4(a) "Establishing LEOs is a requirement under PURPA and, accordingly, if a project cannot establish LEOs, it will not meet the requirements under PURPA and the Company is not required to purchase the output of the facility."
 - b. Please confirm that the Company intends to deny QFs the option provided under 18 CFR 292.304(d)(1)(i), the provision of "such energy to be available" (or "as available" energy).
 - c. Please identify the specific portion of 807 KAR 5.054 Section 7 that allows Kentucky Power to condition its purchase of as available power from a QF on the establishment of a legally enforceable obligation by the QF.
3. Reference Company's response to KYSEIA 1-4(b) and 807 KAR 5:054, Kentucky's administrative regulations governing small power production and cogeneration.
 - a. Please identify the specific portion of 807 KAR 5:054 that permits the Company to require a QF to file FERC Form 556 even when those QFs are exempt by the FERC from such a requirement.

- b. Please explain what purpose of such a requirement serves to the Company.
4. Reference the Company's Application, Section II, Exhibit E, page 146 of 199.
- a. What length of time, in days, will the Company require to review and make a determination as to whether a QF has satisfactorily established a LEO?
 - b. Please confirm that if the Company fails to review or respond to the information submitted by a QF within a specified time period that the LEO will be considered established? If this cannot be confirmed, explain the effect of a failure to review or respond within the specified time period.
 - c. Please explain the Company's proposed or intended process or response to a QF if the Company deems certain requirements for the QF to establish the LEO to be incomplete or not satisfactory.
5. Reference the Company's response to KYSEIA 1-1(f), which refers to a weblink to FERC Form 556 located on the FERC website. KYSEIA has attempted to view and download FERC Form 556 and the related Instructions using several different web browsers and has been unsuccessful in doing so. Please provide PDF copies of the most recently updated and effective versions of FERC Form 556 and the FERC Form 556 Instructions. Your response should reflect the version of FERC Form 556 that the Company would accept as valid if a qualifying facility were to submit it to the Company today on October 23, 2025.
6. Reference the Company's response to KYSEIA 1-4(c-e), which refers to the Company's response to KPSC 2-5(c) stating that in the context of a QF attempting to prove that meaningful steps have been undertaken to obtain site control, "Examples of the type of documentation that will be required to show that meaningful steps have been taken include but are not limited to: written communication with the current landowner showing meaningful negotiations, a draft lease or purchase contract, or a signed lease or purchase contract."
- a. Does a signed lease or purchase contract, by itself, constitute sufficient documentation that a QF has undertaken meaningful efforts to obtain site control?
 - b. Does a draft lease or purchase contract, by itself, constitute sufficient documentation that a QF has undertaken meaningful efforts to obtain site control?
 - c. Would documentation of written communications with the landowner in which the landowner expresses an interest in further discussion of a lease or purchase contract, by itself, constitute sufficient documentation that a QF has undertaken meaningful efforts to obtain site control?

- d. Would the owner of a QF that is the owner of the underlying property on which the QF is sited automatically qualify as having undertaken meaningful efforts to obtain site control? If not, please explain why not.
 - e. What specific documentation would be sufficient for the owner of a QF that is the owner of the underlying property to show that they are the site owner (e.g., an email or letter, signed affidavit, utility bill for the address, etc.)?
7. Reference the Company's response to KYSEIA 1-1(e) and KPSC 2-3 indicating that the 45 kWh minimum size threshold specified in proposed Tariff COGEN/SPP was made in error. Also reference Exhibit E, Tariff COGEN/SPP at pp. 143-146.
- a. Please confirm that any existing facility that has been approved to take service under Tariff N.M.S. or Tariff N.M.S. II would also qualify to take service under proposed Tariff COGEN/SPP, at the owner's election. If your response is anything other than an unqualified confirmation, please explain in detail.
 - b. If an existing Tariff N.M.S. or Tariff N.M.S. II customer were to elect to switch to service under Tariff COGEN/SPP, would they be required to meet the requirements for establishing a legally enforceable obligation shown in Exhibit E, Tariff COGEN/SPP at p. 146? This question only requires the Company to explain the process involved for a customer that makes such an election, not speculate on why the customer might wish to do so.
 - c. For the customer desiring to switch from Tariff N.M.S. I or Tariff N.M.S. II to Tariff COGEN/SPP as described in subpart (b) of this request:
 - i. Please identify the specific documentation that would be required beyond what that customer previously provided in order to be approved to take service under Tariff N.M.S. or Tariff N.M.S. II. If such a switch would be approved automatically without any requirements for additional documentation, please so state.
 - ii. If any additional documentation would be required from the customer, please explain in detail the purpose such a requirement serves.
8. Reference the Company's response to KYSEIA 1-6, which references the erroneous specification of the 45 kW minimum threshold and objects to the substantive portions of the questions relating to the calculation of "net power production capacity" as requiring legal conclusions.

- a. Please explain with specificity (sub-part by sub-part) the areas of legal controversy present with each of the questions posed in subparts (a-c) of KYSEIA 1-6.
- b. Please explain how the Company interprets its proposed tariff COGEN/SPP in terms of the calculation of “net power production capacity” for storage-paired QFs, and how that calculation depends on whether the storage component is capable of grid-charging.