

Kentucky Power Company
KPSC Case No. 2025-00257
KYSEIA's Second Set of Data Requests
Dated October 23, 2025

DATA REQUEST

KYSEIA Reference Company's response to KYSEIA 1-1(d) and 18 CFR
2_1 292.303(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.

RESPONSE

- a. Please see the Company's November 3, 2025 supplemental response to KYSEIA 1_1(d).
- b. The obligations under 18 CFR 292.303 apply to the Company, as modified by FERC orders 175 FERC ¶ 61,257 (2021) and 120 FERC ¶ 61,052 (2007) (issued pursuant to 18 CFR 292.310). Consistent with those orders, the Company is only obligated to purchase power from cogeneration QFs that are 20 MW or smaller and small power production QFs that are 5 MW or smaller.
- c. Please see the Company's November 3, 2025 supplemental response to KYSEIA 1_1(d).

Witness: Tanner S. Wolffram

Kentucky Power Company
KPSC Case No. 2025-00257
KYSEIA's Second Set of Data Requests
Dated October 23, 2025
Page 1 of 2

DATA REQUEST

- KYSEIA 2_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.

RESPONSE

The Company objects to this request to the extent it calls for legal conclusions or legal interpretations. In support of this objection, the Company states as follows:

18 CFR 292.304(d)(1) subparts (i) and (ii) make available to QFs pricing that reflects two different points in time. Under subpart (i), as available energy shall be based on the utility's avoided cost *at the time of delivery*. Under subpart (ii), energy or capacity provided pursuant to a legally enforceable obligation, such as a contract, can reflect either the utility's avoided cost *at the time of delivery* OR the utility's avoided cost *at the time the LEO was established* (which could be earlier than when delivery occurs).

Kentucky Power Company
KPSC Case No. 2025-00257
KYSEIA's Second Set of Data Requests
Dated October 23, 2025
Page 2 of 2

In any event, a utility is not obligated to purchase energy or capacity until a QF has demonstrated basic commercial viability and financial commitment, as reflected in the Company's proposed tariff terms. *See* FERC Order 872, P 685 ("We find that requiring a showing of commercial viability and financial commitment, based on objective and reasonable criteria, will ensure that no electric utility obligation is triggered for those QF projects that are not sufficiently advanced in their development..."). Order 872 further makes clear that utilities have the option – but not the obligation – to execute a contract (such as a PPA for as-available energy) before a QF has met the requirements for establishing a legally enforceable obligation. *See* P 694 ("Further we clarify that nothing in the LEO rules adopted herein precludes any utility from choosing to execute a PPA before a QF has demonstrated compliance with the LEO rules adopted here.").

Furthermore, the question misunderstands the implications of having an LEO and presents a hypothetical that cannot occur in reality. To the extent a QF is built and capable of providing energy as-available, it will have clearly met the commercial viability and financial commitment requirements set forth in the tariff and the Company will have the legal obligation to purchase the QF's power, assuming it is a cogeneration QF that is 20 MW or smaller or a small power production QF that is 5 MW or smaller.

Respondent: Counsel

Kentucky Power Company
KPSC Case No. 2025-00257
KYSEIA's Second Set of Data Requests
Dated October 23, 2025

DATA REQUEST

**KYSEIA
2_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.

RESPONSE

a. Please see the Company's November 3, 2025 supplemental response to KYSEIA 1_4(b).

b. Please see the Company's November 3, 2025 supplemental response to KYSEIA 1_4(b).

Witness: Tanner S. Wolfram

Kentucky Power Company
KPSC Case No. 2025-00257
KYSEIA's Second Set of Data Requests
Dated October 23, 2025

DATA REQUEST

KYSEIA Reference the Company's Application, Section II, Exhibit E, page 146 of
2_4 199.

a. What length of time, in days, will the Company require to review and made 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 of 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.

RESPONSE

a. The regulation does not specify a defined timeline for a utility to determine whether a QF has satisfactorily established a LEO. In cases where disputes arise, resolution by the Commission may be sought.

b. Denied. A lack of response alone does not establish an LEO. Interconnection disputes that cannot be resolved internally are subject to review by the Commission under 807 KAR 5:054, which outlines the utility's obligation to purchase from qualifying facilities and the criteria for such qualification.

c. Consistent with the manner in which the Company currently works with QFs, the Company will communicate any issues with an application, including any failure to meet the requirements to establish a LEO, via email using the email address included in the application. Issues raised during review of an application are also captured as notes on the verification form. The applicant can review these notes when they access the application processing system and are able to make corrections to their distributed energy resource ("DER") application. Finally, the Key Account Manager communicates with the applicant as necessary to address any issues with the application.

Witness: Tanner S. Wolfram

Kentucky Power Company
KPSC Case No. 2025-00257
KYSEIA's Second Set of Data Requests
Dated October 23, 2025

DATA REQUEST

**KYSEIA
2_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.

RESPONSE

Please see KPCO_R_KYSEIA_2_5_Attachment1, which was pulled from the FERC website on October 30, 2025.

Witness: Tanner S. Wolfram

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC

OMB Control # 1902-0075
Expiration 01/31/2027

Form 556

Certification of Qualifying Facility (QF) Status for a Small Power
Production or Cogeneration Facility

General

Questions about completing this form should be sent to Form556@ferc.gov www.ferc.gov/QF. Information about the Commission's QF program, answers to frequently asked questions about QF requirements or completing this form, and contact information for QF prog

Title 18, U.S.C. 1001 makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

Who Must File

Certification:

Any applicant seeking QF status for a generating facility that has a net power production capacity (as determined in lines 7a through 7g below) greater than 1 MW must file a self-certification or an application for Commission certification of QF status, which includes a properly completed Form 556. See

Recertification:

A QF must file a recertification whenever the qualifying facility "fails to conform with any material facts or representations presented ... in its submittals to the Commission."

Among other possible changes in material facts that would necessitate recertification, a small power production QF is required to recertify to update item 8a due to a change at an affiliated facility(ies) one mile or less from its electrical generating equipment. *not*

How to Complete the Form 556

This form is intended to be completed by responding to the items in the order they are presented, according to the instructions given. If you need to Form556@ferc.gov

Certain lines in this form will be automatically calculated based on responses to previous lines, with the relevant formulas shown. You mu Form556@ferc.gov

You must complete all lines in this form unless instructed otherwise.



How to File a Completed Form 556

Applicants are required to file their Form 556 electronically through the Commission's eFiling website (see instructions on page 3).

If you are simultaneously filing both a waiver request and a Form 556 as part of an application for Commission certification, see the "Waiver Requests" section on page 4 for more information on how to file.

Paperwork Reduction Act Notice

This form is approved by the Office of Management and Budget. Compliance with the information requirements established by the FESee

The estimated total burden for completing the FERC Form 556, including gathering and reporting information, is as follows: 1.5 hours for self-certifications of facilities of 1 MW or less; 1.5 hours for self-certifications of a cogeneration facility over 1 MW; 50 hours for applications for Commission certification of a cogeneration facility; 3.5 hours for self-certifications of small power producers over 1 MW and less than a mile or more than 10 miles from affiliated small power production QFs that use the same energy resource; 56 hours for an application for Commission certification of a small power production facility over 1 MW and less than a mile or more than 10 miles from affiliated small power production QFs that use the same energy resource; 9.5 hours for self-certifications of small power producers over 1 MW with affiliated small power production QFs more than one but less than 10 miles that use the same energy resource; 62 hours for an application for Commission certification of a small power production facility over 1 MW with affiliated small power production QFs more than one but less than 10 miles that use the same energy resource.

Send comments regarding this burden estimate or any aspect of this collection of information, including suggestions for reducing this burden, to the following: Information Clearance Officer, Office of the Executive Director (ED-32), Federal Energy Regulatory Commission, 888 First Street N.E., Washington, DC 20426 (DataClearance@ferc.gov)

www.reginfo.gov

Filing Fee

No filing fee is required if you are submitting a self-certification or self-recertification of your facility as a QF pursuant to 18 C.F.R. § 292.207(a).

A filing fee is required if you are filing either of the following:

- (1) an application for Commission certification or recertification of your facility as a QF pursuant to 18 C.F.R. § 292.207(b), or
- (2) a petition for declaratory order granting waiver pursuant to 18 C.F.R. §§ 292.204(a)(3) and/or 292.205(c).

The current fees for applications for Commission certifications and petitions for declaratory order can be found by visiting the Commission's QF website at www.ferc.gov/QF

You will be prompted to submit your filing fee, if applicable, during the electronic filing process described on page 3.

Electronic Filing (eFiling)

To electronically file your Form 556, visit the Commission's QF website at www.ferc.gov/QF

If you are eFiling your first document, you will need to register with your name, email address, mailing address, and phone number.

Once you are registered, log in to eFiling with your registered email address and the password that you created at registration.

Filing category	Filing Type as listed in eFiling	Description
Electric	(Fee) Application for Commission Cert. as Cogeneration QF	Use to submit an application for Commission certification or Commission recertification of a cogeneration facility as a QF.
	(Fee) Application for Commission Cert. as Small Power QF	Use to submit an application for Commission certification or Commission recertification of a small power production facility as a QF.
	Self-Certification Notice (QF, EG, FC)	Use to submit a notice of self-certification of your facility (cogeneration or small power production) as a QF.
	Self-Recertification of Qualifying Facility (QF)	Use to submit a notice of self-recertification of your facility (cogeneration or small power production) as a QF.
	(Supplement or Correction) Self-Recertification of Qualifying Facility (QF)	Use to correct or supplement a Form 556 that was submitted with errors or omissions, or for which Commission staff has requested additional information. <i>not</i>
General	(Fee) Petition for Declaratory Order (not under FPA Part 1)	Use to submit a petition for declaratory order granting a waiver of Commission QF regulations pursuant to 18 C.F.R. §§ 292.204(a)(3) and/or 292.205(c). A Form 556 is not required for a petition for declaratory order unless Commission recertification is being requested as part of the petition.

You will be prompted to submit your filing fee, if applicable, during the electronic submission process.

During the eFiling process, you will be prompted to select your file(s) for upload from your computer.

Required Notice to Utilities and State Regulatory Authorities

Pursuant to 18 C.F.R. § 292.207(a)(ii), you must provide a copy of your self-certification or request for Commission certification to the utilities with which the facility will interconnect and/or transact, as well as to the State regulatory authorities of the states in which your facility and those utilities reside. www.ferc.gov/QF

What to Expect From the Commission After You File

An applicant filing a Form 556 electronically will receive an email message acknowledging receipt of the filing and showing the docket number assigned to the filing.

An applicant submitting a self-certification of QF status should expect to receive no documents from the Commission, other than the electronic acknowledgement of receipt described above. *by the applicant itself*

An applicant submitting a request for Commission certification will receive an order either granting or denying certification of QF status, or a letter requesting additional information or rejecting the application.

Protests to the Filing

Pursuant to 18 C.F.R. § 292.207, an interested party has 30 days from the date of the filing of a self-certification or self-recertification to intervene or file a protest. Protests may be made to an initial certification (both self-certification and application for Commission certification) filed on or after December 31, 2020, but only to a recertification (both self-recertification and application for Commission recertification) that makes subswww.ferc.gov/QF

Waiver Requests

18 C.F.R. § 292.204(a)(3) allows an applicant to request a waiver to modify the method of calculation pursuant to 18 C.F.R. § 292.204(a)(2) to determine if two facilities are considered to be located at the same site, for good cause. 18 C.F.R. § 292.205(c) allows an applicant to request waiver of the requirements of 18 C.F.R. §§ 292.205(a) and *if such requests are made simultaneously*

18 C.F.R. § 292.203(d)(2) allows an applicant to request a waiver of the Form 556 filing requirements, for good cause.

Geographic Coordinates

Items 3c and 8a of the Form 556 require you to report your facility's (and certain neighboring facilities') geographic coordinates (latitude and longitude). Geographic coordinates may be obtained from s www.ferc.gov/QF, <http://earth.google.com>), a property survey, various engineering or construction drawings, a property deed, or a municipal or county map showing property lines.

Filing Privileged Data or Critical Energy Infrastructure Information in a Form 556

The Commission's regulations provide procedures for applicants to either (1) request that any information submitted with a Form 556 be given privileged treatment because the information is exempt from the mandatory public disclosure requirements of the Freedom of Information Act, 5 U.S.C. § 552, and should be withheld from public disclosure; or (2) identify any documents containing critical energy infrastructure information (CEII) as defined in 18 C.F.R. § 388.113 that should not be made public.

If you are seeking privileged treatment or CEII status for any data in your Form 556, then you must follow the procedures in 18 C.F.R. § 388.112. www.ferc.gov/help/filing-guide/file-ceii.asp

Among other things (see 18 C.F.R. § 388.112 for other requirements), applicants seeking privileged treatment or CEII status for data submitted in a Form 556 must prepare and file both (1) a complete version of the Form 556 (containing the privileged and/or CEII data), and (2) a public version of the Form 556 (with the privileged and/or CEII data redacted).

. If you arnot

their document indicate below the security designation of this version of

☐ Non-Public:	in the Form 556 lines indicated b
☐ Public (redacted):	in the Form 556 lines
indicated below. This public version of the applicants's Form 556 contains all datexcept	
Privileged:	
Critical Energy Infrastructure Information (CEII):	

The eFiling process described on page 3 will allow you to identify which versions of the electronic documents you submit are public, privileged and/or CEII. www.ferc.gov/QF all

The Commission is not responsible for detecting or correcting filer errors, including those errors related to security designation.

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC

OMB Control # 1902-0075
Expiration 01/31/2027

Form 556

Certification of Qualifying Facility (QF) Status for a Small Power
Production or Cogeneration Facility

1a		
1b		
1c		1d
1e	1f Country (if not United States)	1g Telephone number
1h Yes ☒ No ☐		
1i If yes, provide the docket number of the last known QF filing pertaining to this facility: QF ____ - ____ - ____		
1j ☐ Notice of self-certification (see note below) ☐ Application for Commission certification (requires filing fee; see "Filing Fee" section on page 2) Note: a notice of self-certification is a notice by the applicant itself that its facility complies with the requirements for QF status. A notice of self-certification does not establish a proceeding, and the Commission does not review a notice of self-certification to verify compliance. See the "What to Expect From the Commission After You File" section on page 4 for more information.		
1k ☐ Qualifying small power production facility status ☐ Qualifying cogeneration facility status		
1l ☐ Original certification; facility expected to be installed by _____ and to begin operation on _____ ☐ Change(s) to a previously certified facility to be effective on _____ (identify type(s) of change(s) below, and describe change(s) in the Miscellaneous section starting on page 24) ☐ Name change and/or other administrative change(s) ☐ Change in ownership ☐ Change(s) affecting plant equipment, fuel use, power production capacity and/or cogeneration thermal output ☐ Supplement or correction to a previous filing submitted on _____ (describe the supplement or correction in the Miscellaneous section starting on page 24)		
1m ☐ The instant facility complies with the Commission's QF requirements by virtue of a waiver of certain regulations previously granted by the Commission in an order dated _____ (specify any other relevant waiver orders in the Miscellaneous section starting on page 24) ☐ The instant facility would comply with the Commission's QF requirements if a petition for waiver submitted concurrently with this application is granted ☐ The instant facility complies with the Commission's regulations, but has special circumstances, such as the employment of unique or innovative technologies not contemplated by the structure of this form, that make the demonstration of compliance via this form difficult or impossible (describe in Misc. section starting on p. 24)		

FERC Form 556

	2a	2b Telephone number
	2c ☐ Applicant (self) ☐ Employee, owner or partner of applicant authorized to represent the applicant ☐ Employee of a company affiliated with the applicant authorized to represent the applicant on this matter ☐ Lawyer, consultant, or other representative authorized to represent the applicant on this matter	
	2d	☐
	2e	☐
	2f	2g
	2h	2i Country (if not United States)
Contact Information	3a	
	3b	
	3c Geographic coordinates: Specify the latitude and longitude coordinates of the facility in degrees (to Latitude _____ degrees Choose +/- Longitude _____ degrees Choose +/-	
	3d	3e
	3f	3g
Identify Identification and Location	Identify the electric utilities that are contemplated to transact with the facility.	
	4a	
	4b	
	4c	
	4d or check here if none ☐	

5a Direct ownership as of effective date or operation date: Identify all direct owners of t

	Full legal names of direct owners	Electric utility or holding company	If Yes, % equity interest
1)		Yes ☐ No ☐	%
2)		Yes ☐ No ☐	%
3)		Yes ☐ No ☐	%
4)		Yes ☐ No ☐	%
5)		Yes ☐ No ☐	%
6)		Yes ☐ No ☐	%
7)		Yes ☐ No ☐	%
8)		Yes ☐ No ☐	%
9)		Yes ☐ No ☐	%
10)		Yes ☐ No ☐	%

☐ Check here and continue in the Miscellaneous section starting on page 24 if additional space is needed

5b Upstream (i.e., indirect) ownership as of effective date or operation date: Identify all upstream (i.e., indirect) owners of the facility that both (1) hold at least 10 percent equity interest in the facility, and (2) are electric utilities, as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22)), or holding companies, as defined in section 1262

Check here if no such upstream owners exist. ☐

	Full legal names of electric utility or holding company upstream owners	% equity interest
1)		%
2)		%
3)		%
4)		%
5)		%
6)		%
7)		%
8)		%
9)		%
10)		%

☐ Check here and continue in the Miscellaneous section starting on page 24 if additional space is needed

5c



6a

- ☐ Biomass (specify)

☐ Landfill gas

☐ Manure digester gas

☐ Municipal solid waste

☐ Sewage digester gas

☐ Wood

☐ Other biomass (describe on page 24)
- ☐ Renewable resources (specify)

☐ Hydro power - river

☐ Hydro power - tidal

☐ Hydro power - wave

☐ Solar - photovoltaic

☐ Solar - thermal

☐ Wind

☐ Other renewable resource (describe on page 24)
- ☐ Geothermal

☐ Fossil fuel (specify)

☐ Coal (not waste)

☐ Fuel oil/diesel

☐ Natural gas (not waste)

☐ Other fossil fuel (describe on page 24)

☐ Other (describe on page 24)
- ☐ Waste (specify type below in line 6b)

6b

- ☐ Waste fuel listed in 18 C.F.R. § 292.202(b) (specify one of the following)

☐ Anthracite culm produced prior to July 23, 1985

☐ Anthracite refuse that has an average heat content of 6,000 Btu or less per pound and has an average ash content of 45 percent or more

☐ Bituminous coal refuse that has an average heat content of 9,500 Btu per pound or less and has an average ash content of 25 percent or more

☐ Top or bottom subbituminous coal produced on Federal lands or on Indian lands that has been determined to be waste by the United States Department of the Interior's Bureau of Land Management (BLM) or that is located on non-Federal or non-Indian lands outside of BLM's jurisdiction, provided that the applicant shows that the latter coal is an extension of that determined by BLM to be waste

☐ Coal refuse produced on Federal lands or on Indian lands that has been determined to be waste by the BLM or that is located on non- Federal or non-Indian lands outside of BLM's jurisdiction, provided that applicant shows that the latter is an extension of that determined by BLM to be waste

☐ Lignite produced in association with the production of montan wax and lignite that becomes exposed as a result of such a mining operation

☐ Gaseous fuels (except natural gas and synthetic gas from coal) (describe on page 24)

☐ Waste gas from waste gas on oil wells (describe on page 24 how the gas meets the requirements of 18 C.F.R. § 2.400 for waste gas on oil wells; include with your filing any materials necessary to demonstrate compliance with 18 C.F.R. § 2.400)

☐ Materials that a government agency has certified for disposal by combustion (describe on page 24)

☐ Heat from exothermic reactions (describe on page 24)

☐ Used rubber tires

☐ Plastic materials

☐ Refinery off-gas

☐ Petroleum coke

☐ Residual heat (describe on page 24)
- ☐ Other waste energy input that the applicant can demonstrate exists in the absence of the qualifying facility industry (lack of commercial value and existence in the absence of the qualifying facility industry)

6c Provide the average energy input, calculated on a calendar year basis, in terms of Btu/h for the following fossil fuel energy inputs, and provide the related percentage of the total average annual energy input to the facility (18 C.F.R. § 292.202(j)).

Fuel	Annual average energy input for specified fuel	Percentage of total annual energy input
Natural gas	Btu/h	%
Oil-based fuels	Btu/h	%
Coal	Btu/h	%

Indicate the maximum gross and maximum net electric power production capacity of the facility at the point(s) of delivery by completing the worksheet below. Respond to all items. If any of the parasitic loads and/or losses identified in lines 7b through 7e are negligible, enter zero for those lines.

7a	kW
7b Parasitic station power used at the facility to run equipment which is necessary and integral to the power production process (boiler feed pumps, fans/blowers, office or maintenance buildings directly related to the operation of the power generating facility, etc.).	kW
7c	kW
7d	kW
7e	kW
7f	kW
7g	kW

7h Description of facility and primary components: Describe the facility and its operation. Identify all boilers, heat recovery steam generators, prime movers (any mechanical equipment driving an electric generator), electrical generators, photovoltaic solar equipment, fu



Information Required for Small Power Production Facility

If you indicated in line 1k that you are seeking qualifying small power production facility status for your facility, then you must respond to the items on this page. Otherwise, skip pages 11 through 15.

Pursuant to 18 C.F.R. § 292.204(a), the power production capacity of any small power production facility, together with the power production capacity of any other small power production facilities that use the same energy resource, are owned by the same person(s) or its affiliates, and are located at the same site, may not exceed 80 megawatts. *as amended by*

Electric Generating Equipment

Electrical generating equipment will refer to all boilers, heat recovery steam generators, prime movers (any mechanical equipment driving an electric generator), electrical generators, photovoltaic solar panels, inverters, fuel cell equipment and/or other primary power generation equipment used in the facility, excluding equipment for gathering energy to be used in the facility.

Distance

The distance between two facilities is to be measured from the edge of the closest electrical generating equipment for which qualification or recertification is sought to the edge of the nearest electrical generating equipment of the other affiliated small power production qualifying facility using the same energy resource.

8a Identify affiliated small power production QFs located less than 10 miles from the electrical generating equipment of the instant facility that use the same energy resource and are held (with at least a 5 percent equity interest) by any of the entities identified in lines 5a or 5b or their affiliates. www.ferc.gov/QF for more information on how this form calculates distance.

Check here if no such facilities exist. ☐



Facility location (city or county, state)	Root docket # (if any)	production capacity	Common owner(s)
	QF ____ - ____	____ kW	
Coordinates (in degrees)			
1) Closest electrical generating equipment for applicant's facility:			
Latitude _____	Choose +/-	Longitude _____	Choose +/-
Closest electrical generating equipment for affiliate's facility:			
Latitude _____	Choose +/-	Longitude _____	Choose +/-
			Distance
			0 _____ miles



8a Continued			
2)	Facility location (city or county, state)	Root docket # (if any)	production capacity Common owner(s)
		QF -	kW
	Coordinates (in degrees)		
	Closest electrical generating equipment for applicant's facility:		
	Latitude	Choose +/-	Longitude Choose +/-
3)	Facility location (city or county, state)	Root docket # (if any)	production capacity Common owner(s)
		QF -	kW
	Coordinates (in degrees)		
	Closest electrical generating equipment for applicant's facility:		
	Latitude	Choose +/-	Longitude Choose +/-
4)	Facility location (city or county, state)	Root docket # (if any)	production capacity Common owner(s)
		QF -	kW
	Coordinates (in degrees)		
	Closest electrical generating equipment for applicant's facility:		
	Latitude	Choose +/-	Longitude Choose +/-
5)	Facility location (city or county, state)	Root docket # (if any)	production capacity Common owner(s)
		QF -	kW
	Coordinates (in degrees)		
	Closest electrical generating equipment for applicant's facility:		
	Latitude	Choose +/-	Longitude Choose +/-

8a Continued

6)	Facility location (city or county, state)	Root docket # (if any)	production capacity	Common owner(s)
		QF -	kW	
	Coordinates (in degrees)			
	Closest electrical generating equipment for applicant's facility:			
	Latitude	Choose +/-	Longitude	Choose +/-
	Closest electrical generating equipment for affiliate's facility:			
7)	Facility location (city or county, state)	Root docket # (if any)	production capacity	Common owner(s)
		QF -	kW	
	Coordinates (in degrees)			
	Closest electrical generating equipment for applicant's facility:			
	Latitude	Choose +/-	Longitude	Choose +/-
	Closest electrical generating equipment for affiliate's facility:			
8)	Facility location (city or county, state)	Root docket # (if any)	production capacity	Common owner(s)
		QF -	kW	
	Coordinates (in degrees)			
	Closest electrical generating equipment for applicant's facility:			
	Latitude	Choose +/-	Longitude	Choose +/-
	Closest electrical generating equipment for affiliate's facility:			
9)	Facility location (city or county, state)	Root docket # (if any)	production capacity	Common owner(s)
		QF -	kW	
	Coordinates (in degrees)			
	Closest electrical generating equipment for applicant's facility:			
	Latitude	Choose +/-	Longitude	Choose +/-
	Closest electrical generating equipment for affiliate's facility:			

8a Continued

	Facility location (city or county, state)	Root docket # (if any)	production capacity	Common owner(s)
		QF ____ - ____	____ kW	
	Coordinates (in degrees)			
10)	Closest electrical generating equipment for applicant's facility:			
	Latitude _____	Choose +/-	Longitude _____	Choose +/-
	Closest electrical generating equipment for affiliate's facility:			
	Latitude _____	Choose +/-	Longitude _____	Distance _____
				0

☐ Check here and continue in the Miscellaneous section starting on page 24 if additional space is needed. calcul

Distance Calculator Specify the latitude and longitude coordinates for both the applicant and the affiliate small power production QF based on the nearest electrical generating equipment for each facility.
www.ferc.gov/QF for more information on how this form calculates distance.

Closest electrical generating equipment for applicant's facility (degrees):

Latitude _____ Choose +/- Longitude _____ Choose +/-

Closest electrical generating equipment for affiliate's facility (degrees)

Latitude _____ Choose +/- Longitude _____ Choose +/- Distance _____

8b You have the option below to assert preemptively that your facility is at a separate site from affiliated small power production QFs using the same energy resource more than one mile but less than 10 miles from your facility.

Pursuant to 18 C.F.R. § 292.204(a)(2)(i)(C), if affiliated small power producer qualifying facilities are more than one mile but less than 10 miles apart there is a rebuttable presumption that they are at separate sites. The factors listed below are examples of the factors that the Commission may consider in deciding whether small power production facilities that are owned by the same person(s) or its affiliates are located "at the same site": (1) *physical characteristics ownership/other characteristics* , including such common characteristics

Size Limitations (continued)	8b ...
	8c The Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990 (Incentives Act) provides exemption from the size limitations in 18 C.F.R. § 292.204(a) for certain facilities that were certified prior to 1995. ☐ Yes (continue at line 8d below) ☐ No (skip lines 8d through 8f)
	8d Yes☐ No☐
	8e Yes☐ No☐
	8f Yes☐ No☐ If you answered Yes, provide a brief narrative explanation in the Miscellaneous section starting on page 24 of the construction timeline (in particular, describe why construction started so long after the facility was certified) and the diligence exercised toward completion of the facility.
	Pursuant to 18 C.F.R. § 292.204(b), qualifying small power production facilities may use fossil fuels, in minimal amounts, for only the following purposes: ignition; start-up; testing; flame stabilization; control use; alleviation or prevention of unanticipated equipment outages; and alleviation or prevention of emergencies, directly affecting the public health, safety, or welfare, which would result from electric power outages. The amount of fossil fuels used for these purposes may not exceed 25 percent of the total energy input of the facility during the 12-month period beginning with the date the facility first produces electric energy or any calendar year thereafter. 9a ☐ Applicant certifies that the facility will use fossil fuels <i>exclusively</i> 9b ☐ Applicant certifies that the amount of fossil fuel used at the facility will not, in aggregate, exceed 25 percent of the total energy input of the facility during the 12-month period beginning with the date the facility first produces electric energy or any calendar year thereafter.
Size Limitations	



Information Required for Cogeneration Facility

If you indicated in line 1k that you are seeking qualifying cogeneration facility status for your facility, then you must respond to the items on pages 16 through 18. Otherwise, skip pages 16 through 18.

	Pursuant to 18 C.F.R. § 292.202(c), a cogeneration facility produces electric energy and forms of useful thermal energy (such as heat or steam) used for industrial, commercial, heating, or cooling purposes, through the sequential use of energy. Pursuant to 18 C.F.R. § 292.202(s), "sequential use" of energy means the following: (1) for a topping-cycle cogeneration facility, the use of reject heat from a power production process in sufficient amounts in a thermal application or process to conform to the requirements of the operating standard contained in 18 C.F.R. § 292.205(a); or (2) for a bottoming-cycle cogeneration facility, the use of at least some reject heat from a thermal application or process for power production.																					
	10a ☐ Topping-cycle cogeneration ☐ Bottoming-cycle cogeneration																					
	10b To help demonstrate the sequential operation of the cogeneration process, and to support compliance with other requirements such as the operating and efficiency standards, include with your filing a mass and heat balance diagram depicting average annual operating conditions. <table border="1"> <thead> <tr> <th data-bbox="332 821 570 905">Check to certify compliance with indicated requirement</th> <th data-bbox="570 821 1502 905">Requirement</th> </tr> </thead> <tbody> <tr> <td data-bbox="332 905 570 1031">☐</td> <td data-bbox="570 905 1502 1031">Diagram must show orientation within system piping and/or ducts of all prime movers, heat recovery steam generators, boilers, electric generators, and condensers (as applicable), as well as any other primary equipment relevant to the cogeneration process.</td> </tr> <tr> <td data-bbox="332 1031 570 1115">☐</td> <td data-bbox="570 1031 1502 1115">Any average annual values required to be reported in lines 10b, 12a, 13a, 13b, 13d, 13f, 14a, 15b, 15d and/or 15f must be computed over the anticipated hours of operation.</td> </tr> <tr> <td data-bbox="332 1115 570 1199">☐</td> <td data-bbox="570 1115 1502 1199">Diagram must specify all fuel inputs by fuel type and average annual rate in Btu/h. Fuel for supplementary firing should be specified separately and clearly labeled. All specifications of fuel inputs should use lower heating values.</td> </tr> <tr> <td data-bbox="332 1199 570 1283">☐</td> <td data-bbox="570 1199 1502 1283">Diagram must specify average gross electric output in kW or MW for each generator.</td> </tr> <tr> <td data-bbox="332 1283 570 1409">☐</td> <td data-bbox="570 1283 1502 1409">Diagram must specify average mechanical output (that is, any mechanical energy taken off of the shaft of the prime movers for purposes not directly related to electric power generation) in horsepower, if any. Typically, a cogeneration facility has no mechanical output.</td> </tr> <tr> <td data-bbox="332 1409 570 1661">☐</td> <td data-bbox="570 1409 1502 1661">At each point for which working fluid flow conditions are required to be specified (see below), such flow condition data must include mass flow rate (in lb/h or kg/s), temperature (in °F, R, °C or K), absolute pressure (in psia or kPa) and enthalpy (in Btu/lb or kJ/kg). <i>liquid only</i></td> </tr> <tr> <td data-bbox="332 1661 570 1766">☐</td> <td data-bbox="570 1661 1502 1766">Diagram must specify working fluid flow conditions at input to and output from each steam turbine or other expansion turbine or back-pressure turbine.</td> </tr> <tr> <td data-bbox="332 1766 570 1850">☐</td> <td data-bbox="570 1766 1502 1850">Diagram must specify working fluid flow conditions at delivery to and return from each thermal application.</td> </tr> <tr> <td data-bbox="332 1850 570 1917">☐</td> <td data-bbox="570 1850 1502 1917">Diagram must specify working fluid flow conditions at make-up water inputs.</td> </tr> </tbody> </table>	Check to certify compliance with indicated requirement	Requirement	☐	Diagram must show orientation within system piping and/or ducts of all prime movers, heat recovery steam generators, boilers, electric generators, and condensers (as applicable), as well as any other primary equipment relevant to the cogeneration process.	☐	Any average annual values required to be reported in lines 10b, 12a, 13a, 13b, 13d, 13f, 14a, 15b, 15d and/or 15f must be computed over the anticipated hours of operation.	☐	Diagram must specify all fuel inputs by fuel type and average annual rate in Btu/h. Fuel for supplementary firing should be specified separately and clearly labeled. All specifications of fuel inputs should use lower heating values.	☐	Diagram must specify average gross electric output in kW or MW for each generator.	☐	Diagram must specify average mechanical output (that is, any mechanical energy taken off of the shaft of the prime movers for purposes not directly related to electric power generation) in horsepower, if any. Typically, a cogeneration facility has no mechanical output.	☐	At each point for which working fluid flow conditions are required to be specified (see below), such flow condition data must include mass flow rate (in lb/h or kg/s), temperature (in °F, R, °C or K), absolute pressure (in psia or kPa) and enthalpy (in Btu/lb or kJ/kg). <i>liquid only</i>	☐	Diagram must specify working fluid flow conditions at input to and output from each steam turbine or other expansion turbine or back-pressure turbine.	☐	Diagram must specify working fluid flow conditions at delivery to and return from each thermal application.	☐	Diagram must specify working fluid flow conditions at make-up water inputs.	
Check to certify compliance with indicated requirement	Requirement																					
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EPA 2005 cogeneration facilities:	
11a	Yes ☐ No ☐
11b	Yes ☐ No ☐
If the answer to either line 11a or 11b is Yes, then continue at line 11c below. Otherwise, if the answers to both lines 11a and 11b are No, skip to line 11e below.	
11c	☐ Yes (continue at line 11d below) ☐ No. Your facility is not subject to the requirements of 18 C.F.R. § 292.205(d) at this time. However, it may be subject to these requirements in the future if changes are made to the facility. At such time, the applicant would need to recertify the facility to determine eligibility. Skip lines 11d through 11j.
11d	☐ Yes. Provide in the Miscellaneous section starting on page 24 a description of any relevant changes made to the facility (including the purpose of the changes) and a discussion of why the facility should not be considered a "new" cogeneration facility in light of these changes. ☐ No. Applicant stipulates to the fact that it is a "new" cogeneration facility (for purposes of determining the applicability of the requirements of 18 C.F.R. § 292.205(d)) by virtue of modifications to the facility that were initiated on or after February 2, 2006. Continue below at line 11e.
11e	☐ Yes. The facility is an EPA 2005 cogeneration facility. You must demonstrate compliance with 18 C.F.R. § 292.205(d)(2) by continuing at line 11f below. ☐ No. Applicant certifies that energy <i>wnot ill bebefore</i>
11f	☐ Yes, the net power production capacity is less than or equal to 5,000 kW. 18 C.F.R. § 292.205(d)(4) provides a rebuttable presumption that cogeneration facilities of 5,000 kW and smaller capacity comply with the requirements for fundamental use of the facility's energy output in 18 C.F.R. § 292.205(d)(2). Applicant certifies its understanding that, should the power production capacity of the facility increase above 5,000 kW, then the facility must be recertified to (among other things) demonstrate compliance with 18 C.F.R. § 292.205(d)(2). Skip lines 11g through 11j. ☐ No, the net power production capacity is greater than 5,000 kW. Demonstrate compliance with the requirements for fundamental use of the facility's energy output in 18 C.F.R. § 292.205(d)(2) by continuing on the next page at line 11g.

Lines 11g through 11k below guide the applicant through the process of demonstrating compliance with the requirements for "fundamental use" of the facility's energy output.

18 C.F.R. § 292.205(d)(2) requires that the electrical, thermal, chemical and mechanical output of an EPC 2005 cogeneration facility is used fundamentally for industrial, commercial, residential or institutional purposes and is not intended fundamentally for sale to an electric utility, taking into account technological, efficiency, economic, and variable thermal energy requirements, as well as state laws applicable to sales of electric energy from a qualifying facility to its host facility.

The Commission's regulations provide a two-pronged approach to demonstrating compliance with the requirements for fundamental use of the facility's energy output.

Second, an applicant for a facility that does not pass the fundamental use test may provide a narrative explanation of and support for its contention that the facility nonetheless meets the requirement that the electrical, thermal, chemical and mechanical output of an EPC 2005 cogeneration facility is used fundamentally for industrial, commercial, residential or institutional purposes and is not intended fundamentally for sale to an electric utility, taking into account technological, efficiency, economic, and variable thermal energy requirements, as well as state laws applicable to sales of electric energy from a qualifying facility to its host facility.

Complete lines 11g through 11j below to determine compliance with the fundamental use test in 18 C.F.R. § 292.205(d)(3). *even if you do not intend to rely upon the fundamental use test to demonstrate compliance with 18 C.F.R. § 292.205(d)(2)*

11g	
	MWh
11h	
	MWh
11i = 100 * 11g / (11g + 11h)	%



11j

Yes. Your facility complies with 18 C.F.R. § 292.205(d)(2) by virtue of passing the fundamental use test provided in 18 C.F.R. § 292.205(d)(3). Applicant certifies its understanding that, if it is to rely upon passing the fundamental use test as a basis for complying with 18 C.F.R. § 292.205(d)(2), then the facility must comply with the fundamental use test both in the 12-month period beginning with the date the facility first produces electric energy, and in all subsequent calendar years.

☐

No.

☐

www.ferc.gov/QF), which provide discussion of the facts and circumstances that may support their explanation. Applicant should also note that the percentage reported above will establish the standard that that facility must comply with, both for the 12-month period

Information Required for Topping-Cycle Cogeneration Facility

If you indicated in line 10a that your facility represents topping-cycle cogeneration technology, then you must respond to the items on pages 19 and 20. Otherwise, skip pages 19 and 20.

The thermal energy output of a topping-cycle cogeneration facility is the net energy made available to an industrial or commercial process or used in a heating or cooling application. Pursuant to sections 292.202(c), (d) and (h) of the Commission's regulations (18 C.F.R. §§ 292.202(c), (d) and (h)), the thermal energy output of a qualifying topping-cycle cogeneration facility must be useful. In connection with this requirement, describe the thermal output of the topping-cycle cogeneration facility by responding to lines 12a and 12b below.				
12a Identify and describe each thermal host, and specify the annual average rate of thermal output made available to each host for each use. <i>in separate rows.</i>				
	Name of entity (thermal host) taking thermal output	Thermal host's relationship to facility; Thermal host's use of thermal output	Average annual rate of thermal output attributable to use (net of heat contained in process return or make-up water)	
1)		Select thermal host's relationship to facility		
		Select thermal host's use of thermal output	Btu/h	
2)		Select thermal host's relationship to facility		
		Select thermal host's use of thermal output	Btu/h	
3)		Select thermal host's relationship to facility		
		Select thermal host's use of thermal output	Btu/h	
4)		Select thermal host's relationship to facility		
		Select thermal host's use of thermal output	Btu/h	
5)		Select thermal host's relationship to facility		
		Select thermal host's use of thermal output	Btu/h	
6)		Select thermal host's relationship to facility		
		Select thermal host's use of thermal output	Btu/h	
☐ Check here and continue in the Miscellaneous section starting on page 24 if additional space is needed				
12b Demonstration of usefulness of thermal output: At a minimum, provide a brief description of each use of the thermal output identified above. In some cases, this brief description is sufficient to demonstrate usefulness.				

Applicants for facilities representing topping-cycle technology must demonstrate compliance with the topping-cycle operating standard and, if applicable, efficiency standard. Section 292.20efficiency If you indicated in line 10a that your facility represents <i>both</i>		
13a		Btu/h
13b		kW
13c		Btu/h
13d		hp
13e		Btu/h
13f		Btu/h
13g		%
13h		%
13i Compliance with operating standard: ☐ Yes (complies with operating standard) ☐ No (does not comply with operating standard)		
13j ☐ Yes. Your facility is subject to the efficiency requirements of 18 C.F.R. § 292.205(a)(2). Demonstrate compliance with the efficiency requirement by responding to line 13k or 13l, as applicable, below. ☐ No. Your facility is exempt from the efficiency standard. Skip lines 13k and 13l.		
13k Compliance with efficiency standard (for low operating value): ☐ Yes (complies with efficiency standard) ☐ No (does not comply with efficiency standard)		
13l Compliance with efficiency standard (for high operating value): ☐ Yes (complies with efficiency standard) ☐ No (does not comply with efficiency standard)		

--

If you indicated in line 10a that your facility represents bottoming-cycle cogeneration technology, then you must respond to the items on pages 21 and 22. Otherwise, skip pages 21 and 22.

The thermal energy output of a bottoming-cycle cogeneration facility is the energy related to the process(es) from which at least some of the reject heat is then used for power production. Pursuant to sections 292.202(c) and (e) of the Commission's regulations (18 C.F.R. § 292.202(c) and (e)) , the thermal energy output of a qualifying bottoming-cycle cogeneration facility must be useful. In connection with this requirement, describe the process(es) from which at least some of the reject heat is used for power production by responding to lines 14a and 14b below.

14a Identify and describe each thermal host and each bottoming-cycle cogeneration process engaged in by each host. *in separate rows.*

	Name of entity (thermal host) performing the process from which at least some of the reject heat is used for power production	Thermal host's relationship to facility; Thermal host's process type	Has the energy input to the thermal host been augmented for purposes of increasing power (if yes, describe capacity)
1)		Select thermal host's relationship to facility	Yes ☐ No ☐
		Select thermal host's process type	
2)		Select thermal host's relationship to facility	Yes ☐ No ☐
		Select thermal host's process type	
3)		Select thermal host's relationship to facility	Yes ☐ No ☐
		Select thermal host's process type	

☐ Check here and continue in the Miscellaneous section starting on page 24 if additional space is needed

14b Demonstration of usefulness of thermal output: At a minimum, provide a brief description of each process identified above. In some cases, this brief description is sufficient to demonstrate usefulness. However

Applicants for facilities representing bottoming-cycle technology and for which installation commenced on or after March 13, 1990 must demonstrate compliance with the bottoming-cycle efficiency standards.

If you indicated in line 10a that your facility represents *both*

15a

☐ Yes. Your facility is subject to the efficiency requirement of 18 C.F.R. § 292.205(b). Demonstrate compliance with the efficiency requirement by responding to lines 15b through 15h below.

☐ No. Your facility is exempt from the efficiency standard. Skip the rest of page 22.

15b		kW	
15c		Btu/h	
15d		hp	
15e		Btu/h	
15f		Btu/h	
15g		%	
15h Compliance with efficiency standard: ☐ Yes (complies with efficiency standard) ☐ No (does not comply with efficiency standard)			

Bottoming-Cycle Operating and Efficiency Value Calculation

FERC Form 556

Certificate of Completeness, Accuracy and Authority

Applicant must certify compliance with and understanding of filing requirements by checking next to each item below and signing at the bottom of this section.

Signer identified below certifies the following: (check all items and applicable subitems)

- ☐ He or she has read the filing, including any information contained in any attached documents, such as cogeneration mass and heat balance diagrams, and any information contained in the Miscellaneous section starting on page 24, and knows its contents.
- ☐ He or she has provided all of the required information for certification, and the provided information is true as stated, to the best of his or her knowledge and belief.
- ☐ He or she possess full power and authority to sign the filing; as required by Rule 2005(a)(3) of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2005(a)(3)), he or she is one of the following: (check one)
- ☐ The person on whose behalf the filing is made
 - ☐ An officer of the corporation, trust, association, or other organized group on behalf of which the filing is made
 - ☐ An officer, agent, or employe of the governmental authority, agency, or instrumentality on behalf of which the filing is made
 - ☐ A representative qualified to practice before the Commission under Rule 2101 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2101) and who possesses authority to sign
- ☐ He or she has reviewed all automatic calculations and agrees with their results, unless otherwise noted in the Miscellaneous section starting on page 24.
- ☐ He or she has provided a copy of this Form 556 and all attachments to the utilities with which the facility will interconnect and transact (see lines 4a through 4d), as well as to the regulatory authorities of the states in which the facility and those utilities reside. See the Required Notice to Public Utilities and State Regulatory Authorities section on page 4 for more information.

Provide your signature, address and signature date below. Rule 2005(c) of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2005(c)) provides that persons filing their documents electronically may use typed characters representing his or her name to sign the filed documents. A person filing this document electronically should sign (by typing his or her name) in the space provided below.

Your Signature

Your address

Date

Audit Notes

Commission Staff Use Only:



Miscellaneous

Use this space to provide any information for which there was not sufficient space in the previous sections of the form to provide. *clearly identify the line number that the information belongs to*

Your response below is not limited to one page.

Kentucky Power Company
KPSC Case No. 2025-00257
KYSEIA's Second Set of Data Requests
Dated October 23, 2025
Page 1 of 2

DATA REQUEST

**KYSEIA
2_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.)?

RESPONSE

a. Yes, a signed lease or purchase contract is considered sufficient documentation that a QF has undertaken meaningful efforts to obtain site control.

b. Yes, a draft lease or purchase contract, by itself, is also considered sufficient documentation of meaningful efforts to obtain site control.

Kentucky Power Company
KPSC Case No. 2025-00257
KYSEIA's Second Set of Data Requests
Dated October 23, 2025
Page 2 of 2

- c. Yes, written communications with the landowner expressing interest in further discussions regarding a lease or purchase contract are considered sufficient documentation of meaningful efforts to obtain site control.
- d. Yes, a QF owner who owns the underlying property on which the QF is sited is generally considered to have automatically undertaken meaningful efforts to obtain site control. However, documentation may still be required to verify ownership.
- e. Acceptable documentation to demonstrate site ownership includes, but is not limited to:
- A signed affidavit confirming ownership.
 - A utility bill for the property address.
 - A copy of the deed or title as filed with the governing entity.

Witness: Tanner S. Wolfram

Kentucky Power Company
KPSC Case No. 2025-00257
KYSEIA's Second Set of Data Requests
Dated October 23, 2025
Page 1 of 2

DATA REQUEST

- KYSEIA
2_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.

RESPONSE

- a. Confirmed, provided that the customer meets all the requirements for service under Tariff COGEN/SPP.

Kentucky Power Company
KPSC Case No. 2025-00257
KYSEIA's Second Set of Data Requests
Dated October 23, 2025
Page 2 of 2

- b. It is difficult to see how a customer with an operating facility taking service pursuant to Tariff N.M.S or Tariff N.M.S II would not already meet most, if not all, of the requirements for an LEO under Tariff COGEN/SPP. In the event that the customer does not already meet the requirements for an LEO, it would have to meet those requirements before taking service under Tariff COGEN/SPP.
- c. See the Company's response to subpart b. It will depend on what information the customer has previously provided to obtain service pursuant to Tariff N.M.S or Tariff N.M.S II.

Witness: Tanner S. Wolfram

Kentucky Power Company
KPSC Case No. 2025-00257
KYSEIA's Second Set of Data Requests
Dated October 23, 2025

DATA REQUEST

**KYSEIA
2_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.

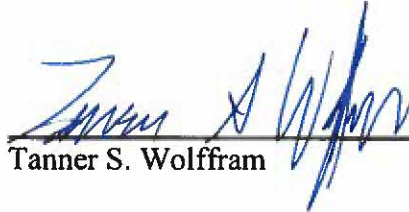
RESPONSE

The Company objects to this request to the extent it calls for legal conclusions or legal interpretations. In support of this objection, the Company states as follows: each subpart of KYSEIA 1_6 asks the Company to assess whether a hypothetical facility would qualify as a QF under federal law (PURPA, FERC’s implementing regulations, and FERC case law applying those regulations). While subparts a and b do not mention PURPA, a facility must be a QF under PURPA in order to be eligible for the Company’s Tariff COGEN/SPP. The Company declines to perform the requested legal analysis for a hypothetical configuration. The Company will work with any customer to consider any actual project proposed to ensure that the proposed project meets the requirements to take service under Tariff COGEN/SPP.

Respondent: Counsel

VERIFICATION

The undersigned, Tanner S. Wolffram, being duly sworn, deposes and says he is the Director of Regulatory Services for Kentucky Power, that he has personal knowledge of the matters set forth in the foregoing responses and the information contained therein is true and correct to the best of his information, knowledge, and belief.

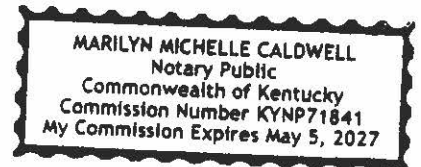

Tanner S. Wolffram

Commonwealth of Kentucky)
)
County of Boyd)

Case No. 2025-00257

Subscribed and sworn to before me, a Notary Public in and before said County
and State, by Tanner S. Wolffram, on October 31, 2025.


Notary Public



My Commission Expires May 5, 2027

Notary ID Number KYNP71841