

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	CASE NO.
CLAUSE OF EAST KENTUCKY POWER)	2025-00339
COOPERATIVE, INC. FROM NOVEMBER 1, 2022)	
THROUGH OCTOBER 31, 2024)	

RESPONSES TO STAFF'S THIRD INFORMATION REQUEST
TO EAST KENTUCKY POWER COOPERATIVE, INC.
DATED MARCH 5, 2026

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COOPERATIVE, INC. FROM NOVEMBER 1, 2022)	
THROUGH OCTOBER 31, 2024.)	

CERTIFICATE

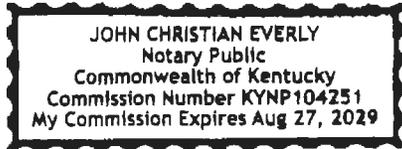
STATE OF KENTUCKY)
)
 COUNTY OF CLARK)

Mark Horn, being duly sworn, states that he has supervised the preparation of the responses of East Kentucky Power Cooperative, Inc. to the Commission Staff's Third Request for Information in the above-referenced case dated March 5, 2026, and that the matters and things set forth therein are true and accurate to the best of his knowledge, information and belief, formed after reasonable inquiry.

Mark Horn

 Mark Horn

Subscribed and sworn before me on this 9th day of March, 2026.



Christian Everly

 Notary Public

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

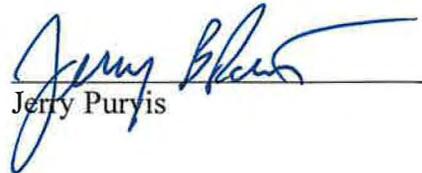
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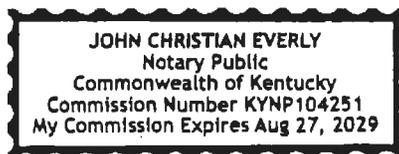
CERTIFICATE

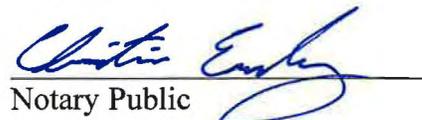
STATE OF KENTUCKY)
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Jerry Purvis, being duly sworn, states that he has supervised the preparation of the responses of East Kentucky Power Cooperative, Inc. to the Commission Staff's Third Request for Information in the above-referenced case dated March 5, 2026, and that the matters and things set forth therein are true and accurate to the best of his knowledge, information and belief, formed after reasonable inquiry.


Jerry Purvis

Subscribed and sworn before me on this 10th day of March, 2026.




Notary Public

EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2025-00339
THIRD REQUEST FOR INFORMATION RESPONSE

STAFF'S REQUEST DATED MARCH 5, 2026

REQUEST 1

RESPONSIBLE PARTY: Jerry Purvis

Request 1. Regarding the repeal of the “Endangerment Finding” in Section 202(a) of the Clean Air Act:

- a. Explain how its repeal affects EKPC’s current and future planning in its environmental compliance strategy.
- b. Explain how its repeal affects EKPC’s current and future operating strategy.
- c. Explain whether its repeal affects EKPC’s current and future planning as it relates to controls for any pollutant limitations listed in the National Ambient Air Quality Standards.
- d. If not discussed above, explain whether EKPC is aware of any pending relaxation of environmental control standards that may affect its current level of compliance related to fossil fuel generation.

Response 1.

Endangerment Finding Background

On December 7, 2009, the United States Environmental Protection Agency (“EPA”) issued declarations that found six greenhouse gases (“GHG”) threaten public health and welfare. These gases are; carbon dioxide (“CO₂”), methane (“CH₄”), dinitro oxide (“N₂O”), hydrofluorocarbons (“HFCs”), perfluorocarbons (“PFCs”), and sulfur hexafluoride (“SF₆”). The landmark ruling established the legal and environmental basis for regulating GHG under the Clean Air Act (“CAA”). The finding was based on comprehensive scientific evidence regarding climate change and its impacts globally. On February 18, 2026, the EPA finalized the repeal of the 2009 finding effective April 20, 2026. Multiple environmental groups have brought suit challenging this decision.

The EPA based its decision to reverse the Endangerment Finding of these GHG based on the ordinary meaning of a pollutant in Section 202 of the CAA. EPA reviewed the definition of air pollutant and concluded that a pollutant is a “contaminant, something impure, that is as a mixture by contact.” As a result, the underlying concept of contamination reinforces the conclusion that if an air pollutant endangers the public health and welfare an air pollution is present, causes, and contributes by endangering the public health and welfare through “local or regional exposure.”

The remaining provisions of Section 202 target specific air pollutants, that harm human health and the environment and/or cause or contribute to air pollution harming human health and the environment through exposure. Neither GHGs nor any substances that are potentially harmful to the public health or welfare are based on elevated global concentrations in the Upper Atmosphere are mentioned in Section 202. The EPA also reviewed the legislative history of the

CAA from the 1970 amendments. The conclusion of that review was that air pollution problems arise from local and regional exposures.

The EPA concluded the 2009 findings did not align with the best and narrow reading of Section 202 because the harms associated with GHG emissions are indirect, rather than based on exposure. The EPA further concluded the 2009 findings did not reference the best read of the statutory term for air pollution, allowing for unlimited EPA discretion with no limits and therefore conflicted with the nondelegation doctrine. The EPA concluded GHG regulation should target air pollution that endangers public health and welfare through “local or regional exposure,” should “have a single, best meaning that is fixed at the time of the enactment,” and regulate based on EPA’s authority to regulate “air pollutants” as fixed by terms of Section 202(a)(1).

a. EKPC must plan for today and for the future. However, as the federal Administration changes continually, there is often uncertainties as to how to plan to comply with environmental regulations. EKPC closely monitors, tracks, vets legally and environmentally all environmental policies. These policies are then discussed with executive management and the board to gain guidance on how best to comply, remain reliable, affordable, and resilient to serve our rural owner member distribution cooperatives.

EKPC and its Board set forth a strategy to preserve its coal generation capacity and comply with the EPA 2024 Final Rule for GHG for existing and new power plants. The options under EPA GHG rule were to “do nothing” and shut down by January 1, 2032, or to co-fire coal with natural gas by 40% and operate to December 31, 2038, or to install carbon capture and sequestration that would allow operation beyond December 31, 2038. After examining the risks,

economics, power supply and compliance options, EKPC filed Case No. 2024-00370.¹ The Certificate of Public Convenience and Necessity granted by the Commission allows EKPC to co-fire its coal fired boilers with natural gas at Spurlock Station and Cooper Station Unit 2. This will allow those units to operate up to December 31, 2038; essentially, preserving installed existing coal capacity, adding fuel security to two coal fired power plants, lowering GHG emissions, and allowing EKPC to see how the challenges to the EPA's 2026 findings are settled by the federal courts.

EKPC awaits the decisions by the federal courts as future guidance on how best to proceed or modify its strategy to comply with federal EPA regulations. EKPC has managed to hedge its risks to comply by co-firing natural gas with coal at its existing coal fired power plants. Additionally, it is actively taking action to submit air permit applications to the Kentucky Division for Air Quality ("KDAQ") for Cooper and Spurlock Stations. KDAQ and EPA will make determinations on the air permits in 2026 and 2027, respectively.

b. The repeal of the 2009 findings has no bearing on the current operations of the existing fossil generation fleet at EKPC. EKPC reserves its rights to see the final repeal and rescission of the EF and its net impacts on future EPA rulemaking with regards to GHG. Any speculation as this time would be premature and in error likely.

¹ See *Electronic Application of East Kentucky Power Cooperative, Inc. for 1) Certificates of Public Convenience and Necessity to Construct a New Generation Resources; 2) For a Site Compatibility Certificate Relating to the Same; 3) Approval of Demand Side Management Tariffs; and Other General Relief*, Case No. 2024-00370, (Ky. P.S.C. July 3, 2025).

c. The repeal of the EF at this time does not affect the current and future planning at EKPC as it relates to future environmental controls listed as a National Ambient Air Quality Standard (“NAAQ”s). EPA chose to regulate GHG under Section 111 of the CAA and not under EPA NAAQS. GHG’s, in particular, CO₂ is not one of the six NAAQS pollutants regulated by EPA under NAAQS. The NAAQS pollutants regulated are carbon monoxide (“CO”), lead (“Pb”), ground level ozone (“O₃”), nitrogen dioxide (“NO₂”), particulate matter (“PM”), and sulfur dioxide (“SO₂”). Should EPA choose to regulate CO₂ as a NAAQS, EKPC will let the Commission know and discuss its future plans and environmental controls.

d. EKPC is aware of recent rulemaking by EPA in regard to the National Environmental Policy Act (“NEPA”), Endangerment Finding (“EF”), Effluents Limitations Guidelines (“ELG”), Legacy CCR, Mercury Air Toxics (“MAT”s), New Source Performance Standards for Combustion Turbines, Ozone Transport rule, and Regional Haze.

ELG and legacy CCR rule became final as extension rules. The compliance dates were extended by 5 years and one year respectively, until a new proposal is developed by EPA. The regulations for MATs appear to have returned to the 2012 original rule which relaxed the PM requirement from 0.010 PM lbs./MMBtu to 0.030 lbs. PM / MMBtu and relied on stack testing and PM CEMS. The EPA proposed the ozone transport rule that may approve Kentucky’s state implementation plan (“KY SIP”) proposed in 2018. EKPC is aware of all the proposals, extension rules, and EPA actions. However, until there is a final decision on litigation challenging the rules, EKPC is in a waiting pattern. In the meantime, EKPC continues with its actions to build the reciprocating internal combustion engines (“RICE”), co-fire its coal plants, and build natural gas combined cycle at Cooper Station.

EAST KENTUCKY POWER COOPERATIVE, INC.
CASE NO. 2025-00339
THIRD REQUEST FOR INFORMATION RESPONSE

STAFF'S REQUEST DATED MARCH 5, 2026

REQUEST 2

RESPONSIBLE PARTY: Mark Horn

Request 2. Refer to EKPC's Response to Commission Staff's Second Request for Information, Item 8 at 2.

a. Confirm that the firm natural gas transportation services referenced pertain to EKPC's Liberty reciprocating internal combustion engine and Cooper natural gas combined cycle units. If not confirmed, explain the response.

b. Explain which of EKPC's combustion turbines have dual fuel capability.

Response 2.

a. Confirm. Additionally, the firm natural gas services also included the new co-fire capabilities of both Spurlock Station and Cooper Station. For clarification, all generating assets that plan to be connected to TC Energy's Columbia Gulf Transmission's pipeline will have firm capacity and transportation.

b. All three (3) of the combustion turbines at Bluegrass Power Station have dual fuel capability. Additionally, Unit Nos. One (1) through Seven (7) at Smith Power Station have dual fuel capability.