

# Goss • Samford PLLC



David S. Samford  
david@gosssamfordlaw.com  
(859) 368-7740

October 25, 2013

*Via Hand-Delivery*

Mr. Jeffrey Derouen  
Executive Director  
Kentucky Public Service Commission  
P.O. Box 615  
211 Sower Boulevard  
Frankfort, KY 40602

**RECEIVED**

OCT 25 2013

**PUBLIC SERVICE  
COMMISSION**

Re: In the Matter of: Petition and Complaint of Grayson RECC for an Order Authorizing Purchase of Electric Power at the Rate of Six Cents Per Kilowatts of Power vs. a Rate in Excess of Seven Cents Per Killowatt Hour Purchased From East Kentucky Power Cooperative Under a Wholesale Power Contract as Amended Between Grayson RECC and East Kentucky Power Cooperative, Inc., PSC Case No. 2012-00503

Dear Mr. Derouen:

Enclosed please find for filing with the Commission in the above-referenced case an original and ten (10) copies each of the Responses to Grayson Rural Electric Cooperative Corporation's Document Requests to All Intervening Distribution Cooperative Respondents and Answers to Grayson Rural Electric Cooperative Corporation's Interrogatories to All Intervening Distribution Cooperative Respondents on behalf of the following cooperatives:

1. Blue Grass Energy Corporation;
2. Clark Energy Cooperative, Inc.;
3. South Kentucky Rural Electric Cooperative Corporation;
4. Cumberland Valley Electric, Inc.;
5. Licking Valley Rural Electric Cooperative Corporation;
6. Inter-County Energy Cooperative Corporation;
7. Big Sandy Rural Electric Cooperative Corporation; and
8. Nolin Rural Electric Cooperative Corporation.

Please return file-stamped copies to me. Do not hesitate to contact me if you have any questions.

Very truly yours,

David S. Samford

Enclosures

CC: Counsel of Record

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

In the Matter of:

PETITION AND COMPLAINT OF GRAYSON )  
RURAL ELECTRIC COOPERATIVE )  
CORPORATION FOR AN ORDER )  
AUTHORIZING PURCHASE OF ELECTRIC )  
POWER AT THE RATE OF SIX CENTS PER )  
KILOWATTS OF POWER VS A RATE IN )  
EXCESS OF SEVEN CENTS PER KILOWATT )  
HOUR PURCHASED FROM EAST KENTUCKY )  
POWER COOPERATIVE UNDER A )  
WHOLESALE POWER CONTRACT AS )  
AMENDED BETWEEN GRAYSON RURAL )  
ELECTRIC COOPERATIVE CORPORATION )  
AND EAST KENTUCKY POWER COOPERATIVE INC. )

**RECEIVED**  
OCT 25 2013  
PUBLIC SERVICE  
COMMISSION

CASE NO. 2012-00503

---

**NOLIN RURAL ELECTRIC COOPERATIVE CORPORATION'S  
ANSWERS TO GRAYSON RURAL ELECTRIC COOPERATIVE  
CORPORATION'S INTERROGATORIES TO ALL INTERVENING  
DISTRIBUTION COOPERATIVE RESPONDENTS**

---

Comes now Nolin Rural Electric Cooperative Corporation ("Nolin RECC"), by counsel, and hereby responds as follows to the Interrogatories propounded by the Petitioner, Grayson Rural Electric Cooperative Corporation ("Grayson"), to All Intervening Distribution Cooperative Respondents:

**INTERROGATORY NO. 1:** Please set forth the name, address and title of the person awaiting these Interrogatories.

**ANSWER:** Mickey Miller, President and Chief Executive Officer, Nolin Rural Electric Cooperative Corporation, 411 Ring Road, Elizabethtown, Kentucky 42701.

**INTERROGATORY NO. 2:** With respect to each distribution cooperative, please set forth what load or loads any said distribution cooperative has served on its system from a source other than East Kentucky Power Cooperative including the total megawatts utilized and the date of when said load or loads was commenced.

**ANSWER:** None.

**INTERROGATORY NO. 3:** Please set forth the date upon which any notice of service of any load or notice of the utilization of any power outside that purchased from East Kentucky Power Cooperative was sent to East Kentucky Power Cooperative.

**ANSWER:** Not applicable.

**INTERROGATORY NO. 4:** Please state whether any distribution co-op received any responses to any of its notices sent to East Kentucky Power Cooperative, and if so, the nature and content of each said response.

**ANSWER:** Not applicable.

**INTERROGATORY NO. 5:** Please set forth any power amount or loads each distribution co-op desires to have served outside of East Kentucky Power Cooperative or by action of its Board of Directors has sought and with respect to same, please state whether notice of same has been sent to East Kentucky Power Cooperative, Inc.

**ANSWER:** None.

**INTERROGATORY NO. 6:** With respect to each distribution cooperative, please set forth the coincident peak demand over the preceding thirty-six (36) months of its load.

**ANSWER:** Information responsive to this interrogatory is set forth in Exhibit 7 to the Objection to Petitioner's Notice of Amendment, which was filed on September 24, 2013 by East Kentucky Power Cooperative, Inc. ("EKPC"), and is incorporated herein by reference.

**INTERROGATORY NO. 7:** Please set forth the terms and conditions of any agreement between any distribution cooperative and East Kentucky Power concerning payment for legal expenses by East Kentucky Power for any distribution cooperative that has entered its appearance in the within proceeding, as well as setting forth all monies paid by East Kentucky Power Cooperative for legal expenses for any distribution co-op in the within proceeding.

**ANSWER:** Nolin RECC objects to this interrogatory on the basis that it seeks information which is privileged. Moreover, the requested information is not relevant to interpreting or implementing Amendment 3 to the Wholesale Power Contract between Nolin RECC and EKPC, which is the issue before the Commission.

**INTERROGATORY NO. 8:** Please set forth with respect to any distribution co-op intervening in the within proceeding the nature and term of any agreement between said distribution co-op and East Kentucky Power Cooperative concerning payment of costs for wholesale power, anything of value given or received by either party, i.e., the distribution co-op or East Kentucky Power Cooperative concerning the issues raised in the within proceeding, or anything of value for any load to be served by any entity on the distribution co-op's lines, i.e., any concession or disparity in rates charged by East Kentucky Power Cooperative for any particular load such as any industrial customer or otherwise.

**ANSWER:** Nolin RECC purchases wholesale power from EKPC pursuant to the Wholesale Power Contract and EKPC's tariffs and special contracts that have been approved by the Kentucky Public Service Commission. Nolin RECC is unaware of anything else which would be responsive to the remainder of the interrogatory.

**INTERROGATORY NO. 9:** Please state whether any of the distribution co-ops intervening in the within action believe that the purchase of power by it from a source other than

East Kentucky Power Cooperative of up to 15% of its load, at any rate less than that which is currently being paid to East Kentucky Power, would be beneficial to the members of said distribution co-op.

**ANSWER:** It depends on a number of circumstances. The cooperative would have to take into account various risk factors which may effect the relative costs and benefits of the alternative power supply. In addition, the cooperative must consider whether the purchase of power from an alternative would be an “all-in” cost or whether it would also require the purchase of capacity, transmission or ancillary services. Any resulting stranded costs would also have to be evaluated. Each deal must be evaluated individually.

**INTERROGATORY NO. 10:** If your answer to the proceeding Interrogatory is in the negative, then please set forth the factual basis upon which you claim that your members paying less for electric power is not in their best interest.

**ANSWER:** Please see the answer to the above interrogatory.

**INTERROGATORY NO. 11:** Please set forth the name, address and title of each person which any distribution co-op intends to call as a witness at the Final Hearing in the within action setting forth the factual basis upon each said witness is expected to testify, as well as a summary of the grounds for each opinion.

**ANSWER:** Nolin RECC has not yet made a determination in this regard.

**INTERROGATORY NO. 12:** Please set forth the name, address, title, and educational background and qualifications of any expert witness which any distribution cooperative intends to call at the Final Hearing in this action, as well as setting forth the substance of the facts and opinions to which the expert is expected to testify, as well as the basis for each said opinion and a summary of each opinion.

**ANSWER:** Nolin RECC has not yet made a determination in this regard.

**INTERROGATORY NO. 13:** Please state whether any of the distribution cooperatives intervening in the within action believe that there is an inherent conflict of interest with the same attorney or attorneys representing East Kentucky Power in the within proceeding, and the same attorney or attorneys representing the distribution cooperatives in the within proceeding, inasmuch as the basis for the complaint filed by the Petitioner is to obtain authorization of payment of wholesale power rates to East Kentucky Power by all of the distribution cooperatives less than the current rate, and as such, result in reduced costs to the members of each distribution cooperative and a reduction in equity to East Kentucky Power Cooperative.

**ANSWER:** Nolin RECC objects to this interrogatory on the basis that it seeks information which is privileged and confidential. Moreover, this interrogatory is not relevant to the Commission's stated intention to interpret and implement Amendment 3 of the Wholesale Power Contract. Without waiving said objection, any determination as to whether a conflict of interest exists between Nolin RECC and EKPC will be determined by Nolin RECC and EKPC. Nolin RECC does not believe there is any conflict of interest.

**INTERROGATORY NO. 14:** If the answer to the proceeding Interrogatory is in the negative, then please set forth the factual basis for the apparent contradictory answer on same.

**ANSWER:** Please see the answer to the above interrogatory.

**INTERROGATORY NO. 15:** Please set forth the language of any waiver of any conflict of interest any distribution cooperative has signed that is connected to or is related to the representation it has in this case.

**ANSWER:** Nolin RECC objects to this interrogatory on the basis that it seeks information which is privileged and confidential. Moreover, this interrogatory is not relevant to

the Commission's stated intention to interpret and implement Amendment 3 of the Wholesale Power Contract.

**VERIFICATION**

By signing below, the individual answering these Interrogatories, on behalf of Nolin Rural Electric Cooperative Corporation, hereby certifies that the foregoing responses are true and correct to the best of his knowledge and belief.

NOLIN RURAL ELECTRIC  
COOPERATIVE CORPORATION

By: Mickey Miller  
Mickey Miller, President and CEO

COMMONWEALTH OF KENTUCKY )  
COUNTY OF HARDIN )

Acknowledged, subscribed and sworn to before me by Mickey Miller on behalf of Nolin Rural Electric Cooperative Corporation, this 22<sup>nd</sup> day of October, 2013.

Allison J. Coffey  
Notary Public, #472718

My Commission Expires: August 27, 2016

For the Objections,

MDG  
Mark David Goss  
David S. Samford  
GOSS SAMFORD, PLLC  
2365 Harrodsburg Road, Suite B325  
Lexington, KY 40504  
(859) 368-7740  
mdgoss@gosssamfordlaw.com  
david@gosssamfordlaw.com

*Counsel for Nolin Rural Electric  
Cooperative Corporation*

