

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC EXAMINATION BY THE PUBLIC)	
SERVICE COMMISSION OF THE)	
ENVIRONMENTAL SURCHARGE MECHANISM)	CASE NO.
OF LOUISVILLE GAS AND ELECTRIC)	2020-00171
COMPANY FOR THE SIX-MONTH BILLING)	
PERIOD ENDING OCTOBER 31, 2019)	

ORDER

On April 6, 1995, the Commission approved Louisville Gas and Electric Company's (LG&E) environmental surcharge application and established a surcharge mechanism.¹ Pursuant to KRS 278.183(3), at six-month intervals, the Commission must review and evaluate the past operations of the environmental surcharge, disallow any surcharge amounts found not to be just and reasonable, and reconcile past surcharges with actual costs recoverable pursuant to KRS 278.183(1). Therefore, the Commission hereby initiates the six-month review of LG&E's surcharge as billed from May 1, 2019, to October 31, 2019.²

Since the approval of its original environmental compliance plan and surcharge mechanism, LG&E has sought and been granted seven amendments to its original environmental compliance plan and surcharge mechanism. Pursuant to our Order

¹ Case No. 1994-00332, *The Application of Louisville Gas and Electric Company for Approval of Compliance Plan and to Assess a Surcharge Under KRS 278.183 to Recover Costs of Compliance with Environmental Requirements for Coal Combustion Wastes and By-Products* (Ky. PSC Apr. 6, 1995).

² Because LG&E's surcharge is billed on a two-month lag, the amounts billed are based on costs incurred from March 2019 through August 2019.

approving the Settlement agreement, Stipulation, and Recommendation in Case No. 2012-00222,³ all costs associated with LG&E's 2005 and 2006 amended compliance plans were rolled into LG&E's base rates. After this last roll-in, the environmental surcharge provides recovery of the costs associated with the 2009, 2011, and 2016 amended environmental compliance plans. When determining its over- or under-recovery of the surcharge in this proceeding, LG&E should reflect the impacts of these prior cases, as applicable.

On May 3, 2013, LG&E filed with the Commission a written notification of its election pursuant to 807 KAR 5:001, Section 8, to use the electronic filing procedures in all future company six-month and two-year environmental surcharge review proceedings.⁴ As 807 KAR 5:001, Section 8, permits the Commission to direct the use of electronic filing procedures for proceedings that we initiate on our own motion, we find that electronic filing procedures should be used.

To facilitate this review, a procedural schedule is set forth in Appendix A to this Order. In accordance with that schedule, LG&E is to file prepared direct testimony in support of the reasonableness of the application of its environmental surcharge mechanism during the period under review. In addition, LG&E is to file its response to the information requested in Appendix B to this Order.

All requests for intervention should be filed by the date set forth on Appendix A. As set forth in 807 KAR 5:001, Section 4(11)(a), a person requesting permissive

³ Case No. 2012-00222, *Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Rates, a Certificate of Public Convenience and Necessity, Approval of Ownership of Gas Service Lines and Risers, and a Gas Line Surcharge* (Ky. PSC Dec. 20, 2012).

⁴ Letter from Allyson K. Sturgeon, Counsel for Louisville Gas and Electric Company, to Jeff Derouen, Executive Director, Public Service Commission (May 3, 2013).

intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceedings which is not adequately represented in the case, or (2) that the person requesting permissive intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Further, KRS 278.040(2) requires that a person seeking intervention must have an interest in the rates or service of a utility, as those are the only matters that are subject to the Commission's jurisdiction.

Based on the foregoing, the Commission finds that any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not adequately represented, or the issues and facts the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of electricity consumed by the movant or a general statement regarding a potential impact of a possible modification of rates will not be deemed sufficient to establish a special interest.

IT IS THEREFORE ORDERED that:

1. Unless otherwise ordered by the Commission, the procedures set forth in 807 KAR 5:001, Section 8, shall be followed when filing papers in this proceeding.

2. The Commission directs all parties to the Commission's March 16, 2020 and March 24, 2020 Orders in Case No. 2020-00085⁵ regarding filings with the Commission. The Commission expects the original documents to be filed with the Commission within 30 days of the lifting of the current state of emergency.

⁵ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5–6. Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 24, 2020), Order at 1–3.

3. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, LG&E shall file a written statement with a copy to parties of record that it waives any right to service of Commission orders by United States mail and that it or its authorized agent possesses the facilities to receive electronic submissions.

4. Unless a party granted leave to intervene states its objection to the use of electronic filing procedures in a motion for intervention, the party shall:

a. Be deemed to have consented to the use of electronic filing procedures and the service of all papers, including Orders of the Commission, by electronic means; and

b. Within seven days of the entry of an Order of the Commission granting its intervention, file with the Commission a written statement that it waives any right to service of Commission orders by United States mail and that it or its authorized agent possesses the facilities to receive electronic submissions.

5. If a party objects to the use of electronic filing procedures and the Commission determines that good cause exists to excuse that party from the use of electronic filing procedures, service of documents on that party and by that party shall be made in accordance with 807 KAR 5:001, Section 4(8).

6. The procedural schedule set forth in Appendix A to this Order shall be followed in this proceeding.

7. Any motion to intervene filed after the date set forth in Appendix A shall show a basis for intervention and good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

8. By the date set forth in Appendix A, LG&E shall file its prepared direct testimony in support of the reasonableness of the application of its environmental surcharge mechanism during the period under review.

9. Any party filing testimony shall comply with the electronic filing procedures set forth in 807 KAR 5:001, Section 8, and shall file with the Commission an original in paper medium and an electronic version. The original in paper medium shall be appropriately bound, tabbed, and indexed. Electronic documents shall be in portable document format (PDF), shall be searchable and shall be appropriately bookmarked.

10. a. The information requested in Appendix B to this Order is due by the date set forth in Appendix A. Responses to requests for information in paper medium shall be appropriately bound, tabbed, and indexed and shall include the name of the witness responsible for responding to the questions related to the information provided, with an original in paper medium and an electronic version to the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable and shall be appropriately bookmarked.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. Any party shall make timely amendment to any prior responses if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any requests to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

e. Careful attention should be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations.

f. A party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

11. Within seven days of the Commission's granting intervention to a party, LG&E shall provide the party with a copy of its monthly environmental surcharge reports as filed with the Commission for the review period.

12. LG&E's monthly environmental surcharge reports and supporting data for the review period shall be incorporated by reference into the record of this case.

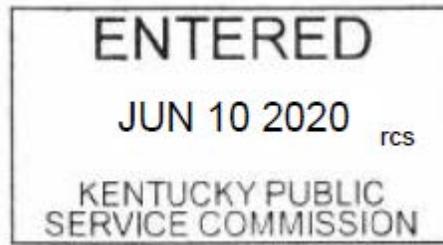
13. The case records of Case Nos. 1994-00332, 2000-00386, 2002-00147, 2002-00193, 2003-00433, 2004-00421, 2006-00208, 2009-00198, 2011-00162, and 2016-00027⁶ shall be incorporated by reference into the record of this case.

14. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

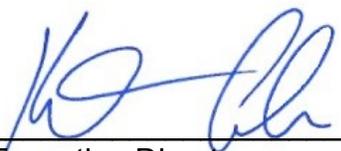
15. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

⁶ Case No. 1994-00332, Louisville Gas and Electric Company (Ky. PSC Apr. 6, 1995); Case No. 2000-00386, *The Application of Louisville Gas and Electric Company for Approval of an Amended Compliance Plan for Purposes of Recovering the Costs of New and Additional Pollution Control Facilities and to Amend Its Environmental Cost Recovery Surcharge Tariff* (Ky. PSC Aug. 30, 2001); Case No. 2002-00147, *Application for an Amended Environmental Compliance Plan, and a Revised Surcharge to Cover the Costs* (Ky. PSC Sept. 4, 2003); Case No. 2002-00193, *An Examination by the Public Service Commission of the Environmental Surcharge Mechanism of Louisville Gas and Electric Company for the Six-Month Billing Periods Ending April 30, 2000, October 31, 2000, October 31, 2001, and April 30, 2002 and for the Two-Year Billing Period Ending April 30, 2001* (Ky. PSC Oct. 22, 2002); Case No. 2003-00433, *An Adjustment of the Gas and Electric Rates, Terms, and Conditions of Louisville Gas and Electric Company* (Ky. PSC June 30, 2004); Case No. 2004-00421, *The Application of Louisville Gas and Electric Company for Approval of Its 2004 Compliance Plan for Recovery by Environmental Surcharge* (Ky. PSC June 20, 2005); Case No. 2006-00208, *The Application of Louisville Gas and Electric Company for Approval of Its 2006 Compliance Plan for Recovery by Environmental Surcharge* (Ky. PSC Dec. 21, 2006); Case No. 2009-00198, *Application of Louisville Gas and Electric Company for a Certificate of Public Convenience and Necessity and Approval of Its 2009 Compliance Plan for Recovery by Environmental Surcharge* (Ky. PSC Dec. 23, 2009); Case No. 2011-00162, *Application of Louisville Gas and Electric Company for Certificates of Public Convenience and Necessity and Approval of Its 2011 Compliance Plan for Recovery by Environmental Surcharge* (Ky. PSC Dec. 15, 2011); and Case No. 2016-00027, *Application of Louisville Gas and Electric Company for Certificates of Public Convenience and Necessity and Approval of Its 2016 Compliance Plan for Recovery by Environmental Surcharge* (Ky. PSC Aug. 8, 2016).

By the Commission



ATTEST:



Executive Director

Case No. 2020-00171

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2020-00171 DATED JUN 10 2020

LG&E shall file its prepared direct testimony and responses to the
information requested in Appendix B no later than..... 07/08/20

A person interested in becoming a party to this proceeding
shall file a motion to intervene with the Commission pursuant
to 807 KAR 5:001, Section 4(11), no later than 07/15/20

Additional requests for information to LG&E shall
be filed no later than..... 07/29/20

LG&E shall file responses to additional requests for
information no later than..... 08/12/20

Intervenor testimony, if any, in verified prepared form
shall be filed no later than 08/26/20

Requests for information to Intervenors shall be
filed no later than..... 09/09/20

Intervenors shall file responses to requests for
information no later than..... 09/23/20

Last day for LG&E to request a hearing or submit
this case for decision based on the record 10/07/20

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2020-00171 DATED JUN 10 2020

COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO LOUISVILLE GAS AND ELECTRIC COMPANY

1. Concerning the rate of return on the 2009, 2011, and 2016 amendments to the environmental compliance plan, for the period under review, calculate any true-up adjustment needed to recognize changes in LG&E's cost of debt, preferred stock, accounts receivable financing (if applicable), or changes in LG&E's jurisdictional capital structure as of August 31, 2019. Include all assumptions and other supporting documentation used to make this calculation. Any true-up adjustment is to be included in the determination of the over- or under-recovery of the surcharge for the corresponding billing period under review. Provide all exhibits and schedules of your response in Excel spreadsheet format, with formulas intact and unprotected and all rows and columns accessible.

2. Prepare a summary schedule showing the calculation of Total E(m), Net Retail E(m), and the surcharge factor for the expense months covered by the applicable billing period. The summary schedule is to incorporate all corrections and revisions to the monthly surcharge filings LG&E has submitted during the billing period under review. Include all supporting calculations and documentation for any over- or under-recovery. Provide all exhibits and schedules of your response in Excel spreadsheet format, with formulas intact and unprotected and all rows and columns accessible.

3. Provide the calculations, assumptions, workpapers, and other supporting documents used to determine the amounts LG&E has reported during each billing period

under review for Pollution Control Deferred Income Taxes. Provide all exhibits and schedules of your response in Excel spreadsheet format, with formulas intact and unprotected and all rows and columns accessible.

4. Refer to ES Form 2.50, Pollution Control – Operations & Maintenance Expenses, for the expense months covered by the applicable billing period. For each expense account number listed on this schedule, explain the reason(s) for any change in the expense levels from month to month if that change is greater than plus or minus 10 percent.

5. In Case No. 2000-00386,⁷ the Commission ordered that LG&E's cost of debt and preferred stock would be reviewed and re-established during the six-month review case. Provide the following information as of August 31, 2019:

a. The outstanding balances for long-term debt, short-term debt, preferred stock, and common equity. Provide this information on total company and Kentucky jurisdictional bases.

b. The blended interest rates for long-term debt, short-term debt, and preferred stock. Include all supporting calculations showing how these blended interest rates were determined. If applicable, provide the blended interest rates on total company and Kentucky jurisdictional bases. For each outstanding debt listed, indicate whether the interest rate is fixed or variable.

⁷ Case No. 2000-00386, *Louisville Gas and Electric Company* (Ky. PSC Apr. 18, 2001).

c. LG&E's calculation of its weighted average cost of capital for environmental surcharge purposes.

d. LG&E's calculation of its tax gross-up factor.

e. Provide all supporting exhibits and schedules in Excel spreadsheet format, with formulas intact and unprotected and all rows and columns accessible.

6. Provide the actual average residential customer's usage. Based on this usage amount, provide the dollar impact the over- or under-recovery will have on the average residential customer's bill for the requested recovery period. Provide all supporting calculations and documentation in Excel spreadsheet format, with formulas intact and unprotected and all rows and columns accessible.

7. Refer to LG&E's Environmental Surcharge Report for the expense months of March 2019, April 2019, and May 2019 (received April 18, 2019; May 21, 2019; and June 24, 2019, respectively), ES FORM 2.01, columns (3) and (5).

a. Explain why the April 2019 column (3) amount does not equal column (5) from the March 2019 filing.

b. Explain why the May 2019 column (3) amount does not equal column (5) from the April 2019 filing.

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