

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF KENTUCKY)	
POWER COMPANY OF A)	CASE NO.
COGENERATION/SMALL POWER)	2020-00422
PRODUCTION AGREEMENT WITH INEZ)	
POWER, LLC)	

ORDER

On December 16, 2020, Kentucky Power Company (Kentucky Power) filed with the Commission a Cogeneration/Small Power Production Agreement (Agreement) with Inez Power, LLC (Inez Power). Numbered paragraph 9 of the Agreement states that it becomes effective “when executed by both Parties.” Numbered paragraph 13 of the Agreement acknowledges that the Agreement is subject to the Commission’s jurisdiction and approval. As the Agreement was filed through the Commission’s electronic Tariff Filing System on December 16, 2020, the earliest possible effective date for the Agreement is January 15, 2021.

KRS 278.030 provides that a utility may collect fair, just and reasonable rates and that the service that it provides must be adequate, efficient and reasonable. Having considered the proposed Agreement and being otherwise sufficiently advised, the Commission finds that an investigation will be necessary to determine the reasonableness of the Agreement and that such an investigation cannot be completed by January 15, 2021. Pursuant to KRS 278.190, the Commission will, therefore, suspend the effective date of the Amendment for five months, up to and including June 14, 2021.

The Commission finds that Kentucky Power, within seven days of the date entry of this Order, should have its counsel enter an appearance into this proceeding that contains the name, address, telephone number, fax number, and electronic mail address of counsel.

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. As such, Kentucky Power should follow the procedures set forth in 807 KAR 5:001, Section 8, when filing any document or paper in this matter.

In addition, Kentucky Power is to file its response to the information requested in the Appendix to this Order.

IT IS THEREFORE ORDERED that:

1. This proceeding is established to investigate the reasonableness of Kentucky Power's proposed Agreement.
2. Kentucky Power's proposed Agreement is suspended for five months from January 15, 2021, up to and including June 14, 2021.
3. Kentucky Power shall, by counsel, enter an appearance in this proceeding within seven days of the date of entry of this Order. The entry of appearance shall include the name, address, telephone number, fax number, and electronic mail address of counsel.
4. Unless otherwise ordered by the Commission, the procedures set forth in 807 KAR 5:001, Section 8, related to service and electronic filing of papers shall be followed in this proceeding.

5. Pursuant to 807 KAR 5:011, Section 8(9), within seven days of entry of this Order, Kentucky Power shall file by electronic means a written statement that it waives any right to service of Commission orders by United States mail and that it or its authorized agents possesses the facilities to receive electronic submissions. The paper original shall be filed within 30 days of the ending of the current state of emergency caused by COVID-19.

6. The information requested in the Appendix is due within 14 days of the date of entry of this Order.

7. a. Responses to requests for information 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. The paper original shall be filed within 30 days of the ending of the current state of emergency caused by COVID-19.¹

b. Each response shall include the name of the witness responsible for responding to the questions related to the information provided and shall be answered under oath or, for representatives of a public or private corporation or a partnership or an 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. Kentucky Power shall make timely amendment to any prior response

¹ 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.

if it obtains information that indicates the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which Kentucky Power fails or refuses to furnish all or part of the requested information, it 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.

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

8. Kentucky Power shall give notice of the hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). In addition, the notice of the hearing shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov"; and "Public comments may be made at the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listed on the PSC website, psc.ky.gov." At the time publication is requested, Kentucky Power shall forward a duplicate of the notice and request to the Commission.

9. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

10. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video

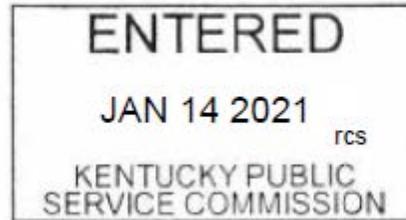
recording shall be made of the hearing.

11. The Commission does not look favorably upon motions of 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.

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

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By the Commission



ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2020-00422 DATED JAN 14 2021

1. Refer to the Cogeneration/Small Power Production Agreement (Agreement) with Inez Power, LLC (Inez Power). Provide a revised Exhibit C that reflects the Tariff COGEN/SPP II rates approved in Case No. 2020-00174.²

2. Refer to the Agreement, page 1, which states that the generator size is 6,800 kW. Also, refer to Exhibit C, Cogeneration and/or Small Power Production Application, page 1, which states that “[t]he total rated generating capacity of the Customer-generator to be used and billed under Tariff COGEN/SPP II is 500 kW.” Explain the discrepancy between the two statements. If necessary, provide a correction.

3. Confirm the rates in Exhibit C will always mirror those of Kentucky Power’s Tariff CONGEN/SPP II. If confirmed, explain how updates or revisions to Kentucky Power’s Tariff CONGEN/SPP II will be reflected in Exhibit C.

² Case No. 2020-000174, *Electronic Application of Kentucky Power Company for (1) A General Adjustment of Its Rates for Electric Service; (2) Approval of Tariffs and Riders; (3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; (4) Approval of a Certificate of Public Convenience and Necessity; and (5) All Other Required Approvals and Relief* (Ky. PSC Jan. 13, 2021).

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