

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF EAST)	
KENTUCKY POWER COOPERATIVE, INC.)	
AND ITS MEMBER DISTRIBUTION)	CASE NO.
COOPERATIVES FOR APPROVAL OF)	2021-00198
PROPOSED CHANGES TO THEIR)	
QUALIFIED COGENERATION AND SMALL)	
POWER PRODUCTION FACILITIES TARIFFS)	

ORDER

On March 31, 2021, East Kentucky Power Cooperative, Inc. (EKPC) filed with the Commission revised tariff sheets setting forth proposed adjustments to its existing tariff for Qualified Cogeneration and Small Power Production Facilities. EKPC proposed an effective date of June 1, 2021.

EKPC is a generation and transmission cooperative that provides wholesale electric service to 16 member distribution cooperatives who, in turn, provide retail electric service to approximately 530,000 customers. All 16 distribution cooperatives have filed proposed tariffs mirroring EKPC's proposed revisions. The 16 distribution cooperatives, and their corresponding tariff filing numbers, are:

Big Sandy Rural Electric Cooperative Corporation	(TFS2021-00106)
Blue Grass Rural Electric Cooperative Corporation	(TFS2021-00130)
Clark Energy Cooperative, Inc.	(TFS2021-00105)
Cumberland Valley Electric, Inc.	(TFS2021-00134)
Farmers Rural Electric Cooperative Corporation	(TFS2021-00133)
Fleming-Mason Energy Cooperative	(TFS2021-00108)
Grayson Rural Electric Cooperative Corporation	(TFS2021-00113)
Inter-County Energy Cooperative Corporation	(TFS2021-00131)
Jackson Energy Cooperative	(TFS2021-00168)
Licking Valley Rural Electric Cooperative Corporation	(TFS2021-00120)

Nolin Rural Electric Cooperative Corporation	(TFS2021-00125)
Owen Electric Cooperative, Inc.	(TFS2021-00129)
Salt River Electric Cooperative Corporation	(TFS2021-00102)
Shelby Energy Cooperative, Inc.	(TFS2021-00126)
South Kentucky Rural Electric Cooperative Corporation	(TFS2021-00128)
Taylor County Rural Electric Cooperative Corporation	(TFS2021-00127)

The revisions to the Qualified Cogeneration and Small Power Production Facilities tariff include updating capacity and energy pricing and reducing the market administration fee.

KRS 278.030 provides that a utility may collect fair, just and reasonable rates and that the service it provides must be adequate, efficient and reasonable. Having considered the proposed tariff revisions and being otherwise sufficiently advised, the Commission finds that an investigation will be necessary to determine the reasonableness of the proposed tariff revisions and that such an investigation cannot be completed by June 1, 2021. Pursuant to KRS 278.190, the Commission will, therefore, suspend the effective date of the proposed tariff revisions for five months, up to and including November 1, 2021.

The Commission finds that within seven days of the date of entry of this Order, EKPC 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.

The Commission further finds that within seven days of the date of entry of this Order, a distribution cooperative that chooses to actively participate in this proceeding 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.

The Commission further finds that any interested party should file any motion to intervene, signed by counsel, no later than June 8, 2021.

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, EKPC should follow the procedures set forth in 807 KAR 5:001, Section 8, when filing any document or paper in this matter. The Commission directs EKPC to the Commission's March 16, 2020 and March 24, 2020 Orders in Case No. 2020-00085¹ 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.

The Commission further finds that a procedural schedule should be established to review the reasonableness of the proposed tariff. The procedural schedule is attached hereto as an Appendix to this Order and is incorporated herein.

IT IS THEREFORE ORDERED that:

1. This proceeding is established to investigate the reasonableness of EKPC and its 16 distribution cooperative's proposed revisions to their Qualified Cogeneration and Small Power Production Facilities tariffs.
2. EKPC and its 16 distribution cooperatives' proposed tariffs are suspended for five months from June 1, 2021, up to and including, October 31, 2021.
3. Any interested party, may, by counsel, file a motion to intervene no later than June 8, 2021.

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.

4. EKPC 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.

5. Any distribution cooperative that chooses to actively participate in this proceeding 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.

6. 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.

7. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, EKPC 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 possess 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.

8. 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 date of entry of an Order of the Commission, granting intervention, file with the Commission a written statement that:

(1) It, or its authorized agent, possesses the facilities to receive electronic transmissions; and

(2) Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding should be served.

9. 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).

10. The procedural schedule set forth in the Appendix to this Order shall be followed.

11. 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.

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. A party shall make timely amendment to any prior response 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 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.

f. Any 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 the personal information cannot be read.

12. As set forth in 807 KAR 5:001, Section 4(11)(a), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceeding 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. Therefore, any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not otherwise adequately represented, or the issues and facts that the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of utility service consumed by the movant or a general statement

regarding the potential impact of possible modification of rates will not be deemed sufficient to establish a special interest. In addition, any motion to intervene after the date established in the procedural schedule shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

13. EKPC 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 statements: "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, EKPC shall forward a duplicate of the notice and request to the Commission.

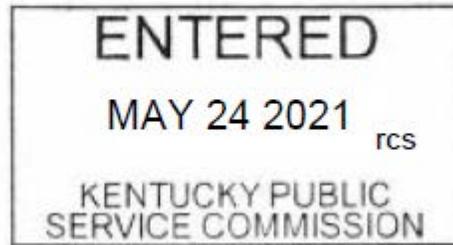
14. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

15. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made of the hearing.

16. 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.

17. Nothing contained herein shall prevent the Commission for entering further Orders in this matter.

By the Commission



ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00198 DATED MAY 24 2021

Requests for intervention shall be filed no later than 06/08/2021

Initial requests for information to EKPC
shall be filed no later than 06/15/2021

EKPC shall file responses to
initial requests for information no later than.....06/29/2021

All supplemental requests for information to EKPC
shall be filed no later than 07/13/2021

EKPC shall file responses to supplemental requests
for information no later than07/23/2021

Intervenor testimony, if any, in verified prepared
form shall be filed no later than..... 08/03/2021

All requests for information to Intervenors shall
be filed no later than..... 08/16/2021

Intervenors shall file responses to requests for
information no later than..... 08/30/2021

EKPC or any Intervenor shall request either a
hearing or that the case be submitted for decision
based on the record no later than.....09/06/2021

*Big Sandy R.E.C.C.
504 11th Street
Paintsville, KY 41240

*Fleming-Mason Energy Cooperative, Inc.
1449 Elizaville Road
P. O. Box 328
Flemingsburg, KY 41041

*Clark Energy Cooperative, Inc.
2640 Ironworks Road
P. O. Box 748
Winchester, KY 40392-0748

*Big Sandy R.E.C.C.
Big Sandy R.E.C.C.
504 11th Street
Paintsville, KY 41240

*Fleming-Mason Energy Cooperative, In
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1449 Elizaville Road
P. O. Box 328
Flemingsburg, KY 41041

*Clark Energy Cooperative, Inc.
Clark Energy Cooperative, Inc.
2640 Ironworks Road
P. O. Box 748
Winchester, KY 40392-0748

*Taylor County R.E.C.C.
625 West Main Street
P. O. Box 100
Campbellsville, KY 42719

*Nolin R.E.C.C.
411 Ring Road
Elizabethtown, KY 42701-6767

*Cumberland Valley Electric, Inc.
Highway 25E
P. O. Box 440
Gray, KY 40734

*Taylor County R.E.C.C.
Taylor County R.E.C.C.
625 West Main Street
P. O. Box 100
Campbellsville, KY 42719

*Nolin R.E.C.C.
Nolin R.E.C.C.
411 Ring Road
Elizabethtown, KY 42701-6767

*Cumberland Valley Electric, Inc.
Cumberland Valley Electric, Inc.
Highway 25E
P. O. Box 440
Gray, KY 40734

*J. Hadden Dean
Sheehan Barnett Dean Pennington Little & Dexter
116 North Third Street
P.O. Box 1517
Danville, KENTUCKY 40423

*South Kentucky R.E.C.C.
200 Electric Avenue
Somerset, KY 42501

*East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

*Farmers R.E.C.C.
504 South Broadway
P. O. Box 1298
Glasgow, KY 42141-1298

*South Kentucky R.E.C.C.
South Kentucky R.E.C.C.
200 Electric Avenue
Somerset, KY 42501

*East Kentucky Power Cooperative, Inc
East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

*Farmers R.E.C.C.
Farmers R.E.C.C.
504 South Broadway
P. O. Box 1298
Glasgow, KY 42141-1298

*Blue Grass Energy Cooperative Corp.
1201 Lexington Road
P. O. Box 990
Nicholasville, KY 40340-0990

*Inter-County Energy Cooperative Corporation
1009 Hustonville Road
P. O. Box 87
Danville, KY 40423-0087

*Inter-County Energy Cooperative Corp
Inter-County Energy Cooperative Corporation
1009 Hustonville Road
P. O. Box 87
Danville, KY 40423-0087

*Shelby Energy Cooperative, Inc.
620 Old Finchville Road
Shelbyville, KY 40065

*Jackson Energy Cooperative Corporation
115 Jackson Energy Lane
McKee, KY 40447

*Shelby Energy Cooperative, Inc.
Shelby Energy Cooperative, Inc.
620 Old Finchville Road
Shelbyville, KY 40065

*Jackson Energy Cooperative Corporati
Jackson Energy Cooperative Corporation
115 Jackson Energy Lane
McKee, KY 40447

*Salt River Electric Cooperative Corp.
111 West Brashear Avenue
P. O. Box 609
Bardstown, KY 40004

*Licking Valley R.E.C.C.
P. O. Box 605
271 Main Street
West Liberty, KY 41472

*Salt River Electric Cooperative Corp
Salt River Electric Cooperative Corp.
111 West Brashear Avenue
P. O. Box 609
Bardstown, KY 40004

*Licking Valley R.E.C.C.
Licking Valley R.E.C.C.
P. O. Box 605
271 Main Street
West Liberty, KY 41472

*Grayson R.E.C.C.
109 Bagby Park
Grayson, KY 41143

*Owen Electric Cooperative, Inc.
8205 Highway 127 North
P. O. Box 400
Owenton, KY 40359

*Grayson R.E.C.C.
Grayson R.E.C.C.
109 Bagby Park
Grayson, KY 41143

*Owen Electric Cooperative, Inc.
Owen Electric Cooperative, Inc.
8205 Highway 127 North
P. O. Box 400
Owenton, KY 40359