

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)
POWER COMPANY FOR (1) AN ORDER)
APPROVING THE TERMS AND CONDITIONS OF)
THE RENEWABLE ENERGY PURCHASE)
AGREEMENT FOR SOLAR ENERGY)
RESOURCES BETWEEN KENTUCKY POWER)
COMPANY AND BRIGHT MOUNTAIN SOLAR,)
LLC; (2) AUTHORIZATION TO ENTER INTO THE)
AGREEMENT; (3) RECOVERY OF COSTS)
THROUGH TARIFF P.P.A.; (4) APPROVAL OF)
ACCOUNTING PRACTICES TO ESTABLISH A)
REGULATORY ASSET; AND (5) ALL OTHER)
REQUIRED APPROVALS AND RELIEF)

CASE NO.
2024-00243

ORDER

On July 31, 2024, Kentucky Power Company (Kentucky Power) filed an application pursuant to KRS 278.300, KRS 278.020, 807 KAR 5:001, Section 14, and 807 KAR 5:001, Section 18 for approval to enter into a purchase power agreement, the approval of the terms of the agreement as well as authorization to establish a regulatory asset and to pass the recovery costs through the Tariff P.P.A.

KRS 278.300(2) requires the Commission to issue an Order pursuant to this statute no later than 60 days from the date of the application being deemed filed. Having reviewed the filing, the Commission does not believe that 60 days is an adequate amount of time to properly investigate this matter. The Commission finds that the statutory deadline shall be extended past the 60 days. The Commission does note that Kentucky Power has requested a final Order by March 1, 2025. The Commission, on its own

motion, finds that a procedural schedule should be established for the orderly processing of this case. The procedural schedule is attached as an Appendix to this Order.

Additionally, any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing may be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing. Hearings are held in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. Witnesses who sponsor schedules, testimony, or responses to requests for information are expected to participate in person at a hearing.

IT IS THEREFORE ORDERED that:

1. The statutory deadline in KRS 278.300(2) is extended beyond 60 days.
2. The procedural schedule set forth in the Appendix to this Order shall be followed.
3. Kentucky Power shall respond to all requests for information propounded by Commission Staff, whether identified on the procedural schedule or otherwise, as provided in those requests.
4. Any party filing a paper with the Commission shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Commission directs the parties to the

Commission's July 22, 2021 Order in Case No. 2020-00085¹ regarding filings with the Commission.

5. 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 that 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 a potential impact of possible modification of rates will not be deemed sufficient to establish a special interest.

6. Any motion to intervene filed 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.

7. Kentucky Power shall give notice of any scheduled hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). In addition, the notice of 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

¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listing 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.

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

9. Any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing shall be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing.

10. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at any hearing scheduled in this matter.

11. Kentucky Power shall file a witness list at least seven days prior to the hearing date.

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

13. 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.

14. The Commission does not look favorably upon motions to excuse witnesses from testifying at Commission hearings. Accordingly, motions to excuse a witness from

testifying at a Commission hearing or from testifying in person at a Commission hearing shall be made in writing and will be granted only upon a showing of good cause.

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PUBLIC SERVICE COMMISSION

Angie Walton
Chairman

Signs
on behalf
of Commission
w/ permission

Vice Chairman

Mary Pat Regan
Commissioner

ENTERED
AUG 21 2024
rCS
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

[Signature] *For*
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2024-00243 DATED AUG 21 2024

Last day for intervention requests to be accepted.....	09/04/2024
All initial requests for information to Kentucky Power shall be filed no later than	09/11/2024
Kentucky Power shall file responses to initial requests for information no later than.....	09/25/2024
All supplemental requests for information to Kentucky Power shall be filed no later than	10/09/2024
Kentucky Power shall file responses to supplemental requests for information no later than	10/23/2024
Intervenor testimony, if any, in verified prepared form shall be filed no later than.....	11/06/2024
All requests for information to intervenors shall be filed no later than	11/15/2024
Intervenors shall file responses to requests for information no later than.....	11/27/2024
Kentucky Power shall file, in verified form, its rebuttal testimony no later than	12/11/2024
Last day for parties to request a public hearing or submit a request for the matter be decided based upon the written record	12/18/2024

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