

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST)	
KENTUCKY POWER COOPERATIVE, INC. FOR)	
AN AMENDMENT TO ITS CERTIFICATE OF)	CASE NO.
PUBLIC CONVENIENCE AND NECESSITY FOR)	2024-00263
THE CONSTRUCTION OF TRANSMISSION)	
FACILITIES IN MADISON COUNTY, KENTUCKY)	

ORDER

On September 30, 2024, East Kentucky Power Cooperative, Inc. (EKPC), pursuant to KRS 278.020, 807 KAR 5:001, Sections 15 and 19, and 807 KAR 5:120, submitted an application for an amendment of a Certificate of Public Convenience and Necessity (CPCN) granted in Case No. 2022-00314 to construct a 7.7-mile, 138-kilovolt (kV) transmission line to be added as a double circuit on new structures being installed as part of a 69 kV rebuild; the expansion of the EKPC Fawkes substation (Fawkes Expansion); construction of the Madison County 69 kV Switching Station near the Duncannon Lane Tap (Madison County Switching Station); placement of a 138 kV to 69 kV step-down transformer; and construction of a new substation to serve an industrial park in Madison County, Kentucky.¹ EKPC filed this application for approval to move the Madison County Switching Station and for approval of a material change in project expense. In addition,

¹ Case No. 2022-00314 *Electronic Application of East Kentucky Power Cooperative, Inc. for a (1) Certificate of Public Convenience and Necessity for the Construction of Transmission Facilities in Madison County, Kentucky; and (2) Declaratory Order Confirming That a Certificate of Public Convenience and Necessity is not Required for Certain Facilities* (Ky PSC Feb. 23, 2023).

as part of the application, EKPC filed a motion requesting the Commission to incorporate by reference the entirety of the case record from Case No. 2022-00314.

KRS 278.020(9) requires the Commission to issue a decision no later than 90 days after the application is filed unless the Commission extends this period, for good cause, to 120 days. At this time, the Commission does not find cause to extend the statutory time period for this case.

In addition, the Commission finds that EKPC has shown good cause as to why the record of Case No. 2022-00314 should be incorporated by reference. The Commission notes without the incorporation of the prior case, EKPC's current application would have been deficient. The Commission agrees that the incorporation of the record will reduce duplicative filings.

The Commission further finds that a procedural schedule should be established for the orderly processing of this case. A procedural schedule is set forth in the 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. EKPC's motion to incorporate the record of Case No. 2022-00314 is granted.
2. The entirety of the case record of Case No. 2022-00314 is incorporated by reference in this matter.
3. The procedural schedule set forth in the Appendix to this Order shall be followed.
4. EKPC shall respond to all requests for information propounded by Commission Staff, whether identified on the procedural schedule or otherwise, as provided in those requests.
5. 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. 2020-00085² regarding filings with the Commission.
6. 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 undue

² 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).

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.

7. 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.

8. EKPC 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 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, EKPC 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. 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.

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

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.

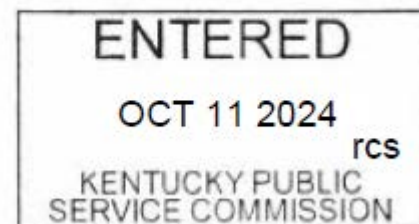
14. The Commission does not look favorably upon motions to excuse witnesses from testifying at Commission hearings. Accordingly, motions to excuse a witness from testifying at a Commission hearing or from testifying in person at a Commission hearing shall be made in writing and will be granted only upon a showing of good cause.

PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner



ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2024-00263 DATED OCT 11 2024

Last day for intervention requests to be accepted.....	10/18/2024
All initial requests for information to EKPC shall be filed no later than	10/22/2024
EKPC shall file responses to initial requests for information no later than.....	11/04/2024
All supplemental requests for information to EKPC shall be filed no later than	11/13/2024
EKPC shall file responses to supplemental requests for information no later than	11/20/2024
Last day for parties to request a public hearing or submit a request for the matter be decided based upon the written record.....	11/25/2024

*L. Allyson Honaker
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 1203
Lexington, KENTUCKY 40509

*Brittany H. Koenig
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 1203
Lexington, KENTUCKY 40509

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

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