

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST)	
KENTUCKY POWER COOPERATIVE, INC. FOR)	
1) CERTIFICATES OF PUBLIC CONVENIENCE)	
AND NECESSITY TO CONSTRUCT A NEW)	CASE NO.
GENERATION RESOURCES; 2) FOR A SITE)	2024-00370
COMPATIBILITY CERTIFICATE RELATING TO)	
THE SAME; 3) APPROVAL OF DEMAND SIDE)	
MANAGEMENT TARIFFS; AND 4) OTHER)	
GENERAL RELIEF)	

ORDER

On November 25, 2024, East Kentucky Power Cooperative, Inc. (EKPC) filed an application for a certificate of public convenience and necessity (CPCN) to construct new generation resources, a site compatibility certificate relating to the same, approval of demand side management (DSM) tariffs, and other general relief.¹ For the DSM tariffs, EKPC proposed an effective date of January 1, 2025.

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 reviewed the proposed DSM tariff and being otherwise sufficiently advised, the Commission finds that an investigation is necessary to determine the reasonableness of the proposed DSM tariff and that such investigation cannot be completed by January 1, 2025. Pursuant to

¹ Application was tendered on November 11, 2024, but was found deficient by the Commission. Deficiencies were subsequently cured by letter dated November 25, 2024.

KRS 278.190(2), the Commission will, therefore, suspend the effective date of the proposed tariff for five months, up to and including June 1, 2025.

The Commission directs EKPC to the Commission's July 22, 2021, Order in Case No. 2020-00085² in which the Commission mandated the use of electronic filing procedures listed in 807 KAR 5:001, Section 8. Consistent with the filing procedures set forth in Case No. 2020-00085, the Commission finds that electronic filing procedures should be used.

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

The Commission further finds that a hearing in this matter should be held on April 15, 2025–April 17, 2025, at 9 a.m. Eastern Daylight Time and continuing until called from the bench by the presiding officer, at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky.

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 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.

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).

The Commission recognizes its statutory obligations regarding the timeline for CPCN proceedings and shall make all reasonable and appropriate efforts to adhere to the statutory timeline established for the CPCN portion of this proceeding, as prescribed by applicable law and regulations. Notwithstanding the foregoing commitment, if during the course of these proceedings the Commission determines, in its sole discretion, that additional time is necessary to conduct a thorough investigation of any matters pertinent to this case, the Commission may bifurcate the proceedings in the following manner: a) Issue a decision specifically addressing the CPCN portion of this proceeding within the statutory timeline applicable thereto; and b) Continue its investigation and deliberation of any remaining issues according to the statutory timelines applicable to the nature of such issues.

IT IS THEREFORE ORDERED that:

1. This proceeding is established to investigate the reasonableness of the proposed DSM tariff.
2. EKPC's proposed DSM tariff is suspended for five months from January 1, 2025, up to and including June 1, 2025.
3. EKPC shall, by counsel, enter an appearance in this proceeding within seven days of the date of service 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 5:001, Section 8(9), within seven days of the date of service 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 agent possess the facilities to receive electronic submissions.

6. 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 service 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 shall be served.

7. 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).

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

9. 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.

10. 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 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.

11. 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.

12. 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.

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

14. 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.

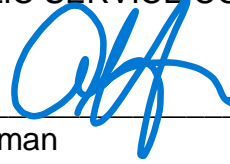
15. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at any hearing scheduled in this matter.

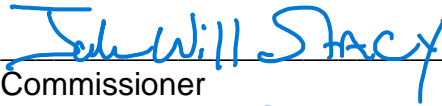
16. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made of the hearing.

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

18. 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

ENTERED
DEC 05 2024 AH
KENTUCKY PUBLIC
SERVICE COMMISSION

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2024-00370 DATED DEC 05 2024

Requests for intervention shall be filed no later than 12/13/2024

Initial requests for information to EKPC
shall be filed no later than 12/20/2024

EKPC shall file responses to
initial requests for information no later than..... 01/03/2025

All supplemental requests for information to EKPC
shall be filed no later than 01/17/2025

EKPC shall file responses to supplemental requests
for information no later than 01/31/2025

Intervenor testimony, if any, in verified prepared
form shall be filed no later than.... 02/14/2025

All requests for information to Intervenors shall
be filed no later than 02/28/2025

Intervenors shall file responses to requests for
information no later than..... 03/14/2025

EKPC shall file, in verified form, its rebuttal
testimony no later than 03/28/2025

Public hearing to be held at 9 a.m. Eastern Daylight Time
at the offices of the Public Service Commission at 211 Sower Boulevard,
Frankfort, Kentucky, for the purpose of cross-examination
of witnesses of EKPC and intervenors04/15/2025–04/17/2025

Post-hearing briefs, if any..... To be scheduled

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