

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 A procedural schedule was issued on December 5, 2024,² and amended on December 20, 2024,³ setting dates in order to ensure timely processing of the case. Appalachian Citizens' Law Center, Kentuckians for the Commonwealth, and Mountain Association (collectively, Joint Movants) timely filed a motion for intervention⁴ on December 13, 2024, meeting the

¹ Application was tendered on November 20, 2024, but was found deficient by the Commission. Deficiencies were subsequently cured by letter dated November 25, 2024.

² Order (Ky. PSC Dec. 5, 2024).

³ Order (Ky. PSC Dec. 20, 2024). The procedural schedule was amended to reflect a change in the hearing dates. All other scheduled dates remained the same as those reflected in the December 5, 2024 Order.

⁴ Joint Movants' Motion for Intervention (filed Dec. 13, 2024).

deadline set forth in the procedural schedule. On December 20, 2024, Joint Movants timely tendered their first round of data requests in this proceeding, in accordance with the procedural schedule, in anticipation of being granted intervention.⁵ Joint Movants were subsequently granted intervention by Order dated January 6, 2025.⁶ Responses to all initial data requests were due on January 3, 2025, prior to the intervention Order being issued.

Pursuant to KRS 278.310 and 807 KAR 5:001, Section 4(10), the Commission has the authority to regulate discovery in its proceedings and to compel compliance with lawful requests for information. As of January 7, 2025, EKPC has not filed responses to Joint Movants initial tendered data requests. As Joint Movants' initial requests for information were timely tendered and served on EKPC providing time for review and response, the Commission finds that the procedural schedule in reference to those requests should be amended to facilitate the appropriate administration of this matter, including the next round of data requests due January 17, 2025, applicable statutory deadlines, and the scheduled hearing.

IT IS THEREFORE ORDERED that:

1. The procedural schedule established December 5, 2024, and amended December 20, 2024, is hereby amended as set forth herein.
2. EKPC shall file complete responses to the Joint Movants' first requests for information tendered and served on December 20, 2024, on or before January 10, 2025.

⁵ Initial Requests for Information of Joint Movants to EKPC (filed Dec. 20, 2024).

⁶ Order (Ky. PSC Jan. 6, 2025).

3. The remainder of the December 5, 2024 procedural schedule, and amended December 20, 2024, not in conflict with this Order remains in effect.

4. This case shall proceed according to the current procedural schedule unless otherwise ordered by the Commission.

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PUBLIC SERVICE COMMISSION

Chairman

Commissioner

Commissioner

ATTEST:

Linda Bidwell *ep*
Executive Director



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