

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST)	
KENTUCKY POWER COOPERATIVE, INC. FOR)	
A CERTIFICATES OF PUBLIC CONVENIENCE)	
AND NECESSITY AND SITE COMPATIBILITY)	
CERTIFICATES FOR THE CONSTRUCTION OF)	
A 96 MW (NOMINAL) SOLAR FACILITY IN)	CASE NO.
MARION COUNTY, KENTUCKY AND A 40 MW)	2024-00129
(NOMINAL) SOLAR FACILITY IN FAYETTE)	
COUNTY, KENTUCKY AND APPROVAL OF)	
CERTAIN ASSUMPTIONS OF EVIDENCES OF)	
INDEBTEDNESS RELATED TO THE SOLAR)	
FACILITIES AND OTHER RELIEF)	

COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION
TO EAST KENTUCKY POWER COOPERATIVE, INC.

East Kentucky Power Cooperative, Inc. (EKPC), pursuant to 807 KAR 5:001, shall file with the Commission an electronic version of the following information. The information requested is due on June 5, 2024. The Commission directs EKPC to the Commission's July 22, 2021 Order in Case No. 2020-00085¹ regarding filings with the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

Each response shall include the question to which the response is made and shall include the name of the witness responsible for responding to the questions related to the information provided. Each response shall be answered under oath or, for

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).

representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or the 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.

EKPC shall make timely amendment to any prior response if EKPC obtains information that indicates the response was incorrect or incomplete when made or, though correct or complete when made, is now incorrect or incomplete in any material respect.

For any request to which EKPC fails or refuses to furnish all or part of the requested information, EKPC shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention shall be given to copied and scanned 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. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations. When filing a paper containing personal information, EKPC shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. Refer to Application at 8. Explain how EKPC chose to build projects providing 96 MW and 40 MW capacities.

2. Refer to Application at 8. Provide a complete cost benefit analysis comparing the Bluegrass Plains project to:

- a. Any other project sites considered;
- b. Any other designs considered;
- c. Developer projects listed in Exhibit JJT-1 at 2.

3. Refer to the Application, Exhibit 2, Direct Testimony of Julia J. Tucker (Tucker Direct Testimony), page 3 lines 20-21. Also refer to EKPC's Integrated Resource Plan (IRP), Table 8-6, page 170 in Case No. 2022-00098² (EKPC IRP).

a. Reconcile the net capacity positions cited in Tucker direct Testimony and the existing capacity positions cited in Table 8-6.

- b. Provide an update to Table 8-6.

4. Refer to the Application, Exhibit 2, Tucker Direct Testimony, page 4, lines 9-10, and page 7, line 15. Refer also to EKPC's IRP, Table 3-2, page 65.

- a. Explain EKPC's strategy to satisfy its winter capacity deficit.
- b. Provide an update to Table 3-2 with EKPC's most recent data.

5. Refer to Application, Exhibit 2, Tucker Direct Testimony at 12-14 and Exhibit JJT-1 at page 2.

a. Explain why the Northern Bobwhite project was chosen over other developer projects that were less costly per MWh, including estimated interconnection timelines for the proposed projects.

² Case No. 2022-00098, *Electronic 2022 Integrated Resource Plan of East Kentucky Power Cooperative, Inc.* (filed Apr. 1, 2022).

b. Provide a complete cost benefit analysis comparing the Northern Bobwhite project to available solar power purchase agreements (PPAs). If EKPC has no data on available PPAs, provide a complete cost benefit analysis utilizing generalized market PPA data and explain why it is not actively seeking PPA proposals.

6. Refer to the Application, Exhibit 2, Tucker Direct Testimony, pages 15–17.

a. Explain to which Request for Proposal (RFP) the Northern Bobwhite owner/developer responded and whether the response proposed a separate power purchase agreement (PPA), sale or both a PPA and a sale bid.

b. If the RFP response proposed a PPA, explain at what point EKPC decided to purchase the development.

7. Refer to the Application, Exhibit 2, Tucker Direct Testimony, page 19, lines 1-20. Explain whether EKPC's self-build proposals include both the Northern Bobwhite and the Bluegrass Plains projects.

8. Refer to the Application, Exhibit 2, Tucker Direct Testimony, page 19, lines 6–11.

a. Explain the current state of development for the Northern Bobwhite facility including but not limited to permitting; studies completed; site preparation; solar facility and transmission equipment procurement; and the current status of any project construction at the site.

b. Explain what steps are left to be taken for the Northern Bobwhite facility to come online and whether EKPC is responsible for completing these steps. If EKPC is not responsible for completing these steps, please identify what party is responsible for completing each of these steps.

9. Refer to EKPC IRP at 168, Table 8-5, indicating the preferred plan to add capacity to meet EKPC's capacity needs through 2036. State whether the two proposed projects are based on any changes to this plan. Describe any changes and explain why they were made.

10. Refer to EKPC IRP at 168, Table 8-5, indicating the planned addition of 110 MW of renewable capacity in 2023, 200 MW in 2024, zero MW in 2025, 200 MW in 2026, and 200 MW in 2027. Explain which planning year the two proposed projects correlate to and how EKPC plans to meet the other years' renewable capacity planning levels. Identify any changes to the EKPC IRP and explain the reasoning for changes to that IRP.

11. Refer to Case No. 2020-00208.³

a. Verify whether the project as approved by the Kentucky State Board on Electric Generation and Transmission Siting is the same project described in EKPC's application.

b. Describe any changes to the proposed project between that described in Case No. 2020-00208 and the Northern Bobwhite project described in EKPC's application.

c. Explain why EKPC is choosing to build the Northern Bobwhite project instead of entering into a PPA with Northern Bobwhite Solar LLC.

12. Refer to the Application, Exhibit 3, Direct Testimony of Patrick Bischoff (Bischoff Direct Testimony), page 3, lines 17-18 and Exhibit PB-2.

³ Case No. 2020-00208, *Electronic Application of Northern Bobwhite Solar LLC for a Certificate of Construction for an Approximately 96 Megawatt Merchant Solar Electric Generating Facility in Marion County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110* (filed Dec. 22, 2020).

a. Explain whether there are any differences between the Northern Bobwhite Solar Site Assessment Report filed in the Kentucky State Board on Electric Generation and Transmission Siting (Siting Board) Case No. 2020-00208⁴ and the site assessment report in the current proceeding. If so, list and explain any differences.

b. Explain whether EKPC is committing to adhere to all the mitigation measures either ordered in Case No. 2020-00208 or discussed in that case record and accepted by the Siting Board. If not, explain the mitigation measures which EKPC does not plan to accept or implement and the reasons for rejection.

c. To the extent applicable, explain whether EKPC is willing to accept and implement similar applicable mitigation measures for the Bluegrass Plains Solar project/facility. If not, provide specific reasons for each mitigation measure EKPC is unwilling to implement.

13. Refer to the Application, Exhibit 3, Bischoff Direct Testimony, Attachment PB-3, Transportation Assessment Report for the Bluegrass Plains Solar Project, page 2. The report states that construction workers are assumed to arrive generally prior to 6 a.m. and depart after 7 p.m.

a. Explain whether these are the actual planned worker arrival and departing times year round.

b. For truck traffic delivering equipment and material to the site, explain whether these deliveries will occur during morning and afternoon. If so, explain whether

⁴ See Case No. 2020-00208 *Electronic Application of Northern Bobwhite Solar LLC for a Certificate of Construction for an Approximately 96 Megawatt Merchant Solar Electric Generating Facility in Marion County, Kentucky Pursuant to KRS 278.700 and 807 KAR 5:110* (filed Dec. 22, 2020).

any accommodation can be made to not interfere with morning and afternoon school traffic.

14. Explain whether Fayette County has a noise ordinance or whether there is a noise ordinance applicable to the Bluegrass Plains Solar facility.

15. Refer to the Application, Exhibit 3, Bischoff Direct Testimony, Attachment PB-3, Appendix D: Acoustic Study.

a. Referring to page 7, provide a description of the actual type of pile driver anticipated to be used for post installation.

b. Referring to page 8, explain the anticipated hours of the day within which construction will occur and the daily hours during which pile driving will occur.

c. Refer to Figure 2, page 12. Provide a Figure similar to Figure 2 showing predicted noise levels during the pile driving phase of construction for sensitive noise receptors at the 1,000 foot and 2,000 foot distance. Identify each sensitive noise receptor listed in the table in subpart b.

d. Referring to Table A-1 in Appendix A, pages 16–21. Provide an update to the table showing the distance to the nearest sensitive noise receptors upon which formed the basis for the maximum noise level.

16. Explain whether EKPC has or intends to set up a complaint resolution process during the construction phase. If so, provide a discussion of the process.

17. In Case No 2020-00208, the Siting Board granted Northern Bobwhite Solar a deviation from the 2,000 feet setback requirement in KRS 278.704(2).⁵

⁵ Case No. 2020-00208, June 18, 2021 Order at 52,

a. Explain whether EKPC believes that the deviation still applies, in the answer address the jurisdiction of the Siting Board.

b. Explain whether EKPC plans to seek a similar deviation for its Bluegrass Plains Solar facility. If not, explain why not.

18. Explain whether EKPC has received any negative comments during public meetings regarding the Bluegrass Plains Solar facility.

19. Provide a copy of any written comments received regarding the Bluegrass Plains Solar facility.

20. Referring to the Northern Bobwhite Solar Project:

a. Provide a schedule for the project, starting from the Commission's approval to the completion of the project, including the length of each construction phase. Include in the response when EKPC believes peak construction will occur within the timeline.

b. Explain if an Engineering, Procurement, and Construction (EPC) firm has been selected for the project. Provide the request for proposal (RFP) for the EPC contractor, and if an EPC contractor has been selected provide the EPC contractors responsive proposal and if one has been selected provide the EPC Firms responsive proposal.

c. Provide a one-page map showing the project and a 2-mile radius around the project. Include on the map any residential and nonresidential structures.

d. Provide a preliminary site layout. Include:

(1) Security fencing.

(2) Access Roads.

- (3) Construction entrances.
- (4) Panels.
- (5) Inverters.
- (6) Substation.
- (7) Battery Energy Storage System (BESS).
- (8) Transmission line.

e. Provide a detailed table listing all residential structures located within 2,000 feet of the Project boundary line. For each structure, provide:

- (1) The distance to the boundary line.
- (2) The distance to the closest solar panel.
- (3) The distance to the nearest inverter.
- (4) The distance to the substation.

f. Provide a detailed table listing all non-residential structures located within 2,000 feet of the Project boundary line. For each structure provide:

- (1) The distance to the boundary line.
- (2) The distance to the closest solar panel.
- (3) The distance to the nearest inverter.
- (4) The distance to the substation.

g. Provide any communications that have been had with Arnolds Airport.

h. Referring to the Application Exhibit 3, Attachment PB-2, Northern Bobwhite Solar Project Site Assessment Report, Section 6 Mitigation Measures, explain

if additional vegetative screening is planned for the project. If no additional vegetative screening is planned, explain how EKPC will minimize impacts on scenery.

i. Provide any communication with United States Fish and Wildlife regarding threatened and endangered species on or around the Project site.

j. Explain if a single-axis, tracking-style racking system or fixed-tilt racking system will be used for the solar array.

k. Provide a table of noise receptors within 2,000 feet of the construction site boundaries with expected noise levels during construction and operation.

l. Provide a list of permits from other local, state, or federal agencies that have been or will be obtained prior to construction or operations.

m. Provide the proposed setbacks for known or suspected karst formations within the project site.

21. Refer to the Bluegrass Plains Site project:

a. Provide a schedule for the project, starting from the Commission's approval to the completion of the project, including the length of each construction phase. Include in the response when EKPC believes peak construction will occur within the timeline.

b. Explain if an EPC firm has been selected for the project. Provide the RFP for the EPC contractor, and if an EPC contractor has been selected provide the EPC contractors responsive proposal and if one has been selected provide the EPC Firms responsive proposal.

- c. Provide a one-page map showing the project and a 2-mile radius around the project. Include on the map any residential and nonresidential structures.
- d. Provide a preliminary site layout. Include:
 - (1) Security fencing.
 - (2) Access Roads.
 - (3) Construction entrances.
 - (4) Panels.
 - (5) Inverters.
 - (6) Substation.
 - (7) Battery Energy Storage System (BESS).
 - (8) Transmission line.
- e. Provide a detailed table listing all residential structures located within 2,000 feet of the Project boundary line. For each structure, provide:
 - (1) The distance to the boundary line.
 - (2) The distance to the closest solar panel.
 - (3) The distance to the nearest inverter.
 - (4) The distance to the substation.
- f. Provide a detailed table listing all non-residential structures located within 2,000 feet of the Project boundary line. For each structure provide:
 - (1) The distance to the boundary line.
 - (2) The distance to the closest solar panel.
 - (3) The distance to the nearest inverter.
 - (4) The distance to the substation.

g. Provide any communication with United States Fish and Wildlife regarding threatened and endangered species on the Project site.

h. Explain if a single-axis, tracking-style racking system or fixed-tilt racking system will be used for the solar array.

i. Provide any plans to coordinate with local landowners in case of complaints or other issues that might arise during construction or operation of the project.

j. Explain any specific restrictions that are proposed to be placed on the time of day or days of the week during which pile driving or other loud construction activities may take place. Include in the response the estimated length of time pile driving will occur during construction.

k. Provide a table of noise receptors within 2,000 feet of the construction site boundaries with expected noise levels during construction and operation.

l. Provide a list of permits from other local, state, or federal agencies that have been or will be obtained prior to construction or operations.

m. Provide the proposed setbacks for known or suspected karst formations within the project site.

22. Refer to the Direct Testimony of Thomas J. Stachnik (Stachnik Direct Testimony), pages 4-5.

a. Provide an estimate of how much of the project will be financed through EKPC general purpose cash. Include in the response the amount of EKPC's general corporate cash reserves.

b. Provide the total amount of EKPC's Revolving Credit Facility and how much EKPC intends to use for the purposes of this project.

c. Explain what EKPC means by "additional favorable financing options" when discussing Rural Utilities Service's (RUS) New ERA program.

23. Refer to the Stachnik Direct Testimony, page 4. Confirm that through the Investment Reduction Act (IRA), EKPC would not receive financing for the proposed project rather than tax credits. If confirmed, explain how the IRA tax credits would get passed back through to EKPC's customers.

24. Refer to the Stachnik Direct Testimony, page 4 and 7. On page 4, EKPC states that it will replace any temporary financing with long-term debt issued under the trust indenture from the RUS or other lenders. However, on page 7, EKPC states that the lowest cost financing that will be available will be that available under the IRA or from RUS under its usual Electric Program, and that no other forms of financing were considered.

a. Provide justification that the RUS Electric Program will provide the lowest form of financing possible considering EKPC refers to "other lenders" when considering long-term debt.

b. Explain how much long-term debt EKPC would anticipate borrowing in regard to the proposed projects.

25. Refer to the Stachnik Direct Testimony, page 7.

a. Confirm that EKPC does not participate in a corporate borrowing program. If confirmed, explain why not.

b. EKPC states that costs of capital expenditures will be replaced with long-term debt. Explain why EKPC is not financing the proposed project with all long-term debt as compared to utilizing general corporate cash and its revolving credit line. Include in the response how it is more cost-effective to EKPC's customers.

c. Provide EKPC's current capital structure. Include in the response a hypothetical capital structure that would include any short-term or long-term debt from this proposed project.



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cc: Parties of Record

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