

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
POWER COMPANY FOR APPROVAL OF (1) A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO MAKE THE CAPITAL)	
INVESTMENTS NECESSARY TO CONTINUE)	
TAKING CAPACITY AND ENERGY FROM THE)	CASE NO.
MITCHELL GENERATING STATION AFTER)	2025-00175
DECEMBER 31, 2028, (2) AN AMENDED)	
ENVIRONMENTAL COMPLIANCE PLAN, (3))	
REVISED ENVIRONMENTAL SURCHARGE)	
TARIFF SHEETS, AND (4) ALL OTHER)	
REQUIRED APPROVALS AND RELIEF)	

ORDER

On December 8, 2025, Sierra Club filed a motion to amend the briefing scheduled established in the Commission's November 21, 2025 Order based on Kentucky Power's failure to provide certain responses and attachments, for which confidential treatment was claimed, with its responses to post-hearing requests for information on Friday, December 5, 2025, the due date for said responses. Sierra Club noted that, despite its inquiries over the weekend, the confidential material included in the responses was not filed or provided to intervenors until the morning of Monday, December 8, 2025. As a result, Sierra Club indicated that intervenors had less time to review the information in preparation of initial briefs that are due on December 9, 2025, under the current procedural schedule. Thus, Sierra Club requested that the current procedural schedule be amended to allow initial briefs to be filed on or before December 12, 2025, and to allow

response briefs to be filed on or before December 18, 2025, with the case being taken under submission on December 19, 2025.

Kentucky Power filed a response to Sierra Club's motion on December 8, 2025, in which it indicated that it inadvertently failed to provide the confidential portions of the responses on the same day the non-confidential responses were filed, but it argued that failure was not prejudicial to intervenors and did not necessitate amending the procedural schedule. Specifically, Kentucky Power asserted that it provided the confidential information to all parties via email at 8:50 a.m. on Monday, December 8, 2025, the next business day after which non-confidential responses were filed. Kentucky Power also asserted that the information at issue is already contained in the record or is not essential to the application, that there is sufficient time for intervenors to review the information before initial briefs are due, and that the information can be addressed in response briefs.

The November 21, 2025, Order in this matter required that parties respond to post-hearing requests for information on or before December 5, 2025, and allowed for simultaneous initial and response briefs on December 9, 2025, and December 15, 2025, respectively, with the case being taken under submission on December 16, 2025. An August 1, 2025 Order, which established the initial procedural schedule in this case, indicated that the Commission would only amend the procedural schedule for good cause.


There is limited time left in the schedule in this case given the 6-month statutory date applicable to this case. Kentucky Power should have promptly filed and provided the confidential information to parties that executed a non-disclosure agreement given the tight schedule in this case. However, while the expectation in setting the post-hearing

schedule was that confidential portions of any responses would be promptly provided on December 5, 2025, Kentucky Power did provide the information in the morning on the next business, which mitigated prejudice from the delay. Additionally, the confidential portions of the responses make up a small portion of the overall record such that it should be possible to incorporate them into any brief relatively quickly. Finally, it is important that the Commission have time to consider the parties' briefing prior to any decision, and Sierra Club's requested 3-day extension would make doing so difficult. Thus, having reviewed the record and being otherwise sufficiently advised, the Commission does not find good cause for granting the requested 3-day extension but finds good cause exists for extending the briefing schedule by 1-day, such that the parties may file initial post-hearing briefs on or before December 10, 2025, and the parties may file response briefs on or before December 16, 2025.

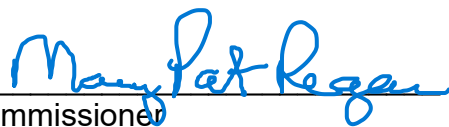
IT IS THEREFORE ORDERED that:

1. Sierra Club's motion to amend the briefing schedule is granted in part and denied in part as discussed herein.
2. All parties that choose to do so may file a memorandum brief in support of their respective post-hearing positions on or before December 10, 2025.
3. All parties that choose to do so may file a response brief, responding to issues raised in other parties' respective briefs, on or before December 16, 2025.
4. This case shall stand submitted for a decision by the Commission effective 12:01 a.m. Eastern Standard Time on December 17, 2025.
5. All other provisions of the November 21, 2025 Order not inconsistent with this Order shall remain in effect.

PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ATTEST:


Executive Director



*Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

*John Horne
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

*Michael J. Schuler
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Post Office Box 16631
Columbus, OH 43216

*Cristina Keith
Keith Law Office
201 West Short Street
Suite 300
Lexington, KY 40507

*Joshua Smith
Sierra Club
2101
Webster St. , Suite 1300
Oakland, CA 94612

*Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
425 Walnut Street
Suite 2400
Cincinnati, OH 45202

*Hector Garcia Santana
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Post Office Box 16631
Columbus, OH 43216

*Kentucky Power Company
1645 Winchester Avenue
Ashland, KY 41101

*Nathaniel Shoaff
Sierra Club
2101
Webster St. , Suite 1300
Oakland, CA 94612

*Harlee P. Havens
Stites & Harbison
250 West Main Street, Suite 2300
Lexington, KY 40507

*Kenneth J Gish, Jr.
Stites & Harbison
250 West Main Street, Suite 2300
Lexington, KY 40507

*Toland Lacy
Office of the Attorney General
700 Capital Avenue
Frankfort, KY 40601

*Juan Dawson
Stites & Harbison
250 West Main Street, Suite 2300
Lexington, KY 40507

*Katie M Glass
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KY 40602-0634

*Tanner Wolfram
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Post Office Box 16631
Columbus, OH 43216

*Jody Kyler Cohn
Boehm, Kurtz & Lowry
425 Walnut Street
Suite 2400
Cincinnati, OH 45202

*Lawrence W Cook
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

*Joe F. Childers
Childers & Baxter PLLC
300 Lexington Building, 201 West Sho
Lexington, KY 40507

*J. Michael West
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204