

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF EAST	)	
KENTUCKY POWER COOPERATIVE, INC. AND	)	CASE NO.
ITS MEMBER DISTRIBUTION COOPERATIVES	)	2026-00188
FOR UPDATES TO THE RENEWABLE ENERGY	)	
PROGRAM	)	

ORDER

On June 30, 2026, East Kentucky Power Cooperative, Inc. (EKPC) and its 16 distribution cooperatives filed proposed tariffs to update their Renewable Energy Program tariff. EKPC proposed an effective date of July 30, 2026.¹ EKPC responded to two requests for information from Commission Staff, which are attached as Appendix B to this Order. In response to one of those requests, EKPC indicated that while two entities, Diageo Americas Supply, Inc. (Diageo) and Maker's Mark, Inc. (Maker's Mark), having agreements under the Renewable Energy Program are customers of Inter-County Energy Cooperative Corporation (Inter-County Energy); it did informally notify Diageo and Maker's Mark of the proposed changes.²

EKPC is a generation and transmission cooperative that provides wholesale electric service to 16-member distribution cooperatives who, in turn, provide retail electric service to end-use customers. All distribution cooperatives have filed revisions to their

¹ TFS2026-00311, A Tariff Filing by East Kentucky Power Cooperative, Inc. for Rate H Wholesale Renewable Energy Program revision.

² Email between Christian Everly with EKPC and Peter Bostrom with PSC dated July 6- July 8, 2026, see Appendix B.

tariffs to mirror EKPC's proposed tariff revisions. The effective dates proposed by the distribution cooperative tariffs ranged from July 30, 2026, to August 1, 2026. The 16 distribution cooperatives and their corresponding tariff filing numbers are as follows:

Blue Grass Energy Cooperative Corp.	(TFS2026-00315)
Big Sandy RECC	(TFS2026-00284)
Clark Energy Cooperative, Inc.	(TFS2026-00316)
Cumberland Valley Electric, Inc.	(TFS2026-00303)
Farmers RECC	(TFS2026-00310)
Fleming-Mason Energy Cooperative, Inc.	(TFS2026-00297)
Grayson RECC	(TFS2026-00296)
Inter-County Energy Cooperative Corporation	(TFS2026-00302)
Jackson Energy Cooperative Corporation	(TFS2026-00289)
Licking Valley RECC	(TFS2026-00317)
Nolin RECC	(TFS2026-00314)
Owen Electric Cooperative, Inc.	(TFS2026-00306)
Salt River Electric Cooperative Corp.	(TFS2026-00301)
Shelby Energy Cooperative, Inc.	(TFS2026-00298)
South Kentucky RECC	(TFS2026-00323)
Taylor County RECC	(TFS2026-00309)

LEGAL STANDARD

The Commission has exclusive jurisdiction over the rates and service of utilities and is charged with enforcing the provisions of KRS Chapter 278.³ KRS 278.030(1)–(2) provides that a utility may collect fair, just and reasonable rates and that the service it provides must be adequate, efficient and reasonable. KRS 278.190 permits the Commission to investigate any schedule of new rates to determine its reasonableness.

DISCUSSION

Having reviewed the proposed tariff revisions and being otherwise sufficiently advised, the Commission finds that an investigation is necessary to determine the reasonableness of the proposed tariff revisions and that such investigation cannot be

³ KRS 278.040.

completed by July 30, 2026. Pursuant to KRS 278.190(2), the Commission will, therefore, suspend the effective date of the proposed tariff for five months, up to and including December 29, 2026.

The Commission directs EKPC to the Commission's July 22, 2021 Order in Case No. 2020-00085⁴ 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 further finds that a procedural schedule should be established to review the reasonableness of the proposed tariff revisions. The procedural schedule is attached as Appendix A to this Order.

The Commission, on its own motion, finds that Inter-County Energy should actively participate in this proceeding, as the utility serving current, affected customers. The remaining distribution cooperatives may choose to participate as each sees fit. Regarding the affected customers, there is currently insufficient evidence in the record indicating that affected Inter-County Energy customers, Diageo and Maker's Mark, have received the notice required by 807 KAR 5:011, Section 8. Accordingly, the Commission finds that Inter-County Energy should provide notice of the proposed tariff revisions to Diageo and Maker's Mark in accordance with 807 KAR 5:011, Section 8, within 20 days of the date of service of this Order.

⁴ 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).

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. This proceeding is established to investigate the reasonableness of the proposed tariff revisions to the Renewable Energy Program.
2. The proposed tariffs filed by EKPC and its distribution cooperatives are suspended for five months from July 30, 2026, up to and including December 29, 2026.
3. Within 20 days of the date of service of this Order, Inter-County Energy shall provide notice of the proposed tariff revisions to Diageo and Maker's Mark pursuant to 807 KAR 5:011, Section 8.
4. 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.
5. Inter-County Energy 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.

6. Any other distribution cooperative that chooses to actively participate in this proceeding 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.

7. 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.

8. 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.

9. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of the date of service of this Order, Inter-County Energy 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.

10. 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.

11. 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).

12. The procedural schedule set forth in Appendix A to this Order shall be followed.

13. EKPC and Inter-County Energy shall respond to all requests for information propounded by Commission Staff, whether identified on the procedural schedule or otherwise, as provided in those requests.

14. 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 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.

15. 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.

16. 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.

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

18. 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.

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

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

21. 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.

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

Entered on this 20th day of July, 2026.

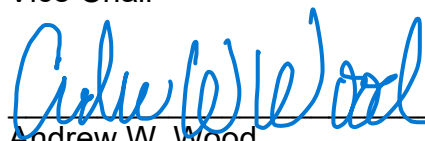
PUBLIC SERVICE COMMISSION



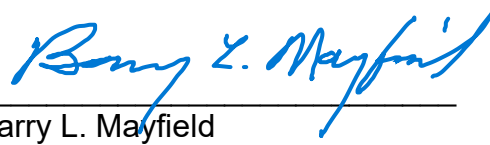
Angie Hatton
Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2026-00188 DATED JUL 20 2026

Requests for intervention shall be filed no later than 08/06/2026

Initial requests for information to EKPC and Inter-County Energy
shall be filed no later than 08/13/2026

EKPC and Inter-County Energy shall file responses to
initial requests for information no later than 08/27/2026

All supplemental requests for information to EKPC and Inter-County Energy
shall be filed no later than 09/11/2026

EKPC and Inter-County Energy shall file responses to supplemental requests
for information no later than 09/25/2026

Intervenor testimony, if any, in verified prepared
form shall be filed no later than 10/02/2026

All requests for information to Intervenors shall
be filed no later than 10/16/2026

Intervenors shall file responses to requests for
information no later than 10/30/2026

EKPC and Inter-County Energy shall file, in verified form, its rebuttal
testimony no later than 10/06/2026

EKPC and Inter-County Energy or any Intervenor shall request either a
hearing or that the case be submitted for decision
based on the record no later than 11/16/2026

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2026-00188 DATED JUL 20 2026

FOUR PAGES TO FOLLOW

Rogness, Benjamin (PSC)

From: Christian Everly <christian.everly@ekpc.coop>
Sent: Wednesday, July 8, 2026 1:23 PM
To: Bostrom, Peter (PSC)
Cc: Hinton, Daniel E (PSC); Rogness, Benjamin (PSC); Greg Cecil; Allyson Honaker
Subject: RE: TFS2026-00311

This Message Originated from Outside the Organization

This Message Is From an External Sender.

[Report Suspicious](#)

Peter,

1. The Maker's Mark Solar Facility became operational last fall but Makers Mark has not been getting power from it while EKPC was trying to get the billing issue fixed. To clarify, the solar facility is attached in front of the meter to the distribution line and is not behind the meter generation. Therefore, EKPC owns and operates the power and Inter-County hasn't started billing them on a fixed per kWh, in accordance with the agreement, to recover the costs to construct and operate the facility while EKPC finalized the solar facility and workout the billing issues. Once Makers Mark begins to get billed from Inter-County, after this proposed tariff change has been approved, then EKPC will recover all of the costs to construct and operate the facility for 25 years and issue credits, when needed, in accordance with the agreement.
2. While Makers Mark is not a customer of EKPC, EKPC did informally notify the proposed tariff changes with Diageo and Makers Mark even though neither customer is currently being billed or being issued credits under the Rate H/C&I agreement yet by Inter-County.

To also clarify, this language is not included in any of our other tariffs or agreements and somehow only on the Rate H so we're just proposing to align the Rate H tariff and agreement language with the other tariff/agreement language and to make it align with our billing system.

I understand that this may cause some confusion with the complexity of the agreements and the language, so, if there are other questions/concerns, I'd be happy to schedule a call to discuss if that would be easier or more beneficial.

Thank you,

Christian Everly
Rates and Regulatory Analyst
4775 Lexington Road
Winchester, KY 40392-0707
Office: (859) 745-9243
Cell: [REDACTED]



From: Bostrom, Peter (PSC) <peter.bostrom@ky.gov>
Sent: Wednesday, July 8, 2026 9:13 AM
To: Christian Everly <christian.everly@ekpc.coop>
Cc: Hinton, Daniel E (PSC) <dehinton@ky.gov>; Rogness, Benjamin (PSC) <benjamin.rogness@ky.gov>; Greg Cecil

<greg.cecil@ekpc.coop>; Allyson Honaker <allyson@hloky.com>

Subject: RE: TFS2026-00311

CAUTION: This email originated from outside of EKPC. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for that information Christian. No need to bother with the Scan and OCR for now. Just a couple follow up questions:

1. State when the Maker's Mark solar facility became operational.
2. State whether EKPC provided Maker's Mark and Diageo with notice of the proposed tariff change.

Best,
Peter

From: Christian Everly <christian.everly@ekpc.coop>

Sent: Wednesday, July 8, 2026 7:46 AM

To: Bostrom, Peter (PSC) <peter.bostrom@ky.gov>

Cc: Hinton, Daniel E (PSC) <dehinton@ky.gov>; Rogness, Benjamin (PSC) <benjamin.rogness@ky.gov>; Greg Cecil <greg.cecil@ekpc.coop>; Allyson Honaker <allyson@hloky.com>

Subject: RE: TFS2026-00311

Good morning, Peter,

Please see my responses below to your questions. If you have any more questions then please feel free to email me. Also, I can definitely Scan and OCR our tariff, if needed. We usually scan and OCR all of our tariff pages before filing them with the PSC so I'm not sure what's happened to some of them as of recent but I can help fix it if needed, just let me know.

1. EKPC estimates the software upgrades to accommodate providing a credit based on avoided fuel and variable ESC in addition to LMP to cost at least \$30,000. EKPC's billing system is already established to provide LMP based credits for the Cooperative Solar program and the PURPA small power producers. So, switching the tariff language to providing credits solely based on the PJM LMP won't cost EKPC anything and would be consistent with EKPC's other tariff programs EKPC is currently providing credits solely based on LMP.
2. EKPC has two PSC approved Rate H Option B agreements – Diageo and Maker's Mark. The Diageo solar facility has not been constructed yet and the Maker's Mark solar facility is operational. However, EKPC has delayed starting the charges and credits associated with the Maker's Mark agreement and the operational facility because of the billing/credit complexity, which has prompted this change request to Rate H Option B. EKPC has not yet calculated avoided cost of fuel and variable ESC to be less than LMP because EKPC hasn't started the billing & credits for Maker's Mark agreement. However, if this remains an option, EKPC will have to spend the additional expense to upgrade the billing software just in case that credit is less than LMP on a given month and delay the charges and credits to Makers Mark even further which can cause further billing issues.
3. Commercial & Industrial ("C&I") members receive rate service from all of these rates and are eligible to participate in all three Rate H Options A, B, and C. However, Rate H Options B and C were specifically created and designed for C&I members, and not residential. This is outlined in the eligibility requirements listed for Options B and C considering residential customers wouldn't qualify for those options, but, EKPC just wanted to be clear to residential members that they are not eligible for Options B and C.

4. As noted in response 2 above, two agreements have been approved by the PSC. Diageo will be allocated solar from EKPC's PSC approved Marion County Solar facility once it's built and operational. Maker's Mark is close to being billed for the solar facility EKPC built specifically for them. If the PSC approves this request and LMP becomes the sole credit option, Maker's Mark will begin being billed immediately.

Please let me know if you need anything else.

Thank you,

Christian Everly
Rates and Regulatory Analyst
4775 Lexington Road
Winchester, KY 40392-0707
Office: (859) 745-9243
Cell: [REDACTED]



From: Bostrom, Peter (PSC) <peter.bostrom@ky.gov>
Sent: Monday, July 6, 2026 9:53 AM
To: Christian Everly <christian.everly@ekpc.coop>
Cc: Hinton, Daniel E (PSC) <dehinton@ky.gov>; Rogness, Benjamin (PSC) <benjamin.rogness@ky.gov>
Subject: RE: TFS2026-00311

CAUTION: This email originated from outside of EKPC. Do not click links or open attachments unless you recognize the sender and know the content is safe.

You can ignore the line about the tariff not being searchable for now. Thanks.

From: Bostrom, Peter (PSC)
Sent: Monday, July 6, 2026 9:48 AM
To: 'christian.everly@ekpc.coop' <christian.everly@ekpc.coop>
Cc: Hinton, Daniel E (PSC) <dehinton@ky.gov>; Rogness, Benjamin (PSC) <benjamin.rogness@ky.gov>
Subject: TFS2026-00311

Mr. Everly,

Staff has the following requests regarding the Rate H Wholesale Renewable Energy Program tariff filing revision.

1. Refer to the Cover Letter. Provide an estimate of any savings that EKPC would see if the billing was completed according to the current tariff provisions. Provide an estimate of the cost to upgrade the software.
2. State how often EKPC's avoided cost for fuel and variable environmental surcharge has been calculated to be less than the LMP since the inception of EKPC's Rate H.
3. Confirm that Rates B, C, E and G are rate schedules only available to Commercial and Industrial customers. If not confirmed, explain what portions of these rate schedules that are not Commercial and Industrial.
4. State how many customers take service under Option B.

Also, unrelated to this tariff filing, large chunks of EKPC's tariff are not searchable. Is it possible to fix that?

You can email your responses to us at the addresses above.

Thanks,

Peter Bostrom
Public Utilities Financial Analyst I
Kentucky Public Service Commission

Service List for 2026-00188

- * Allison Coffey
Nolin R.E.C.C.
411 Ring Road
Elizabethtown, KY 42701-6767
- * April Renner
Jackson Energy Cooperative Corporation
115 Jackson Energy Lane
McKee, KY 40447
- * Bradley Cherry
Grayson R.E.C.C.
109 Bagby Park
Grayson, KY 41143
- * Christian Everly
East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707
- * Diana Edwards
Salt River Electric Cooperative Corp.
111 West Brashear Avenue
P. O. Box 609
Bardstown, KY 40004
- * Farmers R.E.C.C.
Farmers R.E.C.C.
504 South Broadway
P. O. Box 1298
Glasgow, KY 42141-1298
- * Farrah Coleman
Inter-County Energy Cooperative Corporation
1009 Hustonville Road
P. O. Box 87
Danville, KY 40423-0087
- * Heather Temple
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 1203
Lexington, KY 40509

* Jennifer L McRoberts
Fleming-Mason Energy Cooperative, Inc.
1449 Elizaville Road
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Flemingsburg, KY 41041

* Jennie G Phelps
Farmers R.E.C.C.
504 South Broadway
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Glasgow, KY 42141-1298

* Fleming-Mason Energy Cooperative, In
Fleming-Mason Energy Cooperative, Inc.
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P. O. Box 328
Flemingsburg, KY 41041

* Nolin R.E.C.C.
Nolin R.E.C.C.
411 Ring Road
Elizabethtown, KY 42701-6767

* South Kentucky R.E.C.C.
South Kentucky R.E.C.C.
200 Electric Avenue
Somerset, KY 42501

* Michael Moriarty
Shelby Energy Cooperative, Inc.
620 Old Finchville Road
Shelbyville, KY 40065

* Big Sandy R.E.C.C.
Big Sandy R.E.C.C.
504 11th Street
Paintsville, KY 41240

* Clark Energy Cooperative, Inc.
Clark Energy Cooperative, Inc.
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P. O. Box 748
Winchester, KY 40392-0748

* Cumberland Valley Electric, Inc.
Cumberland Valley Electric, Inc.
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P. O. Box 440
Gray, KY 40734

* East Kentucky Power Cooperative, Inc
East Kentucky Power Cooperative, Inc.
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* Jackson Energy Cooperative Corporati
Jackson Energy Cooperative Corporation
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* Licking Valley R.E.C.C.
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Owen Electric Cooperative, Inc.
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Owenton, KY 40359

* Shelby Energy Cooperative, Inc.
Shelby Energy Cooperative, Inc.
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Shelbyville, KY 40065

* Salt River Electric Cooperative Corp
Salt River Electric Cooperative Corp.
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Bardstown, KY 40004

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Blue Grass Energy Cooperative Corp.
1201 Lexington Road
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Nicholasville, KY 40340-0990

* Grayson R.E.C.C.
Grayson R.E.C.C.
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Grayson, KY 41143

* Taylor County R.E.C.C.
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* Robin Slone
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* Robert Tolliver
Officer Manager
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* Shannon Chappell
Owen Electric Cooperative, Inc.
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Owenton, KY 40359