

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

East Kentucky Power Cooperative, Inc.)

Docket No. QM22-__-000

**APPLICATION TO TERMINATE OBLIGATION
TO PURCHASE POWER FROM
QUALIFYING SMALL POWER PRODUCTION FACILITIES
LARGER THAN 5 MEGAWATTS**

Pursuant to Section 292.310 of the Commission’s regulations,¹ East Kentucky Power Cooperative, Inc. (“EKPC”), on behalf of itself and its participating distribution cooperative member-owners (the “Members”),² respectfully requests that the Commission determine, on a service territory-wide basis, that their obligation under Section 292.303(a) of the Commission’s regulations³ to enter into new contracts or obligations to purchase electric energy and/or capacity from qualifying small power production facilities with a net generating capacity greater than 5 megawatts (“MW”) will be terminated as of the date of this Application. The Commission previously has granted EKPC’s request to terminate its obligation to enter into new contracts or obligations to purchase electric energy and/or capacity from qualifying cogeneration facilities and qualifying small power production facilities (“QFs”) with a net generating capacity greater than 20 MW on a service territory-wide basis.⁴ The request in this Application seeks to extend that

¹ 18 C.F.R. § 292.310 (2020).

² EKPC’s 16 Members participating in this Application are: Big Sandy Rural Electric Cooperative Corporation, Blue Grass Energy Cooperative Corporation, Clark Energy Cooperative, Inc., Cumberland Valley Electric Inc., Farmers Rural Electric Cooperative Corporation, Fleming-Mason Energy Cooperative, Inc., Grayson Rural Electric Cooperative Corporation, Inter-county Energy Cooperative, Jackson Energy Cooperative, Licking Valley Electric Cooperative Corporation, Nolin Rural Electric Cooperative Corporation, Owen Electric Cooperative, Inc., Salt River Electric Cooperative Corporation, Shelby Energy Cooperative, Inc., South Kentucky Rural Electric Cooperative Corporation, and Taylor County Rural Electric Cooperative Corporation.

³ 18 C.F.R. § 292.303(a) (2020).

⁴ *East Kentucky Power Cooperative, Inc.*, 160 FERC ¶ 61,053 (2017), *order denying clarification and reh’g*, 162 FERC ¶ 61,267 (2018). The Commission also has granted EKPC and 14 of its Members a partial waiver of the PURPA purchase and sale obligations. Specifically, the obligation of the 14 Members that joined the waiver request to purchase

termination to qualifying small power production facilities with a net generating capacity greater than 5 MW. Granting this request would comply with Section 210(m) of the Public Utility Regulatory Policies Act of 1978, as amended (“PURPA”),⁵ as implemented by Sections 292.309 and 292.310 of the Commission’s regulations,⁶ as amended by Order No. 872.⁷

EKPC demonstrates in this Application that termination of the obligation to purchase from qualifying small power production facilities with a net generating capacity over 5 MW is justified under Section 210(m)(1)(A) of PURPA and Section 292.309(a)(1) of the Commission’s regulations: EKPC is a transmission-owning member of PJM Interconnection, L.L.C. (“PJM”), and Section 292.309(e) of the Commission’s regulations establishes a rebuttable presumption that electric utilities that are members of PJM are part of a qualifying market and therefore “should be relieved of the obligation to purchase electric energy from the qualifying facilities.”⁸ In accordance with the Commission’s regulations, EKPC requests that the termination requested herein be effective as of the date of the filing of this Application.

from QFs has been waived, and EKPC has assumed their purchase obligation. *See East Kentucky Power Cooperative, Inc.*, Docket No. EL19-89-000 (Oct. 24, 2019) (unpublished letter order granting partial PURPA waiver request to EKPC and its 14 participating Members).

All 16 of EKPC’s Members are participating in this Application. EKPC’s Members Jackson Energy Cooperative and Salt River Electric Cooperative Corporation did not join the partial PURPA waiver request, and EKPC has not assumed their purchase obligation. However, both are participating in this Application.

⁵ 16 U.S.C. § 824a-3(m).

⁶ 18 C.F.R. §§ 292.309 & 292.310 (2020).

⁷ *Qualifying Facility Rates and Requirements Implementation Issues Under the Public Utility Regulatory Policies Act of 1978*, Order No. 872, 172 FERC ¶ 61,041, *order on reh’g*, Order No. 872-A, 173 FERC ¶ 61,158 (2020), *petitions for review pending sub nom. Solar Energy Industries Association v. FERC*, Case No. 20-72788 (9th Cir.) (filed Sept. 17, 2020); *Montana Environmental Information Center, et al. v. FERC*, Case No. 20-73375 (9th Cir.) (filed Nov. 16, 2020); *Montana Environmental Information Center, et al. v. FERC*, Case No. 21-70083 (9th Cir.) (filed Jan. 14, 2021); *Solar Energy Industries Association v. FERC*, Case No. 21-70113 (9th Cir.) (filed Jan. 15, 2021). Consistent with the Commission’s determination in Order No. 872, EKPC’s obligation to enter into new contracts or obligations to purchase from qualifying cogeneration facilities with a net generating capacity of 20 MW or less will not be affected by this Application. Order No. 872 at P 625.

⁸ 18 C.F.R. § 292.309(e) (2020).

I. COMMUNICATIONS

All notices and communications concerning this filing should be directed to the following, and the following should be placed on the official service list established for this proceeding:

Daniel E. Frank
Allison E. Speaker
Eversheds Sutherland (US) LLP
700 Sixth Street, N.W., Suite 700
Washington, DC 20001-3980
Tel.: 202-383-0838
Fax: 202-637-3593
E-mail: DanielFrank@eversheds-sutherland.com
AllisonSpeaker@eversheds-sutherland.com

David A. Smart
General Counsel
Denise R. Foster Cronin
Vice President, Federal and RTO Regulatory
Affairs
East Kentucky Power Cooperative, Inc.
P.O. Box 707
Winchester, KY 40392-0707
Tel.: 859-745-9237
E-mail: david.smart@ekpc.coop
denise.cronin@ekpc.coop

II. DESCRIPTION OF EKPC AND THE MEMBERS

EKPC is an incorporated, non-profit generation and transmission cooperative headquartered in Winchester, Kentucky. EKPC is governed by its 16 member-owners, which are rural electric distribution cooperatives. The member-owner cooperatives distribute energy to more than 1 million Kentucky citizens across 87 counties. The loads served by EKPC's distribution cooperative owners are predominantly residential. EKPC is an electric cooperative that receives financing under the Rural Electrification Act of 1936 (7 U.S.C. §§ 901, *et seq.*) and is therefore not subject to the Commission's "public utility" jurisdiction under Part II of the Federal Power Act ("FPA"), as provided in FPA Section 201(f).⁹ EKPC is a transmission-owning member of PJM, and access to its transmission facilities is governed by the PJM Open Access Transmission Tariff ("OATT").

⁹ 16 U.S.C. § 824f.

Each of EKPC's Members is a member-owned distribution cooperative providing retail service within a defined service territory in Kentucky. As noted above, the Commission has granted EKPC and 14 of its Members a partial waiver of the PURPA purchase and sale obligations. Specifically, the obligation of the 14 Members that joined the waiver request to purchase from QFs has been waived, and EKPC has assumed their purchase obligation.¹⁰ All 16 of EKPC's Members are participating in this Application.

III. BACKGROUND

Section 210(m) of PURPA provides for the termination of the requirement that electric utilities must purchase electric energy from QFs, provided that the Commission determines that the requirements of Section 210(m) have been satisfied.¹¹ Section 210(m)(1) states that "no electric utility shall be required to enter into a new contract or obligation to purchase electric energy from a [QF] under this section if the Commission finds that the [QF] has nondiscriminatory access to . . . (A)(i) independently administered, auction-based day ahead and real time wholesale markets for the sale of electric energy; and (ii) wholesale markets for long-term sales of capacity and electric energy." An electric utility seeking termination of the mandatory purchase obligation must file an application for relief on a service territory-wide basis. The utility must include in its application the factual basis for such relief and a description of why the conditions set forth in Section 292.309(a)(1), (2) or (3) have been met. After notice, "including sufficient notice to

¹⁰ See *East Kentucky Power Cooperative, Inc.*, Docket No. EL19-89-000 (Oct. 24, 2019) (unpublished letter order granting partial PURPA waiver request to EKPC and its 14 participating Members).

¹¹ 16 U.S.C. § 824a-3(m). Section 210(m) was added to PURPA by Section 1253 of the Energy Policy Act of 2005. See Pub. L. 109-58, 1253, 119 Stat. 594, 967 (2005).

potentially affected [QFs],” and an opportunity for comment, the Commission must make its final determination within 90 days of the date of application.

For the reasons discussed in this Application, the conditions in Section 292.309(a)(1) have been satisfied with respect to EKPC and its Members. In Order No. 688, the Commission determined that the “Day 2” markets administered by PJM satisfy clause (i) of Section 210(m)(1)(A) because those markets are independently administered, auction-based day-ahead and real-time wholesale markets for electricity, and that the existence of bilateral long-term contracts for long-term sales of capacity and energy in those markets satisfies clause (ii) of Section 210(m)(1)(A).¹² Since both of these requirements are satisfied by PJM’s markets, the Commission concluded that a showing of nondiscriminatory access to PJM’s “Day 2” markets would terminate the purchase requirement.

In accordance with Section 292.309(c), “there is a rebuttable presumption that a [QF] has nondiscriminatory access to the market if it is eligible for service under a Commission-approved open access transmission tariff . . . and Commission-approved interconnection rules.” As a load-serving entity in PJM, EKPC relies on this rebuttable presumption. QFs may rebut this presumption only if they are able to demonstrate that they do not, in fact, have access to the relevant market(s) due to operational characteristics or transmission constraints.¹³ The Commission has explained that “operational characteristics might include, but are not limited to: (a) highly variable thermal and electrical demand (from the QF host) on a daily basis, such that the QF cannot

¹² See *New PURPA Section 210(m) Regulations Applicable to Small Power Production and Cogeneration Facilities*, Order No. 688, FERC Stats. & Regs. ¶ 31,233, at PP 8, 117 (2006), *order on reh’g*, Order No. 688-A, 119 FERC ¶ 61,305, at PP 9, 20 (2007).

¹³ 18 C.F.R. § 292.309(c)(1) (2020).

participate in a market; or (b) highly variable and unpredictable wholesale sales on a daily basis.”¹⁴

Order No. 872 expanded the grounds on which a small power production QF with a capacity between 5 MW and 20 MW may rebut this presumption, including the following non-exhaustive list of factors:

(1) specific barriers to connecting to the interstate transmission grid, such as excessively high costs and pancaked delivery rates; (2) the unique circumstances impacting the time/length of interconnection studies/queue to process small power QF interconnection requests; (3) a lack of affiliation with entities that participate in [regional transmission organization (“RTO”) or independent system operator (“ISO”)] markets; (4) a predominant purpose other than selling electricity which would warrant the small power QF being treated similarly to cogenerators (e.g., municipal solid waste facilities, biogas facilities, run-of-river hydro facilities, and nonpowered dams); (5) the QF has certain operational characteristics that effectively prevent the [QF’s] participation in a market; and (6) the QF lacks access to markets due to transmission constraints, including that it is located in an area where persistent transmission constraints in effect cause the QF not to have access to markets outside a persistently congested area to sell its output or capacity.¹⁵

The relief sought herein under Section 292.309(a)(1) extends to small power production QFs above 5 MW within PJM.¹⁶ As the Commission noted in Order No. 872, since it established the 20 MW rebuttable presumption roughly 15 years ago, RTO/ISO markets – such as PJM – have matured, and market participants have gained a better understanding of the mechanics of such markets.¹⁷ As a result, the Commission concluded that it should revise the rebuttable presumption downward to 5 MW for small power production QFs. Accordingly, small power production QFs

¹⁴ *Entergy Servs., Inc.*, 154 FERC ¶ 61,035, at P 78 (2016) (footnote omitted).

¹⁵ Order No. 872 at P 641; 18 C.F.R. § 292.309(e)(2) (2020).

¹⁶ See, e.g., *Virginia Electric and Power Co.*, Letter Order, Docket No. QM21-12-000 (June 16, 2021) (granting application to terminate requirement to enter into new contracts or obligations to purchase electric energy and capacity from small power production QFs in PJM on service territory-wide basis); *Southern Maryland Electric Cooperative, Inc.*, Letter Order, Docket No. QM21-11-000 (June 4, 2021) (same).

¹⁷ Order No. 872 at P 629.

above 5 MW (as well as cogeneration QFs above 20 MW) within PJM have meaningful access to PJM's wholesale market for long-term sales of capacity and electric energy, and the day-ahead and real-time wholesale markets administered by PJM.

In this Application, EKPC seeks a Commission finding that, consistent with the Commission's determinations in Order Nos. 688 and 872 and related orders, EKPC and the Members have satisfied the criteria of Section 210(m) and that therefore their obligation to purchase electric energy under new contracts or obligations from small power production QFs that have over 5 MW net generating capacity is terminated. Nothing in this Application should be deemed to affect the termination, previously granted by the Commission, of EKPC's obligation to purchase from cogeneration and small power production QFs with a net generating capacity greater than 20 MW.

IV. THE REQUIREMENTS FOR RELIEF UNDER PURPA AND THE COMMISSION'S REGULATIONS HAVE BEEN SATISFIED

EKPC is a transmission-owning member of PJM and access to its transmission facilities is governed by the PJM OATT. The criteria for termination of the requirement to purchase electric energy from small power production QFs over 5 MW, as set forth in PURPA Section 210(m)(a)(A) and Section 292.309(a)(1) of the Commission's regulations, therefore have been satisfied. As the Commission has found, PJM is an independently governed RTO that provides market participants nondiscriminatory open access to transmission, operates an auction-based day-ahead and real-time wholesale energy market, and manages a wholesale market for long-term sales of capacity and energy.¹⁸ Additionally, QFs in the PJM market have access to these competitive wholesale

¹⁸ *PJM Interconnection, L.L.C.*, 101 FERC ¶ 61,345 (2002) (granting PJM full RTO status).

markets. Consistent with its determination in recent orders,¹⁹ the Commission should therefore find that EKPC's and the Members' obligation to purchase electric energy from small power production QFs with a net generating capacity greater than 5 MW is terminated.

A. PJM Satisfies the “Market Condition” of Section 210(m)(1)(A) of PURPA and Section 292.309(a)(1) of the Commission’s Regulations

The Commission must terminate an electric utility's obligation to purchase from QFs if the QFs have nondiscriminatory access to (i) independently administered, auction-based day-ahead and real-time wholesale markets for the sale of electric energy; and (ii) wholesale markets for long-term sales of capacity and electric energy.²⁰ The Commission has found that ISOs and RTOs that administer day-ahead and real-time markets with bilateral long-term contracts for the sale of capacity and electric energy (commonly known as “Day 2” markets) satisfy the requirements of PURPA Section 210(m)(1)(A).²¹

¹⁹ See, e.g., *East Texas Electric Cooperative, Inc.*, Letter Order, Docket No. QM21-4-000 (April 9, 2021) (granting application of G&T on behalf of itself and its participating distribution cooperative member-owners to terminate requirement to enter into new contracts or obligations to purchase electric energy and capacity from small power production QFs in MISO on service territory-wide basis); *East Texas Electric Cooperative, Inc.*, Letter Order, Docket No. QM21-5-000 (April 9, 2021) (granting application of G&T on behalf of itself and its participating distribution cooperative member-owners to terminate requirement to enter into new contracts or obligations to purchase electric energy and capacity from small power production QFs in ERCOT on service territory-wide basis); *Wolverine Power Supply Cooperative, Inc.*, Letter Order, Docket NO. QM21-7-000 (May 14, 2021) (granting application of G&T on behalf of itself and its participating distribution cooperative member-owners to terminate requirement to enter into new contracts or obligations to purchase electric energy and capacity from small power production QFs in MISO and PJM on service territory-wide basis); *Old Dominion Electric Cooperative*, 175 FERC ¶ 61,197, at PP 1, 7 (2021) (granting application of G&T on behalf of itself and its participating distribution cooperative member-owners to terminate requirement to enter into new contracts or obligations to purchase electric energy and capacity from small power production QFs in PJM on service territory-wide basis); *Virginia Electric and Power Co.*, Letter Order, Docket No. QM21-12-000 (June 16, 2021) (granting application to terminate requirement to enter into new contracts or obligations to purchase electric energy and capacity from small power production QFs in PJM on service territory-wide basis); *Southern Maryland Electric Cooperative, Inc.*, Letter Order, Docket No. QM21-11-000 (June 4, 2021) (same).

²⁰ See 18 C.F.R. § 292.309(a)(1) (2020) (implementing PURPA Section 210(m)(1)(A)).

²¹ Order No. 688 at P 107.

Specifically, as relevant here, the Commission found in Order No. 688 that PJM (among other ISOs and RTOs) satisfies the criteria of Section 210(m)(1)(A). The Commission stated that the markets administered by PJM are, as required by Section 210(m)(1)(A)(i), independently administered, auction-based day-ahead and real-time wholesale markets for the sale of electric energy. The Commission also found that the existence of wholesale markets for long-term sales of capacity and electric energy, as required by Section 210(m)(1)(A)(ii), is satisfied by the existence of long-term bilateral contracts for sales of capacity and energy, and is a sufficient indication of a market.²²

Accordingly, EKPC and the Members have satisfied the “market condition” requirement for termination of the mandatory QF purchase obligation for the EKPC service territory within PJM.

B. EKPC’s Membership in PJM Satisfies the “Nondiscriminatory Access” Condition of Section 210(m)(1)(A) of PURPA and Section 202.309(a) of the Commission’s Regulations

The Commission must find that a QF has nondiscriminatory access to the wholesale markets described in Section 292.309(a)(1) in order to terminate an electric utility’s obligation to enter into a new contract with or purchase electric energy from a QF. EKPC’s membership in PJM satisfies the requirement that small power production QFs with net generating capacity greater than 5 MW have nondiscriminatory access to the wholesale markets.

Small power production QFs operating within PJM have access to wholesale markets for real-time and day-ahead energy sales, and long-term sales of energy and capacity. PJM offers

²² Order No. 688 at P 117.

interconnection and transmission services under its OATT. These services grant QFs access to the markets and thereby allow QFs to enter into long-term contracts to sell their capacity or energy to any purchaser located within PJM or elsewhere. As a Commission-certified, independently governed RTO, PJM has no incentive to favor one supplier over another when providing access to the PJM-controlled transmission system and PJM-administered markets.²³

Section 292.309(e) of the Commission's regulations, as modified by Order No. 872, codifies the rebuttable presumption that small power production QFs with a net generating capacity greater than 5 MW have nondiscriminatory access to qualifying markets, such as those administered by PJM, through its Commission-approved OATT and associated interconnection rules. This rebuttable presumption applies regardless of whether the QF itself is a member of PJM. The Commission has recognized that QFs that interconnect with electric utilities that are members of PJM have nondiscriminatory access to the markets described in PURPA Section 210(m)(1)(A).²⁴ The Commission has consistently affirmed this access in granting PJM utilities' requests to terminate their obligations to purchase from QFs.²⁵

²³ Order No. 688-A at P 20.

²⁴ Order No. 688 at P 125.

²⁵ See, e.g., *Am. Elec. Power Servs. Corp.*, 120 FERC ¶ 61,052 at P 13 (2007) (granting AEP's request to terminate the QF purchase obligation due to AEP's membership in PJM); *PECO Energy Co.*, 122 FERC ¶ 61,022 (2008) (granting PECO Energy's request to terminate the QF purchase obligation due to PECO Energy's membership in PJM); *Virginia Electric and Power Company*, 124 FERC ¶ 61,045 (2008) (granting request and finding that "PJM provides QFs larger than 20 MW nondiscriminatory access" to independently administered wholesale markets); *Allegheny Power*, 124 FERC ¶ 61,236 (2008) (granting Allegheny Power's request to terminate the QF purchase obligation due to Allegheny's membership in PJM); *East Kentucky*, 160 FERC ¶ 61,053 (granting EKPC's request to terminate its QF purchase obligation due to its membership in PJM); *Virginia Electric and Power Co.*, Letter Order, Docket No. QM21-12-000 (June 16, 2021) (granting Dominion's request to extend the termination of its QF purchase obligation to small power production QFs larger than 5 MW due to its membership in PJM); *Southern Maryland Electric Cooperative, Inc.*, Letter Order, Docket No. QM21-11-000 (June 4, 2021) (granting SMECO's request to terminate its QF purchase obligation due to its membership in PJM).

Because EKPC is a member of PJM, there is a rebuttable presumption that small power production QFs over 5 MW interconnected, or seeking to interconnect, within EKPC's service territory have nondiscriminatory access to the markets described in PURPA Section 210(m)(1)(A). Therefore, the Commission should relieve EKPC and the Members of the purchase requirement in Section 292.303 of the Commission's regulations for small power production QFs in EKPC's service territory with a net capacity greater than 5 MW.

V. ADDITIONAL REQUIREMENTS OF SECTIONS 292.309 AND 292.310 OF THE COMMISSION'S REGULATIONS

A. Names of Potentially Affected QFs

Section 292.310(a) of the Commission's regulations requires applicants to identify all potentially affected QFs. Potentially affected QFs include: (1) those QFs that have existing power purchase contracts with the applicant; (2) other QFs that sell their output to the applicant or that have pending self-certification or Commission certification for QF status whereby the applicant will be the purchaser of the QFs' output; (3) any developer of generating facilities with whom the applicant has either agreed to enter into a power purchase contract, or is in discussion regarding power purchase contracts, as of the date of the application; (4) developers of facilities that have pending state avoided cost proceedings as of the date of the application; and (5) any other QFs that the applicant reasonably believes to be affected by the application.²⁶ EKPC understands that the Commission's Staff have encouraged applicants under Section 210(m) to identify, in addition to

²⁶ 18 C.F.R. § 292.310(e)(1)-(5) (2020).

those QFs, all other QFs that may be comparable to those described in Section 292.310(a), such as all QFs within the applicant’s service territory.²⁷

Attachment A-1 to this Application provides a list of potentially affected QFs, as outlined in the preceding paragraph, and the information for each such QF required by Sections 292.310(b) and 292.310(c) of the Commission’s regulations. The information included in Attachment A-1 is based upon information in EKPC’s records and information resulting from a search by counsel for EKPC of the Commission’s e-Library records.

EKPC also has researched whether there were potential QFs (and resources) within PJM of which EKPC is or could be aware of based on existing purchase arrangements and prior solicitations to EKPC from other potentially-affected QFs for PURPA purchase contracts. There were no potentially affected QFs within PJM that qualify under these criteria.

Additionally, counsel for EKPC performed a search of the PJM New Services queue to identify any additional QFs that may meet the above-listed requirements.²⁸ We were unable to determine if any of the projects listed in the PJM New Services queue are in fact QFs, but based on the size (capacity of 80 MW or less) and fuel source, we believe that at least some of those projects could meet the criteria for establishing QF status. Accordingly, Attachment A-2 to this Application shows projects listed in the PJM New Services queue that are “Active” or at the

²⁷ See, e.g., *Old Dominion Electric Cooperative*, Docket No. QM09-7-001, “Supplement to Application to Terminate Purchase Obligation,” at 1-2 (filed Nov. 13, 2009).

²⁸ EKPC has not listed QFs located outside of EKPC’s service territory within the PJM footprint. See *Public Service Company of New Mexico*, 140 FERC ¶ 61,191, at PP 23-24 (2012) (rejecting an interpretation of Section 310(c) that would require an applicant seeking termination of the PURPA purchase requirement to identify QFs outside of the applicant’s service territory, explaining that “[w]e find [that] interpretation of the notice requirement to be overly broad”); *Old Dominion Electric Cooperative*, 175 FERC ¶ 61,197 (2021) (finding applicant’s list of potentially affected QFs, which identified QFs only within applicant’s service territory, to be sufficient).

“Engineering and Procurement” stage of development, have a capacity of 80 MW or less, and show EKPC as the interconnecting Transmission Owner.

EKPC respectfully submits that, because certain information is not readily available despite diligent searches, EKPC has satisfied the requirements to provide the information required in Section 292.310(c) for QFs that are smaller than 1 MW²⁹ and for projects pending in the PJM New Services queue but for which some or all information required under 18 C.F.R. § 292.310(c) is not listed.³⁰ In the alternative, and to the extent necessary, EKPC requests a waiver of the requirement to provide all of the information required by Section 292.310(c) for QFs smaller than 1 MW and for the projects pending in the PJM New Services queue. EKPC has attempted to be comprehensive in its search for potentially affected QFs, and, to the best of its knowledge, all potentially affected QFs are identified in Attachments A-1 and A-2.

B. Transmission Information

Section 292.310(d)(3) of the Commission’s regulations requires a utility to file transmission studies and related information with its application. The Commission has stated that applicants may provide a hyperlink to the relevant studies rather than submitting complete studies and reports.³¹

²⁹ In any event, small power production QFs of 1 MW or less are not affected by this Application.

³⁰ See, e.g., *Virginia Electric and Power Co.*, 175 FERC ¶ 61,222 (2021) (finding applicant complied with requirements of Section 292.310 with information it provided in its list of potentially affected QFs); *Evergy Kansas Central, Inc., et al.*, Docket No. QM21-14-000, Letter Order (June 11, 2021) (“SPP Utilities’ listing of potentially-affected QFs is found to be sufficient”).

³¹ The Commission clarified in Order No. 688-A that applicants can “provide a hyperlink to the relevant studies, if available, rather than submitting complete studies and reports.” Order No. 688-A at P 112.

1. Long-term Transmission Plan

Pursuant to Commission-approved tariff, PJM is an RTO that functions as the transmission service provider for EKPC. PJM manages a Regional Transmission Expansion Planning (“RTEP”) process that ensures the continued reliability of the electric system, which is a necessary foundation for robust competitive wholesale energy markets.³² Schedule 6 of the PJM Operating Agreement stipulates the rules and procedures for the RTEP process.³³

PJM undertakes an annual RTEP process to consider system enhancement requirements for firm transmission service, load growth, interconnection requests, and other system enhancement drivers. During this study, a baseline analysis is conducted that results in expansion plans from which feasibility studies for all proposed generation or merchant transmission facility interconnection projects are assessed. PJM utilizes System Impact Studies to determine which of the proposed projects will be pursued. The resulting RTEP findings are approved by the PJM Board of Managers, and posted to the PJM website. PJM’s most recent RTEP report for 2020 (“2020 RTEP Report”) can be found on the PJM RTEP website page located at: <http://www.pjm.com/library/reports-notices/rtep-documents.aspx>.

Information identified in requirements (i)-(v) of Section 292.310(d)(3) of the Commission’s regulations (outlined in the preceding paragraph) is within the scope of the RTEP process. These areas are generally addressed in the Executive Summary of the 2020 RTEP Report. More detailed results for each of these categories, in turn, are discussed in individual sections of the 2020 RTEP Report.

³² <http://www.pjm.com/~media/documents/manuals/m14b.ashx>.

³³ <http://www.pjm.com/directory/merged-tariffs/oa.pdf>.

The RTEP process, procedures and protocols are set forth in Schedule 6 of the PJM Amended and Restated Operating Agreement, which is available at: <http://www.pjm.com/directory/merged-tariffs/oa.pdf>.

In accordance with the RTEP process, PJM prepares a plan for the enhancement and expansion of transmission facilities in the PJM region. Additionally, the PJM Manuals describe the details of the RTEP process. Relevant PJM Manuals, including Manuals M-14A through M-14E, are available at: <http://www.pjm.com/library/manuals.aspx>.

2. Transmission Constraints

The 2020 RTEP Report describes the planning justification for upgrades specifically necessary in each of the PJM Sub-Regions. The 2020 RTEP Report specifically identifies load growth trends,³⁴ load management trends,³⁵ deactivations or retirements of generation resources,³⁶ development of new generation facilities,³⁷ generator interconnection plans,³⁸ merchant transmission interconnection plans,³⁹ approved transmission expansion upgrades,⁴⁰ and market efficiency studies.⁴¹ The 2020 RTEP Report can be found at: <https://www.pjm.com/-/media/library/reports-notice/2020-rtep/2020-rtep-book-1.ashx>.

³⁴ See, e.g., section 6 of the 2020 RTEP Report (discussing load growth by state).

³⁵ See, e.g., section 2 of the 2020 RTEP Report (discussing load forecast modeling).

³⁶ See, e.g., section 4 of the 2020 RTEP Report (discussing generation modeled).

³⁷ See, e.g., section 5 of the 2020 RTEP Report (discussing new service queue requests).

³⁸ See, e.g., section 5 of the 2020 RTEP Report (discussing generation queue activity and generation queue process).

³⁹ See, e.g., section 6 of the 2020 RTEP Report (discussing merchant transmission project requests by state).

⁴⁰ See, e.g., sections 3 and 4 of the 2020 RTEP Report (discussing RTEP analysis, assumptions, and results).

⁴¹ See, e.g., section 3 of the 2020 RTEP Report (discussing the PJM/MISO market efficiency study). See also PJM Manual 14B, Section 2 (discussing PJM's market efficiency study process and benefit-to-cost ratio methodology).

3. Levels of Congestion

The Commission's regulations also require applicants to provide information regarding the level of congestion, if available.⁴² As noted above, the RTEP process takes into account congestion as part of the transmission expansion analysis. This is referenced in Section 4 of the PJM 2020 RTEP Report, and can be found at: <https://www.pjm.com/-/media/library/reports-notice/2020-rtep/2020-rtep-book-1.ashx>.

4. Relevant System Impact Studies for Generation Interconnections

PJM's generation interconnection process is queue-driven. Each point in PJM's process establishes responsibilities and milestones for the generation developer seeking to interconnect, the interconnection utility, and PJM. The PJM interconnection process is described in detail in PJM Manuals M-14A, M-14C, and M14-D, all of which are available at the following website: <http://www.pjm.com/library/manuals.aspx>.

PJM also maintains a list of active generation interconnection requests and their status, which is available at the following website: <https://www.pjm.com/planning/services-requests/interconnection-queues.aspx>.

Further, Section 5 of the 2020 RTEP Report describes new service queue requests, including feasibility and system impact studies performed in 2020.

5. Other Information Pertinent to Showing Whether Transmission Capacity Is Available

The transmission services available to eligible customers are listed in the PJM OATT. PJM conducts an initial screening for all firm transmission service requests to evaluate the impact of

⁴² 18 C.F.R. § 292.310(d)(3)(iii) (2020).

the requested service on the transmission contingencies that limit available transfer capability (“ATC”). Each request for transmission service is evaluated by PJM to determine if there is sufficient capability to accept the request and ensure reliable service to all transmission customers. This screening process is used to evaluate the impact of the requested service on the transmission contingencies that limit ATC, based on the latest available information regarding existing firm service. PJM issued a manual effective March 2021 regarding transmission service requests. This manual explains the transmission service request process, and provides an overview of PJM’s ATC calculation process. It is available at <http://pjm.com/~media/documents/manuals/%20m02.ashx>.

6. Link to OASIS for Available Transfer Capability Information

Customers who desire transmission service can obtain information about ATC on the PJM system via PJM’s website: <https://www.pjm.com/markets-and-operations/etools/oasis/atc-information.aspx>. Specifically, PJM’s OASIS website is available here: <https://www.pjm.com/markets-and-operations/etools/oasis>.

C. Procedures QFs Must Follow to Transmit Power to Sell to Purchasers Other Than Applicant

Section 292.310(d)(4) of the Commission’s regulations requires an applicant to “[d]escribe the process, procedures and practices that qualifying facilities interconnected to the applicant’s system must follow to arrange for the transmission service to transfer power to purchasers other than the applicant.” Specifically, “[t]his description must include the process, procedures and practices of all distribution, transmission and regional transmission facilities necessary for qualifying facility access to the market.”⁴³

⁴³ 18 C.F.R. § 292.310(d)(4) (2020).

As the transmission service provider, PJM has filed its OATT with the Commission, and it publishes a complete and updated copy of its OATT on its website at <http://www.pjm.com/directory/merged-tariffs/oatt.pdf>. The PJM OATT contains the standard provisions of the Commission's *pro forma* OATT – e.g., Section 1 defines an “Eligible Customer” in a manner that includes QFs, and Sections 17 and 18 describe how an Eligible Customer can arrange for firm and non-firm point-to-point transmission service, respectively. PJM can electronically process requests for transmission service on its OASIS.

D. New Interconnection Agreements to Effectuate Sales to Third Parties

Section 292.310(d)(5) of the Commission's regulations requires an applicant to explain, if QFs will be required to execute new interconnection agreements or renegotiate existing agreements to make wholesale sales to third-party purchasers, “the requirements, charges and the process to be followed,” as well as “any differences in these requirements as they apply to [QFs] as compared to other generators, or to applicant-owned generation.”⁴⁴

The process for connecting to the transmission system is managed by PJM. Section IV, Subpart A of PJM's OATT specifies the Interconnection Procedures to be followed by an Interconnection Customer, including a QF seeking interconnection with the PJM system. Subpart G addresses Small Generator Interconnection. PJM OATT Attachment O is PJM's Interconnection Service Agreement, which specifies standard terms and conditions for generator interconnecting with the PJM system.

⁴⁴ 18 C.F.R. § 292.310(d)(5) (2020).

PJM has also published manuals describing the process, procedures, and practices that generators, including QFs, can utilize to better understand generation interconnection. These manuals include:

- M-14A – Generation and Transmission Interconnection Process (<http://www.pjm.com/~media/documents/manuals/m14a.ashx>);
- M-14B – PJM Region Transmission Planning Process (<http://www.pjm.com/~media/documents/manuals/m14b.ashx>);
- M-14C – General and Transmission Interconnection Facility Construction (<http://www.pjm.com/~media/documents/manuals/m14c.ashx>);
- M-14D – Generator Operational Requirements (<http://www.pjm.com/~media/documents/manuals/m14d.ashx>); and
- M-14E – Merchant Transmission Specific Requirements (<http://www.pjm.com/~media/documents/manuals/m14e.ashx>).

Additional reference materials from PJM are also available on-line. The Generation Interconnection Feasibility Study Agreement form (“Attachment N Form”) is provided on-line as part of PJM’s OATT at page 3,265: <http://www.pjm.com/directory/merged-tariffs/oatt.pdf>, as are general and specific information and procedures on PJM’s Expansion Planning Process at: <https://www.pjm.com/planning/services-requests/new-service-requests>.

If a QF is interconnecting at the distribution level, and the interconnection is not subject to the Commission’s jurisdiction, the QF must follow the state rules for distribution interconnection.⁴⁵

⁴⁵ Kentucky Revised Statutes (“KRS”) 278.212 addresses the physical connection of a merchant electric generation facility in excess of ten megawatts (10 MW) to a utility system in Kentucky. “No utility shall begin the construction or installation of any property, equipment, or facility to establish an electrical interconnection with a merchant electric generating facility in excess of ten megawatts (10MW) until the plans and specifications for the electrical interconnection have been filed with the [Kentucky Public Service Commission].” The same requirement applies to PURPA qualifying facilities: “Owners of qualifying facilities shall be required to pay for any additional

VI. THE COMMISSION SHOULD TERMINATE EKPC'S AND ITS MEMBERS' QF PURCHASE OBLIGATION ON A SERVICE TERRITORY-WIDE BASIS

The Commission should terminate EKPC's and the Members' obligation to purchase power from qualifying small power production facilities with a net generating capacity greater than 5 MW on a service territory-wide basis for EKPC's wholesale service territory, located in and integrated with PJM. EKPC does not itself serve load at retail, but instead supplies the power requirements for its distribution cooperative member-owners that do serve retail load. Therefore, consistent with the Commission's approach for other power supply cooperatives, the service territories of EKPC's 16 member-owners should be treated as EKPC's service territory for this purpose.⁴⁶

VII. EXISTING CONTRACTS WITH QFS

PURPA Section 210(m)(6) provides that nothing in Section 210(m) affects the rights or remedies of any party under any contract or obligation in effect or pending approval before the appropriate state regulatory authority or nonregulated utility on the date of enactment of Section 210(m).⁴⁷ Consistent with this provision, EKPC and the Members are not seeking to terminate any existing QF contracts, or to obtain relief from any obligation to purchase electric energy or capacity from any QF with which any of them has an existing contract. EKPC and the Members are requesting to be relieved of any prospective obligations to enter into purchase agreements under

interconnection costs to the extent that those costs are in excess of costs that the electric utility would have incurred if the qualifying facility's output had not been purchased." 807 KAR 5:054, Section 6(6). Additionally, Kentucky Siting Board approval is required for "merchant plants with a generating capacity of 10 megawatts or more . . ." See KRS 278.704.

⁴⁶ See, e.g., *East Kentucky*, 160 FERC ¶ 61,053, at PP 1, 18 (granting EKPC's request to terminate QF purchase obligation on service territory-wide basis commensurate with service territories of EKPC's distribution cooperative member-owners); *Old Dominion Electric Cooperative*, Letter Order, Docket Nos. QM09-7-000 & QM09-07-001 (granting ODEC's request to terminate QF purchase obligation on service territory-wide basis commensurate with service territories of ODEC's distribution cooperative member-owners).

⁴⁷ See Order No. 688 at P 25.

PURPA, specifically, that they not be required to enter into any new agreements with small power production QFs on a service territory-wide basis that have over 5 MW net generating capacity, or to extend the terms of the agreements with any such existing QFs once those agreements expire.

VIII. VERIFICATION

Section 292.310(d)(7) of the Commission's regulations requires an authorized individual to verify the accuracy and authenticity of information provided in an application for relief from mandatory QF purchase obligations. EKPC respectfully submits such verification as Attachment B to this Application.

IX. CONCLUSION

Wherefore, East Kentucky Power Cooperative, Inc., on behalf of itself and its participating Members, has satisfied all of the requirements necessary for termination of the QF purchase requirement for qualifying small power production facilities with a net generation capacity greater than 5 MW.⁴⁸ Because EKPC is a transmission-owning member and market participant in PJM, such QFs have nondiscriminatory access to PJM's "Day 2" markets and therefore EKPC is eligible for the rebuttal presumption set forth in Section 209.309(e) of the Commission's regulations. Finally, EKPC and its participating Members have met all requirements outlined in Section 292.310 of the Commission's regulations. Accordingly, the Commission should grant EKPC relief, on behalf of itself and its participating Members, on a service territory-wide basis, from entering new contracts or obligations to purchase electric energy from qualifying small power

⁴⁸ EKPC's previously granted termination applies to cogeneration and small power production QFs with a net generation capacity greater than 20 MW.

production facilities with net generating capacity greater than 5 MW, and make such relief effective as of the date of this Application.

Respectfully submitted,

/s/ Daniel E. Frank

Daniel E. Frank
Allison E. Speaker
Eversheds Sutherland (US) LLP
700 Sixth Street, N.W., Suite 700
Washington, DC 20001-3980
Tel.: 202-383-0838
Fax: 202-637-3593
E-mail: DanielFrank@eversheds-sutherland.com
AllisonSpeaker@eversheds-sutherland.com

*Attorneys for
East Kentucky Power Cooperative, Inc.*

Dated: October 29, 2021

Attachments A-1 and A-2

Lists of Potentially Affected Qualifying Facilities

Attachment A-1

Information on Potentially Affected QFs							
QF Name & Address	QF Docket No.	Net Capacity (MW)	QF Location (County / State)	Name & Location of Interconnection Substation	Interconnection Status	PPA with Applicant?	PPA Expiration Date
Cox Interiors Cox Waste-To-Energy, Inc. 1001 New Columbia Road Campbellsville, KY 42718	Approved as a tariff filing by the PSC on 5/4/16.*	4 MW	Campbellsville, KY	Campbellsville Substation, Campbellsville, KY	Active	Yes	5 Year Initial Term (subject to annual renewal thereafter)
Mac Farms Mac Farms, Inc. 469 Gwinn Lane Campbellsville, KY 42718	Approved as a tariff filing by the PSC on 5/4/16.*	400 kW	Campbellsville, KY	Campbellsville Substation 2, Campbellsville, KY	Active	Yes	5 Year Initial Term (subject to annual renewal thereafter)
National Guard Armory – Morehead Commonwealth of Kentucky Dept. of Military Affairs Boone National Guard Ctr. Facilities Division Bldg 162 100 Minuteman Parkway Frankfort, KY 40601	Approved as a tariff filing by the PSC on 9/22/16.*	89.67 kWdc	Morehead, KY	Sharkey Substation Morehead, KY	Active	Yes	5 Year Initial Term (subject to annual renewal thereafter)
National Guard Armory – Monticello Commonwealth of Kentucky Dept. of Military Affairs Boone National Guard Ctr. Facilities Division Bldg 162 100 Minuteman Parkway Frankfort, KY 40601	Approved as a tariff filing by the PSC on 5/19/16.*	64.05 kWdc	Monticello, KY	Monticello Substation, Monticello, KY	Active	Yes	5 Year Initial Term (subject to annual renewal thereafter)

Information on Potentially Affected QFs							
QF Name & Address	QF Docket No.	Net Capacity (MW)	QF Location (County / State)	Name & Location of Interconnection Substation	Interconnection Status	PPA with Applicant?	PPA Expiration Date
Lock 7 Hydro Partners 414 South Wenzel St Louisville, KY 40204	*	2 MW	Harrodsburg, KY	KU West Cliff Substation	Active	Yes	5 Year Initial Term (subject to annual renewal thereafter)
Lock 12 Hydro Partners 414 South Wenzel St Louisville, KY 40204	QF19-1567	2.5 MW	Ravenna, KY	Irvine, KY	Active	Yes	10 Year Initial Term (subject to 5 year renewals thereafter)
Lock 13 Hydro Partners, LLC Evelyn Hydroelectric Project 1581 Evelyn Lock Road Irvine, KY 40336	QF19-1568-000	2.5 MW	Irvine, KY	Irvine, KY	The Commission granted the Project a 40-year license and the Project is working to comply with the conditions of that license.	N/A	N/A
Lock 14 Hydro Partners 414 South Wenzel St Louisville, KY 40204	QF19-1569	2.5 MW	Heidelberg, KY	Beattyville, KY	Under construction	Yes	10 Year Initial Term (subject to 5 year renewals thereafter)
Bluebird Solar LLC 17901 Von Karmen Avenue, Suite 1050 Irvine, CA 92614	QF17-259-002	80 MW	Cynthiana, KY	Jacksonville Substation, Brentsville, KY (proposed)	ISA accepted by FERC	No	N/A
Blue Jay Solar LLC 7804-C Fairview Road #257 Charlotte, NC 28226	QF17-739-000	60 MW	Cynthiana, KY	Unknown	Unknown	No	N/A

Information on Potentially Affected QFs							
QF Name & Address	QF Docket No.	Net Capacity (MW)	QF Location (County / State)	Name & Location of Interconnection Substation	Interconnection Status	PPA with Applicant?	PPA Expiration Date
Great Blue Heron Solar LLC 7804-C Fairview Road #257 Charlotte, NC 28226	QF17-737-000	20 MW	Cynthiana, KY	Unknown	Unknown	No	N/A
Blue Ridge Generating Facility North American BioFuels, Inc. 2177 Winchester Rd Irvine, KY 40336	QF17-987-000	1.6 MW	Irvine, KY	Rice Substation Estill Co/KY	Active	Yes	21 Year Initial Term (subject to annual renewal thereafter)
Blue Solar Blue Solar LLC 7804-C Fairview Road #257 Charlotte, NC 28226	QF17-959-000	35 MW	Cynthiana, KY	Unknown	Unknown	No	N/A
Morehead Generating Facility North American BioFuels, Inc. 300 Old Phelps Lane Morehead, Kentucky 40351	QF18-1851-000	1.5 MW	Morehead, Kentucky	Morehead, KY	Active	Yes	15 year initial term (evergreen thereafter with 180 days notice to terminate)

* Applicant was unable to find a Commission QF docket number for these facilities.

Attachment A-2

Information on Potentially Affected QFs PJM Interconnection Queue*								
QF Name	QF Docket No.	PJM Queue Number	Net Capacity (MW)	QF Location (County / State)	Name & Location of Interconnection Substation	Interconnection Status**	PPA With Applicant?	PPA Expiration Date
Garrard County-Tommy-Gooch 69 kV	Unknown	AE2-254	30	Garrard, KY	East Lancaster Substation, Lancaster, KY	Engineering and Procurement, Capacity	Unknown	N/A
Jacksonville-Renaker 138kV I	Unknown	AC1-074	56	Harrison, KY	Harrison County Substation, Harrison County, KY	Engineering and Procurement, Capacity	No	N/A
Jacksonville-Renaker 138 kV	Unknown	AC2-075	13.3	Harrison, KY	Harrison County Substation, Harrison County, KY	Engineering and Procurement, Capacity	No	N/A
Marion County 161 kV	Unknown	AE1-143	64.163	Marion, KY	Marion County Substation, Marion County, KY	Engineering and Procurement, Capacity	No	N/A
Cynthia-Headquarters 69 kV	Unknown	AD2-048	46.7	Harrison, KY	New Substation TBD	Active, Capacity	No	N/A
Goddard-Plumsville 138 kV II	Unknown	AE2-038	53.5	Fleming, KY	New Substation TBD	Active, Capacity	No	N/A
Patton Rd-Summer Shade 69 kV	Unknown	AE2-071	21	Metcalfe, KY	New Substation TBD	Active, Capacity	No	N/A
Avon-North Clark 345 kV	Unknown	AE2-210	65.4	Clark, KY	New Substation TBD	Active, Capacity	No	N/A
JK Smith-Fawkes 138 kV	Unknown	AE2-275	65.4	Madison, KY	New Substation TBD	Active, Capacity	No	N/A
Avon 138 kV	Unknown	AE2-339	26.8	Fayette, KY	Avon Substation, Avon, KY	Active, Capacity	No	N/A
Sewellton Jct-Webbs Crossroads 69 kV	Unknown	AF1-038	36	Russell, KY	New Substation TBD	Active, Capacity	No	N/A

Information on Potentially Affected QFs PJM Interconnection Queue*								
QF Name	QF Docket No.	PJM Queue Number	Net Capacity (MW)	QF Location (County / State)	Name & Location of Interconnection Substation	Interconnection Status**	PPA With Applicant?	PPA Expiration Date
Summer Shade - Green County 161 kV	Unknown	AF1-050	36	Green, KY	New Substation TBD	Active, Capacity	No	N/A
Green County-Saloma 161 kV	Unknown	AF1-083	33	Taylor, KY	New Substation TBD	Active, Capacity	No	N/A
Marion County 161 kV	Unknown	AF1-116	72	Marion, KY	Marion County Substation, Marion County, KY	Active, Capacity	No	N/A
Avon 345 kV	Unknown	AF1-127	53.6	Fayette, KY	Avon Substation, Avon, KY	Active, Capacity	No	N/A
Patton Rd-Summer Shade 69 kV	Unknown	AF1-203	12	Metcalf, KY	New Substation TBD	Active, Capacity	No	N/A
Flemingsburg-Spurlock 138 kV	Unknown	AF1-256	48	Fleming, KY	New Substation TBD	Active, Capacity	No	N/A
Central Hardin 138 kV	Unknown	AF2-090	73.6	Hardin, KY	Central Hardin Substation, Hardin County, KY	Active, Capacity	No	N/A
Stephensburg-Central Hardin 69 kV	Unknown	AF2-260	53	Hardin, KY	New Substation TBD	Active, Capacity	No	N/A
Hope-Blevins Valley Tap 69 kV	Unknown	AF2-307	39.6	Bath, KY	New Substation TBD	Active, Capacity	No	N/A
Central Hardin-Stephensburg 69 kV	Unknown	AF2-309	42	Hardin, KY	New Substation TBD	Active, Capacity	No	N/A
Munfordville KU Tap-Horse Cave Jct. 69 kV	Unknown	AF2-365	30	Hart, KY	New Substation TBD	Active, Capacity	No	N/A
Central Hardin 69 kV	Unknown	AF2-391	72	Hardin, KY	“Central Hardin Substation, Hardin County, KY”	Active, Capacity	No	N/A

Information on Potentially Affected QFs PJM Interconnection Queue*								
QF Name	QF Docket No.	PJM Queue Number	Net Capacity (MW)	QF Location (County / State)	Name & Location of Interconnection Substation	Interconnection Status**	PPA With Applicant?	PPA Expiration Date
Temple Hill 69 kV	Unknown	AG1-067	24.8	Barren, KY	Temple Hill Substation, Temple Hill, KY	Active, Capacity	No	N/A
Bon Ayr 69 kV	Unknown	AG1-070	32.7	Barren, KY	Bon Ayr Substation, Barren County, KY	Active, Capacity	No	N/A
Bon Ayr 69 kV	Unknown	AG1-071	37.5	Barren, KY	Bon Ayr Substation, Barren County, KY	Active, Capacity	No	N/A
Rineyville 69 kV	Unknown	AG1-096	36.6667	Hardin, KY	Rineyville Substation, Hardin County, KY	Active, Capacity	No	N/A
Fawkes-Dale 138 kV	Unknown	AG1-306	39	Madison, KY	New Substation TBD	Active, Capacity	No	N/A
Glendale-Stephensburg 69 kV	Unknown	AG1-320	54.8	Hardin, KY	New Substation TBD	Active, Capacity	No	N/A
Summer Shade 161 kV	Unknown	AG1-341	63.6	Metcalfe, KY	Summer Shade Substation, Summershade, KY	Active, Capacity	No	N/A
Greene County-Marion County 161 kV	Unknown	AG1-353	58.8	Taylor, KY	New Substation TBD	Active, Capacity	No	N/A
Walnut Grove-Asahi 69 kV	Unknown	AG1-405	34.2	Pulaski, KY	New Substation TBD	Active, Capacity	No	N/A
Up Church-Wayne County 69 kV	Unknown	AG1-471	36	Wayne, KY	New Substation TBD	Active, Capacity	No	N/A
Seymour-Cave City 69 kV	Unknown	AG1-472	48	Hart, KY	New Substation TBD	Active, Capacity	No	N/A
Marion IP 161 kV	Unknown	AG1-488	42	Marion, KY	Marion County Industrial Park Substation,	Active, Capacity	No	N/A

Information on Potentially Affected QFs PJM Interconnection Queue*								
QF Name	QF Docket No.	PJM Queue Number	Net Capacity (MW)	QF Location (County / State)	Name & Location of Interconnection Substation	Interconnection Status**	PPA With Applicant?	PPA Expiration Date
					Marion County, KY			
Central Hardin 69 kV	Unknown	AG1-491	42	Hardin, KY	Central Hardin Substation, Hardin County, KY	Active, Capacity	No	N/A
Crooksville 69 kV	Unknown	AG2-073	60	Madison, KY	Crooksville Substation, Crooksvilled, KY	Active, Capacity	No	N/A
Mt. Sterling-Fogg Pike 69 kV	Unknown	AG2-081	18	Montgomery, KY	New Substation TBD	Active, Capacity	No	N/A
Summer Shade-Green County 161 kV	Unknown	AG2-094	90	Metcalfe, KY	New Substation TBD	Active, Capacity	No	N/A
Headquarters-Sideview 69 kV	Unknown	AG2-153	45	Bourbon, KY	New Substation TBD	Active, Capacity	No	N/A
Williamstown 69 kV	Unknown	AG2-159	43	Grant, KY	Williamstown Substation, Grant County, KY	Active, Capacity	No	N/A
Coburg 69 kV	Unknown	AG2-179	42.4	Adair, KY	Coburg Substation, Kelleyville, KY	Active, Capacity	No	N/A
Loretto 69 kV	Unknown	AG2-298	40	Marion, KY	Loretto Substation. Lebanon, KY	Active, Capacity	No	N/A
Barren - Summer Shade 161 kV	Unknown	AG2-317	23.3	Barren, KY	New Substation TBD	Active, Capacity	No	N/A
Bonnieville - Lebanon 138 kV	Unknown	AG2-424	34.95	Larue, KY	New Substation TBD	Active, Capacity	No	N/A
Sulphur Creek-Loretto 69 kV	Unknown	AG2-512	11	Marion, KY	New Substation TBD	Active, Capacity	No	N/A
Hodgenville-Sulphur Creek 69 kV	Unknown	AG2-513	12	Larue, KY	New Substation TBD	Active, Capacity	No	N/A

Information on Potentially Affected QFs PJM Interconnection Queue*								
QF Name	QF Docket No.	PJM Queue Number	Net Capacity (MW)	QF Location (County / State)	Name & Location of Interconnection Substation	Interconnection Status**	PPA With Applicant?	PPA Expiration Date
Rineyville 69 kV	Unknown	AG2-549	26.6667	Hardin, KY	Rineyville Substation, Hardin County, KY	Active, Capacity	No	N/A
Bullitt County 161 kV	Unknown	AG2-552	60	Bullitt, KY	Bullitt County Substation, Shepherdsville, KY	Active, Capacity	No	N/A
Renaker-Avon 138 kV	Unknown	AG2-596	39	Scott, KY	New Substation TBD	Active, Capacity	No	N/A
Knob Lick-JB Galloway Tap 69 kV	Unknown	AG2-598	40	Metcalfe, KY	New Substation TBD	Active, Capacity	No	N/A
Spurlock - Flemingsburg 138 kV	Unknown	AG2-666	54	Fleming, KY	New Substation TBD	Active, Capacity	No	N/A
Greensburg 69 kV	Unknown	AG2-670	45	Green, KY	Greensburg Substation, Green County, KY	Active, Capacity	No	N/A
Hope - Frenchburg 69 kV	Unknown	AG2-671	11.94	Montgomery, KY	New Substation TBD	Active, Capacity	No	N/A
Avon - Renaker 138 kV	Unknown	AH1-004	24	Fayette, KY	New Substation TBD	Active, Capacity	No	N/A
Patton Road Junction - Summer Shade 69 kV	Unknown	AH1-034	70	Barren, KY	New Substation TBD	Active, Capacity	No	N/A
Knob Lick 69kV	Unknown	AH1-081	36	Metcalfe, KY	Knob Lick Substation, Knob Lick, KY	Active, Capacity	No	N/A
Knob Lick 69kV	Unknown	AH1-082	26.4	Metcalfe, KY	Knob Lick Substation, Knob Lick, KY	Active, Capacity	No	N/A
Summer Shade - Green County 161 kV	Unknown	AH1-083	60	Metcalfe KY	New Substation TBD	Active, Capacity	No	N/A

Information on Potentially Affected QFs PJM Interconnection Queue*								
QF Name	QF Docket No.	PJM Queue Number	Net Capacity (MW)	QF Location (County / State)	Name & Location of Interconnection Substation	Interconnection Status**	PPA With Applicant?	PPA Expiration Date
Cane Ridge 69 kV	Unknown	AH1-156	25.4	Bourbon, KY	"Cane Ridge Substation, Bourbon County, KY	Active, Capacity	No	N/A
Millersburg - Carlisle 69 kV	Unknown	AH1-163	60	Bourbon	New Substation TBD	Active, Capacity	No	N/A
Upchurch - Zula 69 kV	Unknown	AH1-239	48	Wayne, KY	New Substation TBD	Active, Capacity	No	N/A
Bluegrass Parkway Tap - Woodlawn 69 kV	Unknown	AH1-281	12	Nelson, KY	New Substation TBD	Active, Capacity	No	N/A
Tyner - McKee 69 kV	Unknown	AH1-330	60	Jackson, KY	New Substation TBD	Active, Capacity	No	N/A
Brodhead - Maretburg 69 kV	Unknown	AH1-409	34.8	Rockcastle, KY	New Substation TBD	Active, Capacity	No	N/A
Union City - JK Smith 138 kV	Unknown	AH1-410	40.8	Madison, KY	New Substation TBD	Active, Capacity	No	N/A
Tommy Gooch - Garrard County 69 kV	Unknown	AH1-427	60	Lincoln, KY	New Substation TBD	Active, Capacity	No	N/A
Flemingsburg 138 kV	Unknown	AH1-429	54	Fleming, KY	Flemingsburg Substation, Fleming County, KY	Active, Capacity	No	N/A
Middle Creek 69 kV	Unknown	AH1-455	39.8	Magoffin, KY	Middle Creek Substation, Floyd County, KY	Active, Capacity	No	N/A
Owingsville - Preston 69 kV	Unknown	AH1-463	48	Bath, KY	New Substation TBD	Active, Capacity	No	N/A
Hinkston 24.9 kV	Unknown	AH1-464	7.2	Montgomery, KY	Hinkston Substation, Montgomery County, KY	Active, Capacity	No	N/A

Information on Potentially Affected QFs PJM Interconnection Queue*								
QF Name	QF Docket No.	PJM Queue Number	Net Capacity (MW)	QF Location (County / State)	Name & Location of Interconnection Substation	Interconnection Status**	PPA With Applicant?	PPA Expiration Date
Renaker - Avon 138 kV	Unknown	AH1-529	14.4	Scott, KY	New Substation TBD	Active, Capacity	No	N/A
Marion County - Marion Co. Industrial 161 kV	Unknown	AH1-532	22.68	Marion, KY	New Substation TBD	Active, Capacity	No	N/A
Temple Hill - Roseville 69 kV	Unknown	AH2-002	48	Barren, KY	New Substation TBD	Active, Capacity	No	N/A

* “Unknown” indicates that EKPC has no information about this facility beyond what is available in the PJM queue. For all active PJM queue projects, please note that if a substation is listed, it is a proposed substation that is subject to change upon completion of interconnection studies.

** PJM does not use ERIS or NRIS designation. Accordingly, the interconnection status of each project has been noted and “Capacity”, “Energy”, or “Unknown” has been used.

Attachment B

Verification

VERIFICATION

COMMONWEALTH OF KENTUCKY)
)
CITY OF LEXINGTON)

I, David Crews, Senior Vice President, Power Supply of East Kentucky Power Cooperative, Inc. ("EKPC"), am authorized to provide this verification on behalf of EKPC, have knowledge of the matters set forth in the foregoing "Application to Terminate Obligation to Purchase Power from Qualifying Small Power Production Facilities Larger Than 5 Megawatts," and hereby verify that the contents thereof are true and correct to the best of my knowledge, information and belief.



David Crews
Senior Vice President, Power Supply

SIGNED AND SWORN TO before me this 28th day of October, 2021.

William Blake Kinney
Notary Public

My commission expires: 07-24-2024

