

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, MAY 17, 2016

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COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. PUE-2016-00053

In re: Kentucky Utilities Company
d/b/a Old Dominion Power Company's
Integrated Resource Plan filing pursuant to
Va. Code § 56-597 *et seq.*

ORDER FOR NOTICE AND COMMENT

On April 29, 2016, Kentucky Utilities Company d/b/a Old Dominion Power Company ("KU/ODP" or "Company") filed with the State Corporation Commission ("Commission") the Company's Integrated Resource Plan ("IRP") pursuant to § 56-599 of the Code of Virginia ("Code").¹

An IRP, as defined by § 56-597 of the Code, is "a document developed by an electric utility that provides a forecast of its load obligations and a plan to meet those obligations by supply side and demand side resources over the ensuing 15 years to promote reasonable prices, reliable service, energy independence, and environmental responsibility." Pursuant to § 56-599 C of the Code, the Commission determines whether an IRP is reasonable and in the public interest.

According to KU/ODP, the Company and its affiliate, Louisville Gas and Electric Company ("LG&E"), collectively control over 8,000 megawatts of combined generating capacity, all of which is located in Kentucky and is subject to the jurisdiction of the Kentucky

¹ This filing was accompanied by a Motion for Protective Order in accordance with 5 VAC 5-20-170 of the Commission's Rules of Practice and Procedure ("Rules of Practice"), 5 VAC 5-20-10 *et seq.*

Public Service Commission.² KU/ODP asserts that neither it nor LG&E owns or operates any generating assets in Virginia.³ KU/ODP states that in Virginia, the Company provides retail electric service to approximately 28,000 customers in the counties of Wise, Lee, Russell, Scott, and Dickenson, supplying those customers with energy from KU/ODP's and LG&E's generating assets in Kentucky.⁴ According to KU/ODP, the electric load in the Virginia service territory primarily consists of residential customers and coal mining operations.⁵

As amended in 2015, § 56-599 of the Code requires, among other things, that an IRP evaluate: (i) the effect of current and pending environmental regulations upon the continued operation of existing electric generation facilities or options for construction of new electric generation facilities; and (ii) the most cost-effective means of complying with current and pending environmental regulations.⁶ The Company indicates that its IRP filing is intended to satisfy the revised requirement that each electric utility file an updated IRP by May 1, 2016.⁷

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that the Company should provide public notice of its IRP; a procedural schedule should be established to allow interested persons an opportunity to comment or request a hearing on the Company's IRP; and the Commission's Staff ("Staff") should be directed to investigate the IRP and file a report containing its findings and recommendations ("Staff Report"). Further, we find

² KU/ODP 2016 VA IRP Summary at 1.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ 2015 Acts of Assembly, Chapter 6.

⁷ KU/ODP 2016 VA IRP Summary at 1.

that a Hearing Examiner should be appointed to rule on all discovery matters that arise during the course of this proceeding, including the Company's Motion for Protective Order.

Accordingly, IT IS ORDERED THAT:

(1) This matter is docketed and assigned Case No. PUC-2016-00053.

(2) As provided by § 12.1-31 of the Code and 5 VAC 5-20-120, *Procedure before hearing examiners*, of the Commission's Rules of Practice, a Hearing Examiner is appointed to rule on any discovery matter that may arise in this proceeding.

(3) The Company shall make a copy of the public version of its IRP, as well as a copy of this Order for Notice and Comment, available for public inspection during regular business hours at each of the Company's business offices in the Commonwealth of Virginia. A copy also may be obtained by submitting a written request to counsel for the Company, Kendrick R. Riggs, Esquire, Stoll Keenon Ogden PLLC, 2000 PNC Plaza, 500 West Jefferson Street, Louisville, Kentucky 40202. If acceptable to the requesting party, the Company may provide the documents by electronic means. Copies of public versions of all documents filed in this case also shall be available for review in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, between the hours of 8:15 a.m. and 5 p.m., Monday through Friday, excluding holidays. Interested persons also may download unofficial copies from the Commission's website: <http://www.scc.virginia.gov/case>.

(4) On or before June 15, 2016, KU/ODP shall cause the following notice to be published as display advertising (not classified) on one occasion in the newspapers of general circulation throughout the Company's Virginia service territory:

NOTICE TO THE PUBLIC OF A FILING BY KENTUCKY
UTILITIES COMPANY D/B/A OLD DOMINION POWER
COMPANY OF ITS INTEGRATED RESOURCE PLAN
CASE NO. PUE-2016-00053

On April 29, 2016, Kentucky Utilities Company d/b/a Old Dominion Power Company ("KU/ODP" or "Company") filed with the State Corporation Commission ("Commission") the Company's Integrated Resource Plan ("IRP") pursuant to § 56-599 of the Code of Virginia ("Code").

An IRP, as defined by § 56-597 of the Code, is "a document developed by an electric utility that provides a forecast of its load obligations and a plan to meet those obligations by supply side and demand side resources over the ensuing 15 years to promote reasonable prices, reliable service, energy independence, and environmental responsibility." Pursuant to § 56-599 C of the Code, the Commission determines whether an IRP is reasonable and in the public interest.

According to KU/ODP, the Company and its affiliate, Louisville Gas and Electric Company ("LG&E"), collectively control over 8,000 megawatts of combined generating capacity, all of which is located in Kentucky and is subject to the jurisdiction of the Kentucky Public Service Commission. KU/ODP asserts that neither it nor LG&E owns or operates any generating assets in Virginia. KU/ODP states that in Virginia, the Company provides retail electric service to approximately 28,000 customers in the counties of Wise, Lee, Russell, Scott, and Dickenson, supplying those customers with energy from KU/ODP's and LG&E's generating assets in Kentucky. According to KU/ODP, the electric load in the Virginia service territory primarily consists of residential customers and coal mining operations.

As amended in 2015, § 56-599 of the Code requires, among other things, that an IRP evaluate: (i) the effect of current and pending environmental regulations upon the continued operation of existing electric generation facilities or options for construction of new electric generation facilities; and (ii) the most cost-effective means of complying with current and pending environmental regulations. The Company indicates that its IRP filing is intended to satisfy the revised requirement that each electric company file an updated IRP by May 1, 2016.

The Commission entered an Order for Notice and Comment in this case that, among other things, directed the Company to provide notice to the public and provided interested persons an opportunity to comment and/or request a hearing on the Company's IRP.

Copies of the public version of all documents filed in this case are available for review in the Commission's Document Control Center, located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, between the hours of 8:15 a.m. and 5 p.m., Monday through Friday, excluding holidays. Interested persons also may download unofficial copies from the Commission's website: <http://www.scc.virginia.gov/case>.

Copies of the public version of the Company's IRP and the Commission's Order for Notice and Comment also may be inspected during regular business hours at each of the Company's business offices in the Commonwealth of Virginia. Copies of these documents also may be obtained, at no charge, by submitting a written request to counsel for the Company, Kendrick R. Riggs, Esquire, Stoll Keenon Ogden PLLC, 2000 PNC Plaza, 500 West Jefferson Street, Louisville, Kentucky 40202. If acceptable to the requesting party, the Company may provide the documents by electronic means.

On or before July 27, 2016, any person or entity may file written comments on the Company's IRP with the Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23215-2118. Comments may be submitted electronically on or before July 27, 2016, by following the instructions on the Commission's website <http://www.scc.virginia.gov/case>. Compact discs or any other form of electronic storage medium may not be filed with the comments. All such comments shall refer to Case No. PUE-2016-00053.

On or before July 13, 2016, any person or entity may request that the Commission convene a hearing on the Company's IRP by filing a request for hearing. If not filed electronically, an original and fifteen (15) copies of the request for hearing shall be filed with Clerk of the Commission at the address set forth above. A copy of the request for hearing also must be sent to counsel for the Company at the address set forth above. Requests for hearing shall refer to Case No. PUE-2016-00053 and shall include: (i) a precise statement of the filing party's interest in the proceeding; (ii) a statement of the specific action sought to the extent then known;

(iii) a statement of the factual and legal basis for such action; and
 (iv) a precise statement why a hearing should be conducted in this matter.

Any person or entity may participate as a respondent in this proceeding by filing a notice of participation on or before July 13, 2016. If not filed electronically, an original and fifteen (15) copies of the notice of participation shall be filed with the Clerk of the Commission at the address set forth above. A copy of the notice of participation as a respondent also must be sent to counsel for the Company at the address set forth above. Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Commission's Rules of Practice and Procedure ("Rules of Practice"), any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUE-2016-00053. For additional information about participation as a respondent, any person or entity should obtain a copy of the Commission's Order for Notice and Comment.

The Commission's Rules of Practice may be viewed at <http://www.scc.virginia.gov/case>. A printed copy of the Commission's Rules of Practice and an official copy of the Commission's Order for Notice and Comment in this proceeding may be obtained from the Clerk of the Commission at the address set forth above.

KENTUCKY UTILITIES COMPANY
D/B/A OLD DOMINION POWER COMPANY

(5) On or before June 15, 2016, the Company shall serve a copy of this Order for Notice and Comment on the chairman of the board of supervisors and county attorney of each county and upon the mayor or manager (or equivalent official) and city or town attorney of every city and town in which the Company provides service in the Commonwealth of Virginia. Service shall be made by either personal delivery or first class mail to the customary place of business or residence of the person served.

(6) On or before July 13, 2016, KU/ODP shall file proof of the notice and service required by Ordering Paragraphs (4) and (5), including the name, title, and address of each official served, with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118.

(7) On or before July 13, 2016, any person or entity may request that the Commission convene a hearing on the Company's IRP by filing a request for hearing. If not filed electronically, an original and fifteen (15) copies of the request for hearing shall be filed with the Clerk of the Commission in the address set forth in Ordering Paragraph (6). A copy of the request for hearing also shall be served upon counsel for the Company at the address set forth in Ordering Paragraph (3). Requests for hearing shall refer to Case No. PUE-2016-00053 and shall include: (i) a precise statement of the filing party's interest in the proceeding; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the factual and legal basis for such action; and (iv) a precise statement why a hearing should be conducted in this matter.

(8) On or before July 13, 2016, any person or entity may participate as a respondent in this proceeding by filing a notice of participation in accordance with 5 VAC 5-20-140, *Filing and service*, and 5 VAC 5-20-150, *Copies and format*, of the Rules of Practice. If not filed electronically, an original and fifteen (15) copies of the notice of participation shall be filed with the Clerk of the Commission at the address set forth in Ordering Paragraph (6). The respondent shall serve a copy of the notice of participation on counsel to the Company at the address set forth in Ordering Paragraph (3). Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body

participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUE-2016-00053.

(9) Within five (5) business days of receipt of a notice of participation as a respondent, the Company shall serve upon each respondent a copy of this Order for Notice and Comment, a copy of the public version of the IRP, and all materials filed by the Company with the Commission in this proceeding, unless these materials have already been provided to the respondent.

(10) On or before July 27, 2016, the Company shall file a response to any requests for hearing filed in this proceeding. If not filed electronically, an original and fifteen (15) copies of any response shall be filed with the Clerk of the Commission at the address set forth in Ordering Paragraph (6). A copy of the response shall be served on any person who filed a request for hearing, any respondent who filed a notice of participation, and Staff counsel.⁸

(11) On or before July 27, 2016, any person or entity may file written comments on KU/ODP's IRP with the Clerk of the Commission at the address set forth in Ordering Paragraph (6). Comments may be submitted electronically on or before July 27, 2016, by following the instructions on the Commission's website: <http://www.scc.virginia.gov/case>. Compact discs or any other form of electronic storage medium may not be filed with the comments. All comments shall refer to Case No. PUE-2016-00053.

(12) The Staff shall investigate the Company's IRP. On or before August 24, 2016, the Staff shall file with the Clerk of the Commission an original and fifteen (15) copies of a Staff Report containing its findings and recommendations.

⁸ The assigned Staff attorney is identified on the Commission's website: <http://www.scc.virginia.gov/case>, by clicking "Docket Search," then "Search Cases," and entering the case number, PUE-2016-00053, in the appropriate box.

(13) On or before September 21, 2016, KU/ODP may file any responses to the Staff Report or any written comments filed in this proceeding. If not filed electronically, an original and fifteen (15) copies of any responses shall be filed with the Clerk of the Commission at the address set forth in Ordering Paragraph (6).

(14) The Commission's Rule of Practice 5 VAC 5-20-260, *Interrogatories to parties or requests for production of documents and things*, shall be modified for this proceeding as follows: responses and objections to written interrogatories and requests for production of documents shall be served within seven (7) business days after receipt of the same. In addition to the service requirements of 5 VAC 5-20-260 of the Rules of Practice, on the day that copies are filed with the Clerk of the Commission, a copy of the interrogatory or request for production shall be served electronically, or by facsimile, on the party to whom the interrogatory or request for production is directed or the assigned Staff attorney, if the interrogatory or request for production is directed to Staff. Except as modified above, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(15) This matter is continued.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:
Kendrick R. Riggs, Esquire, Stoll Keenon Ogden PLLC, 2000 PNC Plaza, 500 West Jefferson Street, Louisville, Kentucky 40202; Allyson K. Sturgeon, Senior Corporate Attorney, LG&E and KU Energy LLC, 220 West Main Street, Louisville, Kentucky 40202; Rick E. Lovekamp, Manager-Regulatory Affairs, Old Dominion Power Company, P.O. Box 32010, Louisville, Kentucky 40232; and C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 202 North Ninth Street, Richmond,

Virginia 23219. A copy also shall be delivered to the Commission's Office of General Counsel and Divisions of Energy Regulation and Utility Accounting and Finance.

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