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September 16, 2021

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01:58 PM SEP 16 2021 EXEC SEC DIV

Ms. Connie Graley  
Executive Secretary  
Public Service Commission of West Virginia  
201 Brooks Street  
Charleston, WV 25301

*Via Electronic Mail:*  
[caseinfo@psc.state.wv.us](mailto:caseinfo@psc.state.wv.us)

**Re: CASE NO. 20-1040-E-CN  
APPALACHIAN POWER COMPANY and  
WHEELING POWER COMPANY**

Application for the issuance of a Certificate of Public Convenience  
and Necessity for internal modifications at coal fired generating  
plants necessary to comply with federal environmental regulations

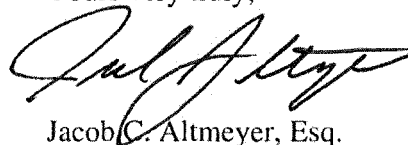
**Response of the West Virginia Coal Association in Support of  
Companies' Petition to Reopen Case and to Take Further Action**

Dear Ms. Graley:

Please find enclosed for filing in the above-styled matter the West Virginia Coal Association, Inc.'s Response in Support of Companies' Petition to Reopen Case and to Take Further Action in the above referenced matter. This filing is being made electronically pursuant to the Public Service Commission of West Virginia's Order No. 262.3.

Thank you for your attention to this matter. Please feel free to contact me with any questions or concerns.

Yours very truly,



Jacob C. Altmeyer, Esq.

JCA/

Enclosure

cc: Chris R. Hamilton (via e-mail)  
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Evan Midler (via e-mail)  
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**PUBLIC SERVICE COMMISSION  
OF WEST VIRGINIA  
CHARLESTON**

**CASE NO. 20-1040-E-CN**

**APPALACHIAN POWER COMPANY and  
WHEELING POWER COMPANY**

Application for the issuance of a  
Certificate of Public Convenience and  
Necessity for internal modifications at  
coal fired generating plants necessary to  
comply with federal environmental  
regulations.

**RESPONSE OF THE WEST VIRGINIA COAL ASSOCIATION  
IN SUPPORT OF COMPANIES' PETITION TO REOPEN  
CASE AND TO TAKE FURTHER ACTION**

The West Virginia Coal Association, Inc. (hereinafter "WVCA"), an Intervenor in the above referenced matter, hereby submits its Response in Support of Companies' Petition to Reopen Case and to Take Further Action (hereinafter the "Petition").

1. On September 8, 2021, the Companies filed the Petition seeking the following from this Commission:
  - a. A ruling that this Commission desires that the Companies proceed with the ELG projects at all three plants (Amos, Mountaineer & Mitchell);
  - b. Acknowledgement that, given the ELG denials from the Virginia State Corporation Commission and the Kentucky Public Service Commission, that West Virginia ratepayers will be responsible for the additional investment and expenses incurred while proceeding with the ELG projects at each plant;
  - c. A commitment to continue authorizing cost recovery in future filings by the Companies so long as the proposed recoveries are "reasonable and prudently incurred"; and

- d. A directive that Wheeling Power Company propose a plan in a future filing to address the split ownership of the Mitchell plant with Kentucky Power Company.
2. As this Commission is aware, the West Virginia legislature has imposed on it an affirmative duty to protect coal-fired power plants in West Virginia and make every reasonable effort to keep them operating.
3. Newly enacted W. Va. Code Ann. § 24-1-1c requires that this Commission “take immediate steps to reverse these undesirable trends to ensure that no more coal-fired plants close, no additional jobs are lost, and long-term state prosperity is maintained”<sup>1</sup>; and to encourage public electric utilities in West Virginia “to operate their coal-fired plants at maximum reasonable output and for the duration of the life of the plants”<sup>2</sup>.
4. When coupled with its long-standing legislative responsibility to encourage “the well-planned development of utility resources in a manner consistent with state needs and in ways consistent with the productive use of the state's energy resources, such as coal”<sup>3</sup>, this Commission must take action to ensure that all three plants remain operational.
5. Additionally, in a recent Order issued in Case No. 21-0339-E-ENEC, this Commission expressed concern that the Companies may not be maximizing the utilization of its owned power plants and concluded that “the public interest is better served by APCo reversing that trend, and focusing on maximizing generation from its owned power plants”.
6. That same Order also noted that “projected variable costs for those plants [Amos, Mountaineer and Mitchell] are considerably lower than projected purchased power costs.”

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<sup>1</sup> W. Va. Code Ann. § 24-1-1c(5).

<sup>2</sup> W. Va. Code Ann. § 24-1-1c(12).

<sup>3</sup> W. Va. Code Ann. § 24-1-1(a)(3).

7. As was discussed detail in our Initial Brief and in the testimony offered by Dr. John Deskins, Ph.D., in this matter, the economic devastation to this state and the communities surrounding each plant that would result from premature closure far outweighs any conceivable increase in investments and costs proposed to be borne by West Virginia ratepayers if the Companies' Petition is granted.
8. As set out in detail in Commission Requested Exhibit 1, these plants contribute billions of dollars in economic output and thousands of jobs annually to the West Virginia economy (Amos - \$768,000,000 and 1,033 jobs; Mountaineer - \$619,000,000 and 976 jobs; and Mitchell - \$418,000,000 and 660 jobs).
9. In approving the Certificate of Public Convenience and Necessity sought in this matter, this Commission acted decisively, reasonably and prudently in approving all projects necessary to keep each plant operating through 2040.
10. The only change to the facts that were already before this Commission at the time it entered its Order is the estimated ELG costs to be borne West Virginia ratepayers.
11. Despite extensive discovery, direct testimony and rebuttal testimony developed from all parties in this matter, and two (2) full days of cross-examination at the evidentiary hearing, no questioning or testimony was offered or sought by any party regarding the Companies' testimony concerning the cost of the CCR and ELG modifications at any of the plants.
12. All parties accepted the testimony of the Companies regarding the actual cost of the CCR and ELG modifications at all three plants.
13. There was ample discovery, testimony and questioning by all parties regarding the Companies' estimates and testimony concerning the costs and benefits of alternative

power sources should any plant be retired early, as well as the future economic benefits of continued operation through 2040. It cannot be disputed that those issues have been fully developed and this Commission has all necessary information in evaluating the Companies' Application.

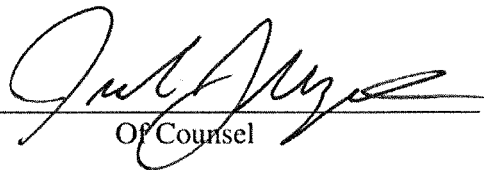
14. The Petition and its accompanying supplemental testimony do not alter any information relied upon by the various intervening parties in evaluating the Companies' Application and should not result in the need for further direct testimony, rebuttal testimony or hearings in this matter.
15. As the Companies have stressed to this Commission all along, there are very urgent time constraints imposed on the Companies by federal regulations regarding any and all modifications approved by the Commission herein. This matter must be resolved in short order to allow for the modifications to be commenced in a timely manner.

**WHEREFORE**, the West Virginia Coal Association, Inc., respectfully requests that the Commission grant Companies' Petition and ensure that the Amos, Mountaineer and Mitchell plants remain operational through 2040.

Dated: September 16, 2021.

Respectfully submitted,

**WEST VIRGINIA COAL  
ASSOCIATION, INC.**

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 16, 2021, a copy of the foregoing Response of the West Virginia Coal Association in Support of Companies' Petition to Reopen Case and to Take Further Action was served upon all parties and/or counsel of record in this proceeding by electronic mail, inviting any party who so desires to request a hard copy, addressed as follows:

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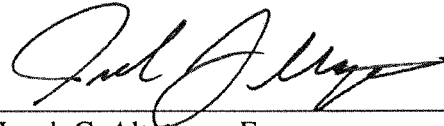
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