

Sierra Club asks Miss. Supreme Court to force PSC to reveal Kemper records

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GULFPORT, MS - The Sierra Club [has filed a new motion](#) at the Mississippi Supreme Court requesting that the Court direct the Mississippi Public Service Commission (PSC) to add key missing information to the public record on the Kemper Power Plant.

According to a Mississippi Power Company timeline, both Mississippi Power Company and the Commission knew about cost overruns at the Kemper County coal plant in early March 2012. However, the Commission did not make this information public, and proceeded to re-issue a certificate to the plant without allowing any discussion of the economic viability of the plant.

According to the [timeline prepared by Mississippi Power](#), the Mississippi Supreme Court surprised the Commission and Mississippi Power when it unanimously voted to overturn the plant's original certificate on March 15, 2012. The timeline reveals that both top executives at Mississippi Power and the two members of the Commission who voted to re-issue the permit knew about the cost overruns at the construction site. However, Commissioners Bentz and Posey did not reveal this information in their decision re-issuing the certificate, and they did not share this information with the public. The Sierra Club asks the Court to update the public record because it provides further evidence that the Commission acted improperly in its rush to re-authorize the Kemper plant on March 29, 2012.

"The ratepayers, who Mississippi Power expects to pay the tab, have been kept in the dark about the disastrous cost overruns at Kemper. This latest revelation just confirms that the PSC acted improperly and should not have reauthorized the plant without following the letter of the law," **said Louie Miller, State Director of the Mississippi Sierra Club.**

The Mississippi Power timeline raises troubling factual discrepancies between the accounts of the company and the Commission. Commissioner Leonard Bentz has stated that he pushed for more than a year to learn when Mississippi Power executives learned of the initial cost increase of \$366 M, reported by the plant's independent monitor in a report filed on May 10, 2012. The "Kemper Timeline Prepared by Mississippi Power Company," states that Mississippi Power first informed the PSC of a cost overrun on March 5, 2012. This news was verified by the plant's independent monitor, which also reported this news to the PSC sometime in late February or March 1, 2012. The timeline clearly states that the "PSC issued its temporary order authorizing construction on the Kemper Project to continue. SCS's [Southern Company Services] detailed re-estimate was still under review at this time."

"You can't reconcile what Mississippi Power and the Commission are saying," **added Miller.** "If the Commission knew then that information should have been in the public record. It's past time for Mississippi Power and the Commission to come clean about Kemper."

The Sierra Club also recently filed an emergency motion to the Supreme Court, asking the Court to review the Kemper

plant's certification in light of the recent settlement agreement between Mississippi Power and the PSC, which substantively changed many key provisions of the original certification. The Commission and Mississippi Power excluded other parties to the litigation in making their agreement, and prevented public comment on the settlement agreement even though representatives of the Sierra Club and other groups were present in the meeting room.

The Supreme Court has not yet ruled on a separate challenge to the constitutionality of the Baseload Act, which authorized Mississippi Power to seek rate increases to pay for the plant while under construction and before it began producing electricity. The Supreme Court will also hear arguments from the Sierra Club later this summer arguing that the PSC's re-authorization of the Kemper was improper and should be overturned. Today's filing asks that the Court direct the Commission to update the public records about the cost overrun for this pending case, and that the Court considers this evidence as it deliberates.

View the motion here:

<https://docs.google.com/file/d/0B1dk6uYv0lc2XzVTMUJ4eHRsZEK/edit?usp=sharing>

View the timeline created by Mississippi Power here:

<https://docs.google.com/file/d/0B1dk6uYv0lc2WEZRTWhtZmtlZWs/edit?usp=sharing>

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