

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2022 INTEGRATED RESOURCE)	CASE NO.
PLANNING REPORT OF KENTUCKY POWER)	2023-00092
COMPANY)	

ORDER

This matter arises upon the motion of the Mountain Association (MA), Appalachian Citizens Law Center (ACLC), Kentuckians for the Commonwealth (KFTC), and Kentucky Solar Energy Society (KYES), (collectively, Joint Movants), filed May 8, 2023, for full intervention. As bases for their motion, Joint Movants stated that they have a special interest in these proceedings not otherwise adequately represented and that they will present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. The parties granted intervention in this proceeding to date are the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), and Kentucky Industrial Utility Customers, Inc., (KIUC). Kentucky Power Company (Kentucky Power) has made no objection to Joint Movants' motion.

BACKGROUND

Each of the organizations joining this motion has related though distinct interests. MA stated that it is a non-profit corporation that works with people in eastern Kentucky and central Appalachia and that it, among other things, offers energy programs intended to reduce energy costs and consumption, and increase energy security for residential,

small business, and non-profit electric customers. MA asserted that it has worked with Kentucky Power customers over the past 15 years providing financing to access investments in energy efficiency and renewable energy, resulting in reduced operating expenses. MA also indicated that it assists energy contractors with technical trainings and equipment financing.

ACLC stated that it is a non-profit corporation in eastern Kentucky focusing on, among other things, the environmental, health, and economic impacts of resource extraction in eastern Kentucky and central Appalachia, and energy and water affordability on behalf of low-income residents in these regions. ACLC indicated that its primary work includes both direct representation of individuals and groups, and advocacy work aimed at addressing the ongoing and legacy impacts of the coal industry and the economic impacts of its decline. ACLC indicated that it advocates for energy and water affordability on behalf of low-income residents in the region by participating as stakeholders in national and state energy affordability discussions, and by directly representing customers or customer groups before the Commission.

KFTC stated that it is a non-profit organization that has advocated on behalf of low-income residential ratepayers for over 30 years. KFTC stated that it has 12 chapters across the state, including eastern Kentucky chapters in the Big Sandy region, Rowan County, and Kentucky River region, and that many of its members are Kentucky Power ratepayers. KFTC indicated that it also pays electric rates to Kentucky Power at its Prestonsburg, Kentucky office.

KYSES stated that it is a non-profit corporation with a mission to promote the use of renewable energy resources, energy efficiency, and conservation in Kentucky through

education, networking, and demonstration of practical applications. KYSES's members include Kentucky Power residential ratepayers and renewable energy professionals within the Kentucky Power service territory.

Joint Movants indicated that their interests in this matter are different than those of the existing parties such that their participation is likely to present issues or develop facts that will assist the Commission in fully considering the matter. Joint Movants also asserted that they plan to submit evidence on multiple issues in this proceeding, including the Integrated Resource Planning's (IRP) evaluation of renewable energy, demand-side resources, and the implementation of the Inflation Reduction Act. Further, Joint Movants indicated that they would speak with one voice and coordinate to make filings jointly. Joint Movants argued that they have a special interest in the case that is not otherwise adequately represented, and that their intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.

LEGAL STANDARD

The only person who has a statutory right to intervene in a Commission case is the Attorney General, pursuant to KRS 367.150(8)(b). Intervention by all others is permissive and is within the sole discretion of the Commission.¹

The regulatory standard for permissive intervention, set forth in 807 KAR 5:001E, Section 4, is twofold. Commission regulation 807 KAR 5:001E, Section 4(11), requires a person to set forth in the motion to intervene either (1) a special interest in the proceeding

¹ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

that is not otherwise adequately represented in the case, or (2) that 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.

DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficient advised, the Commission finds that Joint Movants have demonstrated that they are likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating the proceedings, for the reasons discussed below.

Joint Movants have demonstrated that, among other things, they can present issues and develop facts related to Kentucky Power's evaluation of renewable energy and demand-side resources in its IRP, and the effect of the implementation of the Inflation Reduction Act on Kentucky Power's resource planning. The Commission expects those issues to come up in this matter and agrees that participation of persons with direct experience in these matters is likely to assist the Commission in fully considering this matter. Joint Movants have also asserted that they will speak with one voice and participate in this proceeding to develop a fuller and more robust case record. All of the organizations included in the joint motion have also previously participated in Commission cases. Thus, the Commission finds that Joint Movants are likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating the proceedings.

Based on the above, the Commission finds that Joint Movants should be granted full rights of a party in this proceeding.² The Commission directs Joint Movants to the

² The Commission makes no finding as to whether or not Joint Movants have a special interest.

Commission's July 22, 2021 Order in Case No. 2020-00085³ regarding filings with the Commission.

In light of Joint Movants' statement that they will speak as one party, the Commission finds that each of the Joint Movants should file a separate copy of all documents that evidence their individual agreement regarding their joint participation in this matter, whether the agreement is executed by email in a written agreement.

IT IS HEREBY ORDERED that:

1. Joint Movants' motion to intervene is granted.
2. Joint Movants are entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Joint Movants shall comply with all provisions of the Commission's regulations, 807 KAR 5:001E, Section 8, related to the service and electronic filing of documents.
4. Joint Movants shall adhere to the procedural schedule set forth in the Commission's April 14, 2023 Order and as amended by subsequent Orders.
5. Pursuant to 807 KAR 5:001E, Section 8(9), within seven days of service of this Order, Joint Movants shall file a written statement with the Commission that:
 - a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and


³ 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).

b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

6. Each of the Joint Movants shall file a separate copy with the Commission of their individual agreement regarding their joint participation in this matter within ten days of entering into the agreement.

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PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
JUN 02 2023
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KENTUCKY PUBLIC
SERVICE COMMISSION

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