

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY FOR APPROVAL OF)	CASE NO.
SPECIAL CONTRACT BETWEEN KENTUCKY)	2023-00123
UTILITIES COMPANY AND BLUEOVAL SK, LLC)	

ORDER

This matter arises upon the motion of the BlueOval SK, LLC (BlueOval SK), filed April 18, 2023, for full intervention. As a basis for its motion, BlueOval SK stated that its decision to locate its manufacturing operations in Kentucky was premised upon Kentucky Utilities Company (KU) providing the electrical requirements for its facility under the terms of the special contract, which is the subject of this proceeding.¹ Further BlueOval SK maintained that the special contract rates and terms were an essential consideration for BlueOval SK locating the facility in KU's service territory.² BlueOval SK stated that its load is unique and unlike the load and consumption characteristics of KU's tariffed rate classes on file with the Commission, and therefore does not fit the rate characteristics of any of KU's current rate schedules approved by the Commission. BlueOval SK stated that it intends to play a constructive role in the Commission's decision-making process, and argued that BlueOval SK's participation will assist the Commission in fully considering

¹ Motion to Intervene (filed Apr. 18, 2023), at 2, paragraph 6.

² Motion to Intervene at 3, paragraph 9.

the reasonableness of the proposed special contract. BlueOval SK maintained that it has a special interest in this case that cannot be represented by any other party.³

LEGAL STANDARD

The only person who has a statutory right to intervene in a Commission case is the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), pursuant to KRS 367.150(8)(b). Intervention by all others is permissive and is within the sole discretion of the Commission.⁴

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 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 BlueOval SK has demonstrated that it has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented or that BlueOval SK is 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.

³ Motion to Intervene at 3, paragraph 10.

⁴ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

BlueOval SK has a special interest in this proceeding because it is a party to the special contract under consideration. As such it has based its decision to locate two new manufacturing plants at the Glendale Megasite in Hardin County, Kentucky on being able to purchase electric power from KU according to the terms of the special contract. BlueOval SK stated that it expects to invest approximately \$5.8 billion at the Glendale Megasite.⁵ BlueOval SK has a special interest in this proceeding that cannot be adequately represented by another party.

The Commission is charged with ensuring that all utility customers receive adequate, efficient and reasonable service and are charged only fair, just and reasonable rates.⁶ In considering whether this special contract meets those requirements the Commission must consider BlueOval SK's load and other factors that may distinguish BlueOval SK's needs from KU's other industrial customers. BlueOval SK is in the best position to ensure that the Commission receives accurate and sufficient information upon which to base a decision in this matter. BlueOval SK is uniquely situated to present issues and develop facts to assist the Commission in making a decision in this matter.

Based on the above, the Commission finds that BlueOval SK should be granted full rights of a party in this proceeding. The Commission directs BlueOval SK to the Commission's July 22, 2021 Order in Case No. 2020-00085⁷ regarding filings with the Commission.

⁵ Motion to Intervene at 2, paragraph 7.

⁶ KRS 278.030(1) and (2).

⁷ 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).

IT IS HEREBY ORDERED that:

1. BlueOval SK's motion to intervene is granted.
2. BlueOval SK is 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. BlueOval SK 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. BlueOval SK shall adhere to any procedural schedule set forth by the Commission.
5. Pursuant to 807 KAR 5:001E, Section 8(9), within seven days of service of this Order, BlueOval SK shall file a written statement with the Commission that:
 - a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and
 - b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

PUBLIC SERVICE COMMISSION



Chairman



Vice Chairman



Commissidner



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