

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF LOUISVILLE	)	
GAS AND ELECTRIC COMPANY AND	)	CASE NO.
KENTUCKY UTILITIES COMPANY SERVICE	)	2023-00422
RELATED TO WINTER STORM ELLIOTT	)	

ORDER

This matter arises upon the motion of the Metropolitan Housing Coalition (MHC), Kentuckians for the Commonwealth (KFTC), Kentucky Solar Energy Society (KYSES) and Mountain Association (MA) (collectively, Joint Intervenors), filed January 12, 2024, for full intervention. As a bases for their motion, Joint Intervenors 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. Louisville Gas and Electric Company and Kentucky Utilities Company (collectively, LG&E/KU) made no objection to Joint Intervenors' motion.

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). The Attorney General filed a motion to intervene in this case on January 8, 2024, which the Commission granted

on January 12, 2024. Intervention by all others is permissive and is within the sole discretion of the Commission.<sup>1</sup>

The regulatory standard for permissive intervention, set forth in 807 KAR 5:001, Section 4, is twofold. Commission regulation 807 KAR 5:001, 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 sufficiently advised, the Commission finds that Joint Intervenors' intervention 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.

Joint Intervenors stated that each of the organizations joining this motion has distinct but related special interests that satisfied the first prong of 807 KAR 5:001, Section 4(11). Specifically, Joint Intervenors stated that Metropolitan Housing Corporation (MHC) represents "low-income household, private and non-profit housing developers, service providers, financial institutions, labor unions, faith-based and neighborhood groups, as well as other advocacy groups, advocating in a united voice for fair, safe, and affordable housing in the Metro Louisville area."<sup>2</sup> Further, Joint Intervenors stated that energy costs

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

<sup>2</sup> Joint Motion of Metropolitan Housing Coalition, Kentuckians for the Commonwealth, Kentucky Solar Energy Society, and Mountain Association for Full Intervention as Joint Intervenors (Joint Intervenors' Motion to Intervene) at 4.

were a crucial part of MHC’s focus. Joint Intervenors also noted that MHC had been a proactive participant in many prior Commission cases and that it had a unique perspective “on the impact of decisions regarding the provision of electric service and the particular and disproportionate impacts that utility costs have on access to affordable housing for fixed- and low-income individuals and families.”<sup>3</sup> Further, Joint Intervenors stated MHC has been an active member of the LG&E customer Care Advisory Group since its inception.

Joint Intervenors asserted that KFTC has a special interest in this case, not otherwise represented, despite also focusing on residential customers, as KFTC is a grass roots organization with members in nearly all of Kentucky’s counties. Additionally, Joint Intervenors stated that KFTC satisfies the second prong as it has a “deep understanding of the needs of residential customers for energy efficiency, demand-side management, and clean, healthy generating resources.”<sup>4</sup>

Joint Intervenors asserted that KYSES has a special interest in this case not otherwise represented by another party as its members’ mission is to promote “renewable energy resources, energy efficiency, and conservation in Kentucky.”<sup>5</sup> Its members are a mix of residential customers in the LG&E/KU service area, “professionals working in the clean energy field in business, [NGOs], and academia; and advocates for a transition to a clean energy economy.” Additionally, Joint Intervenors stated that KYSES has been an active participant in numerous cases before the Commission and that it had “considerable

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<sup>3</sup> Joint Intervenors’ Motion to Intervene at 5.

<sup>4</sup> Joint Intervenors’ Motion to Intervene at 7.

<sup>5</sup> Joint Intervenors’ Motion to Intervene at 8.

experience with distributed energy resources, economics, and policies.”<sup>6</sup> KYSES stated it would be an active participant in this case.

Finally, Joint Intervenors stated that MA has a special interest in this case not otherwise represented as it works with “people in eastern Kentucky and Central Appalachia.”<sup>7</sup> Specifically, Joint Intervenors indicated that MA has worked with KU customers to provide financing to access investments in energy efficiency and renewable energy, which result in lower operating expenses for its members. Joint Intervenors also stated that MA would be likely to aid the Commission in this case as it “is uniquely experienced in energy efficiency, energy security, and resilience in the face of climate change, including in regard to distressed regions in Eastern Kentucky in KU’s service territory.”<sup>8</sup>

Joint Intervenors have demonstrated that they have experience with issues likely to come up in this matter. Joint Intervenors have also indicated that they will speak with one voice and participate in this proceeding to develop a fuller and more robust case record. While there is some overlap in the experience and interests of some Joint Intervenors and Sierra Club, which has also filed a motion to intervene in this case, Joint Intervenors also represent the interests of lower-income households, so Joint Intervenors’ position likely will not be duplicative. All of the organizations included in the joint motion have also previously participated in Commission cases. Therefore, the Commission finds that Joint Intervenors’ intervention is likely to present issues or develop facts that will

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<sup>6</sup> Joint Intervenors’ Motion to Intervene at 9.

<sup>7</sup> Joint Intervenors’ Motion to Intervene at 10.

<sup>8</sup> Joint Intervenors’ Motion to Intervene at 10.

assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, thus, meeting the requirement of the second prong of 807 KAR 5:001, Section 4(11).

Based on the above, the Commission finds that Joint Intervenors should be granted full rights of a party in this proceeding. The Commission directs Joint Movants to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>9</sup> regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. Joint Intervenors' motion to intervene is granted.
2. Joint Intervenors 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 Intervenors shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents.
4. Joint Intervenors shall adhere to the procedural schedule set forth in the Commission's December 22, 2023 Order and as amended by subsequent Orders.
5. Pursuant to 807 KAR 5:001, 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

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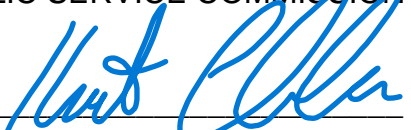
<sup>9</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings 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 Intervenors 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  
JAN 25 2024 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

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