

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)	2023-000422
RELATED TO WINTER STORM ELLIOTT)	

ORDER

This matter arises upon the motion of the Kentucky Coal Association, Inc. (KCA), filed January 12, 2024, for full intervention. As a basis for its motion, KCA stated that it has a special interest not adequately represented in the investigation because several of its members are served by Louisville Gas and Electric Company and Kentucky Utilities Company (LG&E/KU), and that its intervention is likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating or disrupting the proceedings. LG&E/KU has not filed a response opposing KCA's motion to intervene.

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.¹

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 sufficient advised, the Commission finds that KCA's 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.

While there is some overlap between KCA and Kentucky Industrial Utility Customers, Inc. (KIUC), which has also sought to intervene in this matter, KCA and its members represent a narrower subset of customers than KIUC because KCA's members are coal mines and other coal related businesses whereas KIUC represents a broader group of industrial customers. For that reason, KCA and its members are likely to take a different prospective and be able to develop information that other intervenors are not such as information regarding the performance on coal contracts. Further, while KCA's motivation for participating in this case may be related to financial interests distinct from

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

rates and service, some of KCA's members are large customers of LG&E/KU, and KCA actively participated and assisted in developing the record in Case No. 2022-00402 in which Winter Storm Elliot and the causes of the rolling blackouts were extensively discussed. Thus, the Commission finds that KCA satisfies the second prong of 807 KAR 5:001, Section 4(11), because KCA's intervention likely will present issues or develop facts that will assist the Commission in fully considering this matter without unduly complicating or disrupting these proceedings.

Based on the above, the Commission finds that KCA should be granted full rights of a party in this proceeding. The Commission directs KCA to the Commission's July 22, 2021 Order in Case No. 2020-00085² regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. KCA's motion to intervene is granted.
2. KCA 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. KCA 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. KCA shall adhere to the procedural schedule set forth in the Commission's December 22, 2023 Order and as amended by subsequent Orders.

² 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).


5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, KCA 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.

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PUBLIC SERVICE COMMISSION



Chairman



Vice Chairman



Commissioner

ENTERED
JAN 25 2024 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



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