

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ELECTRONIC EXAMINATION OF THE)	
APPLICATION OF THE FUEL ADJUSTMENT)	
CLAUSE OF KENTUCKY POWER COMPANY)	CASE NO.
FROM NOVEMBER 1, 2022 THROUGH)	2025-00338
OCTOBER 31, 2024.)	

ORDER

This matter arises upon the motion of the Kentucky Industrial Utility Customers, Inc. (KIUC), filed January 22, 2026, for full intervention. As a basis for its motion, KIUC stated that it has a special interest in the proceeding because its member, Catlettsburg Refining, LLC., a subsidiary of Marathon Petroleum LP (Marathon), is served by Kentucky Power Company (Kentucky Power) and its interest cannot be adequately represented by an existing party.¹ KIUC also stated that it is likely to present issues or develop facts that will assist the Commission in fully understanding the matters at hand.²

LEGAL STANDARD

The Attorney General has the statutory right to intervene in Commission cases pursuant to KRS 367.150(8)(b). With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.³

¹ KIUC's Motion to Intervene (filed Jan. 22, 2026) at 2.

² KIUC's Motion to Intervene at 3.

³ KRS 164.2807.

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 KIUC has demonstrated that it is likely to present issues or develop facts that will assist the Commission in fully considering this matter without unduly complicating or disrupting the proceedings for the reasons discussed below.

KIUC asserted that its intervention is likely to present issues or develop facts that will assist the Commission in fully understanding the matter without unduly complicating or disrupting the proceedings.⁴ KIUC explained that it is an association of the largest electric and gas public utility customers in Kentucky whose purpose is to represent the industrial viewpoint on energy and utility issues before the Commission, and that one of its members, Catlettsburg Refining LLC., paid Kentucky Power's Fuel Adjustment Clause (FAC) rates during the period under review.⁵ Furthermore, KIUC highlighted its long history of being an active participant in matters before the Commission and stated that it

⁴ KIUC's Motion to Intervene at 3.

⁵ KIUC's Motion to Intervene at 2.

will be a helpful and active participant in this case, should intervention be granted.⁶ There are no objections on record to KIUC's motion to intervene.

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

IT IS HEREBY ORDERED that:

1. KIUC's motion to intervene is granted.
2. KIUC 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. KIUC 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. KIUC shall adhere to the procedural schedule set forth in the Commission's December 19, 2025 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, KIUC 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.

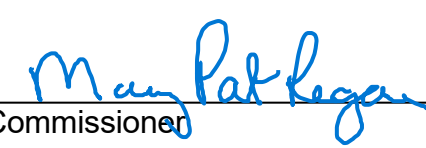
⁶ KIUC's Motion to Intervene at 3.

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).

PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

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Executive Director



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