

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

O R D E R

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.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup>

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

<sup>2</sup> KIUC's Motion to Intervene at 3.

<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> Furthermore, KIUC highlighted its long history of being an active participant in matters before the Commission and stated that it

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<sup>4</sup> KIUC's Motion to Intervene at 3.

<sup>5</sup> KIUC's Motion to Intervene at 2.

will be a helpful and active participant in this case, should intervention be granted.<sup>6</sup> 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. 2020-00085<sup>7</sup> 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.

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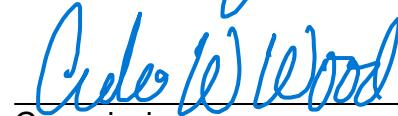
<sup>6</sup> KIUC's Motion to Intervene at 3.

<sup>7</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).

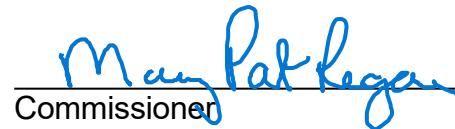
PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:

  
Linda Bridwell, RP

Executive Director



\*Angela M Goad  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KY 40601-8204

\*Lawrence W Cook  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KY 40601-8204

\*Harlee P. Havens  
Stites & Harbison  
250 West Main Street, Suite 2300  
Lexington, KY 40507

\*Michael West  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KY 40601-8204

\*Jody Kyler Cohn  
Boehm, Kurtz & Lowry  
425 Walnut Street  
Suite 2400  
Cincinnati, OH 45202

\*Michael J. Schuler  
American Electric Power Service Corporation  
1 Riverside Plaza, 29th Floor  
Post Office Box 16631  
Columbus, OH 43216

\*John Horne  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KY 40601-8204

\*Honorable Michael L Kurtz  
Attorney at Law  
Boehm, Kurtz & Lowry  
425 Walnut Street  
Suite 2400  
Cincinnati, OH 45202

\*Kentucky Power Company  
1645 Winchester Avenue  
Ashland, KY 41101

\*Toland Lacy  
Office of the Attorney General  
700 Capital Avenue  
Frankfort, KY 40601

\*Kenneth J Gish, Jr.  
Stites & Harbison  
250 West Main Street, Suite 2300  
Lexington, KY 40507

\*Katie M Glass  
Stites & Harbison  
421 West Main Street  
P. O. Box 634  
Frankfort, KY 40602-0634