

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION INTO THE	)	
AFFORDABILITY OF ELECTRIC AND NATURAL	)	CASE NO.
GAS UTILITY SERVICE AND RELATED	)	2026-00185
MATTERS	)	

ORDER

This matter is before the Commission on four separately filed motions for full intervention: (1) the motion of the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), filed August 27, 2026;¹ (2) the motion of Kentucky Industrial Utility Customers, Inc. (KIUC), filed August 28, 2026;² (3) the motion of Sierra Club, filed September 8, 2026;³ and (4) the joint motion of Kentuckians for the Commonwealth, Kentucky Solar Energy Society, Mountain Association, Appalachian Citizens' Law Center, and Metropolitan Housing Coalition (collectively, Joint Movants), filed September 8, 2026.⁴ The Attorney General, KIUC, Sierra Club, and Joint Movants are referred to collectively in this Order as Movants.

The Attorney General requested intervention pursuant to KRS 367.150(8), which authorizes the Attorney General to appear before regulatory bodies of the Commonwealth

¹ Attorney General's Motion to Intervene (filed Aug. 27, 2026) (Attorney General's Motion).

² Motion to Intervene of Kentucky Industrial Utility Customers, Inc. (filed Aug. 28, 2026) (KIUC's Motion).

³ Sierra Club's Motion to Intervene (filed Sept. 8, 2026) (Sierra Club's Motion).

⁴ Joint Motion of Kentuckians for the Commonwealth, Kentucky Solar Energy Society, Mountain Association, Appalachian Citizens' Law Center, and Metropolitan Housing Coalition for Full Intervention as Joint Intervenors (filed Sept. 8, 2026) (Joint Motion).

and to be made a real party in interest when the Attorney General deems participation necessary and advisable to represent consumers' interests.⁵

KIUC stated that it is an association of 20 large electric and natural gas utility customers in Kentucky and that energy costs are a significant component of its members' cost of doing business. KIUC maintained that it can assist the Commission by providing the perspective of industrial and manufacturing customers and by drawing upon its longstanding experience in Commission proceedings involving electric and natural gas rates and service.⁶

The Joint Movants stated that they offer distinct, but complementary, information relevant to utility affordability. Kentuckians for the Commonwealth identified experience with the needs of residential customers, particularly low-income ratepayers, across Kentucky. Kentucky Solar Energy Society identified expertise concerning renewable energy, energy efficiency, conservation, storage, net metering, and time-varying rates. Mountain Association identified experience assisting residential customers, small businesses, local governments, and nonprofit organizations in Eastern Kentucky with energy costs, efficiency, financing, and resiliency. Appalachian Citizens' Law Center identified research and advocacy concerning utility affordability, payment delinquencies, disconnections, and customer-assistance programs affecting low-income residents in Eastern Kentucky. Metropolitan Housing Coalition identified expertise concerning the relationship among utility costs, housing affordability, energy efficiency, and the needs of low- and fixed-income households in Louisville. The Joint Movants stated that they have

⁵ Attorney General's Motion at 1.

⁶ KIUC's Motion at 2.

adopted procedures to coordinate their participation and will jointly offer discovery, testimony, and comments with one voice.⁷

Sierra Club stated that it seeks intervention on behalf of itself and its Kentucky members who receive electric and natural gas utility service. Sierra Club identified experience concerning energy affordability, energy-burden data, utility planning, capital investment, rate design, demand-side management, and least-cost resource alternatives. Sierra Club further stated that it can provide Kentucky-specific energy-burden data and information drawn from its participation in affordability proceedings in other jurisdictions.⁸

LEGAL STANDARD

The Attorney General has statutory authority to intervene in Commission proceedings pursuant to KRS 367.150(8). With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.⁹

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.

⁷ Joint Motion at 3–11, 14.

⁸ Sierra Club’s Motion at 2, 4–8.

⁹ KRS 164.2807.

DISCUSSION AND FINDINGS

Based on a review of the motions and being otherwise sufficiently advised, the Commission finds that each motion should be granted.

This proceeding is investigatory and fact-gathering in nature.¹⁰ It was established to create a broad and inclusive opportunity for utilities, consumer representatives, community organizations, and other stakeholders to identify and discuss affordability concerns, existing programs and practices, and potential measures to improve the affordability of electric and natural gas utility service for residential ratepayers. The value of the investigation, therefore, depends upon the development of a comprehensive record reflecting relevant data, experience, and perspectives from across the Commonwealth.

The Commission finds that the Attorney General is authorized by KRS 367.150(8) to participate on behalf of consumers' interests.

KIUC is likely to assist the Commission by providing information regarding the effect of electric and natural gas costs and potential affordability measures on industrial and manufacturing customers. That perspective is relevant to the Commission's consideration of rate design, cost allocation, utility revenues, and the financial and operational effects of affordability measures across customer classes.¹¹

The Joint Movants are likely to assist the Commission by providing information and experience concerning low-income residential customers, small businesses, housing affordability, energy efficiency, customer assistance, payment delinquencies and disconnections, distributed energy resources, and regional differences affecting

¹⁰ Order (Ky. PSC Aug. 26, 2026) at 1, 7.

¹¹ KIUC's Motion at 2.

customers in Eastern Kentucky, Louisville, and other areas of the Commonwealth. Their commitment to coordinate their participation and present joint discovery, testimony, and comments supports a finding that their intervention will not unduly complicate or disrupt the proceeding.¹²

Sierra Club is likely to assist the Commission by providing energy-burden data and information concerning affordability analyses, utility planning, capital investment, demand-side management, and resource-cost issues. Its statewide membership and experience with affordability proceedings in other jurisdictions may also provide useful comparative information and help identify relevant measures for evaluating affordability.¹³

The Commission, therefore, finds that KIUC, Sierra Club, and Joint Movants are each likely to present issues or develop facts that will assist the Commission in fully considering this investigation without unduly complicating or disrupting the proceeding. Because that finding independently satisfies 807 KAR 5:001, Section 4(11), the Commission need not determine whether any of those Movants also has a special interest that is not otherwise adequately represented.

Based on the above, the Commission finds that the Movants should be granted the full rights of parties in this proceeding.

In light of the Joint Movants' representation that they will participate with one voice, the Commission further finds that each Joint Movant should file a copy of any agreement

¹² Joint Motion at 3–11, 14.

¹³ Sierra Club's Motion at 2, 4–8.

governing their joint participation, whether the agreement is memorialized by email or in a separate written instrument.¹⁴

IT IS HEREBY ORDERED that:

1. The Attorney General's motion to intervene is granted.
2. KIUC's motion to intervene is granted.
3. Sierra Club's motion to intervene is granted.
4. The Joint Movants' joint motion to intervene is granted.
5. The Attorney General, KIUC, Sierra Club, and each of the Joint Movants 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.
6. The Attorney General, KIUC, Sierra Club, and each of the Joint Movants shall comply with all provisions of 807 KAR 5:001, Section 8, related to the service and electronic filing of documents.
7. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, each intervenor that has not already done so 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.

¹⁴ Joint Motion at 10–11.

8. Each of the Joint Movants shall file with the Commission a separate copy of any agreement governing their joint participation in this matter within ten days of entering into the agreement.

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Entered on this 21st day of September, 2026.

PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
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Barry L. Mayfield
Commissioner

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Justin McNeil
Executive Director

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