

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2022 INTEGRATED RESOURCE)	CASE NO.
PLAN OF EAST KENTUCKY POWER)	2022-00098
COOPERATIVE, INC.)	

ORDER

This matter arises upon the motion of Nucor Steel Gallatin (Nucor) filed April 25, 2022, for full intervention. As a basis for its motion, Nucor stated that it has a special interest in these proceedings not otherwise adequately represented and that it will present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

Nucor is the largest end-use electrical customer in Owen Electric's service territory. Owen Electric's generation and transmission of electricity is provided by East Kentucky Power Cooperative, Inc. (EKPC). Nucor is also a member of Kentucky Industrial Utility Customers, which is an association of industrial electric and gas public utility customers in Kentucky that was formed to represent the viewpoint of industrial customers on energy and utility issues before the Commission and other appropriate governmental bodies.

Nucor indicated that the Kentucky Attorney General's Office of Rate Intervention generally represents the interest of residential customers whereas Nucor seeks to represent the interests of industrial customers of EKPC. Nucor also indicated that it is in a unique position to evaluate the impact that EKPC's Integrated Resource Plan (IRP) will

have on manufacturer energy rates. Nucor notes that it has participated in numerous matters before the Commission in the past, including EKPC's most recent IRP case¹ and that it anticipates conducting discovery, filing expert testimony, and actively participating at the evidentiary hearing in this matter.

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 has moved and been granted intervention in this matter. Intervention by all others is permissive and is within the sole discretion of the Commission.²

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 Nucor demonstrated that it has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately

¹ Case No. 2019-00096, *Electronic 2109 Integrated Resource Plan of East Kentucky Power Cooperative, Inc.* (Ky. PSC Dec. 7, 2020).

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

represented, or that Nucor is likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating or disrupting the proceedings because of its demonstrated interest in and intent to develop and present relevant information regarding reasonable, least cost resource planning from the prospective of industrial customers as well as its experience with those issues.

The Commission also finds that that Nucor has shown that it has a special interest in the case that is not otherwise adequately represented. Nucor is a large industrial customer who is charged a different rate than residential customers that are represented by the Attorney General. Nucor's interest is similar to other industrial customers who receive electrical service from providers that obtain their energy from EKPC, and can provide a unique perspective to the proceedings by representing these industrial customers. Their interests are also different from any other intervenors.

Based on the above, the Commission finds that Nucor is granted full rights of a party in this proceeding. The Commission directs Nucor to the Commission's July 22, 2021 Order in Case No. 2020-00085³ regarding filings with the Commission.

IT IS THEREFORE ORDERED that:

1. Nucor's motion of to intervene is granted.
2. Nucor 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 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).

3. Nucor 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. Nucor shall adhere to the procedural schedule set forth in the Commission's June 1, 2022 Order and as amended by subsequent Orders.

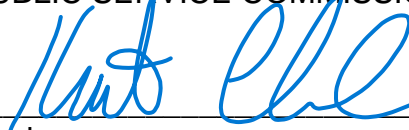
5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, Nucor shall file a written statement with the Commission that:

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



ATTEST:



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