

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2023 INTEGRATED RESOURCE	)	CASE NO.
PLAN OF BIG RIVERS ELECTRIC	)	2023-00310
CORPORATION	)	

ORDER

This matter arises upon the motion of Kentucky Industrial Customers, Inc. (KIUC), filed November 9, 2023, for full intervention. As a basis for its motion, KIUC stated that that it has a special interest that cannot be adequately represented by any existing party. KIUC claimed that it represents the industrial viewpoint on energy and utility issues before this Commission, and identified two Big Rivers Electric Corporation (BREC) customers it represents: Domtar Paper Co., LLC (Domtar) and Kimberly Clark Corporation (Kimberly Clark). KIUC also argued that it is likely to present issues or to develop facts that assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, having participated in over 100 cases with the Commission.

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 intervened in this case. Intervention by all others is permissive and is within the sole discretion of the Commission.<sup>1</sup>

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 KIUC has demonstrated that it has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented and that KIUC is likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complication the proceedings, for the reasons discussed below.

KIUC's members Domtar and Kimberly Clark are industrial customers that take service on a different rate schedule than residential customers, whose interests are represented by the Attorney General. The Attorney General has a statutory obligation to represent residential customers, not large industrial customers.

KIUC also asserted that it can present issues and develop facts related to electric rates and service that will assist the Commission in rendering a decision without unduly

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

complicating or disrupting the proceedings. KIUC pointed to its long history of being an active participant in matters before the Commission.<sup>2</sup>

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>3</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 November 3, 2023 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

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<sup>2</sup> KIUC was granted intervention in recent Integrated Resource Plan cases: Case No. 2023-00092, *Electronic 2022 Integrated Resource Planning Report of Kentucky Power Company* (Ky. PSC Apr. 6, 2023), Order; Case No. 20222-00098, *Electronic 2021 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company* (Ky. PSC Jan. 11, 2022), Order.

<sup>3</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).

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

  
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Chairman

  
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Vice Chairman

  
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Commissioner

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KENTUCKY PUBLIC  
SERVICE COMMISSION

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