

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY AND LOUISVILLE GAS)	CASE NO.
AND ELECTRIC COMPANY FOR CERTIFICATES)	2025-00045
OF PUBLIC CONVENIENCE AND NECESSITY)	
AND SITE COMPATIBILITY CERTIFICATES)	

ORDER

This matter arises upon the joint motion of the Louisville/Jefferson County Metro Government (Louisville Metro) and Lexington-Fayette Urban County Government (LFUCG), filed March 21, 2025, for full intervention. As a basis for its motion, Louisville Metro and LFUCG stated that they have a special interest in these proceedings not otherwise adequately represented and that they will present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

LEGAL STANDARD

The Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), has the statutory right to intervene in Commission cases pursuant to KRS 367.150(8)(b). The Attorney General was granted intervention in this matter on March 7, 2025. With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.¹

¹ 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.

BACKGROUND

Louisville Metro is a consolidated local government established under KRS Chapter 67C whose address is 527 West Jefferson Street, Louisville, Kentucky 40202.² LFUCG is an urban county government established under KRS Chapter 67A whose address is 200 East Main Street, Lexington, Kentucky 40507.³ As governmental entities, both stated that they pay over \$10 million annually to Louisville Gas and Electric (LG&E) and Kentucky Utilities Company (KU) (collectively, LG&E/KU) for electrical service.⁴

Louisville Metro and LFUCG argued that the continuous, resilient operation of Louisville Metro and LFUCG is of significant public interest and depends heavily on a safe, adequate and reliable electricity supply.⁵ They further argued that the proposed investments in the instant matter may have significant implications for the safety, reliability, and adequacy of the electricity system and will materially impact Louisville

² Louisville Metro and LFUCG's Joint Motion to Intervene (filed March 21, 2025) at 1.

³ Louisville Metro and LFUCG's Joint Motion to Intervene at 1.

⁴ Louisville Metro and LFUCG's Joint Motion to Intervene at 1.

⁵ Louisville Metro and LFUCG's Joint Motion to Intervene at 2.

Metro's and LFUCG's ability to respond to high impact events in the future (e.g., extreme weather, natural disasters, terrorism, and/or man-made threats).⁶ In addition, Louisville Metro and LFUCG explained that Louisville Metro has unique special interests in this matter in that one of the natural gas combined cycle (NGCC) facilities and the battery energy storage system (BESS) facility is proposed to be constructed in Jefferson County and a large portion of the increased power needs are in Jefferson County.⁷ As two of LG&E/KU's largest customers that take service under a variety of rate classifications (and most uniquely, street lighting), Louisville Metro and LFUCG stated that no other party could adequately represent the interests of Louisville Metro and LFUCG in this matter and that the Commission's decision in this matter will undoubtedly have impacts in future rate cases.⁸

Louisville Metro and LFUCG argued that they are also likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.⁹ The Commission granted intervention to Louisville Metro and LFUCG in LG&E/KU's prior case seeking construction of NGCC and BESS facilities, Case No. 2022-00402¹⁰, as well as the utilities' two most recent base rate

⁶ Louisville Metro and LFUCG's Joint Motion to Intervene at 2–3.

⁷ Louisville Metro and LFUCG's Joint Motion to Intervene at 3.

⁸ Louisville Metro and LFUCG's Joint Motion to Intervene at 3.

⁹ Louisville Metro and LFUCG's Joint Motion to Intervene at 3.

¹⁰ Case No. 2022-00402, *Electronic Application of Kentucky Utilities Company and Louisville Gas and electric Company for Certificates of Public Convenience and Necessity and Site Compatibility Certificates and Approval of a Demand Side Management Plan and Approval of Fossil Fuel-Fired Generating Unit Retirements.*

cases.¹¹ Louisville Metro and LFUCG sponsored expert testimony in these cases.¹² Louisville Metro and LFUCG argued that productive participation in these prior cases resulted in a more fully developed record that assisted the Commission in making its decision in those cases.¹³ In this particular case, Louisville Metro and LFUCG anticipate addressing issues and developing facts on several subject matters, including the scope of LG&E/KU's proposed facilities and the related investment of capital.¹⁴ Louisville Metro and LFUCG stated that they desire to play a constructive role in this matter and isolate issues that are most important to them.¹⁵

DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficient advised, the Commission finds that Louisville Metro and LFUCG have demonstrated that they have a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented and that they are likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating or disrupting the proceedings for the reasons discussed below.

Both governments take service under a variety of rate classifications, including street lighting and traffic energy, which are rate classes that are unique to governments. In, addition, the proposed NGCC, Mill Creek 6, and the BESS at the Cane Rune Station are proposed to be located in Jefferson County, Kentucky.

¹¹ Louisville Metro and LFUCG's Joint Motion to Intervene at 3.

¹² Louisville Metro and LFUCG's Joint Motion to Intervene at 3.

¹³ Louisville Metro and LFUCG's Joint Motion to Intervene at 4.

¹⁴ Louisville Metro and LFUCG's Joint Motion to Intervene at 4.

¹⁵ Louisville Metro and LFUCG's Joint Motion to Intervene at 4.

Louisville Metro and LFUGC will also likely present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Louisville Metro and LFUGC stated that they will focus on issues that will affect them.

Based on the above, the Commission finds that Louisville Metro and LFUGC should be granted full rights of a party in this proceeding. The Commission directs Louisville Metro and LFUGC to the Commission's July 22, 2021 Order in Case No. 2020-00085¹⁶ regarding filings with the Commission.

The Commission also finds that Louisville Metro and LFUGC should file an agreement or memorandum of understanding that lays out that both intend to work cooperatively and confirms that counsel jointly represents both parties.

IT IS HEREBY ORDERED that:

1. Louisville Metro and LFUGC's motion to intervene is granted.
2. Louisville Metro and LFUGC 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.
3. Louisville Metro and LFUGC 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. Louisville Metro and LFUGC shall adhere to the procedural schedule set forth in the Commission's March 13, 2025 Order and as amended by subsequent Orders.

¹⁶ 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).

5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, Louisville Metro and LFUGC 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. Louisville Metro and LFUGC shall file within ten days of this Order an agreement or memorandum of understanding between the parties.

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PUBLIC SERVICE COMMISSION



Chairman

Commissioner



Commissioner

ATTEST:

 AP

Executive Director

ENTERED
MAR 31 2025 AH
KENTUCKY PUBLIC
SERVICE COMMISSION

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