

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY FOR AN ADJUSTMENT OF)	CASE NO.
ITS ELECTRIC RATES AND APPROVAL OF)	2025-00113
CERTAIN REGULATORY AND ACCOUNTING)	
TREATMENTS)	

ORDER

This matter arises upon the motion of the United States Department of Defense (DOD) and all other Federal Executive Agencies (FEA) (jointly, DOD/FEA), filed June 24, 2025, for full intervention. As a basis for their motion, DOD/FEA stated that they have a substantial interest in this proceeding because they own and operate facilities and buildings, including Bluegrass Army Depot and two Veterans Administration hospitals, within Kentucky Utilities Company's (KU) service territory and is a large user of electric power.¹ Electric service provided by KU is a significant expense for DOD/FEA.² DOD/FEA explained that they has unique concerns as a federal entity involved in national security operations and providing medical services to veterans.³ DOD/FEA argued that their interests are greatly affected by the decisions of the Commission and another party cannot adequately represent the interests of the DODD/FEA customers.⁴ DOD/FEA

¹ DOD/FEA's Motion to Intervene (Motion to Intervene) (filed June 24, 2025) at 2.

² Motion to Intervene at 2.

³ Motion to Intervene at 2.

⁴ Motion to Intervene at 2.

stated that they will present issues and develop facts that will assist the Commission in fully considering this matter without unduly complicating, delaying, or disrupting the proceedings.⁵

DOD/FEA also stated that Kyle J. Smith is an attorney licensed in Florida and the District of Columbia and has complied with the requirements of SCR 3.030(2) and 807 KAR 5:001.⁶ DOD/FEA filed proof of compliance and local co-counsel's contact information.⁷

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 on May 27, 2025. With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.⁸

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.

⁵ Motion to Intervene at 2.

⁶ Motion to Intervene at 3.

⁷ Motion to Intervene at 3.

⁸ KRS 164.2807.

DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficient advised, the Commission finds that DOD/FEA has demonstrated that they have a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented and, although not necessary, DOD/FEA is likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating or disrupting the proceedings.

DOD/FEA satisfies the special interest prong set forth in 807 KAR 5:001, Section 3(11), due to their unique involvement in national security operations, medical services to veterans, and their large consumption as an electric service user in KU's service area. Additionally, it appears that DOD/FEA's intervention will assist the Commission in further presenting issues and developing facts in this matter.

Based on the above, the Commission finds that DOD/FEA should be granted full rights of a party in this proceeding. The Commission directs DOD/FEA to the Commission's July 22, 2021 Order in Case No. 2020-00085⁹ regarding filings with the Commission.

Furthermore, the Commission finds that Kyle J. Smith, a member in good standing in Florida and the District of Columbia, is admitted *pro hac vice* for the purpose of representing DOD/FEA in association with James Brannon Dupree in the above-styled proceeding, provided that James Brannon Dupree or another member of the Kentucky Bar Association acts as co-counsel and is present at all proceedings before this

⁹ 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).

Commission. The Commission further finds that if co-counsel changes, notice should be sent to the Commission within five days providing who the new sponsor will be.

IT IS HEREBY ORDERED that:

1. DOD/FEA's motion to intervene is granted.
2. DOD/FEA 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. DOD/FEA 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. DOD/FEA's motion to admit Kyle Smith *pro hac vice* is granted.
5. If local co-counsel changes, notice shall be sent to the Commission within five days providing who the new sponsor will be.
6. DOD/FEA shall adhere to the procedural schedule set forth in the Commission's June 18, 2025 Order and as amended by subsequent Orders.
7. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, DOD/FEA 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.

PUBLIC SERVICE COMMISSION

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Vice Chairman

Commissioner

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Executive Director



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