

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 Sierra Club, filed June 25, 2025, for full intervention in Kentucky Utilities Company's (KU) application for an adjustment of its electric rates. As a basis for its motion, Sierra Club stated that it has 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. For the reasons explained below and because the Commission finds that Sierra Club is likely to present issues or develop facts that will assist the Commission in considering this case without unduly complicating the proceedings, it finds that Sierra Club's motion requesting intervention should be granted.

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 May 27, 2025. With limited exception, intervention by all others is permissive and 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.

### MOTION

Sierra Club stated that it moved to intervene in this proceeding on behalf of itself and its members who live and purchase utility services in Kentucky, many of whom are residential customers of KU. Sierra Club is a national, nonprofit environmental and conservation organization.<sup>2</sup> Sierra Club has approximately 2.1 million members and supporters across its sixty-four chapters, covering all 50 states, the District of Columbia, and Puerto Rico.<sup>3</sup> More than 4,900 Kentuckians belong to Sierra Club's Kentucky Chapter.<sup>4</sup> Sierra Club's Kentucky address is: Sierra Club, Kentucky Chapter, P.O. Box 1368, Lexington, Kentucky 40588.<sup>5</sup>

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<sup>1</sup> KRS 164.2807.

<sup>2</sup> Sierra Club's Motion to Intervene (filed June 25, 2025) at 3.

<sup>3</sup> Sierra Club's Motion to Intervene at 3.

<sup>4</sup> Sierra Club's Motion to Intervene at 3.

<sup>5</sup> Sierra Club's Kentucky address is Sierra Club, Kentucky Chapter, P.O. Box 1368, Lexington, Kentucky 40588.

Sierra Club argued that the Commission should grant Sierra Club full intervention because 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.”

In support of its position Sierra Club argued that KU’s application:

Deals with complicated issues that could have impacts on ratepayers for generations to come. Sierra Club respectfully submits that its participation will help develop a thorough record, stimulate a robust evaluation of the issues, and inform the Commission’s ultimate decision on the proposed rate increases is well informed and promotes the public’s interest. Through discovery, the filing of expert testimony, examination of witnesses, and legal briefing, Sierra Club will help to illuminate the ratepayer implications of proposed rates and offer specific means of improving ratepayer protections in this docket, particularly on how to structure rates for new large load customers in ways that do not unnecessarily burden existing customers.<sup>6</sup>

Additionally, Sierra Club argued that its particular interests are not adequately represented by any other parties to this case because:

Sierra Club’s interests as an organization [is] interested in ensuring that utilities do not overbuild fossil fuel generation, invest in unnecessary capital upgrades at aging coal plants when lower carbon generation sources represent the most reasonable and cost-effective way for [KU] to maintain essential electric services, and meet possible but still emerging new demand.<sup>7</sup>

### DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficient advised, the Commission finds that Sierra Club has demonstrated that it is likely to present issues

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<sup>6</sup> Sierra Club’s Motion to Intervene at 8-9.

<sup>7</sup> Sierra Club’s Motion to Intervene at 10

or develop facts that will assist the Commission in considering this matter without unduly complicating or disrupting the proceedings for the reasons discussed below

Sierra Club 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, which is sufficient because only one requirement of 807 KAR 5:001, Section 4(11), must be met. Sierra Club has expertise that will assist the Commission in analyzing the various and complex issues raised in this proceeding. Sierra Club should abide by the procedural schedule, motion deadlines, and any other Orders of the Commission. In addition, the failure to follow the instructions laid out in the Commission's Orders will be viewed as unduly complicating proceedings. Should any *pro hac vice* motions be filed in this matter, the Commission will fully expect the sponsoring attorney to be present or appropriately and timely file a motion addressing the issue.

Based on the above, the Commission finds that Sierra Club should be granted full rights of a party in this proceeding. The Commission directs Sierra Club to the Commission's July 22, 2021 Order in Case No. 2020-00085.<sup>8</sup>

IT IS THEREFORE ORDERED that:

1. Sierra Club's motion to intervene is granted.
2. Sierra Club 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.

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<sup>8</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).

3. Sierra Club 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. Sierra Club shall adhere to the procedural schedule set forth in the Commission's June 18, 2025 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, Sierra Club 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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Vice Chairman

Commissioner

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