

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 Kroger Co. (Kroger), filed June 25, 2025, for full intervention. As a basis for its motion, Kroger stated that it is one of the largest retail food companies in the United States as measured by total annual sales. Kroger purchases millions of kWh annually from Kentucky Utilities Company (KU).¹ According to the motion, Kroger grocery stores are high-load-factor facilities that use energy for food storage, lighting, heating, cooling, and distribution to serve the public often on a 24 hours a day, 7 days a week basis.² In addition, Kroger stated that it would likely present issues or develop facts that will assist the Commission.³

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

¹ Kroger's Motion to Intervene (Motion) (filed Jun. 25, 2025) at 1–2.

² Motion at 2.

³ Motion at 3.

intervention by Order dated May 27, 2025. With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.⁴

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 Kroger has a special interest not currently represented by another party in the proceeding and, although not necessary as the special interest prong of the regulation has been satisfied, Kroger is 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.

Kroger is a large customer of KU, utilizing high-load-factor facilities that operate in some locations 24 hours a day, 7 days a week.⁵ The Commission notes that Kroger stated that it would limit its intervention to intra-class rate design for secondary voltage rate schedules.⁶

⁴ KRS 164.2807.

⁵ Motion at 2.

⁶ Motion at 2,

Based on the above, the Commission finds that Kroger should be granted full rights of a party in this proceeding. The Commission directs Kroger to the Commission's July 22, 2021, Order in Case No. 2020-00085⁷ regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. Kroger's motion to intervene is granted.
2. Kroger 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. Kroger 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. Kroger 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, Kroger 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.

⁷ 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).

PUBLIC SERVICE COMMISSION

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Vice Chairman

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